

SUNSET BAY DEVELOPMENT GUIDELINES

Revised 8/31/2021

ARCHITECTURAL REVIEW COMMITTEE (ARC)

The owner is responsible for the enforcement of these stated rules as well as the standard practices of their contractors.

All submissions of plans and request for information should be directed to:

Sunset Bay Owners Association

C/O: ARC COMMITTEE

P.O. Box 3613, Gulf Shores, Al. 36547

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SUNSET BAY, PHASE I -- DESIGN GUIDELINES

SECTION I.

ARCHITECTURAL REVIEW PROCESS

A. INTRODUCTION

These Architectural Design Guidelines have been established to provide property owners, architects, and contractors with a set of parameters for the preparation of their drawings, specifications, and plans. The authority for the Architectural Review Committee is established in Article X of the Declaration of Covenants, Conditions, and Restrictions for Sunset Bay, Phase I (the "Declaration"). The Architectural Design Guidelines are incorporated in the Declaration and made a part thereof.

Great care has been taken in the planning, design, and construction phases to ensure aesthetic harmony within The Communities of Sunset Bay. To this end, it is of utmost importance that this special character not be compromised by architectural designs and site plans which are improperly conceived, unresolved, or poorly executed.

ALL PLANS MUST BE DESIGNED BY PROFESSIONAL RESIDENTIAL DESIGNERS OR ARCHITECTS. THE ARCHITECTURAL COMMITTEE DOES HEREBY RESERVE THE RIGHT TO REJECT ANY PLANS WHICH ARE INADEQUATE.

By encouraging quality and attention to detail, the aesthetic harmony, natural tranquility, and overall property values at The Communities of Sunset Bay will be enhanced and preserved by the Architectural Review Committee and these Design Guidelines.

For this reason, an Architectural Review Committee will review and approve all construction, designs, and plans for:

- Consideration of primary site design requirements.
- The visual relationship or physical impact the proposed home may have on surrounding honesties.
- Excellence in architectural design.

B. ARCHITECTURAL REVIEW COMMITTEE

(a) Sunset Bay, Phase I is designed to be a unique community of residential properties. The Covenants, Conditions, and Restrictions do not list specific design items necessary for plan approval. The authority to approve specific building plans rests solely with the Architectural Review Committee. The Committee does not seek to restrict individual creativity or preference, but rather to maintain a visually pleasing and appropriate appearance for each home site within the community.

(b) The Architectural Review Committee is composed of three (3) members, all of whom shall be appointed by the Declarant and/or the Board of Directors of the Sunset Bay Homeowners Association. Additionally, professional architects may serve as members or consultants of the Committee. All decisions and actions of the Architectural Review Committee shall require an affirmative vote of a majority of its members. The Committee will use the Architectural Guidelines for the general purpose of reviewing proposed construction but will consider the merits of any particular project because of special conditions that are felt to provide benefits to the adjacent areas, the specific site, or the community as a whole.

(c) Notwithstanding the fact that architectural design and "excellence" are and will be a subjective thing, and that there may be some difference of opinion in judging design and "excellence in design," nevertheless, any person or the party acquiring and owning a lot in Sunset Bay, Phase I understands and agrees to the criteria herein set forth and will be governed thereby.

(d) In addition to the matters contained in this booklet, the ordinances, rules, regulations of the City of Gulf Shores, Alabama, Alabama Department of Environmental Management, and the U.S. Army Corps of Engineers must be complied with in all respects.

C. APPLICATION PROCESS

1. Application for Approval

Prior to the commencement of any construction activity of any type on any residential lot, an APPLICATION FOR APPROVAL of such work must be submitted by the property owner or their respective agent to the Architectural Review Committee. A fee of \$575.00 must accompany this application. Included with the application shall be such documents and other information as might be requested by the Committee. Approval by the Committee must be received prior to the start of grading or construction. All building plans, fee payment, and the application for approval should be sent to:

C/O: SUNSET BAY ARC
P.O. BOX 3613
GULF SHORES, AL. 36547

2. Pre-Application Research

It is the responsibility of the lot owner to acquaint his or her building team with the Architectural Review Committee and the Design Guidelines. The Planning Department of The City of Gulf Shores, Alabama has jurisdiction over Sunset Bay, Phase I. They should be contacted at the beginning of the planning process to ensure compliance with their requirements.

3. Design Approval

A complete copy of the application for approval together with, two (2) complete sets of the following information will be required to be submitted to the Architectural Review Committee. One set is to be retained by the Committee and one set returned to the property owner after completion of the review, marked with the Committee's comments and its approval or rejection as the case may be.

- (a) Plot plan is drawn to scale showing the following:
 - (1) All proposed structures, improvements, setbacks, existing trees (trees over 6" caliper measured four feet above natural grade) and natural amenities;
 - (2) North arrow and scale;
 - (3) Owner's name, present address, and telephone number;
 - (4) Architect's/Designer's name, or Owner's representative, present address, and telephone number.
 - (5) All plans related to ancillary structures and drainage plan showing the flow of drainage by arrows.

- (b) Grading plan (preliminary) showing:
 - (1) Topographic plan showing existing contours;
 - (2) Contour plan showing cut and fill requirements;
 - (3) Retaining wall locations and heights, if any.

- (c) Floor plan showing overall dimensions and area of structure - 1/4" scale;

- (d) All major elevations (front, rear, sides (2)) at 1/4" scale with overall height dimensions, which must not exceed three (3) stories including first-floor parking beneath each dwelling. The maximum height of the home shall not exceed 50' which is measured from the high point of the road in front of the lot. Cupolas are permitted, but must be approved by the Architectural Review Committee.

Sec Section III, B11 for Design Criteria applicable to Elevations for Lots, 3, 4, 19, 20, 24, 25, 30, 33, 40, 41, and 48

- (e) Final construction specifications: Pilings must be designed by a structural engineer or an architect for each home
- (f) Description of all exterior materials, roof materials, and colors. Samples must be provided. No approval shall be given by the Architectural Review Committee until all colors and samples are submitted and approved. The houses at Sunset Bay are to use primarily earth surface colors and all colors must be approved by the Architectural Review Committee;
- (g) Owner's proposed construction schedule. Once construction has commenced work must be diligently pursued until said work is completed. Any deviation from the approved construction schedule must be submitted to the ARC as a request for change with explanation.
- (h) Final landscape design and working drawings with specified plant types and container sizes.
- (i) An Exterior Lighting Plan must be submitted for Architectural Review Committee approval and must include product choices and placement.
- (j) Compliance - All Architectural Review Committee Approvals, Restrictions, Rules, and Regulations must be complied with. In the event any owner fails to comply, the Association or the Architectural Review Committee has the right to remove, alter, or change any noncompliance item. An owner will have five days to comply with any notice provided by the Association or the Architectural Review Committee.

The Architectural Review Committee will retain the final drawings and approval for a maximum period of forty-five (45) days subsequent to approval. If work has not started or a continuance received by the owner or owner's agent within the time period, the approval will then automatically expire.

4. Fees; Architectural Review Committee Processing

The owner will be charged a processing fee for preliminary and final design submittal. This fee shall be \$575.00 made payable to Sunset Bay Owners Association. The Architectural Review Committee shall have the right to increase this amount from time to time. This fee has been established to cover the expense of reviewing plans and related data and to compensate any conciliating architects, landscape architects, urban designers, inspectors, or attorneys retained by the Committee.

5. Additional Fees and Damages

(a) Additional fees may be charged in the event of incomplete or inadequate submissions are made to the Architectural Review Committee. All re-submittals may require an additional processing fee.

(b) The owner and/or his contractors shall be liable for all damages caused and any repairs required to any public and private improvements, common areas, or other lots within the community.

6. Contractor Approval

Sunset Bay shall establish an approved builder list. In order to construct a home in Sunset Bay a builder shall be required to meet the following guidelines:

- (1) A licensed Alabama contractor;
- (2) Substantial experience in construction;

- (3) Financial capability (Bank References);
- (4) Supplier References;
- (5) Professional References

The Architectural Review Committee may establish additional requirements. The above information shall be submitted to the Architectural Review Committee for review. The Architectural Review Committee reserves the right to cancel a builder approval for any reason.

SECTION II.

SITE PLANNING & LANDSCAPE DESIGN

A. LANDSCAPE

To ensure that the overall beauty of the community is preserved and enhanced, the Architectural Review Committee has the authority to approve or disapprove landscape plans for individual residences.

Sunset Bay, Phase I Subdivision has been planned to utilize the natural elements as much as possible. The determining factor of good landscape design should always be the architecture and location of the residents. The Architectural Review Committee will take into account various relationships of the house to the site, house to house, views, prevailing breeze, and other amenities in making decisions regarding specific landscape plans.

The Architectural Review Committee recommends the use of those plant types which, because of their traditional influence in Alabama and their various other desirable characteristics, will be an asset for the entire community. At least three-gallon size plants must be used in the landscape plan, except for ground cover plants.

1. Natural Features

Within Sunset Bay, Phase I, mature individual trees exist. Several are located in the prominent view from our streets and roads, giving them special significance.

In addition to the already established vegetation and the aforementioned list of theme plants, many other plant types will be acceptable for use within the community. The Architectural Review Committee will take into consideration all elements of the individual landscape plan and plant materials selected in the approval process.

Fundamental to the design criteria is the design for gardens and lawns to harmonize with the native terrain and natural beauty of the community. Owners will be encouraged by the committee to landscape their lots with the plant material that is indigenous to the existing areas.

It is desired that all plants, especially those adjacent to community open space areas and streets, should be planted in natural or "theme plants" to ensure unity throughout the community.

B. SITE PLANNING

The siting of a house is a critical and important design decision. The site plan concept developed for each homeowner should reflect functional needs, but also be sensitive to the site's unique characteristics and inherent design opportunities.

The larger lots and open vistas of our community will mean that most residences will be seen from many different angles and views. It is therefore important that the three-dimensional character of each home be carefully studied.

It is desirable for the homes of our community to exhibit the individuality of their owners as well as the guidelines of the selected architectural style. But it is also important that they observe basic design principles inherent in good architecture.

- Is the residence located on the site with a minimum, sensitive disruption to the natural topography and landscape?
- Will the various building materials allow for a pleasing and harmonious exterior appearance to the residence? Are the colors appropriate and used with restraint?
- Is there a consistent scale used throughout the design of the residence? Each element must be designed in proportion to others.
- Are the specific features of the architectural style selected well developed and carefully detailed? Have these features been researched to resemble a certain degree of authenticity?

C. SITING

The Architectural Review Committee shall consider each site independently but shall give extensive consideration to each plan's impact upon adjacent homesites and view corridors. Care must be taken to locate each structure, whenever possible, so as not to infringe upon view corridors, adjacent structures and home sites, and natural amenities of the area. Considerations in this regard include:

- (1) Physical terrain of the site;
- (2) Views from the project site;
- (3) Views to the project site from adjacent lots or common areas if applicable;
- (4) Natural amenities:
existing plant material
existing water and drainage channels
- (5) Driveway access;
- (6) Height of structures;
- (7) Boating Channel;
- (8) Colors of existing homes must compliment their neighbors.

D. DRAINAGE

Drainage considerations for individual sites play an important part in the overall ecological balance of the site. Water runoff for each building site must be handled by adequately sloping all areas so that runoff can be directed to the natural drainage areas or storm drainage facilities. An easement ten feet (10') in width abutting the front lot line has been reserved for this purpose. Use of reinforced silt fence, which is to be trenched in and use of hay bales to protect common areas, boardwalk, waterways and surrounding lots is required.

E. BUILDING SETBACKS

No building or other improvement shall be constructed, placed or erected closer to a Lot line than the minimum setback lines which are hereby established without the written approval of the Architectural Review Committee. The following setbacks are minimum standards set by and adopted by the Architectural Review Committee and are measured from the property lines of each Lot:

| Minimum Setback Lines For All Lots In Sunset Bay, Phase 1 | | | | |
|--|---------------------------|--------------------------|----------------------|---------------------|
| Lot# | Right side setback | Left side setback | Front Setback | Rear Setback |
| 1 | 3' | 7' | 10' | 10' |
| 2 | 3' | 7' | 10' | 10' |
| 3 | 3' | 0' | 10' | 10' |
| 4' | 0' | 7' | 10' | 10' |
| 5 through 19 | 3' | 7' | 10' | 10' |
| 20 through 24 | 5' | 5' | 10' | 10' |
| 25 through 30 | 7' | 3' | 10' | See Exhibit "AA" |
| 31, 32 and 33 | 7' | 3' | 10' | See Exhibit "AA" |
| 34 through 39 | 7' | 3' | 10' | 10' |

| | | | | |
|----|----|----|-----|-----|
| 40 | 7' | 0' | 10' | 10' |
| 41 | 0' | 3' | 10' | 10' |

| <u>Lot #</u> | <u>Right side setback</u> | <u>Left side setback</u> | <u>Front setback</u> | <u>Rear setback</u> |
|---------------|---------------------------|--------------------------|----------------------|---------------------|
| 42 through 47 | 7' | 3' | 10' | 10' |
| 48 | 7' | 3' | 15' | 10' |

•Note Lot 48-Front is a North property line along County Road 6.

Swimming Pools will be permitted on Lots 30, 31, 32, and 33, and such pools may encroach into the minimum setback line for the rear property line but not closer than ten feet (10') to the rear lot line.

For some building lots within the community it may be impossible or inadvisable to develop setback requirements according to the previous standards due to natural terrain, lot configurations, and/or proximity of adjacent structures. Therefore, the Committee may approve specific deviations to these setbacks which it believes to be beneficial to a specific homesite or adjacent home sites. Each owner shall provide the Architectural Review Committee a survey done by an Alabama licensed surveyor or engineer once all pilings are installed to confirm a setback and no framing shall be allowed until the Architectural Review Committee has given permission to proceed.

F. BUILDING REQUIREMENTS

1. Minimum Dwelling Sizes

The minimum building requirement for heated and cooled space in a dwelling, excluding open porches and garages, is to be 1,900 square feet, excluding any copula. The dwelling is required to be 2 stories above the garage.

The Architectural Review Committee reserves the right to deviate from stated minimums where circumstances necessitate and where benefits will accrue to the community.

2. Height of the First Floor

The elevation of the bottom of the ceiling of the first floor must be at least eleven feet (11') above minimum sea level or at such height as required by the City of Gulf Shores, Alabama.

G. ZERO LOT LINE REQUIREMENTS

The following lots in Sunset Bay, Phase I are designated "Zero Lot Line" and as such will be subject to additional provisions as set forth below. "Zero Lot Line" lots and all improvements thereto shall be constructed, erected, placed, and maintained so that the face of its exterior side which constitutes its "Zero Lot Line" wall is located within one foot of the lot common boundary with the adjacent lot situated on the other side of its "Zero Lot Line". For each subject Lot listed in the left column of the following table, its "Zero Lot Line" shall be its boundary which is common to the Lot designated in the right column.

| <u>Subject Lot</u> | <u>Adjacent Lot (Boundary)</u> |
|--------------------|--------------------------------|
| 3 | Common Area |
| 4 | Common Area |
| 40 | Common Area |
| 41 | Common Area |

H. DESIGN CRITERIA

1. Grading and Excavating

The design and development concepts of the community call for the maintenance of the environment in as much of the original conditions as possible.

The Committee is particularly conscious of site utilization and potential and desires not to disrupt the natural terrain in most cases. The Architectural Review Committee is keenly aware that whenever possible

structures should be designed to the specific lot. It is important to remember that the beauty of our development is the land and its natural features and that the architecture should complement and enhance rather than compete with or destroy this beauty.

In order to help ensure compliance with this philosophy as part of a preliminary design submittal, a grading plan will be required. Plan approval must be obtained from the Committee before the earth is moved or removed from a specific home site. Absolutely no grading whatsoever shall be permitted without first obtaining this approval.

All grading reviews shall be subject to the jurisdiction of the Committee and shall be considered individually for each lot. Recommendations or demands will be based upon individual lot locations, terrain, soil conditions, drainage, cuts and fills, and whatever other conditions the Committee feels impact upon the site grading designs.

The development is designed so that drainage should flow away from the front street. It is each Owner's responsibility to protect each Lot from erosion. Particular care must be given to the bulkhead at the Boat Slips for Lots 1 through 20. It is the responsibility of each owner not to allow drainage from their Lot onto another Lot. Careful drainage must be established for Lots 20 through 24 so that no water stands or holds on the Corp of Engineers easement on the south side of said Lots.

2. Lawn Area

Though owners are encouraged by the Committee to landscape their lots for individual beautification, all yard area considered lawn area shall be sodded with the actual lawn species noted on the landscape plan to be submitted, and all lawns, front, sides, and rear shall be irrigated with an underground sprinkler system. Additionally, for landscape and maintenance purposes, any area of lawn between the lot line(s) and the street shall be considered as the owner's lawn and maybe landscaped or sodded as shall be mutually agreed upon by the Owner and the Committee.

3. Mailboxes

No mailbox or mail receptacle shall be placed or permitted on any Lot. A kiosk will be provided at or near the clubhouse for mail receptacles.

4. Walls, Fences, Piers, Decks, and Patios

Walls should be considered as an extension of the architecture of the residence. They should serve to make a transition between the mass of the architecture and the natural forms of the site.

Fencing exactly like the fencing around the swimming pool may be erected in the rear and side yards once submitted in writing to the Architectural Review Committee for location approval. A gate must be provided in the fencing on the rear and the side yard fencing facing the front street. All colors must be approved by the Architectural Review Committee. No fence is allowed in front of any home's front wall on both sides of each home.

Other than the Boat Slips, the boardwalk for the Boat Slips, the boardwalks to be constructed on the Common Area and the Limited Common Area easement as shown on Exhibit CC to the Declaration, no piers or decks extending from a Lot in Sunset Bay, Phase I, into an adjacent body of water will be allowed or permitted. All piling caps on pilings at the boardwalks and boat slips shall be uniform and must be approved by the Architectural Review Committee. If an owner chooses to build a sea wall it must meet with ARC approval, be consistent with other sea walls and must furnish a drawing to include top of wall relative to ground floor finished floor elevation.

No wall or fencing, including the footing for such wall or fencing, may encroach onto any portion of the space or parcel of land which is three feet in width and lies east of the west line of the bulkhead that is constructed on and/or along the west side of Lots 1 through Lot 20 of Sunset Bay, Phase I. All decks or patios must be placed on the site plan and must be approved by the Architectural Review Committee.

5. Exterior Lighting

No decorative or security lights shall be placed on the exterior of a house or in a tree. Decoration lights for Christmas at that season of the year are permissible. Exterior pool and landscape lighting must not infringe upon adjacent neighbors. All accent lighting should utilize low voltage, direct task type fixtures, and they should be as close to grade as possible. Fish Lights will not be permitted. All exterior lighting must be approved by the Architectural Review Committee. An exterior lighting plan shall be submitted with the application to the Architectural Review Committee.

6. Remodeling and Additions

Remodeling and additions to existing improvements are required to meet the same criteria as new construction. All criteria concerning aesthetics, color, site location, landscape, grading and excavations, roofs, satellite television disks, setbacks, lighting, etc., will be of significant concern to the Architectural Review Committee. An approval from the Committee is required for this work, as it is for new construction.

7. Pools, Therapy Pools, and Spas

Pool and equipment enclosures must be architecturally related to the house and other structures in their placement, mass, and detail. A pool may not encroach upon any side yard setback.

8. Service Yard

Each dwelling shall have as an appurtenance a screened area to serve as a service yard for electric and gas meters, sewage pumps, firewood, air conditioning equipment, irrigation pumps, and permitted antennae. Unsightly objects must be placed or stored in order to conceal their view from any street, common area, or community. All screening must be approved by the Architectural Review Committee prior to the commencement of construction. No lattice is allowed. Horizontal slats for screening are required.

9. Antennas

The community will be wired for cable television. The Architectural Review Committee will restrict the use of all radio receivers, or similar devices. All satellite dishes must be eighteen inches (18") or less in diameter and must be located on the ground and the satellite dish and the location of such satellite dishes shall be approved by the Architectural Review Committee. Use of antennas requires submission of the item and proposed location to the ARC for approval. Since antennas must be strategically placed for range, it may not be possible for every lot, while still maintaining aesthetics of the community.

10. Steps, Porches, and Driveways

Other than Lots 3, 4, 20, 24, 40, and 41, no steps are permitted on any side of any residence. Steps for each of said Lots shall be located only as follows:

Lot 3 - next to Common Area Lot 4 - next to Common Area Lot 20 - west side
Lot 24 - east side
Lot 40 - next to Common Area Lot 41 - next to Common Area

Steps may encroach onto the rear setback. All encroachments must be approved by the Architectural Review Committee. Porches may not encroach onto any setback line. Each dwelling must have a driveway surface of which will be constructed of tumbled brick pavers or stamped concrete and said finish and color must be approved by the Architectural Review Committee.

All driveways are to be located nearest the largest side yard setback side. The driveway on Lots 20 through 23 shall be located on the west side of the lot and the driveway on Lot 24 shall be located on the east side of said Lot.

Screen porches are not allowed or permitted on the front of a residence but will be allowed at the rear of a residence. All locations of a screened area must be approved by the Architectural Review Committee. The color shall only be gray. A sample of the screen material must be submitted to and approved by the Architectural Review Committee.

11. Speakers

No outside speakers of any type will be permitted to be placed, hung, or displayed on the exterior of any residence or other improvement.

12. Gas

Gas, at the Owner's discretion, may be used in the house, subject to all applicable codes. The location of gas tanks shall be approved by the Architectural Review Committee.

SECTION III.

ARCHITECTURAL DESIGN

A. INTRODUCTION

It is not the intent of these guidelines to dictate a specific architectural style but rather encourage a community of outstanding coastal architectural designs. Sunset Bay, Phase I is planned to have a traditional coastal architectural theme.

Terms such as "sound design" and "good taste" are difficult to describe and even more difficult to judge. Beauty may be in the eye of the beholder, but the overall aesthetic harmony of the community must take precedence over a single architectural statement, particularly if that statement is a radical departure from what the general public perceives as coastal. One ill-conceived or architecturally experimental home can greatly detract from the visual continuity of the overall community as well as affect surrounding property values. For these reasons the following elements are to be avoided:

- Harsh contrasts of colors and/or materials.
- Illogical or inappropriately scaled building elements.
- Poorly conceived and executed details.
- Experimental or extreme interpretations of the tenants of a particular architectural style.

The following elements are to be encouraged:

- Appropriate and intelligent selection of details.
- Sensitive interpretation of styles within constraints of budget and site.
- Attention to scale, staying within the traditional or classical range of proportions.

B. DESIGN CRITERIA

1. Foundation

Once the site plan which includes the location of the proposed building is approved by the Architectural Review Committee, the Owner and such Owner's contractor assume complete responsibility for the location, placement, construction, and erection of the pilings. The pilings for the foundation for each Lot must be properly located on the Lot; therefore, the use of a licensed engineer or surveyor is highly recommended for this purpose.

2. Roof and Gutter Materials

All roofs must be metal with a 26-gauge minimum thickness with widths not to exceed 18 inches and must be UL 90 tested. The color shall be pre-weathered galvalume - PW-20 by Englert or equal. All patterns must be approved by the Architectural Review Committee and should be submitted with the submission of plans for written approval.

All gutters must be constructed of copper and must be approved by the Architectural Review Committee.

3. Roof Slopes

(a) The main roof structures on the front of a dwelling extending to the ridge shall be 5/12 steeper, a maximum of 12/12. The roof pitch may be less than a minimum of 9/12 pitch if certain features, such as a cupola, are part of the roof system. Approval by the Architectural Review Committee shall be required.

4. Exterior Walls and Openings

(a) To provide visual continuity throughout the development, it is recommended that the exterior wall surfaces be limited to Hardiplank or its equivalent. The ground level siding or veneer should contrast with the siding or veneer of the upper levels. Wood, stucco, and brick are approved for contrast with other approved siding, all of which must be approved by the Architectural Review Committee. No vinyl siding or vinyl soffits are allowed. Samples must be provided to the Architectural Review Committee. No plastic or PVC is allowed.

(b) The ground level floor must always provide two concrete parking spaces reserved for automobile use. All driveways must have a stamped colored concrete or paver finish acceptable to and approved by the Architectural Review Committee.

(c) Garage doors must be metal, or a suitable material accepted and approved by the Architectural Review Committee which door must be kept closed when not in use. All garage doors will have a stained wood finish as approved by the Architectural Review Committee and are required.

(d) All side entry garages and single-entry garages shall be located on the seven-foot (7') setback side of the Lot. Lot 3 shall locate the garage on the zero-lot-line side, Lot 41 shall locate the garage on the zero-lot-line side.

(e) Large expanses of siding or other exterior materials are required to be separated by bands or other acceptable materials horizontally and/or vertically. Sizes of exterior trim are at the discretion of the Architectural Review Committee.

5. Shutters

If shutters are to be used, they must be sized for their respective openings. No plastic shutters are allowed. All shutter specifications and materials must be submitted to the Architectural Review Committee for approval. The Architectural Review Committee has approved a roll-up hurricane shutter. The type is a Roll-a-way P55 ER with a patented retention system (or equivalent). The placement will be directly over the door and/or windows. The colors, components, and slats must be approved by the Architectural Review Committee.

6. Dormers

Dormers may be constructed in any style or form providing that they fall within traditional or classical proportions, and they must be approved by the Architectural Review Committee.

7. Chimneys

Chimneys may be developed in any style or proportion and may be constructed of brick or any such

other material as approved by the Architectural Review Committee. Metal chimneys may be used as long as such chimney is enclosed and the exterior finish is approved by the Architectural Review Committee, provided, however, no exposed metal, except for metal cap, which must be painted, shall be permitted.

8. Remodeling and Additions

Remodeling and additions to existing homes are required to meet the same criteria as new construction, including Architectural Review Committee approvals.

9. Compressors

Compressors are to be elevated as per the regulations of the City of Gulf Shores and must be enclosed in a slat/shutter finish, as well as the support columns. The compressor must be placed on the side of the Lot that has a seven-foot setback and may encroach into the side yard setback but may not be placed in the rear. The location must protect the adjoining neighbor from noise and the location of the compressor must be approved by the Architectural Review Committee. No wall type or window air conditioning or heating unit shall be allowed on any home in Sunset Bay.

10. Windows

Windows may be wood, or vinyl clad as approved by the Architectural Review Committee.

11. Elevations

The exterior elevations of all sides of every building and improvement to be constructed or placed on a Lot should enhance and complement the entire development.

The elevations of the improvements to be constructed on Lots 3, 4, 40, and 41 must be designed to enhance the front, rear and common area sides on each of said Lots. Porches, balconies, and steps facing the respective common areas of each Lot are preferred and encouraged.

Lots 19 and 25 are corner lots and their respective exterior elevations should enhance the front, street side and rear of the house to be constructed on each of said Lots.

The exterior elevations of the house to be constructed on each of Lots 20 and 24 should enhance the front, waterside, and rear of such house. Lot 20 may have stepped on its west side and Lot 24 may have stepped on its east side.

The exterior elevations of the house to be constructed on Lot 30 should enhance the southerly side of such house and complement the view of the Lots to the south.

The exterior elevations of the house to be constructed on Lot 33 should enhance the northerly side of such house and complement the view of the Lots to the north.

The exterior elevations of the house to be constructed on Lot 48 should enhance the north, east, south, and west side of such houses and complement the view of the development.

12. Interior Ceiling Height

All interior ceiling heights of each dwelling must be a minimum of (10').

13. Exterior Doors

All exterior doors of each dwelling must be a minimum of eight feet (81 and approved by the Architectural Review Committee. All front entry doors shall be stained and must be made of solid wood or as approved by the Architectural Review Committee.

14. Exterior Rails and Columns

Rails or columns may be made of wood, powder-coated aluminum, or composite material. No plastic or PVC is allowed. All beams, pilasters, rails, and columns must be properly sized and have classical proportions. No exposed pilings are permitted unless they are square pilings and painted to compliment exterior colors. All of the above must be approved by the Architectural Review Committee.

SECTION IV

BOATS AND BOAT SLIPS

A. INTRODUCTION

The use and regulations pertaining to Boats and Boat Slips are stated in the Rules and Regulations for The Communities of Sunset Bay, Paragraphs 35 through 41, however, all improvements of whatsoever nature, including the boat lift for each Boat Slip, must be approved by the Architectural Review Committee as stated in Section 10.03 of the Declaration. A fee of \$100.00 will be paid to the consultant used by the Architectural Review Committee in granting its approval of any boat lift.

ADDENDUM 6/6/2019

Scope: To provide uniform specifications and expectations for the installation of boat lifts at Sunset Bay properties Marina.

An addendum to the Development Guidelines of SSB

Any member of the Sunset Bay (SSB) Homeowner's Association (HOA) that is an owner of Record of a slip in the Marina of SSB may request permission to allow a boat lift to be installed in their slip by providing a copy of this Guideline signed by the Member and the Installer acknowledging that they have read and understood the contents of this guideline as well as drawings showing the design of the lift, attachment points and methods, and installation details. These drawings shall indicate how the proposed lift conforms to this Guideline. This will be submitted to the Property Manager, if no Property Manager exists it shall be submitted to the SSB Board of Directors (BOD). If the Property Manager receives the request it will be forwarded to the BOD within two 2 business days. The BOD shall review the request and either approve it or forward it to the SSB Architectural Review Committee (ARC) for review within five (5) working days. Any request for installations that do not conform to these guidelines may be forwarded to the ARC directly by the Property Manager or the BOD without BOD review. The ARC shall have eight (8) working days to respond to the BOD with a recommendation.

Decisions of the ARC may be appealed to the BOD.

All activities of contractors shall conform to then-current HOA requirements including, but not limited to, insurance, licensing, hours of operation, sight cleanliness, access, and parking.

Mechanical/Structural Guidelines

All lifts shall be installed in accordance with all manufacturer's instructions and recommendations.

No component of any lift, except electrical conduit, shall be attached to any HOA provided structure other than the pilings installed for each slip. The HOA does not warrant the pilings as suitable for any particular lift installation or use. It is the responsibility of the Member to determine if the pilings are suitable for the intended lift and use and failure of, or damage to, any HOA provided pilings shall be repaired by the BOD at its discretion and the cost paid by the Member. Additional pilings may be allowed, with approval, to provide adequate support, spacing, etc. Such pilings shall be at the Member's expense and to be maintained by the member or successor. Added pilings shall not be placed within the space created by the vertical planes created by the existing HOA provided pilings for each slip. Added pilings may not extend into the marina further than the existing HOA provided pilings except as permitted by the ARC.

No component of any lift shall encroach upon the space above the shared finger pier in any way that interferes with the normal use and access of the finger pier by any party using the finger pier.

Any lift components mounted on top of shared pilings shall not interfere with the installation of lift components on adjoining slips.

All electrical wiring shall be encased on the watertight conduit, solid or flexible. No conduit shall be placed below the elevation of the bottom of the stringers of the finger pier. Conduits for Slips 1-19 shall not be attached lower than the bottom of the Boardwalk Stringers. No conduit in slips 22-88 shall cross the slip north to south at any point within the slip. All cross-slip conduit shall be attached to the Boardwalk stringer at an elevation not less than the bottom of that stringer.

All wiring shall conform to the current NEC and any local codes in effect at the time of installation. Lift electrical requirements and components shall not exceed the capacity of the circuit and overload protection provided to the slip by the HOA. No modification of circuit protection or HOA provided wiring is allowed. Power to Slips 1-19 shall be provided by the member by means of a circuit from the power service of the home associated with that slip.

All "Elevator" style lifts installed in Slips 1-19 shall not be mounted or attached to the Boardwalk. Two pilings per slip are provided as a convenience by the HOA. These may be used for mounting lifts with the understanding that the HOA makes no warranty as to the suitability of these pilings for that use. No additional connection of the lift or those pilings to the bulkhead wall or pilings shall be made. Separate pilings may be added by the member for supporting the lift. Such pilings shall be at the Member's expense and to be maintained by the member or successor.

Means to support the lower end of the lift component shall be determined by the Installer. Such support should take into account the occasional dredging of the marina bottom and shall not interfere with the access of dredging or maintenance equipment and not extend west of the lower end of the design slope wall along the east side of the marina.

Small boardwalk platforms may be added at the lift to allow access to boarding and de-boarding the member boat. These platforms shall be mounted to pilings independent of the HOA provided pilings.

No component or portion of the lift shall extend over the Boardwalk.

Any and all modification, repair, or upgrade to existing installations shall conform to these guidelines. Further, any modification, repair, or upgrade to existing installations shall conform to these guidelines. Any modification, repair, or upgrade to any wiring or conduit components shall require bringing all wiring and conduit components into accordance with these guidelines.

SECTION V

OTHER REQUIREMENTS AND CRITERIA

The information furnished in this document is intended to cover the majority of the matters and concerns that will need to be considered in making preparations for the construction of improvements to be placed on a Lot or Boat Slip in Sunset Bay; however, this document may not properly address every matter, therefore, an Owner should carefully review the Declaration, the Rules and Regulations and the Informational Booklet furnished by to the owner at closing. Each of said documents, these Guidelines, and any other information as may be deemed pertinent, will be considered by the Architectural Review Committee and/or the Board of Directors of the Association in granting their respective approval as to any and all matters requiring the approval of the Architectural Review Committee and/or the Board of Directors of the Association. In the event approval is granted by the Architectural Review Committee and should the Architectural Review Committee fail to recognize any violation of any rule or regulation, the Covenants, or the guidelines, the Architectural Review Committee shall notify the owner, and the owner shall be required to correct any item outlined as required by the Architectural Review Committee. All contractors shall be required to park out of the ingress/egress of the street right of ways. There is parking by the clubhouse if additional parking is needed as well as across from the gated entry (parking in this area is at the vehicle owner's discretion)

SECTION VI

GENERAL RULES FOR ALL SUNSET BAY. PHASE I CONTRACTORS AND SERVICE PERSONNEL

The following rules apply to all employees of the Declarant, Sunset Bay, Phase I, contractors, and service personnel while on Sunset Bay, Phase I premises. The owner is hereby notified that they are responsible for the enforcement of stated rules and standards of their contractors.

1. The gate can be approved by the ARC/BOD to be open from 7:30 A.M. until 5:30 P.M., or other times as approved, Monday through Friday, except on certain holidays.
2. Concrete trucks are limited to no more than 5 cubic yards. Dump trucks are limited to no more than 14 cubic yards.

3. Contractors are required to keep their job sites as neat and clean as possible. Trash and discarded materials will be removed daily. All trash stockpiled for removal shall be located in front of the residence until removed. There will be no stockpiling or dumping on adjacent lots or streets. Trash not timely removed will be removed by the Homeowners Association and billed to the responsible contractor or subcontractor. Contractors are encouraged to have a dumpster on each construction site so the trash can be contained and removed in an orderly manner.
4. Contractors will use only the utilities provided on the immediate site on which they are working.
5. Any damage to streets and curbs, common areas, drainage inlets, street lights, street markers, walls, etc., will be repaired by the Homeowners Association and such costs billed to the responsible lot owner. If not repaired by the lot owner, damages will be repaired by the HOA and costs will be deducted from the \$2000.00 damage deposit. If repairs are in excess of the damage deposit, the owner will be responsible for the remaining cost of repairs.
6. The established speed limit within the community is 15 miles per hour for construction vehicles, including light trucks and autos. This must be obeyed.
7. There will be no washing of any truck on the streets, adjoining lots, or common areas. Any concrete delivery truck washed out must be washed out on the Lot to which the concrete is delivered.
8. Operators of vehicles are required to see that they do not spill any polluting or damaging materials while within the community. If spillage occurs, operators are responsible for the immediate cleaning up of such spillage. Cleanups done by the Declarant or the Homeowners Association personnel will be billed to the responsible party. Please report any spills as soon as possible.
9. If any telephone, cable TV, electrical, water, etc. lines are cut, it is your responsibility to report such an accident to the proper service company personnel and the Declarant and the Homeowners Association personnel within 30 minutes. Owner and/or Contractor shall be responsible for all costs and damages resulting therefrom. If not repaired by the lot owner, damages will be repaired by the HOA and costs will be deducted from the \$2000.00 damage deposit. If repairs are in excess of the damage deposit, homeowner will be responsible for the remaining cost of repairs.
10. All personnel working in the community are to ensure that they will keep all areas in which they work or travel free of discarded materials such as lunch bags, cans or bottles, and odd refuse materials. Objects shall not be thrown out of cars and trucks. Stockpiling of any materials on adjacent lots or common areas is not allowed.
11. Loud radios or noise will not be allowed within the subdivisions. This is distracting and discomforting to property owners. No speakers are to be mounted on vehicles or outside of homes under construction. Remember that sound travels a long way.
12. No construction vehicles (trucks, vans, cars, etc.) may be left in the subdivision overnight. All Construction equipment and vehicles may be left on the site while needed, but must not be kept on the street
13. No contractor or contractors' personnel will be permitted to use the swimming pool or common amenities or to hunt, fish, or bring pets or boats inside Sunset Bay, Phase I, or Phase II.
14. Contractor will provide a portable toilet to each job site, which the toilet shall be kept clean and properly maintained and regularly serviced and cleaned out.

15. Prior to any construction, the contractor must post with the Architectural Review Committee a certificate of insurance with the limits of \$500,000.00 liability and workers compensation.
16. No temporary storage trailers or buildings are allowed except as may be a necessary adjunct to construction and approved by the Architectural Review Committee.
17. The Owner is charged with giving the required notice to his or her contractor, laborer or service personnel and shall ensure their compliance with the conditions set forth herein.

In addition to the matters contained in this booklet, the ordinances, rules, and regulations of the City Of Gulf Shores, Alabama, the Alabama Department of Environmental Management, and the U.S. Army Corps must be complied with in all respects.

SUNSET BAY, PHASE I, INTENDS TO ENFORCE THESE REGULATIONS FOR THE PROTECTION OF ALL OWNERS. FAILURE TO ABIDE BY THESE RULES MAY RESULT IN THE LOSS OF YOUR PRIVILEGE TO ENTER THE GATE.

THE DESIGN GUIDELINES HEREIN ARE NOT INTENDED TO AMEND, ALTER OR SUPERSEDE THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SUNSET BAY, PHASE I, AS RECORDED IN THE OFFICE OF THE CHANCERY CLERK OF BALDWIN COUNTY. IN THE EVENT THESE GUIDELINES CONFLICT WITH SAID DECLARATION, THE DECLARATION SHALL CONTROL.

NO APPROVAL OF PLANS AND SPECIFICATIONS, NOR THESE DESIGN GUIDELINES SHALL EVER BE CONSTRUED AS REPRESENTING OR IMPLYING TBATA STRUCTURE IS PROPERLY DESIGNED. SUCH APPROVALS AND STANDARDS SHALL IN NO EVENT BE CONSTRUED AS REPRESENTING OR GUARANTEEING THAT ANY STRUCTURE WILL BE BUILT IN A GOOD WORKMANLIKE MANNER. IT IS THE SOLE RESPONSIBILITY OF THE LOT OWNER TO MAKE SURE THAT CONSTRUCTION MEETS THE CRITERIA OF SUNSET BAY, PHASE I DECLARATION, AND THESE DESIGN GUIDELINES.

THESE DESIGN GUIDELINES MAY BE AMENDED OR SUPPLEMENTED FROM TIME TO TIME. PLEASE HAVE YOUR COPY OF THE GUIDELINES DATED AND INITIALED WHEN YOU PICK THEM UP. ADVISE DEVELOPER IN WRITING THAT YOU ARE IN THE PROCESS OF DESIGN, LANDSCAPING, ETC., AND TO ADVISE YOU OF ANY CHANGE IN THESE GUIDELINES IN A TIMELY MANNER.

Disclaimer The Board of Directors of Sunset Bay Homeowners Association, the Architectural Review Committee, each director and each officer of the Association, each member of the Architectural Review Committee and the Association and, if applicable, the Declarant shall not be liable to any Owner or any other person on account of any claim, liability or expense suffered, incurred or paid by or threatened against such Owner or other Person arising or resulting from or in any way relating to the subject matter of any reviews, acceptances, inspections, permissions, consents or required approvals which must be obtained from the Architectural Review Committee or public authorities whether given, granted or withheld. No approval of Plans and no publication of architectural standards or bulletins shall be construed either to represent, guarantee or imply that such Plans or architectural standards will result in a properly designed Dwelling or other improvements or to represent, guarantee or imply that any Dwelling or other structure or improvement will be built or constructed in a good, workmanlike manner. Approval of any particular Plans shall not be construed as a waiver of the right of the Architectural Review Committee to disapprove all or any portion of the Plans if such Plans are subsequently submitted for use in any other instance.

Rules and Regulations Upon the recommendation of the Architectural Review Committee, from time to time the Board of Directors may (i) adopt and promulgate such rules and regulations regarding the construction or alteration of any structure or improvement and the form and content of Plans to be submitted to the Architectural Review Committee for review and approval or disapproval, and (ii) publish and/or file for a record such statements of policy, standards, guidelines, and establish such criteria relating to architectural styles or details, colors, size, set-backs, materials or other matters relating to architectural control, protection of the environment, including the use and application of fertilizers, pesticides and other chemicals, and the preservation of such aesthetic values and characteristics and amenities, as may be considered necessary and appropriate. No such rules, regulations, statements, or criteria shall be construed as a waiver of any provision of these Guidelines or Article X of the Declaration of Covenants Conditions and Restrictions of Sunset Bay. Phase I, or any other provision of the requirement of said Declaration.

EXECUTED CHANGES THIS the 31st day of August 2021.

Sunset Bay Owners Association Board of Directors

Board President

BY: Marjory A O'Brien