

2/8/96

Orchard Ridge RULES AND REGULATIONS

ARTICLE I INTRODUCTION

The Board of Directors of Orchard Ridge, as the governing body of the Condominium Association, has established these Rules and Regulations consistent with the Master Deed and Bylaws in order to provide guidelines for the development and management of Orchard Ridge as a premier residential community for the highest benefit and enjoyment of its residents.

Orchard Ridge was created to be a community for homes of architectural excellence in an elegant and richly landscaped environment. It is the intent of these Rules and Regulations to insure that Orchard Ridge is developed in the highest quality manner in harmony with the design goals for the community by providing helpful guidance to future residents on the architectural design, landscape design and construction of their homes. Further, these Rules and Regulations are intended to ensure that the community is exceptionally well maintained, that the value of the residences is enhanced, and that Orchard Ridge is a very enjoyable place to live.

The office of the Developer of Orchard Ridge is available to assist the future homeowners in the architectural and landscape design of their individual residences. Future homeowners are strongly encouraged to involve the Developer in the design process from the earliest stages to ensure a smooth approval process.

The architectural design goal for Orchard Ridge is the creation of an exceptional community of residences of the highest caliber, unique and distinguished in design, in harmony among themselves and with the surrounding environment. Traditional architectural styles are required, with subdued, natural exterior colors and materials to be used.

The Master Deed and Bylaws for Orchard Ridge contain numerous provisions, restrictions and conditions which may be in addition to these Rules and Regulations. All owners should familiarize themselves with the terms set forth in those documents.

ARTICLE II ARCHITECTURAL APPROVAL PROCESS

The design and construction of all residences and associated improvements, including decks, pools, walks, patios, gazebos, etc., and also including the design and installation of landscaping and driveways, is subject to the Architectural Control Approval process as described below.

1. **Plan Approval.** No physical improvement of any nature, including alterations or additions to any existing improvements, shall be constructed on any homesite until the plans for such an improvement have been approved in writing by Developer.

2. **Review Procedure.** A three-step submittal process is required to obtain approval for the construction of a residence in Orchard Ridge. Written approval from Developer is required for each of the three steps as follows:

CONCEPTUAL APPROVAL. The future homeowner is encouraged to involve the Developer in the design of the residence at the earliest possible stages. Submittal of sketches, photographs or renderings, with a preliminary site plan, are normally sufficient to determine if the proposed residence will be within the design goals for the community.

PRELIMINARY APPROVAL. Within 2 years from the date of purchase of the homesite, the homeowner shall submit three (3) copies of the following materials to obtain Preliminary Approval for a residence in Orchard Ridge:

- A. A topographic site survey of the residential homesite showing existing grades, the location, type and size of all trees exceeding four (4) inches in diameter at eye level, and all features within thirty (30) feet of the homesite boundary. Any surveying firm may be hired to prepare this survey.
- B. Exterior elevation drawings for all sides of the proposed residence.
- C. A preliminary floor plan.
- D. A preliminary site plan locating the proposed residence on the topographic site survey and indicating proposed grades for the structure and driveways.
- E. An indication of the exterior materials and colors to be used to construct the proposed residence.

FINAL APPROVAL. Within ninety (90) days of obtaining Preliminary Approval from the Developer, three (3) copies of the following materials shall be submitted to Developer to obtain Final Approval for a residence in Orchard Ridge:

- A. A site plan showing existing and proposed grades, the location of the proposed residence, drives and other improvements on the homesite.
- B. A complete set of construction plans for the proposed residence prepared by a registered architect.
- C. A complete description of exterior building materials and colors including actual samples of brick or stone and roofing.
- D. A landscape plan prepared by a registered landscape architect showing sizes and types of proposed plantings; the location of berms, shrub and flower beds; sodded areas; retaining walls and paving areas; and the location of hedges, courtyard walls, and fences with appropriate details.
- E. A construction schedule.

Upon approval, one signed copy of the plans and documents will be returned to the owner who may then apply to Oakland Township for a building permit.

ARTICLE III ARCHITECTURAL DESIGN GUIDELINES

The following guidelines have been established to assist the homeowners and their architects and builders in the design of homes in Orchard Ridge:

1. **Exterior Architecture.** The exterior of all homes shall be traditional or classical in architectural design. Contemporary or modern architecture is not considered to be within the design goals for the community and will not be permitted. The Developer shall determine in its sole judgement whether the proposed architectural design meets the traditional or classical design goals for the development.
2. **Architectural Uniqueness.** A proposed residence shall not be substantially similar in exterior design and appearance to any other residence within the development which has received Architectural Approval. The primary basis for determination of similarity will be proportions and massing of architectural elements, location and style of windows and front entrance areas, rooflines and exterior colors and materials.
3. **Minimum Size.** Each residence must have a minimum livable floor area of 4,000 square feet for a one story residence and 5,000 square feet for a one and one-half story or two story residence. For the purposes of this paragraph, garages, patios, decks, open porches, entrance porches, terraces, basements, lower levels, and like areas shall be excluded in determining the livable floor area.

4. **Minimum Width.** Each residence shall have a minimum total building width of eighty (80) feet, including the attached garage.

5. **Tree Preservation.** No large trees (i.e. trees measuring four (4) inches or more in diameter at eye level) may be removed without the written permission of the Developer, and all efforts shall be made to preserve such trees in the design and placement of the residence. It shall be the responsibility of each Owner to maintain and preserve all large trees on his or her homesite by whatever means necessary to assure their health and survival. Furthermore, the removal of trees on the Condominium Premises shall be subject to the restrictions, regulations and permit requirements of applicable Township ordinances.

6. **Exterior Walls.** The majority of the exterior walls of all residences shall be of brick or stone. If the remaining portions are constructed of wood, they must consist of individual board natural wood siding. Texture 1-11, aluminum and vinyl siding is prohibited. All windows must be of high quality wood frame or wood clad construction. Natural cement stucco or similar materials such as "Dryvit" may be approved, but must harmonize with the selected brick or stone. Exterior colors are to be subdued and natural.

7. **Roofing Materials.** Roofs shall be constructed of high quality cedar shakes, cedar shingles, cementitious tile, slate or good quality dimensional asphalt shingle. White or light colored roofs are not permitted.

8. **Roof Vents.** Ridge-type roof vents shall be required wherever possible and can-type roof venting devices are prohibited. Plumbing vents, metal vents, caps, stacks and flashings shall be painted to match the roof color or painted black, and shall be located so as not to be visible from the street wherever possible.

9. **Garages.** All garages shall have side or rear entry doors which are no less than a 90° angle (perpendicular) with the street at the front of the residence. Front entry garages are expressly prohibited. Garages are to be located at the opposite side of the normal approach direction to the residence. The garage apron area is to be screened by landscaping to prevent a direct view into the garage from the street.

10. **Chimneys.** All chimneys shall be constructed of brick or natural stone on a concrete foundation with a clay flue lining. Prefabricated chimneys, wood chaise chimneys, panel brick chimneys or metal-lined chimneys are not permitted, even if not located on an outside wall. Each chimney top shall be designed to uniquely complement the individual architecture of its residence and shall be different than the chimney design on any other residence.

11. **Driveways.** Driveways shall be constructed of asphalt paving, brick pavers or other approved paving materials providing an elegant, textured appearance. Common concrete paving is not permitted except in the garage apron area within 3 feet of the garage doors. Driveways shall be located a minimum of 10 feet from any side Unit boundary line.

12. Air Conditioning Units. No window or wall mounted air conditioners are permitted. All exterior air conditioning equipment shall be located at the sides of the residence as to minimize noise to adjacent homes and shall be screened by landscaping so as to not be visible from the road or adjacent residences.

13. Lampposts. In the course of construction of the residence, the Owner shall install a lamppost and lamp controlled by an automatic photocell switch and located within 50 feet of the street in front of the residence, to provide a degree of ambient lighting throughout the community. The size, style, location and illuminative power and type shall be specified or approved by the Developer. After initial installation, the Owner shall maintain such lamppost in good working order and it shall remain lit between dusk and dawn.

15. Mailboxes. In the event that individual mailboxes are used within the development, each Owner shall install a mailbox of a design, material, color and construction specified or approved by the Developer in order to insure a pleasing, consistent appearance throughout the community.

14. Address Blocks. Each residence shall incorporate an address block constructed of marble, granite, limestone or similar material containing the carved numerals of the address of the residence. If possible, address blocks shall be lighted so as to be visible at night. If the address of the residence cannot be seen from the road due to topography or vegetation, an additional address shall be located near the base of the driveway at the road. All supplemental addresses shall be subject to approval in regard to style, size and materials.

15. Exterior Doors. Uniqueness in the design of front entry doors is required due to the architectural importance of this component in the overall appearance of a residence. Separate storm doors are not allowed due to their unattractive appearance. The color and style of the exterior doors is to be submitted for approval.

16. Basketball Hoops. The type, style and location of basketball backboards and poles shall be submitted for approval. Backboards and poles shall be located as to be unobtrusive as possible at the sides or rear portion of a residence.

17. Utility Meter Locations. Gas and electric meters, telephone junction boxes, sump pump discharges and sprinkler anti-siphon valves attached to residences shall be located in such a manner as to be hidden from view from the road or adjacent homesites.

18. Computerized Home Management Systems. Future homeowners are encouraged to explore the new computerized central home management systems for lighting, security, communications, entertainment, energy management and regulation of home products. These innovative systems, of which several types are available, are likely to become standard in upscale homes in the near future and may add substantial value and marketability to the home.

ARTICLE IV LANDSCAPING GUIDELINES

Proper landscape design, installation and maintenance is very important in creating an enjoyable, beautiful environment. Good landscape design incorporates the natural attributes of the homesite in terms of topography and location, and then enhances those features to create an environment most appropriate for the architecture and setting of a particular residence. Successful landscaping greatly increases the beauty and value of a residence and improves the quality of life for the homeowner as well as the entire community.

Landscaping for residences in Orchard Ridge should be designed with the intent of meeting the goals of creating a luxurious environment for refined and elegant residential architecture. A conceptual landscape plan must be submitted and approved prior to commencement of home construction as part of the Architectural Approval Process for the residence.

1. **Planting Material Sizes.** Planting materials are to be of high quality and substantial size to provide a substantial degree of maturity to the appearance of the landscaping immediately upon installation. Evergreen trees should be a minimum of eight (8) feet in height, and canopy trees should have a minimum caliper of four (4) inches.
2. **Lawn Areas.** All areas of a residential homesite not landscaped with plant materials or hard surfaces shall be established as lawn areas by sodding or hydroseeding.
3. **Flower Beds.** All landscape plans shall include areas in the front yard for planting of annual and perennial flowers to provide for pleasing seasonal color.
4. **Edging and Mulching Materials.** The use of natural cut sod edging to define planting beds is strongly encouraged. If edging material is used in planting beds, it shall be made of steel or aluminum; plastic edging is not permitted. Mulching material shall consist of dark shredded bark, bark chips or sphagnum peat. Wood chip or stone mulch shall not be used.
5. **Berms and Boulders.** The creation of landscaped berms, boulder outcroppings, raised beds and other creative landscape design is strongly encouraged, subject to approval.
6. **Irrigation.** An underground sprinkler system shall be installed to service, at a minimum, all lawn areas and flower beds on each residential homesite.
7. **Landscape Screening.** All exterior air conditioning equipment, utility meters and utility boxes must be screened from view from the road and adjacent residences. The garage doors of a residence must be visually screened from view from the road to the greatest extent possible by placing evergreen landscape materials in strategic positions.
8. **Retaining Walls.** All retaining walls shall be of stone or approved masonry materials. Wooden tie walls are not allowed.

9. **Landscape Lighting.** Subdued lighting which highlights landscape features and architectural elements is strongly encouraged. Lighting shall be artful, aesthetically pleasing and unobtrusive, with careful attention given to both high quality lighting fixtures and the effects of the lighting itself.

10. **Pavement Materials.** Driveways are to be constructed of asphalt paving, brick pavers or other approved paving materials. Common concrete driveways are not allowed. Sidewalks and patios may be constructed of normal concrete; however, brick pavers, dark tinted exposed aggregate concrete, flagstone slate, or other approved richly textured material is strongly encouraged as an alternative.

11. **Completion of Landscaping.** Installation of landscaping prior to occupancy is strongly encouraged. The cost of landscaping can usually be included in the mortgage for a home. At any rate, landscape installation must be completed within thirty (30) days after issuance of a certificate of occupancy by Oakland Township, season permitting.

ARTICLE V CONSTRUCTION REGULATIONS

The construction process in Orchard Ridge is carefully controlled to minimize inconvenience and disruption to existing residents and to maintain the excellent image and reputation of all who are associated with this development.

1. **Accountability.** The builder and landscaper shall designate a construction superintendent at the start of construction who will be responsible for supervising adherence to the Construction Regulations and all other applicable Condominium Documents.

2. **Builders' Deposits.** Prior to commencement of residential construction activities, the homeowner shall cause to be posted with the Developer a two thousand (\$2000) dollar deposit to ensure that the road and the building site in the vicinity of construction is maintained in a clean and orderly manner. This deposit will be returned, less any cleanup costs incurred by Developer if the builder fails to keep the roads and construction site clean, upon completion of construction.

3. **Cleanliness.** Throughout the course of construction, the job site shall be maintained in a clean and orderly manner. All trash and debris shall be promptly deposited in a dumpster located as unobtrusively on the site as possible. Burning of trash and debris is prohibited. The road surface in the vicinity of the job site shall be kept clean of mud, trash and debris at all times. Violation of cleanliness regulations will result in forfeiture of builders' and landscapers' deposits, and other remedies will be promptly taken.

4. **Construction Hours.** Construction hours are from 7:00 A.M. to 6:00 P.M. Monday through Saturday except holidays. No construction activities are permitted during the evening or on Sundays.

5. **Construction Area.** All construction, including access by construction vehicles and equipment, shall be confined to the boundaries of the homesite under construction. Adjacent homesites may not be used for parking, storage or access.

6. **Construction Parking.** All construction personnel shall park their vehicles either on the residential site under construction or on the roadway along the curb in the immediate vicinity. Vehicles may not be parked on the grass behind the curb, on adjacent sites or on General Common Elements to prevent damage to the grassed areas along the road and protected areas within the Project.

7. **Construction Materials.** Temporary, short-term storage of construction materials on the building site shall be done in a neat and orderly manner at a distance of at least forty (40) feet from the road. Materials shall not be stored on the road, near the curb, on adjacent sites (even if vacant) or on any portion of the General Common Elements.

8. **Portable Toilet.** The builder shall provide a portable toilet at the job site located so as not to be visible from the road until such time as the plumbing of the residence is in working order. Construction personnel shall use this portable toilet exclusively at the job site.

9. **Signs.** The builder may erect one (1) sign identifying the unit number and builder's name during the construction of a residence as specified by Developer in terms of size, location, color and content which will contain the logo for the project. Signs may not be used for advertising purposes.

10. **Schedule.** Once started, construction shall be prosecuted on a continual basis with completion as soon as practical and within the construction schedule approved by Developer.

ARTICLE VI MAINTENANCE AND ACTIVITIES PROVISIONS

In order to assure a beautiful and pleasing environment for the residents of Orchard Ridge, provisions for maintaining all elements of the community in excellent physical condition, including roads, yards, residences, landscaping and all other improvements have been established. Additionally, activities which interfere with the enjoyment and rights of others are restricted so as to create a pleasant neighborhood for all residents and guests.

1. **Use.** No homesite shall be used for other than the single-family residential uses permitted by the Condominium Documents and Oakland Township.

2. **Homesite Maintenance.** Each homeowner shall maintain his or her homesite and all improvements that it contains, including the residence, landscaping, lawns, walks, drives, patios, decks, and swimming pools in a first class and attractive condition so that an aesthetically pleasing appearance is presented to the community at all times.

3. **Lawn Maintenance.** Lawns shall be fertilized on a regular basis, kept neatly trimmed and free of weeds, and irrigated during dry periods. Lawn Maintenance Services by outside contractors shall be performed only between the hours of 8:00 A.M. to 6:00 P.M. Monday through Saturday.

4. **Landscaping.** All shrubs, trees and other landscape materials shall be maintained in an orderly and healthy condition. Unhealthy or dead plantings shall be promptly replaced. Landscaped beds shall be maintained in an attractive condition with regular restoration of shredded bark or peat mulch to prevent weed growth, and beds shall be kept weed-free.

5. **Flowers.** Flower beds for perennial or annual flowers shall be maintained within the front yard areas of each residence integrated into the landscape design in an attractive and pleasing manner. Flower beds are to be kept weed-free and in excellent condition.

6. **Seasonal Protection.** Landscape materials are to be maintained in an attractive state throughout the year. Consequently, protection of plantings during the winter by wrapping with burlap or using plastic and polystyrene materials is prohibited because of the unsightly appearance created. Plants may be protected by application of an invisible anti-desiccant such as "Wilt-Pruf".

7. **Restricted Activities.** No noxious or offensive activity shall be conducted on any homesite that will cause discomfort, annoyance or nuisance to the community or diminish the enjoyment of the residents in any manner whatsoever. Restricted activities include burning of trash or leaves, maintaining noisy or dangerous pets, maintaining skateboard ramps, installation or operation of electronic insect killers, operation of floodlights or other bright lights which are an annoyance to adjacent residents or any other device or activity which is noisy, unsightly, unpleasant or hazardous in nature.

8. **Vehicles.** No vehicles other than personal transportation automobiles, vans and sport/utility vehicles may be parked within the community unless located in garages with doors closed, including pickup trucks, boats and campers. In general, all vehicles should be kept in garages and all garage doors should be kept closed. No vehicles may be parked outdoors if not used on a regular basis. No snowmobiles or off road vehicles may be used within the community. No vehicle maintenance or repair activities shall be performed except in garages with doors closed.

9. **Aesthetics.** No part of the land within the community shall be used for storage of supplies, materials, personal property or trash or refuse of any kind, except as provided in the duly adopted Rules and Regulations.

10. **Trash.** Trash shall be stored out of sight and placed at the curb for trash pickup no sooner than the evening before the collection day. Trash receptacles shall be removed as soon as possible after trash collection. If trash containers are stored outside, the storage location must be visually screened and approved in writing by Developer.

11. **Common Areas.** Orchard Ridge common areas shall not be obstructed, nor shall they be used for any private purposes or any other purposes than that for which they are reasonably and obviously intended.

12. **Antennae.** Exterior radio antennae, television aerials, satellite dishes or similar reception or transmission devices shall be prohibited due to their unattractive appearance unless specifically approved in writing by Developer.

13. **Signs.** No "For Sale" sign or any other sign may be erected within the community without permission from the Developer.

14. **Bylaws.** The Bylaws and Master Deed for Orchard Ridge contain numerous additional provisions relating to maintenance and activities within the community. All residents should familiarize themselves with the terms set forth in those documents.

ARTICLE VII TRANSFER OF RIGHTS

The responsibilities, obligations and rights reserved to Developer in these Rules and Regulations will transfer to the Orchard Ridge Association after the end of the Sales and Development Period. After that time, the Board of Directors of the Association shall have the responsibility for enforcement and administration of the provisions in this document.

ARTICLE VIII ENFORCEMENT

The provisions and terms contained in any of the Condominium Documents including these Rules and Regulations, the Master Deed and the Bylaws are enforceable by the actions described in Article XXII of the Bylaws and include, without limitation, legal action, recovery of costs, removal and abatement of a violating structure or condition, and assessment of fines.