

# **WESTERN CROSSING**

## **DESIGN GUIDELINES**

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**TABLE OF CONTENTS**

**I. INTRODUCTION..... 1**  
A. Background ..... 1  
B. ACC and Review Authority..... 1

**II. GOVERNMENTAL REQUIREMENTS..... 1**

**III. INTERPRETATION ..... 2**

**IV. AMENDMENTS ..... 2**

**V. ARCHITECTURAL REVIEW OVERVIEW..... 2**  
A. Objective ..... 2  
B. Responsibility for Compliance ..... 2  
C. Submittals, Approval and Review Fees ..... 2  
D. Inspection..... 3

**VI. ARCHITECTURAL AND AESTHETIC STANDARDS ..... 3**  
A. Plan and Elevation Repetition ..... 3  
B. Brick Color and Masonry Stone Repetition ..... 3  
C. Siding and Masonry ..... 3  
D. Temporary/Accessory Structures ..... 4  
E. Building Height and Stories..... 4  
F. Roofs and Chimneys ..... 5  
G. Driveways..... 5  
H. Garages..... 5  
I. Exterior Lighting..... 5  
J. Setbacks..... 6  
K. Address Markers ..... 6  
L. Solar Energy Devices..... 6  
M. Satellite Dishes ..... 6  
N. HVAC, Pool Equipment, and Noise-generating Equipment Screening ..... 6  
O. Signage ..... 6  
P. Flags..... 7  
Q. Window Treatments..... 7  
R. Aesthetic Appeal..... 7

<b>VII.</b>	<b>LANDSCAPE GUIDELINES .....</b>	<b>7</b>
A.	Landscape .....	7
B.	Landscape Inspection.....	8
C.	Rainwater Harvesting Systems.....	8
D.	Drainage.....	8
E.	Fencing and Walls .....	8
F.	Pools, Spas and Hot Tubs .....	9
G.	Playscapes, Trampolines and Sport Courts .....	10
<b>VIII.</b>	<b>EROSION CONTROL AND CONSTRUCTION REGULATIONS .....</b>	<b>10</b>
A.	Erosion Control Installation and Maintenance .....	11
B.	Security.....	11
C.	Construction Hours.....	11
D.	Noise, Animals, Children .....	12
E.	Material and Equipment Storage .....	12
F.	Insurance.....	12
G.	Site Cleanliness .....	12
H.	Sanitary Facilities.....	13
I.	Construction Parking & Construction Trailers .....	13
J.	Schedule of Construction Fines .....	13
<b>IX.</b>	<b>PLAN REVIEW PROCESS .....</b>	<b>14</b>
A.	Submittals .....	14
B.	Timing .....	14
C.	Model Homes .....	15

## I. Introduction

### A. Background

Western Crossing is a residential community located in Pinal County, Arizona. The community is subject to the terms and provisions of the Declaration of Covenants, Conditions and Restrictions for Western Crossing, recorded in the Official Records of Pinal County, Arizona, as amended from time to time (the "**Declaration**"). The Declaration includes provisions governing the construction of Improvements and standards of maintenance, use and conduct for the preservation of the Western Crossing community.

### B. ACC and Review Authority

The ACC consists of a member or members who have been appointed by **FORESTAR (USA) REAL ESTATE GROUP INC.**, a Delaware corporation (the "**Declarant**"), until the expiration of twenty-four (24) months after the expiration of the Development Period, or Western Crossing Homeowners Association, Inc., an Arizona non-profit corporation (the "**Association**"), thereafter. Declarant has a substantial interest in ensuring that Improvements within the Western Crossing development maintain and enhance the Declarant's ability to market and sell all or any portion of the community, and as a consequence thereof, the ACC acts solely in the Declarant's interest and shall owe no duty to any other Owner or to the Association.

*Article 7* of the Declaration includes procedures and criteria for the construction of Improvements within the Western Crossing community. *Section 3.1* and *Section 7.1* of the Declaration provide that no Improvements may be constructed on any Lot without the prior written approval of the ACC.

## II. Governmental Requirements

Governmental ordinances and regulations are applicable to all Lots within Western Crossing. It is the responsibility of each Owner to obtain all necessary permits and inspections. Compliance with these Design Guidelines is not a substitute for compliance with the applicable ordinances and regulations. Please be advised that these Design Guidelines do not list or describe each requirement that may be applicable to a Lot within Western Crossing. Each Owner is advised to review all encumbrances affecting the use and improvement of their Lot prior to submitting plans to the ACC for approval. Furthermore, approval by the ACC should not be construed by the Owner to mean that any Improvement complies with the terms and provisions of all encumbrances that may affect the Owner's Lot.

The ACC shall bear no responsibility for ensuring plans submitted to the ACC comply with any applicable building codes, zoning regulation and other government requirements. It is the responsibility of the Owner to secure any required governmental approvals prior to construction on such Owner's Lot.

### **III. Interpretation**

In the event of any conflict between these Design Guidelines and the Declaration, the Declaration shall control. Terms used but not defined in these Design Guidelines and not otherwise defined herein shall have the same meaning ascribed to such terms in the Declaration.

### **IV. Amendments**

During the Development Period, the Declarant, acting alone, may amend these Design Guidelines. Thereafter, the ACC may amend these Design Guidelines. All amendments shall become effective when adopted in writing by the Declarant or ACC, as applicable. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or approved and in progress. It is the responsibility of each Owner to ensure that they have the most current edition of the Design Guidelines and every amendment thereto.

### **V. Architectural Review Overview**

#### **A. Objective**

The objective of the review process is to promote aesthetic harmony in the Western Crossing community by providing for compatibility of specific designs with surrounding buildings, the environment and the topography. The review process strives to maintain objectivity and sensitivity to the individual aspects of design.

#### **B. Responsibility for Compliance**

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

#### **C. Submittals, Approval and Review Fees**

Requests for approval of proposed new construction, landscaping, or exterior modifications must be made by submitting the information and materials outlined in the Plan Review Process, set forth herein. No Improvements may be commenced until the Owner has received a written "Approval" from the ACC. The ACC may adopt a schedule of fees for plan review.

## **D. Inspection**

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

## **VI. Architectural and Aesthetic Standards**

### **A. Plan and Elevation Repetition**

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

### **B. Brick Color and Masonry Stone Repetition**

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

### **C. Siding and Masonry**

All building materials must be approved in advance by the ACC, and only new building materials (except for antique brick if approved in writing) may be used for constructing any Improvements.

- Exteriors. Except as otherwise provided herein, the first-floor exterior of each Home on a Lot shall be constructed of four (4) sides masonry, stucco, siding or other approved materials.
- Material Choice: Masonry, as used herein, consists of brick, stone, cultured stone, integral color stucco, or other similar products approved by the ACC. SmartSide and other cementitious materials are not considered masonry.
- Exclusions: Roofs, eaves, soffits, windows, gables, doors, garage doors, trim work, porch decking, and other architectural accent features are not required to be constructed of masonry.
- Trim/Paint: An Owner is permitted to repaint his or her Home the same color as it was painted previously without the prior approval of the ACC. Any change in the color/stain of any of the trim, siding, front door, garage door, vents or shutters located on a Home must be approved in advance by the ACC.

- Projections. All projections from a dwelling or other structure, including but not limited to chimney flues, vents, gutters, downspouts, porches, railings and exterior stairways must match the color of the surface from which they project, unless otherwise approved by the ACC.
- Prohibited Elements:
  - Highly reflective finishes on exterior surfaces (other than non-mirrored glass or on surfaces of hardware fixtures).
  - Mirrored glass.
  - No vivid/bright colors.
  - Corrugated metal siding.
  - Precast concrete panels that are painted or exposed.

#### **D. Temporary/Accessory Structures**

Detached accessory structures such as cabanas, pergolas, ramadas, garden buildings, or storage buildings (which are in compliance with the Declaration) are permitted if approved in advance by the ACC. One (1) permanent outside storage building may be permitted by the ACC if such building complies with the provisions of this Section D and the provisions of Section 2.22 of the Declaration.

- Permitted Structures. Such accessory structures must be constructed with colors similar to the Home, neutral, or earth tone colors, including the roof (as determined by the ACC).
- Square Footage Calculations. Permitted accessory structures do not count toward the minimum square footage requirements of these Design Guidelines.
- Variances. The ACC may, at its sole discretion, approve variances on an individual basis.

#### **E. Building Height and Stories**

Proposed heights must be compatible with adjacent structures and be compatible with existing or anticipated structure heights on Lots located above or below the Lot on which the proposed Home will be constructed and must be approved in writing by the ACC, prior to commencement of construction.

**Views are neither guaranteed, preserved nor protected within Western Crossing.**

## F. Roofs and Chimneys

The pitch, color and composition of all roof materials must be approved in writing by the ACC, prior to commencement of construction. Roof vents and other penetrations shall be as unobtrusive as possible and must match the principal color of the roof unless approved in advance by the ACC.

- Energy Efficient Roofing. Installation of Energy Efficient Roofing is subject to Section 3.5 of the Declaration.

## G. Driveways

The design, construction materials, and location of: (i) all driveways, and (ii) culverts incorporated into driveways for ditch or drainage crossings, must be approved by the ACC. Driveway extensions must be of concrete or pavers and the width of the driveway extension may not exceed the lesser of: (i) nine feet (9'); or (ii) one-half (1/2) of the nominal Lot width.

## H. Garages

All garages shall be approved in advance of construction by the ACC.

- Enclosed Garage. Improvements constructed on each Lot must include a private, enclosed garage capable at all times of housing at least one (1) standard size automobile. The minimum square foot size for garages for each Home shall be twelve feet (12') wide by eighteen feet (18') long.
- Features. Interior walls of all garages must be finished with sheetrock and painted at a minimum. Each garage shall have garage doors that are wired so as to be operated by electric door openers. All forward-facing garage doors shall be clad in a neutral color and include architectural features such as windows and/or decorative handles.
- Prohibited Elements:
  - Carports.
  - Open (not enclosed) automobile storage.

## I. Exterior Lighting

All lighting shall comply with all federal, state, county and local requirements and ordinances. Exterior lighting must be approved in advance by the ACC.

- Brightness. Exterior lights (other than exterior coach lights) shall be downward-shielded. Exterior lights which produces excessive glare to pedestrian or vehicular traffic, as determined by the ACC, will not be allowed.

- Number. The number of exterior light fixtures for the house and the landscape should be limited in order to prevent excessive lighting. When the lighting is being installed on the site, a night time inspection and written approval by a representative of the ACC may be required prior to final installation.
- Bistro Lighting – Patio String Lights. With prior approval of the ACC, in its sole and absolute discretion, patio string lights may be permitted in only the rear yard of a Lot. Such lighting is strictly prohibited outside of the rear yard.
- Prohibited Elements:
  - Use of other than white or color corrected high intensity lamps and exterior lights (except holiday lighting that may not be installed more than thirty (30) days before a holiday and must be removed no more than thirty (30) days after the holiday).
  - Sodium, mercury vapor, or halogen yard lights.

**J. Setbacks**

Setbacks must conform to applicable law, e.g., the zoning ordinance, and the Plat(s).

**K. Address Markers**

Address markers must be Cast Stone or other approved material and readily visible from the street.

**L. Solar Energy Devices**

The requirements for the installation of Solar Energy Devices are set forth in the Declaration.

**M. Satellite Dishes**

The requirements for the installation of Satellite Dishes are set forth in the Declaration.

**N. HVAC, Pool Equipment, and Noise-generating Equipment Screening**

HVAC machines and compressors, pool equipment, and any noise-generating equipment visible from neighboring property shall be enclosed by a structural screening element constructed of materials approved by the ACC.

**O. Signage**

Certain signage requirements are set forth in the Declaration. Signage shall also comply with all federal, state, county and local requirements. The Restrictions permit Declarant, Homebuilders, and Leasing Operators to erect and maintain advertising signs (illuminated or non-illuminated), sales flags, other sales devices and banners for the purpose of aiding the sale of Lots in the

Property. This permission to erect and maintain such advertising signs and devices shall not relieve any Homebuilder or any Leasing Operator from the obligation to apply for and obtain any other governmental permits before erecting and maintaining such signs, flags or banners in the Property.

**P. Flags**

The display of flags and installation of flagpoles on an Owner's Lot requires the advance written approval of the ACC and shall comply with Section 2.18 and Section 2.19 of the Declaration.

**Q. Window Treatments**

An Owner may install window treatments inside of the Owner's Home, provided that the window treatments comply with the provisions of Section 2.33 of the Declaration.

**R. Aesthetic Appeal**

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

## **VII. Landscape Guidelines**

**A. Landscape**

General landscaping guidelines for each Lot are set forth below. All landscapes and landscaping must be approved in writing by the ACC prior to installation.

- Plans. Each Owner shall be required, at such Owner's sole cost and expense, to install landscaping upon such Owner's Lot in accordance with landscaping plans approved in advance of installation by the ACC. All landscaping shown on the landscaping plans and specifications approved by the ACC shall be installed in accordance herewith. All such landscaping which is visible from an adjacent Lot, Common Area, right-of-way, or other portion of the Property, as determined by the ACC, shall be completed, on or before six (6) months after the landscaping plans have been approved by the ACC, and all such landscaping which is not visible from an adjacent Lot, Common Area, or other portion of the Property, as determined by the ACC, shall be completed, on or before one (1) year after the landscaping plans have been approved by the ACC.
- Disease Control. The ACC or its assigns shall be entitled to make recommendations with respect to tree disease control, whereupon the Owner or Owners to whom such

recommendations are directed shall be obligated to comply with such recommendations, which may include, but not be limited to tree removal and replacement.

- Required Landscaping. All Owners are required to landscape the yard area(s) of the Owner's Lot, and such landscape must be installed according to the landscaping plans approved by the ACC.
- Maintenance. Yards shall be maintained in an attractive manner, free of weeds. Grass shall be trimmed away from sidewalks, buildings, planted areas and other obstacles. Landscaping shall be maintained in an attractive manner and pruned to avoid blocking clear view of signs, address marker, illumination by light fixtures, the flow of air vents and air conditioner compressors, as well as pedestrian and vehicular traffic.

## **B. Landscape Inspection**

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

## **C. Rainwater Harvesting Systems**

The requirements for the installation of Rainwater Harvesting Systems are set forth in the Declaration.

## **D. Drainage**

There shall be no interference with the established drainage patterns except by Declarant, unless adequate provision is made for proper drainage and such provision has been certified by a professional engineer and approved in advance by the ACC.

- Site Drainage. Responsibility for proper site drainage rests with the Owner. Each Owner is solely responsible for correcting any change in water flow or drainage caused by the construction of Improvements on such Owner's Lot.
- Area Drains. No area drains are allowed to extend through the curb, and any area drain opening must be behind the curb within the Lot and cannot extend to the street or right-of-way.

## **E. Fencing and Walls**

The materials, height, location and construction of all fences must be approved in advance by the ACC.

- Lot Fencing. Fencing of a Lot is required on the rear and on the sides up to the front of the AC unit.

- Retaining Walls. All retaining wall plans over four feet (4') tall or within any right-of-way must be submitted to the ACC for consideration and must be constructed in accordance with stamped engineered plans by a licensed engineer.
- Plans. Plans submitted for fences or walls must be drawn on an accurate copy of the site plan.
- Setbacks. A minimum fence setback of five feet (5') from the front elevation is required unless otherwise approved by the ACC. A minimum fence setback of five feet (5') from the public walk is required for a planting buffer. All corner Lot fences require a four-foot (4') planting buffer between the sidewalk and the fence. The planting buffer shall be located alongside the fence line. The side yard fence at the point where it connects to the house must be setback a minimum of five feet (5') from the front corner of the house and a minimum of ten feet (10') from the back corner of the house. All side yard fences must be installed so that they are perpendicular to the house unless circumstances on site dictate otherwise.
- Prohibited Elements:
  - Shadowbox or "Pallet" type fencing.
  - Chain-link, metal, vinyl or agricultural fences.
  - Fencing of front yards.
  - Solid walls enclosing an entire Lot.

#### **F. Pools, Spas and Hot Tubs**

An application must be submitted to the ACC in conjunction with the review of any application for any proposed swimming pool, spa, or hot tub. The construction of all pools, spas and hot tubs must be approved in advance by the ACC. All pools and spas must be located in a rear yard or side yard within an enclosed, fenced area of the Lot.

- In Ground. Swimming pools and accompanying spas shall be in-ground, or a balanced cut and fill, and shall be designed to be compatible with the site and the dwelling. Self-contained above-ground hot tubs require approval by the ACC.
- Screening; Fencing. Screening, fencing, security and maintenance are required of all swimming pools, spas and hot tubs. Fences must meet all governmental regulations and no pool, spa, hot tub or other similar water containing basin shall be filled with water until proper fencing is installed.
- Plans. The swimming pool, spa or hot tub plan must be drawn on a copy of an accurate site plan and shall include specific indications of distances from the water containing basin(s) and surrounding slab walks to the lot lines and building setbacks.

- Backwash. Unless otherwise expressly approved by the applicable governmental agency or utility service provider, backwash from a swimming pool, spa or hot tub drain with a backwash filtering system must be contained within the Lot on which the swimming pool, spa or hot tub has been constructed and is not permitted to be discharged into any street, adjoining Lot or drainage easement.
- Construction Deposit. A construction deposit is required for all swimming pool, spa or hot tub construction (except for any Homebuilder that has already provided a construction deposit for the construction of the Home).
- Lot Access. No access across another Lot or greenbelt/open space area for the purpose of building or maintaining a swimming pool, spa or hot tub is permitted without the prior written approval of the other property owner or the ACC in the case of greenbelts/open spaces.

#### **G. Playscapes, Trampolines and Sport Courts**

Playscapes, recreational or sport courts and trampolines must be approved in writing by the ACC prior to the commencement of construction or placement.

- Features. If allowed, these facilities must be properly sited and screened so as to minimize the visual and audio impact of the facility on adjacent properties. Special attention will be placed on color schemes and on the visibility of the equipment from the street and neighboring Lots.
- Plans. Plans for playscapes and sport courts must be drawn on an accurate copy of the site plan and must include proposed screening.
- Prohibited Elements.
  - Direct or indirect lighting of any playscape, trampoline or sport court.
  - Netting enclosures (except safety netting around a trampoline).
  - Tennis courts.
  - Pickleball courts.

### **VIII. Erosion Control and Construction Regulations**

The following restrictions shall apply to all construction activities at Western Crossing. **It is the responsibility of all Owners and/or contractors to adhere to State and Federal stormwater runoff protection and prevention requirements that may be applicable to their construction activities and to obtain proper permits as may be required.** Periodic inspections by a representative of the ACC may take place in order to identify non-complying construction activities. If items identified as not complying with the regulations are not remedied in a timely manner, fines will be levied.

## A. Erosion Control Installation and Maintenance

Upon written approval by the ACC, it is the responsibility of the Owner to install erosion and sedimentation control measures prior to the start of construction and to maintain the measures throughout construction.

- Limits of Construction. Construction site disturbance shall be limited to the extent feasible based on good design practice and construction techniques; the areas of approved disturbance shall be defined by silt fence, chain-link fencing, orange plastic mesh fencing or other appropriate methods.
- Silt Fencing. Silt fencing installed to all applicable standards is required to be properly installed and maintained to protect the low sides of all disturbed areas, where storm-water will flow during construction. The purpose of the silt fence is to capture the sediment from the runoff and to permit filtered, clean water to exit the site.
- Sediment Removal. **Built-up sediment will need to be removed from the silt fence after heavy or successive rains, and any breach in the fencing will need to be repaired or replaced immediately.** If for any reason the silt fence is to be temporarily removed, a representative of the ACC must be contacted prior to the removal.

## B. Security

Neither the ACC, the Association, nor the Declarant shall be responsible for the security of job sites during construction. If theft or vandalism occurs, the Owner should first contact the local police department and then notify the ACC.

## C. Construction Hours

Unless a written waiver is obtained from the ACC, construction may only take place as follows:

- Hours. Work hours shall be per the local ordinance for working hours in a residential neighborhood.
- Holidays. There shall be no construction on New Year's Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving Day, or Christmas Day, regardless of the local code for working hours.
- Waivers. Waivers may be given for the pouring of concrete slabs during the summer months.

#### D. Noise, Animals, Children

The use of music devices and noise must be restrained so as not to be heard on an adjoining Lot or street. Contractors and subcontractors may not bring dogs or children under sixteen (16) years of age to construction sites.

#### E. Material and Equipment Storage

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

#### F. Insurance

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

#### G. Site Cleanliness

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

- Fencing. Brightly colored construction fence must be installed before the start of construction on all side lot lines where a Home is being constructed next to an existing occupied Home.
- Trash Containers. Owners and Homebuilders shall clean up all trash and debris on the construction site. Trash and debris shall be removed from each construction site on a timely basis. The ACC will have the authority to require that one (1) dumpster be provided to serve no more than two (2) Lots. In addition to any dumpster, a trash receptacle approved in advance by the ACC will be located on each Lot during construction. Trash receptacles must be emptied periodically and will not be permitted to overflow. Chain link fencing is not an acceptable enclosure material for temporarily containing trash. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site.
- No Dumping or Burning. **The dumping, burying or burning of trash is not permitted anywhere in Western Crossing.**
- Heavy Equipment and Debris. When moving heavy equipment, precautions must be taken to prevent damage to pavement, curbs, and vegetation. Track loaders are not to be operated on paved or concrete surfaces. Mud, dirt and other construction debris that

is tracked off the construction site shall be cleaned on a daily basis. Skid steer loaders are not to be used to clean the streets by scraping them.

## **H. Sanitary Facilities**

A temporary sanitary facility (chemical toilet) shall be provided and maintained for the use of construction workers, and unless otherwise approved in writing by the ACC, such facility shall be located on the Lot under construction, or within three (3) Lots of the construction site.

## **I. Construction Parking & Construction Trailers**

Construction crews shall not park on, or otherwise use, other Lots. No construction vehicle will be permitted to leak oil or otherwise damage or deface any street located within the community. The Restrictions permit Declarant to maintain and locate construction trailers and construction tools and equipment within the Property. Upon written approval from the ACC, a Homebuilder may be permitted to establish a construction trailer, field office or similar temporary structure by submitting along with the application for approval, a copy of the site plan with proposed locations of trailer, field office or similar temporary structure with a trash receptacle noted thereon. The trash receptacle shall be of an approved size. Such temporary structure, if approved, must be removed immediately upon completion of construction. Approval by the ACC shall not relieve Homebuilder from the obligation to apply for and obtain any other governmental permits before moving any such construction trailer, field office, etc. onto the Property.

## **J. Schedule of Construction Fines**

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

### **Schedule of Fines**

Premature Clearing	\$500
Construction Without ACC Approval	\$500
Encroachment on Adjacent Properties	\$500 plus cost of repair
Violation of Rules, Restrictions or Guidelines	\$50/day
Failure to Install and/or Maintain Erosion Control Measures	\$100/day
*Greenbelt/Open Space Lot violation	\$500
Sign Violation	\$50 per sign/incident

\*In the event, the Association or the ACC is required to repair, clean up or provide necessary service to bring the Improvement into compliance, the Owner will be assessed the cost of repair, clean up, or service plus an additional fifty percent (50%) for time and service expended.

## **IX. Plan Review Process**

The construction or installation of any Improvements, changes to existing Improvements, or the reconstruction of Improvements, will require the submission of plans and specifications for approval of the ACC before any such construction or installation activity is commenced. The ACC may waive plan and specification requirements for certain modifications or improvements at its discretion.

### **A. Submittals**

The Plan Review Process includes three (3) stages of review, plus Final Approval by the ACC:

- Stage 1 – Pre-approval of standard sets of plans, elevations for multiple Homes that will be allowed to be built by each Homebuilder or Leasing Operator. Alterations to the plans and plans not included in the pre-approved list must be independently approved in advance of construction.
- Stage 2 – Submittal of a site plan showing the specific home on the specific Lot upon which it is proposed to be built. Must show compliance with all set-backs, easements, etc. Also must show location of and material to be used for driveway, sidewalks, patios, decks, and any ancillary Improvements along with house siding, roof, trim colors, and siding and trim materials.
- Stage 3 – (Can be submitted during Stage 2) Diagram showing placement of required landscaping plants and any additional landscape Improvements that may be specific to the particular house.
- Final Approval - To obtain final approval, a completed Final Plan Application attached hereto as Attachment 1 must be submitted to the ACC, including any information or materials requested but not previously provided or submitted (can be submitted at any Stage above). Improvements on a Lot may not commence until such Final Plan Application has been submitted and executed by the ACC.

### **B. Timing**

The ACC will attempt to review all applications and submittals within thirty (30) days after submission. If the ACC is not able to review said application within the specified time limit, the ACC may extend said time limit by thirty (30) days by written notice to the applicant. Please plan construction activities to allow sufficient time for submittals and review as outlined above, and for obtaining Final Approval prior to commencement.

### C. Model Homes

The Restrictions permit Declarant to create and allow certain Lots and areas within Western Crossing to be used for the non-residential purpose of creating sales offices and model homes (“**Model Homes**”). A Model Home allows a Homebuilder or Leasing Operator the opportunity to showcase a Home plan type to potential purchasers as well as maintain a sales or leasing office within Western Crossing. The Declarant’s goal is to contain Model Homes to certain areas of the Property to maintain continuity and minimize disruption to the overall community. Model Homes are not constructed to conform to the requirements of the Restrictions or these Design Guidelines, and require certain alterations thereto, such as but not limited to requirements regarding the construction of garages and/or driveways. NO MODEL HOME MAY BE CONVEYED TO AN OWNER WITHOUT COMPLYING WITH ALL COVENANTS, CONDITIONS AND RESTRICTIONS SET FORTH IN THE RESTRICTIONS, INCLUDING THESE DESIGN GUIDELINES. At such time that a Model Home is no longer intended to be used for non-residential purposes, any Improvements undertaken to bring such Model Home into conformance with residential uses and/or compliance with the Restrictions MUST BE APPROVED by the ACC in writing prior to the commencement of such Improvements.

In an effort to maintain continuity within the Property, the ACC DOES NOT INTEND TO APPROVE any plans for Improvements to any Model Home until the earlier of the following to occur (i) the termination of the Development Period; or (ii) the Homebuilder or Leasing Operator seeking to improve or alter their Model Home has conveyed or leased at least seventy-five percent (75%) of the Lots owned by such Homebuilder or Leasing Operator to Owners other than another Homebuilder or Leasing Operator or a new model location has been identified and agreed upon. Notwithstanding the foregoing, the ACC is not prohibited from approving any such requests.