



Homeowners' Association

## **Rose Creek Estates DESIGN GUIDELINES**

These Design Guidelines apply to the development and construction of any property lot in Rose Creek Estates. The purpose of these Guidelines is to identify and establish the aesthetic experience at Rose Creek Estates, promote harmonious residential design, and protect and enhance property values. These Guidelines not only provide architectural standards and restrictions regarding height, color, massing, and building materials but also extend to such matters as setback lines, site planning, fencing, and landscaping. The Design Guidelines are administered by the Architectural Control Committee, a committee under the direction of the Rose Creek Estates Owners' Association, Inc., Board of Directors.

The Committee's job is one of assistance, helping the builder maximize the architectural and living experience at Rose Creek Estates. **No improvements of any kind shall commence on a Lot without the prior approval of the Architectural Control Committee.**

### **PREFACE**

The Design Guidelines are applicable to all residential lots and property at Rose Creek Estates. Properties within the Rose Creek Estates master plan community. As deemed appropriate by the Architectural Control Committee, and by its sole discretion, the Design Guidelines may be modified or supplemented from time-to-time, withstanding that any such modifications or supplements will retain the values and general appearance of Rose Creek Estates.

These Design Guidelines are subject to the "Declaration of Covenants, Conditions, and Restrictions" dated May 11, 2004, and subsequent three amendments dated August 24, 2007 and December 18, 2009 as recorded in the Official Public Records of Real Property of Tarrant and Johnson County, Texas for Rose Creek Estates (hereafter referred to as the Declaration).

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## **1. INTRODUCTION TO OBJECTIVES**

### **1.1 The Rose Creek Estates Difference**

In contrast to the usual methods of residential development, Rose Creek Estates has chosen to approach its planning from a more sensitive point of view. Emphasis is given to development that has been planned to harmonize, blend and complemented to protect the home values within the community by the subtle blending of the built environment into a harmonious and aesthetically pleasing community.

### **1.2 Preservation of the Community Environment**

The Design Guidelines have been developed to communicate the philosophy of developing with sensitivity toward the preservation and maintenance of the community. These are minimum standards of design, justified in part by the obligation to protect the home values of owners within the community. They provide direction in the planning, design, and construction of residential structures to ensure compatibility within our environment. The purpose of the Design Guidelines is not to create identical or look-alike residential structures, but to ensure that designs are compatible with one another. No residence should be duplicated in its design or construction as to detract from the overall aesthetic concept of Rose Creek Estates. Creativity in design, innovative use of materials and unique methods of construction are encouraged, so long as the final result is consistent with this overall philosophy of these Design Guidelines.

It is the intent of the development philosophy; the residential architectural standard, and the design Guidelines to preserve, protect, and enhance the special environment of Rose Creek Estates. Each lot in Rose Creek Estates is considered unique in terms of its natural opportunities and constraints. It is expected that the design of each residence in Rose Creek Estates will be unique in response to the parameters of each Lot. In an effort to achieve a synthesis of nature and residence, each residence should be placed on the site within the setback Guidelines already set within the community. Construction should also attempt to preserve the natural features of each Lot such as views, significant existing plant and tree materials, topography, creek beds and other natural drainage features. The Architectural Control Committee shall evaluate each proposed design for appropriateness to its Lot and compliance with the objectives of the Design Guidelines.

It is strongly recommended that each Owner retain competent professional services for planning and design. The design review should include a thorough analysis and understanding of a particular Lot and the Owner's special needs. The skill to translate these factors into building form, as well as the ability to convey to the Architectural Control Committee the concept and design of a proposed residence or other improvement are all elements of the design review process.

### **1.3. Rose Creek Estates Water Ethics**

In keeping with the development's concern for the natural environment, Rose Creek Estates encourages the conscientious consideration of water as a precious natural resource. As a property owner, builder at Rose Creek Estates, you too become a steward of the land and its resources. Here are just a few of the things you can do in planning your new home to conserve and protect our precious water.

1. Use low flow plumbing fixtures.
2. Install drought tolerant indigenous landscaping.
3. Discontinue irrigation once new plants have established themselves.
4. Install and maintain an aerobic system for irrigation.

## **1.4. Rose Creek Estates Energy Usages**

As stewards of the land and its associated natural resources, the community of Rose Creek Estates encourages the minimum usage of all nonrenewable energies and encourages the adoption of appropriate passive energy technologies and the utilization of renewable resources as determined by the Architectural Control Committee. These technologies include a wide variety of materials, hardware and systems such as insulation, set back thermostats and high efficiency appliances. Good planning is essential in minimizing energy use and waste. The following are just a few of the factors your architect should consider in planning your new home:

1. Protect all glass areas exposed in summer with deep recesses, overhangs, or other devices to minimize heat gain.
2. Orient your home so that its patios, courtyards, and windows take refuge from the summer sun, but also can take advantage of the sun's heat in the winter.
3. Properly distribute areas of thermal mass and properly locate high resistance insulation to stabilize the interior's mean radiant temperature.
4. Protect against cold north winter winds and open the house up to the prevailing summer southeasterly breezes.

## **2. SITE DEVELOPMENT GUIDELINES**

### **2.1. Overview – Site Development Guidelines**

The Committee has developed Guidelines for your benefit, intended to provide protection for the land and its vegetation.

### **2.2. The Lot**

It is the goal of Rose Creek Estates for the appearance and character of all its buildings and other improvements to harmonize with and enhance their natural settings, rather than dominate the landscape and contrast sharply with them.

### **2.3 Site Planning Recommendations**

Planning the location of your building improvements is an important aspect in the design process. Your Architect/Designer should consider the following site planning recommendations:

1. Consider the potential impact of future homes and improvements on neighboring and nearby Lots upon the views and privacy of your own home, and conversely consider the impact of your home upon the views and privacy of your neighbors.
2. Position your driveway and garages so they do not dominate the entry experience of your home or significantly impact the views or enjoyment from your living and entertaining areas. One garage door may face the street, as per amendment 1 and 2.
3. Outbuildings such as guest houses, garden sheds, or out-of-door spaces and any of their associated connecting walkways should be visually integrated with the main house and surrounding landscape.
4. Carefully consider site drainage and building runoff. Avoid unnatural modifications of existing drainage. Avoid soil erosion by seeding natural grasses and other planting material on exposed or disturbed soils.

## **2.4. Site Planning Requirements**

1. Extensive cut and fill slopes should be avoided, and if required should have minimal exposure following completion of construction; site drainage and grading should be done with the goal of minimum disruption to the Lot.
2. Surface drainage shall not drain to adjoining Lots or open spaces except as established by natural drainage patterns, nor cause a condition that could unnaturally lead to offsite soil erosion on open spaces. When a change in the drainage way within a given Lot is absolutely necessary, avoid right angle diversions, and create appositive drainage in a logical and natural manner.
3. No change in natural or existing drainage patterns for surface waters shall be made upon any Lot that could adversely affect natural drainage patterns of another Lot.

In the event of any violation of the above, the Architectural Control Committee may cause the Lot to be restored immediately to its existing state prior to such violation at the expense of the property owner.

## **2.5. Parking Spaces**

Each residence shall contain parking spaces within the Lot for at least three automobiles in an enclosed garage attached to the main structure of the residence. Three spaces will be considered as three bays, stacking by increasing the depth of an individual bay will not be considered as adding a space. One bay may be forward facing, and must be setback further than the other bays. A minimum of two (2) additional parking spaces should be provided on the Lot to accommodate guest parking. Except for special events, no on-street parking will be permitted for residents or their guests' vehicles, except on a temporary basis not to exceed 12 hours. No exterior storage of recreational vehicles or boats will be permitted on any Lot.

## **2.6. Setbacks**

Minimum setbacks for the residence and from Lot lines are as follows: Other buildings will be set back behind the residence.

1. Front and side yards adjacent to a street: 70 feet.
2. Side yards: 15 feet, 10 feet where lot is less than 120 feet in total width.
3. Rear yards: 25 feet.
4. Minimum distance between main and accessory buildings on a Lot: per approval by ACC
5. Propane tanks must be located at a minimum of 50 feet back from driveway.

Setbacks will be reviewed on the merits of the submitted site plan design. Final approval of any changes in setbacks shall be by the sole discretion of the Architectural Control Committee.

## **2.7. Drives and Entranceway**

No driveway entrance shall be designed as a "drive under" using beams or arches spanning the driveway. Entrance driveways should be located so as to minimize their visual impact on important natural features of a Lot such as large or significant plant materials, washes or drainage ways, and to minimize disruption of the existing landscape. Driveways shall be a minimum of 12 feet and a maximum of 16 feet wide at the property line. Only one driveway entrance will be permitted for each Lot. A secondary entrance may be considered by the Architectural Control Committee at its sole discretion. All driveways must be constructed of concrete, all culverts must be constructed of metal or concrete, metal culverts must be spiral shaped with a minimum thickness of 16 gauge. All culvert ends must have concrete, masonry, or similar headwalls. Refer to Amendment 1 and 2 section 6.5 for dimensions. Entranceway designs and drives are subject to the approval of the Architect Control Committee.

## 2.8. Perimeter Fencing and Walls

In keeping with the Rose Creek Estates philosophy, privacy fencing is not allowed on any Lot with the exception of exterior perimeters of exterior Lots. All other fences and wall shall be constructed of masonry, brick, rock, decorative metal or other material as may be approved by the committee. No chain link or similar type wire fences shall be allowed. No fence or wall on any Lot shall extend nearer to any street than the front of the Home thereon.

## 2.9. Washes and Drainage Easements

Natural drainage ways occur throughout Rose Creek Estates. Bridging over by drives or the siting of building improvements alongside or above natural drainage ways are appropriate and can be desirable, as long as they do not restrict the drainage flow.

## 2.10. Swimming Pools

Swimming pools should be designed to be visually connected to the residence through the use of decks, or patios. Above ground pools shall not be permitted. Pools may be constructed on slopes exposing one or more sides of the pool, although the exposed sides should be concealed either in approved building materials or by decks or platforms approved by the Architectural Control Committee. Pool equipment must be placed so as not to be visible from the street or a neighboring lot.

## 2.11. Mailbox

A mailbox for each approved residence shall be installed by the Lot Owner. Such devices should utilize the same rock materials and rock colors as the residence and must reflect its design character. A masonry number plate will be installed. No additional signage detached from the residence will be permitted, except one temporary construction sign or other signs as permitted by the Declaration and approved by the Architectural Control Committee. Mailboxes must be placed on a reinforced concrete foundation poured level with the adjacent natural ground. The mailbox shall be 60" in height, 30" in width, and 32" in depth with a curved, sloped or level cap of 32" in width and 34" in depth.

## 2.12. Site Lighting

Excessive and obtrusive lighting can be invasive to neighboring lots. Each property shall have an **approved lighting package**. "Site lighting" is defined as exterior lighting mounted either on the ground, in trees, or on site walls for the purpose of providing safe passage between building improvements, accent lighting of building improvements themselves, or accent lighting of trees and other landscape features. "Building mounted lighting" means lighting built into or attached to buildings on the walls, ceiling, eaves, fascias or other locations for the purpose of providing general illumination, area illumination, security illumination or landscape illumination. "Security lighting" means lighting intended to provide bright general illumination of the area adjacent to a residence during emergency situations.

The Architectural Control Committee has established the following Guidelines for residential site lighting:

1. Site lighting must be directed onto trees, vegetation or prominent site features. The accent lighting of the building improvements themselves is discouraged but allowed on a low-level illumination basis.
2. Building mounted lighting must be directed away from adjacent Lots, streets and open spaces.
3. Security lighting, by its nature, is bright and of a general nature, will be permitted with the understanding that it will only be used in emergencies.

### **3. ARCHITECTURAL DESIGN GUIDELINES**

#### **3.1. Architectural Design Guidelines Introduction**

In order to create an identifying character as well as a harmonious community, Rose Creek Estates has developed architectural Guidelines. Restrictions and Guidelines have been developed for materials, size of residence, massing, colors, slope of roofs, and other elements to assist owners and their architects/designer in creating architecture which maintains the spirit of Rose Creek Estates life.

#### **3.2. Building Heights**

The terrain of Rose Creek Estates is varied. These Design Guidelines are intended to discourage and/or prevent any residence or other structure which would appear excessive in height when viewed from a street, public space, or other Lot, or which would appear out of character with the Rose Creek Estates aesthetic. Consequently, despite the maximum heights generally permitted as herein specified, the Architectural Control Committee may disapprove a proposed residence or other structures which may be within the maximum height Guidelines. In no case shall the overall height of a residence exceed 46 feet measured in a vertical plane from the highest roof ridge or parapet to the first floor slab grade. No more than two stories will be allowed.

#### **3.3. Building Sizes**

Residences will contain at least 2,800 square feet of living area.

#### **3.4. Building Colors**

Colors for the body of the house (whether stone or brick) should be compatible with the landscape around them.

#### **3.5. Accent Colors**

Accent colors on front doors, window sash and screens or other incidental elements are allowed as long as, in the opinion of the Architectural Control Committee, the accent does not overwhelm the building's basic color or create a visual distraction from the street, adjacent Lot, or Common Area.

#### **3.6. Roofs**

Since roof-scapes form an important part of the visual environment, they must be carefully designed. In keeping with our goals of visual harmony, the Architectural Control Committee requires a minimum 25 year shingle. Three tap shingles are prohibited. Limited use of other materials for porches and roofs not visible from any other lot or common area may be approved by the Architectural Control Committee on a case by case basis. All pitched roofs, not including porches, must comply with the following:

1. Minimum slope of 8 in 12.
2. Limited use of copper accents will be permitted
3. Tile roofs are acceptable.
4. No mechanical equipment shall be located on pitched roofs.
5. Metal Roofs are acceptable.



### **3.7. Materials - Exterior Surfaces**

**A minimum of 100% of the body of the primary residential structure must be constructed of masonry.** Two story homes may have a maximum 15 % non masonry on the second story. Products such as hardi-board do not constitute masonry. All materials must be approved by the Architectural Control Committee. Colors shall be limited to earth tones that harmonize with the natural landscape. Materials which are specifically prohibited are: metal siding, mirrored glass, vinyl and plastics, reflective materials, exterior art work and sculpture, and other materials whose appearance, in the judgment of the Architectural Control Committee, does not convey strength, permanence, or architectural character of the neighborhood.

### **3.8. Building Projections**

All projections from a building, including but not limited to chimney caps, vents, gutters, down spouts, utility boxes, porches, railings, and exterior stairways shall be visually integrated into the overall design, unless otherwise approved by the Architectural Control Committee.

### **3.9. No Antennae or Flagpoles**

There shall be no antennae of any sort visible from neighboring property, streets or Common Areas except as expressly permitted by the Architectural Control Committee. Freestanding flagpoles are not allowed on any Lot. The displaying of the American flag is permitted and encouraged, if it is hung from a pole bracket mounted on the residence.

### **3.10. Porches and Patios**

Porches and Patios are encouraged and should be designed as integral parts of the residence, so they maximize the enjoyment of the home and capitalize on the views from the Lot. By properly orienting these outdoor spaces, summer southeast breezes can be captured or winter north winds deflected, the sun can be directed to create shade or allow light, and privacy can be gained. Porches and patios can provide alternative living areas. No wood decks.

### **3.11. Service Yard**

All garbage and trash containers, mechanical equipment, and other outdoor maintenance and service facilities must be screened from other Lots, streets, or public spaces.

### **3.12. Outbuildings**

Such structures are encouraged and may be attached by covered links or be detached but should be in the same general architectural style as the residence. Use walls, patios, courtyards, or landscape elements to visually relate detached buildings to the main residence. Separating activities or spaces from the main residence allows the advantage of alternative views, can give privacy, and provide architectural complexity to otherwise simple forms. Outbuildings must comply with all local governing regulations and will be subject to these Architectural Guidelines.

### **3.13. No Visible Storage Tanks**

All fuel tanks, water tanks, or similar storage facilities shall either be shielded from view by walls, structures or landscaping. Use and/or construction shall comply with all applicable codes and ordinances. Approval of placement is required, refer to setback requirements.

### **3.14 Design Duplication**

Repetitious designs will not be approved. Similar designs are discouraged and are subject to disapproval without sufficient variations in exterior colors, materials, finishes, trim, and detailing. The design of new construction should complement the character of the existing structures, uphold the value of the community and not duplicate any existing design. The approval of plans, materials, or colors for a specific site does not imply approval for another building site.

## **4. LANDSCAPE GUIDELINES**

### **4.1. Landscape Guidelines**

The goal of Rose Creek Estates is to preserve the beauty and character of the property's natural landscape. A landscape package is required as per CCR's section 5.2. Each lot shall have a minimum of 2 6ft trees in the front yard. A buried sprinkler system is required to cover full front, sides and 10ft minimum from the back of the residence. Retaining walls over 1ft must be approved.

### **4.2. Protecting and Preserving Plants**

Care should be taken to protect all plants at Rose Creek Estates; therefore, all improvements should be sited to avoid existing trees if at all possible. Reasonable efforts should be made to transplant all significant and transplantable materials. The Architectural Control Committee may require the transplanting of natural material as a condition of site planning approval. Such natural material that dies during transplanting may be required to be replaced with a plant of the same species and size.

### **4.3. Site Work**

Be creative in the design process. Plan to alter the site as little as possible from its original native condition, protecting existing watershed and drainage ways wherever practical. Limit structures to the area on the site where drainage, soil and geological conditions will provide a safe foundation. Soil analysis shall be obtained to assure proper foundation design. Landscaped berms are discouraged unless appearing natural to the landscape. Once a preliminary plan is sufficiently defined, it is recommended that the corners of the building be staked out on the un-graded site and elevations taken at each corner with a transit. With this information it is often possible to determine exactly how to further adjust the design to minimize the impact of the structure on the existing contours.

## **5. CONSTRUCTION GUIDELINES**

### **5.1. Construction Regulations**

In order to assure that the natural landscape of Rose Creek Estates is not unduly damaged during construction, the following Construction Regulations shall be made a part of the construction contract documents for each residence or other improvements on a Lot. All Builders and Owners shall be bound by these Regulations and any violation, regardless if by a Builder, shall be deemed to be a violation by the Owner of the Lot. Policing of building sites during the construction of any improvement to the Lot will be done by the Architectural Control Committee Members and the Directors of the Rose Creek Estates Owners' Association. Violations of the Construction Regulations will be reported to the Board of Directors of the Rose Creek Estates Owners' Association, who will send a letter to the Builder and/or Owner involved. A copy of the letter will be sent to the Architectural Control Committee.

## **5.2. Building Deposit**

To guarantee that these Regulations are adhered to, each Lot Owner, before beginning any construction, shall post a deposit in the amount of \$500.00 with the Rose Creek Estates Owners' Association. Should it become necessary for either the Architectural Control Committee or the Board to remedy any violation of these Regulations, the costs of such remedy will be charged against the bond. The determination of a violation shall be by the sole discretion of the Architectural Control Committee. Upon closing any remaining deposit will be returned to the Lot owner.

## **5.3. Occupational Safety and Health Act Compliance (OSHA)**

All applicable OSHA regulation and Guidelines must be strictly observed at all times.

## **5.4. Temporary Facilities**

Any Owner or Builder who desires to temporarily install or bring a construction trailer, field office, or the like to Rose Creek Estates shall first apply for and obtain written approval from the Architectural Control Committee. To obtain such approval, the Owner or Builder shall submit a copy of the architect's site plan with proposed locations of the construction trailer or field office, the portable toilet, and the trash receptacle noted thereon. The location should be out of sight from the street and adjacent neighbors to the extent possible. Such temporary structures including signs shall be removed upon completion of construction.

## **5.5. Debris and Trash Removal**

Builders shall clean up all trash and debris on the construction site at the end of **each day**. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Lightweight materials, packaging, and other items shall be covered or weighted down to prevent their being blown off the construction site. Builders are **prohibited** from dumping, burying, or burning trash anywhere on Rose Creek Estates. During the construction period, each construction site and the route to and from the construction site, shall be kept neat and clean, and shall properly be policed to prevent it from becoming a public eyesore or affecting other Lots or any open space. Unsightly dirt, mud, or debris from activity on each construction site shall be promptly removed and the general area cleaned up.

## **5.6. Sanitary Facilities**

Each Builder shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets or similar temporary toilet facilities shall be located only within the boundaries of the Lot. The location should be out of sight from the street and from adjacent neighbors to the extent possible. Such temporary structures shall be removed upon completion of construction. Location of such shall be delineated on the architect's site plan and submitted to the Architectural Control Committee for approval.

## **5.7. Vehicles and Parking Areas**

Construction crews shall not park on, or otherwise use, other Lots or any open space. Private and construction vehicles and machinery shall be parked only on the Lot or in areas designated by the Architectural Control Committee. All vehicles shall be parked so as not to inhibit traffic. Each Builder shall be responsible for its subcontractors and suppliers obeying the speed limits posted within the development. Fines will be imposed against the Builder for repeated violations. Adhering to the speed limits shall be a condition included in the contract between the Builder and its subcontractors/supplier. Repeat offenders may be denied future access to Rose Creek Estates by the Architectural Control Committee.

## **5.8. Excavation Materials**

Excess excavation materials must be hauled away from Rose Creek Estates by the end of construction.

## **5.9. Restoration or Repair of Property Damages**

Damage and scarring to any property, open space or other lot, including, but not limited to roads, driveways, concrete curbs, gutters, utilities, vegetation and/or other improvements, resulting from construction operations, will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly and any expenses are those of the Builder, and, in the event of default by the Builder in meeting these obligations, the Lot Owner who has retained the Builder shall be responsible.

## **5.10. Miscellaneous and General Practices**

All Owners will be absolutely responsible for the conduct and behavior of their agents, representative, builders, contractors, and subcontractors while on the premises of Rose Creek Estates.

**The following practices are prohibited:**

1. Changing oil on any vehicle or equipment on the site itself or at any other location within Rose Creek Estates other than at a location, if any, designated for that purpose by the Architectural Control Committee.
2. Allowing concrete suppliers, plasterers, painters, or subcontractors to clean their equipment anywhere but the location designated, if any, for that purpose by the Architectural Control Committee.
3. Removing any rocks, plant material, topsoil, or similar items from any property of others within Rose Creek Estates, including other construction sites.
4. Carrying any type of firearms within Rose Creek Estates.
5. Using disposal methods or equipment other than those approved by the Architectural Control Committee.
6. Careless disposition of cigarettes and other flammable material. At least one 10-pound ABC rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times.
7. Careless treatment or removal of protected plant materials or plants not previously approved for removal by the Architectural Control Committee.
8. No pets, particularly dogs, may be brought into Rose Creek Estates by construction personnel. In the event hereof, the Architectural Control Committee or the Board shall have the right to contact authorities to impound the pets, to refuse to permit the Builder or subcontractor involved to continue work on the project, or to take other action as may be permitted by law, these Design Guidelines, or the Amended Declaration of Covenants, Conditions, and Restrictions.
9. Catering trucks will not be permitted.

## **5.11. Construction Access**

The only approved construction access during the time a residence or other improvement is under construction will be over the approved driveway for the Lot unless the Architectural Control Committee approves an alternative access point. In no event shall more than one construction access be permitted onto any Lot. The location of Rose Creek Estates's construction entrance along with the standard procedures and operation of the entrance will be determined from time to time and issued to each Builder working within the development.

## **5.12. Dust and Noise**

The Builder shall be responsible for controlling dust and noise, including, without limitation, music from the construction site.

## **5.13. Construction Signage**

Temporary construction signs shall be limited to one sign per Lot not to exceed six square feet of total surface area. The sign shall be free standing within the Lot, and its design and location shall be subject to the review and approval of the Architectural Control Committee. In an effort to maintain the residential character of Rose Creek Estates, the Architectural Control Committee will require all construction signs to meet the following criteria:

1. Signs shall be single-faced, panel type, with a maximum area of 6 square feet. No additional signs may be attached to the main sign or be suspended below it.
2. Only the following information may appear on a construction sign:
  - a. Builder's name
  - b. Architect's name
  - c. Owner's name or name of house (Twin Creek, etc.)
  - d. One phone number
  - e. One miscellaneous tag line
3. Descriptive phrases such as "3-bedroom" may not appear on any construction sign.
4. Construction signs must be removed at the time the house is substantially complete or when the Architectural Control Committee directs the sign to be removed.

## **5.14. Daily Operation**

Daily working hours for each construction site shall be from 7am-6pm, unless other hours are designated in writing by the Architectural Control Committee. Construction on Saturday will be permitted from 8 am-4pm. No construction on nationally observed holidays or Sundays without express approval from the Architectural Control Committee.

# **6. REVIEW AND APPROVAL PROCESS**

## **6.1. Organization of the Architectural Control Committee**

An Architectural Control Committee has been created to oversee the overall residential development of Rose Creek Estates in accordance with these Design Guidelines and the "Declaration of Covenants, Conditions, and Restrictions".

## **6.2. Purpose and Authority of the Architectural Control Committee**

The Architectural Control Committee has been created to "preserve the values and appearance of Rose Creek Estates." The intention is to create a community which is aesthetically unified through the use of a common set of design Guidelines by all homeowners. The Guidelines are not intended by any means to stifle creativity but rather to assist homeowners and their designers with their planning and to enable a fair and uniform review process. In order to assist each Owner in the planning and designing of his residence (and any other improvement of the Lot) within the Rose Creek Estates setting, a comprehensive design review process, to be administered by the Architectural Control Committee, has been established. This process provides an opportunity for the Owner to draw upon expertise and knowledge which has been acquired by the Architectural Control Committee during the planning and development of Rose Creek Estates. As provided by the Declaration, the Architectural Control Committee is charged with the responsibility of maintaining the standards set forth in the Design Guidelines and the declaration of Covenants, Conditions and Restrictions. The Architectural Control Committee has the authority to issue all

formal approvals or disapprovals of projects and enforce the Design Guidelines. Approvals or disapprovals will be communicated in written form, this can include email. **Each residence and/or improvement on the Lot must meet the criteria of the Design Guidelines.**

The Architectural Control Committee will review designs only after determining that it has all information necessary. After adequate time for professional review, it will take one of the following actions: (a) Approval; (b) Approval with stipulations; or (c) Disapproval. The Committee will inform the applicant in writing of its action. It is strongly recommended that an Owner retain competent, experienced professional services for planning and design. A thorough analysis and understanding of a particular Lot and the Owner's special needs, and the skill to translate this into building form, as well as the ability to convey the concept and design of a proposed residence or other improvement, to the Architectural Control Committee are all elements critical to the design and review process. If a submittal is rejected more than twice, an additional review fee will be charged.

### 6.3. The Review Process in General

The design review process was developed to provide adequate checkpoints in an effort to ensure compliance with the overall philosophy and aesthetics of Rose Creek Estates, and minimize time and money spent on residential designs which do not adhere to the Design Guidelines. An attempt has been made to streamline this process and eliminate excessive delays. Nevertheless, each Owner is responsible for complying with the Design Guidelines, and all other applicable provisions of the Declaration, as well as all the rules and regulations of any governmental authority, in order to bring the design review process to a speedy and satisfactory conclusion. The Architectural Control Committee will conduct reviews of projects during their regular meetings or at such other times as they deem appropriate. Owners, Architects, or Builders shall have no right to attend any meeting unless specifically requested to do so by the Committee. The Architectural Control Committee will respond in writing no later than 30 calendar days after a **complete** submittal is made and received. Results of reviews will not normally be discussed over the telephone. Any responses an Owner may wish to make in reference to issues contained in the Architectural Control Committee's notice following review of submittals should be addressed to the Architectural Control Committee in writing. Although the Architectural Control Committee will enforce all provisions of the Design Guidelines, the following will be of particular concern:

1. Site Planning with regard to the building improvements, location and its sensitivity to views and privacy from other Lots or open spaces.
2. Building heights and massing, including roof lines.
3. Exterior elevations of residences in an effort to establish and maintain a high level of aesthetic quality.
4. Building materials
5. Exterior paint and materials colors, as well as color usage and its distribution.
6. Landscaping within Lot.

Rose Creek Estates has chosen not to take a prescriptive approach to achieving harmony, but an objective approach wherein environmental and aesthetic goals are presented for the creative interpretation of the designer. Throughout the Design Guidelines, care has been taken to avoid requiring certain elements of style or references to specific periods of architectural history.

While Rose Creek Estates has taken several steps to make its objectives clear, experience has proven that compliance with Guidelines does not guarantee good composition or beauty. In addition to being proactive in the communication of our goals and review process, experience has prompted us to become positive contributors in design situations where the Architectural Control Committee is dissatisfied with the abstract issues of general composition, or integrity, or the lack of visual strength, durability or permanence. In these cases, sketches may be offered to illustrate specific areas or elements of dissatisfaction, and the committee may require a personal meeting with the applicant to discuss possible alternatives.

#### **6.4. The Review Process**

In general, the design review process is divided into four phases:

1) The Submittal, 2) The Approval, 3) The Construction Process 4) The Final Inspection.

Each phase must be completed before the next phase can commence unless an exception is granted in writing by the Architectural Control Committee.

#### **6.5. Submittal**

Two copies of the site survey and complete building plans, to include all elevations.

Any other drawings, materials, or samples requested by the Architectural Control Committee.

Additional improvements contemplated on the Lot must be provided to the Architectural Control Committee for approval prior to any work being performed.

#### **6.6. Approval**

Upon receipt of the complete Submittal, the Architectural Control Committee will review the submittal for conformance to these Design Guidelines and any preliminary approval stipulations.

Upon determining that the required submittals have been received and are in a form acceptable to the Committee, the Architectural Control Committee will provide a written response to the Owner. Approval of the plans by the Architectural Control Committee does not relieve the applicant from complete responsibility for compliance with the Design Guidelines, and the requirement of all other approval agencies.

#### **6.7. Additional Construction and/or Exterior Changes**

Any exterior changes to the approved drawings before, during, or after the construction of an improvement must first be submitted for approval by the Architectural Control Committee.

#### **6.8. Resubmittal of Drawings**

In the event of disapproval by the Architectural Control Committee of the Submittal, any resubmission of drawings must follow the same procedure as the original submittal.

#### **6.9. Work in Progress - Inspection**

The Architectural Control Committee may inspect all work in progress and give notice of noncompliance, if found. Absence of such inspection and notification during the construction period does not constitute either approval by the Architectural Control Committee of work in progress or compliance with the Design Guidelines or the Declaration.

#### **6.10. Final Inspection**

Upon completion of any residence or other improvement for which approval was given by the Architectural Control Committee, the Owner shall give written notice of completion to the Architectural Control Committee. Within such reasonable time as the Architectural Control Committee may determine, but in no case exceeding 15 working days from receipt of such written notice of completion, it may inspect the residence and/or improvements. If it is found that such work was not done in strict compliance with the approved Submittal and the Design Guidelines, it shall notify the Owner in writing of such noncompliance within 30 days of its receipt of the Owner's notice of completion, specifying in reasonable detail the particulars of noncompliance, and shall require the Owner to remedy the same. If upon the expiration of 30 days from the date of such notification by the Architectural Control Committee, the Owner shall have failed to remedy such noncompliance, the Architectural Control Committee shall notify the Owner. The Committee may take such action to remedy this noncompliance as is provided for in these Design Guidelines or the Declaration including, but without limitation, injunctive relief or the imposition of a fine.

### **6.11. Nonwaiver**

Any approval by the Architectural Control Committee of any drawings or specifications or work done or proposed, or in connection with any other matter requiring such approval under these Design Guidelines or Declaration, including a waiver by the Committee, shall not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval. For example, the committee may disapprove an item shown on the Final Submittal even though it may have been existent in previous submittals and was not disapproved. The Owner and his representative shall make known to the Committee any variances from the Design Guidelines. Furthermore, should the Committee overlook or not be aware of any item of noncompliance at anytime during the review process, construction process or during its final inspection, the oversight of the Committee in no way relieves the Owner from compliance with these Design Guidelines and all other applicable codes, ordinances and laws.

### **6.12. Approval of Builder**

In order to ensure quality construction within Rose Creek Estates, any construction of a single family residence will be conducted by a Custom Home Builder approved by the Architectural Control Committee. The builder will be actively involved in all aspects of the construction process, not merely the builder in writing to satisfy paperwork. The builder will not be allowed to hire the homeowner to oversee their own build. If the homeowner is already employed by the builder, some other representative of the builder, if not the builder themselves shall oversee the project. At no time shall an individual build their own home. Any dishonesty or perceived dishonesty by the builder or homeowner in this respect shall result in immediate revocation of any prior approval. The builder will submit a Builder Approval Application for approval by the Architectural Control Committee before construction of any kind may commence on your Lot. Each application for builder approval must be sponsored by the Lot Owner on which the construction will occur. Only three applications for builder approval will be accepted from each Lot Owner during a calendar year. The first application per builder for a specific lot will be reviewed for a fee of \$250. Each subsequent application will be assessed free of charge. The Committee will attempt to provide approval within 30 days, but in no case shall approval exceed more than 90 days from receipt of such notice. The Architectural Control Committee, however, by giving approval of a contractor makes no implicit or explicit guarantees of any kind for the performance either fiscally or for the quality of actual construction of the approved contractor.



## 7. FORMATION AND AUTHORITY OF THE ARCHITECTURAL CONTROL COMMITTEE

### 7.1. Founding of the Design Guidelines

The Design Guidelines and the Architectural Control Committee were created through Declaration of Covenants, Conditions, and Restrictions, as recorded in Tarrant and Johnson Counties, Texas for the Rose Creek Estates Development. **Other provisions within the Declaration that are applicable to design and landscape control are incorporated herein by reference, and control over the provisions herein.** Capitalized terms used within the Design Guidelines, but not, defined herein, shall bear the same meaning as in the Declaration.

### 7.2. The Architectural Control Committee

The Architectural Control Committee may, from time to time and in its sole discretion, adopt, amend, and repeal by unanimous vote, rules and regulations to be incorporated into the Design Guidelines, among other things interpret, supplement, implement or entirely revise the provisions of those Guidelines. All such rules, regulations, or amendments, as may from time to time be adopted, amended, or repealed, should be appended to and made a part of the Design Guidelines, and shall have the same force and effect as if they were set forth in, and were part of, the applicable Guidelines. Each Owner is responsible for obtaining from the Architectural Control Committee a copy of the most recently revised Design Guidelines, and should inquire if any substantive amendments to the Design Guidelines have been adopted since the most recent printing of the Design Guidelines.

### 7.3. Correspondence with the Architectural Control Committee

All notices and correspondence required herein shall be made to:

Rose Creek Estates  
Architectural Control Committee  
P.O Box 1112  
Mansfield, Texas 76063

Email will also be accepted.

### 7.4. Non-Liability of Architectural Control Committee

Neither the Architectural Control Committee, any member thereof, nor their respective successors or assigns, shall be liable in damages to anyone submitting drawings or specifications to them for approval, or to any Owner or other person by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any drawings or specifications or by the approval or disapproval of the primary contractor by the Architectural Control Committee. **By submission of such for approval, an Owner agrees that he will not bring any action or suit against the Architectural Control Committee or any member thereof.** Approval of a submittal or of a contractor shall not be deemed to be a representation or warranty that the Owner's drawings or specifications for the actual construction of a residence or other improvement complies with applicable governmental ordinances or regulations, or of any ability fiscal or otherwise of the contractor. Furthermore, any approval by the Committee does not warrant habitability or soundness of structure in any way. It shall be the sole responsibility of the Owner or any agent of the Owner on his behalf submitting drawings or specifications to the Architectural Control Committee, as well as any person performing any construction, to comply therewith.

## 7.5. Enforcement

These Design Guidelines may be enforced by the Architectural Control Committee or the Rose Creek Estates Owners' Association as provided herein, or in the Declaration, or in the Bylaws of the Association.

## 7.6. Right of Waiver

The Architectural Control Committee reserves the right to waive procedures of standards set forth at its sole discretion for good cause.

## 7.7. Estoppel Certificate

Within 30 days after written demand is delivered to the Architectural Control Committee by any Owner, and upon payment therewith to the Architectural Control Committee of a reasonable fee from time to time to be fixed by it, the Architectural Control Committee shall record an Estoppel certificate executed by any two of its members certifying with respect to any Lot of said Owner, that as of the date thereof either all improvements and other work made or done upon said Lot: **(a) comply** with the Design Guidelines and the Declaration, or **(b) do not so comply**. In the event the improvements do not comply, the certificate shall also (1) identify the non-complying improvements and/or work and (2) set forth particularly the cause or causes for such non-compliance. Any purchaser from the Owner or mortgagee or other encumbrance shall be entitled to rely on said certificate with respect to the matters therein set forth, such matters being conclusive as between the Rose Creek Estates Owners' Association, the Architectural Control Committee, Developer, all Owners and other interested Persons, and such purchaser, mortgagee, or other encumbrance.

## 7.8. Commencement of Construction

Upon receipt of approval from the Architectural Control Committee, the Owner shall satisfy all conditions thereof and commence the construction, reconstruction, refinishing, alterations, or other work pursuant to the approved drawings within one year from the date of such approval. If the Owner shall fail to comply with this paragraph, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the Architectural Control Committee prior to the expirations of said one year period, and upon finding by the Architectural Control Committee that there has been no change in circumstances, the time for such commencement may be extended in writing by the Architectural Control Committee. The Owner shall, in any event, complete the construction, reconstruction, refinishing, or alteration of the foundation and all exterior surfaces (including the roof, exterior walls, windows, and doors) of any improvement of his Lot within one year after commencing construction thereof, except when, and for so long as, such completion is rendered impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies, or natural calamities. If Owner fails to comply with this paragraph, the Architectural Control Committee may notify the Board of Directors of the Rose Creek Estates Owners' Association of such failure and the Board, at its option, shall either complete the exterior in accordance with the approved drawings, or remove the improvement and return the Lot to its natural state prior to construction. The Owner shall reimburse the Rose Creek Estates Owners' Association for all expenses incurred in connection therewith.

Jimmy Purselley: Chairman



Don Garrett: Member



Chris Klaus: Member



Brad Steelman: Member



Tony Winchester: Member



THE STATE OF TEXAS  
COUNTY OF Tarrant

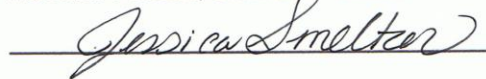
BEFORE ME, the undersigned authority, on this day personally appeared; Jimmy Purselley, Don Garrett, Chris Klaus, Brad Steelman, and Tony Winchester, of Rose Creek Estates Architectural Control Committee, a Texas nonprofit corporation, and executed the foregoing instrument on behalf of Rose Creek Estates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 13<sup>th</sup> day of January 2011.

(Seal)



NOTARY PUBLIC, STATE OF TEXAS



Printed Name: Jessica Smeltzer

My Commission Expires: 2011

AFTER RECORDING RETURN TO:

Rose Creek Estates HOA  
Architectural Control Committee  
PO Box 1112  
Mansfield, TX 76063

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The Architectural Control Committee can amend these Guidelines at any time.

MARY LOUISE GARCIA

COUNTY CLERK



100 West Weatherford Fort Worth, TX 76196-0401

PHONE (817) 884-1195

ROSE CREEK ESTATES HOA  
PO BOX 1112  
MANSFIELD, TX 76063

Submitter: ROSE CREEK ESTATES HOA

**DO NOT DESTROY**  
**WARNING - THIS IS PART OF THE OFFICIAL RECORD.**

Filed For Registration: 1/14/2011 11:32 AM

Instrument #: D211011996

OPR 21 PGS \$92.00

By: \_\_\_\_\_

*Mary Louise Garcia*

D211011996

ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY  
BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Prepared by: VMMASSINGILL