

Cherry Pines

Live.Now

Residential Builder Guidelines

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Introduction

Cherry Pines Live.Now is being developed as a master planned community that will feature single-family residences, landscaped green spaces and reserves.

The Residential Builder Guidelines ("Guidelines") that follow in this booklet are presented as a minimum set of development standards for construction of single-family residences. The intent is to provide a frame work for design objectives and to provide community and overall quality throughout.

They are also aimed at providing an attractive and coordinated physical environment before, during and after construction.

These Guidelines are specifically to be used by the Builder and for review by the Architectural Review Committee ("ARC") to ensure that each residence constructed meets the standards listed within. This would include the theme, colors, placement, materials, fencing, repetition, drives, etc., to allow a uniform flow to the community. The ARC will review each single family residential submittal prior to construction.

These Guidelines are supplemental to the Declaration of Covenants, Conditions and Restrictions for Cherry Pines Live.Now and are to be used in the architectural review of Builder plan by the ARC. Non-compliance with these Guidelines is grounds for disapproval of plans by the ARC. The review and approval of plans constitutes conformance with the Guidelines and standards, and protective covenant and deed restrictions, but does not relieve the applicant from conformance to local, state and national codes, ordinances, and standards plus other design considerations not reviewed by the ARC. The Committee assumes no responsibility for structural integrity or for mechanical, electrical and civil design with review of the above.

Pursuant to and in accordance with the Declaration, the ARC shall have the exclusive jurisdiction over the design, construction, modification, alteration, addition of all improvements within Cherry Pines Live.Now with respect to their compliance with the architectural standards set forth in the Declaration, any dedicatory instrument or the Guidelines. The ARC has the right to amend these Guidelines from time to time as it sees fit to comply with or meet changing market and consumer needs.

General Responsibilities

The following Guidelines are to provide a basis for design concepts, forms, and materials to create a pleasant living environment. The Guidelines are not intended to limit the creativity of the Builders in their design and construction. The design, however, should use acceptable materials and fit into the overall theme of the community.

The Guidelines provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage and lighting. In addition, the Guidelines establish a process for review of proposed construction to ensure that all sites within Cherry Pines Live.Now are developed with the consistency and quality intended for the development.

To the extent that the City of Tomball, Texas ordinances, building code or regulation requires a more restrictive standard than the standards set forth in these Guidelines, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Guidelines shall prevail.

Each Builder is expected to improve and maintain its individual Lots in a neat and orderly fashion. Lot maintenance includes and is not limited to containment of debris, street cleaning, sand bags, and maintenance of silt fencing. Builders are required to comply with respect to building setbacks and the orientation and placement of improvements including but not limited to driveways, sidewalks, dwelling units, fencing and landscaping. Connections to utilities are the responsibility of the Builder.

Builder shall comply with and warrant compliance with any and all applicable building codes, and rules and regulations in effect within the jurisdiction of any governmental agency including but not limited to City, County, State, MUD and EPA, etc. Codes, rules and regulations of the City or other agency with jurisdiction over Cherry Pine Live.Now that exceed the requirements of these Guidelines shall supersede the Guidelines. Failure to maintain Lots, construction debris, streets, inlets, sandbags, silt and construction fencing will result in Builders incurring fines.

Disclaimer

Neither the Cherry Pines Live.Now Community Association or the members of the Architectural Review Committee (ARC) or its representative, their successors or assigns, shall be liable for damages to anyone submitting plans to them for approval, or to any owner or lessee of any parcel affected by these restrictions, 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 plans submitted. Every person who submits plans to the ARC for approval agrees by submission of such plans, and every owner or lessee of any parcel within the property agrees, by acquiring title thereto or interest therein, that he will not bring any action or suit against the Cherry Pines Live.Now Community Association or the members of the ARC, or its representatives, to recover any damages.

I. Site Plan Guidelines

A. General:

Prior to construction on any Lot each Builder shall become familiar with the required setbacks and regulations for the applicable City, County, and State.

B. Building Setbacks:

Building setbacks are determined by Lot Location and established by the Developer. Unless otherwise delineated on the recorded Plat for U.E. Setbacks.

1. Lot Types:

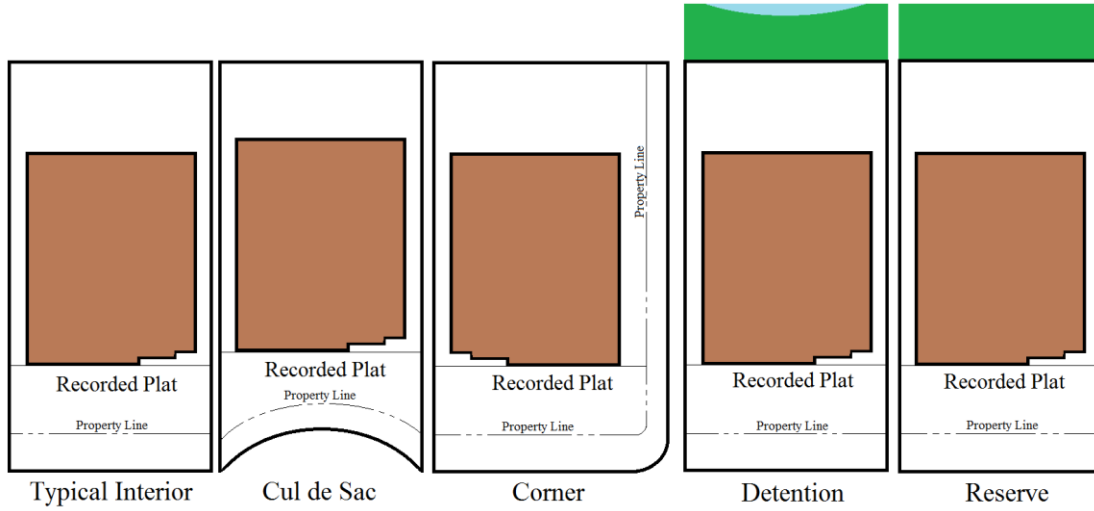
- a. Typical Lot: Lot with an adjacent Lot on each side
- b. Cul-de-Sac Lot: Lot which is at the end of a non-through street
- c. Corner Lot: Lot with an adjacent Lot on one side and a street on the other
- d. Detention/Reserve Lot: Lot which back or side a Detention or Reserve Area

Front Setback	
Typical Interior	Recorded Plat
Cul-de-Sac	Recorded Plat
Corner	Recorded Plat
Detention/Reserve	Recorded Plat

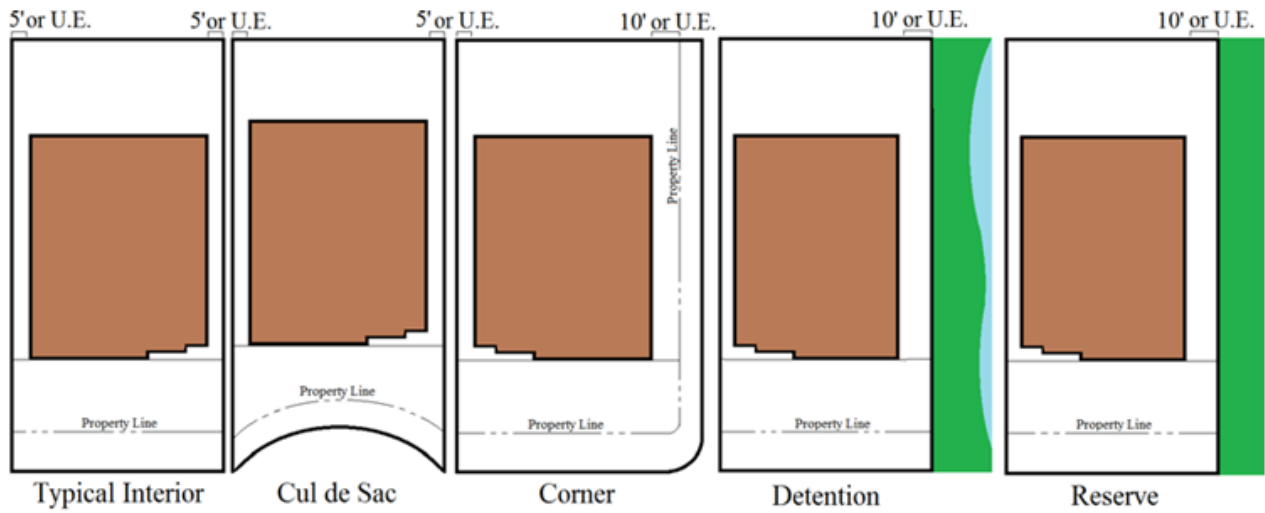
Side Setback	
Typical Interior	5' or U.E. (whichever is greater)
Cul-de-Sac	5' or U.E. (whichever is greater)
Corner Side	10' or U.E. (whichever is greater)
Detention/Reserve	10' or U.E. (whichever is greater)

Rear Setback	
Typical Interior	15'
Cul-De Sac	15'
Corner	15'
Detention/Reserve	20'

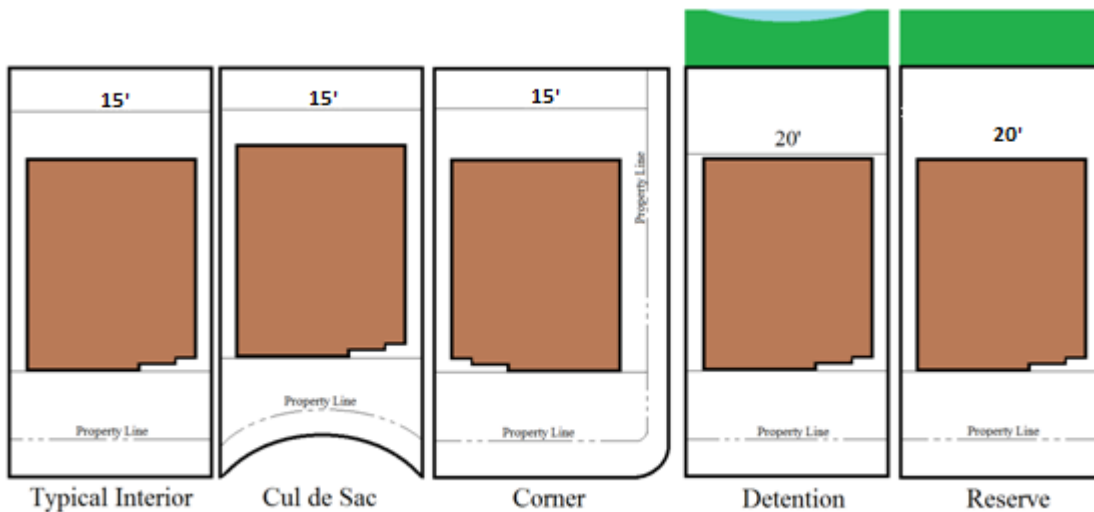
Front Setback Exhibit:



Side Setbacks Exhibit:



Rear Setback Exhibit:

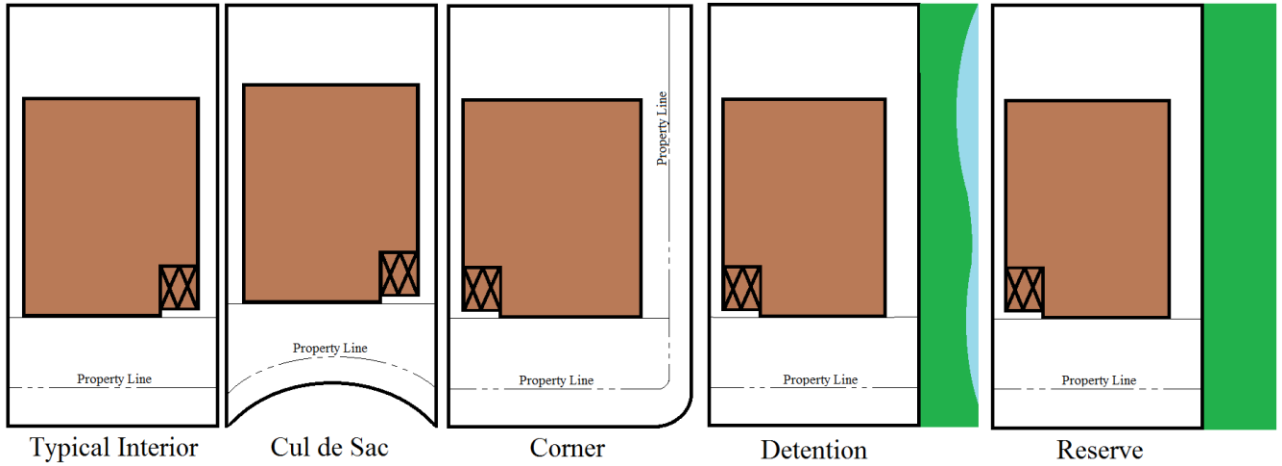


C. Lot Consolidation:

- Lot consolidation is PROHIBITED.

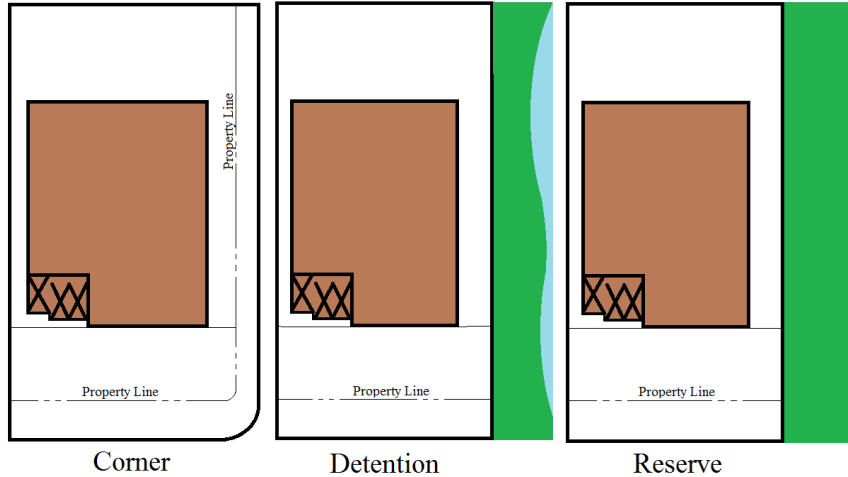
D. Garages:

1. All Lots must have a garage that accommodates a minimum of two (2) mid-size vehicles.
2. **Front Loaded Garages:** Garage Bays which face the R.O.W.
 - Must be located on the interior side of Corner, Detention and Reserve Lots.



3. Three Car Front Loaded Garages: All Garage Bays facing the R.O.W.

- Must be located on the interior side of Corner, Detention and Reserve Lots



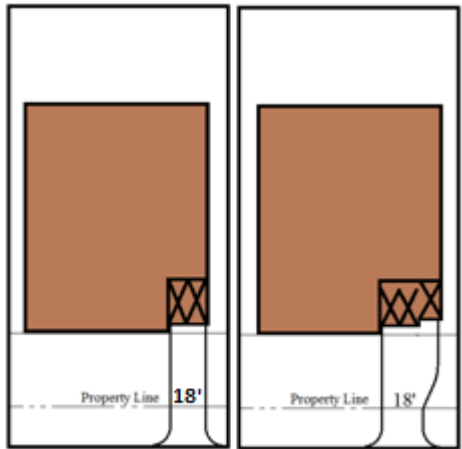
- Garage Bay adjacent to the house must be setback three feet (3') from the front Elevation.

4. Carports: PROHIBITED

5. Garage Conversions: PROHIBITED

E. Driveways:

1. Refer to City Ordinances for Construction Guidelines and ADA requirements.
2. Maximum widths measured at the Front Property Line.

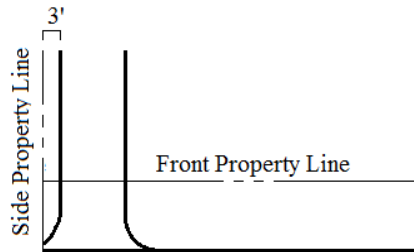


Maximum Widths:

3. Driveways Prohibited: Circular, Dual driveway

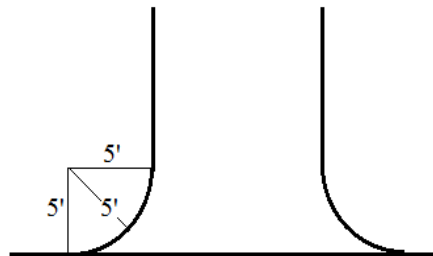
F. Driveway Side Setback:

- Minimum three feet (3') from the side Property Line



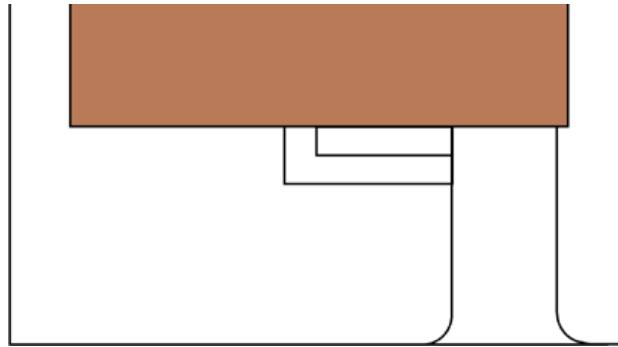
G. Driveway Radius:

- Minimum five feet (5')



H. Sidewalks

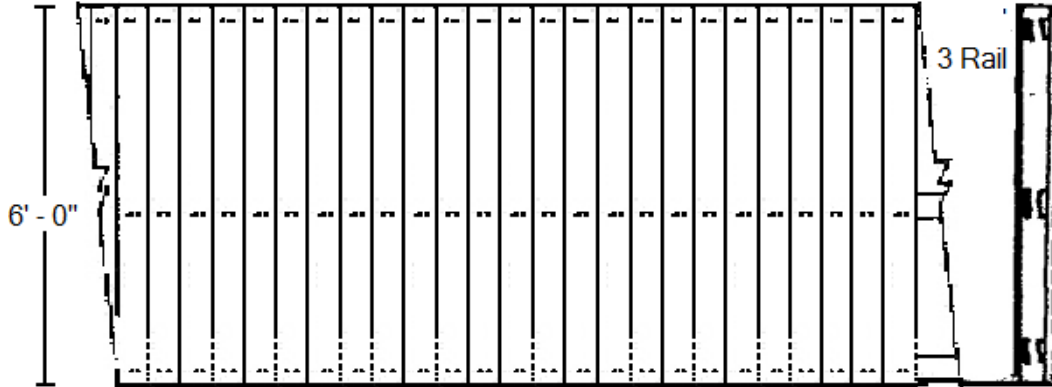
1. Four feet (4') wide concrete
2. Must lead from the front entry of the elevation to the driveway
3. Must not lead to the R.O.W.



I. Wood Fencing:

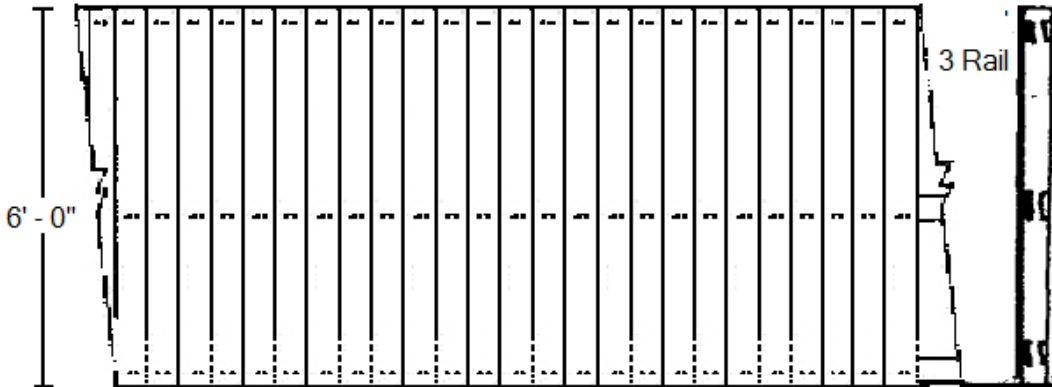
1. Good Side Wood:

- Six inch (6") by six foot (6') cedar pickets
- All good side pickets facing public view
- Three (3) rail



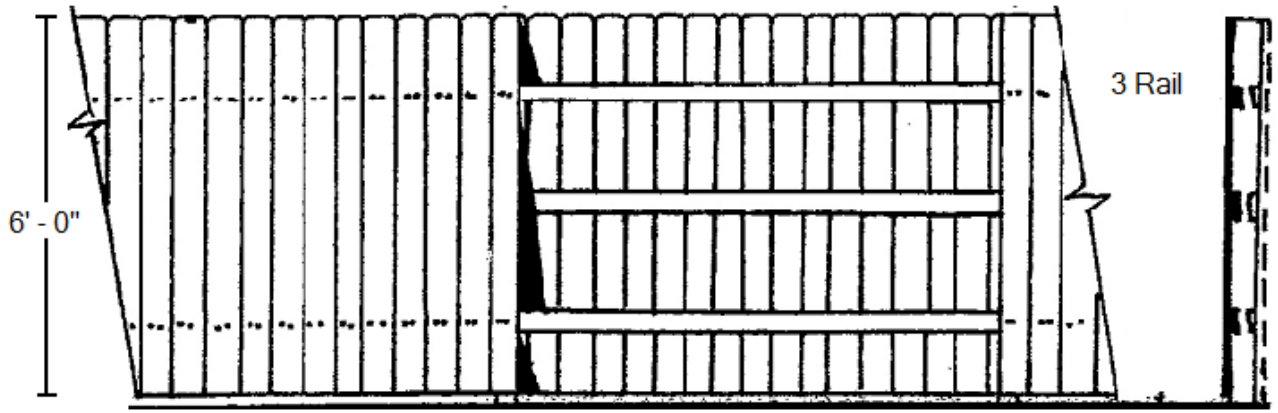
2. Good Side In Wood:

- Six inch (6") by six foot (6') cedar pickets
- All good side pickets facing interior side of a Lot
- Three (3) rail



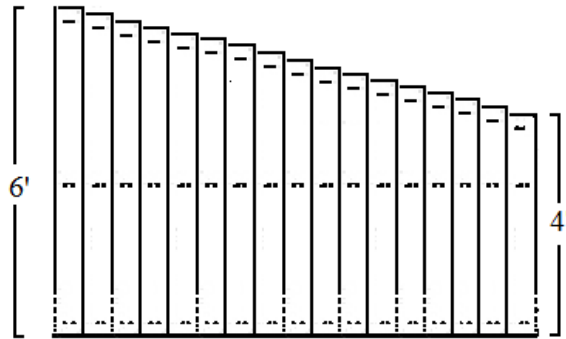
3. Good Neighbor Wood:

- Six inch (6") by six foot (6') cedar pickets
- Alternating panels of good side pickets
- Three (3) rail



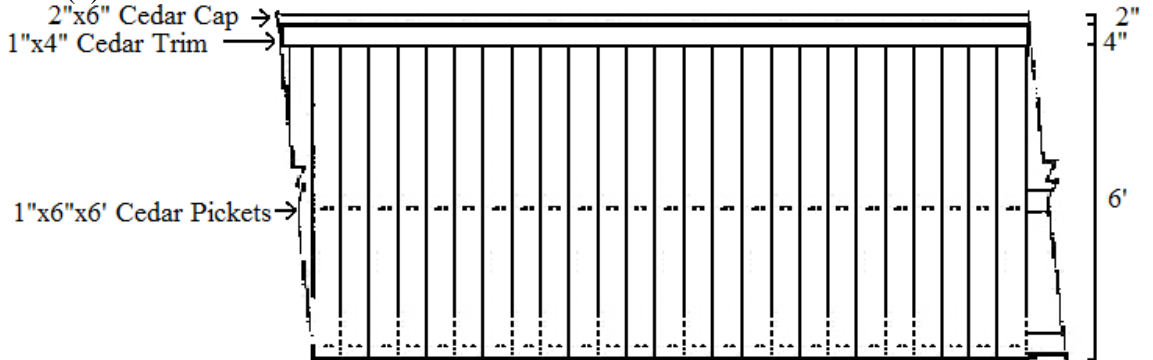
4. Transition Wood:

- Interior Side property line fencing for Lots with rear steel fencing
- Six inch (6") by six foot (6') cedar pickets
- All good side pickets
- Three (3) rail
- Transition from six feet (6') to four feet (4') within one fence panel



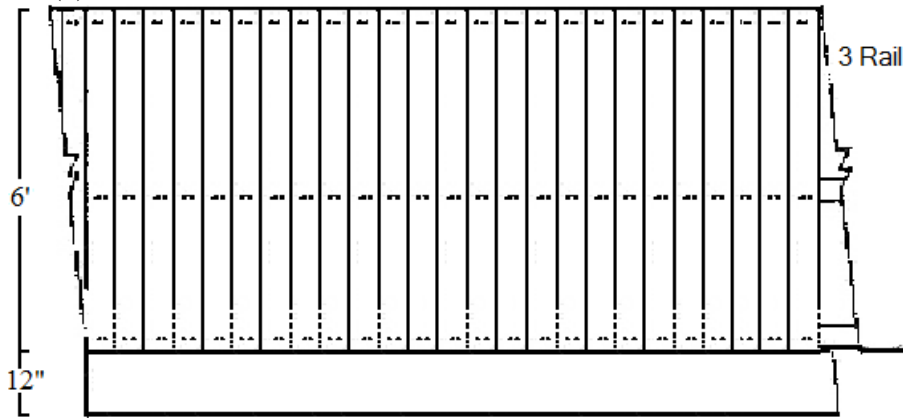
5. Upgraded Wood:

- Six inch (6") by six foot (6') cedar pickets
- All good side pickets facing public view
- Two inch (2") by six inch (6") cap
- One inch (1") by four inch (4") trim
- Three (3) rail



6. Perimeter Wood:

- Six inch (6") by six foot (6') cedar pickets
- All good side pickets facing public view
- Twelve inch (12") rot board
- Three (3) rail

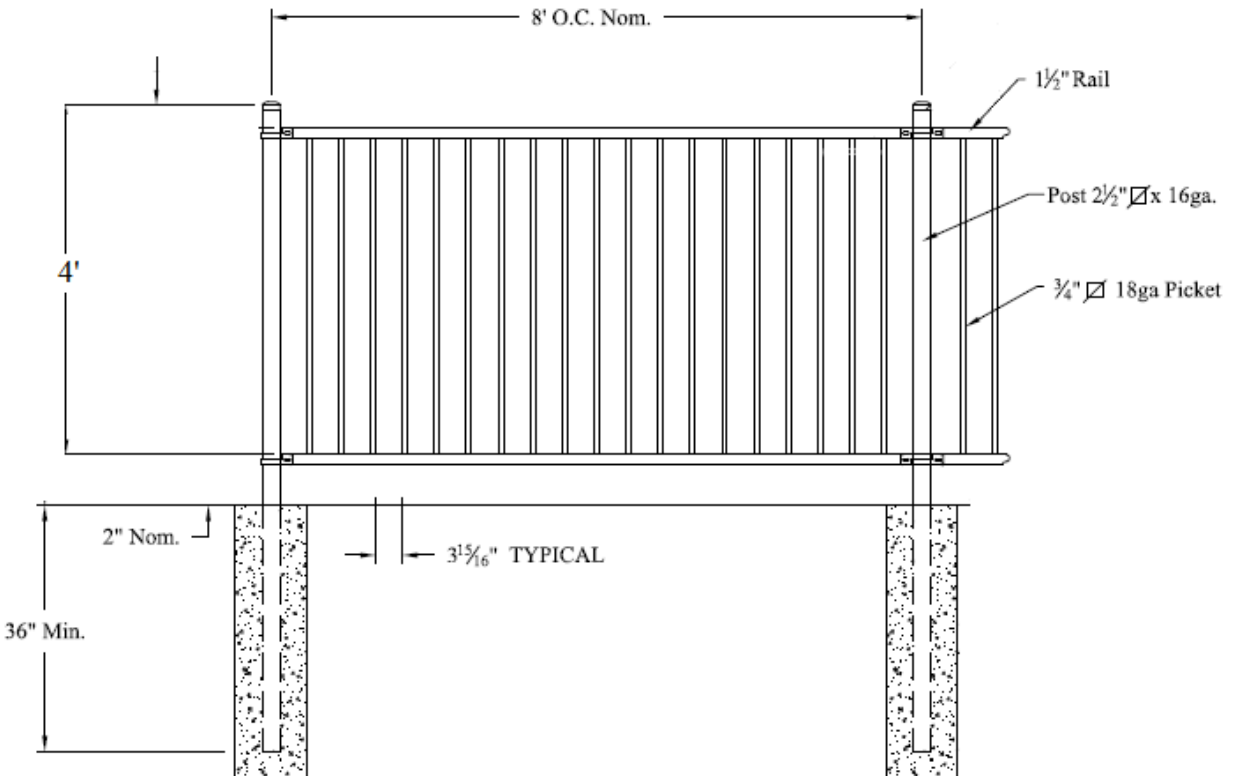


J. Wood Fence Stain:

- No stain allowed

K. Steel Fencing:

- Type: Ameristar Majestic Montage Plus
- Four foot (4')
- Two (2) rail
- Black



L. Breezeways:

1. Must be Upgraded Wood or Steel
2. Gates are required.

M. Gates:

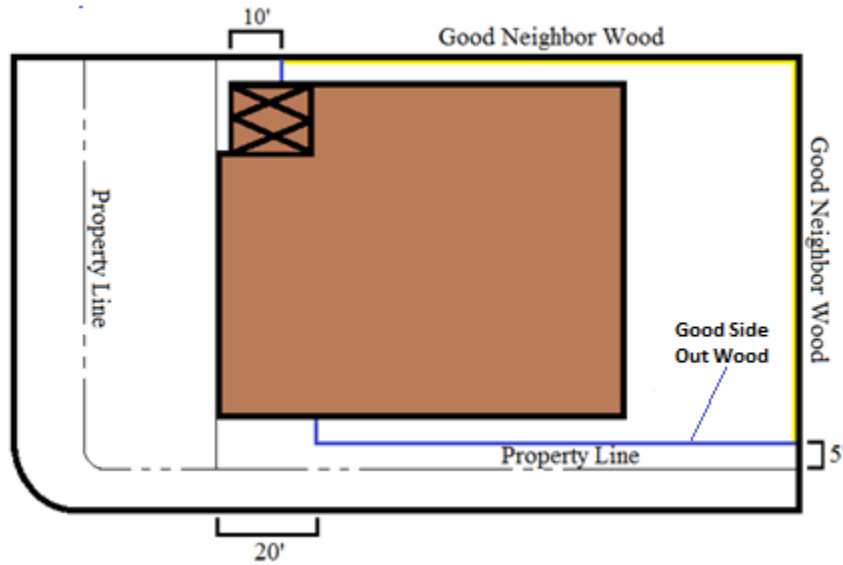
1. Wood Gates:

- a. Wood Gates on Wood Front Fences must be six foot (6') Good Side Out Wood.
- b. Wood Gates on Wood Breezeway Fences must be the same height as the fence.
- c. Wood Gates are PROHIBITED on Steel Fences.
- d. Wood Gates are PROHIBITED on Corner Side and Reserve Side fences.

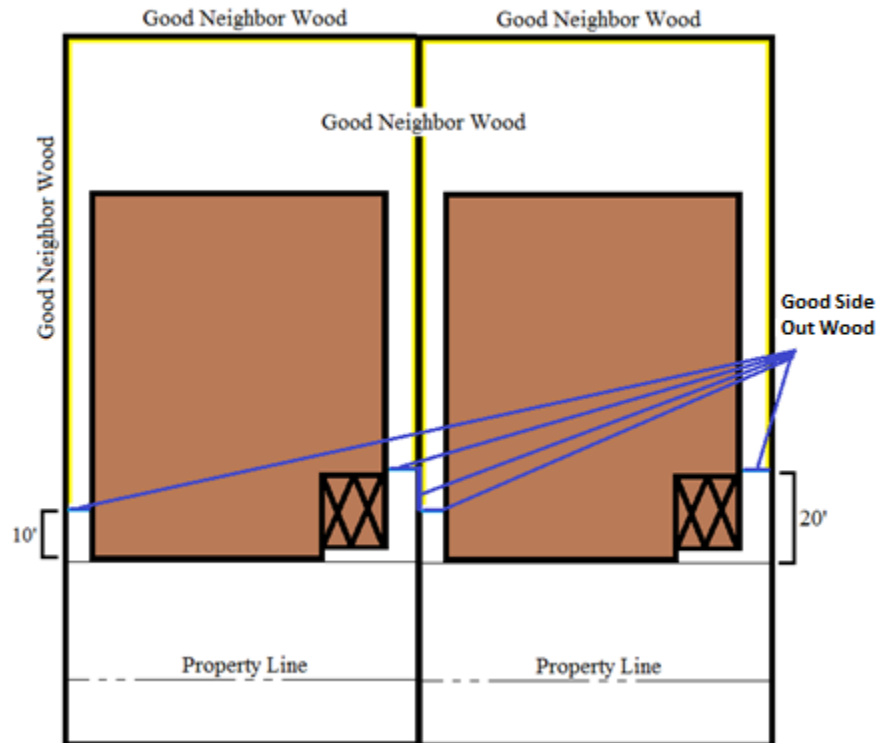
N. Fence Placement: Fencing type and placement is determined by Lot Location.

1. Corner Lot Fencing: Lots siding a Side Street

- a. **Corner Side Front Fence:** Fencing on the Corner Side of the Lot which faces the Front Property Line
 - Good Side Out Wood
 - Setback a minimum of ten feet (10') to a maximum of twenty feet (20') from the closest front corner of the elevation
- b. **Interior Side Front Fence:** Fencing between the Lot and adjacent Lot which faces the Front Property Line
 - Good Side Out Wood
 - Setback a minimum of ten feet (10') to a maximum of twenty feet (20') from the closest front corner of the elevation
 - Side fencing must be placed around existing trees as determined by the ARC.
- c. **Visible Front Fence:** Side Property Line fencing between adjacent Lots that is visible within Front R.O.W. public view
 - Good Side Out Wood
 - Last Builder to construct fencing must finish Visible Fence to be Good Side Out.
- d. **Interior Non-Visible Fence:** Fencing along the interior Side and Rear Property Lines not visible within public view
 - Good Neighbor Wood
 - Must not exceed height of Corner Side Fencing
 - Fencing must be placed around existing trees as determined by the ARC.
- e. **Corner Side Street Fence:** Fencing on the Corner Side of the Lot which faces the Side Property Line
 - Good Side Out Wood
 - Setback five feet (5') from the Corner Side Street Property Line to allow for Corner Side Landscape

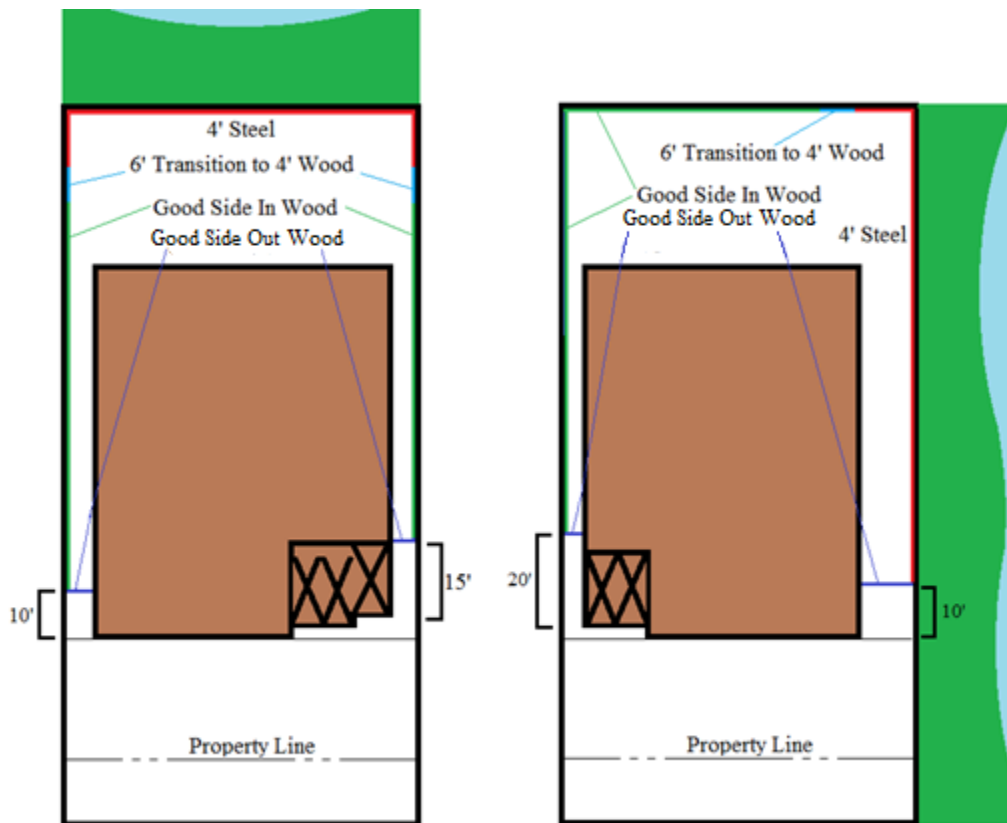


- 2. Interior Lot Fencing:** Lots not backing or siding a Detention, Corner or Reserve
- a. Front Fence:** Fencing which faces the Front Property Line
 - Good Side Out Wood
 - Setback a minimum of ten feet (10') to a maximum of twenty feet (20') from the closest front corner of the elevation
 - b. Visible Front Fence:** Side Property Line fencing between adjacent Lots that is visible within Front R.O.W. public view.
 - Good Side Out Wood
 - Last Builder to construct fencing must finish Visible Fence to be Good Side Out.
 - c. Interior Non-Visible Fence:** Fencing along the interior Side and Rear Property Lines not visible within public view
 - Good Neighbor Wood
 - Must not exceed height of Perimeter, Corner Side, Reserve fencing
 - Side fencing must be placed around existing trees as determined by the ARC.



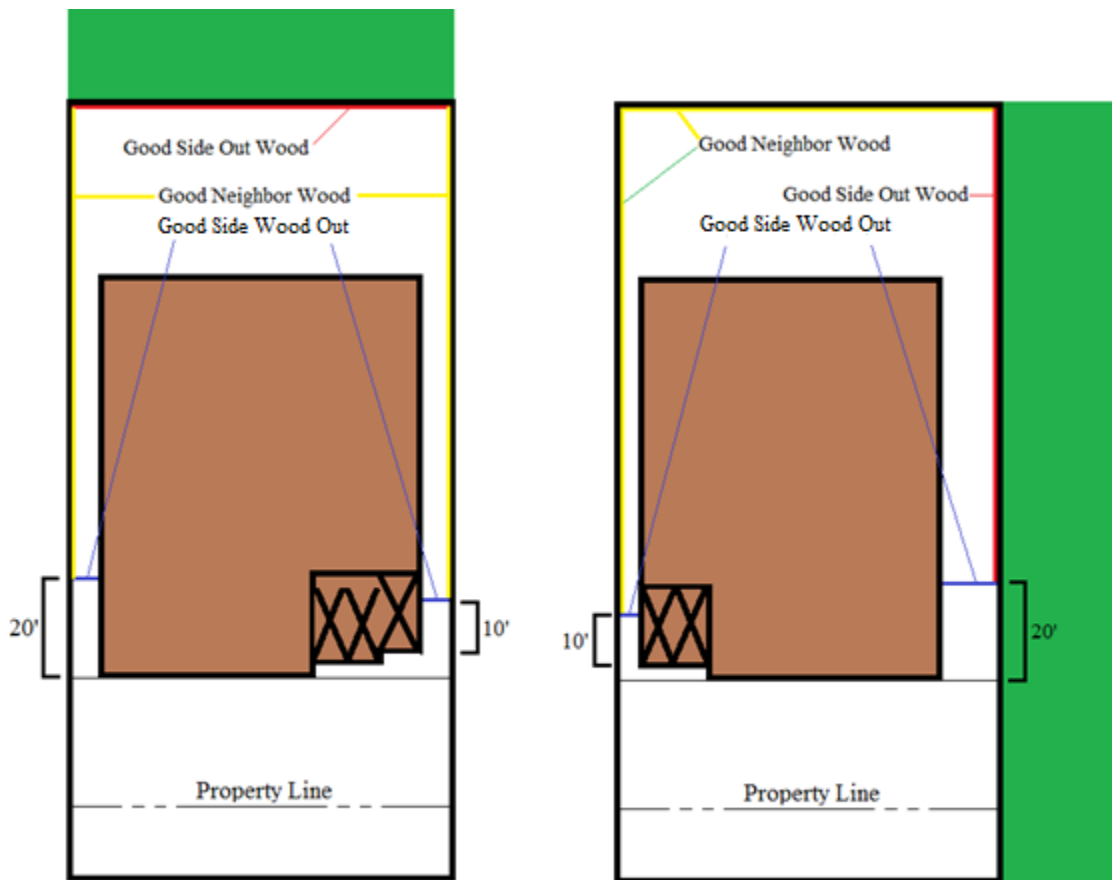
3. Detention Lot Fencing:

- a. **Front Fence:** Fencing which faces the Front Property Line
 - Good Side Out Wood
 - Setback a minimum of ten feet (10') to a maximum of twenty feet (20') from the closest front corner of the elevation
- b. **Visible Front Fence:** Side Property Line fencing between adjacent Lots that is visible within Front R.O.W. public view
 - Good Side Out Wood
 - Last Builder to construct fencing must finish Visible Fence to be Good Side Out.
- c. **Interior Visible Side Fence:** Side Property Line fencing between adjacent Lots that connects to 4' rear steel.
 - Good Side In Wood
 - Transition Wood
 - Two (2) panels of four foot (4') Side Property Line steel, to meet Rear Property Line
 - Side fencing must be placed around existing trees as determined by the ARC.
- d. **Detention Side Fence:** Fencing along the Side Property Line facing the Detention
 - Four foot (4') Steel
- e. **Detention Rear Fence:** Fencing facing the Detention, along the Rear Property Line, between each Side Property Line
 - Four foot (4') Steel
- f. **Rear Fencing:** Fencing along the Rear Property Line between each Side Property Line that does not face the Detention
 - Good Side In Wood
 - Transition Wood
 - Two (2) panels of four foot (4') Rear Property Line steel, to meet Detention Side Fence

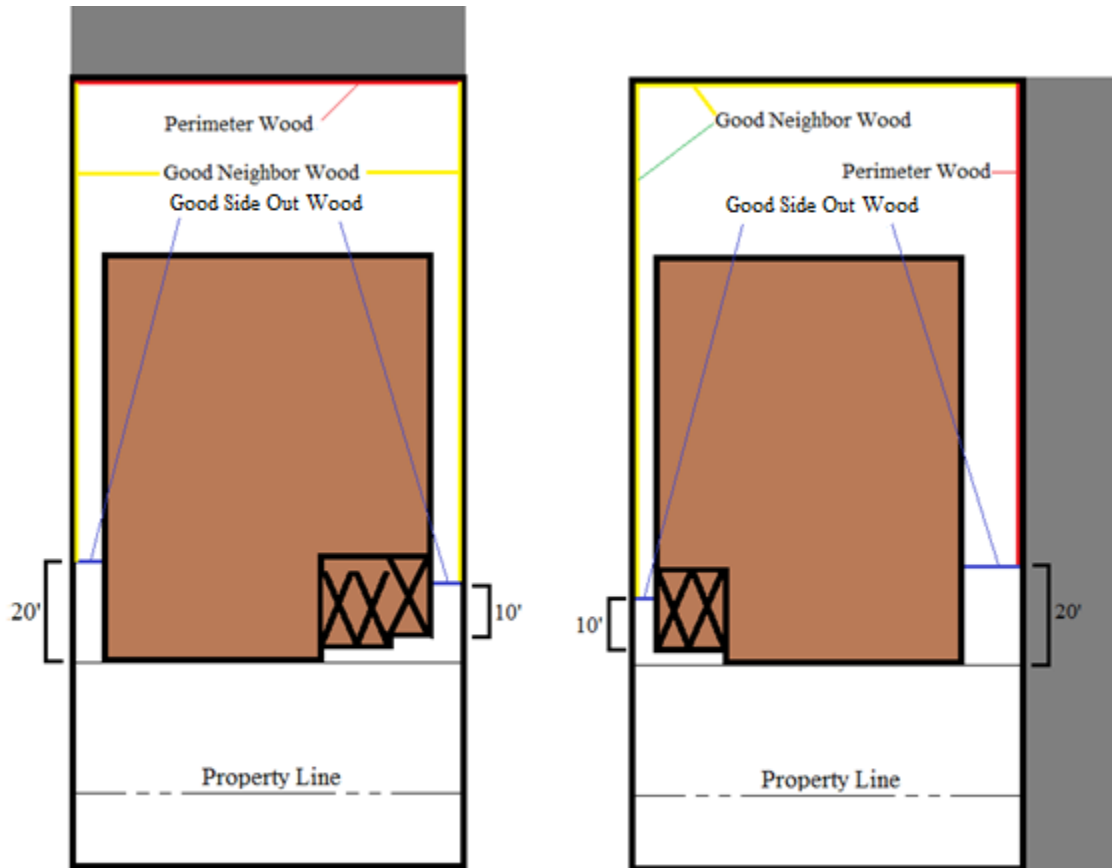


4. Reserve Lot Fencing:

- a. **Front Fence:** Fencing which faces the Front Property Line
 - Good Side Out Wood
 - Setback a minimum of ten feet (10') to a maximum of twenty feet (20') from the closest front corner of the elevation
- b. **Visible Front Fence:** Side Property Line fencing between adjacent Lots that is visible within Front R.O.W. public view.
 - Good Side Out Wood
 - Last Builder to construct fencing must finish Visible Fence to be Good Side Out.
- c. **Interior Side Fence:** Fencing along the interior Side Property Lines not visible within public view
 - Good Neighbor Wood
 - Must not exceed height of Reserve Fencing
 - Side fencing must be placed around existing trees as determined by the ARC.
- d. **Interior Rear Fence:** Fencing along the interior Rear Property Line that is not facing the Reserve
 - Good Neighbor Wood
 - Must not exceed height of Reserve Fencing
- e. **Reserve Side Fencing:** Fencing along the Side Property Line facing the Reserve
 - Good Side Out Wood facing the Reserve
- f. **Reserve Rear Fence:** Fencing along the Rear Property Line between each Side Property Line
 - Good Side Out Wood facing the Reserve



- 5. Perimeter Fencing:** All fencing along the Perimeter of Cherry Pines Live.Now
- a. Front Fence:** Fencing which faces the Front Property Line
 - Good Side Out Wood
 - Setback a minimum of ten feet (10') to a maximum of twenty feet (20') from the closest front corner of the elevation
 - b. Visible Front Fence:** Side Property Line fencing between adjacent Lots that is visible within Front R.O.W. public view
 - Good Side Out Wood
 - Last Builder to construct fencing must finish Visible Fence to be Good Side Out.
 - c. Interior Side Fence:** Fencing along the interior Side Property Lines not visible within public view
 - Good Neighbor Wood
 - Must not exceed height of Perimeter Fencing
 - Side fencing must be placed around existing trees as determined by the ARC.
 - d. Interior Rear Fence:** Fencing along the interior Rear Property Line that is not facing the Perimeter
 - Good Neighbor Wood
 - Must not exceed height of Perimeter Fencing
 - e. Perimeter Side Fencing:** Fencing along the Side Property Line facing the Perimeter
 - Perimeter Fencing
 - f. Perimeter Rear Fence:** Fencing which faces the Perimeter along the Rear Property Line between each Side Property Line.
 - Perimeter Fencing



O. Grading, Drainage:

1. Positive drainage away from the housing structure shall be provided for rainfall, gutter downspouts, irrigation, air conditioner condensate and all other types of water runoff.
2. Caution should be used in establishing the foundation elevation so that driveways, slabs or insufficient fall does not impair adequate drainage of the Lot.
3. It is the responsibility of the Builder to provide positive drainage and maintain natural drainage for Lots with existing trees, as determined by the ARC.
4. Drainage type to be determined by Lot location.
5. Must have ARC Approval
 - a. FHA TYPE "A" LOT GRADING
The Lot has a ridge along Common rear Lot lines and each Lot is graded to drain storm water directly to the street independent of other properties.
 - b. FHA TYPE "B" LOT GRADING
The Lot has a ridge at the mid-point from the street from which the Lot is graded to drain storm water in the front half of the Lot directly to the street independent of other properties. The rest of the Lot shall drain the storm water in the rear half of the Lot to the rear of the Lot.

II. Architectural Guidelines

A. General:

The Architectural Guidelines allow for diversity while enforcing the architectural integrity of the whole community. Articulation in design of elevations including roofs is required. Equal priority is given to the rear and sides of a residence that may be within public view, Detention and common areas. Designs lacking articulation are strongly discouraged and may not be Approved by the ARC. The Guidelines also establish basic criteria for design construction of residences, garages and other structures. Construction materials shall be of the highest quality in order to insure well-crafted residences.

B. Square Footage:

- Measured by the total air-conditioned area from brick to brick

45' Lot Square Footage	
1450 Minimum	3250 Maximum

C. Plan Width:

1. All Plans must be no less than twenty feet (20') of the Lot Size.
 - Minimum Plan Width of thirty-five feet (35')



D. Plan Spacing and Repetition:

Plan	Elevation	Side of the Street	Spacing	
Same Plan	Same Elevation	Same Side of the Street	2	A
		Opposite Side of the Street	2	B
	Different Elevation	Same Side of the Street	1	C
		Opposite Side of the Street	1	D
Different Plan	Considered Same As another Plan Elevation	Same Side of the Street	2	E
	Considered Same As another Plan Elevation	Opposite Side of the Street	2	F

A		B	F	A	C	D		C
E			D	E		B	F	

E. Masonry Requirements:

Lot Type	Front Elevation	*Visible Elevations
45" Typical Lots	50% minimum	same

F. Exterior Materials:

- All Exterior Materials must be of the highest quality.
- ARC approval for placement, type and color required.

1. Masonry:

- Masonry is considered to be Brick, Stone or Stucco.
- Brick Veneer: PROHIBITED
- Hardie products are not considered Masonry.

a. Brick:

- Must meet the standard specifications established by the Brick Institute of America
- Colors Encouraged: Earth tones
- Colors Prohibited: White

b. Stucco:

- Cementitious-based or acrylic-based stucco
- Must meet the Plaster Institute minimum standards
- Colors Encouraged: Earth tones
- Colors Prohibited: White, bold, primary, pastels

- c. **Stone:** Natural quarried or cultured stone
 - Colors: Earth tones
- 2. Siding:**
- a. Siding Permitted: Hardie or equivalent cementitious material
 - Shake Shingles or Board and Batten vertical Siding may be allowed with ARC approval.
 - b. Siding Prohibited: Aluminum or vinyl
- 3. Accent Materials:**
- a. **Wood:** Must be painted
 - b. **Metal:** Must be standing seam, anodized aluminum, bronze, copper, wrought iron ornamentation
 - Colors: Black or Brown
- 4. Paint**
- a. Maximum four (4) paint colors per home, including Wood Stain
 - b. Colors encouraged: Earth tones
 - c. Colors Prohibited: White, bold, primary, pastels

G. Material and Color Repetition

- 1. The same Brick, Stone or Stucco color must not be adjacent to each other or directly across the street.
- 2. The same Color Scheme (same brick, stone (if applicable), and paint/trim) must be four (4) Lots between if on the same side of the street, or one (1) across and four (4) between if across the street

	Same Color Scheme	Same Paint Color	Same Stone Color/Cut	Same Paint Color	Same Stone Color/Cut	
Same Color Scheme			Same Paint Color	Same Stone Color/Cut	Same Color Scheme	Same Color Scheme

H. Windows:

1. Must compliment the architectural style of the home
2. Materials: Double paned or higher quality, wood, metal vinyl
3. Colors: Taupe, white, bronze
4. Tinting: Encouraged for energy conservation purposes
5. Prohibited: Clear anodized aluminum, reflective glass, mirrored tinting or glazing, burglar or security bars, awnings

I. Doors:

1. Must compliment the architectural style of the home
2. Materials: Wood or metal
3. Colors: Must be painted or stained

J. Garages:

1. All Lots must have garages that accommodate two (2) mid-size vehicles.

K. Garage Doors:

1. Metal or Decorative Garage Doors allowed, with ARC approval.
2. Colors Encouraged: Darker than main body color
3. Colors Prohibited: White, primary, pastel

L. Foundation:

1. Must be screened with landscape

M. Driveways:

1. Materials Permitted: Concrete, stamped or colored concrete pavers, brick, flagstone Materials other than concrete require ARC approval.
2. Materials Prohibited: Pea-gravel, asphalt, loose gravel, stone, timber borders

N. Walkways:

1. Materials Permitted: Concrete
2. Materials other than concrete require ARC approval.
3. Materials Prohibited: Pea-gravel, asphalt, loose gravel, stone, timber borders

O. Roofs:

1. Pitches:
 - a. Primary Pitch Minimum: 6:12
 - b. Porch, Bay windows and Dormer Minimum: 3:12
2. Allowed Materials:
 - a. Composition Shingle: 30 year
 - b. Colors: Weathered-wood

P. Roof Top Accessories:

1. Antennas, towers, satellite dishes or similar devices require ARC approval.
 - a. Must be placed in the least obtrusive location and no higher than the highest point of the roof line
2. Skylights:
 - a. Must have ARC approval
 - b. Must be integrated with the roof design, parallel to the roof pitch
 - c. Must match the roof color
3. Solar Collectors:
 - a. Must have ARC approval
 - b. Must not be placed within public view
4. Plumbing or heating vents, stacks or other projections

- a. Must be placed out of public view if at all possible
- b. Must match the roof color

Q. Chimneys:

- 1. Materials must be the same as the house.
 - a. Must be masonry, stucco board or hardie
- 2. Cap: Required for all fireplaces visible from the street, using metal spark arrestor or metal venting at the top of the chimney
 - a. Must be painted to match the chimney material
- 3. Direct Vent: Allowed
 - a. Must not be visible from the R.O.W.

R. Lighting:

- 1. Cast aluminum or brass fixtures are permitted. Must have ARC approval.
- 2. “Spill over” lighting onto neighboring yards or other properties, streets or public spaces is PROHIBITED.
- 3. Lighting Prohibited: Colored lighting, high intensity lighting such as Mercury Vapor

S. Address Marker:

- 1. Precast stone address markers are required for each Lot.

T. Mail Clusters:

- 1. U.S. Post Office standard mail clusters will be installed at appropriate locations.
- 2. No individual mail boxes are permitted.

U. Builder Signage:

- 1. Model Identification sign:
 - a. Builders are permitted one (1) lighted sign per model home.
 - b. Sign size, shape, material and color must have prior ARC approval.
- 2. Lot Identification sign:
 - a. For advertising and sale of a Lot
 - b. One sign per Lot
 - c. Must be more than six (6) square feet in size
- 3. Signs Prohibited: Bandit signs and banners

V. Flag Poles:

- 1. Two (2) flag poles are permitted per Model Home.
- 2. Placement and color must receive ARC approval.
- 3. Must be removed prior to sale of the Model Home

III. Landscape Guidelines

A. General:

Landscape Guidelines provide the minimum requirements for all Yard types. Plant proportions shall be those recognized and recommended by the American Standard for Nursery Stock. Installation of all plants must conform to the standards of the American Association of Nurserymen.

B. Yard Type:

1. Front Yard
2. Rear Yard with a View
3. Corner Side

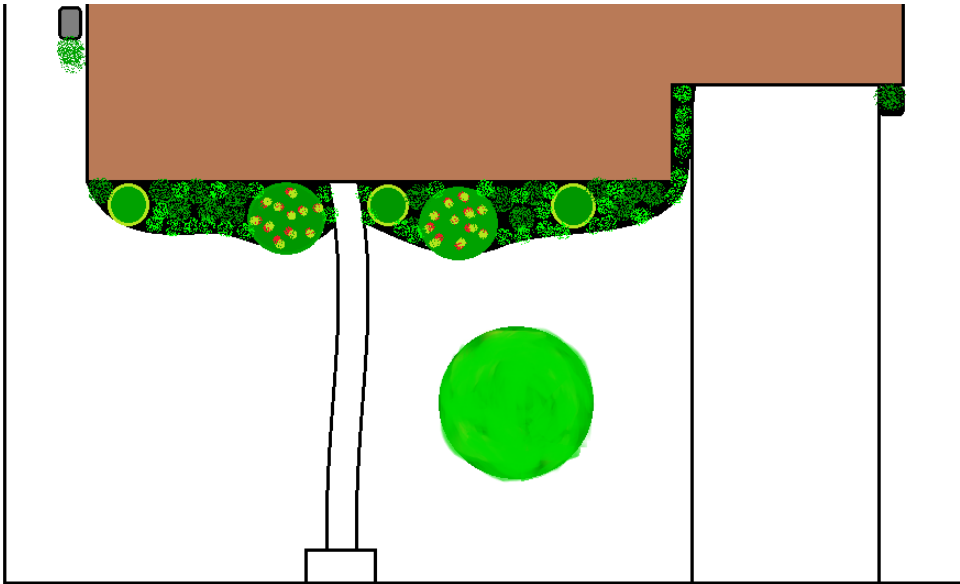
C. Landscape Beds:

1. Should be curvilinear with plantings in tiers
2. Should screen the front foundation of the home

D. Minimum Requirements:

Front Yard		
Shade Trees	Ornamental Trees	Shrubs
One 4" caliper (hardwood or pine)	Two 2" caliper	One 15 gallons
		Ten 5 gallons
		Fifteen 1 gallons
Corner Lots		
Two 4' Caliper (hardwood or pine)	NA	NA

Typical Front Landscape:



E. Existing Trees

- Existing trees are not included in the Minimum Requirements.
 - The ARC will determine which trees will be considered Existing.
 - Trees must be protected during construction.
 - Trees within ten feet (10') of the foot print of the home will not be required to be saved.
- Fencing along Side Property Lines must go around Existing Trees.

F. Sod

- St. Augustine is required.
- Front, side and rear yards when visible within public view

G. Screening

- All visible foundation must be screened with evergreen shrubs.
 - Front yard, Corner Side and visible Interior foundations
- Utilities and mechanical equipment within public view must be screened from view.
 - AC Units, gas meters, pedestals, cable boxes, etc.

H. Irrigation

- Optional (not required)

I. Mulch

- All planting beds must be mulched.
- Black hardwood mulch

IV. Construction Guidelines

The following Construction Guidelines (“Guidelines”) shall apply to any and all work performed on or within Cherry Pines Live.Now. All Builders shall be bound by any County building codes and all other applicable governing authority.

A. Builder's Compliance

The Builder shall comply with these Guidelines. Non-compliance will result in written notification from the ARC of any observed violation/s via Fax and/or Email to the Field Supervisor and Project Manager. The Builder will have seven (7) calendar days after such notice to correct the violation item/items. If non-compliance item/s are not corrected within the seven (7) days a second written notification will be sent. Failure to address violation notices could affect approval of future submittals.

B. Governing Authority

All Applicants shall comply with the regulations of any governing authority, as well as all applicable Occupational Safety and Health Act Regulations and Guidelines (OSHA).

C. Debris and Trash Removal

Builders shall clean up all trash and debris on the construction site on a regular basis. Lightweight materials, packaging and other items shall be covered or weighted down to prevent being blown off the construction site. Builders are required to retrieve promptly all trash and debris blown onto streets and neighboring properties. Builders are PROHIBITED from dumping, burying or burning trash anywhere within Cherry Pines Live.Now. During the construction period, each construction site shall be kept neat and clean and shall be properly policed to prevent it from becoming an eyesore of affecting other Lots or any open space. Each Builder is required to construct a trash containment area within the middle of the front of the Lot. Orange construction fence should be placed on sides and rear of construction Lot to prevent construction debris from blowing into adjacent Lots.

The Developer will designate an area in Cherry Pines Live.Now specifically for concrete wash-out. The Builders must clean out the concrete wash-out at intervals of no less than 30 days. Mud and dirt from the construction site on the paved streets of Cherry Pines Live.Now, whether caused by the builder or any of its subcontractors or suppliers, shall be promptly removed and streets shall be cleaned by the builder.

D. Sanitary Facilities

Adequate sanitary facilities for Builder's construction workers must be supplied by each Builder. Such facilities shall be located only within an area approved by the ARC.

E. 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 within areas designated by the ARC. All vehicles shall be parked so as not to inhibit traffic. At no time shall vehicles be allowed to park under existing trees and must stay off of and away from tree roots.

Each Builder shall be responsible for assuring that the subcontractors and suppliers obey the speed limits posted within the Development. Adhering to the speed limits should be a condition included in the contract between the Builder and its subcontractors/suppliers. The Builder and its subcontractors/suppliers shall use extreme caution around occupied properties. Resident complaints shall be courteously addressed and resolved quickly. Repeat offenders will be reported to the local County Law Enforcement office. Once occupied properties exist, the developer may restrict parking to one side of the street only.

F. EPA - SWPPP Each Builder shall comply with the Environmental Protection Agency’s Storm Water

Pollution Prevention Program (SWPPP) or other governmental authorities on similar issues.

G. Excavation Materials

Excess excavation materials shall be hauled away from Cherry Pines Live.Now and properly disposed of. Failure to do so shall result in the ARC removing the material and charging the expense to the Builder. Excavation materials may not be deposited on any common area or Lots not belonging to that builder.

H. Restoration or Repair of Other Property Damages

Damage or scarring of any property outside the construction Lot, including but not limited to roads, driveways, utilities, vegetation and/or other improvements that results from construction operations will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly and at the expense of the Builder. If the Builder fails to restore/repair the damaged area, the ARC may repair the area and impose the expense as a charge against the construction deposit. In the event of default by the Builder in meeting these obligations or the construction deposit is insufficient to meet the obligation, the Builder shall be responsible and a lien may be recorded against the Lot until paid.

I. Miscellaneous and General Practices

All Builders will be completely responsible for the conduct and behavior of their agents, representatives and subcontractors while in Cherry Pines Live.Now. The following practices are PROHIBITED:

1. Changing oil of any vehicle or equipment on the Lot itself or any other location within Cherry Pines Live.Now.
2. Allowing concrete suppliers, plasterers, painters or any other subcontractors to clean their equipment anywhere other than designated location(s) approved by the ARC. Such cleaning outside the designated area is strictly PROHIBITED. Violation of this provision will result in the repayment of expenses to the ARC for repairing the damage.
3. Removing any rocks, plant material, topsoil or similar items from any property or construction site within Cherry Pines Live.Now is PROHIBITED.
4. Possession of any type of firearms or illegal weapons within Cherry Pines Live.Now.
5. The use of residents' utilities without their written consent.
6. Using disposal methods or equipment other than those approved by the ARC.
7. Careless disposition of cigarettes or other flammable material. It is recommended that at least three ten pound (10lbs) ABC-rated dry chemical fire extinguishers shall be present and available in a conspicuous place on the construction site at all times.
8. The use of illegal drugs or alcohol is PROHIBITED.
9. Destruction or removal of protected plant materials or plants not previously approved by the ARC.
10. No pets, including dogs, may be brought into Cherry Pines Live.Now by either Builders or construction personnel. In the event of a violation the ARC, Declarant, or the Association has the right to contact authorities to inspect/impound any pet, refuse to permit the Builder or subcontractor involved to continue on the project or to take such other action as permitted by law.
11. Radios and other audio equipment which can be heard outside the construction site.
12. The use of horns not used for traffic safety by any catering trucks. Trash generated by the purchase of items from any catering truck shall be contained and disposed of properly. Repeated problems with these requirements will result in the catering trucks being denied admittance to into Cherry Pines Live.Now.
13. Builders will be responsible for repair and/or replacement of trees, plants, sidewalks, lights, etc damaged during construction.

J. 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 ARC approves an alternative access point.

K. Street Cleaning

All streets in front of a construction site are to be free from dirt, debris and spilled concrete. Each builder

shall be responsible for street cleaning. All streets must be cleaned weekly or as needed. All streets must be clean each Friday before weekend sales activity.

L. Construction Signage

Unless required by local governing authorities, no construction signs may be posted anywhere in Cherry Pines Live.Now. The exception being, the ARC may authorize a Builder to post one construction sign per Lot. Such sign must be designated and Approved by the ARC. Location must also be Approved by the ARC.

M. Concrete Washout

One designated concrete “Washout” area for concrete trucks will be allowed per builder. “Washout” locations will be designated by Developer. “Washout” area must be maintained by Builders at all times. When multiple builders are building within a section and sharing a washout area, the cleanup of the “Washout” may be shared by all Builders on an alternating monthly basis.

N. Sediment Control

As soon as possible earthwork commences, sediment control methods shall be installed to filter all storm water runoff from the tract into the public street. Sediment control must be placed at all inlets. The sediment control system must remain in place and in good repair until construction is complete. It may be removed when landscaping is installed and lawns are established. Builders shall conform to all regulatory agencies' rules, regulating standards and criteria governing sediment control to include, but not limited to, EPA-NPDES and Pollution Prevention Plan. Builders shall be responsible for filing and securing all necessary permits.

O. Sand Bags

Sandbags must be placed at the beginning and end of each construction site to contain construction dirt/debris. All inlets must have sandbags and sediment control at all times during construction. Builders shall conform to all regulatory agencies' rules, regulating standards and criteria governing sediment control to include, but not limited to, EPA-NPDES and Pollution Prevention Plan.

P. Safety Fencing

Orange plastic fencing w/metal posts to protect residents from construction areas and prevent construction trash from flowing outside of the construction site. Fencing should be placed on both sides and rear, if necessary, of construction site.

Q. Lot Maintenance

Owners of all Lots shall at all times keep all weeds and grass cut in a low-laying and attractive manner. No Lot may be used for the storage of materials or equipment except for normal residential requirements or incident to construction of improvements is permitted. In such case, all materials and equipment shall be stored so as not to be visible from any street. Debris on all empty Lots must be removed weekly.

R. Illegal Dumping

Dumping of any type onto an empty Lot or construction site is PROHIBITED. Building materials that obviously belong to another builder must be picked up by that builder.

S. Stealing

Stealing within Cherry Pines Live.Now at anytime including and not limited to materials, water or electricity from neighboring/occupied resident Lots will result in fines or legal action. Builders will be responsible for any and all damages.

T. Daily Operation

Daily working hours for each construction site shall be as follows:

Monday – Friday	7 a.m. to 7 p.m.
Saturday	8 a.m. to 6 p.m.
Sunday	9 a.m. to 6 p.m.
Designated Holidays	9 a.m. to 6 p.m.

Construction hours are subject to requirements of applicable City ordinances and will be reviewed by ARC from time to time for possible amendment.

V. Architectural Review Process

A. Introduction

The official submittal of plans and specifications to the ARC is to provide a review process for conformance to the CCR's and the Guidelines, adopted by the ARC. All new construction, subsequent construction, remodeling with exterior exposure, expansion and demolition of structures must be reviewed and Approved by the ARC prior to commencement of any on-site building or construction activity.

The site plan, architecture and landscape must be Approved in writing by the ARC before construction begins. A Final Review before closing of the property is also mandatory.

Master Plan and Plot Plan Submittals must be delivered to the attention of the Cherry Pines Live.Now ARC with fees made payable to McCauley Architectural Reviews, Inc.

**Cherry Pines Live.Now
Architectural Review Committee
13711 Pristine Lake Lane
Cypress TX 77429**

Final Review requests may be requested via mail to the address above, fax or email listed below:
info@mccauleyarc.com

ARC will review all submittals within fourteen days (14) days of receipt. Submittals will receive either an Approval, Conditional Approval or a Disapproval. A copy of the signed submittal will be emailed within forty-eight (48) hours of ARC review. Construction may not begin without a signed Approved or Conditionally Approved Submittal.

1. **"Approved"** - The entire application is Approved as submitted.
2. **"Conditional Approval"** - The application is not Approved as submitted. A Conditional Approval is granted with the understanding that all conditions requested by the ARC will be met before, during or after construction. Failure to agree to the Conditions requested will deem the application Disapproved. The Builder may be required to resubmit prior to the construction or make alterations in order to receive Approval.
3. **"Disapproved"** - The entire application as submitted is rejected. The ARC may provide comments but is not required to do so. If the ARC fails to respond within twenty-one (21) calendar days, the Builder shall give the ARC written notice of its failure to respond. Unless the ARC responds within an additional ten (10) days of receipt of such notice, approval shall be deemed automatically denied. However, unless the ARC has granted a variance in Accordance with the Guidelines, no construction that is inconsistent with the Guidelines shall be deemed Disapproved.
4. Reasonable variances may be granted upon written request, as long as the variance is in conformance with the overall intent of the master plan for the improvement and development of the property. All applicants must comply with the conditions for approval that may be imposed on a variance. Each builder must address the variance request in writing and the reason(s) why the request should be granted.

B. Submittal Requirements

Only complete submittals will be reviewed. Builder will have responsibility for compliance of all governing codes and ordinances.

C. Master Plan Submittal

\$100.00 – Fee includes all elevations per Plan Submittal

Full set of 11x17” plans showing:

- All elevations including Garages and Porte Cocheres
- Living Square Footage
- All Floor Plans, including bonus options and options
- Roof pitches
- All materials to be used on all elevations

D. Plot Plan Submittal

\$150.00 – Fee includes Plot Plan Review and First Final Review

Plot plan showing:

- Setbacks – Building Lines, R.O.W., Easements
- Fencing – type and placement
- Drive – size, placement and radius
- Sidewalk & Walkway- size and placement
- Air Conditioner placement
- Exterior Selections – Manufacturer and color
 - Brick/Stucco/Stone
 - Garage, Trim and Shutter
 - Roofing material
- Driveway /Walkway Paving material

E. Plot Plan Re-submittal fee

\$75.00 for changes to site or plan

F. Pre-Construction Review-\$50 Fee to applicable lots

Mandatory for all Lots with existing trees **prior** to Lot Clearing

\$50.00 for Second Pre Construction Review if required

- Must be requested by the Builder via email to the address above
 - Reviews are conducted Wednesday of each week as needed
 - Requests must be made by Monday.
 - Must include a completed Pre-construction form and copy of the Plot Plan
- Pre-Construction Reviews must be conducted **prior** to clearing of any Lot to determine which (if any) trees must be saved
 - \$5000 Fine for any Lot cleared without prior ARC approval.
- The footprint of the home, walkway and driveway must be ribboned prior to Review.
- Trees required to be saved by the ARC will be tagged with Pink survey ribbon.
 - Trees *within* ten feet (10') of the foot print of the home will not be required to be saved.
 - Plot Plan marking the location of each tree and size will be sent to the Builder.
 - Each 6" caliper tree removed before or during construction without prior ARC Approval will be required to be replaced with two 6" caliper trees.

G. Final Review – First Final Review fee included in the Plot plan Submittal fee

Mandatory Approved review required for all homes to be sold within Cherry Pines Live.Now.

\$50 Re-Review applies to any home not in compliance.

- Must be requested by the Builder upon completion of all Lots
- Homes not in compliance will receive a Conditional Approval or Disapproved Final Review and will require a Re-Review when corrections are made.
- Final Reviews, Final Re-reviews will be sent to the Builder.

H. Changes after Approval

All proposed changes to plans that affect the exterior of any building, colors, windows, grading, etc., must be submitted to and Approved in writing by the ARC prior to implementation.

- \$25 fee for each exterior material and color selection change requested.
- \$50 fee for all other changes

I. Variances

Reasonable variances may be granted upon written request, as long as the variance is in conformance with the overall intent of the master plan for the improvement and development of the property. All applicants must comply with the conditions for approval that may be imposed on a variance. Each builder must address the variance request in writing and the reason(s) why the request should be granted.

J. Disclaimer

Neither the Cherry Pines Live.Now Development or the members of the Architectural Review Committee or its representative, their successors or assigns, shall be liable in damages to anyone submitting plans to them for approval, or to any owner or lessee of any parcel affected by these restrictions, 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 plans submitted. Every person who submits plans to the Committee for approval agrees by submission of such plans, and every owner or lessee of any parcel within the property agrees, by acquiring title thereto or interest therein, that he will not bring any action or suit against Cherry Pines Live.Now Development or the members of the ARC, or its representatives, to recover any damages.

