

AFTER RECORDING RETURN TO:
KEVIN M. FLAHIVE
ARMBRUST & BROWN, PLLC
100 CONGRESS AVE., SUITE 1300
AUSTIN, TEXAS 78701

ORCHARD RANCH

DESIGN GUIDELINES

Travis County, Texas

Version 1.00

Adopted:

CLAYTON PROPERTIES GROUP, INC.,
a Tennessee corporation doing business in Texas
as **BROHN HOMES**

By: _____
Adam B. Boenig, Vice President

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the ____ day of _____, 2020, by Adam B. Boenig, Vice President of Clayton Properties Group, Inc., a Tennessee corporation doing business in Texas as Brohn Homes, on behalf of said corporation.

(seal)

Notary Public Signature

Adopted by Clayton Properties Group, Inc., a Tennessee corporation doing business in Texas as Brohn Homes, in accordance with the Declaration of Declarations, Conditions and Restrictions for Orchard Ranch, recorded as Document No. _____, Official Public Records of Travis County, Texas (the "**Declaration**"). In accordance with *Section 7.2.3* of the Declaration, these Design Guidelines may be amended from time to time by the ACC (as defined in the Declaration).

INTRODUCTION

Any notice or information required to be submitted to ACC under these Design Guidelines will be submitted to the ACC, Attn: _____, Phone: (512) _____, Email: _____.

Background

Orchard Ranch is a residential community located in the City of Austin, Travis County, Texas. The community is subject to the terms and provisions of the Declaration of Declarations, Conditions and Restrictions for Orchard Ranch, recorded in the Official Public Records of Travis County, Texas (as it may be amended from time to time, the “**Declaration**”). The Declaration includes provisions governing the construction of Improvements and standards of maintenance, use and conduct for the preservation of the Orchard Ranch community.

ACC and Review Authority

Article 7 of the Declaration includes procedures and criteria for the construction of Improvements within Orchard Ranch community. The Declaration provides that any and all Improvements shall be erected, placed, constructed, painted, altered, modified or remodeled in strict compliance with the requirements of the Declaration and Design Guidelines with the prior written approval of the ACC.

The ACC consists of members who have been appointed by Clayton Properties Group, Inc., a Tennessee corporation doing business in Texas as Brohn Homes (the “**Declarant**”). As provided in Article 7 of the Declaration, Declarant has a substantial interest in ensuring that Improvements within the Orchard Ranch development maintain and enhance Declarant’s reputation as a community developer and do not impair Declarant’s ability to market and sell all or any portion of the community, and as a consequence thereof, the ACC acts solely in Declarant’s interest and shall owe no duty to any other Owner or Orchard Ranch Residential Community, Inc. (the “**Association**”).

Unless alternate Design Guidelines are adopted for portions of the Property, these Design Guidelines will apply to all Lots within the Property.

Governmental Requirements

Governmental ordinances and regulations are applicable to all Lots within Orchard Ranch. It is the responsibility of each Owner to obtain all necessary permits and inspections. Compliance with these Design Guidelines is not a substitute for compliance with the applicable ordinances and regulations. Please be advised that these Design Guidelines do not list or describe each requirement which may be applicable to a Lot within Orchard Ranch. Each Owner is advised to review all encumbrances affecting the use and Improvement of their Lot prior to submitting plans

to the ACC for approval. Furthermore, approval by the ACC should not be construed by the Owner that any Improvement complies with the terms and provisions of any encumbrances which may affect the Owner's Lot. Certain encumbrances may benefit parties whose interests are not addressed by the ACC.

The ACC shall bear no responsibility for ensuring plans submitted to the ACC comply with Applicable Law. It is the responsibility of the Owner to secure any required governmental approvals prior to construction on such Owner's Lot.

Interpretation

In the event of any conflict between these Design Guidelines and the Declaration, the Declaration shall control. Capitalized terms used in these Design Guidelines and not otherwise defined in this document shall have the same meaning as set forth in the Declaration.

Amendments

The ACC, acting alone, may amend these Design Guidelines. All amendments shall become effective upon Recordation. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or approved and in progress. It is the responsibility of each Owner to ensure that they have the most current edition of the Design Guidelines and every amendment thereto.

Architectural Review Process

Submittals

Unless otherwise provided in the Declaration, requests for approval of proposed construction, landscaping, or exterior modifications shall be made by submitting the following information (collectively, the "**Submittal**") to the ACC via email in PDF formatted electronic files:

1. A site plan showing the location of all proposed and existing structures on the Lot and in the right-of-way, as well as identifying building setbacks, driveways, walkways, street lights, mailboxes, utility boxes, storm drain inlets, proposed right-of-way trees, and all siltation and erosion control measures;
2. A foundation plan;
3. A floor plan;
4. Exterior elevations of all proposed structures and alterations to existing structures, as the structures will appear after all back-filling and landscaping are completed;
5. Specifications of materials, color scheme, lighting scheme, and other details affecting the exterior appearance of all proposed structures and alterations to existing structures (the ACC may require samples of all materials); and
6. Landscaping and grading plans.

A master submittal containing the above-described information may be submitted for approval in lieu of individual Submittals for each Lot. So long as all structures are in substantial conformity with the master submittal, no further submission is required.

Timing

The ACC will attempt to review all applications and submittals within thirty (30) days. Please allow at least thirty (30) days prior to installation or construction for the ACC to review the related applications. Please be advised that in the event that any plans and specifications are submitted to the ACC and the ACC fails to either approve or reject such plans and specifications for a period of thirty (30) days following such submission, the plans and specifications shall be deemed disapproved.

Responsibility for Compliance

An applicant is responsible for ensuring that all of the applicant's representatives, including the applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Design Guidelines and all requirements imposed by the ACC as a condition of approval.

Inspection

Upon completion of all approved work, the Owner shall notify the ACC. The ACC may, but shall in no event be obligated to, inspect the work at any time to verify conformance with the approved submittals.

ARCHITECTURAL AND AESTHETIC STANDARDS

Aesthetic Appeal

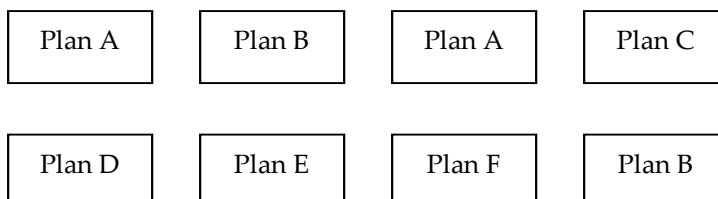
The ACC may disapprove the construction or design of a home on purely aesthetic grounds. Any prior decisions of the ACC regarding matters of design or aesthetics must not be deemed to have set a precedent if the ACC determines that the repetition of such actions would have any adverse effect on the community.

Plan Repetition

The ACC may, in its sole and absolute discretion, deny a plan or elevation proposed for a particular Lot if a substantially similar plan or elevation exists on a Lot in close proximity to the Lot on which the plan and/or elevation is proposed. The ACC may adopt additional requirements concerning substantially similar plans or elevations constructed in proximity to each other.

For Example:

- *Plan can be repeated every other Lot (example: Plan A, Plan B, Plan A, and Plan C).*

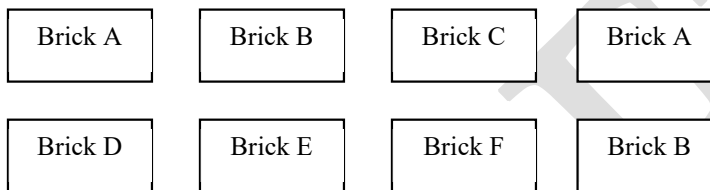


- *Across the Street: Same plan cannot be placed on a Lot across the street or diagonal from any other plan (example above: Plan B).*

Brick Color and Masonry Stone Repetition

The ACC may, in its sole and absolute discretion, deny proposed brick or masonry for a particular Lot if substantially similar brick or masonry exists on a Lot in close proximity to the Lot on which the brick or masonry is proposed. The ACC may adopt additional requirements concerning substantially similar brick or masonry constructed in proximity to each other. For Example:

- *Similar brick or masonry can be repeated every third Lot (example: Plan A, Plan B, Plan C, and Plan A).*



- *Across the Street: Same brick or masonry cannot be placed on a Lot across the street or diagonal from any other brick or masonry (example above: Brick B).*

Building Materials

See Declaration.

Masonry Requirements

See Declaration.

Siting/Setbacks

See Declaration.

Temporary/Accessory Structures

No tent, shack, or other temporary building or structure may be placed within the Community without the prior written approval of the ACC.

Prohibited Elements

The following architectural elements are prohibited within Orchard Ranch unless expressly approved in writing by the ACC:

Roofs

- Excessively pitched roofs.

- Mansard, gambrel or chalet roofs.
- Flat roofs.
- Roofs that are too steep or too shallow for the style of the home,
- Shed roofs except as incidental to the main roof.

Design Elements

- Unnecessarily prominent chimneys and other roof penetrations.
- Vents or skylights facing the street.
- White or bubble skylights.
- Mirrored glass.

Materials and Colors

- Wood siding (wood siding accents may be permitted if approved by the ACC).
- Cultured stone.
- Aggregate driveways.
- Gray brick.

Building Height

See Declaration.

Foundation

Unless otherwise approved in advance by the ACC, no foundation may be exposed in excess of twelve inches (12") on front elevations or thirty inches (30") on any other elevation. No party may use substantial backfill around the foundation creating unnatural finished grade conditions as a means to reduce exposed foundation sides. Masonry planters may also be used in front of exposed foundations to visually screen the foundation. These planters must be of matching or compatible building material.

Patios

No patio, porch or other cover or awning may be erected, placed, installed or constructed upon any Lot by any party other than Declarant and any Homebuilder if approved by Declarant, without the prior consent of the ACC. Every such item must be compatible with the residence to which it is appurtenant in terms of its design and material composition. Exterior paint and roofing materials of such outbuildings must be consistent with the existing paint and roofing materials of the residence, or as otherwise approved by the ACC.

Gazebos / Porches

No gazebo, arbor, porch or other free standing or attached structure of any nature may be erected, placed, installed or constructed upon any Lot by any party other than Declarant and any Homebuilder if approved by Declarant, without the prior consent of the ACC. Every such item must be compatible with the residence to which it is appurtenant in terms of its design and material composition. Exterior paint and roofing materials of such outbuildings must be consistent with the

existing paint and roofing materials of the residence, or as otherwise approved by the ACC. All gazebos and arbors must have natural stain preservative. No such structure may (i) be taller than twenty feet (20'), (ii) be more than three hundred square feet (300 sf), or (iii) be located within any easement or building setback.

Roofs and Chimneys

The pitch of the primary roofing surface, excluding accessory porches, must be a minimum of a four (4) to twelve (12) roof pitch and a maximum of fourteen (14) to twelve (12). Accent roofs and roofs over rear porches may be three (3) to twelve (12). The pitch, color and composition of all roof materials must be approved in writing by ACC. Roof vents and other penetrations must be as unobtrusive as possible and must match the principal color of the roof unless approved in advance by the ACC. Chimneys must be constructed of one-hundred percent (100%) masonry. Only brick, stucco and natural stone shall be considered masonry for purposes of this provision.

Garages

All garages must be approved in advance of construction by the ACC. No detached garages or servant's quarters shall be permitted without the prior written approval of the ACC.

Mailboxes

Mailboxes are to be provided by the Owner and approved by the ACC. The bottom of the receptacle of mailbox shall conform to the dimensions required by the United States Postal Service and shall be constructed of materials matching those used in the construction of the residence. The structure shall not exceed five feet (5') in height nor two feet (2') in depth or width.

Driveways

The design, composition and location of all driveways must be approved in advance by the ACC.

Driveways must be constructed of concrete with a broom finish. Driveways must permit entry by standard mid-size vehicles without "bottoming out" in the transition area between the street and property line as well as the driveway area between the property line and the garage.

Exterior Lighting

All exterior illumination must be approved in advance of installation by the ACC.

Exterior lighting must be kept to a minimum, but consistent with good security practices.

No exterior light whose direct source is visible from a street or neighboring Lot or which produces excessive glare to pedestrian or vehicular traffic may be allowed.

Use of other than white or color-corrected high intensity lamps and exterior lights shall not be allowed. Holiday lighting is an exception; however, all holiday lighting must be removed within thirty (30) days after the holiday. Sodium, mercury vapor, or bare HID yard lights are not allowed.

Miscellaneous

Septic Systems

All on-site septic facilities shall be designed, permitted, installed and operated in conformance with applicable Travis County and City of Austin regulations.

HVAC Screening

Air conditioning compressors and pool equipment shall be enclosed by a structural or landscape screening element constructed of materials approved by the ACC. The screening elements shall be consistent with materials on the primary structure and the screening will be from both the front street and from neighboring residences. Solar Screens are expressly permitted.

Barbecue Grills

Freestanding barbecue grills are permitted only if they are stored and used in the rear yard space of the Lot that is not visible from the street.

Signage

Except as provided in the Declaration and these Design Guidelines, no sign of any kind may be displayed to the public view without the prior written approval of the ACC. While the ACC expressly retains its right to review and approve or disapprove signage throughout the community, "booster club"-type signs in support of sports teams will generally be permitted, provided that such signs are: (i) no larger than 18" by 24" and (ii) do not remain on display for more than ninety (90) days. Banner signs are prohibited on any Lot. No signage is allowed to be posted on any fence on Lots within the community.

Flags

The flag requirements are set forth in the Declaration.

Solar Energy Devices

The solar energy device requirements are set forth in the Declaration.

Rainwater Harvesting Systems

The rainwater harvesting systems requirements are set forth in the Declaration.

Propane Tanks

All propane tanks shall be sub-surface. Above-ground or elevated propane tanks are prohibited, unless otherwise approved by the ACC.

LANDSCAPE GUIDELINES

Detailed landscape plans for each Lot may be submitted to the ACC for consideration after construction of the primary residence thereon has begun, so long as such submission occurs at least ninety (90) days before completion of the residence. Upon written request, however, the ACC may waive the requirement of landscape plans for any Lot if the Homebuilder uses plans previously approved by the ACC for another Lot. There must be no revisions made to approved plans without submission to, and approval by, the ACC of the revised plans.

Native vegetative areas may exist on up to fifty percent (50%) of the rear of a Lot (i.e., the rear and side yard areas behind a fence) and, once designated, must remain undisturbed, except as otherwise provided herein ("**Native Areas**"); provided, however, that Native Areas may not be located closer than thirty feet (30') to the residence on a Lot. Native Areas must be depicted on the detailed landscape plan for a Lot. All portions of a Lot other than those containing Native Areas or Improvements are hereinafter referred to as "**Yard Areas**."

Native Areas are permitted in the front and side yard of a Lot when retaining an existing tree or existing trees. These Native Areas shall be mulched. Otherwise, one hundred percent (100%) of the front and side yards of a Lot shall be Bermuda or Zoysia sod, plants, or a combination thereof. Yard Areas in the front of the Lot must contain at least two (2) new planted trees, each of which must be at least three inches (3") in diameter, and at least ten (10) shrubs sized five (5) gallons or more.

All landscaping located on a Lot must be properly maintained at all times by the Owner. Each Owner must keep all shrubs, trees, grass, and plantings of every kind, excluding those located within the Native Areas, on his Lot cultivated and pruned. All portions of a Lot must be kept free of trash and other unsightly material. All Improvements upon a Lot must at all times be kept in good condition and repair and adequately painted or otherwise maintained by the Owner. Declarant, the Association, and the ACC have the right at any reasonable time to enter upon any Lot to replace, maintain, and cultivate shrubs, trees, grass, or other plantings as deemed necessary; and to paint, repair, or otherwise maintain any Improvements in need thereof, and to charge the cost thereof to the Owner.

Any Owner who wishes to plant one or more gardens upon their Lot must obtain the approval of the ACC of any such garden and must follow applicable requirements as to size of the Lot, visibility of the Lot from other Lots, streets or common areas, and such other matters as the ACC may specify in any written approval.

Landscape plans must include structural or vegetative screening for above ground utility connections visible from any street or adjacent properties.

The ACC reserves the right to require additional landscaping for pools, cabanas and other hardscape elements that may be constructed after completion of the residence and associated landscaping.

Hardscape elements in the landscaping must be in scale with the residence and associated structures. Sculptures and fountains are subject to approval by the ACC.

Notwithstanding any requirements to the contrary, Owners must comply with all applicable governmentally imposed water use restrictions and must be granted appropriate relief from any specific requirement set forth in these Design Guidelines that cannot reasonably be complied with, as determined by the ACC, as a result of such water use restrictions.

Xeriscaping

Xeriscaping refers to landscaping and gardening in ways that reduce or eliminate the need for supplemental water from irrigation. It is promoted in regions that do not have easily accessible, plentiful, or reliable supplies of fresh water. Common elements in xeriscaping are the reduction of lawn grass or sodded areas (since lawn grass is often one of the worst offenders against water conservation), and the installation of indigenous plants that are adapted to the local climate and consequently require less water.

The use of Xeriscape is strongly recommended, including low-water use landscapes (native species which are drought tolerant), subject to the requirements and procedures set forth in the Declaration. Any homeowner interested in replacing a standard sod lawn by xeriscaping with native groundcovers, plants, or mulch shall submit a landscape plan before removing any sod installing any plant material. All plans will be reviewed on a case by case basis and shall conform to the guidelines established in the Declaration and these Design Guidelines.

Irrigation

An irrigation system is a required element of the landscape plan and shall be included on each Lot. A licensed irrigation contractor shall be used in conjunction with design and final implementation of the plan.

Landscape Inspection

The ACC may, upon the owner's completion of the installation of landscaping, conduct an on-site inspection of the property to ensure compliance with the approved plan.

Drainage

Responsibility for proper site drainage rests with the Owner. There shall be no interference with the established drainage patterns except by Declarant, unless adequate provision is made for proper drainage and such provision has been certified by a professional engineer and approved in advance by the ACC. Each Owner is solely responsible for correcting any change in water flow or drainage caused by the construction of Improvements on such Owner's Lot.

Gates, Fences and Retaining Walls

The height, location, design and color of gates, fences and retaining walls must be approved by the ACC.

The construction of a perimeter fence on each Lot is optional, at the discretion of the Owner of the Lot. If the Owner of a Lot elects to construct a perimeter fence on the Lot, said fence must be constructed and maintained in accordance with the terms of this provision. All fences and walls must comply with applicable municipal or governmental requirements and the requirements of the applicable Declaration. No fence, wall or hedge will be erected or maintained on any Lot nearer to the street than the building setback lines for the front and side yards, except for fences erected in conjunction with model homes or sales offices; and provided further, no fence shall be less than five feet (5') behind the front of the residence on any Lot. Fences constructed on corner lots may be erected one foot (1') from the sidewalk and/or curb for the side yard as long as such fencing complies with applicable municipal or governmental requirements and the requirements of the applicable Declaration. All perimeter fences must be constructed of wrought iron or such other material as the ACC may approve, except for retaining walls or decorative walls approved by the ACC. All perimeter fences must be six feet (6') in height unless another height is approved by the ACC but, in any event, no such fence may be less than four feet (4') in height or greater than eight feet (8') in height. No chain-link, metal cloth or agricultural fences may be built or maintained on any Lot. Unless otherwise agreed between Owners, side and rear yard fences that separate adjacent Lots will be owned and maintained by the Owner on whose Lot the fence exists, or if the location is indefinite, such fence must be maintained by the Owners whose Lots are involved jointly with expenses being shared equally. Notwithstanding the foregoing, the ACC has the right and authority to approve variances of fencing height, material and/or location for reasonable cause or to alleviate hardship as determined in the sole judgment of the ACC; provided, however, the ACC may not approve a variance which contradicts municipal zoning and/or subdivision ordinances unless the municipality has previously approved the variance. Decorative fencing may be allowed on the Lots in accordance with regulations established by the ACC. On Lots that back up to a creek or other water feature, including water quality and water detention features, the property line facing the creek or water feature shall be improved with an "Ornamental Metal" fence of a nature, material, color and height established by the ACC, and must be constructed by the Owner or Homebuilder within sixty (60) days from the date the residence on the Lot is completed or occupied, whichever occurs first. On Lots facing the creek or water feature whose terrain will not allow the fence along the property line, the fencing must be located along a line established by the ACC at a location above the lower terrain grade that would allow the safe and effective construction of the fence. Any such line shall be deemed an exception to any fence location requirements or setback requirements herein.

Pool Plans

No pool or deck of any nature may be erected, placed, installed or constructed upon any Lot by any party other than Declarant and any Homebuilder if approved by Declarant, without the prior consent of the ACC.

Swimming pools must be in-ground (above-ground pools are prohibited), or a balanced cut and fill, and must be designed to be compatible with the Lot and the residence.

The following rules apply to such Improvements:

- a. In-Ground Pool. Each in ground pool must be surrounded by a six foot (6') privacy fence (which must meet all governmental regulations for safety) and have self-closing gates, must be five feet (5') from fence and property line, must not occupy more than two-thirds (2/3) of the back yard, and cannot be in a public utility easement or building setbacks.
- b. Masonry Pools. No non-masonry pools shall be located on any Lot.
- c. Decks. Each Deck must be five feet from fence and property line, not be located in any easement, and be constructed of wood, or other material approved by the ACC, and if wood finished with a natural stain or preservative only.
- d. Drainage. Pools shall be constructed and located so that they do not affect, change or interfere with the natural drainage of any Lot and do not increase any drainage onto any other Lot. Prior to the construction of a pool, the ACC must be provided a written certification form the pool contractor or engineer that the location and construction of the pool will not affect, change or interfere with the natural drainage.

Playscapes and Sport Courts

Outdoor playscapes and sport courts, such as basketball goals, playscapes, swing sets and sport courts, of a permanent nature may not be placed on any street or on any Lot in the Community between the street right-of-way and the front of a residence or within any building setback or any easement, and must be approved by the ACC. Temporary facilities may be placed, utilized and removed from view from the street during the course of a day. All playscapes and sport courts must (i) be no taller than twelve feet (12') at its highest point, (ii) if applicable, have only canopies with solid, neutral colors, (iii) be at least five feet (5') from each fence and/or fifteen feet (15') from each property line, (iv) not be located forward of the rear elevation of the residence, (v) be located in the rear yard only at a distance of not less than thirty feet (30') from side and rear property lines, and (vi) not be in any easement of or building setback.

Sport Courts may not be lighted or enclosed with netting. Tennis courts and batting cages are not permitted.

EROSION CONTROL AND CONSTRUCTION REGULATIONS

The following restrictions shall apply to all construction activities at Orchard Ranch. Periodic inspections by a representative of the ACC may take place in order to identify non-complying construction activities. If items identified as not complying with the regulations are not remedied in a timely manner, fines will be levied.

Erosion Control Installation and Maintenance

It is the responsibility of each owner to install erosion control measures prior to the start of construction and to maintain them throughout the entire construction process.

Silt fencing installed to all applicable standards is required to be properly installed and maintained to protect the low sides of all disturbed areas, where stormwater will flow during construction. The purpose of the silt fence is to capture the sediment from the runoff and to permit filtered, clean water to exit the site. The owner should anticipate that built-up sediment will need to be removed from the silt fence after heavy or successive rains, and that any breach in the fencing will need to be repaired or replaced immediately.

If for any reason the silt fence is to be temporarily removed, please contact a representative of the ACC prior to the removal.

Security

Neither the ACC, the Association, nor the Declarant shall be responsible for the security of job sites during construction.

Construction Hours

Unless a written waiver is obtained from the ACC, construction may take place only during the following hours: Monday through Friday from 7:00 a.m. until 7:00 p.m., and on Saturdays and Sundays from 9:00 a.m. until 6:00 p.m.

Noise, Animals, Children

No noise or other nuisance may be permitted to exist or operate within any portion of the Community so as to be offensive or detrimental to any other portion of the Community or to its occupants. The use of radios, tape and CD players must be restrained so as not to be heard on an adjoining Lot or street.

Contractors and subcontractors may not bring dogs or children under 16 years of age to construction sites.

Material and Equipment Storage

All construction materials and equipment shall be neatly stacked, properly covered and secured. Any storage of materials or equipment shall be the Owner's responsibility and at their risk. Owners may not disturb, damage or trespass on other Lots or adjacent property.

Insurance

The ACC requires an Owner to procure adequate commercial liability insurance during construction naming the Association, the Declarant and the ACC as additional insureds, in an amount to be determined, from time to time by the ACC.

Site Cleanliness

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming an eyesore.

Owners shall provide a container for debris and shall clean up all trash and debris on the construction site on a daily basis. Trash and debris shall be removed from each construction site on a timely basis. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site.

The dumping, burying or burning of trash is not permitted anywhere in Orchard Ranch.

It is imperative that, when moving heavy equipment around, precautions be taken to prevent damage to pavement, curbs, and vegetation. Crawler tractors are not to be operated on paved or concrete surfaces. Mud, dirt and other construction debris that is tracked off site shall be cleaned on a daily basis.

Sanitary Facilities

During construction, a temporary sanitary facility (chemical toilet) must be provided and maintained for the use of construction workers.

Construction Parking

Construction crews shall not park on, or otherwise use, other Lots. No construction vehicle will be permitted to leak oil or otherwise damage or deface any street located within the community.

Schedule of Fines

Periodic inspections by a representative of the ACC may take place in order to identify non-complying construction activities. Listed below is the schedule of fines which may be assessed.

Premature Clearing	\$500
Construction Without ACC Approval	\$500
Encroachment on Adjacent Properties	\$500 plus cost of repair
Violation of Rules, Restriction or Guidelines	\$50/day

Duration of Construction

A residence shall be complete and available for occupancy on or before eighteen (18) months after the start of construction.

PLAN SUBMITTALS

New residential home construction within Orchard Ranch will utilize a two-stage review process. No Improvements may be commenced until the Owner has received a written "Approval" from the ACC.

PLAN BOOK, MATERIAL AND LANDSCAPE REVIEW

The applicant shall first submit for approval plans for the home designs to be offered in the neighborhood including the exterior elevations and landscaping associated with each plan.

The Plan Book, Material, and Landscaping Review will require the submission of the following information:

- Floorplans
- Elevations of all sides of each home indicating
 - Roof pitch
 - Roof peak height above the foundation
 - Exterior materials- walls, roof, chimney
 - Window specifications
 - Chimney cap materials/design
 - Heated/air conditioned square footage of each floor and the total heated/air conditioned square footage
- Material samples, including stone samples (colors and patterns), mortar colors, stucco colors, trim colors, roof materials and colors, and window materials and colors shall be approved in advance by the ACC. The ACC reserves the right to request samples of all materials. **PLEASE BE ADVISED THAT PLAN BOOK AND MATERIAL REVIEW IS NOT FINAL APPROVAL. SPECIFICALLY, MATERIAL TO BE INCORPORATED INTO A RESIDENCE OR IMPROVEMENT IS NOT APPROVED FOR USE ON A PARTICULAR RESIDENCE OR IMPROVEMENTS UNTIL THE FINAL PLAN REVIEW FOR THE RESIDENCE AND/OR IMPROVEMENT HAS BEEN SUBMITTED TO AND APPROVED BY THE ACC.**
- Sample Landscaping Plan
 - General boundaries of turf areas with type of turf noted
 - General locations of all proposed plants
 - Listing of materials Plan

FINAL PLAN REVIEW

A completed Final Plan Application shall be submitted for review and approval to the ACC prior to the construction of any improvements on a Lot. The Final Plan Application shall also include all information required to be submitted as set forth on the application.

ATTACHMENT 1

ORCHARD RANCH

ARCHITECTURAL CONTROL COMMITTEE FINAL PLAN REVIEW CHECKLIST

ADDRESS _____ CONTACT INFO: _____

Application Packages should contain the following information:

Site/Construction Plan (1"=10' min)	Landscape Plan & Application or Deferral Request
Floor Plans (1/4"=1'0")	Sample Board with Exterior Colors
Roof Plan (1/4"=1'0")	Design Review and Compliance Fees
Exterior Elevations and Details (1/4"=1'0" min)	Variance Request Application and Fees if needed
Pool Plans & Application	

The following information shall be included on all submissions in order to be accepted for review:

___ Appropriate Design Review Fee	___ Appropriate Compliance Deposit
___ Address & Subdivision	___ Homeowner Name
___ Site plan at 1'=10' minimum	___ Impervious cover calculations
___ Site dimensions	___ Roof pitches indicated
___ Property Lines	___ Building Height per restrictions
___ Setbacks	___ Overhangs called out
___ Easements and Encroachments	___ Chimney materials
___ Utility locations and proposed trench lines	___ Square footage and 1 st and 2 nd floor ratios
___ Location of Propane Tanks	___ Location of Septic System
___ HVAC unit locations and screening	___ Max exposed masonry to finished grade
___ Driveway and culvert locations	___ Silt fencing location
___ Sidewalks, patio, covered porches	___ Chain link fence location
___ Accessory site development/out building	___ Const entry of 3"-5" rock at least 10'x15'
___ Tree survey if applicable	___ Dumpster location
___ Swimming pool location	___ Materials storage location
___ Fencing design and color	___ Port-o-let location
___ Building location	
___ Written description of post development drainage patterns or grading plan	
___ Copy of NPDES Permit	

PLEASE RETURN TO:

ORCHARD RANCH

LANDSCAPE DEFERMENT APPLICATION

Date: _____ Lot/Block: _____ Subdivision: _____

Owner: _____ Landscape Architect: _____

Reason for deferment:

Date of plan submittal: _____

FOR BOARD USE ONLY

DATE _____

Approved as submitted _____ Returned for more information _____

Denied _____

Comments _____

Please return the requested information to:
