

**DESIGN CRITERIA**  
**Codes, Covenants and Restrictions**  
**Rosemont**

**Revised October, 2002**

## ARTICLE I INTENT

Rosemont is designed to be a distinct private community of classic and gracious single family homes. In order to ensure consistently high quality construction, a plan review and approval process has been established. The authority to review, approve, disapprove and inspect all building and landscape plans is provided by the recorded Covenants, Conditions, and Restrictions (CCR's) for Rosemont (and particularly Articles V and VI of the CCR's), which should be carefully studied by the Owner and the Owner's chosen building team before proceeding with the Preliminary Submittal. The CCR's do not list all the specific architectural design criteria essential to final plan submittal; these are listed in this document.

These design criteria have been established to provide property owners, architects, designers, and contractors with a set of parameters for the preparation of their drawings and specifications. The goal is not to restrict individual creativity or preferences. To the contrary, the goal is to orchestrate and harmonize final effects. The goal is a community that is distinguished by its architecture, style, and landscape.

## ARTICLE II PRE-APPLICATION CONSIDERATIONS

The Lot Owner will submit the names of the builder, architect / designer, and landscape architect to the Architectural Review Committee (ARC) for approval prior to any preliminary submittal. An ARC coordinator will act as Secretary to the Committee and as the principal contact between the Lot Owner and the ARC. The ARC will consider the merits of any project due to special site conditions; but any project request for special consideration must be shown to benefit the specific site, adjacent areas, and the neighborhood as a whole.

Written approval by the ARC must be received by the Lot Owner prior to the start of any clearing, grading, or construction. In addition, the Lot Owner must secure all necessary building permits as required by law prior to commencement of construction. The Lot Owner bears full responsibility for all construction activities, and for full and accountable compliance with all details of the plans finally approved by the ARC.

The government of Williamson County has jurisdiction over the community at Rosemont, and should be contacted at the beginning of the planning and design process to ensure compliance with its regulations. It should not be assumed, however, that compliance with Williamson County regulations is sufficient for ARC approval. The Final Plat, as approved by Williamson County, is appended and incorporated as Exhibit B to the CCR's. Limitations of development are set by allocations of building "envelopes" that restrict clearing, grading, and building outside these areas, especially in the one hundred year floodplain (Lots 102, 103, 104, 105, 106, and 107 fall partially

within this floodplain): many of these limits are based on environmental factors such as slope, vegetation, soil type, and the potential for flooding. These limits may not be exceeded.

Special attention must also be given to the septic fields as platted, to their installation, and to their modification, if necessary. For this reason, the Developer and the Association require that engineers and professionals design and install all such fields, with costs allocated to each Lot Owner at the time that plans are approved and/or at the time of installation.

Access to each lot is equally important, along with drainage and erosion control issues directly related to the construction process. Once the culvert access and design have been approved, the first step before commencing construction shall be to construct this access and prepare it for the subsequent construction traffic. The ARC shall inspect and approve the protective construction fencing and erosion control measures which must be installed before construction commences. The drainage channels to either side of the culvert access must be adequately fenced off from traffic, starting from the paved right of way and back to the Lot boundary along the complete frontage areas. The Lot Owner shall be responsible throughout construction and thereafter for preserving and maintaining the integrity of this drainage interface. The primary and secondary septic fields must also be securely fenced-off and restricted.

No approval of plans or house location, and no publication of development standards or of these criteria shall ever be construed as representing or implying that such plans, location, specifications, development standards or criteria will, if followed, result in a properly designed residence. Such approvals and criteria shall in no event be construed as representing or guaranteeing that any residence or improvement thereto will be built in a good, workmanlike manner; nor shall the restriction to the use of a limited list of approved builders be in any way misconstrued as a pledge, representation, or guarantee of any sort that any residence or improvement thereby shall be built in a good, workmanlike manner. The ARC will not be responsible or liable for any defect in any plans or specifications submitted, revised, or approved under these criteria nor for any defect in construction pursuant to such plans and specification. The Lot Owner shall have sole responsibility for compliance with the approved plans and hereby agrees to hold the ARC and its members harmless from any failure thereof caused by the property owner's architect or builder. Review and approval by the ARC of any and all plans in no way relieves the Lot Owner of his obligations to meet the requirements of all state, local, or other governmental agencies.

### ARTICLE III ARCHITECTURAL REVIEW PROCESS

Plans for all new construction, subsequent alterations or additions must be approved by the Architectural Review Committee prior to construction. If, during construction, modifications to previously approved plans become necessary or desirable, such modifications are to be promptly submitted to the ARC for review and approval prior to implementation. Approval granted by the ARC shall require reapproval and be subject to current development regulations if the authorized work has not commenced within two (2) years of the date of approval by the ARC.

Applications shall be made on a form available from the ARC and accompanied by three copies of the plans for the proposed development, along with a check for the appropriate application fee as stipulated. Incomplete applications will be returned without action by the Committee.

- A. **Preliminary Submittal**: Prior to the preparation of formal construction drawings, the ARC recommends that the owner and the owner's building team familiarize themselves with the Design Criteria. At this time, the owner shall submit three sets of preliminary design documents (elevation and floor plan) and site plans showing the home improvements located on the lot. This preliminary application step is for the protection of the owner prior to spending a substantial sum of money in the preparation of final construction documents.
- B. **Final Application**: The Final Application shall consist of three complete sets of plans, and a completed Application for Architectural Review form (Exhibit A). Each sheet of drawings and the first page of all other documents shall include the lot number, street name, applicant's name, architect or designer, building contractor and date of drawings. Documents to be submitted include the following:
1. **Site Plan**: Three comprehensive plans acceptable to Williamson County and the ARC with the following requirements:
    - a. Scale: 1" = 20.' Must be submitted on 11" x 17" paper size as a minimum.
    - b. Must show setbacks and easements as shown on recorded plat.  
Note: No part of the vertical construction can be located outside of the building pad; however, driveways, walks and patios may be located in setback areas.
    - c. Provide a tree survey that clearly identifies the species, condition, location and diameter of all trees 8" or larger in trunk diameter, as well as the location of significant clusters of smaller trees, and noting any other existing vegetation type and quality.

- d. Indicate all trees to be removed by an "X". Approval will be granted for removal of trees necessary for construction.
  - e. Show current and designed grade elevation at the four corners of the home.
  - f. Drawings shall indicate storm water drainage flow for all areas of the Lot.
2. Landscape Plan: A landscape plan shall be submitted to the ARC for approval. The landscape plan shall indicate the location, numbers and species of all proposed plants, trees, shrubs and ground cover. Landscaping in accordance with the approved Plan shall be completed within 60 days of completion of construction and final inspection.

Drainage considerations for individual home sites play an important part in the ecological balance of the community. Water runoff for each individual site must be handled by adequately sloping all areas so that runoff can be directed to the natural drainage areas or storm drainage facilities. Water runoff control is the responsibility of each lot owner by properly incorporating the drainage plan into the site plan and proposed landscaping.

3. Floor Plans:

- a. Submit three sets of plans drawn to a scale of 1/4" = 1' and providing all interior and exterior dimensions. (One set of house plans will be returned to the lot owner after review with the remaining sets to be held by the ARC for reference purposes). The architectural drawings submitted must be of sufficient quality, clarity and detail so as to prevent the ARC from making assumptions about the design. The ARC reserves the right to request more details (architecturally drawn) to fully describe the home and its components.
- b. Include door and window symbols and schedules.
- c. Show all patios, decks, fences, walls, arbors, trellises, steps to grade and other structures. It is necessary to show all deck detailing in such a way that it blends with the home.
- d. Show four side elevations.
- e. Show ceiling height detail.
- f. Indicate roof pitch.
- g. Show cornice detail and wall sections.

- h. Show square footage of all living areas and total square footage.
  - i. Show all exterior openings and front entry detail.
  - j. Indicate all exterior materials.
  - k. Show footing details (i.e. width and depth, rebar size and placement, block size).
4. Submission of Typical Building Materials: Both the names of proposed exterior materials and physical samples of same will accompany the application as listed below. An application will not be considered complete without these exterior samples.
- a. Include the name, grade, description, and sample of roofing to be used.
  - b. Include the name, grade, and color sample of siding applied.
  - c. A typical example of brick, stone or dryvit to be used.
  - d. Exterior trim paint sample.
5. Submission of Interior Finish Materials: These submittals are intended to demonstrate a quality of construction consistent with custom aesthetics. All millwork, moulding, stair, floor and surface treatments; all fixtures and installations, including cabinets, should be included, with special attention given to the kitchen, the bath areas, the main living areas, and the master bedroom and guest areas.

C. Fee Schedule: The owner shall be charged a processing fee for the design submittal. This fee shall be \$750.00 - payable to the ARC. The ARC shall have the right to increase this amount from time to time as stated in the Covenants, Conditions and Restrictions. The fee has been established to partially cover the expense of reviewing plans and related data and to compensate any consulting architects, landscape architects, urban designers, inspectors, or attorneys retained by the ARC.

The plan submittal and review process shall also apply to applications for additions and exterior modifications. Reroofing or repainting require no resubmittal to the ARC unless changes in color are proposed. Such reviews do not require an application fee. However, at its discretion, the ARC may require a review fee for substantial additions.

D. ARC: The ARC may offer specific suggestions for further study which may resolve any design problems found by the ARC. The ARC may, however, reject an application based on

the judgment of its members without citing specifics, for the following reasons, among others:

1. Insufficient information to adequately evaluate the design or design intent.
2. Poor overall design.
3. Incompatible design elements.
4. Inappropriate design concept or design treatment.
5. Inappropriate interior finishes or installations.
6. A design found to have an adverse impact on the character of Rosemont.
7. A repetitious design.

The ARC will not normally comment on or reject a custom-designed home because of its interior elements, except in cases where those features affect the exterior appearance. Recommendations by the Committee which may make the home acceptable will be related to the applicant.

- E. **Commencement of Construction**: Upon final written approval, the owner/builder may proceed with construction.

#### ARTICLE IV SITE DESIGN CRITERIA

- A. **Siting**: The ARC shall consider each site independently, but shall give extensive consideration to each individual plan's impact upon adjacent home sites and view corridors. Care must be taken to locate each structure, whenever possible, so as not to infringe upon adjacent structures and home sites, view corridors and natural amenities of the area. Consideration in this regard includes, but is not limited to, the following:

1. Topography of the site and surrounding home sites.
2. Views from the homesite.
3. Views of the homesite from adjacent lots.
4. Existing vegetation type and quality.

5. Existing drainage patterns.
6. Driveway access.
7. Height of proposed and adjacent structures.
8. Use of structures, such as garage, home and/or gazebo.

**B. Grading and Excavating:** The design and development concepts of the community call for the utilization of the existing natural environment. The ARC seeks to ensure that each residence works with the natural site features and existing terrain of the homesite and the overall community in the best possible manner.

In order to ensure compliance with this section, as part of the final design submittal, a grading plan must be incorporated with the site plan. No grade elevations shall be changed within the dripline of any existing tree unless specifically approved by the ARC. Grading approval must be obtained from the ARC prior to moving or removing any dirt from any homesite. Absolutely no grading whatsoever will be permitted without first obtaining authorization.

All grading reviews shall be subject to the jurisdiction of the ARC and considered individually for each homesite. Recommendations or requests will be based upon individual site location, terrain, soil conditions, vegetation, drainage, proposed cuts and fills, and any other conditions the ARC determines to be relevant.

- C. Drainage:** Drainage considerations for individual home sites play an important part in the ecological balance of the community. Water runoff for each individual building site must be handled by adequately sloping all areas so that runoff can be directed to the natural drainage areas or storm drainage facilities. Water runoff and control is the responsibility of each lot owner.
- D. Building Setbacks:** Final record plats have established minimum standards for building setbacks on individual lots within Rosemont. The minimum setbacks, however, are not to be construed as setbacks that will be approved by the Committee.
- E. Easements:** Landscaping and the building of driveways or fencing within utility easements is permissible, but is the responsibility of each Lot owner. Public utility companies should be contacted to locate underground lines prior to excavation within easements.
- F. Garages:** Only side-loading or rear-loading garages will be permitted for homes at Rosemont. Home sites located on corner lots must have rear-loading or side-loading garages which face the interior of an adjoining lot and not the street. For side-loading garages, the ARC requires adequate screening from adjacent lots using either landscaping, a wall, fencing

or a combination of these. A minimum 28' backup distance is recommended for the garage turnaround area with a 5' buffer to the property line.

- G. Tennis Courts:** Tennis courts will be permitted only when they can be constructed so as not to infringe upon view corridors and must be screened from adjacent home sites. A site plan showing the tennis court location with proposed grading and screening shall be provided for review by the ARC. Minimum setback for a tennis court from any property line is 20' and 10' from all septic areas. Design and color of fencing materials should blend naturally into the surrounding area and plant materials added to soften the visual impact. Wind screens should be kept to moderate heights. Surface colors should be restricted to colors such as soft reds and greens and not be highly reflective. The use of treated-wood lattice fencing is strongly preferred, especially when planted with appropriate vine and evergreen cover.

Night lighting of tennis courts is permitted if the light does not intrude on adjacent residences. Landscape screening is required between the court and adjacent lots and any view from a street.

- H. Swimming Pools, Therapy Pools and Spas:** The size, shape, and siting of pools must be carefully designed to achieve a feeling of compatibility with the surrounding natural and man-made environment. The location of swimming pools, therapy pools, and spas should consider the following:

1. Indoor/Outdoor relationships
2. Setbacks
3. Views both to and from the pool area
4. Wind
5. Sun
6. Terrain (grading and excavation)
7. Fencing and privacy screening

Swimming pools for the use of residence occupants and their guests may be constructed on lots provided: (a) they are below ground level and of a permanent nature; (b) the location thereof complies with the minimum setback requirements reflected on the Plat; (c) all applicable laws, ordinances, rules and regulations of governmental agencies are complied with, and all necessary governmental permits are obtained; (d) such pools are completely enclosed with an approved fence; (e) such pool is not commenced until after construction of the residence has begun; (f) it is located in the rear yard, preferably within the building

envelope area at a minimum setback of 25' from all septic fields; and, (g) design and location is approved by the ARC.

No pools are allowed within the building setback areas. Pool and equipment enclosures must be architecturally related to the residence and other structures in their placement, mass and detail as well as screened or treated so as not to distract adjoining property owners because of noise or view.

**I. Driveways:**

1. Driveways longer than 100' should curve with the topography or complement the aesthetic of the residence and its landscaping. Straight and perpendicular lines should be avoided.
2. With lots of appropriate size, guest parking is recommended within the front yard by means of: (1) a circular drive with a single street access; (2) a loop driveway with two street access points; or (3) pull-off spaces off the driveway accessing the garage.
3. Driveway material shall meet the approval of the ARC. Loose material driveways shall be bordered by a brick or stone cobble curb. Possible loose compacted materials include:
  - crushed brick,
  - pea gravel, or
  - granite chips.

Possible fixed materials include:

- aggregate (3500 psi with fiber)
- brick
- stone
- Crushed native limestone is not permitted.

**J. Fences and Walls:** Fences and walls should be considered as an extension of the architecture of the residence and a transition of the architectural mass to the natural forms of the site. All walls and fences should be designed to be compatible with the total surrounding environment and not block views of natural areas. Special consideration should be given to the design, placement, impact and views of the wall or fence from neighboring home sites. Fences and walls should be considered as design elements to enclose and define courtyards, pools and other private spaces, provide security and relate building forms to the landscape.

All walls and fences must be approved by the ARC prior to installation.

Brick and stone are encouraged materials for retaining wall construction. Retaining walls which attach to the residence should utilize the same materials as the wall they adjoin. Cross-tie timber walls and modular concrete walls are not permitted within Rosemont.

Boundary fences and walls may be constructed at the property line to enclose rear and side yard areas, providing these requirements are satisfied:

1. The barrier is of a "good neighbor" design that has a visually appealing appearance to both front and back sides.
2. Construction will not impede preconstruction drain patterns.
3. Height and design coordinate with other abutting fences or walls, and do not obstruct views.
4. Location, height and design meet the approval of the ARC.

The ARC reserves the right to limit the types of fences or walls and/or to predetermine the permissible design or designs.

Fences and walls may enclose swimming pools, play areas, pet areas, gardens, entertainment areas or other use areas within the side or rear yard. These fences or walls shall be permitted when compatible and appropriate to the architectural style of the residence and are compatible with the above referenced preferences for boundary fencing. Pet enclosures, such as dog runs, shall be permitted only in locations where not considered a potential nuisance to adjacent properties, and where appropriately screened. Invisible fences are encouraged as an alternative to fence enclosures for pets. In ARC submittals, owners are encouraged to locate dog runs within an area that is closer to the residence than to the lot line. For example, a particular residence may have a 100' rear setback line. A dog enclosure should be limited to the first 50' from the house. In consideration of neighboring lots, the enclosure should not include the 50' closest to a lot line.

Fences shall be either wood or metal construction. Plastic, fiberglass and chain link fencing are prohibited. "Green fencing" that installs evergreen vegetation over treated wood lattice sheeting, properly posted and edged, shall also be permitted.

Maximum height of walls and fences is 8' behind the setback area at the rear of the house and 6' at the sides and front within the building setback areas.

- K. Exterior Lighting:** Exterior lighting fixtures will be noted during final design review and must be of a quality, style and proportion appropriate to the design of the home. No utility light fixtures (flood lights) are permitted on front elevations or otherwise permitted in any location except under eaves.

1. Traditional, decorative post lights are discouraged.
2. All lighting proposals are expected to show concern for the impact on neighboring properties. Pool decks and outdoor entertainment areas must be lighted in a manner that does not intrude upon adjoining residences. Light sources shall be concealed from view from the street. The following guidelines shall apply:
  - a. Low intensity architectural lighting is acceptable, provided that the focus is to the rear yard and the residence in garage, deck, and terrace areas. Post or wall mounted lighting fixtures must be:
    - lit by incandescent bulbs not greater than 60 watts each;
    - in scale and harmony with the components of the house;
  - b. Landscape lighting shall be permitted when made an integral part of the landscape plan for the site, provided:
    - Fixtures shall be the low 12 volt type and the power source shall be located below ground.
    - Clusters of specimen trees, shrubs or lone specimen trees (live oak, magnolia, etc.) may be illuminated by ground-level fixtures concealed by planting.
    - Tree canopy down lighting when supplemented by up lighting is acceptable. Fixtures are to be glare free by use of baffles.
  - c. The following examples of exterior lighting are **unacceptable**:
    - Fixtures using other than incandescent bulbs, i.e. high pressure sodium, mercury vapor, quartz, and any light with a High Intensity Discharge rating;
    - Strings of lights located in trees or outlining portions of buildings, decks or benches (excluding holidays);
    - Illuminating large areas of exterior walls;
    - "Moonlighting" large areas of the site;
    - Wall soffit or ground level fixture where lamps are not screened by baffles or plating from view of adjoining properties;

- "Mushroom" type fixtures of greater than 12 volt capacity outlining a driveway;
- Lighting fixtures that in the judgment of the Committee will have a detrimental effect on adjacent properties;
- Lighting fixtures located in a required side or rear yard setback;
- Colored lighting (excluding holidays).

L. **Mailboxes:** The ARC will control the selection and location of all Community standard mailboxes.

M. **Screening of Mechanical and Storage Areas:** If garage space is insufficient for the storage of trash containers, outside containers must be located below grade or screened by fencing or landscaping approved by the ARC.

Any and all mechanical equipment, air conditioner condensers, woodpiles, or storage areas placed on any lot, whether temporary or permanent, shall be screened to conceal them from view of neighboring lots, roads, streets and open areas. Areas may be walled, fenced or screened with evergreen plant materials. Screening is encouraged to coordinate with the home and landscaping design so as not to attract attention to the screening. Plans for all screening walls and enclosures shall be submitted to the ARC.

N. **Landscape Design:** The ARC will take into account various relationships of house to site, house to house, views, prevailing breeze, solar orientation, topography and common amenities in making decisions regarding specific landscape plans.

It is encouraged that a landscape plan be submitted and approved along with the preliminary submittal to avoid any unnecessary delay and expense. Approval of the landscape plan must be obtained, at the latest, at final approval.

The landscape plan shall include the following minimum requirements. The landscape plan must show all proposed site structures and features, including drives and turnarounds, walks, patios, decks, fences, pools, spas and any other site features. Utility, trash, air conditioning and other visual screens should also be noted. Existing vegetation should be specifically located and described. The plan must describe all proposed planting as to location, type and quality. A complete plant list is required, indicating the size, quality and spacing of the proposed plantings. Phased planting will be permitted only after the initial requirements are met. Areas to be mulched or planted as a lawn should also be shown. Mulching, preferably with mini pine bark nuggets, is required for all planted areas.

The landscape plan should take into consideration the plants' quality and hardiness, as well as proper distance from and relationship to their backdrop. Evergreen landscaping must completely conceal transformers and utility meters. Adequate yard irrigation for lawn areas is mandatory. The Association will install and maintain landscaping to screen ground level transformers, if in a yard.

Any dead or diseased trees and limbs are to be removed by the builder.

No artificial vegetation shall be permitted on the exterior of any portion of the Lots.

All Lots located at street intersections shall be landscaped so as to permit safe sight across the street corners. No fence, wall, hedge, or shrub planting shall be placed or permitted to remain where it would create a traffic or visibility problem.

The ARC will take into consideration all elements of the individual landscape plan and plant materials selected in the approval process. In addition to the already established natural vegetation, many other plant types will be acceptable for use within the community.

- O. **Outside Recreation Equipment:** The ARC must approve the locations of all recreation equipment, playground sets or yard structures before installation. When permitted, basketball goals with clear acrylic backboards are strongly encouraged. Basketball goals should be located out of view of any street.

Play equipment is encouraged to be: (a) located within the rear yard; (b) not visible from view on any street (some locations may warrant screening with landscaping, fence or wall); and, (c) approved prior to installation.

- N. **Detached Structures:** Detached structures may be constructed upon the approval of design and location by the ARC. Examples of possible appropriate structures are:

- pool house
- gazebo
- garden storage/potting shed
- garage with covered walkway connection to house
- play house
- dog house
- arbor
- greenhouse
- stable and training facilities for houses

Commercially manufactured storage buildings are prohibited.

Detached structures shall be of a design that is considered compatible with the residence. Garage apartments, free-standing apartments, servants quarters or similar secondary residences are prohibited in detached structures.

- Q. **Flag Poles**: Flag poles may be wall mounted to the facade of a residence without consulting the ARC.
- R. **Communication Equipment**: No transmitting or receiving equipment (antennas, dishes, etc.) for radio, television, or other communications will be permitted on the exterior of a residence or otherwise on a lot without the approval of the ARC. Under no circumstances shall any type of communication equipment be located on the front elevation of a residence or in the front yard.
- S. **Remodeling / Additions / Improvements**: Remodeling and additions to existing site improvements are required to follow the same guidelines as new construction. All criteria governing location, grading and excavating, structures, roofs, landscape and aesthetics will remain the same as the previous submittal. Of particular concern to the ARC will be grading, existing trees, setbacks, solar collectors, recreational features, lighting, fences, antennas, and satellite television. An approval from the ARC is required for remodeling and additions just as it is for new construction, with the exception of projects that entail only the interior of an improvement.
- T. **Repainting and Reroofing**: If a change of color or material type is proposed when repainting or reroofing, the same guidelines as for new construction shall apply. Such modifications shall be submitted for review prior to initiating the improvement.

## ARTICLE V ARCHITECTURAL CRITERIA

The paragraphs which follow provide specific guidelines for consideration in planning your new home. The overall impact of a home design involves issues of taste and judgment which cannot be completely reduced to measurable standards of size, setback, roof pitch, or the like. A home which meets all the quantitative criteria may be unacceptable for Rosemont if its overall aesthetic impact is unacceptable in the judgment of the ARC. The Developer and the ARC reserve the right to grant a variance on the following architectural criteria upon a specific review of an individual plan.

### A. **Elements of Architecture**

1. **Roofs** - Roof forms should be appropriate to the aesthetic and integrity of the design. Generally, lower pitched roofs should be concealed or accented by a balustrade or parapet. Contemporary forms should be gabled or hipped with a minimum pitch of 8:12. This pitch may be lower if the roof is concealed behind a balustrade or parapet.

Flat roofs are generally unacceptable and may only be used for conditions such as a sun room or connector element. Shed roofs are discouraged. All roof penetrations such as attic, dryer, and plumbing vents; and roof elements such as gutters should be treated to match the roof color or appropriate material.

2. Windows - Windows should be single, double or triple hung; casement; pivot; awning, faced; or hopper. Jalousie windows are unacceptable for the house or garage. All windows must be articulated with a lintel and sill. Lintels and sills may be of the same materials as the siding of the home. Sidelights and transoms are encouraged on most styles.
3. Doors - Paneled doors are required for the main entry. Single or double doors are acceptable. Other exterior doors may be glazed with fully divided lights. The style and proportions of these doors should be in keeping with the front door and the style of the house. Garage doors shall be paneled.
4. Dormers - Dormers are acceptable at an attic level and should have operable windows with appropriate pediment treatments. If used, there must be two (2) dormers on the front elevation.
5. Chimneys - Chimneys should be properly scaled and designed in the same style as the house. Flue pipes are required to be encased and supported by a foundation at grade when located on an exterior wall.
6. Overhangs - Overhangs should suit the style of the house and be appropriate for the roof pitch.
7. Cornice - The cornice should be detailed with ornamentation appropriate for the design of the house. No vinyl, aluminum, or masonite cornice shall be allowed.
8. Porches - Porches are encouraged if appropriate to the style of the house. Materials and design should be sensitive to the design of the home.
9. Decks - A raised deck and its supports should incorporate materials which relate to the house. Columns 12" x 12" or 12" in diameter built with the same material as the house are encouraged. If wood posts are used, they should be a minimum of 6" x 6" and shall be painted or stained to compliment the home.
10. Columns - The style of columns should be appropriate to the style of the house and should be proportionate to the house. If columns are used for small porches a minimum 6" x 6" post is acceptable.

11. Skylights - Skylights and solar panels are permitted if they are flat, glazed, and curbed. The skylights cannot appear on the front elevation. The finish must match the roof color.
12. Foundations - Exposed foundations are acceptable if used to elevate the first floor of the house or to take advantage of a sloping site, by adding a basement level to the house, provided exposed concrete is veneered with brick or rock. No exposed concrete block is permitted for foundations.
13. Ceiling Height - Minimum ceiling heights on the first floor are 9' and 8' on the second floor.

**B. Building Materials**

Building Materials are expected to be of high quality.

1. Exterior Finish - Exterior veneer may be wood, brick, fieldstone, stucco, rustic stone, limestone, or granite. Hardyplank masonry is acceptable. Wood styles may be lap siding or beaded board (if appropriate to the style of the house). Wirecut brick is not permitted. No log homes are permitted.
2. Roof - Roofing materials shall be slate, standing seam metal, cedar shakes, cedar shingles, fiberglass shingles, tile, laminated heavyweight composition shingles, or other high quality materials acceptable to the ARC. Screw-down metal roofing, rolled tin, or corrugated metal roofing is unacceptable.
3. Windows - Windows may be wood, vinyl-clad wood or aluminum clad wood. Houses must be consistent in the use of window grids. Adequate exterior detailing of windows on all four sides is strongly encouraged. Lintels and sills may be wood, brick, stone, or precast concrete.
4. Glass - Glass may be double paned. Glass must be clear. Reflective glass is unacceptable. Glass type must meet code requirements.
5. Chimneys - Chimneys shall be brick, stone or a dryvit - type finish system.
6. Brass - Brass is encouraged for door hardware unless inappropriate to the style of the house.
7. No oriented strand board or clip board anywhere. "AdvanTech" is recommend for all sub-floor installation.

8. Statuary - Statuary is defined as any stationary item that is used for decorative or ornamental purposes on the exterior of the home or in the surrounding yard, but is not permanently affixed to or a part of the main dwelling unit. Statuary includes such items as lawn ornaments, garden statues and fountains. These items should be used with care and placed in such a manner as not to detract from the natural setting of Rosemont. The ARC should be contacted for questions regarding the use and placement of statuary. The ARC reserves the right to request removal of an item which has not received ARC approval.

## ARTICLE VI CONSTRUCTION

### A. Preconstruction Activities

1. No lot is to be cleared or construction otherwise started without approval of the plans for that lot by the ARC.
2. Approval by the Committee does not preclude the necessity for obtaining a Building Permit
3. There is no dumping area available at Rosemont, nor is there a pit for obtaining fill dirt. Provisions for these services should be made from other sources.

### B. During Construction

1. All ingress and egress to the lot should be made through the designated culvert location. As previously described, this access must be properly constructed and fenced and approved before construction begins.
2. To prevent silt collecting in the drainage of the roadways and storm drainage system, the builder is to maintain erosion control efforts until the site has been landscaped. The placement of a silt fence is to be used along the edge of the roadway and drainage inlets. The roadway and curb lines are to be kept clean at the point of ingress and egress to the work site.
3. Care should be exercised to protect trees from equipment damage and/or filling. Use protective barriers or bulkheading where necessary so as not to cover the roots of remaining trees with soil. Property owners should insist on this protection to save the existing trees.
4. The use of adjoining Lots for access to the site or for the storage of materials, without the written permission of the adjacent Lot owner, is forbidden.

5. A "dumpster" to collect excess building material/debris shall be used on each site. Pickup of construction debris shall be made daily and "dumpsters" are to be regularly emptied when full. Debris and excess building material shall not be left to blow or become stacked on the site or adjacent Lots. A trash barrel should be maintained on each site for the disposal of small trash and litter. Unsightly building sites constitute nuisances to the community and will be regulated according to the CCR's. Littering of streets, roads, and other common properties at Rosemont is prohibited.
6. Portable toilet facilities are required for all building sites and must be in place at the time the building foundation work commences. Such facilities are permitted only on a Lot under construction. The portable toilet shall be so located so that the door shall not face the street or other public view. Portable toilets must be removed upon completion of the home or when indoor facilities become available.
7. Parking of vehicles by the builder, subcontractors, workmen, and construction material delivery personnel shall be upon the construction site when practical. When parking on the street is necessary due to non-availability of space on the Lot, such parking shall normally be only on the one side of the street where the house is located. Parking on other private property is prohibited, without the written permission of the property owner.
8. Sounds from radios or other non-construction activities that can be heard from adjoining properties constitute a nuisance and are therefore prohibited.

C. **Completion of Construction:** The property owner and builder are responsible for the removal of all building debris, signs and electrical stub pole from the site and the surrounding area.

**ACKNOWLEDGMENT OF DESIGN GUIDELINES**

**I, THE UNDERSIGNED, HAVE READ THE ATTACHED DOCUMENT AND  
ACKNOWLEDGE THESE CRITERIA FOR LOT NUMBER \_\_\_\_\_.**

**ACKNOWLEDGMENT:**

\_\_\_\_\_  
**OWNER**

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**BUILDER**

**Date:** \_\_\_\_\_

**ROSEMONT**

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

**Its:** \_\_\_\_\_

**Date:** \_\_\_\_\_

EXHIBIT A

ROSEMONT

Application for Approval of Site, Building & Landscaping

CHECK ONE

- New Home
- Modification to Residence
- Landscaping
- Other

CHECK ONE

- Preliminary Review
- Final Review
- Clearing Inspection
- Final Inspection

Description \_\_\_\_\_

Lot Owner's Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Street Address \_\_\_\_\_

Home Phone ( ) \_\_\_\_\_

Business Phone ( ) \_\_\_\_\_

Date of Application / / \_\_\_\_\_

Late of Lot Purchase / / \_\_\_\_\_

Architect/Designer Name \_\_\_\_\_

Firm Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone ( ) \_\_\_\_\_

FAX ( ) \_\_\_\_\_

Credentials \_\_\_\_\_

Builder Name \_\_\_\_\_

Firm \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone ( ) \_\_\_\_\_

FAX ( ) \_\_\_\_\_

Pager ( ) \_\_\_\_\_

Mobile ( ) \_\_\_\_\_

Credentials \_\_\_\_\_

Landscape Designer/Architect Name \_\_\_\_\_

Firm \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone ( ) \_\_\_\_\_

FAX ( ) \_\_\_\_\_

Credentials \_\_\_\_\_

Expected grading date / / \_\_\_\_\_

Expected date of project completion / / \_\_\_\_\_

Heated square footage \_\_\_\_\_ ft.

Exterior walls \_\_\_\_\_

Color/Type \_\_\_\_\_

Mortar color \_\_\_\_\_

Siding Material \_\_\_\_\_

Color \_\_\_\_\_

Trim Color \_\_\_\_\_

Color \_\_\_\_\_

Door & Window Type \_\_\_\_\_

Color \_\_\_\_\_

Roofing Type \_\_\_\_\_

Color \_\_\_\_\_

Gutter Material \_\_\_\_\_

Color \_\_\_\_\_

Flashing Material \_\_\_\_\_

Color \_\_\_\_\_

Estimated Cost of Construction \$ \_\_\_\_\_  
Owner/Agent Signature \_\_\_\_\_

Attach: For Concept Submittal

- 1) Three copies of plan
  - a. Sketch site plan with existing contours & trees.
  - b. Sketch elevations.
- 2) Application and review fee of \$1,000 payable to Rosemont Homeowners Association, Inc.
- 3) Optional supporting documentation such as photographs, photocopies, historical background, etc.

|   |                          |                   |                          |
|---|--------------------------|-------------------|--------------------------|
| COMMITTEE ACTION                                  |                          |                   |                          |
| Approve as submitted                              | <input type="checkbox"/> | Approved as noted | <input type="checkbox"/> |
| Resubmit  | <input type="checkbox"/> | Other             | <input type="checkbox"/> |
| Comments  | <input type="checkbox"/> |                   |                          |
| Architectural Standards Committee Signature _____ |                          |                   |                          |

Attach: For Plan Review Submittal

- 1) Three copies of plans
  - a. Elevation of all sides.
  - b. Site plan.
  - c. Floor Plan
  - d. Landscaping concept or final landscaping plan.
- 2) Samples of all exterior materials.
- 3) Optional supporting documentation.

|   |                          |                   |                          |
|---|--------------------------|-------------------|--------------------------|
| COMMITTEE ACTION                                  |                          |                   |                          |
| Approved as submitted                             | <input type="checkbox"/> | Approved as noted | <input type="checkbox"/> |
| Resubmit  | <input type="checkbox"/> | Other             | <input type="checkbox"/> |
| Comments  | <input type="checkbox"/> |                   |                          |
| Architectural Standards Committee Signature _____ |                          |                   |                          |

Attach: For Final Submittal

- 1) Revisions to previous submittals.
- 2) Final landscape plan if not included in previous submittal.

|   |                          |                   |                          |
|---|--------------------------|-------------------|--------------------------|
| COMMITTEE ACTION                                  |                          |                   |                          |
| Approved as submitted                             | <input type="checkbox"/> | Approved as noted | <input type="checkbox"/> |
| Resubmit  | <input type="checkbox"/> | Other             | <input type="checkbox"/> |
| Comments  | <input type="checkbox"/> |                   |                          |
| Architectural Standards Committee Signature _____ |                          |                   |                          |

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

This instrument prepared by:  
Laurence M. Papel  
Baker, Donelson, Bearman & Caldwell, P.C.  
A Professional Corporation  
Commerce Center  
Suite 1000  
211 Commerce Street  
Nashville, Tennessee 37201

BK 2584 PG 518

**SECOND  
AMENDED AND RESTATED  
DECLARATION OF PROTECTIVE COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR ROSEMONT**

THIS SECOND AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR ROSEMONT (the "Declaration") is executed and effective this 9<sup>th</sup> day of October, 2002, by Rosemont, a Tennessee general partnership, successor by merger to Rosemont, L.L.C. (the "Developer");

WITNESSETH:

WHEREAS, Developer is the owner of certain real estate in Williamson County, Tennessee, as more particularly described on Exhibit A attached hereto, and as shown on the final Plat for Rosemont, of record in Plat Book 29, page 31, Register's Office for Williamson County, Tennessee (said real estate being referred to herein as the "Development");

WHEREAS, Developer recorded a Declaration of Protective Covenants, Conditions and Restrictions, of record in Book 1921, page 516, Register's office for Williamson County, Tennessee, and an Amended and Restated Declaration of Protective Covenants, Conditions and Restrictions, of record in Book 2093, page 541, Register's Office for Williamson County, Tennessee; and

WHEREAS, Developer desires to further amend and restate the Declaration as provided herein; and

WHEREAS, Developer desires to provide for the protection and preservation of the values, desirability and character of the Development;

WHEREAS, Developer desires to provide a system of administration, operation and maintenance of the common areas of the Development;

WHEREAS, Developer further desires to establish for the mutual benefit, interest and advantage of Developer and each and every person or other entity hereafter acquiring title to any

portion of the Development, certain rights, easements, privileges, obligations, restrictions, covenants, liens, assessments and regulations governing the use and occupancy of the Development and the maintenance, protection and administration of the common use facilities thereof, all of which are declared to be in furtherance of a plan to promote and protect the operative aspects of residency or occupancy in the Development and on all portions thereof, and are intended to be covenants running with the land which shall be binding on all parties having or acquiring in the future any right, title or interest in and to all or any portion of the Development, and which shall inure to the benefit of each present and future owner thereof;

NOW, THEREFORE, Developer, as legal title holder of the Development and for the purposes set forth above, declares as follows:

## ARTICLE I.

### DEFINITIONS

The following words when used in this Declaration or any supplemental declaration hereto shall have the following meanings:

1. "Additional Properties" shall mean and refer to any property contiguous to the property described on Exhibit A that may be brought within the Development by an amendment to this Declaration.
2. "Annual Assessments" shall mean and refer to the assessments described in Article IV, Section 1.
3. "Association" shall mean and refer to Rosemont Homeowners Association, Inc., a not-for-profit corporation to be organized and existing under the laws of the State of Tennessee, its successors and assigns.
4. "Board" shall mean and refer to the Board of Directors of the Association.
5. "By-Laws" shall mean and refer to the By-Laws of the Association, the form of which is attached as Exhibit D hereto.
6. "Common Areas" shall mean and refer to all facilities within the Development used in common by the Owners, including without limitation, all roads, footpaths, horse trails, bicycle or foot paths, jogging trails, recreational facilities, landscape easements, waterways, gates, boundary walls and fences, median areas, and any areas lying or adjacent to the roads that are designated on the Plat to be maintained and landscaped by the Association. The Common Areas shall be owned by the Association in fee and shall be reserved for the non-exclusive use, benefit

and enjoyment of the Owners subject to the provisions of this Declaration and will be shown as Common Areas on the plats of the Development placed of record now or in the future.

7. "Declaration" shall mean and refer to this Second Amended and Restated Declaration of Protective Covenants, Conditions and Restrictions for Rosemont, applicable to the Development and recorded in the Register's Office for Williamson County, Tennessee.

8. "Developer" shall mean and refer to Rosemont, a Tennessee general partnership, having its principal place of business in Nashville, Tennessee, its successors and assigns.

9. "Development" shall mean and refer to the property described on Exhibit A attached hereto and made a part hereof together with any Additional Properties that may be made a part thereof.

10. "Engineer" shall mean the architect or engineer engaged by the Committee to review Plans pursuant to Article V hereof.

11. "Impositions" shall mean and refer to any Annual Assessments, Landscape Assessments, and Special Assessments, or any other charges by the Association against one or more Lots owned by an Owner together with reasonable attorneys' fees and costs incurred in the enforcement thereof, and shall additionally include, to the extent authorized by the provisions hereof, interest thereon.

12. "Improvement" shall mean any building, building addition, outbuilding, garage, barn, running shed, detached structure, landscaping, swimming pool, recreational facility, driveway, parking area, walkway, wall, fence, or utility service, or such other improvement or structure constructed or located upon all or any portion of the Development. It is intended that this definition of "Improvement" be broad in scope and is intended to encompass any man-made alteration of the condition of the Lot or Common Areas from and after the date of this Declaration.

13. "Landscape Assessments" shall mean assessments for lawn care service provided to Lots as described in Article IV, Section 2.

14. "Lot" shall mean and refer to any plot of land within the Development to be used for single-family residential purposes and so designated on the Plat.

15. "Majority of Owners" shall mean and refer to the holders of more than fifty percent (50%) of the total Votes of the Members.

16. "Member" shall mean and refer to any person or persons who shall be an Owner, and as such, shall be a Member of the Association. "Class A Members" shall mean and refer to any Owners other than the Developer, and the "Class B Member" shall be the Developer.