

## HORSE CREEK FARMS (PHASE II)

### ARCHITECTURAL DESIGN GUIDELINES

#### INTRODUCTION

In order that all residences in Horse Creek Farms (Phase II) shall be compatible and so that the value of all the residences are protected, Horse Creek, LLC (the "Developer") has compiled the Architectural Design Guidelines (the "Design Guidelines") to be utilized by the property owners, developers, designers and builders in the planning and construction of their residences. The Design Guidelines are intended to be complementary to and in harmony with the Declaration of Covenants, Conditions and Restrictions for Horse Creek Farms (Phase II) including any supplemental declarations or amendments thereto (collectively the "CC&Rs"). They are not devised to unduly restrict buyers, but rather to protect all residents against anyone building a residence in Horse Creek Farms (Phase II) which may be built in poor taste and thus would detract from the value of the other residences in Horse Creek Farms (Phase II).

In order to implement these Design Guidelines and as set forth more particularly in the CC&Rs, an Architectural Review Committee may be established by the Developer to serve as a resource and to guide the owners, builders and designers of homes within Horse Creek Farms (Phase II). For purposes of these Design Guidelines, the Developer, or the Architectural Review Committee, if the Developer has delegated all or a portion of its architectural review rights under the CC&Rs to the Architectural Review Committee, shall be referred to as the "Reviewer."

These Design Guidelines are minimum allowable requirements and are in addition to any contractual obligations contained in the owner's purchase contract and the CC&Rs. In the event of any conflict between these Design Guidelines and the CC&Rs, the provisions of the CC&Rs shall control. The Reviewer specifically reserves the right to change or modify these Design Guidelines or to waive the application of any of their provisions.

#### MINIMUM SQUARE FOOTAGE RESTRICTIONS

##### Minimum Square Footage Restrictions.

(a) Single-Family Residence (Lots 78-90, 154-191, 239 and 252-262). No dwelling unit shall be erected or be allowed to occupy any lot or lots unless the main structure, exclusive of garages, open porches and basements is less than 1,800 square feet.

(b) Townhomes (Lots 192-238). No townhome shall be erected or be allowed to occupy any lot or lots unless the main structure, exclusive of garages, open porches and basements is less than 1,450 square feet.

## STYLE

A residence in Horse Creek Farms (Phase II) will be well designed with respect to appropriateness of form, color and materials to design style. The proportion of window to wall and wall to total form and appropriateness of detailing are important considerations for approval by the Reviewer. The use of true historical styles is encouraged rather than arbitrary combinations and exaggerations of styles.

## SCALE AND IMAGE

A well-designed residence has appropriate scale and a balanced relationship between the sizes of architectural elements, the size of the overall structure, and the distance to the street. The front entry should be the focal point of the residence and should present an inviting, human-scaled image to the street. Exaggerated or oversized entry doorways will not be permitted, unless approved by the Reviewer. Roof forms and massing, window proportions, and chimney elevations are critical elements in design scale.

## EXTERIOR MATERIALS

Materials: The variety and number of primary exterior materials should be held to a minimum. Changes in exterior wall material should have a logical relationship to the massing of the house and may not be made for reasons of economy and function only. Changes of material in the same wall plane along a vertical line must be strictly avoided.

Color: Exterior paints and stains for each residence shall be selected to complement or harmonize with the colors of the other materials with which they are used. Paint and stain colors for the main neighborhood must be approved individually by the Reviewer. The color palette of existing adjacent residences will be considered in making approvals in to avoid monotonous color schemes.

For The Townes Neighborhood, all attached units must be the same color palette. Paint and stain colors for the body and trim of the homes in this neighborhood have been pre-approved by the Reviewer and are the only colors allowed. Body and trim colors are paired, but varied pairings are allowed with approval by the Reviewer. Colors used for body and trim must be uniform. Approved color palettes are available through the HOA Board for owner selection.

Front door colors are not prescribed and may be different for each individual owner; however, the colors are subject to approval by the Reviewer.

Note: Approved color palettes will be reviewed by the Board for updates every five years.

Chimneys: Chimneys must be clad in brick, stone or stucco. Cantilevered fireplaces are not allowed, unless otherwise approved by the Reviewer.

Architectural Sheet Metals: All stack vents and attic ventilators shall be installed straight and true and shall be located to minimize street view visibility or hidden in a chase. All exposed roof flashing, stack vents, skylight curbs, attic ventilators, or any other metal roof accessories shall be copper, or painted to match the roofing color.

Guttering and Downspouts: Gutters shall be made of copper, galvanized steel or prefinished extruded aluminum. If painted, the color shall match the residences exterior trim color.

Skylights and Solar Collectors: The location and design of all skylights and solar collectors shall be approved by the Reviewer.

Roof: All roof overhangs shall be a minimum of eight inches (8") (except for dormers) and a maximum of sixteen inches (16") from the finished face of the exterior wall. All roofs shall have a minimum pitch of 10:12 front elevation and 8:12 of front-to-back slope unless otherwise approved by the Reviewer. All roofing material must be twenty-five (25) year architectural/dimensional shingle, asphalt, shakes or slate and must be black, dark grey or weathered wood in color. Notwithstanding the foregoing, townhome (Lots 192-238) may have a 7:12 front-to-back slope.

Windows: All windows shall be wood, vinyl, or aluminum clad and if on the front of a residence, must have a mutton pattern. Bay windows and box windows must be continuous to the ground and constructed of wood or stucco. Clad windows are permitted provided such windows have a brick mold surrounding them and are approved by the Reviewer. Cantilevered bay windows are prohibited unless otherwise approved by the Reviewer.

Main Entrance Doors: Exterior pedestrian doors visible from the street shall be made of wood or quality materials with a painted finish or stained. Glass shall be clear and colorless.

Dormers: Dormer windows shall be no more than two windows wide, and they shall be less than two (2) feet from an end gable. Windows should fill the front side of the dormer so that a minimum amount of wall is exposed.

Siding: Concrete, smooth horizontal wood, vinyl or an approved equal premanufactured clapboard. Artificial, simulated or imitation materials are not permitted unless approved by the Reviewer.

Brick: Shall be hard-fired, which has an overall appearance of evenness in color and texture. Painted brick may be used where appropriate to the style of the residence. Use of brick with a large range of tones is not acceptable.

Stucco: Shall be smooth, steel-troweled cement stucco or rigid foam insulation with an acrylic and cementitious coat.

Foundations: Single-family residences shall be placed over crawl spaces or a full basement. Foundations of all residence shall be covered with brick, stone, stucco (as defined above) or the predominant exterior material. The intent is to eliminate the exposure of concrete or concrete block from the street view. Town homes may be built on a concrete slab.

Exterior Air Conditioning Equipment: Exterior heating, ventilating and air conditioning (HVAC) equipment shall not be visible from the street. Air conditioning condensers located along interior side lot lines shall be screened from view of neighbors or the public by landscaping, solid fence or wall. No window air conditioners or "thru-wall" type air

conditioners shall be allowed on any residence or garage in Horse Creek Farms (Phase II). Grills, vents, or flues shall not be visible from the street.

Mailboxes and House Numbers: No mailbox, newspaper box or other receptacle of any kind for use in the delivery of mail, newspapers, magazines or similar material shall be of any type other than that which will be designed and approved by the Reviewer. The location of the mailbox must be shown on the site plan when submitted and approved by the Reviewer. House numbers must be legible, simply designed and in an appropriate scale and of "professional quality." The material and color shall be compatible with the architectural style of the residence to which they will be attached.

## SITE

Site Planning: All residences shall be planned to conform to these Design Guidelines, the CC&Rs, the recorded plat, and any subsequent easements. Site planning and exterior design shall present a sense of individuality while reinforcing an overall image of community.

Setback Lines: With the exception of driveways, walks, and mailboxes, no structures shall be allowed on any lot outside the building setback lines. The building setback lines shall be no greater than or less than the following:

Set Back	No Greater Than	No Less Than
Front	50 feet	25 feet
Rear	N/A	25 feet
Side	N/A	10 feet (15 feet if adjacent to a side street)

Side setback requirements for cul-de-sac lots shall be determined on an individual basis due to the irregular shape of such lots. All other lots that have an irregular shape may require different minimum setbacks and where appropriate a variance from the minimum building setback requirements may be granted by the Reviewer. Notwithstanding the foregoing, the townhomes (Lots 192-238) shall not be required to have a side yard set back but must have a front set back of no less than fifteen (15) feet unless otherwise approved by the Reviewer.

Adjoining Lots: When a single owner purchases two adjoining lots, the site plan and the house design shall address the resulting composite lot as a single, larger lot.

Garage Size: Garages shall generally provide space for a minimum of two (2) automobiles and shall not exceed four (4) automobiles. A one-car garage may be permitted with the approval of the Reviewer.

Driveways: Driveways shall be located a minimum of one (1) foot from the side property line to allow for fencing and landscaping, except in special conditions when approved by the Reviewer and are to be constructed of concrete or other hard surface (i.e. brick or stone) approved by the Reviewer. Driveways constructed of asphalt are prohibited unless otherwise approved by the Reviewer.

Patios: All patios and other paving in entry courts or other areas visible from the street

view or other public areas shall be unit concrete pavers, tile, stone or wood decking.

Swimming Pools; Spas and Hot Tubs: Swimming pool design and construction details shall be submitted for review and approved by the Reviewer. All swimming pools shall be in ground. Pools will be fenced for safety as per state and/or local laws. Pools shall not be permitted on the street side of the residence, nor shall any portion of a pool, decking or enclosure be permitted to extend outside the building setback lines. Mechanical equipment shall be concealed and located so as not to have an adverse effect on the use of adjacent property.

Spas/hot tubs shall be located in the rear yard away from adjacent property so that the use, presence, and noise of the mechanical equipment do not adversely affect the use of the adjacent property. They should be an integral part of a deck, patio, or landscaping. Mechanical equipment, pipes, and wiring must be concealed. Spas/hot tubs shall be screened from adjacent property and all of the understructure of spas/hot tubs which are set into above ground decks shall be screened.

Gates, Walls and Fences: The design for any fence, wall or gate shall be compatible and harmonious with the design of the residence which it serves. Chain link fencing will not be permitted. Fence foundations must be constructed entirely on the owner's property unless there is a written and recordable document reflecting an agreement with respect to the cost, design, construction, maintenance, and responsibility for the fence. Where a gate is powered, the motor cover and related equipment shall be screened from street view. All fence design and construction shall be approved by the Reviewer.

Fencing for Lots: Privacy fences on lots shall not exceed five (5) feet in height and shall be appropriately landscaped. Fences are allowed no nearer the front lot line than the rear line of the residence. Fences must be wood, vinyl, powder coat aluminum or wrought iron. Notwithstanding the foregoing, the townhomes (Lots 192-238) shall not be allowed to have fences or walls of any kind.

Decks: A deck has a significant impact on the appearance of a house. Decks may also affect the privacy and right of enjoyment of adjacent residents. These two factors are weighted heavily in the review of decks. The deck shall be located at the rear of the house unless otherwise approved in by the Reviewer. The configuration, detail and railing design of a deck shall relate harmoniously with the architectural style of the house.

Wood decks shall be constructed with rot-resistant wood and, in many cases, may be left to weather naturally. In some instances, the Reviewer will require that the decks be stained to coordinate with the neighborhood design or to help integrate the deck with the house. If decks are stained, the color shall relate to the colors of the house. A skirt board shall be constructed and landscape planting shall be provided to screen structural elements and to soften the structure visually.

Non-Architectural Improvements: Any non-architectural improvements on any lot, e.g. playground equipment, basketball backboards, sculptures, garden ornaments, decorative exterior lighting fixtures, etc., shall be located within the building area of the lot, and shall be screened

from street views. Portable basketball goals may used but all such goals must be stored out of site when not being used.

Detached Buildings. There shall be no detached garages, outbuildings or servant quarters, without the prior written consent of the Reviewer as set forth more particularly in the CC&Rs. A bathhouse/pool house (which shall not include sleeping quarters) built in conjunction with an in-ground swimming pool shall not be included in this prohibition. Thus, a bathhouse/pool house will not have to be connected or attached to the dwelling but the plans and specifications, including the exterior materials, must be approved by the Reviewer as set forth more particularly in the CC&Rs. The square footage of any bathhouse/pool house structure shall not be included in determining the square footage requirements set forth herein.

TV Cable & Satellite Dishes: Exterior television and radio antennas are prohibited. Satellite dishes shall meet the requirements as set forth in the CC&Rs and require the specific approval of the Reviewer for both the location, size and screening requirements.

Drainage: Every effort should be made to minimize the surface runoff onto adjacent properties. No fill other than what is necessary to attain finish slab elevation and for final grading and grass (sod) planting is permitted without written approval of the Reviewer.

Retaining Wall: Each retaining wall used to form a terrace shall be no more than four (4) feet tall and spaced no closer than four (4) feet apart. Terraces may be allowed to deviate from this requirement with specific approval of the Reviewer.

Property Maintenance: The builder or owner shall maintain the property consistent with the character of a quality residential neighborhood. Each owner shall keep foundation, exterior walls, windows, doors and glazing, roofs, structural, mechanical and electrical systems, landscaping and grounds, fences and retaining walls in a high state of maintenance, repair and appearance. Storage of trash containers shall be in a service court or garage not visible from the street except at time of pick up.

## LANDSCAPE

Landscape Specifications: All landscaping design and specification for the street sides of each residence shall require the approval of the Reviewer.

Sod and Irrigation: All front and side yards are to be sodded (for corner lots the area of sod must extend to the rear property line on the side yard adjacent to the street). All front and side yard areas are to have irrigation systems.

Landscape Maintenance: Owners, including the builder prior to sale, are responsible for proper care, maintenance and pruning of their gardens, lawns and landscaping.

Landscape Plan: Each owner shall submit a landscape plan to the Reviewer as part of the design approval process. All landscaping must be planted by the completion of construction. Front yards must have a minimum of two (2) hardwood trees being not less than six feet (6') in height.

Sidewalks: The builder shall construct a sidewalk (forty-two (42) inches wide and two (2) feet from the curb) parallel with the street along each lot (i.e., both front and side if a corner

lot).

## DESIGN APPROVAL PROCESS

The design approval process is intended to confirm a correct interpretation of the Design Guidelines in order to identify problems with submitted designs. Each of the items listed below should be submitted in accordance with the plan submission and approval process as outlined in the CC&Rs. When a buyer's plans are approved, the copies will be signed by both the buyer and the Reviewer and a copy will be retained by the Developer and the Horse Creek Farms (Phase II) Owners' Association, Inc. (the "Association"). Signed plan approval by the Reviewer is required prior to the undertaking of any site improvements, including clearing, grading, paving, signs, structures, fences, landscaping, building additions or alterations, and subdivisions.

No changes to these approved plans shall be allowed without prior written approval of the Reviewer. Each application will be evaluated on its own merits.

An application checklist shall be included with each submittal.

- (1) Application for Review: Use for any pre-construction submittal.
- (2) Exterior Materials Selection: Use to obtain approval of all exterior building materials, and to obtain approval of all exterior colors.
- (3) Landscape Review: Use for any site improvements not part of the approved residence.

The Reviewer will, at the owner's request, meet with the owner or his or her representatives at a mutually agreeable time for discussion of any submittals. Any required submittals shall be sent to the Reviewer. Copies of all approved plans and approval letters shall be kept on file at the Association's office.

The Reviewer shall review and approve, disapprove or comment on all plans, requests, and other submissions within thirty (30) days after receiving the plans, requests or submissions.

The design approval process should be approached as follows:

### STEP 1: SKETCH REVIEW SUBMITTAL REQUIREMENTS

When the builder or owner has completed the basic plans and elevations for a new residence or an alteration of an existing home, the Reviewer shall review the submission of the drawings or sketches. Because the Reviewer has the power to reject those designs, materials or details which it views as inappropriate for the community or neighborhood in which the house will be located, or which fail to comply with the appropriate documents, this provision benefits the owner and builder by allowing identification of potential problems at an early stage.

Should the owner or builder have unique site or design conditions which may require a variance, the Reviewer can evaluate the issues in this early stage.

### STEP 2: PRELIMINARY DESIGN SUBMITTAL REQUIREMENTS

Approval of the preliminary design shall be taken as approval to proceed with design

development work and construction documents based upon the preliminary submission itself. By emphasizing the preliminary design review, the Reviewer hopes that all design issues for each residence will be reached before final construction drawings are submitted for review. The documents to be submitted during this phase of the approval process include three (3) sets of each of the following:

- Preliminary Site Plan (at 1"=20') showing locations and finished floor elevations of all proposed improvements (including grading) on the lot, relative to setbacks.
- Preliminary Floor Plan(s) (at 1/8"=1') with finished floor area calculations regarding square footage.
- Preliminary Exterior Elevations (all sides) - note colors and materials
- Preliminary Building/Site Sections
- Preliminary Landscape Plan (at 1"=20')

### STEP 3: FINAL DESIGN SUBMITTAL REQUIREMENTS

Within ninety (90) days after preliminary design approval, the owner/builder shall provide a final submission of three (3) sets of the final construction plans, material samples, and color chips, including the following:

- Site Layout Plan (at 1"=20'), showing locations of all proposed grading and indications of hardscape materials. Provide area calculations for landscape and hardscape.
- Floor Plan(s) (at 1/4" = 1') with finished floor area calculations for landscape and hardscape.
- Exterior Elevation (all sides) - note colors and materials
- Roof Plan: rooflines and pitches, structure, materials, product photos (or samples), color chips
- Typical Wall Sections, showing roof eaves/parapet, window head/jamb/sill and foundation conditions
- Landscape Plan (at 1"=20') showing tree locations, all plant materials, paving, walkways, pools, accessories and irrigation
- Exterior Doors and Garage Doors including specifications, materials, product photos and color chips
- Fences/Walls/Gates: design details materials, color chips, location
- Mechanical Equipment: location, screening details
- Exterior Lighting Details: specifications, product photos
- Driveways: materials, finish, color chips

The Reviewer may meet with the builder to discuss proposed site improvements, but will not grant verbal approval prior to the submission of the landscape plans.

### STEP 4: MINOR CHANGES AND ALTERATIONS

It is anticipated that owners may wish to make improvements or modifications to their residences or property during the initial construction or at a future date. External modifications to existing construction shall only be undertaken after prior review and written approval of the



Reviewer. All plans that are required for a final design submission which are affected by the addition/alteration shall be submitted to the Reviewer. Details as to how the addition will connect to the existing structure or be placed upon the site should be included.

In the case of The Townes units, repainting home exteriors will be approved by the Reviewer when a majority of attached unit owners agree to repaint. All owners requesting the change must sign the Architectural Review application. An owner opposed to repainting will be required to repaint in accordance with HOA governing documents.

Deviation from approved construction documents during construction without the approval of the Reviewer constitutes a violation of the Design Guidelines and the CC&Rs. All corrections of or to such deviations shall be required as provided in the CC&Rs.

All requests for variances shall be made in writing to the Reviewer. Any variance granted by the Reviewer will be considered to be unique and will not set any precedent for any future decisions.

## SITE OPERATIONS

Signage Restrictions: All construction signage shall comply with all applicable CC&Rs. In addition signs shall be attractive and in good repair and conform to these guidelines.

Work Continuity: Upon commencement of excavation for construction, the work shall be continuous, weather permitting, until the residence is completed. All single-family residences must be completed within one (1) year from commencement of construction.

Barricades: Builder shall provide barricades, fences, and guards as necessary to protect against personal injury and damage to residences and improvements adjacent to the work and to prevent the operation of construction equipment and stockpiling of construction materials within the drip line of existing trees, unnecessary cutting, breaking, skinning and bruising of roots, bark and limbs of any trees or other existing landscaping within the community.

Waste Materials: Builder shall at all times keep the lot free of accumulation of waste materials and rubbish.

Litter: Builder shall provide a litter container at each construction site for all litter that can blow free of on-site garbage and trash piles. Builders are required to use silt screening around the construction site to control litter as well as runoff. It is the intention of the developer to be very restrictive with respect to on-site and windblown trash. The builder will be expected to maintain a clean job site characteristic of a first class residential neighborhood.

Chemical Substances: Builder shall dispose of all hazardous or toxic substances off-site in an acceptable manner. THE POURING OR DISCHARGE OF FUEL, PAINT, CONCRETE, OR CHEMICALS ON THE PROPERTY OR IN STORM DRAINS OR SANITARY SEWERS IS PROHIBITED!

Toilet Facilities: Prior to commencing any work, builder shall supply and provide for maintenance of adequate chemical toilet facilities for workers at the building site for the duration of construction on that site in such a manner that the toilets do not constitute a noxious nuisance

for current residents.

Storage of Materials: All building materials shall be stored only on the buyer's property.

Construction Traffic: All construction vehicles shall enter Horse Creek Farms (Phase II) via the east entrance or as otherwise directed by the Developer.

Street Maintenance: The street must be cleaned of any soil, sand, gravel, oil, fuel, litter or other materials at the end of each workday.

Repair of Damage: Any damage to streets, curbs, sidewalks, streetlights, street signs, mail boxes, walls or other property of the Association or any other party during construction shall be the responsibility of the owner or builder who caused such damage and such owner or builder shall repair or pay for the cost of repairing such property or returning such item to its original condition prior to such damage.

Notification: It shall be the owner's responsibility to notify all of his contractors, subcontractors and suppliers of these restrictions. The owner shall be held accountable for any violation. FAILURE TO ABIDE BY THESE CONSTRUCTION RULES AND GUIDELINES MAY RESULT IN LOSS OF THE PERSON'S RIGHT TO ENTER HORSE CREEK FARMS (PHASE II).

#### APPROVED CONTRACTORS

All houses, buildings and structures constructed on any lot in Horse Creek Farms (Phase II) must be constructed by a contractor approved in writing by the Developer or the Association. A list of approved contractors shall be furnished by the Developer or the Association upon request. The Developer may charge approved builders, lot owners, or both, a fee which shall be set from time to time by the Developer and shall be used to reimburse the Developer for expenses incurred in connection with the marketing lots in Horse Creek Farms (Phase II), including, but not limited to, real estate commissions.