

DESIGN GUIDELINES



ROCKY CREEK RANCH



Estate of Mind.

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DESIGN GUIDELINES ROCKY CREEK RANCH

RECITALS

A. These Rocky Creek Ranch DESIGN GUIDELINES have been created to provide direction to Owners for the improvement of their properties, to establish thresholds of design quality and the suitable application of materials, and to insure sensitivity to each site's environment and its neighbors. These guidelines constitute the standards and requirements to which each Owner must adhere, subject to waivers or variances granted by the Architectural Review Committee.

B. These Design Guidelines are promulgated by the Architectural Review Committee in accordance with the Declaration of Covenants, Conditions and Restrictions for Rocky Creek Ranch (the "Declaration," as amended from time to time), and pursuant to the authority granted therein to the Board of Directors of the Rocky Creek Ranch Homeowners Association, Inc. (the "Association").

C. It is not the purpose of these Design Guidelines to create look-alike residences or improvements, or to suggest that they all be of similar style, color, or materials. To the contrary, the intent is to stimulate a rich and diverse variety of creative architectural styles, drawn from the traditional rural Texas vernacular and to use this common palette of materials blended together to form a vital residential community, compatible with its striking ranch land setting.

D. Defined terms used herein, if not otherwise defined in these Design Guidelines, shall have the meanings set forth in Declaration.

E. TO THE EXTENT OF ANY CONFLICT BETWEEN THE DECLARATION, THESE DESIGN GUIDELINES, OR THE PLAT OF ROCKY CREEK RANCH, THE MOST RESTRICTIVE INSTRUMENT SHALL CONTROL. ACCORDINGLY, EACH OWNER MUST OBTAIN AND STUDY ALL THREE INSTRUMENTS, PROVIDE SAME TO THE OWNER'S ARCHITECT/DESIGNER AND BUILDER PRIOR TO PLANNING OR CONSTRUCTION

AGREEMENT

ARTICLE 4. DESIGN REVIEW

1.1 **Process.** It is expected that the design of each residence will evolve from and be tailored to the unique features of its specific Lot, incorporating studied consideration of existing slope, vegetation, views, prominent site features, and sensitivity to neighboring properties. To that end, a comprehensive design review process (the “Design Review Process”) has been established, encompassing the following five phases:

(a) The **Pre-Design Conference**, during which each Owner along with his architect/designer may review their ideas and the natural aspects of the Lot with a representative of the Architectural Review Committee before any plans are prepared. It is preferable that this meeting take place on site whenever possible.

(b) The **Preliminary Submittal**, at which time the Architectural Review Committee can review conceptual plans to ensure conformance with these Design Guidelines before the Owner finalizes his design.

(c) The **Final Submittal**, at which time the Architectural Review Committee can review final construction documents to confirm that they are consistent with the previously approved preliminary plans.

(d) The **Pre-Construction Conference**, during which representative of the Architectural Review Committee may review the Construction Regulations with each pre-approved builder to ensure understanding of, and future compliance with, these regulations.

(e) **Notice to Proceed** will be issued if, after the Final Design Review, the Architectural Review Committee issues a written approval of the submittals and all required building permits (if any) are obtained by the Owner from the appropriate government agencies. The Notice to Proceed, and any required building permits, must be prominently displayed at the job site at the front and center of the lot. Building permits should be covered with clear plastic to prevent weathering. No clearing, site preparation or construction of any type may commence prior to the Owner obtaining the Notice to Proceed and posting the proper building permit(s).

(f) **The Final Inspection** of the improvements by a representative of the Architectural Review Committee is to determine whether actual construction has been completed in strict compliance with approved plans, approved changes, and these Design Guidelines.

1.2 **Purpose.** The Design Review Process was developed to provide adequate checkpoints throughout the design and development phases, so that time and money are not wasted on plans and designs which do not adhere to the Design Guidelines or to the overall design principle of Rocky Creek Ranch, or which may bear an inappropriate design scheme or improper configuration for their specific Lot settings. Therefore, it is extremely important that the design steps of the Design Review Process be followed in their entirety, and in correct sequence. This process is a proven and streamlined one and will not result in time delays, provided each Owner, designer and builder performs in the spirit with which the Design Guidelines are intended, namely, a site-sensitive approach to the development of his Lot within this unique community.

1.3 It is strongly recommended that an Owner retain competent professional services for planning and design to ensure a thorough analysis and understanding of a particular Lot and the Owner's special needs and living patterns, as well as to provide the ability to communicate to the Architectural Review Committee the concept and design of a proposed residence or improvement. This also allows for more detailed and thorough planning which can minimize unpleasant surprises during construction. If an Owner elects to do his own design or to retain nonprofessional services, and the result in either case is repeatedly denied by the Architectural Review Committee, the Committee may require that the Owner thereafter utilize professional design services and to incur additional Design Review fees.

1.4 Design Review Process is independent of any governing authority's technical plan review process and is solely intended to enforce the Rocky Creek Ranch Design Guidelines. Therefore, each Owner or Owner's agent shall bear the responsibility for the proposed structure's adherence to the 2000 International Residential Building Code standards. To that end, each Owner is encouraged to retain the services of a Certified Third Party Inspector for the duration of the project. See Exhibits.

1.5 Plans and specifications shall be approved by the Architectural Review Committee as to style, exterior design appearance and location, and are not approved for engineering design or for compliance with the appropriate codes and governing authorities, and by approving such plans and specifications neither the Architectural Review Committee, the members or agents thereof, the Association, the Board of Directors of the Association nor the Declarant assumes any liability or responsibility therefore, or for any defect in any structure constructed from such plans and specifications. Approval of plans and specifications by the Architectural Review Committee is not, and shall not be deemed to be, a representation or warranty that said plans or specifications comply with any applicable governmental ordinances or regulations including, but not limited to, zoning ordinances and building codes.

ARTICLE 2. SITE PLANNING AND LANDSCAPE GUIDELINES

2.1 **Purpose.** To help Owners, architects and builders design and build residences that are compatible with the intentions of Rocky Creek Ranch, a number of guidelines have been prepared for

site design, architecture and landscape design. These guidelines range from suggestions and recommendations to requirements which must be addressed in the Design Review process and construction phase.

Climate, terrain, drainage and existing vegetation at Rocky Creek Ranch are all-important factors which must be considered in the design of any improvements to properties within its borders. It is the intent of the following guidelines to ensure environmentally sound and aesthetically pleasing development at Rocky Creek Ranch for the mutual benefit and enjoyment of all its Owners.

Certain provisions may be modified by the Architectural Review Committee when an Owner, architect or builder can successfully demonstrate how the basic intent of the Guidelines will not be adversely affected by the modification requested.

2.2 **Building Setbacks.**

(a) Siting the building is of critical importance to the design success of the individual house and of the entire development. Topography affects the view from your house and from your neighbors to the side of you. Side yard setbacks and staggering of homes on adjacent lots will provide extra privacy and sense of separateness.

(b) Because no two lots are exactly alike and many orientations are involved, the Architectural Review Committee will review each plan for a dwelling and other improvements in relation to the specific characteristics of the particular lot and surrounding lots. Characteristics such as topography, adjoining homes and home sites, natural features, open spaces or lake views may require special consideration. The Architectural Review Committee will review each plan for appropriateness and consider exceptions that would benefit the neighborhood and the dwelling. You should refer to the recorded plat for setbacks as they apply to each lot.

(c) The location and height of any privacy or enclosing walls must be shown on the drawings for design review and will be considered individually by the Architectural Review Committee. Associated outdoor structures, including greenhouse, arbors, trellises, barbecue pits and pools, shall be unobtrusive and of compatible materials.

(d) **Front yard setbacks** shall be a minimum of 200'-0" (two hundred feet) from the centerline (deeded property line) of the common ranch road.

(e) **Side yard setbacks** shall be a minimum of 100'-0" from the side property lines.

(f) **Rear yard setbacks** shall be a minimum of 100'-0" (one hundred feet) except where the property line is in common with a recreation easement or common area, in which

case, it shall be 150'-0" (one hundred fifty feet).

(g) **Front entry gate.** The front operating gate and/or cattle guard, if any, must be a minimum of 65'-0" (sixty-five feet) from the centerline (deeded property line) of the common ranch road to allow for truck/trailer pull-up. See Exhibits.

2.3 **Site Work.**

(h) No excessive excavation or fill will be permitted on any Lot except where specifically allowed by the Architectural Review Committee due to terrain considerations; every attempt should be made to balance cut and fill with minimal use of retaining walls and engineered building pads. All retaining walls must be pre-approved by the ARC and all walls over 4'-0" in height must be engineered by a Professional Engineer. Retaining walls over 6'-0" tall are strongly discouraged and must have specific approval from the ARC. Excavations or shaping of the terrain beyond one-hundred feet from any structure must be specifically approved by the Architectural Review Committee.

(i) No clear cutting of any wooded Lot will be permitted; however, it is understood that some selective pruning or removal of trees and shrubs will be necessary for the development of a wooded Lot. The retention of trees more than 4 inches in diameter or more than 15 feet in height is strongly encouraged. Any cutting of trees or vegetation must first be approved by the Architectural Review Committee with the following exceptions; (i) the pruning of dead limbs, (ii) removal of dead trees, and (iii) the cutting and removal of trees with a trunk diameter of 4 inches or less which are bowed, leaning, severely misshapen, diseased, or sparsely foliated. Hackberry, mesquite, Cedars (Mexican Juniper), Acacia, and Locust of any size may be removed without ARC approval.

2.4 **Grading and Drainage.**

(j) Site grading and drainage must occur with minimum disruption to the Lot, without altering natural drainage patterns as runoff leaves the Lot, and without causing conditions that could lead to unnecessary soil erosion, slippage or subsidence.

(k) Surface drainage upon and across any Lot must be addressed through the implementation of sound construction and grading practices. Existing points of entry and exit to and from a Lot by historic surface drainage must be respected. Any improvement which creates an obstruction to surface flows resulting in a back-up of storm water onto a neighboring Lot or tract is strictly prohibited. Ground floor levels should be established at a vertical elevation such that final placement of back fill, walks, drives, and porches will produce positive drainage away from the structure in all directions.

(l) The inclusion of foundation waterproofing and perforated pipe foundation

drainage system is strongly encouraged along uphill and sidehill foundation walls on hillside Lots. Consultation by a professional soil engineer is advised for assessment of foundation design determinants for all sites.

(m) Tarrant County soils are very active, exhibiting a high plasticity and swell potential when saturated with moisture. Therefore, it is imperative that site drainage be carefully considered and directed, to eliminate all potential for the ponding of water adjacent to a foundation's perimeter. Haphazard attention to site drainage and landscape irrigation may result in the uneven movement of building foundations due to moisture differentials in the soil, resulting in the onset of structural and/or cosmetic damage three to five years after construction is completed.

2.5 **Access Drives**

(n) As a general rule, each Lot may be accessed by a single driveway only. Access drives shall be located to avoid and preserve important natural features, such as large or significant plant materials, drainageways, or rock outcroppings, so as to minimize disruption of the existing landscape.

(o) Driveways shall be a minimum of 12' and a maximum of 16' wide at the sixty-five foot Entry Gate setback at the front property line. See the exhibits for further definitions of the Entry Gate area. Only one primary driveway entrance will be permitted for each lot. A secondary ranch type entrance may be considered by the Architectural Review Committee at its sole discretion.

(p) The access drive may be no closer than 15'-0" from the side property line.

(q) Entry gate shall have a minimum clear opening width of 16'-0".

(r) The entry drive shall have a minimum of one 12" x 30'-0" metal culvert near the ranch roadway.

(s) In the front setback area from the center of the ranch road and for a distance of 85'-0", the surface materials which will be approved for drives and parking areas are as follows: (i) stone, (ii) flagstone, (iii) pavers, (iv) exposed aggregate concrete, (v) stained concrete, or (vi) asphalt. Additional or alternate drive materials beyond the 85'-0" distance may include limestone road base or crushed granite.

(t) All access drives are to be elevated and crowned for proper drainage and must have relief when needed to prevent the damming of surface water.

2.6 **On-Site Parking.**

(u) Each single-family residential dwelling shall provide an enclosed garage space, or a porte cochere to shelter a minimum of two conventional automobiles, and sufficient driveway space for the parking of two guest automobiles. Owners who possess trucks, (other than standard pickups to one ton size, Suburbans, Explorers, or other similar passenger vehicles), buses, motor homes, campers, boats, boat trailers, motorcycles or any other motorized vehicle other than a conventional automobile, must store or park such vehicles within an enclosed garage so as to be completely hidden from view. The parking of a guest's motor home or other large recreation vehicle outside on any Lot is limited to 72 hours at a time, and such vehicles shall not be used for on-site camping.

(v) A minimum of two (2) parking spaces should be provided on the Lot to accommodate guest parking. Such parking spaces shall include substantial landscaping and/or screening walls to screen the guest parking area from the street and adjacent lots. Except for special events, no on-street parking will be permitted for residents or their guests' vehicles.

(w) Boats, trailers and campers (truck mounted or not) must be contained in a garage compatible with the dwelling. Carports are not allowed for storage of boats, trailers or campers. Motor homes may not be stored on the site, unless in an enclosed garage.

2.7 **Utilities.** Electric and telephone service locations are clustered (usually with those of one adjacent Lot) in a utility easement located near one of the front corners of each Lot. The Homeowner is responsible for the procurement and installation of propane tanks, water wells, and septic systems.

2.8 **Walls and Fencing.**

(x) There are many places where fences and walls can be used to provide a sense of enclosure, security and privacy as well as gracing the landscape, the individual house, the street view and the lake view. The enclosure of swimming pools, pet yards and deer resistant gardens are major design features. Walls and fences must be architecturally compatible with the residential structure, that is, integrated into the design of the dwelling rather than simply used to demark a property line. Materials of the walls shall be the same as, or compliment the dwelling. Chain link fencing is not allowed in a location visible from the street, lake or a neighbor's house. Any chain link fence used elsewhere must be vinyl coated black or dark green fencing. All walls and fences shall have landscaping to the exterior to screen or soften the visual effect of the fence or wall.

(y) Fencing between lots may consist only of those types described in the

Declaration or as approved on a case by case basis by the Architectural Review Committee.

(z) Fencing along the front property line must be constructed as shown in the Exhibits and painted as follows:

- (i) Clean ferrous surfaces of oil, grease, dirt, loose mill scale and other foreign substances by solvent or mechanical cleaning.
- (ii) Prime with red oxide metal primer
- (iii) Two finish coats of alkyd industrial enamel in satin finish black.

(d) Interior fencing at least fifty feet from any property line consisting of wrought iron style pickets and posts or a combination of wrought iron with stone posts are allowed. Fences consisting of cedar posts and five strand wire may also be allowed as long as the top wire is smooth. The overall height of the fence shall not exceed 56". Stone wall designs must avoid long unbroken expanses of masonry and be modular or rhythmically punctuated with openings or pilasters. Detailed attention to material and stone pattern is required.

(e) Fences may not extend into any portion of the Equestrian and recreation easements but may abut the easements

(f). Care should be taken in the planning of fences to take into consideration future livestock or additional domestic animals and their interaction with other animals and neighbors as well as their contact with various facilities.

(g) Deer-resistant garden enclosures are required to protect many varieties of plants which otherwise may be consumed by the deer and other native animals. As walls progress from the residence into the site, they shall become more transparent as they extend toward the lake.

(h) Smaller walled areas within the whole site, courtyards, deer resistant zones, and gardens will maintain as much natural vegetation as possible. The contributions of a sensitive landscape and irrigation plan can help rebuild and reforest a homesite and is encouraged.

(i) Exterior mechanical equipment and all utility connections, entry panels, pumps, compressors, and meters shall be shown on the plans and shall be located so as to be as unobtrusive as reasonably possible from the street and the neighbors. Air-conditioning compressors and pool equipment shall be enclosed by a structural screening element and landscaped.

2.9 **Outdoor Storage.** Outdoor areas housing trash containers, clotheslines, maintenance or service equipment such as lawnmowers, etc., or overflow storage shall be screened from all adjacent properties by a wall or fence conforming to the Design Guidelines.

2.10 **Mechanical Equipment.** No roof mounted or wall mounted mechanical equipment will be permitted. Any exterior mechanical equipment utilized must be ground mounted adjacent to the residence and must be enclosed by walls or fencing of sufficient height and density to screen the equipment from view and to buffer sound as well.

2.11 **Antennas and Satellite Dishes.** Antennas are discouraged. Owners desiring a dish or receiving device must first obtain approval of the Architectural Review Committee, and the dish or equipment must be sufficiently concealed or screened so as to not be conspicuous from any neighboring property, tract, or right-of-way. Any on-site antennas required for the purpose of radio transmission related to fire protection or police/security matters will be allowed, but the location and configuration thereof shall be subject to Architectural Review Committee approval.

2.12 **Signage.**

(j) Except as authorized by the Declaration, no sign or signs shall be displayed to the public view from any Lot except that:

- (i) Each general contractor, during the active construction period of a new home or major addition to any existing home, may display a single construction sign, no larger than nine square feet.
- (ii) The general contractor of a market home may, with the consent of the Architectural Review Committee, continue the display of his construction sign, for advertising and sales purposes after construction has been completed, until such time that a contract for sale has been executed;
- (iii) Individual Owners may, with the consent of the Architectural Review Committee, display a single tasteful “for sale” or “for rent” sign, no larger than four square feet;
- (iv) Signs indicating security protection shall be permitted, with the consent of the Architectural Review Committee, provided that such signs are ground or wall mounted, no larger than one square foot, limited to two per Lot (one for the front yard and one for the rear yard);
- (v) Development-related signs owned and erected by the Declarant shall be

permitted.

(b) Signs for temporary single events may be permitted for a specific period of time, upon approval by the Architectural Review Committee of a written request by the Owner describing the nature of the sign and the requested time period of display.

(c) All permitted signs, regardless of type, are subject to the approval of the Architectural Review Committee for style, design, color, text, location, and duration of event, prior to their placement for display.

2.13 **Exterior Lighting.** Exterior lighting is to be kept to a minimum, but consistent with good security practices. No exterior light whose direct source is visible from a street or neighboring property or which produces an excessive glare toward pedestrian or vehicular traffic will be allowed. Indirect sources and horizontal cut off fixtures are recommended to reduce glare and provide general ambient light. Soffit or tree lights shall be shielded or directed toward vegetation to eliminate off-site glare and source visibility. Use of other than white or color corrected high intensity lamps as exterior lights will not be allowed. Holiday lighting is an exception. Sodium, mercury vapor, or bar HID yard lights are not allowed. Approval of the proposed illumination plan is required by the Architectural Review Committee at the Final Design Review submittal and is to be part of the landscape plan.

2.14 **Swimming Pools, Tennis Courts and Sports Courts and Arenas.**

(d) **Swimming Pools.** Swimming pools shall be below grade, or a balance cut and fill, and shall be designed to be compatible with the site and dwelling. Adequate screening, security and maintenance shall be provided. Fencing or walls around the pool shall be permitted and integrated into the design of the dwelling and site. Fences must meet all industry standard and governmental regulations for safety.

(e) **Tennis Courts, Sports Courts, Arenas and Lighting.** Sports courts and regulation-size basketball or tennis courts may be permitted if their design integrates features which will prevent obtrusive noise and views from adjacent lots or the street by using means such as depressing, berming, and/or heavy landscape screening in their design. Arenas must be located with consideration of neighbors for run-off, noise, dust, and lighting. Night lighting of tennis courts, sports courts, playgrounds, and arenas is restricted to lighting which does not spill to adjacent lots and neighboring residences, and which does not intrude on the quality of night time.

2.15 **Address Signs and Mail Boxes.** For safety and emergency identification, address signs are required by the Architectural Review Committee. These must be light-colored stone or cast stone slab units with dark numerals or dark colored stone with light-colored numbers of at least four inch height indicating the numbered address. See Exhibits.

2.16 **Lot Restrictions.** Except for compounds, resulting from the combined development of

two or more Lots, no more than one residence may be constructed on any Lot. Other outbuildings such as detached garages or barns may be constructed, provided they are a visual extension of the main residence. Such “compounds” are subject to approval by the Architectural Review Committee.

2.17 **Landscaping.**

(f) Preservation of attractive “natural areas” on the Lot is permitted and encouraged, provided that such areas do not become overgrown or unsightly.

(g) Transformers, propane tanks, exposed foundations, etc., must be screened from view from roadways, neighboring properties, or recreational tracts, by site walls or strategically placed groupings of shrubbery or other landscape elements.

(h) Regional North Texas plant material is the primary vegetation at Rocky Creek Ranch. It is important that as much of it remains in as natural a state as possible to perpetuate the character of the community.

The Ranch soils are, for the most part, deficient of adequate nutrients to support abundant vegetation. That fact, in conjunction with periods of little moisture, make for a fragile ground level environment. Passing vehicle tires compact the soil forming hardpan. This compacted soil restricts available moisture, limits air migration to root systems, and reduces the development of humus and the bacteria which create nutrients required for plant growth. This consequence can last quite some time as a result of only one pass and, with multiple vehicle passes, the damage may last for years. When within the limits of the drip line on trees, this may also smother the root system and kill the tree.

Although design and selection for plant material will vary with each residence the following principles should be used:

- (i) Large scale masses of plant material should be used as opposed to single unrelated plants.
- (ii) The use of hardscape paving should be minimized.
- (iii) Plant material that contrasts with existing vegetation should be avoided. Utilize indigenous materials.
- (iv) Indoor/outdoor relationships are important.
- (v) Water conserving plant materials and native vegetation are appropriate for ornamental and general landscaping.

- (vi) Minimize turf areas.
- (vii) Site grading should divert runoff to benefit existing and proposed plant material.
- (viii) Begin with proper and ample soil preparation for turf areas.
- (ix) For the remaining large expanses of undeveloped property, native grasses are strongly encouraged. Improved grasses, approved by the Architectural Review Committee, may be introduced but will require maintenance such as fertilizer and mowing and/or grazing.
- (x) The existing land will only support approximately one head of cattle for each seventeen to twenty-five acres. Bovine are, as many grazing species are, social animals and three cattle are considered the minimum acceptable number at any one time. Therefore, three bovine on less than sixty acres may severely damage the existing grasses due to over grazing. At no time may the Owner have more than one head of livestock per five acres and with density greater than one head per twenty acres, the animal(s) must be hayed and/or grained on a daily basis. The Owner may be required, at any time, to remove a specific number and species of animal when the ARC has determined that the presence of the animal(s) is detrimental to the land.

At this time Horses do not qualify for an agricultural exemption in Tarrant County.

(d) The landscape concept of each residence should be carefully integrated with the architectural theme and site planning. The integration of general landscape design devices such as arbors, walls, fences, trellises and decks are part of the architecture that extends into the landscape. The following devices combine with landscape elements typically characteristic of the environment of Rocky Creek Ranch.

- (i) Use of appropriate hardwood trees for summer shade and winter sun exposure;
- (ii) The proper use of trees and shrubs may be used to direct, control, or block winds.
- (iii) Informal character of native vegetation (deer resistant);
- (iv) Large-scale bold statements of plant material and rock formations;

- (v) Natural rock lintels, balustrades and pavers;
- (vi) Natural water features; and hardwood and ornamental native forest cover.

(e) Irrigation. Native plant zones are not required to have permanent irrigation; care should be taken to avoid over irrigation of native plants. Irrigate in an efficient, environmentally sensitive manner. Therefore, an irrigation system must be designed by and irrigation contractor or landscape architect to match water requirement to selected plant materials

All new landscape material shall be irrigated. Irrigation shall be by an automatic system with rain sensors and be timed for early morning (2:00 a.m. to 6:00 a.m.) applications. Systems are to be permanent underground systems with separate bed, lawn and native area sections and stations. Irrigation duration shall be determined by seasonal needs. Under no circumstances shall the irrigation extend beyond the rear and side property lines. Head locations near the public right of way shall not spray water onto paved surfaces, nor shall irrigation be allowed to run off the site.

(f) Site Grading. All improvements and landscaping shall be placed on the lot so that the existing topography is disturbed as little as possible. Stepped patios and yard areas will avoid excessive cuts and fills and an unnatural appearance. All lots shall be finish graded to prevent ponding of water and surface drainage detrimental to adjacent properties. Newly graded areas shall be protected against erosion by appropriate retention fences or permanent erosion controls. Silt fences are required to be installed and maintained for the duration of the construction. Owners and builders are required to minimize disruption from grading and, when possible, to use existing natural drainage paths. Location of topsoil stockpiles and excess material disposal areas are subject to Architectural Review Committee approval. Utilize splash blocks, gravel foundation drainage beds, or French drains and underground, perforated drain pipes to dissipate runoff.

(g) All driveways and sidewalks will be flush with finished grades of interfacing landscape material. Finish site grading shall not produce runoff detrimental to adjacent properties and native landscape areas.

(h) Finished grades shall allow for topsoil and should manipulate rainfall runoff for irrigation. No excavations except as necessary or the construction of dwellings or improvements shall be permitted on any lot. Culverts, if required, shall be faced with stone and must be expressly approved in writing by the Architectural Review Committee and installed by Owner. Every Lot requires a culvert at its main entry gate..

(i) All blasting is prohibited.

(j) Easements. Easements are located at various points for installations and maintenance of utilities, drainage facilities, recreation, and lake access. These, in addition to others, are reserved as shown on the recorded plat. Within these easements no grading, structure, planting, or other material shall be permitted which may damage or interfere with the installation and maintenance of utilities or drainage, or which may change direction of flow or obstruct the flow of water in and through drainage channels in the easements. The easements within an Owner's property shall be maintained by the Owner. Owners are required to obtain a copy of the recorded plat from the Secretary of the Architectural Review Committee or Rocky Creek Ranch Owners Association. Note: Recorded plats may contain information which may not be included on your survey.

(k) Utilities. Propane, electric transformers, pedestals/meters, air-conditioning, pool equipment etc. shall be screened by evergreen vegetation and/or walls while leaving access for service.

(l) Revegetation and Landscape Restoration. All areas disturbed during construction must be revegetated to blend with the non-disturbed grasses. No rocks, plants or trees shall be removed from any portion of Rocky Creek Ranch without written permission from the Architectural Review Committee.

2.18 Natural Landscape and Xeriscape.

(m) A basic design concept of Rocky Creek Ranch is to tread lightly on the land and its natural vegetation. Site improvements must be designed in such a way that the natural vegetation is maintained and enhanced with new compatible materials.

(n) No hardwoods or cedars may be cut, shaped or trimmed outside the buildable area or within the required setbacks without written approval from the Association. No oaks shall be cut outside the immediate building footprint. On the remaining site, small cedar trees (less than 8" caliper) may be cleared or trimmed. No oaks or other hardwood may be removed without being replaced by comparable caliper quantity. That is, if an eight inch Live Oak is removed, at least two four inch Live Oaks would be required for replacement. Variance from this restriction requires approval by the Architectural Review Committee.

(o) The preservation of this screening and masking cover is important to the natural ambience of Rocky Creek Ranch and to assist in the development of privacy screening. Clumps, groves or islands of native original material can be used to frame a view of your homesite.

(p) Xeriscape is a landscape concept used to save water and resist chemical use through the use of native plants. Xeriscape is based on principles which will help save water,

reduce non-point source pollution, and produce a sustainable environment.

(q) The use of landscape materials immediately adjacent to a residence is relatively unrestricted. In other areas removed from the residence, the introduction of materials is limited to species currently found in the local plant community. The deer and other animals will enforce this limitation. Also, one must realize that this region experiences extreme differences in climate from hot and dry to occasional hard freezes. The Xeriscape concept is appropriate here because of the reduced water use, hardiness to freeze and drought, and native Texas aesthetic in the character of the plants.

- (i) **Have a Plan.** Good design can help reduce water use. Slopes, orientation, soil, microclimate, and plants must all be considered. Inventory all existing plant material: trees, significant shrubs, grasses and wildflowers.
- (ii) **Improve the Soil.** Soil improvements are essential particularly when using plants that require less water. Organic compost should be mixed into the lawn topsoil and plant beds to improve soil moisture and fertility holding capacities. Maintenance can be greatly reduced with the proper addition of composted organic matter.
- (iii) **Limit Lawn Areas.** High-water demand grasses, such as St. Augustine, should be limited to small, visible, high shade areas. Low-water use grasses, such as prairie, 609 buffalo grass, common Bermuda or zoysia, should be used where practical.
- (iv) **Use Mulch.** Use mulches to conserve ground moisture, discourage weed growth, provide organic nutrients, reduce erosion, protect plants from freezing and as a ground cover.
- (v) **Choose Low-Water Use Plants.** Native and low-water use plants can survive on a minimal amount of water after they are established and generally require little pruning, or fertilizing, are naturally resistant to disease and deer, and provide habitat for beneficial insects. Select plant material to match light, soil and moisture conditions of the site.
- (vi) **Water Efficiency.** Putting the correct amount of water in the right place at the right time is essential for healthy plants. Place plants with similar watering needs together. Then, separate irrigation zones can be used to water each area: spray irrigation for lawns, drip irrigation for shrubs and ground covers.

- (vii) Practice Good Maintenance. Ongoing attentive maintenance will help preserve the beauty of any landscape and reduce water loss. Attention to irrigation systems, weeding, pruning and mowing all help reduce water use. Minimizing chemical pest controls and fertilizer requirements are goals of these guidelines. Use plant materials that provide disease, pest and deer resistance.

Each Homeowner should do all that is required to control Mesquite from developing into a detrimental landscape element.

Some materials imported for construction, such as sand for septic systems, may contain grass burrs or other undesirable plant material and must be brought under control immediately.

- (f) Yard art such as windmills and farm implements is strongly discouraged and will only be considered on a case by case basis.

2.19 **Prohibited Plants List.**

- (r) Certain plants that are inappropriate to Rocky Creek are set forth in the Exhibits.
- (s) Owners should be aware that certain grasses, in particular stages of development, may be toxic to animals as are certain wildflowers.

ARTICLE 3. ARCHITECTURAL DESIGN STANDARDS

3.1 **Purpose.** The following architectural standards have evolved in response to climatic, terrain, and aesthetic consideration at Rocky Creek Ranch. It is the intent of these standards to evoke a sympathetic response to the character of this rolling Texas countryside, promoting architectural design that is compatible with the natural landscape and is environmentally sound.

- (a) All residences must be a minimum of 3,000 square feet. A two story residence shall contain at least 2,000 square feet of finished living area, exclusive of porches (open or covered), decks, garages and carports on the first level. It is expected that residences will exceed the minimum thresholds established herein for square footage of enclosed living area, except and unless there are special circumstances or unique design solutions, which may only be sanctioned by the Architectural Review Committee.
- (b) The floor area of garages, storage and mechanical rooms which access only from a garage or the exterior of the structure, and open air decks or patios (roofed or unroofed), are excluded from inclusion in the residential floor area calculation; the floor area of a

screened porch or deck which is equipped for closure and use during winter months, or any similarly convertible space, shall be included. The projected area of an interior stairwell of a multi-story residence shall be counted only once at its lowest level; stair landings at each primary floor level shall be included within the floor area of that level.

3.2 **Prefabricated Buildings.** No building that is constructed off-site and requires transportation to any Lot, whole or in partial assembly, will be permitted. This includes, but is not limited to, mobile homes, stock modular buildings, or any other structure requiring transportation and set up in a partially completed state. Temporary construction offices, which have been approved for limited duration, are exempt from this restriction, but must satisfy all other concerns of the Architectural Review Committee relating to condition, appearance, and location.

3.3. **Height of Structures.** Roofs of residential structures at Rocky Creek Ranch shall not exceed a height of 35 feet in accordance with height determination being measured from existing grade directly under the highest roof line to the midpoint of the shortest roof slope creating that ridge. In addition, as a second test, no portion of a structure (except for chimney elements) may exceed a true vertical height of 40 feet above original natural grade directly below the highest ridge, for pitched roofs, and 24 feet for flat roof elements. The more restrictive of the two tests shall govern. It shall be incumbent upon the applicant to demonstrate conformance to both standards.

3.4 **Exterior Materials.**

(c) There exists a rich and varied spectrum of historic, adaptive, and contemporary architectural styles in the Texas tradition from which a Rocky Creek Ranch Owner may chose. Generally, the predominant exterior wall material must be stone masonry utilized exclusively or in combination with other complementary accent materials such as stucco, clear individual board siding, wood shingle siding, or painted cementitious board. The Architectural Review Committee expects that a significant majority of applicants will opt for the traditional masonry exterior, of varied style, which enjoys great popularity throughout distinctive Texas communities. However, the Architectural Review Committee will consider, on a case-by-case basis, the use of stucco or wood siding as a predominant exterior material, where their application in a historic (Victorian, for example) or southwestern design style may warrant.

(d) As a rule, all materials should be natural or authentic. Generally, synthetic look-alikes are discouraged, unless the applicant can demonstrate that the manufactured material resembles its natural counterpart to the degree that, in the opinion of the Architectural Review Committee, it will not appear obtrusive. Some quality cultured stone products and synthetic stucco appliques will be considered on a case-by-case basis and must meet the aforementioned scrutiny. Sidings composed of metal, vinyl, plywood, fiberglass, mineral composition, or panelized brick or stone will not be allowed.

(e) The aesthetic merits of any combination of exterior materials are subject to

review and approval by the Architectural Review Committee.

ARTICLE 4. ARCHITECTURAL GUIDELINES

4.1 **Objective.** The objective of creating an identifying character as well as a harmonious community is to find design idioms appropriate to the land, the people and today's lifestyles. Appropriate design, rather than stylistic extremes is the objective in Rocky Creek Ranch. A range of appropriate architectural variety is encouraged within these guidelines.

4.2 Architectural Design Concepts.

(a) To imagine the architecture of the Texas rural landscape, one would envision masonry buildings with tile or metal roofs, broad overhanging eaves and covered porches. Each of these elements would exhibit a range of volumes, spaces, texture and materials which characterized a unique response to locale and construction techniques fusing old world traditions with local necessity. This ongoing process continues today.

(b) Following these principles the design for dwellings at Rocky Creek Ranch will emphasize development that is planned to harmonize, blend and compliment, rather than dominate the natural environment. An example is the low, horizontal Prairie House design introduced by Frank Lloyd Wright in 1893 and revived in the 50's and 60's. The intention is to create a wonderful collection of individual residences with design that are compatible with each other and the site.

4.3 Height, Massing, Scale.

(c) No residence shall stand apart in its design or construction as to detract from the community's environment. Any residence which appears excessive in height will not be approved. Residences shall alter, as little as possible, the site from its original condition.

(d) Buildings should be nestled into the land, remaining low, so as to be part of the site rather than perched upon it, avoiding unnecessary height. The building and other improvements should step down slopes, using split and multilevel floor plans and masses whenever possible, to follow existing contours, and achieve a balance of cut and fill so that when construction is finished, the earth around the residence should be as near as possible to the natural contours. One story buildings are encouraged.

(e) The terrain of Rocky Creek Ranch is varied, with hilltops, valleys and other changes in elevation, making absolute and uniform applicability of height restrictions for residences both inadvisable and impractical. These Design Guidelines are intended to discourage and/or prevent any residence or other structure which would appear excessive in height when viewed from a street, common area, lake or another lot, or which would appear out of character with Rocky Creek Ranch aesthetic. Consequently, despite the maximum heights generally permitted as herein specified, the Architectural Review Committee may disapprove a proposed residence of other

structure which may be within the maximum height guidelines.

(f) In general, Rocky Creek Ranch encourages the siting of residences and improvements to occur below the prominent ridge locations. It is beneficial to the Owner when dealing with winds, storms and lightning and Rocky Creek Ranch prefers that vistas of the native landscape remain as unimpeded as practical and that building improvements not dominate the environment. A full, two-story building mass occupying the building “footprint” facing the street is prohibited. Large homes often exaggerate the difficulties of making the structures look as if they are part of the land. Owners are encouraged to break down the mass of their homes by putting the independent functions that serve the Owner’s needs in separate attached or detached structures. Many uses can be placed in accessory structures: garages, workshops, offices, cabanas, and recreational uses. Accessory structures may not exceed three in number per tract or combined tracts.

(g) There are many architectural approaches used to minimize the mass of a building. Stepping building heights, breaking the ridge line, adding dormers and varying the roof pitches create a more intimate scale.

(h) The maximum building height shall be 35' (thirty five feet) as defined in Section 3.3 of these guidelines.

(i) Generally, the second story floor area of the residence shall not exceed 60% of the enclosed first floor area of the residence, including garages, but not including covered outdoor spaces. Two story interior spaces are included as second floor area in calculating the percentage of second floor area to be built.

(j) Hip roofs are strongly encouraged and likewise multiple gables facing the street are strongly discouraged.

(k) Observation towers or cupolas which provide a lake view may be submitted for consideration by the Architectural Review Committee. Such towers or cupolas must be integral and proportional to the main residence structure; must not exceed 42' and must be 120 square feet or less at the observation level. The Architectural Review Committee has total discretion on the approval of all towers based on existing site topography, tower design or materials and the impact on views from neighboring lots.

(l) All residences shall contain at least 3,000 square feet of finished living area, exclusive of porches (open or covered), decks, garages and carports. Smaller residences may be approved by the Architectural Review Committee if, in its sole opinion, the proposed design is consistent in character and value with the other residences in the area.

4.4 **Walls and Massing.**

(m) The use of regional native Texas stone is encouraged. Masonry, including stone and stucco, varying in scale, technique, detail and texture shall comprise the dominant building material. Stone laying techniques include informal rubble, uncoarsed, roughly squared or randomly coarsed ashlar, running bond, and combinations and variations. Preferred masonry details include segmental arched lintels, one piece stone lintels, sloped stone sills and highly finished decorative surrounds for windows and other openings as well as massive stone chimneys, random laid flagstone floors, carving and other hand finished detail.

(n) Stucco exterior walls may be used in lieu of stone for the body of the primary residence, although a minimum of 20% of the exterior should incorporate allowable stone. Stucco colors should be limited to earthtones that would harmonize with the natural landscape. Stone should be used for chimneys, lintels or to a more decorative extent around doors and windows, or as a base detail. Alternatively, the main body of the house could incorporate stone while an ell or wings be constructed with stucco.

(o) The use of wood, excluding plywood, is allowed but requires careful consideration and detailing particularly as a wall surface material. Wood shake shingles, as well as logs and board and batten have historical precedence. Other exterior surfaces must generally be of materials that will withstand the climate extremes and, like stone and stucco, be natural and unobtrusive to the surrounding landscape.

(p) Finish materials on all building walls must be continued down to a finish grade to the extent possible to eliminate unfinished foundation walls.

(q) Prohibited materials are as follows: Masonite, metal siding, opaque glass, mirrored glass, vinyl and plastics, reflective materials, reflective exterior art work or sculpture, and other materials whose appearance in the judgment of the Design Review Committee does not convey strength, permanence or durability.

(r) In massing, a large building mass can be reduced in scale by articulating it into smaller parts. This can give the appearance of having been altered and added to through the years. Separate masonry volumes can be joined by a continuous roof to create a composition of volumes covering confecting outdoor spaces, dog trots or dog runs, verandas, loggias or arcades creating a complex of spaces in one building. The effect is that of a dwelling growing over time and giving a sense of place and time to Rocky Creek Ranch. House designs can give an illusion of growth by accretion, representing expanding fruitions and natural growth over time.

4.5 **Roofs.**

(s) An important architectural effect is achieved by roof shapes, sizes and materials. Historically, metal roofing, introduced from Galveston and transported by wagon to the frontier before the railroads made more accessible manufactured building components, became the roofing of choice. The use of the interlocking standing seam metal roof reflected the searing heat of the

Texas sun, and thus was climatically appropriate. The form of the roof, the slope, pitch and details evolved into a Texas tradition.

(t) Generally, hip roofs at a slope of 6 in 12 and no more than 9 in 12 should be used to provide broad eaves and porches to handle the heat of the Texas summer. Lesser pitches may occur only when attached to a roof of 6 in 12 or greater slope. The principle roof form can exist in many permutations, ideally a hip whose ridge runs southwest to northeast, thus facing southeast to catch the prevailing breezes on the many pleasant spring and fall days.

(u) Gable or hip roof forms can intersect to create “L’s” with telescoping additions sheltering semi-enclosed courtyard spaces. Typically, the wing on the west creates shaded afternoon spaces, or encompasses a porch or veranda opening to a patio. The hip roof often features an extended ridge beam which allows the placement of ventilating louvers at each end before transitioning to the hip. This roof form provides for additional ventilation, allowing heat to escape and through convection which draws air through the building. Low pitched shed roofs as part of additions or flanking wings can extend a primary roof, and occasionally occur behind a finished parapet wall, thus allowing a facade of a building to appear roofless.

(v) While the metal roof was most common, clay tile roofs were also used following the same volumetric parameters and are accomplished with traditional Hispanic details. A variety of porch, loggia, colonnade, arcade, overhanging eave and balcony details elaborated these simple architectural forms.

(w) Generally, roof materials should be limited to standing seam metal, corrugated and “V” crimp metal, terra cotta tiles, concrete tiles, or slate in muted colors and values. Metal roofs must be galvanized tin, copper or zinc, or painted earthtones or natural metal colors. Composition, shingle and shake roof materials may be approved on a case by case basis. See the Exhibits for the minimum acceptable composition roofing system.

(x) Roof mounted mechanical equipment is prohibited on any roof, unless in the sole judgment of the Architectural Review Committee, it does not adversely affect views from streets, other lots, the lake or common areas.

(y) Generally, residences of Rocky Creek Ranch shall have pitched roofs with a minimum pitch of six feet in twelve and a maximum pitch of nine and twelve; however, flat roofs, or flat and pitched roofs in combination, will be considered on a case-by-case basis where their implementation as part of a southwestern style may be appropriate.

4.6 **Porches, Verandas and Balconies.**

(z) The Texas summer climate can be quite comfortable in the shade and with a breeze. By careful orientation, a house can be designed to offer two different lifestyles: one well sealed for heating and air conditioning; the other open, shady and breezy with the sounds of the birds and the

outdoors. Porches, verandas, balconies and shaded patios provide a delightful way to live in spring and fall, one which is preferable to air conditioning.

(aa) A subsystem of architectural elements and details can be added to enrich the basic masonry volumes, and to provide shade in response to climate and function. Informally dressed wood columns with chamfered edges, resting on stone plinth blocks and flagstone paving constitute the typical covered porch or veranda, although stone or brick columns and wood decking is also used.

(bb) A special Hill Country type element is the cantilevered second story balcony, structurally integrated with second floor and roof joints, appearing suspended under overhanging eaves. This feature offers shade, room to room second story exterior passage, and protection from inclement weather for ground floor access. Railing details, typically simple profiles of standard lumber in horizontal or vertical arrangements, create pleasing patterns and interest. Porches, balconies and other covered outdoor spaces, so much at home in the Texas rural landscape, mediate between an often harsh climate and the needs of inhabitants for extensions of useful space outside the primary dwelling volume. They also demonstrate how a successful set of design solutions can be adapted to local conditions.

(cc) Construction of exterior columns and porch railings in unfinished materials is prohibited. Decks, exterior stairs and related construction adjacent to the residences must be of compatible material and finish.

4.7 **Architectural Elements Inappropriate to Rocky Creek Ranch.** The following are inappropriate architectural elements and will not be approved:

- (i) Excessively pitched roofs, gambrel roofs, chalet , roofs too steep or too shallow, and shed roofs except as incidental to the main roof;
- (ii) Synthetic roof materials which seek to replicate slate, shakes or tiles;
- (iii) Diagonal siding, plywood siding such as “texture one-eleven”;
- (iv) Bright red brick, masonite or other synthetic wall materials;
- (v) Large areas of white surfaces such as white stucco;
- (vi) Bright colored roof surfaces;
- (vii) Non-native stone, or stone which appears glued-on;
- (viii) Aluminum windows, excessive overscaled arched openings, mirrored glass;

- (ix) Exposed foundation walls;
- (x) Tall, massive, unbroken elevations, or three story elevations;
- (xi) Stove pipe chimneys;
- (xii) Random roof penetrations, vents or skylights facing the street, white or bubble skylights;
- (xiii) Large unscreened visible parking areas;
- (xiv) Vivid inappropriate colors, non-earth tone colors;
- (xv) Massive unarticulated building volumes;
- (xvi) Imported or exotic styles which have not been adequately modified for Rocky Creek Ranch;
- (xvii) Enormous entries and front door assemblies, such as triumphant arches or tall and overscaled doors; and
- (xviii) Solid wood fences.

4.8 **Architectural Features Appropriate to Rocky Creek Ranch.** The following architectural elements are appropriate for Rocky Creek Ranch and are suggested:

- (xix) Shade on wall surfaces and windows. Care shall be taken to minimize direct solar gain. Utilize thermal massing techniques and masonry construction to provide shade.
- (xx) The arrangement of openings and outdoor spaces shall respond to the intentions of these guidelines to design dwellings which utilize responsible energy considerations in the siting of the residence.
- (xxi) Arcades, colonnades, loggias and covered passages between structures.
- (xxii) Outdoor spaces which extend living functions seasonally and mediate the microclimate of the site.
- (xxiii) Outdoor covered passages to connect various volumes and functions, sun screens and operable shutter devices to provide shading for the house.
- (xxiv) Semi-enclosed courtyards within a building or as formed by a group of

buildings add excellent living space, shade and definition of space and sense of place.

- (xxv) Dwellings which are integrated amongst trees and natural terrain features.
- (xxvi) Designs which save as many large caliper trees as possible. Trees removed shall be replaced by the Owner in the amount of the total diameter of tree caliper removed; i.e. if in order to utilize the lot there were no way to avoid cutting down one 6" tree, two 8" trees and one 10" tree, the Owner must plant trees in equal amount. (32" or, for example eight 4" trees of similar species).
- (xxvii) Although openings spanned with cut stone lintels, jack arches or segmental arches are preferred and more appropriate, semicircular arched openings used discretely are permitted.
- (xxviii) Roof overhangs 18" or wider.
- (xxix) Native rock or limestone with matching mortar.
- (xxx) Hip roof of 6 in 12 to 9 in 12
- (xxxi) Standing seam metal or tile roofs in muted colors compatible with the surrounding landscape.

4.9 **Doors and Windows.**

(dd) Highly reflective glazing material and reflective sun screening films are prohibited for use in windows, glazed doors, skylights, or for other exterior applications. In addition all metal windows, doors, skylight frames, etc. must be anodized or pre-finished with baked enamel; raw metal components, especially aluminum or galvanized iron, are prohibited.

(ee) Ornamental iron grillwork, gates and doors and the use of glass block require approval.

(ff) Windows will be evaluated by the Architectural Review Committee in terms of ventilation, light and view in relation to the architectural concept as well as to their relationship to adjacent properties.

(gg) Care is required in the placement of windows offering defined unobstructed view from the dwelling in terms of privacy and in relation to orientation and shading devices.

(hh) Raised panel hollow metal doors and garage doors are allowed when finished to match residence trim colors.

4.10 **Trim and Accent Material and Colors.**

(ii) The color combination of exterior materials should generally be subtle and tasteful to blend with the neighborhood and landscape. However, brighter accent colors which are used judiciously and with restraint may be permitted.

(jj) Colors approaching the primary range (red, blue and yellow) are discouraged, as are drastic contrasts in value (light to dark).

(kk) All color schemes must be approved by the Architectural Review Committee prior to their application to any portion of a residential structure. The Architectural Review Committee intends to preclude the use of colors that would appear garish or out of place and, therefore, offensive to the eye, in the opinion of the Architectural Review Committee.

(ll) Exterior masonry trim may be decorative, dressed, cast or carved stone used to accent the main masonry massing and openings. Molded stucco including formed window or door surrounds, accent banding, or brick used to accent and delineate masonry or stucco masses is also allowed. Wood trim may be used in combination with any or these materials and as incidental to the primary masonry exterior veneer. Exterior wood shall be of a finish grade appropriate to the design and finished with stain or paint.

(mm) Colors of paint and stain for stucco and wood trim include, but are not limited to earth tone colors, such as cream, beige, grey, grey green, taupe, ecru and other more neutral background colors. However, darker colors, such as black, burgundy, bottle green, navy, rust, terra cotta, and other deep tones may be appropriate. Muted pastels may also be used for accentuation of detail and to further enhance design motifs. The intention is to avoid loud, obtrusive, excessively contrasting or bold colors and to use color to enhance the design as opposed to overwhelm the architectural effect.

(nn) Cornices, porch ceilings, exposed beams and rafters shall be constructed of wood except when masonry and shall be stained or painted in approved colors. Vinyl gutters, trim components, soffits, siding, shutters, vents and other architectural components are not allowed.

(oo) Gutters and downspouts shall be consistent with roof materials and finishes. Painted half-round galvanized or natural copper gutters and downspouts are preferred over factory finished "ogee" gutters and downspouts. However, with adequate overhangs and ground treatment incorporated in the design, gutters and downspouts are not required.

(pp) No bright natural aluminum should be visible on the residence; roof vents should be painted out to match the principal roof material color. Skylights and other miscellaneous metal materials should be finished to blend in with the primary roof material.

4.11 **Location and Treatment of Utility Connections, Controls and Meters.**

(qq) All utility services to the house shall be underground.

(rr) Air conditioning compressors and pool equipment shall be enclosed by a structural screening element and landscaped.

(ss) Whenever possible, a central service location not on the street facing elevation, not visible from the street and screened from neighbors, shall be designed for each dwelling which shall contain connections for all utilities, including underground electric and metering devices, underground telecommunications, cable TV, security and telephone service, water, natural gas or other fuels and shall be accessible and unobstructed for service by the respective authorities. Common trenches shall be used where possible.

(tt) Satellite dishes greater in diameter than eighteen inches are not permitted.

(uu) All fuel tanks, water tanks or similar storage facilities shall either be shielded from view by walls or structures or shall be located underground with all visible projections screened from view. Use and/or construction of such facilities shall comply with all applicable codes and ordinances.

4.12 **Chimneys and Outdoor Fires.**

(vv) Chimney elements are subject to the same material limitations established by Design Guidelines; namely, chimneys shall be faced with stucco or stone masonry, unless the unique or distinctive design of the residence justifies the use of an alternative finish. If zero-clearance manufactured fireplace assemblies are utilized, the chimney shall be capped in a manner which screens all manufactured flue elements, such that its finished appearance is indistinguishable from a true masonry fireplace.

(ww) All chimneys must be equipped with a U.L. or I.C.B.O. approved spark arrestor, including outdoor fireplaces.

(xx) Open outdoor fire pits are the responsibility of each individual Owner to see that they are used in a responsible manner. Individual Owners are liable for all damages caused by fires originating on their property.

4.13 **Building Projections.** All projections from a residence or other structure including, but not limited to, chimney flues, vents, flashing, louvers, gutters, downspouts, utility boxes, mail boxes, porch railings and exterior stairways shall match the surface from which they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials, or in the case of mail boxes or other structures set apart from the residence, these must be constructed from an approved design and with materials consistent with the main residence or as approved by the Architectural Review Committee. All

building projections must be contained within the building setbacks. Some lots may be required to erect dual property line mail boxes in conformance with the local Postal Officials; interpretation of existing Postal Regulations.

4.14 **Garages.** Each residence shall contain parking spaces within the Lot for at least two automobiles in a garage either attached to or detached from the main structure of the residence. Garages must be integrated into the design of the dwelling with garage doors placed as inconspicuously as possible. Detached garages must be architecturally composed to complement the main house. Servants quarters or guests quarters may be included in the garage or carport building. At least two cars must be accommodated in the garage or the carport. Garage doors may not face the street or lake or open space unless expressly approved by the Architectural Review Committee.

4.15 **Solar Applications.** Passive solar design is encouraged. Active solar applications can result in excessive glare and reflection, and would only be approved by the Architectural Review Committee if the hardware is integrated into the structure or landscaping of a Lot and is not visible from any other Lot or property.

4.16 **Changes or Additional Construction.** All changes or additions to the approved plans before, during, or subsequent to their initial construction must be approved by the Architectural Review Committee, before the addition or alteration may be implemented.

ARTICLE 5. CONSTRUCTION REGULATIONS

5.1 Purpose.

(a) In order to ensure that all neighboring properties are respected and the nuisances inherent to any construction process are kept to a minimum, the following regulations shall be enforced during the construction period of all improvements at Rocky Creek Ranch. Any violation of these regulations by an Owner's agent, representative, builder, contractor or subcontractor shall be deemed a violation by the Owner.

(b) In the event that any person fails to cure (or fails to commence and proceed with diligence to complete the work necessary to cure) any violation of the Design Guidelines, including these Construction Regulations, within thirty (30) days after receipt of written notice from the Architectural Review Committee designating the particular violation, the Architectural Review Committee shall have the power and authority to impose upon that person a fine for such violation (the "Violation Fine") not to exceed five hundred dollars (\$500.00) per occurrence. If after the imposition of the Violation Fine, the violation has not been cured or the person has not commenced the work necessary to cure such violation, the Architectural Review Committee shall have the power and authority, upon ten (10) day written notice, to impose another Violation Fine which shall not exceed five hundred dollars (\$500.00). There shall be no limit to the number or the aggregate amount of Violation Fines which may be levied against a person for the same violation if not timely cured. The Violation Fines, together with interest at the highest lawful rate per annum

and any costs of collection, including reasonable attorneys' fees, shall be a continuing lien upon the Lot against which such Violation Fine is made. Continued failure to comply may cause the Architectural Review Committee to pursue legal remedy in the form of a "stop work" injunction or punitive damages.

(c) The continued or habitual violation of these Design Guidelines by a general contractor, sub-contractor, or materials supplier will result in the withdrawal by the Architectural Review Committee of his/their approval to perform work at Rocky Creek Ranch

5.2 **Health and Safety Compliance.** All applicable statutes, ordinances, or rules pertaining to safety and health, hazardous materials, toxic substances or wastes, including all relevant Occupational Safety and Health Act (OSHA) regulations and guidelines must be observed at all times.

5.3 **Construction Trailers.** Upon commencement of construction, a construction trailer or portable field office may be located on the building site totally within the Lot's perimeter. The type, size and color of any portable office must be approved by a representative of the Architectural Review Committee during the pre-construction conference. The field office may not be placed on-site earlier than two weeks prior to the actual onset of continuous construction activity. At the same time, the provision of temporary power and telephone will be determined. A construction trailer may not remain on site for a period of time exceeding eight months without written approval of the Architectural Review Committee.

5.4 **Trash Receptacle and Debris Removal.**

(d) Owners and builders shall clean up all trash and debris at the end of **each day**; and an approved trash receptacle must remain on the site at all times for this purpose to contain all lightweight materials or packaging. The receptacle must be positioned on the site alongside the construction access drive, clear of adjacent road right(s)-of-way and neighboring properties. Trash receptacles must be emptied on a timely basis to avoid overflow of refuse; disposal shall be at a suitable off-site facility. Owners and builders are prohibited from dumping, burying, or burning trash anywhere on the Lot or in Rocky Creek Ranch. Heavy debris, such as broken brick or stone, wood scrap, or the like must be removed from the Lot and Rocky Creek Ranch immediately upon completion of the work of each trade that has generated the debris.

(e) All concrete washout, from both trucks and mixers, must occur within the developed area of the Lot in a location where it will ultimately be concealed by structure or covered by back fill. Washout in road rights-of-way, setbacks or on adjacent properties is strictly prohibited.

(f) During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore in the judgment of the Architectural Review Committee or a detriment to other Lots or open space. Any clean-up costs incurred by the Architectural Review Committee or the Association in enforcing these requirements shall be payable by the Owner and the general Contractor. Dirt, mud, or debris resulting from

activity on each construction site shall be promptly removed from public or private roads, open spaces, driveways, or other portions of Rocky Creek Ranch

5.5 **Sanitary Facilities.** Each Owner or builder shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets must be located within the Lot's perimeter, clear of all road rights-of-way and adjacent properties

5.6 **Construction Access.** Construction access to any Lot may only occur from its primary street frontage. Access across recreational space, or easement, or open space tracts, or across any neighboring Lot is strictly prohibited.

5.7 **Vehicles and Parking Areas.** Construction personnel may only park upon the residential Lot. Vehicles may not be parked on neighboring Lots, in nearby driveways or on open space. Changing oil or other vehicle maintenance is prohibited.

5.8 **Conservation of Native Landscaping.** Trees which are to be preserved must be marked and protected throughout construction by flagging, fencing, or barriers. The Architectural Review Committee shall have the right to flag major terrain features of plants which are to be fenced for protection. Any trees or branches removed during construction must be promptly cleaned up and removed from the construction site.

5.9 **Excavation Materials.** All surplus products of excavation must be removed from Rocky Creek Ranch once rough excavation has been completed. On-site stockpiling of rock, gravel, or soil shall be limited to those materials intended to be used for backfill and final grading.

5.10 **Dust and Noise Control.**

(g) The contractor shall be responsible for controlling dust and noise from the construction site. Dirt and mud deposited on public or private roads as the result of construction activity shall be promptly removed.

(h) The sound of radios or of other audio equipment must not be audible beyond the property perimeter of any Lot; repeated violations of this provision will result in the total prohibition of any on-site use of radios or audio equipment during construction.

5.11 **Material Deliveries.** All building materials, equipment and machinery required to construct a residence on any Lot at Rocky Creek Ranch must be delivered to and remain within the property boundary of each Lot, clear of all road rights -of-way and adjacent Lots or tracts. This includes all building materials, earth-moving equipment, trailers, generators, mixers, cranes and any other equipment or machinery that will remain at Rocky Creek Ranch overnight. Material delivery vehicles may not drive across adjacent Lots or tracts to access a construction site. Material deliveries may not occur on Sunday.

5.12 **Firearms.** The possession or discharge of any type of firearm by construction personnel on any construction site, lot, or Common Properties (as defined in the Declaration) within Rocky Creek Ranch is prohibited.

5.13 **Alcohol and Controlled Substances.** The consumption of alcohol or use of any controlled substance by construction personnel on any construction site, Lot, or Common Property within Rocky Creek Ranch is prohibited.

5.14 **Fires and Flammable Materials.**

(i) Careless disposition of cigarettes and other flammable materials, as well as the build-up of potentially flammable materials constituting a fire hazard, are prohibited. At least two 20-pound ABC-Rated Dry Chemical Fire Extinguishers shall be present and available in a conspicuous place on the construction site at all times.

(j) No on-site fires are allowed.

5.15 **Pets.** No pets, particularly dogs, may be brought onto the property by a member of any construction crew.

5.16 **Preservation of Property.**

(k) The use of or transit over any other Lot, Common Property or amenity is prohibited. Construction personnel shall refrain from parking, eating, depositing of rubbish or scrap materials (including concrete washout) on any neighboring Lot, tract, or right-of-way.

(l) It is imperative that when moving heavy equipment around Rocky Creek Ranch, that precautions be taken to prevent damage to walking trails, walls, drainage areas, and street surfaces. Any damage to such structures will be assessed against the responsible Owner and builder. Crawler tractors are not to be operated on any paved surface or ranch road.

(m) Please designate one area to provide access to the site, provide ample heavy timber to ramp material to protect and use this area only to move equipment and material on or off the site until the final approved driveway cut has been constructed. *Use of adjoining lots is prohibited.*

(n) The Ranch soils are, for the most part, deficient of adequate nutrients to support abundant vegetation making for a fragile ground level environment. Passing tires compact the soil forming hardpan. This compacted soil further restricts available moisture, limits air migration to root systems, and reduces the development of humus and the bacteria which create nutrients required for plant growth. This consequence can last quite some time as a result of only one pass and, with multiple vehicle passes, the damage may last for years. When within the limits of the drip line on

trees, this may also smother the root system and kill the tree.

(o) Drainage during construction must be controlled so as to cause no erosion on the lot and on adjoining lots. Retention fencing or permanent erosion controls must be installed before any site clearing has begun.

5.17 **Restoration of Property.**

(p) Upon completion of construction, each Owner and builder shall clean his construction site and repair all property which has been damaged, including but not limited to, restoring grades, planting shrubs and trees as approved or required by the Architectural Review Committee, and repair of streets, utilities, driveways, pathways, drains, culverts, ditches, signs, lighting, and fencing.

(q) In addition, the Owner and general contractor shall be held financially responsible for the cost of site restoration/revegetation and refuse removal necessitated on any and all adjacent properties as a result of trespass or negligence by their employees or sub-contracted agents.

(r) Damage and scarring to other property, including, but not limited to, other lots, roads, driveways and/or other improvements, will not be permitted. If any such damage occurs, it shall be repaired and/or restored promptly at the expense of the person or entity causing the same, provided, however, that the Owner shall ultimately be liable to the Architectural Review Committee, the Association and the Owner incurring the damage for the actions of its builder and builder's subcontractors and agents.

5.18 **Construction Signage.**

(s) Temporary construction signs shall be limited to one sign per site not to exceed nine square feet of total surface area. This sign is intended primarily for job site identification therefore, it must be located within the Lot boundary, facing the street frontage of the Lot. It may identify the general contractor and designer by name with address, license number and telephone number(s) and it may identify the job site by Lot number or Owner's name. The sign shall be free standing, not to exceed four feet in height above natural grade. The sign's design, color, style, text, duration of display and location upon the Lot must be approved in advance by the Architectural Review Committee. The construction sign may not be erected on a site earlier than two weeks prior to the onset of continuing construction activity and must be removed within two weeks of the issuance of a Certificate of Completion by the Architectural Review Committee, or immediately upon the passage of 30 calendar days without significant construction activity. The general contractor of a completed market home may apply to the Architectural Review Committee for continuation of his construction sign for advertising and sales purpose after construction has been completed, until such time that a contract for sale has been executed.

(t) Individual signs, or construction sign attachments identifying individual sub-

contractors, tradesmen, or suppliers are prohibited; identification of licensed tradesmen, when required by state or city statutes, shall be confined to the posting location of the building permit.

(u) Attachment of signs or similar material to trees is strictly prohibited.

(v) The Architectural Review Committee will accomplish the removal and disposal of all non-conforming signs.

5.19 **Daily Operation.** Daily working hours for each construction site shall be from 7:00 a.m. to 6:00 p.m., Central Standard Time, or 7:00 a.m. to 7:00 p.m., Daylight Savings Time, Monday through Saturday of each week. All construction work including material deliveries, must cease on Sunday of each week.

5.20 **Site Visitations.** Due to the inherent danger associated with an active construction site, visitors to any site should be limited to those persons with official business relating to the construction activity, such as construction workers and tradesmen, building officials, security staff, Architectural Review Committee representatives or observers, sales personnel, and the Owner. Construction personnel should not invite or bring family members or friends, especially children, to the job site.

5.21 **Construction Insurance Requirements.** All Owners or, at their option, their contractors and subcontractors, shall be fully insured for Builder's Risk and Liability, as evidenced in the form of a valid Certificate of Insurance. The certificate of liability insurance shall name the Owner, the Association, and RCR 1187, Ltd. as the certificate holders and insured parties as their interests appear. The minimum limits of liability shall not be less than \$500,000 each for general liability and automobile liability. General liability coverage shall contain provisions for contractual liability and broad form property damage. The certificate shall provide for 30-day notice to the certificate holders in the event of cancellation or material change in the limits of coverage.

5.22 **Vehicular Access to Rocky Creek Ranch.** The Architectural Review Committee or the security staff may require proof of acceptable insurance as a condition of entry.

5.23 **Builder Qualification.** All contractors and subcontractors performing construction or other related services at Rocky Creek Ranch must be duly licensed and satisfy such other requirements as may be imposed by the Architectural Review Committee, in its sole discretion. Prior to the start of any construction activity, every contractor and subcontractor must make application to the Architectural Review Committee for approval as a qualified Rocky Creek Ranch contractor or subcontractor. Such application shall be in the form specified by the Architectural Review Committee, shall be supported by such additional information or documentation as the Architectural Review Committee may specify, and shall include an express written confirmation of the applicant's agreement to abide by these Design Guidelines, the Declarations and all other rules and regulations promulgated by the Architectural Review Committee. The failure of any approved builder to abide by the terms and provisions of these Design Guidelines may result in the disqualification of such builder as an approved builder at Rocky Creek Ranch. A fee for administrative costs may be charged by the Architectural Review Committee to the Builder and/or Owner to qualify any

builder not on the Approved Builders' List. A list of the accumulated Approved Builders is to be maintained by the Architectural Review Committee and available to all Owners as a resource for Builder services. Builders who have been approved by the Architectural Review Committee are approved on the quality of their construction as compared to the Design Guidelines and the Architectural Review Committee does not investigate or determine the financial stability of any proposed builder.

5.24 **Builder Escrow Deposit.** Upon Gaining status as an approved Builder and prior to the start of construction, the builder shall enter into an Escrow Agreement with the Rocky Creek Ranch Homeowner's Association and their Escrow Agent and shall deposit the some of \$5,000 (Five thousand dollars) which shall remain in the escrow account until the completion of construction.

Unless the funds are deemed necessary to cure any Design Guidelines compliance deficiencies or to pay any costs or fines assessed against the builder, the full amount of the deposit and any accrued interest will be returned to the Builder within thirty days of the Notice of Compliance issued by the Architectural Review Committee.

5.25 **Pre-Construction Conference.**

(w) Prior to commencing construction, the builder must meet with the Architectural Review Committee to review construction procedures and to coordinate construction activities. Builders must submit a list of subcontractors and suppliers in order for them to gain access to Rocky Creek Ranch.

(x) To ensure that each builder adheres to the Final Design Approval, the Architectural Review Committee shall monitor building sites during construction and, in the event of a violation of these Construction Regulations, shall give notice in writing of such violation to the Owner and the builder. The notice to the Owner shall be sent by first class mail, postage prepaid, addressed in the name of the Owner at the mailing address registered with Rocky Creek Ranch Owners Association. The notice to the builder shall be hand delivered to the builders representative at the building job site and/or posted adjacent to the Building Permit issued by Rocky Creek Ranch Owners Association on the building job site.

(y) The Owner and/or builder shall be fined to the maximum amounts allowed in these Design Guidelines. In the event the builder and/or Owner fails to remedy any violation, the Architectural Review Committee may take any action necessary to remedy the violation. The builder may also lose his right to perform further work in the Rocky Creek Ranch community.

5.26 **Construction Safety and General Conduct.**

(z) In order to insure a safe, neat and orderly construction site, the Architectural Review Committee and the Association have established certain construction and safety regulations identified in these Design Guidelines for the benefit of all Owners and residents which are in addition

to, and shall in no way diminish, the Owner's obligation to comply with all governmental regulations.

(aa) It is of the utmost importance that anyone conducting construction activities exert extreme care in preventing conditions that are unsafe or that could constitute fire or other hazards. The Association and the Architectural Review Committee will not tolerate any activity, such as paint, stain or concrete runoff, that, in their opinion, constitutes or could cause such hazards.

(bb) The specified working hours will be strictly enforced. Our aim, however, is to be flexible to a certain extent provided the need is *urgent* and there is a minimum impact on the immediate neighbors.

(cc) A minimum of one serviceable 1016 ABC-rated dry chemical fire extinguisher shall be located on each construction site in a conspicuous location.

(dd) The speed maximum limit is 30 mph on all roads. Slower speeds are appropriate when children, animals, or ATV's are in the vicinity.

5.27 **Responsibility of Association and Declarant.** Rocky Creek Ranch Owners Association and the Declarant assume no responsibility for soil conditions including, without limitation, rock formations, high water table, or expansive soils nor any environmental condition, including, without limitation, endangered species, or critical environmental matter protected by governmental regulations. Each Owner shall be responsible for obtaining any required soil tests and surveys.

5.28 **Responsibility of Owner.** All Owners shall be solely responsible for the conduct and behavior of their representatives, builders, contractors, subcontractors, vendors and suppliers.

5.29 **Non-Compliance.** The Owner will submit all structures to inspection by the Architectural Review Committee as required to determine compliance with these Guidelines. In the event of noncompliance with the Guidelines, the Board of Directors of Rocky Creek Ranch Owners Association shall have the right, but not the obligation, to hire a contractor or contractors to perform the work and furnish the materials necessary for compliance at the Owner's expense plus 10% for administration. Such charges shall be a special individual assessment levied against the Owner and the Lot and shall be collected in accordance with the terms and conditions set forth in the Declaration. A failure to enforce any restriction shall in no event be deemed a waiver of this right to do so afterward.

ARTICLE 6. DESIGN REVIEW PROCEDURES

Site-sensitive, site-specific design shall be fundamental at Rocky Creek Ranch. Design drawings should evolve from the careful and thorough analysis of a site's specific setting and features. Therefore, Owners and/or their designers should refrain from approaching a site with a predetermined design expecting to "make it fit", with the little regard to natural constraints. Rocky Creek Ranch has established this review procedure to assist the applicant through the design process in its appropriate sequence.

Plans and specifications shall be submitted to the Architectural Review Committee in accordance with the following conference and submittal requirements and review procedures.

6.1 **Pre-Design Conference.** Prior to preparing preliminary plans for any proposed improvement, it is imperative that the Owner and/or his architect/designer meet with a representative of the Architectural Review Committee to discuss proposed building intentions and to resolve any questions regarding building requirements at Rocky Creek Ranch. This informal review is to offer guidance prior to initiating preliminary design, and should occur on site whenever possible.

6.2 **Preliminary Design Submittal.**

(a) When the preliminary design is complete, its submittal for consideration must include all of the following exhibits; no review will commence until the submittal is complete:

- (i) Site plan - Scale at 1" = 10' or 1" = 8' for the area of improvements and the appropriate scale for an overall plan showing the entire property, location of the proposed residence and any accessory buildings, driveway, parking area, existing and proposed topography, proposed finished floor elevations, all trees of 4 inch diameter or greater at chest height that are within a fifty foot radius of any improvements, special terrain features to be preserved and trees to be removed.
- (ii) Survey (scale 1" = 10' or 1" = 8"), by a registered land surveyor or licensed civil engineer showing Lot boundaries and dimensions, topography (2 feet contours or less), significant terrain features, all trees of 4 inch diameter or greater at chest height that are within a fifty foot radius of any improvements, edge of pavement or curb, and utility locations.
- (iii) Floor plans (scale 1/4" or 1/8" = 1'0") showing proposed finished floor elevations.
- (iv) All exterior elevations (scale 1/4" or 1/8" = 1'0") showing both existing and proposed grade lines, plate heights, ridge heights, roof pitch and preliminary indication of all exterior materials and colors.
- (v) If the Committee deems it appropriate due to slope considerations or complexity of design, a study model may be required (same scale as site plan), which accurately depicts all the proposed improvements and their relationship to the site.
- (vi) Any other drawings, materials, or samples requested by the Architectural Review Committee.
- (vii) A design review fee in the amount of 25 cents per square foot of enclosed

living area of the residence and accessory buildings. A preliminary design will not be placed on the agenda for review unless this fee has been included with the submittal. Barns and unair-conditioned outbuildings are not calculated in the fee requirements.

- (viii) The submittal shall consist of two complete sets of the requisite documents and exhibits.

(b) A complete Preliminary Design Submittal must be received at the designated address of the Architectural Review Committee (see Design Guidelines Section 6.4) by noon of the Friday preceding a scheduled meeting of the Architectural Review Committee, in order to be included on the agenda for consideration. All such submittals received during each Saturday through Friday time span, regardless of the actual date submitted, shall bear an “effective date of submittal” which corresponds to the Friday ending that particular week’s span. The submittal must be accompanied by a completed application for preliminary design review and the requisite review fee remittance.

6.3 **Preliminary Design Review.**

(c) The Architectural Review Committee will meet to review the submittal and will respond in writing within 10 days after their meeting barring unavoidable delays, but no later than 30 days after the effective date of the submittal.

(d) At such time as a complete preliminary submittal meets the approval of the Architectural Review Committee, one set of the submittal documents will be retained by the Architectural Review Committee and the other set will be marked “Approved” and returned to the Owner or his designated representative, accompanied by a statement indicating approval as submitted or approval subject to certain conditions of modifications. If the Architectural Review Committee determines that a submittal is not in compliance with these Design Guidelines of the Declaration, one set of the submittal shall be returned marked “Disapproved”, accompanied by a reasonable statement of items found to be not in compliance. The approval or disapproval of the Architectural Review Committee shall be narrative and in writing.

(e) Results of reviews will not be discussed over the telephone by members of the Architectural Review Committee with an Owner or his architect or builder, and no Owner, architect or builder shall have the right to attend any meeting of the Architectural Review Committee unless specifically requested by the Architectural Review Committee. Any response an Owner may wish to make regarding the results of a design review must be addressed to the Architectural Review Committee in writing.

6.4 **Final Design Submittal.**

(f) After preliminary approval is obtained from the Architectural Review Committee, the following documents are to be submitted for final review; no review will commence until the submittal is complete:

- (i) Site plan (scale at 1" = 10' or 1" = 8') for the immediate area of the improvements and a smaller scale showing the entire property, location of the residence and any accessory buildings, driveway, parking area, existing and proposed topography, finished floor elevations, all protected plants or special terrain features to be preserved, trees to be removed, all utility sources and connections, and site walls.
- (ii) Foundation plan (scale 1/4" = or 1/8" = 1'0"), showing layout, foundation steps, reinforcement design, design criteria, and the stamp of a registered engineer.
- (iii) Floor plans (scale 1/4" = or 1/8" = 1'0"), showing finished floor elevations.
- (iv) Roof plan (scale 1/4" = or 1/8" = 1'0"), showing all roof pitches.
- (v) Building section (scale 1/4" = or 1/8" = 1'0"), indicating existing and proposed grade lines.
- (vi) All exterior elevations (scale 1/4" = or 1/8" = 1'0"), showing both existing and proposed grade lines, plate heights, roof pitch and an indication of exterior materials and colors.
- (vii) Paint chips and literature as requested by the Architectural Review Committee depicting or describing all exterior materials. (See Design Guidelines Section 6.5 for deferment of proposed color selections.)
- (viii) Complete landscape plan (scale 1" = 10' or 1" = 8'), showing size and type of all proposed plants, irrigation system, all decorative materials or borders and all retained plants. (See Design Guidelines Section 6.5 for deferment of the submittal of this item.)
- (ix) On-site staking of all building corners and other improvements, if requested by the Architectural Review Committee.
- (x) The submittal shall consist of two complete sets of the requisite documents and exhibits.

(g) A Final Design Submittal must be received at the designated address of the Architectural Review Committee (see Design Guidelines Section 6.4) by noon of the Friday

preceding a scheduled meeting of the Architectural Review Committee, in order to be included on the agenda for consideration. All such submittals received during each Saturday through Friday time span, regardless of the actual date submitted, shall bear an “effective date of submittal” which corresponds to the Friday ending that particular week’s span.

6.5 **Deferral of Material or Color Selection.** An Owner may wish to delay the confirmation of landscaping intentions, final colors and materials, or stonework selections until some point in time after the start of construction in order to better visualize landscape considerations, or to test an assortment of potential colors with actual materials intended for use. The Architectural Review Committee will cooperate with the Owner in this regard, provided that no landscape work may be started, nor color or material applied, until such time as the Architectural Review Committee has had the opportunity to review and consent to the final selections. The resubmittal should occur before the placement of any orders for materials to avoid potential restocking costs in the event of denial of the submitted item(s). Further, the provision stated here shall be a condition of Final Design Approval; therefore, application of any material, coating, or finish without the requisite resubmittal to the Architectural Review Committee shall have the effect of voiding the approval in its entirety.

6.6 **Site Inspection.** As soon as the submission of final plans is complete, a representative of the Architectural Review Committee will inspect the Lot to determine that the conditions as depicted in the Final Design Submittal are accurate and complete.

6.7 **Final Design Review.**

(h) The Architectural Review Committee will meet to review the submittal and will respond in writing within 10 days after their meeting, barring unavoidable delays, but no later than 30 days after the effective date of submittal.

(i) At such time as a complete Final Design Submittal meets the approval of the Architectural Review Committee, one set of the submittal documents will be retained by the Architectural Review Committee and other set will be marked “Approved” and returned to the Owner or his designated representative, accompanied by a statement indicating approval as submitted, or approval subject to certain conditions or modifications. If the Architectural Review Committee determines that a submittal is not in compliance with these Design Guidelines or the declaration, one set of the submittal shall be returned marked “Disapproved”, accompanied by a reasonable statement of items found to be not in compliance. The approval or disapproval of the Architectural Review Committee shall be narrative and in writing.

(j) Results of reviews will not be discussed over the telephone by members of the Architectural Review Committee with an Owner or his architect or builder, and no Owner, architect or builder shall have the right to attend any meeting of the Architectural Review Committee unless specifically requested by the Architectural Review Committee. Any response an Owner may wish to make regarding the results of a design review must be addressed to the Architectural Review Committee in writing.

6.8 **Resubmittal of Plans.** In the event of any disapproval by the Architectural Review Committee of either a preliminary or a Final Design Submittal, a resubmission of plans must follow the same procedure as an original submittal. The Architectural Review Committee may assess an additional design review fee (which correlates to the relative consulting cost for duplicitous review efforts), upon subsequent submittals which diverge substantially from previously reviewed applications for the same site, whether previously approved or denied.

6.9 **Pre-Construction Conference.** Prior to commencing construction, each pre-approved builder must meet with a representative of the Architectural Review Committee to review construction procedures and coordinate his activities in Rocky Creek Ranch. .

6.10 **Commencement of Construction.**

(k) Upon receipt of final approval and Notice to Proceed from the Architectural Review Committee, and having satisfied all applicable governing authority review processes, the Owner shall satisfy all conditions of approval and commence the construction or any work pursuant to the approved plans within one year from the date of such approval. The Owner may not commence any construction activity including grading, site preparation, or other preliminary activity prior to receipt of the Notice to Proceed.

(l) If the Owner fails to begin construction within this time period, any approval given shall be automatically revoked.

(m) The Owner shall, in any event, complete the construction of any improvement of his Lot within eighteen months after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to labor strikes, fires, national emergencies or natural calamities.

(n) If the Owner fails to comply with this schedule, or if the diligent and earnest pursuit of the completion of the improvement ceases, or is abandoned for a period of one calendar month, or a cumulative period of four weeks during any eight week span, the Architectural Review Committee may, upon the passage of sixty days after written notification to the Owner, proceed to have the exterior of the improvement completed in accordance with the approved plans, or remove the improvement and restore the Lot to its pre-construction condition to the greatest degree possible. All costs relating to the completion or removal shall be borne by the Owner and reimbursed to the Architectural Review Committee by the Owner, to be secured by a continuing lien on the Lot.

6.11 **Inspections of Work in Progress.**

(o) During construction, the Architectural Review Committee or a representative or agent of the Architectural Review Committee may make inspections. It is the responsibility of the

Owner to ensure that construction conforms to plans. If the Architectural Review Committee, or its representative or agent, determines that the construction does not conform to the plans and specifications approved pursuant to the Final Design Review, the Architectural Review Committee shall give written notice of such noncompliance to the Owner. The written notice shall specify in reasonable detail the particulars of the non-compliance, and shall require the Owner to remedy the same.

(p) If, upon the expiration of (30) days from the date of such notification by the Architectural Review Committee, the Owner shall have failed to remedy such non-compliance, the Architectural Review Committee shall notify the Rocky Creek Ranch Owners Association. The Rocky Creek Ranch Owners Association may take such action to remedy this non-compliance as is provided for in the Declaration and/or the Design Guidelines, including without limitation, injunctive relief or the imposition of a fine.

6.12 **Subsequent Changes.**

(q) Additional construction of other improvements to a residence or Lot, or changes during construction or after completion of an approved structure, including landscaping and color modification, must be submitted to the Architectural Review Committee for approval prior to making such changes or additions.

(r) No significant changes in the exterior plans or materials approved by the Architectural Review Committee may be undertaken without prior written approval by the Architectural Review Committee.

(s) Once the building is completed, no exterior alterations including, but not limited to, colors, materials, additions, or deletions shall be undertaken which will result in significant changes, visible or apparent, to the exterior appearance without prior written approval from the Architectural Review Committee.

6.13 **Final Release.**

(t) Upon completion of any residence or other improvement, the Owner shall give written notice of completion to the Architectural Review Committee.

(u) Within 30 days of such notification, a representative of the Committee may inspect the residence or other improvements for compliance. If all improvements comply with these Design Guidelines, the Architectural Review Committee will issue a written approval to the Owner, stating that the improvements are complete for occupancy and constituting a final release of the improvements by the Architectural Review Committee, which release is to be issued within 30 days of the final inspection.

(v) If it is found that the work was not done in strict compliance with the approved plans or any portion of these Design Guidelines, the Architectural Review Committee may issue a written notice of noncompliance to the Owner, specifying the particulars of noncompliance, which notice is to be issued within 30 days of the final inspection.

(w) The Owner shall have 30 days from the date of notice of noncompliance within which to remedy the noncomplying portions of his improvement. If, by the end of this time period the Owner has failed to remedy the noncompliance, the Architectural Review Committee may take action to remove or correct the noncomplying improvements as provided for in these Design Guidelines, including, without limitation, injunctive relief or the imposition of a fine.

(x) When all construction, landscaping have been completed and any deficiencies remedied, the Architectural Review Committee shall issue a written notice determining that the design requirements and construction regulations have been met to the satisfaction of the Committee.

(y) If the Architectural Review Committee fails to issue a final release, and also fails to issue a notice of noncompliance to the Owner, within one year of the Architectural Review Committee's receipt of the Owner's written notice of completion, the completed improvements shall be deemed to be in compliance with plans as approved by the Architectural Review Committee, and in compliance with these Design Guidelines.

6.14 **Nonwaiver.** The approval by the Architectural Review Committee of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any provision of these Design Guidelines shall not constitute a waiver of same

6.15 **Right of Waiver or Variance.** The Architectural Review Committee reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown. Upon submission of a written narrative request for a variance or waiver of one or more provisions of these Design Guidelines, the Architectural Review Committee may, from time to time, in its sole discretion, permit Owners to construct, erect, or install improvements which are in variance with these Design Guidelines. No member of the Architectural Review Committee shall be liable to any The Owner or other person for any claims, causes of actions, or damages arising out of the granting or denial of any variance request by an Owner or his agent. Each request for a variance submitted hereunder shall be reviewed separately and apart from other such requests and the grant of a variance to any Owner shall not constitute a waiver of the Architectural Review Committee's right to strictly enforce these Design Guidelines against any other Owner. Each such written request must identify and set forth in narrative detail the specific guideline or standard from which a variance is sought, describe in detail the exact nature of the variance sought and be accompanied by the appropriate fee, as prescribed by the Architectural Review Committee. Any grant of variance by the Architectural Review Committee must be in writing and must identify in narrative detail both the standard from which a variance is being sought and the specific variance being granted.

6.16 **Exemptions.**

(z) Utility and maintenance buildings, structures, and cabinets located on non-residential tracts are exempted from the “Architectural Design Standards” portion of this document. However, the Architectural Review Committee will endeavor to attain as high a level of conformance with these standards as is practical for these types of facilities.

(aa) The reconstruction by the Association or the Declarant after damage or destruction by casualty or otherwise of any Common Properties which is accomplished in substantial compliance with “as built” plans for such Common Properties shall not require compliance with the provisions of these Design Guidelines.

(bb) Repainting or re-staining associated with the prudent maintenance of an existing residence does not require subsequent approval by the Architectural Review Committee, provided the paint/stain colors are identical to those initially approved by the Architectural Review Committee for application to the residence.

EXHIBIT 1
PLANT LIST
Rocky Creek Ranch

1. Trees
 - a. Prohibited
 - i. Mesquite
 - ii. Willow
 - iii. Mimosa
 - iv. Honey Locust
 - b. Undesirable (disease, short life, damaged in winter, damage to pipes & foundations)
 - i. Silver Leaf Maple
 - ii. Mulberry
 - iii. Chinese Tallow
 - iv. Siberian or Chinese Elm
 - v. Catalpa
 - vi. Ornamental Plums
 - vii. Arizona Ash
 - viii. Chinaberry
2. Shrubs
 - a. Prohibited
 - i. Bamboo
 - ii. Privet
 - iii. Eyuonomus
3. Grasses
 - a. Prohibited
 - i. Johnson

EXHIBIT 2
THIRD PARTY INSPECTORS
Rocky Creek Ranch

Building codes are established to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, and quality of materials.

Rocky Creek Ranch is not under any jurisdiction that will administer inspections and verify code compliance. Regardless of the expertise of the Builders or their subcontractors, it is rare for any construction project to proceed from start to completion without requiring correction of errors or omissions of the code requirements.

Rocky Creek Ranch therefore recommends that the Owner retain the services of a Third Party Inspector to monitor the progress of construction.

Partial List of local certified inspectors:

Metro Code Analysis
Tom Killebrew
Fort Worth
(817) 335-1497

C & C Engineering
Chris Simants
(817) 335-5306

Apple Home Inspectors
Gabe Owens
(817) 443-3694

**Graham Marcus &
Associates**
Bill Graham
(972) 396-8855

Winston Services, Inc.
Cherryl Peterman
(214) 220-8788

**National Property
Inspection**
Eric Evans
(817) 492-0161

Owner should verify that inspectors are Code Certified prior to retaining their services.

Rocky Creek Ranch does not warranty any of the services of Third Party Inspectors and provides this information only as a convenience to the Homeowner.

The Owner should also verify that the Builder is properly registered with the Texas Residential Construction Commission and is in good standing. (www.trcc.tx.us)

EXHIBIT 3
MINIMUM STANDARDS FOR COMPOSITION SHINGLES
Rocky Creek Ranch

COMPOSITION SHINGLES

PRODUCTS

1.1 SHINGLES

1.2 The following roofing lines are by GAF and are to be used as a guide for the minimum quality accepted by Rocky Creek Ranch.

- A. Super-heavyweight "Plus", granule surfaced, self sealing asphalt shingle with a strong fiberglass reinforced Micro Weave core and an Algae Eater mineral granule surfacing. Meets ASTM D 3018, ASTM D 3161, and ASTM D 3462; UL 790 Class A rated with UL 997 Wind Resistance Label.

Slate Appearance

Grand Slate Shingles by GAFMC.
Slateline Shingles by GAFMC

Hand split shake appearance

Grand Canyon Shingles by GAFMC.
Grand Sequoia Shingles by GAFMC.

Wood shake appearance

Timberline Ultra Shingles by GAFMC
Timberline Select 40 Shingles by GAFMC.

Bold shadow line

Country Estates Shingles by GAFMC.
Country Mansion Shingles by GAFMC.

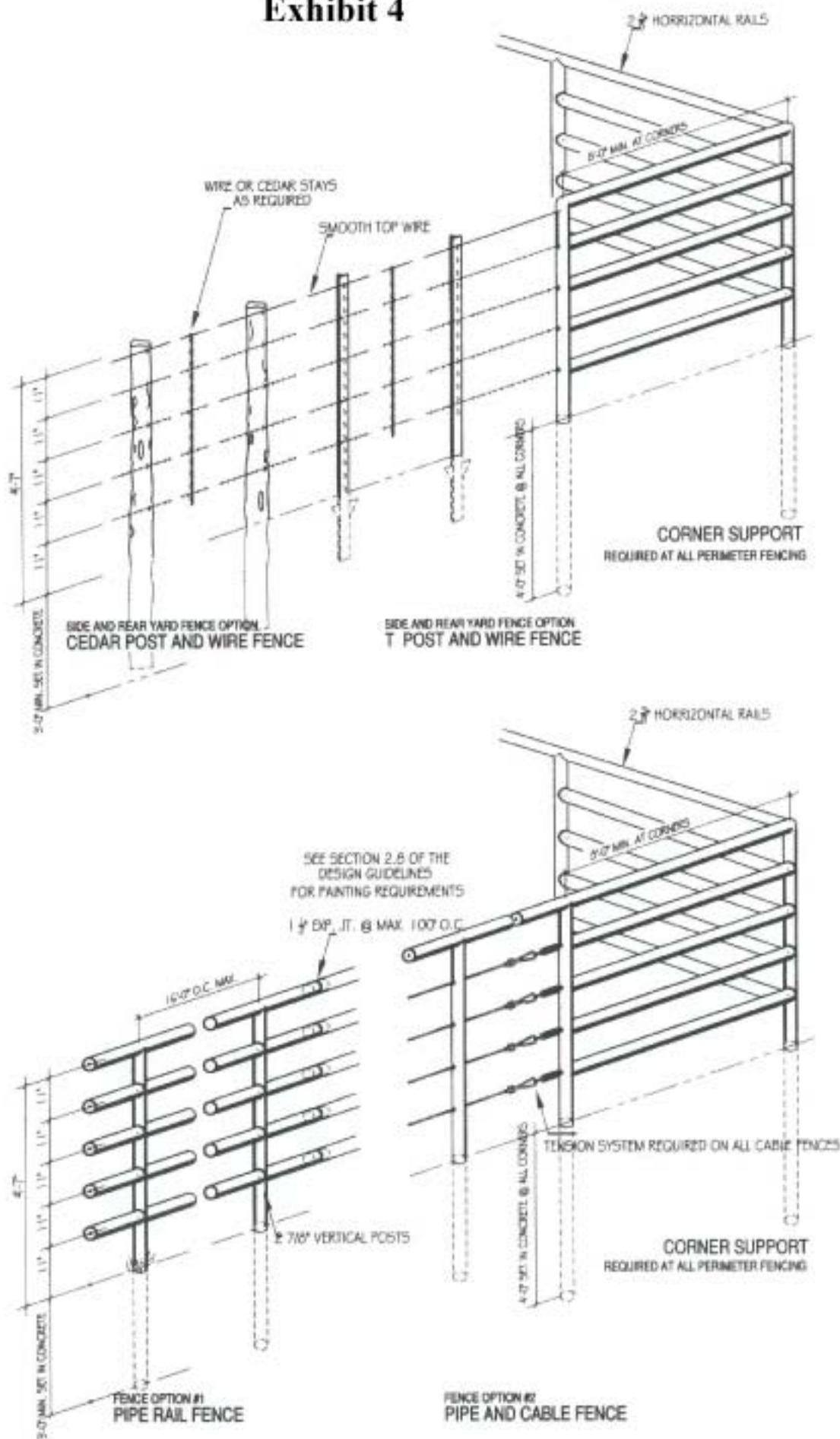
Other acceptable products include Elk "Prestique" and Certainteed "Presidential"

All roofing requires a submittal of samples and specifications at least ten days before entering into any agreements or contracting for materials.

B. Metal Flashing:

1. 24 gauge (0.607 mm) hot-dip galvanized steel sheet, complying with ASTM A 653/A 653M, G90/Z275.
2. 16 oz/sq ft (0.56 mm) copper sheet, complying with ASTM B 370.
3. 0.032 inch (0.8 mm) aluminum sheet, complying with ASTM B 209.
4. Use metal flashings at:
 - a. Valleys
 - b. Eave edges.
 - c. Rake edges.
 - d. Step flashing at chimneys, side walls, and dormers.

Exhibit 4



OPTION 3 1 OR # 2 ARE REQUIRED FOR ALL FENCES ADJOINING PUBLIC ACCESS ROADS

Exhibit 5

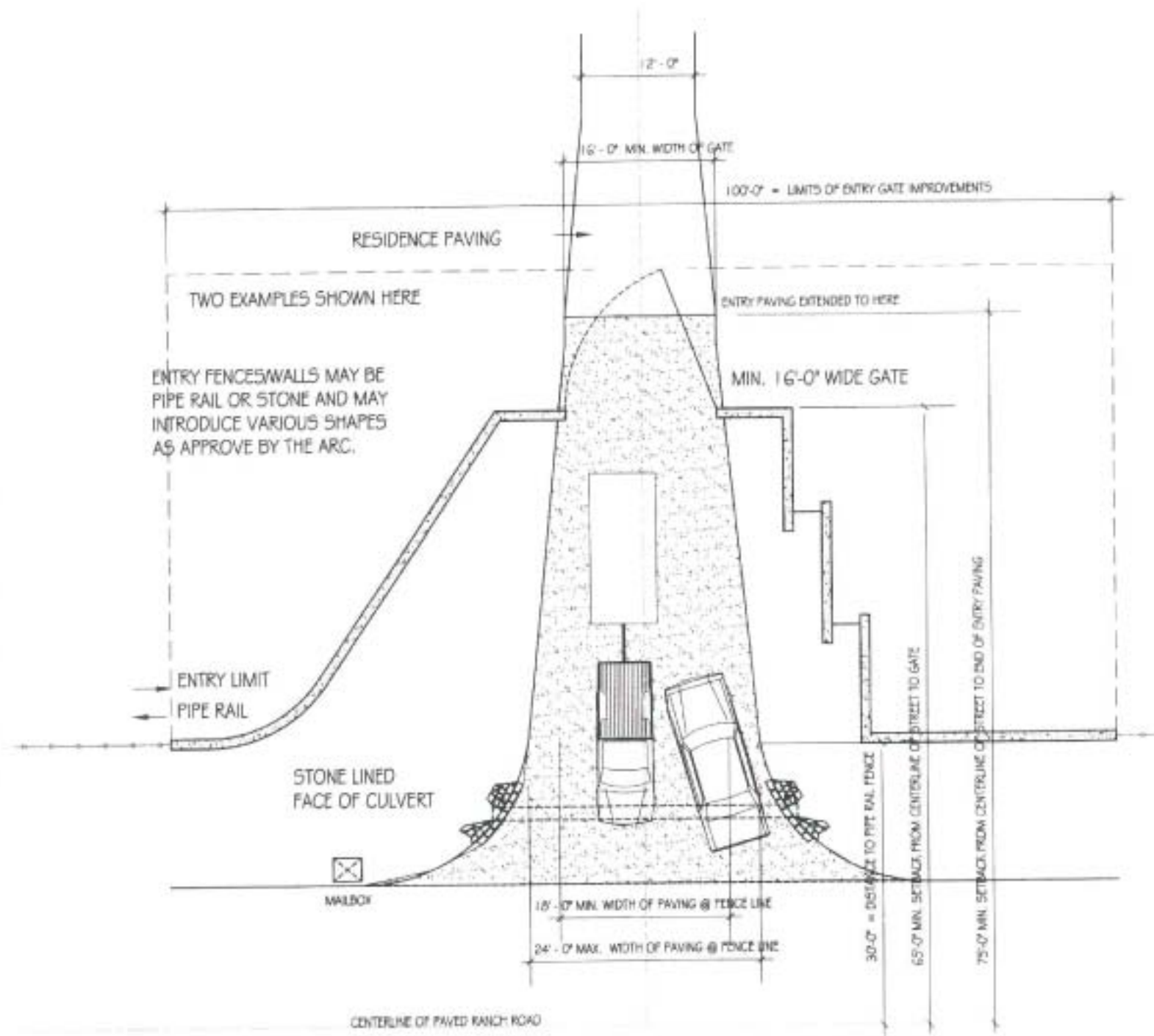
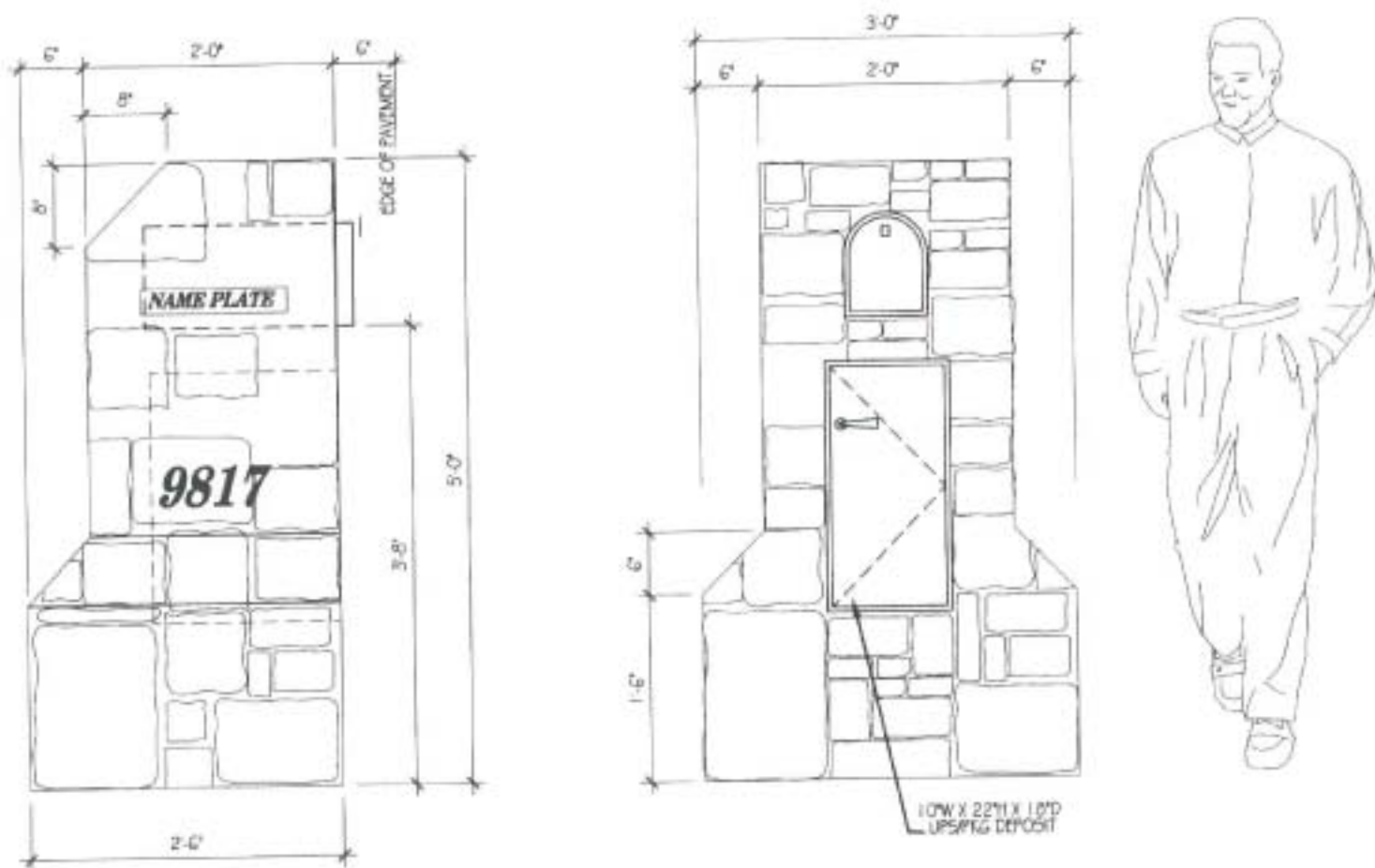


DIAGRAM OF ENTRY GATE PARAMETERS

Exhibit 6



STANDARD MAIL BOX DESIGN

MASONRY MATERIAL MUST MATCH THE PREDOMINATE MATERIAL OF THE RESIDENCE