

Appendix “A”

DESIGN RESTRICTIONS & GUIDELINES FOR THE RANCH AT DELAWARE CREEK

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1. INTRODUCTION

The Ranch at Delaware Creek is thoroughly planned as a private residential community to realize the extraordinary potential of this special property in the magnificent Texas Hill Country. The intent of these Design Guidelines is to maintain a high level of design quality, compatibility and appropriateness for the community. This document describes the architectural intentions for this community. Please also refer to Section 9 in the CCR's.

These guidelines are being promulgated and will be enforced by The Ranch at Delaware Creek Property Owners' Association, Inc. (the "P.O.A."). The Design Guidelines are administered by the Design Review Committee and enforced by the Board of Directors. This Committee is empowered to act by virtue of the recorded deed restrictions which are part of the rights and responsibilities of ownership in The Ranch at Delaware Creek. The Committee shall consist of no less than three (3) members. Three members constitute a quorum. Matters of judgment on what is appropriate or inappropriate or excessive will be decided by the Design Review Committee. The Design Guidelines are binding upon all persons who construct, refinish, or alter any part of the exterior of a building or make other improvements upon, under or above any property, make any change in the existing surface contour or drainage, or install any utility line thereon or there over. The objective of the Design Guidelines and the Design Review Committee is to avoid harsh contrasts between the natural landscape and anything built upon it, to encourage good design related to this culture and climate, and to develop a harmony between buildings and the site.

The deed restrictions applicable to The Ranch at Delaware Creek include the Master Declaration of Covenants, Conditions and Restrictions for The Ranch at Delaware Creek, filed in the Real Property Records of Burnet County, Texas, including any amendments thereto (the "Deed Restrictions").

2. THE DESIGN REVIEW PROCESS AT THE RANCH AT DELAWARE CREEK

The following series of steps for reviews and approvals must be followed as you plan and build your residence.

2.1 GET TO KNOW YOUR SITE AND THE MASTER PLAN FOR THE RANCH AT DELAWARE CREEK

A residence in The Ranch at Delaware Creek should reflect the philosophy and vision of the community projecting a classic central Texas style. Rather than being viewed as individual structures, the homes at The Ranch at Delaware Creek are considered part of a cohesive fabric that weaves together the places where people live with the natural beauty that draws people to this community. Putting living spaces outdoors and incorporating elements of the outdoors in the buildings helps to establish this marriage of environment and domicile and is considered a core element of every home at The Ranch at Delaware Creek.

While character and variety are encouraged, strong contrasts and differences among form, size, massing, color, and materials from one home site to the next are discouraged by The Ranch at Delaware Springs Design Review Committee. The purpose is not to create a homogenous community where all colors and materials are identical, but to create an environment where architecture and landscape are in harmony and serve to celebrate and

complement the existing natural landscape. No particular residential project should stand apart in its design or construction so as to detract from the overall appearance of The Ranch at Delaware Springs.

ACQUAINT YOURSELF WITH THESE GUIDELINES AND THE OTHER DOCUMENTS MENTIONED IN THE INTRODUCTION WHICH REGULATE THE DEVELOPMENT TO ASSIST IN PROTECTING VALUES FOR EVERY HOMEOWNER. CHOOSE AN ARCHITECT OR AN ARCHITECT-BUILDER. BE SURE THAT YOUR DESIGNER IS FAMILIAR WITH THE DESIGN GUIDELINES, THE REVIEW PROCESS DESCRIBED HEREIN, AND THE FOLLOWING:

1. The Deed Restrictions
2. The Uniform Building Code and all other applicable codes and ordinances of governmental jurisdictions. (Approval by the Design Review Committee does not constitute or imply compliance with such codes and ordinances.)

2.2 PRE-DESIGN MEETING WITH DESIGN REVIEW COMMITTEE

Prior to beginning work on the design of your house, you and your Designer/Builder are required to meet with the Design Review Committee to discuss your particular site and to identify any special design concerns.

2.3 PRELIMINARY DESIGN REVIEW

After the pre-design meeting described above, owners will submit their preliminary plans to the Design Review Committee for review. The purpose of this is to ensure that your design conforms to these Design Guidelines.

The Design Review submittal shall include one full size complete set of plans, and PDF, file of same.

1. Proposed site plan presented at a minimum scale of 1" = 10' - 0" indicating property lines, existing and proposed contour lines at 2' - 0" intervals, locations of all trees larger than 4" caliper, building location, driveway and parking areas, easements, utilities, utility meter locations, air conditioning compressor locations and any accessory site development of any kind such as walls, swimming pools, or accessory buildings. Required setbacks must be indicated.
2. Proposed floor plans, all exterior elevations, and both longitudinal and cross building sections showing existing and proposed contours, all at a minimum scale of 1/4" = 1' - 0".
3. An actual site stake-out of the building corners, by a certified surveyor with connecting colored tape to show building outline, driveways and other improvements. In determining the proper location for each improvement, the Design Review Board shall consider the location of existing and future improvements on adjacent sites and such other aesthetic considerations as may be deemed necessary.
4. A statement of the square footage of the proposed building, of the building lot coverage and of the total of all impervious cover.
5. Homes will have living areas (exclusive of open porches & garages) not less than 2,200 sq./ft. for a single-story structure and not less than 2,500 sq./ft. for a two-story structure.

The first floor of a two-story structure must contain no less than 80% of the total interior volume of the structure unless specifically approved by the design Review Board.

The use of a landscape architect or service is encouraged to help the owner; architect and/or builder identify the critical elements of the site. These elements should appear on the schematic site plan.

The Design Review Committee will review the Design Review submittal in detail for compliance with the technical requirements and the intent of the Design Guidelines and provide a response within two to three weeks. Modifications to the Design Guidelines may be approved in certain instances; that will be the exception rather than the rule. The logic behind a requested variance should be carefully documented.

The owner submitting plans for approval to the Design Review Committee is responsible for the verification and accuracy of all material submitted to the Committee including all dimensions, elevations, and the location of the key features of the natural terrain. Each owner through his designer shall certify to the accuracy thereof before the Design Review Committee will undertake the review.

2.4 FINAL DESIGN REVIEW

The final step in the review process is the Final Design Review. One complete set and pdf copy of corrected drawings and stakeout requirements of the Preliminary Design Review are required to be updated and presented in appropriate detail for the Final Design Review. Additionally, all dimensions of rooms, exterior doors and windows, heights of all roofs, chimneys, exterior walls and fences shall be shown. All exterior elevations shall include a description of materials and scale indications along with sufficient detail to represent the visual expression of the building and its architectural detail.

A sample board or representative color pictures shall be provided which will be reviewed and retained by the Design Review Committee. Samples shall be identified with manufacturer's name, color and or number. This board shall include:

1. Roof material and color
2. Wall material (s) and color(s)
3. Exterior trim material(s) and color(s)
4. Chimney material and color
5. Window trim color
6. Exterior door color(s)
7. Stone or rock to be used and mortar specification.

The construction schedule shall be included.

Within sixty days after approval for construction, a proposed landscape plan shall be submitted. This plan shall be drawn at a minimum scale of 1" = 10' - 0" and shall include proposed plant material (name and size), existing plant material (name and size) decks, fencing, pavements, service yards, driveways, any freestanding structures, outdoor lighting, and irrigation systems. Exterior mechanical equipment and all utility connections, entry

panels, 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.

The Final Design Review documents are to be submitted to the Committee at least one **week prior to a scheduled Committee meeting. No dirt work or construction can start** without letter of approval from the Design Review Committee. If, after visiting the proposed building location and reviewing the plans, the Design Review Board determines that the documents are in order, a written approval will be issued.

2.5 BUILDING PERMITS

Prior to beginning construction, the Design Review Committee will issue a notice to proceed, additionally all required building permits must be obtained by the owner from the appropriate governmental agencies. Copy of each permit must be filed with Design Review Committee.

2.6 BUILDING LAYOUT AND SITE SURVEY

Prior to pouring the foundation, a survey prepared by a registered surveyor is required and must be placed on file with the Design Review Committee, identifying all property lines and the proposed locations of the building outline, the driveway, and structures located on adjoining properties.

2.7 INSPECTIONS

ONLY during construction, the Design Review Committee or another representative or agent of the Committee or the P.O.A. may make inspections. It is the responsibility of the homeowner or builder to have third party inspections to ensure that construction conforms to plans.

2.8 CHANGES

No changes in the plans or materials approved by the Design Review Committee may be undertaken without the Committee's prior approval. No work shall be undertaken, other than routine maintenance, which will result in changes, visible or apparent, to the exterior appearance or floor plan without prior written approval of the Committee.

2.9 COMPLETION OF PROJECT

The homeowner shall provide a copy of the certificate of occupancy issued by the City of Burnet.

2.10 THE DESIGN REVIEW COMMITTEE LIABILITY

Neither the Design Review Committee nor any affiliated persons or entities or their respective successors or assigns, shall be liable in damages to anyone submitting plans or other materials to them for approval or to any owner by reason of mistake in judgment, negligence or failure to approve any plans or other materials. Every owner or other person who submits plans to the Design Review Committee for approval agrees, by submission of

such plans or other materials, that he will not, and waives any right to bring any action or suit against the Committee for any purpose.

These Design Guidelines may be enforced by the Design Review Committee and/or the P.O.A. Board as provided herein and in the Declaration.

The Design Review Committee shall have the right to amend and modify these Design Guidelines at any time in its sole discretion, which amendments and modifications will be binding on and enforceable against all owners.

3.0 SITE DESIGN GUIDELINES

To help owners, architects and builders design and build residences that are compatible with the intentions of The Ranch at Delaware Creek, a number of guidelines have been prepared for site design, architecture, and landscape design. Certain provisions may be modified by the Design Review Board when an owner, architect or builder can show that the basic intent of the Guidelines will not be adversely affected by the modification requested.

3.1 BUILDING ENVELOPE, ORIENTATION, SETBACKS, AND HEIGHTS

Site location of each building is of critical importance to the design success of the individual homes and of the entire neighborhood. Topography affects the views from your home and from your neighbors to the side and above you. Side yard setbacks and staggering of homes on adjacent home sites will provide extra privacy and a sense of separateness.

Because no two home sites are exactly alike and many orientations are involved, the Committee will review each plan for a dwelling and other improvements in relation to the specific characteristics of the particular home site and its surroundings. Characteristics such as topography, adjoining home sites and natural features, or open spaces may require special consideration. The Committee will review each plan for dwellings to be located on home sites adjacent to such features for appropriateness and consider exceptions that would benefit the neighborhood and the dwelling.

Except as permitted by the Design Review Committee, or as shown on any plat of the Subdivision, the building setbacks for each lot shall be as follows:

- (i) the minimum side yard building setback shall be ten feet **(10ft)** from each side lot line not abutting a public right-of-way;
- (ii) the minimum side yard building setback shall be twenty-five feet (25') from each side lot line abutting a public right-of-way;
- (iii) the minimum rear yard building setback shall be twenty feet (20') from the lot line; and, City of Burnet Requirement supersedes the POA requirements.
- (iv) the minimum front yard building setback shall be twenty-five feet (25') from the lot line at the public right-of-way, street or road on which the lot is located.

Measurements for yards will be made from the outer extremity of a dwelling, garage or other structural Improvement that is located or to be located on the lot. All measurements shall be made from the closest point on a building or structural Improvement, excluding overhangs, gables, chimneys, or other portions of the building or structural Improvement being affected by such measurements.

Notwithstanding the foregoing, all dwellings, garages and other structural Improvements situated on a corner lot shall maintain a minimum front yard set-back from the public street or road right-of-way of not less than twenty-five feet (25') and a minimum side yard setback from the right-of-way of the public street or road on the side of the lot of not less than twenty-five feet (25') unless lesser distances are approved by the Design Review Committee. The Committee shall determine the facing direction of all such dwellings, garages and other structural improvements, and its decision upon such matters shall be final.

Building height measured at the roof peak or ridge may not exceed 35' as described in Section 4.3 above the finished grade. In addition, the eave line may not exceed 22' above the finished grade from which it is measured. See Section 4.6, on roofs and the need for low wall heights, which suggests hip roofs with low eaves and no wide gables facing the street. Chimneys, railings, and such appurtenances may exceed these limits. Lowest eave height to be 9' from top of foundation. Design Review Committee may require placement of a height pole for use in visually determining heights.

3.2 DRIVEWAYS AND PARKING

Driveways shall be a **minimum** of 15ft wide and constructed of masonry pavers, textured or salt finished concrete or of material approved by the Committee. Generally, no more than one driveway and curb cut per residence will be approved although circular driveway plans may be submitted for consideration. Extension for parking spaces shall be within the building envelope (i.e., the area outside prescribed setbacks) and screened from the street and from neighbors. Boats, trailers, and campers (truck mounted or not) must be contained in a garage compatible with the dwelling. Motor homes may not be stored on site. Freestanding site walls, planters or gate posts are not legal, because "security fences" must be permitted by law.

Driveways shall be constructed of any of the following approved hard surface materials, embossed or stained concrete, (utilizing integral coloring), colored concrete, flagstone, or appropriately colored interlocking concrete pavers. Feature strips of separate materials and special aggregates in exposed aggregate concrete will be reviewed on a case-by-case basis. Natural driveways of loose granite or other materials are not permitted. Piping beneath driveways for drainage must be buried at appropriate depths and concealed. Each residential Lot shall be required to provide a "turn-around" on the Lot to allow vehicles to exit the Lot on to the street without backing if lots size allows.

3.3 GARAGES

The primary residential dwelling shall include an attached or detached private garage for not less than two (2) cars with a minimum interior width and length in size of twenty-one feet ten inches (21' 10"). The surface of the garage door must be a minimum of 24-gauge metal of non-reflective material or wood materials compatible with the residential structure and of the same color or stain as the trim on the residential structure. Garage doors must have electric openers. All garage doors must remain closed when garages are not in use. All garages shall open to the side or rear of the Lot and shall not face or open onto any street adjacent to the Lot unless a side or rear entry garage is unduly limited by setbacks as may be determined by the Design Review Committee. No carports shall be erected or permitted on any Lot.

3.4 FENCES AND WALLS

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 of the individual house and the streetscape. Walls and fences must be architecturally compatible, that is integrated into the design of the dwelling rather than simply used to demark a property line. Materials of walls shall be the same as the dwelling. Chain link and livestock wire fencing is not allowed. All walls and fences shall have landscaping to the exterior to screen or soften the visual effect of the fence or wall. All fences at rear of property shall be from property line to property line.

3.5 MAINTENANCE OF NATURAL LANDSCAPE

Site improvements must be designed in such a way that the natural vegetation is maintained and enhanced with new compatible materials. Grading is discussed in Section 3.11.

3.6 SWIMMING POOLS AND TENNIS COURTS

Swimming pools shall be below grade, or a balanced 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 as described in Section 3.6 above and integrated into the design of the dwelling and site. Fences must meet all governmental regulations for safety. The initial or subsequent installation of a pool, hot tub, play-scape, tennis or other sports court, playhouses or other such improvements shall require prior approval by the Design Review Committee. **Above ground pools are prohibited.**

3.7 ADDRESS SIGNS AND MAILBOXES

Tasteful and appropriate address signage is required. Mail delivery will be to community mailboxes unless ADA Requirements dictate delivery to the home. This home delivery **MUST** be arranged with the local Post Office.

3.8 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 excessive glare to pedestrian or vehicular traffic will be allowed. Indirect sources and horizontal cut-off fixtures are recommended to reduce glare and provide general ambient

light. Use of other than white or color corrected high intensity lamps as exterior lights will not be allowed. Final approval of the proposed illumination plan is required by the Design Review Committee at the Final Design Review submittal and is part of the landscape plan submittal mentioned in Section 2.5 above and Chapter 5 below.

3.9 GRADING, NATURAL DRAINAGE AND WATER RETENTION

All improvements and landscaping shall be placed on the lot so that the existing topography is disturbed as little as possible. All lots shall be finish graded to prevent ponding of water and surface drainage detrimental to adjacent properties. Drainage shall generally be away from the structures. Newly graded areas shall be protected against erosion by appropriate retention fences or permanent erosion controls. Home site 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 Board approval. The final site plan shall be prepared to conform to the master drainage plan and shall reflect both existing and proposed topographic contours. Finish grades shall allow for topsoil. No excavations except as necessary for the construction of dwellings or improvements shall be permitted on any home site. All excavations shall be retained by masonry walls compatible to home materials. Culverts, if required, shall be faced with stone and must be expressly approved in writing by the Design Review Committee and installed by owner.

3.10 EASEMENTS

Easements are located at various points for installation and maintenance of utilities and drainage facilities. 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 easements. The easement within an owner's property shall be maintained by the owner.

4. DESIGN GUIDELINES

The intent of these Design Guidelines is to provide a high level of design quality, compatibility and appropriateness for what will be built.

4.1 ARCHITECTURAL DESIGN CONCEPTS

The design for dwellings at The Ranch at Delaware Creek will emphasize development that is planned to harmonize, blend and complement, rather than dominate the natural environment. The intention is to create a harmonious collection of individual residences with designs that are compatible with each other and the site.

4.2 BUILDING HEIGHT, MINIMUM SQUARE FOOTAGE, MASSING AND SCALE

The living area of the main residential structure located on any Lot exclusive of open porches and garages shall not be less than 2,200 square feet for a single-story residential structure and not less than 2,500 square feet for a two-story residential structure. The first floor of a two-

story residential structure must contain at least eighty percent (80%) of the total square feet of the structure unless otherwise approved by the Design Review Committee based on the architectural design or other features of the elevation of the residence resulting in a similar non-two story block structure visual effect, the topography of the Lot, the position of the residence on the lot in relation to the street, or such other factors as the Committee may determine appropriate.

No residence shall stand so apart in its design or construction so as to detract from the overall 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.

Buildings should be nestled into the land, remaining low, so as to be part of the site rather than perched on 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 original contours.

4.2.1 *The building height measured at the roof peak or ridge should not exceed 35' above the finish grade at the point on the finish surface of the home site directly below the roof peak or ridge.*

4.2.2 *This provision is included to discourage excessively large two-story massing and to encourage the breakdown of volumes more appropriate to the Texas Hill Country. In addition, the eave line may not exceed 22' above the finish grade at the point on the finish surface of the home site directly below the eave.*

4.2.3 *See Section 4.6 which suggests low wall heights with hip roofs and low eave lines to minimize the exposed wall.*

4.3 MASONRY REQUIREMENTS -Walls and Massing

In The Ranch at Delaware Creek, masonry, including stone and stucco varying in scale, technique, detail and texture shall compromise the dominant building material. Stone laying techniques include informal rubble, uncoursed, roughly squared, or randomly coursed 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.

The stone, characteristically a warm, soft, creamy beige limestone called variously Austin white, Fredericksburg, Cordova crème, or Florence stone is synonymous with the image of the Hill Country. The majority of the front will be a minimum of 60% stone with stucco accents. The stone should wrap to the sides with wainscot and with stucco as above or a complete stone wall. Stucco finish colors may be similar or contrasting, but no loud, bright, or extremely dark colors will be allowed. *See Section 4.11.*

Generally, the mortar should match the masonry by using trinity white cement with warm local sand rather than gray Portland cement making the wall more uniform in appearance than with gray mortar.

In massing, a large building mass can be reduced in scale by articulating it into smaller parts. Separate stone volumes can be joined by a continuous roof to create a composition of volumes covering connecting 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 the community.

All residences, whether located on interior or corner Lots, shall have a minimum of 100% of stone or masonry construction, which consists of a mixture of stone and stucco. For the purpose of this Declaration, stucco (as defined below) shall be considered as within the definition of masonry. The exposed exterior of foundations in excess of twenty-four (24) inches above finished grade must be constructed of or covered by masonry materials so that no more than twenty-four (24) inches of an unfinished or uncovered exterior of the foundation may be exposed above finished grade. In computing said percentage, (i) gables, and all window and door openings, shall be excluded from the total area of the first story exterior walls, (ii) stone and masonry used on fireplaces, chimneys, and walls of attached garages may be included in the computation as stone or masonry use, and (iii) masonry requirements for detached garages shall be computed separately from the residence.

“Stucco” shall mean and refer to a building material used for exterior wall finishing made of cement, sand and lime and applied in a plastic state over a wire or wood lath to form a hard covering which is also referred to as traditional stucco. Stucco as defined herein and used in this Declaration shall not include exterior insulation and finish systems (EIFS) or synthetic stucco including, but not limited to, consisting of polymer-based systems or polymer modified mineral based systems. Stucco may not be used as total massing on walls.

Hardi Board may be used under back porch overhangs, in small recesses, or at the discretion of the Design Review Board. A variance to reduce total masonry to a minimum of 80% will be considered.

4.4 ORIENTATION AND SHADE GUIDELINES

Generally, all windows and most walls should have a minimum of an 18” overhang on east, west, and south facing walls. An exception is allowed for windows under four square feet which are recessed at least 12” from the face of the wall. Awnings, “flaps,” trellises, and other shading devices are encouraged.

4.5 ROOFS

Generally, hip roofs at a slope of 6 in 12 and rarely more than 12 in 12 should be used to provide broad eaves and porches to handle the heat of the Texas summer. Lesser pitches occur only when attached as extensions 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 in the Hill Country.

Gable or hip roof forms can intersect to create “L”s with telescoping additions sheltering semi- enclosed courtyard spaces. 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 parts of additions or flanking wings can extend a primary roof, and occasionally occur behind a finished parapet wall, thus allowing a façade of a building to appear roofless.

Roofing materials used on residential structures must be (i) a dimensional shingle of asphalt or composition rated at least 240 pounds per square or for not less than a twenty-five (25) year warranty; or (ii) any materials approved in writing by the Design Review Committee; provided that the Committee will only approve roofing materials which are of high grade and quality and which are consistent with the exterior design, color and appearance of other Improvements within the Property. Generally, roof materials should be limited to standing seam metal in medium colors and values, terra cotta tiles, slate or architectural shingle from approved samples. Metal roofs are to be none reflecting.

Dormers can be useful in bringing light to roof spaces and allow low eave lines. Chimneys shall conform to requirements for smoke emission and wind conditions and include decorative chimney caps.

4.6 PORCHES, VERANDAS, AND BALCONIES

Usually constructed of wood, a whole 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 wood decking is also used.

4.7 INAPPROPRIATE ARCHITECTURAL ELEMENTS

- Synthetic roof materials which seek to replicate slate, shakes or tiles
- Diagonal siding, plywood siding such as “texture one eleven”
- All brick, Masonite or other synthetic wall materials
- Bright colored or reflective roof surfaces
- Non-native stone or stone which appears glued-on
- Excessive over scaled arched openings, mirrored glass
- Exposed foundation walls
- Tall, massive elevations
- Stove pipe chimneys
- Random roof penetrations, vents or skylights facing the street, white or bubble skylights
- Large unscreened visible parking areas
- Bold inappropriate colors, non-earth tone colors inconsistent with The Ranch at Delaware Creek
- Massive unarticulated building volume or unbroken horizontal masses in excess of 24’
- Imported or exotic styles which have not been adequately modified for the Hill Country

- Eave heights less than 9' 0"—from top of foundation to bottom of eave
- Large massing of stucco walls is inappropriate and will not be approved

4.8 APPROPRIATE ARCHITECTURAL ELEMENTS

- 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.
- 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
- Arcades, colonnades, loggias, passages
- Semi-enclosed courtyards within a building or as formed by a group add excellent living space, shade, and a sense of space and place
- Dwellings which are nestled in and among the trees
- Design the dwelling footprint to save as many trees as possible. The Design Review Board may require trees removed to be replaced by the owner in the amount of total diameter of tree caliper removed; i.e., if in order to utilize the home site there were no way to avoid cutting down one 6" tree, two 8" trees and one 10" tree, the owner must plan trees in equal amount (32" or for example eight 4" trees of similar species). See Section 5.11
- Although openings spanned with cut stone lintels, jack arches or segmental arches are preferred and more appropriate to the Texas Hill Country, semicircular arched openings used discretely are allowed
- If possible, overhangs 18" or wider
- Local limestone with matching mortar to be used on the front and sides of exterior in addition to stucco if stucco is to be used

4.9 DOORS AND WINDOWS

All windows and doors shall consist of structural wood or \ units vinyl with or without factory applied finishes or cladding. Double hung, casement, or fixed wood windows, wood entry doors, French doors, patio doors, garage doors will be encouraged.

Ornamental iron grillwork, gates and doors and the use of glass block requires approval.

4.10 Primary & Secondary Housing, and Outbuildings

Guest Houses, Casitas and Bungalows are permitted and shall be of the same construction as the main residence. Both the main structure and the secondary housing structure shall be primarily of masonry, native stone, light beige brick. Stucco may be used as veneer on suitable sub-structural framing systems. Colors approved for the primary exterior, stucco and Hardi Board will need DRC approval. Black, dark grey and any other excessively dark colors will not be approved.

The proposed construction of tool sheds, shops, green houses, gazebos, outdoor patio covers, etc. shall be reviewed on a case-by-case basis, taking into consideration the view from the street and the proposed location in the yard.

4.11 TRIM AND ACCENT MATERIAL AND COLORS

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 is allowed. Wood trim may be used in combination with any of these materials and as incidental to the primary masonry exterior veneer. Exterior wood shall be of a finish and grade appropriate to the design and finished with stain or paint.

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 brown, , navy, rust, terra cotta, , and other deep tones may be appropriate. 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.

Entire walls on a house is not considered accent.

Gutters and downspouts shall be consistent with roof materials and finishes. However, with adequate overhangs incorporated in the design, gutters and downspouts are not required.

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, hardi-board, soffits, siding, shutters, vents and other architectural components will be reviewed on a case-by-case basis.

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 also finished to blend in with the primary roof material.

4.12 LOCATION AND TREATMENT OF UTILITY CONNECTIONS, CONTROLS, AND METERS

All utility services to the main house and all ancillary structures shall be underground.

Satellite dishes are allowed subject to Design Review Board approval for location and position, but not on the front of the house or seen from the street. Above ground fuel and propane tanks are allowed and shall be located from view of main roads and limited view from side roads. Location shall follow Railroad Commission Rules.

4.13 MAILBOXES

Mail will be delivered to The Ranch at Delaware Creek community mailbox, unless arranged with the Post Office for ADA Requirements.

5. LANDSCAPE GUIDELINES

5.1 GENERAL DESIGN CONSIDERATIONS

It is the intent of these guidelines to preserve the special attributes of each site and to extend the design of the house into the design of the landscape for the enhancement of both. The buildings in The Ranch at Delaware Creek have the opportunity to be nestled into the topography to work with the land and into the new and existing landscape in such a way that the pleasure and the value of the residence will be greatly enhanced. It is the intent of these Landscape Guidelines to ensure a fairly uniform planting treatment from home site to home site, one that extends from the home site lot lines through the right of way to the edge of the road pavement.

The composition of the plant materials should consider present and mature size, framing of certain views, background and foreground balance, relationship to the architecture and other site textures, and judicious use of color and texture.

Large-caliper deciduous trees and mature evergreens are strongly recommended. Builders need to supply at least one indigenous hard wood tree in the front yard if no tree is present.

5.2 NATURAL LANDSCAPE AND XERISCAPE

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

5.3 LANDSCAPE DESIGN

Texas Hill Country plant material is the primary vegetation at The Ranch at Delaware Creek. It is important that as much of it remains in as natural a state as possible to perpetuate the character of the landscape. Although design and selection of plant material will vary with each residence, there are several principles that should be used in all landscapes at The Ranch at Delaware Creek.

- Large scale masses of plant material should be used as opposed to single unrelated plants.
- Use plant materials in groupings related to irrigation, light, and fertilizer requirements.
- Minimize the use of hardscape (paving).
- Avoid plant material that contrasts with existing vegetation. Utilize indigenous materials. For example, banana trees are not allowed.

- Water conserving plant materials and native vegetation are appropriate for ornamental and general landscaping; in small and intimate private use areas such as patios, gardening is typical.

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 and decks are part of the architecture that extends into the landscape. These devices combine with landscape elements typically characteristic of the environment of The Ranch at Delaware Creek.

- Informal character of native vegetation (deer resistant)
- Rock formations integrated into wall systems and patios
- Large-scale bold statements of plant material and rock formations
- Limestone lintels, balustrades and pavers
- Natural water features

There are several design factors that need to be considered as each landscape is developed.

1. Slope Planting

Disturbed slopes shall be kept to a minimum, where there is disturbance to natural soil or where there are steep slopes; the native vegetation must be reintroduced by “pocket planting” to minimize erosion and the appearance of disruption; stone walls may be necessary to stabilize disturbances.

2. Landscape Transitions

Fundamental to the landscaping at The Ranch at Delaware Creek is the concept of using primarily native vegetation. In certain areas where ornamentals are used, the transition between native and ornamental must be designed in gradations of plant material and architectural walls to make it appear as natural as possible.

3. Irrigation

Care must be taken not to over-water the native plant material; therefore, an irrigation system must be designed by an irrigation contractor or landscape architect to match water requirements of selected plant materials. Systems are to be permanent underground systems.

4. Site Grading

Stepped patios and yard areas will avoid excessive cuts and fills and unnatural appearance. Grading will generally contour to natural site terrain and minimize disruptions to drainage and topography of the site. Finish grading that manipulates rainfall runoff for irrigation is encouraged.

5. Lighting

Site lighting shall be a low voltage system. Soffits and tree lights shall be shielded or directed toward vegetation to eliminate off site glare and source visibility. HID, Sodium, or Mercury vapor yard lights are not allowed.

6. Utilities

Electric, cable, gas, transformers, pedestal/meters, etc., shall be screened by evergreen vegetation and/or walls (not to exceed height of 3'-6") while leaving access for service, etc.

5.4 LANDSCAPE RESERVES

The following guidelines are established for the landscape reserves along public rights-of-way, common areas, and parks in The Ranch at Delaware Creek. All tracts will utilize the required setback between the right-of-way and the front property line as a landscape reserve. Additional trees, shrubs, ground cover and irrigation systems are to be placed in the setback within the land parcels according to these requirements:

1. Grass

All areas of landscaped reserves that are not planted with shrubs or ground cover are to be sodded with buffalo grass or native grasses.

2. Irrigation

A pop-up type irrigation system with automatic or manual valving is required for the landscape reserves. These units should be placed at a maximum spacing of 20' – 0" on center with a 12' – 0" radius. Irrigation is required for shrubs and trees. These areas may be used for irrigation by storm water.

3. Maintenance

Since all maintenance of the right-of-way landscape reserves will be the responsibility of the P.O.A., improvements should be designed with ease of maintenance in mind.

The maintenance of the landscape reserves improved by The Ranch at Delaware Creek will be maintained by the P.O.A. and be supported by assessment charges.

5.5 HARDSCAPE

1. Grading

All driveways, sidewalks and patios will be flush with finish grade of interfacing landscape materials. Finish site grading shall not produce runoff detrimental to adjacent properties and native landscape areas. When possible, finish site grading shall be done to retain rainfall for maximum percolation in turn areas.

2. Driveway

Driveways shall be a minimum of 15ft wide and constructed of masonry pavers, textured or salt finished concrete or of material approved by the Design Review Board.

3. Sidewalks

Sidewalks will be a minimum 48" wide and have broom finish (no color). Steps, when required, shall have 6" rise and 14" tread.

5.6 IRRIGATION, FERTILIZERS, AND PESTICIDES

All new landscape material shall be irrigated. Irrigation shall be by an automatic system and be timed for early morning (1:00 a.m. to 6:00 a.m.) applications. System shall be designed 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. Native plant zones are not required to have permanent irrigation; care should be taken to not over irrigate native plants. Irrigate in an efficient, environmentally sensitive manner.

5.7 MAINTENANCE

All trees, shrubs, groundcovers, grasses and irrigation system must be maintained at a level consistent with the rest of The Ranch at Delaware Creek. All dead or dying plants or grasses shall be replaced immediately by and at the sole cost of the owner.

5.8 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 The Ranch at Delaware Creek community other than from the owner's property without written permission from the Design Review Board. See Section 4.8 for replacement of trees removed.

5.9 EXTERIOR LIGHTING

Exterior lighting is to be minimized in The Ranch at Delaware Creek and must be designed to conceal the source of the light. Use fixtures which conceal the source of the light and allow no bare lamps to be seen from the street or from adjoining neighbors. Holiday lighting is an exception. Bare HID "Yard Lights" are not allowed. See Section 3.8.

6. CONSTRUCTION REGULATIONS

To ensure that sites will not be irreparably damaged while a residence is being built and that disruption of the neighborhood will be minimized, the following construction regulations shall be enforced by The Ranch at Delaware Creek during the construction period. These regulations shall be part of the construction contract documents for each residence, and all contractors and owners agree to abide by the regulations.

The owner or contractor agrees to provide the Design Review Board, prior to construction, with a detailed plan showing how the home site will be protected and the area in which all construction activity will be confined including size and location of construction material storage, limits of excavation, drive areas, parking, portable toilet location, temporary structures, dumpsites, storage of debris, fire extinguishers, utility trenching and construction sign. This plan shall identify the methods for site protection, such as erosion control, tree protection and precise limits of construction beyond which the natural conditions may not be disturbed.

6.1 CONSTRUCTION AND SAFETY

In order to insure a safe, neat, and orderly construction site, the Design Review Committee has 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.

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 Design Review Committee will not tolerate any activity that, in their opinion, constitutes or could cause such hazards.

6.2 CONSTRUCTION TRAILERS AND PORTABLE FIELD OFFICES

Any owner or builder who desires to bring a construction trailer, field office or the like to The Ranch at Delaware Creek shall first apply for and obtain written approval from the Design Review Committee. Such temporary structures shall be located only in locations approved by the Design Review Board and shall be promptly removed upon completion of construction.

6.3 STORAGE OF MATERIALS AND EQUIPMENT

Owners and builders are permitted to store construction materials and equipment on the construction site during the construction period. All materials and equipment shall be neatly stacked, properly covered and secured. Any storage of materials or equipment shall be the owner's or contractor's responsibility and at their risk. Owners and builders shall not disturb, damage, or trespass on other home sites or adjacent property. No building materials may be placed on any home site more than 15 days before beginning construction.

6.4 SITE CLEANLINESS, DEBRIS AND TRASH REMOVAL

Owners and contractors shall provide a container for debris and shall clean up all trash and debris on the construction site on a timely basis. Trash and debris shall be removed from each construction site on a timely basis to a dumping site located off the project. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site. Owners and contractors are prohibited from dumping, burying or burning trash anywhere in The Ranch at Delaware Creek. During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming an eyesore or affecting other home sites or adjacent property.

Dirt, mud or debris resulting from activity on each construction site shall be promptly removed from public or private roads, open spaces and driveways or other portions of The Ranch at Delaware Creek.

6.5 SANITARY FACILITIES

Each builder shall be responsible for providing adequate sanitary facilities for its construction workers. The sanitary facility shall be located as far as possible from other private residences and maintained on a regular basis.

6.6 DRAINAGE, RETENTION AND EROSION CONTROL DURING CONSTRUCTION

Drainage during construction must be controlled so as to cause no erosion on the home site and on adjoining home sites. Retention fencing or permanent erosion controls must be installed before any site clearing is begun.

6.7 NOISE AND DUST

The use of radios, tape and CD players must be restrained so as not to be heard on adjoining home site, or street.

6.8 EXCAVATION AND BLASTING

Excess excavation materials shall be removed from The Ranch at Delaware Creek. If any blasting is to occur, the Design Review Committee must be informed at least 7 days in advance to allow it to make such investigations as it deems appropriate to confirm that all appropriate measures, including protective actions, have been taken prior to the blasting.

6.9 RESTORATION OR REPAIR OF PROPERTY DAMAGE AND SCARRING TO OTHER PROPERTY, INCLUDING, BUT NOT LIMITED TO, OTHER HOME SITES, 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 DESIGN REVIEW COMMITTEE AND THE OWNER INCURRING THE DAMAGE FOR THE ACTIONS OF ITS BUILDER AND BUILDER'S SUBCONTRACTORS AND AGENTS. UPON COMPLETION OF CONSTRUCTION, EACH CONTRACTOR SHALL CLEAN ITS CONSTRUCTION SITE AND REPAIR ANY PROPERTY DAMAGED, INCLUDING, BUT NOT LIMITED TO, RESTORING GRADES, REPAIR OF STREETS, DRIVEWAYS, DRAINS, CULVERTS, SIGNS, LIGHTING AND FENCING. THE COMMITTEE MAY WITHHOLD REPAYMENT OF ANY CONSTRUCTION COMPLETION OR DAMAGE DEPOSITS AND USE THOSE FUNDS TO MAKE NECESSARY REPAIRS.

6.10 VEHICLES AND PARKING

Construction crews shall not park on or otherwise use, other home sites. Private and construction vehicles and machinery may be parked in areas designated by the Design Review Committee.

6.11 MISCELLANEOUS AND GENERAL PRACTICES

The following practices are prohibited;

1. Changing oil on any vehicle or equipment on a home site;
2. Allowing concrete supplies and contractors to clean their equipment on any home site;
3. Removing any plant material, topsoil or similar items from any property of others within The Ranch at Delaware Creek;
4. Carrying any type of firearms on the property;
5. Using disposal methods other than those approved by the Design Review Board;
6. Careless disposition of cigarettes and other flammable material;
7. Any loud or excessive noise from sound equipment such as radios and loudspeakers;
8. Temporary construction signs shall be limited to one sign per site. The sign will be freestanding, and shall be approved by the Design Review Committee; at the cost of the owner;
9. A minimum of one serviceable 1016 ABC-rated dry chemical fire extinguisher shall be located on each construction site in a conspicuous location; and
10. Contractors, subcontractors and their employees are prohibited from bringing dogs and other pets to the construction site.

6.12 RESPONSIBILITY OF P.O.A.

P.O.A. assumes 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.

6.13 RESPONSIBILITY OF OWNER

All owners shall be solely responsible for the conduct and behavior of their representatives, builders, contractors, vendors, and suppliers.

6.14 INSURANCE

Builders shall furnish to the Design Review Committee satisfactory proof that builder's risk insurance and workmen's compensation insurance, if applicable, will be in force for the construction period. A copy of the COI Declaration Page for Liability Insurance is also required.

6.15 TIME FOR COMPLETION

The exterior of any single-family home, detached structure, garage or outbuilding shall be completed within twelve (12) months following the start of construction, unless an extension for completion is approved in writing by the Design Review Committee.

6.16 NON-COMPLIANCE

The owner will submit all structures to inspection by the Design Review Committee as required to determine compliance with these Guidelines. In the event of noncompliance with

the Guidelines, the Design Review Committee 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. In the event that the owner does not pay same, the Design Review Committee shall have the legal right to file a statutory lien against the property and proceed in law or equity to sell the property to obtain said charges. All money received over and above said charges and court costs shall revert to the owner. A failure to enforce any restriction shall in no event be deemed a waiver of this right to do so afterward.

6.17 Time of Construction

Work to be performed between the hours of 7AM to 8 PM Monday through Saturday. No work on Sundays or Holidays. No work outside of this schedule without approval from Design Review Committee.

6.18 FORMS FOR SUBMITTALS TO DESIGN REVIEW COMMITTEE

- *Attachment A- Cedar/Wood Fencing
- *Attachment B- Contractor Requirements
- *Pre-Design Conference
- *Preliminary Design Review
- *Final Design Review
- *Project Completion Review

ATTACHMENT "A"

CEDAR FENCE

Materials:

- a.) Cedar boards to be 1 x 6 x 6'-0" Max. (Max. height of fence 6'-0")
- b.) Posts 4 x 4 treated or light gage galv. pipe
- c.) Rails 2 x 4 treated. Three (3) rails min. **RAILS TO BE INSTALLED TO THE INSIDE OF FENCE.**

CONSTRUCTION

- 1.) Post to be set at 6'-0" on center (Max. spacing 8'-0")
- 2.) Check with local building codes for regulations on depth of fence postholes, and be sure to check with local utility companies to avoid damaging buried cables.
- 3.) Fence should be stained with clear or wood color for longer lasting. Cedar Fences should not gray out.
- 4.) Option: 1 x 6 cedar cap.
- 5.) Steel fence across back min. height 4'-0" max. height 6'-0"
Pickets should be spaced at 4" on center max.

Be sure and furnish the following items before starting project:

- 1.) Contractor name & contact information (If homeowner is building the fence, just state that on this form.)

- 2.) Attach a plat of your property with the limits of the fence shown.

Please sign and return for our files.

Accepted By:

Date: _____

Design Review Committee
Request for Pre-Design Conference

Date _____ Home Site _____ Filing _____

Requested by _____ Filing _____

Owner _____ Filing _____

Architect _____ Filing _____

Builder _____ Filing _____

Conference Date _____ (schedule & notify)

The Ranch at Delaware Creek Property Owner's Association, Inc. ("RANCH POA")
Attachment "B"- CONTRACTOR REQUIREMENTS

ITEMS REQUIRING SPECIAL ATTENTION

- Fence at back of property shall be from property line to property line.
- Plans: Bottom of Eave Plate shall be a min of 9'-0" from the top of foundation.
- Silt fence shall be constructed between existing property owner and new start up.
- Deposit for Compliance Fee: The fee is reduced to \$2,000. Work to be completion within 1 year from approval.
- Non- Compliance items shall be corrected within 30 days from notice.
- Builders Risk and Workman's Comp Insurance as well as Liability Insurance: Please furnish proof of insurance

Contractor shall provide the following, which will be reviewed and retained by the Design Review Board. Samples shall be identified with manufacturer's name, color and or number. Physical sample board of 24"X36" for the following items are required:

- | | |
|---|-----------------------------------|
| 1. Roof material and color | 5. Wall material (s) and color(s) |
| 2. Exterior trim material(s) and color(s) | 6. Chimney material and color |
| 3. Window trim color | 7. Exterior door color(s) |
| 4. Stone or rock to be used and mortar color specification. | 8. Gutter & downspout color |

A site monument with the approved finishes is to be erected at each site.

Sixty days after approval for construction, a proposed landscape plan shall be submitted. This plan shall be drawn at a minimum scale of 1" = 10'-0" and shall include proposed plant material (name and size), existing plant material (name and size) decks, fencing, pavements, service yards, driveways, any freestanding structures, outdoor lighting, and irrigation systems. Exterior mechanical equipment and all utility connections, entry panels, and meters shall be shown on the plans and shall be located as unobtrusive as reasonably possible from the street and the neighbors

No changes in the plans or materials approved by the Design Review Board may be undertaken without prior approval of the Design Review Board. No work shall be undertaken, other than routine maintenance, which will result in changes, visible or apparent, to the exterior appearance or floor plan without prior written approval of the Design Review Board.

Specifically, typical setbacks in The Ranch at Delaware Creek are: Front; 40'(25' from property line), Rear; 30' Side; 15' or a total of 30' side yards with 10' minimum. Enclosing walls may extend into the setbacks except at open spaces. The location and height of any privacy or enclosing walls must be shown on the drawings for Design Review approval and will be considered individually by the Design Review Board. Typical setbacks for Casita sites may vary from the typical setbacks and will be reviewed on an individual basis by the Design Review Board.

See Section 3.05 Rubbish and Debris-Contractor should review the site at the end of each day-Clean up as required.

We have young children at play. Please cover and/or block off any open trenches, hole or areas that could cause harm.

Please sign and return for our files

Date: _

Property Owner/Contractor Name: _

Phone Number: _

Address: _

Design Review Committee
Request for Pre-Design Conference

Date _____ Home Site _____ Filing _____

Requested by _____ Filing _____

Owner _____ Filing _____

Architect _____ Filing _____

Builder _____ Filing _____

Conference Date _____ (schedule & notify)

Design Review Committee

Application for Preliminary Design Review

Date _____ Home Site _____ Filing _____

Owner/Applicant _____ Phone _____

Address _____

Architect _____ Phone _____

Address _____

Builder _____ Phone _____

Address _____

This application will be considered complete only if the following is submitted:
5 copies of a graphic explanation of the design concepts including the drawings listed in section 2.4.

For DRB use only:

Submittal Date _____ Meeting Date _____ Notice Date _____

Notice to Applicant:

Following your Design Review Submittal, the Design Review Committee:

_____ approves your design

_____ approves your design with the following conditions:

_____ disapproves your design for the following reasons and requires a revised submittal:

Signed: _____

Design Review Committee

Application for Final Design Review and Approval

Date _____ Home Site _____ Filing _____

Owner/Applicant _____ Phone _____

Address _____

Architect _____ Phone _____

Address _____

Builder _____ Phone _____

Address _____

This application will be considered complete only if the following are submitted:

1 electronic version of all plans, one full size set and 5 letter size pdf copies of each:

- | | |
|---------------------------------|---|
| 1. site plan (1" = 10' min.) | 5. exterior elevations and details (1/4" = 1" min.) |
| 2. vicinity plan (1" = 50') | 6. sections (1/4" = 1" min.) |
| 3. floor plans (1/4" = 1" min.) | 7. construction table |
| 4. roof plan (1/4" = 1" min.) | 8. landscape plan (30 days prior to occupancy) |

In addition, the sample board (24" x 36") depicting exterior materials, colors and texture, as described in Section 2.5 must be included in this submittal. This board will be turned over to buyers. A monument of approved samples MUST be erected on each construction home site.

For DRC use only:

Submittal Date _____ Meeting Date _____ Notice Date _____

Design Review Committee-Notice to Applicant:

_____ approves your design

_____ approves your design with the following conditions:

_____ disapproves your design for the following reasons and requires a revised submittal:

Signed: _____

Note: In addition, you must complete all required reviews by local governmental jurisdictions.

Design Review Committee

Request for Completion of Project Review

Date_____Home Site _____ Filing _____

Owner/Applicant _____ Phone_____ Address

Architect _____ Phone_____

Address _____

Builder _____ Phone _____

Address _____

Date of Occupancy Permit Inspection _____

Notice Date _____ (within 14 days)

Notice to Applicant:

Following your request for Completion of Project Review, the Design Review Committee feels that your final building and site construction:

_____conforms

_____does not conform

to the plans and specifications approved in your final submittal.

Signed _____

Note: In addition, you must complete all required reviews by local governmental jurisdictions

ATTACHMENT "C"

The Ranch at Delaware Creek

Property Owner Association

CCRs Violation Policy & Fine Schedule

This document sets forth The Ranch at Delaware Creek Property Owner Association's policy for imposing disciplinary actions (including a Schedule of Fines) for violations of the Association's governing documents, pursuant to Section 209.007 of the Texas Property Code and the Association's Amended Bylaws ("Bylaws") and Amended & Restated Declaration of Covenants, Conditions & Restrictions (CC&Rs).

1. Authority of the Association's Board of Directors. The Board of Directors (Board), pursuant to Bylaws section 2.11 d and CC&Rs section 3.09, has the authority to adopt and establish rules, regulations and policies (collectively, "Rules") governing the use of Common Area and facilities within The Ranch at Delaware Creek, the personal conduct of Members, tenants and guests, and to take steps as it deems necessary for the enforcement of such Rules and the Association's Governing Documents (which in addition to the Rules, includes the Bylaws and CC&Rs).
2. Member Responsibility. Each Unit Owner is a Member of the Association and is responsible for complying with the Governing Documents. Owners are also responsible for ensuring that their invitees, guests, and Unit occupants comply with the Governing Documents. In the case of violations by invitees, guests and Unit occupants who are not Members of the Association, the Association will notify the Unit Owner. Any fines for non-compliance or Reimbursement Assessments will be imposed against the Owner.
3. Notice. In the case of a violation, the Board will notify the Member in writing. The notification shall:
 - a. Identify the governing document provision that has been violated;
 - b. Describe the nature of the violation;
 - c. Identify the date, time and place of the violation;
 - d. Describe the corrective action to be taken by the Member and the time within which it must be done (if applicable);
 - e. Describe intended or possible sanction(s); and
 - f. Give the Member the opportunity to request a meeting, within 1 week of receiving violation notice, to address the Board regarding the alleged violation.

If the Member's failure to correct a violation results in the expenditure of funds by the Association to correct the violation, the notice shall also state that the Board may vote to levy a Reimbursement Assessment if the Board finds that a violation has occurred.

The notice shall either be given personally to such Member or sent by first-class or certified mail to the last address for the Member shown on the Association's records.

4. Hearing. The requested meeting shall be conducted by the Board within 2 weeks of the written request. The Member is entitled to attend the meeting and to address the Board. The President shall read the charges against the Member. The Member is allowed to present evidence and testimony on his or her behalf and shall have the right to question the witnesses against him or her and examine all evidence presented. The Board is entitled to question all witnesses. The Board shall have the exclusive power and authority to impose disciplinary action.
5. Imposing Disciplinary Action. The Board may impose one or more sanctions if it determines at the meeting that a Member or his or her invitee, guest or Unit occupant has committed a violation of a particular governing document provision. This action may be imposed even if the Member does not appear at the meeting when scheduled or does not submit a written explanation to the Board at or before the time

scheduled for the meeting. As provided in CC&Rs Section 3.09, disciplinary action may include loss of good standing, suspension of other rights, and/or monetary penalties (i.e., fines) as follows:

- a. Loss of Good Standing. Suspension of the Member's Good Standing status for so long as the Member remains in default of any payment or until the violation is remedied. The impact of suspension of the Member's Good Standing status is that his or her Association voting rights are suspended and he or she is disqualified from serving on the Board.
- b. Suspension of Other Rights. Suspension of the Member's or Resident's right to use Common Area recreational facilities for so long as the Member remains in default of any payment or for such period as may be specified by the Board if the violation involves misbehavior related to Common Area recreational facilities.
- c. Monetary Penalties i.e. Fines. Imposition of fines in accordance with the Association's current Schedule of Fines.

In the case of continuing violations, such as architectural violations, the Board may impose additional disciplinary action once every thirty (30) days until the violation is remedied, provided that procedural requirements are followed. Repeated or habitual violations within a 30-day period, such as parking violations, shall not constitute a continuing violation but shall be a separate violation for each occurrence, and disciplinary action may be imposed for each and every separate violation.

6. Notice of Board's Decision; Effective Date of Sanction. The Board shall notify the Member of its decision, in writing, within fifteen (15) days after the meeting. Failure to notify the Member within such 15-day period shall invalidate the Board's action. A fine or Reimbursement Assessment shall become effective no sooner than five (5) days after the date of the meeting.
7. Grievance Committee. The Board-appointed "Grievance Committee," as authorized and directed by the Board, has the authority to investigate alleged violations and meet with the alleged violator and complaining parties (if any). The Grievance Committee also makes findings (as to whether a violation has occurred) and provides recommendations to the Board concerning sanctions. However, the final determination on whether a violation has occurred and the decision to impose sanctions (including the type of sanction(s) that will be imposed, if any) shall be ultimately made by the Board.
8. Payment of Fines. Fines (also known as "monetary penalties" or "Enforcement Assessments") are due when imposed and are deemed delinquent if not paid within fifteen (15) days after they are due. All sums payable hereunder by a Member shall bear interest at the maximum rate permitted by law commencing on the date the said sums become delinquent. The Association may commence a lawsuit to compel payment of delinquent fines and to recover attorney's fees and costs of enforcement.
9. Schedule of Fines. The Schedule of Fines adopted by the Board is attached to this Policy.
10. Additional Corrective Measures; Reimbursement Assessment. The imposition of fines and suspension of voting and use rights are in addition to the requirement that Members comply with the governing documents. Compliance may include, but is not limited to, correcting, repairing or replacing non-complying conditions, all at the Member's expense by, for example, levy of a Reimbursement Assessment against such Member and his or her Unit (see CC&Rs, section 6.06-B).
11. Other Remedies. The Association reserves the right to avail itself of any other remedy permitted by law and the governing documents to enforce the provisions of the Association's Governing Documents (including Rules). These remedies include, but are not limited to, requesting internal dispute resolution, requesting that the matter be submitted to some form of alternative dispute resolution such as mediation or arbitration, right of entry to correct a violation, or bringing an action in court. Such remedies may be taken in addition to or in lieu of any action already taken, and commencement of one remedy shall not prevent the Association from electing at a later date to pursue another remedy.
12. CC&R Provisions Also Apply. The CC&Rs, in particular, Article 3.09b, also addresses and applies to the holding of meetings and imposition of fines and other sanctions against Members.
13. Liens. The Association may secure recovery of any fines imposed and the costs of enforcement by recordation of a lien or liens to the extent not prohibited by law. As of the date of adoption of this Policy, liens that are recorded to secure fines may not be enforced by non-judicial foreclosure.

14. Association's Duty of Enforcement. Failure by the Association to enforce any provision of the governing documents shall in no event be deemed a waiver of the right to do so thereafter.
15. Amendment of Policy. The Board may amend this Policy without providing advance notice to the Owners if an amendment is required by law or needed to conform a particular provision or provisions of this Policy to changes in applicable Texas statutory law that are nondiscretionary in nature.
16. Flexibility- The Ranch at Delaware Creek-Board of Directors reserves the right for fines to be flexible enough to allow for a significant fine on the first violation rather than just a warning letter. If a fine is to be assessed for violations of the CCRs, the following Schedule of Fines will be used.

The Ranch at Delaware Creek Property Owners Association Schedule of Fines

To ensure compliance with the Governing Documents of the Ranch at Delaware Creek, Property Owners Association, members may be fined for violations. The Association's Board of Directors has adopted this Schedule of Fines, which will be in effect until changed by action of the Board of Directors. Any violation of the Governing Documents either by a Member or a Member's invitee, guest or Unit occupant shall be subject to a warning letter and/or the following fines:

Violation	1st Violation	2nd Violation¹	3rd + Subsequent²
Architectural	\$50	\$100	\$200
Vehicles (including Parking Violations)	\$50	\$100	\$200
POA dues unpaid by end of quarter	\$50	\$100	\$150
Excessive Noise	\$50	\$100	\$200
Misuse of Common Area or Facilities	\$50	\$100	\$200
Pets (loose and pet waste)	\$50	\$100	\$200
Vandalism	\$100	\$200	\$300
Serious Personal Endangerment or Serious Health Hazard ³	\$100	\$200	\$300

The aforementioned policy was adopted by The Ranch at Delaware Creek, Property Owners Association Board of Directors on October 1, 2018. The Policy became effective November 1, 2018. It was written to be filed with the Association's Amended Bylaws and Amended Declaration of Covenants, Conditions and Restrictions ("CC&Rs").

¹ Applies to a second violation of the same type.

² Applies to a third or subsequent violation of the same type.

³ Actions that may result in, or do result in serious personal endangerment or a health hazard are subject to higher fines. An example of a rule violation that can result in serious personal endangerment is wrong-way driving in the community. An example of a rule violation that can result in a serious health hazard is maintenance of too many pets without regard to the unit's cleanliness.

I hereby certify that this, the above CCRs, Design Guidelines and Restrictions, and Violation Policy for The Ranch at Delaware Creek, POA were adopted and approved by the Association in accordance with the Bylaws, Restrictive Covenants and applicable law, and are to be effective as of February 17, 2024, during the Annual Meeting of the Association.

Brad Churchill

Brad Churchill, President

The Ranch at Delaware Creek, Property Owner's Association, Inc.

On Behalf of the Association

Pamela Gates

Pamela Gates, Secretary/Treasurer

The Ranch at Delaware Creek, Property Owner's Association, Inc.

On Behalf of the Association

STATE OF TEXAS

COUNTY OF BURNET



This instrument was acknowledged before me on the 7th day of June, 2024, by Brad Churchill, President, and Pamela Gates, Secretary/Treasurer, of the Ranch at Delaware Creek, Property Owner's Association, Inc.

Melissa Parker

Notary Public Signature

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS 202405589

RES Fee: \$337.00
06/07/2024 01:30 PM

Vicinta Stafford 

Vicinta Stafford, County Clerk
Burnet County, Texas