

Supplemental Design Guidelines and Standards for Promenade at Gaillardia

Introduction and Philosophy. These Supplemental Design Guidelines and Standards for Promenade at Gaillardia (the “Design Guidelines for Promenade”) are established to ensure the design concepts and aesthetic standards established for the benefit of all Owners will be maintained. These Design Guidelines for Promenade apply to all Units in The Promenade at Gaillardia (“Promenade”) and are in addition to, and not in lieu of, the Gaillardia Residential Design Guidelines dated May 15, 1998 (the “Design Guidelines”). Where there is a conflict between the Design Guidelines and the Design Guidelines for Promenade, the Design Guidelines for Promenade shall control. The Declarant shall have the right to amend these Design Guidelines for Promenade at any time and from time to time as more particularly described in the Design Guidelines and the Declaration of Covenants, Conditions and Restrictions for Gaillardia (the “CCRs”).

Construction of Original Improvements. The construction of all Improvements in Promenade, including, without limitation, each and every residential unit and all related improvements to be constructed upon a Unit, shall be performed by a builder who has submitted an application to the Architectural Advisory Committee, and has been granted final approval from the Board of Gaillardia Homeowner’s Association, to construct upon a designated Unit within Promenade (collectively, the “Builder”).

Uniformity. It is not the intent of the Architectural Advisory Committee to inhibit excellence of design, nor to limit the owner to any preconceived type of house. Rather, it is our intent to uphold the Covenants, and to protect other owners from any construction which might tend to damage, or otherwise diminish the general character of Gaillardia.

Application for Review of Plans

Preliminary Review. It is strongly recommended that owners/builders submit plans, elevations, renderings, and/or models of their homes as early as possible in the design process in order to insure that the design meets the basic Gaillardia standards regarding aesthetics and style. Early schematics should show orientation, massing, color, and material selection. Preliminary review has the potential of huge savings to the owner who proceeds with care and caution, and avoid costly design changes near the end of the construction documents phase. ***It should be noted that preliminary review approval in no way constitutes final approval.***

Application for Review. The Architectural Advisory Committee meets every third Thursday of each month. Application for Review must be made on or before the scheduled meeting, any applications received after the third Thursday will not be reviewed until the next month’s meeting. The AAC anticipates the review process will take thirty (30) days, however, the AAC may take as much time as necessary to properly review all applications completely and thoroughly.

Review Fee. The \$500.00 review fee should accompany the application along with all materials listed below. Failure to submit all requested materials may result in delay of review and/or non-approval of application. Any application may be denied, granted, or granted with conditions in the sole discretion of the Reviewer, all as more particularly described in the CCRs and Design Guidelines.

Required Submission Materials:

Site Plan (at a scale of no less than 1"=20'-0") indicating:

1. Name of Builder, designer, and owner.
2. Property boundaries.
3. Building location(s) with related setbacks.
4. Driveway and parking layout with related setbacks.
5. Sidewalk, path, and/or patio locations, with colors and materials.
6. Location and treatment of drainage system, if applicable.
7. Area of the building envelope.
8. Defined hardscape areas.

Architectural Plans (at a scale of no less than 1/8"=1'-0") including:

1. Floor area calculations per floor, including garages, loggias, covered porches and patios.
2. Roof plan / pitch.
3. Complete set of floor plans.
4. Foundation plans.
5. All exterior building elevations, with detailed descriptions of all materials and colors, as well as door and window locations.

The Reviewer may request colored renderings, color sample boards, specifications, engineering reports, and other information deemed appropriate by the Reviewer to review the application.

Implementation of Plans. All projects and construction must be implemented per approved plans or requests. If it is determined by the Reviewer that work completed or in progress on any Unit is not in compliance with the Design Guidelines, or these Supplemental Design Guidelines for Promenade, or any approval issued by the Reviewer, the Reviewer shall notify the Owner of the Unit on which such noncompliance is located or shall notify the Board. If the Reviewer notifies the Board, the Board shall notify the Owner. In either case, the Reviewer or the Board shall give, within 30 days of the inspection, written notice to the Owner of such noncompliance, which notice shall specify in reasonable detail the particulars of noncompliance and shall require the Owner to remedy the same. Prior to issuance of written notice and referral for further Board action, the Reviewer shall use reasonable efforts to mediate the dispute and encourage the Owner to bring the improvements into compliance with these design guidelines or any variance issued by the Reviewer.

If the Owner fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration or these Design Guidelines. In such case, the Board shall notify the Owner that it may take action to remedy the noncompliance and / or seek injunctive relief, recovery costs incurred, and imposition of a fine, which fine shall not exceed 10% of the cost of achieving compliance.

Time to Commence. Once the sale of the Unit has closed, plans must be submitted within 14 months. If action is not taken upon the project within 14 months after the sale, such approval of plans shall be deemed withdrawn and it shall be necessary for the Owner to resubmit the plans to the appropriate committee for reconsideration. Construction shall be deemed commenced when the foundation for the home to be constructed on the Unit is underway.

Time to Complete. All new construction within the Promenade must be completed within the following time periods.

For Units in Promenade constructed within Block 28, with the minimum square footage of 3,000 square feet, and maximum of 6,000 square feet of air-conditioned space, must be completed within 18 months after commencement of construction. For Units in Promenade constructed within Block's 27 and 29, with the minimum square footage of 3,500 square feet, and the maximum of 6,500 square feet of air-conditioned space, must be completed within 24 months after commencement of construction.

Construction Activity. Construction shall not begin until approval has been issued by the Reviewer. Once started, construction shall be completed with expedition and strictly in accordance with the approved plans.

Construction Deposit. A construction deposit in the amount of \$5,000 shall be assessed against each Unit while under construction until completion of all approved buildings, landscaping and drainage.

It is the obligation of the Owner, it's contractors and subcontractors to leave the project site free from trash, debris, unused materials and equipment, and to ensure compliance with all construction activity. The Reviewer and the Board reserves the right to Specifically Assess any and all contractors, subcontractors, or Owners for clean-up costs, all in accordance with the Schedule of Violation Assessments, which has been adopted by the Board.

Landscape Plans. Landscape plans may be submitted with the architectural plans, or no later than 90 days prior to completion of construction.

Maintenance, Repair, Remodel, Decorating, or Reconstruction

All general maintenance and repairs of a Unit, re-painting, remodeling, or re-building of the exterior improvements, any decorative elements to the exterior of a Unit, or any other project which impacts the visual quality of the Promenade neighborhood (including without limitation, colors, materials (including type, color, texture, and durability as well as the extent of use of any single materials or combination of materials), roofs, windows, fencing, grading, paving, utilities, and landscaping) shall be made, performed, installed, or constructed *strictly* in accordance with the approved plans and specifications dictating the original construction of the improvements. If an Owner elects to deviate from the approved plans and specifications, an owner may submit to modify, subject to review, review fees, and approval. If it is determined by the Reviewer that any work or maintenance completed or in progress on any Unit is not in compliance with the approved plans and specifications and these Design Guidelines for Promenade, the Reviewer shall notify the Owner of such non-compliance. The Reviewer or the Board may take such actions as

are appropriate, reasonable, or necessary to remedy any such violation by an Owner, all in accordance with the CCRs and the Design Guidelines.

By way of illustration and not limitation, below are certain general guidelines and standards an Owner must consider when performing any maintenance or other work on a Unit.

Roof Materials. Roof materials are one of the paramount design elements in Promenade. For Units constructed within blocks 27 and 29, roof material shall consist of either Natural Slate, Synthetic Slate (e.g. DaVinci Multi-Width or Single-Width; Inspire Slate or Brava), or Clay tile, all in a uniform black or dark gray color. For Units constructed within block 28, roof material shall consist of either Certainteed Belmont IR asphalt shingles with a minimum 40-year life rating, limited to the single color of Black Granite, Natural Slate, Synthetic Slate (e.g. DaVinci Multi-Width or Single-Width; Inspire Slate or Brava), or Clay tile, all in a uniform black or dark gray color. Due to the introduction of new quality roof materials and designs, Reviewer may approve various materials (e.g. metal) from time to time. All roof materials and colors shall be subject to Reviewer approval.

Common Walls. All shared or common walls shall be constructed to the following standards:

1. The wall height must match the roof plate height. Maximum roof plate height may not exceed 12'-0".
2. Gutters and downspouts are required at the common wall elevation, as is a foundation drain which runs to daylight at both ends if conditions allow, or to daylight at one end and a cleanout at the other.
3. Windows are not allowed in shared or common walls.

Courtyard walls/fencing. Courtyard walls or fencing shall be a minimum of 6 feet in height from existing grade, shall be connected to the house structure and shall blend or follow natural terrain and landscaping. All courtyard walls shall be faced with principal materials and finish compatible with the house structure.

Initial Landscaping. All Owner's within Promenade shall develop and submit for application a comprehensive landscaping plan. Landscaping shall be installed no later than 90 days after a certificate of occupancy is issued. Minimum standards for landscape in Promenade shall fall under the minimum requirements for Villa type lots as provided under the Design Guidelines.

Landscape Maintenance. The Association's contractors, as determined by the Board from time to time, shall provide certain landscape maintenance and related services to all Units in Promenade (the "Neighborhood Services") as a Neighborhood Expense, all as more particularly described in the Amended and Restated Supplemental Declaration of Covenants, Conditions, and Restrictions for Promenade (the "Supplemental CCRs").

Sidewalks. Sidewalks shall be installed at all Units constructed within block 28.

General Use Standards, Restrictions, and Requirements for Promenade

Building Limit Restrictions. For Units in Promenade constructed within Block 28, the minimum square footage shall not be less than 3,000 square feet, and the maximum shall not be greater than

6,000 square feet. For Units in Promenade constructed within Block's 27 and 29, the minimum square footage shall not be less than 3,500 square feet, and the maximum shall not be greater than 6,500 square feet. However, the Architectural Advisory Committee reserves its right to evaluate the proposed Building Mass in relation to the Unit's Building Envelope and may grant a variance from time to time.

Front yard Fencing. There shall be no front yard perimeter fencing on any Unit in Promenade.

Yard Decorations. The use of window planters or boxes, artificial flowers, yard decorations, statuary and furniture (including birdbaths, birdhouses, plastic flamingos, statues, gnomes, ceramic sculptures, fountains, statues, swings, etc.) and other décor in the front yard of a Unit are prohibited. Any yard decorations, statuary and furniture in the rear or side yard must not exceed four (4) feet in height nor be of colors other than neutral earth-tone shades.

Seasonal/Holiday Decorations. Appropriate seasonal/holiday decorations may be used without Reviewer approval. These decorations should be removed in a timely manner at the end of the season/holiday, weather permitting. Holiday decorations must be specific and appropriate to the holiday occurring at the time of display. They must be within the boundaries of the Unit of the Owner making the display. Inflatables of any size or design are strictly prohibited. Winter holiday (i.e. Christmas, Hanukah, New Year's) decorations may be placed as early as the day after Thanksgiving and may remain on display until January 15. Exterior decorations for all other holidays may be placed out for display two (2) weeks in advance of the holiday and must be removed no later than 1 week after the holiday.

Play and Recreational Equipment. No play equipment, including without limitation, swing sets, jungle gyms, basketball hoops, skateboard ramps, and trampolines, shall be permitted in the front yard of a Unit. Any such equipment desired to be placed in the rear or side yard of a Unit must be generally compatible with the area and should have no adverse visual impact upon the lot or the neighborhood. No equipment shall be visible above the privacy fence or common wall of the Unit.

Basketball backboards or freestanding basketball poles with backboards may be permitted at the rear elevation of a Unit adjacent to a resident lane, subject to Reviewer approval.

Other Structures. After completion of construction of a Unit, no structure of a temporary character, trailer, shack, barn, storage shed or otherwise shall be permitted on any Unit.

Flagpoles. Display of the American flag is permitted subject to the provisions herein. Permanent, free-standing flagpoles are prohibited. Flagpoles staffs which do not exceed six feet in length and are attached at an incline to the wall of the dwelling unit are permitted. Reviewer approval will be required for all flagpole staffs and any ornaments, and finials, as well as the placement/location, and size of the flag, if different than permitted herein. The size of the American flag shall be no larger than 3 feet in width and 5 feet in length. The American Flag must be displayed in a respectful manner, and in accordance with (a) the patriotic customs set forth in United States Flag Code, 4 U.S.C. §§ 5-10, as amended from time to time, governing the display and use of the flag of the United States, (b) federal, state, and local laws, ordinances, or resolutions, and (c) any proclamation of the President of the United States or the Governor of the State of Oklahoma.

All other flags, including without limitation, a military flag, a POW/MIA flag, the Oklahoma state flag, an Oklahoma Indian Nation flag, or a decorative/holiday flag, may be displayed from the rear

yard, subject to reasonable rules and regulations adopted by the Board from time to time regarding their placement and manner of display.

On street Parking: Designated on-street parking will be permitted in Promenade for use by Owners and their occupants, guests, and invitees, subject to rules and restrictions that may be adopted by the Association from time to time; provided, however, all mobile homes, campers, trailers, boats and other watercraft, recreational vehicles, stored vehicles or inoperable vehicles, and commercial vehicles and equipment shall be strictly prohibited from parking on the streets within Promenade, except that construction, service, and delivery vehicles shall be exempt during daylight hours for such period of time as is reasonably necessary to provide service or make a delivery to a Unit or the Common Area, and service and delivery vehicles shall be exempt for such purposes and during such hours as described in Section 4.2 of the Supplemental CCRs. Maintenance, repair, and replacement associated with the designated on-street parking and any related improvements shall be performed by or on behalf of the Association as a Common Expense, as more particularly described in Section 4.1 of the Supplemental CCRs.