

**DESIGN STANDARDS**  
**Cypress Point Estates at Oak Tree**

**DECLARANT:**

**OTBR, LLC**

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## I. INTRODUCTION TO DESIGN REVIEW

**A. Purpose of Design Standards:** The intent of the Design Standards for Cypress Point Estates at Oak Tree ("**Design Standards**"), dated effective as of August 1, 2014, is to make reasonable accommodations for the views of the surrounding areas, to respect the climatic conditions and environment of the region, and to maintain and enhance community property values. Also within this intent, it is important to allow individual ideas to flourish and enrich the community, provided that standards are maintained.

The Design Standards provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. The architectural, construction, improvement, landscaping and site standards have been developed to assist in the original site design, construction of improvements, and landscaping upon Lots within Cypress Point Estates at Oak Tree ("**Cypress Point Estates**"). These standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, and signage, and the approval of same by the Declarant or the Design Review Committee. The Design Standards also establish a process for review and approval of proposed modifications, alterations and additions to improvements and landscaping upon Lots to ensure that all Lots within Cypress Point Estates are developed and maintained with the consistency and quality that attracted you to this community.

All Lots with Cypress Point Estates are also subject to the Architectural Standards and Guidelines of Oak Tree. Where there are differences in standard, the more restrictive or stringent Design Standards of Cypress Point Estates have precedent and will govern.

**B. Governmental Permits:** To the extent the ordinances, building code or other regulations of the City of Edmond, Oklahoma require a more restrictive standard than the standards set forth in these Design Standards or the Declaration of Covenants, Conditions, and Restrictions for Cypress Point Estates at Oak Tree (the "**Declaration**"), the governmental standards shall prevail. To the extent that any governmental standard is less restrictive than these Design Standards or the Declaration, the Declaration and these Design Standards (in that order) shall prevail.

**C. Preparer:** These Design Standards have been prepared by **OTBR, LLC** (the "**Declarant**") and adopted by the Declarant pursuant to the Declaration. The Design Standards may be changed and amended to serve the needs of an evolving community pursuant to the procedures set forth in the Declaration and in Article VII of these Design Standards.

**D. Applicability of Design Review:** These Design Standards govern all property subject to the Declaration. Unless otherwise specifically stated in the Declaration or these Design Standards, all plans and materials for new construction or exterior modifications of improvements on a Lot must be approved before any construction activity begins. Unless otherwise specifically stated in these Design Standards, no structure may be erected upon any Lot and no improvements (including staking, clearing, excavation, grading and other site work, exterior alteration of existing improvements, and planting or removal of landscaping materials) shall take place without receiving the prior written approval of the appropriate Reviewer as described below.

Any Owner may remodel, paint, or redecorate the interior of his or her dwelling without approval. However, alterations to screened porches, patios, and similar portions of a residence

on a Lot visible from outside the structures on the Lot shall be subject to approval. Where these Design Standards specifically allow an Owner to proceed without advance approval, such allowance shall only be effective so long as the Owner complies with the requirements of the stated guideline.

Owners are responsible for ensuring compliance with all standards and procedures within these Design Standards. Owners are also governed by the requirements and restrictions set forth in the Declaration and any applicable Supplemental Cypress Point Estates Declaration. In particular, Owners must act in accordance with the Design Standards when undertaking any new construction or exterior modifications, including the installation or removal of landscaping, on their Lots. In addition, Owners should review and become familiar with the Use Restrictions applicable to Cypress Point Estates promulgated in accordance with Article VIII of the Declaration, which address restricted and prohibited activities and conditions within the community.

**E. Review Structure:** Architectural control and design review for Cypress Point Estates is handled by either (i) the Declarant or Declarant's designees; or (ii) the Design Review Committee (the "DRC"). The term "**Reviewer**," as used in these Design Standards, shall refer to the appropriate reviewing entity. Each Lot is also subject to the Oak Tree Architectural Standards and Guidelines. As such, each Owner must also obtain pre-construction approval from the Oak Tree Architectural Review Board.

**1. Declarant:** The Declarant, or its designee, has exclusive jurisdiction over all matters relating to architectural control. Declarant shall review plans and specifications for and shall have jurisdiction over all construction and landscaping on any Lot; shall be the conclusive interpreter of these Design Standards; shall monitor the effectiveness of these Design Standards; and may promulgate additional design standards and review procedures as it deems appropriate.

Prior to the surrender or termination of this right, the Declarant may, but shall not be obligated to, delegate in writing all or a portion of its rights under this Section to the DRC, appointed by the Association's Board of Directors. In the event of such delegation, the DRC's jurisdiction shall be limited to such matters as are specifically delegated by the Declarant. In addition, any such delegation shall be subject to (i) the right of Declarant to revoke such delegation at any time and reassume jurisdiction over the matters previously delegated; and (ii) the right of Declarant to veto any decision which Declarant determines, in its sole discretion, to be inappropriate or inadvisable for any reason.

**2. Design Review Committee:** The DRC has jurisdiction over those responsibilities delegated to it by the Declarant, while Declarant owns one or more Lots in Cypress Point Estates, unless and until Declarant relinquishes such responsibility. Upon termination of Declarant's ownership of any Lot within Cypress Point Estates, the DRC, as appointed by the Board, shall have jurisdiction over architectural matters as set forth in Article VII of the Declaration and herein. Members of the DRC will be appointed as provided in Article VII of the Declaration.

## II. DESIGN REVIEW PROCEDURES

**A. Review of New Construction and Approval of Builder:** Plans for new construction upon any Lot must be reviewed and approved by the Reviewer. The review

process is commenced by an Owner, or the Owner's agent or builder (collectively "Applicant")) submitting an Application for Review as discussed herein. Each Applicant shall submit a conceptual or preliminary site layout, rendering and floor plan, as well as any tree removal requests. Also, exterior finishes and color schemes and information concerning irrigation systems, drainage, lighting, landscaping and other features shall be provided. Applicants may request an initial meeting with a representative of the Reviewer to address any questions about Cypress Point Estates and the Design Standards.

All Builders must be approved by the Declarant prior to commencement of any construction activity on a Lot. Building references and banking references will be required to be submitted to the Declarant. The Declarant's decision will be final and not subject to appeal.

**B. Review of Modifications:** The review of modifications shall require the submission of an Application for Review to the Reviewer. Depending on the scope of the modification, the Reviewer may require the submission of all or some of the plans and specifications listed below. In the alternative, the Reviewer may require a less detailed description of the proposed modification. The review and approval of modifications shall take place within the same time periods as required for new construction. A form Application for Review is attached to these Design Standards as Exhibit "A."

The Owner shall submit the Application for Review requesting review by the Reviewer. Such Application for Review shall meet the following requirements:

**1. Information Regarding Owner.** The Application for Review shall include the following information about the Owner and the site.

- (a) Owner's name, current address, and telephone number
- (b) Type of home
- (c) Agent's name, company name and business telephone number
- (d) Lot Address

**2. Nature of Request.** The Applicant shall attach a written description of the proposed new construction or modification not to exceed one page in length, to the Application for Review. If the Application for Review is being re-submitted pursuant to an appeal of the Reviewer's decision, the application shall clearly state such fact.

**3. Duplicate.** If requested, the Applicant shall submit all documents included in the Application for Review in duplicate.

**4. Address of Reviewer.** All applications for Review shall be addressed to Declarant or the DRC, at the address set forth on the cover of these Design Standards. Any changes of address of the Reviewer, as well as the address for submittals to the DRC, shall be maintained by the Association's President.

**C. Plans to be Reviewed:** The Applicant shall submit one non-returnable set of final plans and specifications of the proposed new construction or modifications, which may consist of any or all of the following, as appropriate (Unless otherwise noted, minimum scale of plans shall be 1/4 inch = 1 foot).

**1. Site Plan:** Site plan, including building foot print, setback lines, easements, finished floor elevation paving and parking (driveway widths, parking bay

sizes), concrete curbs, planters, sidewalks, fences, grading and drainage, utility enclosures, retaining walls and other improvements (scale 1/16 inch=1 ft. or greater when submitted to the City of Edmond for plan review).

**2. Floor Plans:** Showing decks, patios, stoops, trash enclosures, HVAC equipment and utilities, and the screening for same, interior spacing of rooms, and connections to driveways and walkways.

**3. Elevations:** Front, rear and side exterior elevations showing building materials and finishes, and indicating the maximum height of the home.

**4. Roof Plan:** Roof plan indicating type and color of materials, pitch, and gable details.

**5. Landscaping Plan:** Landscaping plan showing location of trees, protection of existing vegetation, use of approved plants, and other landscaping details. Applicants shall use the landscaping checklist attached as Exhibit "B" when complying the landscape plan.

**6. Other:** Such other information, data, and drawings as may be reasonably requested, including, without limitation, walls and fences, irrigation systems, drainage, lighting, satellite dish placement, landscaping, and other features.

**D. Review Criteria; Variances:** While the Design Standards are intended to provide a framework for construction and modifications, the Design Standards are not all-inclusive. In its review process, the Reviewer may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other things. The Reviewer's decisions may be based on purely aesthetic considerations. However, no Reviewer shall grant approval for proposed construction that is inconsistent with the Design Standards, unless such Reviewer grants a variance.

The Reviewer shall have the authority from time to time to adopt and revise lists of recommended landscape materials and landscape materials. The Reviewer may, in its sole discretion, provide that the lists of recommended materials constitute "approved materials" and that the installation of such materials requires no Reviewer approval. Alternatively, the Reviewer may provide that the purpose of the list(s) is merely to provide guidance and that installation of recommended materials does not relieve the Applicant from any obligations set forth in these Design Standards to acquire approval prior to installation.

The Reviewer may grant variances when circumstances require deviation. Such circumstances may include, without limitation, topography, natural obstructions, hardship, or environmental considerations. The Reviewer shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration and is compatible with existing and anticipated uses of the adjoining properties. No variance shall be effective unless in writing and signed by the Declarant or the DRC's chairperson with the support of a majority of the committee members, as appropriate. The DRC may not authorize variances without the written consent of the Declarant so long as the Declarant owns any Lots within Cypress Point Estates.



**E. Review Period:** Each Application for Review shall be approved or disapproved within 30 days of submission of all materials required by the Reviewer. Within 30 days of receipt of a complete review request, the Reviewer shall respond to the Applicant. One set of plans shall be returned to the Applicant, accompanied by the Reviewer's decision. The other set of plans shall be retained for the Reviewer's records. The Reviewer's decision shall be rendered in one of the following forms:

1. **"Approved":** The entire application as submitted is approved in total.
2. **"Approved as noted":** The application is not approved as submitted, but the Reviewer's suggestions for curing objectionable features or segments are noted. The Owner may proceed with the work to be performed; however, in so doing, the Owner must cure the objectionable features or segments that have been noted by the Reviewer.
3. **"Disapproved":** The entire application as submitted is rejected in total. The Reviewer may provide comments but is not required to do so.

If the Reviewer fails to respond within 30 days, approval shall be deemed granted. However, no construction or modification that is inconsistent with the Declaration or the Design Standards shall be deemed approved, unless the Reviewer has granted a variance.

**F. Appeal:** Any Owner shall have the right to appeal a decision of the Reviewer by resubmitting the information and documents specified above. However, such appeal shall be considered only if the applicant has modified the proposed construction or modification or has new information which would, in the Reviewer's opinion, warrant reconsideration. If the Reviewer does not allow an appeal or if the Reviewer, after appeal, again rules in a manner aggrieving the Owner, the Reviewer's decision shall be final. In the case of a disapproval and resubmittal, the Reviewer shall have 10 days from the date of each resubmittal to approve or disapprove any resubmittal. The filing of an appeal does not extend any maximum time period for the completion of any new construction or modification.

**G. City of Edmond Approval:** The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of the City of Edmond or other governmental authorities. It is the responsibility of the Owner to obtain all necessary permits and approvals. Likewise, approval of plans and specifications by the City of Edmond does not replace the need to obtain approval from the Reviewer.

**H. Implementation of Approved Plans:** All work must conform to approved plans. If it is determined by the Reviewer that work completed or in progress on any Lot is not in compliance with these Design Standards or any approval issued by the Reviewer, the Reviewer shall notify the Owner of the Lot 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 Standards 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 and these Design Standards. In such case, the Board or the Declarant, whichever is appropriate, shall notify the Owner that it may take action to remove the noncompliance and/or seek injunctive relief, recovery of costs incurred, and/or imposition of an assessment.

**1. Time to Commence:** If construction does not commence on a project for which plans have been approved within 120 days of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the Owner to resubmit the plans to the appropriate Reviewer for reconsideration.

**2. Time to Complete:**

**(a) New Construction:** Homes shall be completed within sixteen (16) months after the commencement of construction. For the purposes of this Section, construction shall be deemed "completed" upon the issuance of a certificate of occupancy for the home located on the Lot by the City of Edmond and the complete installation of all landscaping on the Lot in accordance with the landscaping plan submitted by the Applicant.

**(b) Modifications:** The Reviewer shall include in any approval of a modification a maximum time period for the completion of any modification. If no maximum time period is specified in the approval, modifications shall be completed within 90 days of the commencement of work. The Owner may request an extension of the maximum time period for both new construction and modifications not less than 3 days prior to the expiration of the maximum time period, which the Reviewer may approve or disapprove, in its sole discretion.

If construction is not completed on a project within the default periods set forth above or, if applicable, within any extension approved by the Reviewer, the approval shall be deemed withdrawn, and the incomplete construction shall be deemed to be in violation of the Cypress Point Estates Declaration and these Design Standards.

**I. Changes After Approval:** All proposed changes to plans, including changes that affect the exterior of any building, colors, windows, grading, paving, utilities, landscaping or signage, made after the approval of plans must be submitted to and approved in writing by the Reviewer prior to implementation. Close cooperation and coordination between the Owner and the Reviewer will ensure that changes are approved in a timely manner.

If the City of Edmond or any other authority having jurisdiction requires that changes be made to final construction plans previously approved by the Reviewer, the Owner must notify the Reviewer and receive approval from the Reviewer prior to implementing such changes.

**J. Enforcement:** In the event of any violation of these Design Standards, the Declarant or the Board may take any action set forth in the By-Laws or the Declaration, including the levy of a Special Assessment pursuant to Article 5.6 of the Declaration. The Declarant or the Board may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Declarant or the Board

shall be entitled to recover the costs incurred in enforcing compliance and/or impose an assessment against the Owner and the Lot upon which such violation exists.

### III. DESIGN STANDARDS

**A. Accessory Buildings:** Owners shall secure Reviewer approval prior to construction of any accessory building. A detached garage is not considered an accessory building and its construction shall require Reviewer approval. Accessory buildings shall meet the following criteria:

1. Reviewer approval of the location of the accessory building;
2. An accessory building must be of the same color, material and architectural style as the main residence. An accessory building's roofing material and style shall match those of the main residence.
3. Any utilities servicing accessory buildings shall be installed underground.
4. Accessory buildings generally shall 1) be located in the rear one third of the yard, and 2) conform to the side and rear yard setbacks required pursuant to City of Edmond ordinances.

**B. Additions, Expansions, and Alterations:** Reviewer approval is required for any alteration or modification to, addition to, or expansion of a home. The architectural design and materials used in any and all exterior additions, alterations or renovations shall strictly conform to the original home's design with respect to style, detailing and materials used in the initial construction.

**C. Air-Conditioning Equipment:** Reviewer approval is required for the installation of air conditioning equipment. Window units are prohibited. Installation of air-conditioning equipment higher than 4 feet above finished ground is prohibited.

**D. Antennae:** Except for satellite receivers as set forth hereinafter, antennae, radio towers or other apparatus used for sending or receiving communication signals are subject to approval.

**E. Architectural Standards:** All buildings must be designed to be compatible with the natural site features of the Lot and to be in harmony with their surroundings. The land forms the natural contours. Existing vegetation and the views should dictate the building location, the building form and the architectural style. The Reviewer may disapprove plans if in its judgment the massing, architectural style, roof, exterior materials, colors or other features of the building do not meet these standards.

**F. Awnings and Overhangs:** The installation of awnings or overhangs requires Reviewer approval. The awning or overhang color must be the same as or generally recognized as complementary to the exterior of the residence. All awnings must be kept in good repair.

**G. Birdbaths, Birdhouses and Birdfeeders:** Reviewer approval is not required for the rear yard installation of any birdbath that has height of 30 inches or less, including any pedestal. Placement in any front or side yard requires Reviewer approval.

**H. Clotheslines:** Clotheslines are prohibited.

**I. Decks and Balconies:** Owners shall secure Reviewer's approval before installing decks or balconies. Decks and balconies must be constructed of wood or other material similar to that of the residence and, if painted, must be painted a color similar to or generally accepted as complementary to the residence. Decks and balconies must be installed as an integral part of the residence or patio area. No decks with a gazebo or otherwise are permitted away from the residence. Any such decks or balconies must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property owners. Construction shall not occur over easements and must comply with the applicable City of Edmond requirements.

**J. Elevation:** A height limit of 35 feet shall be the maximum height of each building and shall be measured from finished ground floor to the highest projection of the roof or roof element. The Reviewer will consider vertical height coordination and compatibility of adjacent buildings with regard to building profiles an important design element. The Owner may be required to provide additional drawings to the Reviewer demonstrating the compatibility of building profiles not only in frontal elevation but also from overlapping side elevations of structures on adjacent Lots.

**K. Exterior Lighting:** Reviewer approval is not required for exterior lighting if the lighting is installed in accordance with the following guidelines: Exterior lights shall be conservative in design and as small in size as is reasonably practical. Exterior lighting shall be directed toward the house and be of low wattage (limited to 2,000 lumens) to minimize glaring sources to neighbors and other homeowners. Lighting for walkways generally must be directed toward the ground. Lighting fixtures shall be dark colored so as to be less obtrusive. Low voltage (12 volts) lighting is preferable to conventional house-voltage systems because of its safety advantages. Any deviation from the aforementioned guidelines or use of high-wattage spotlights, floodlights, or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.) requires Reviewer approval. The Reviewer may take into consideration the visibility and style of the fixture and its location on the home.

**L. Exterior Walls.** The exterior walls for vertical surfaces, other than glass, shall be at least 75% dimensional brick, natural stone or cultured stone made of a masonry product. The remaining 25% may be lapping siding, stucco or other material which will blend with and complement the brick or stone. This requirement is intended to provide for predominately masonry homes, but allow for panels and accents to eliminate repetitious design and appearance. The calculation of the vertical surfaces shall exclude openings (windows & doors) and shall be measured from the finish grade to the top plate of the first floor of the structure.

Brick or stone faced chimney stacks are required for any fireplace. Chimney tops shall incorporate material consistent with the detailing of the principal elevations. All chimneys must have flue caps with spark arrestors with metal sides.

Vinyl or metal siding is prohibited.

**M. Fencing.** Fencing on golf course Lots and non-golf course lots shall conform to the Oak Tree Architectural Standards and Guidelines and must be approved by Declarant or the DRC. Fences along the golf course, and within a forty (40) foot setback of the rear property line, will be made from wrought iron (stone or rock columns are acceptable) and cannot exceed a maximum height of 4 feet when measured from the lowest point. On non-golf course lots, all

fencing material must be approved by the Declarant or DRC and cannot exceed 6 feet in height when measured from the lowest point.

**N. Flagpoles and Seasonal Decorations:** Reviewer approval is not required for the installation of a single flagpole so long as it does not exceed 15 feet above finished grade. If located in the front yard, a flagpole must be at least 15 feet from the front property line. Seasonal decorations are encouraged in Cypress Point Estates but they must be reasonable in scope and must not be installed more than 30 days prior to the holiday and must be removed within ten (10) days of the holiday.

**O. Footage and Frontage Requirements:** The minimum square footage of any residence (air conditioned space) in Cypress Point Estates is 3500 square feet. The minimum square footage of the ground level of a multiple storied home is 2500 square feet.

**P. Garages, Garage Doors and Garage Sales:** Side or rear entry garages shall be required. Design and construction of detached garages requires approval by the Reviewer. Such garages shall be compatible with and complementary to the main residence in architectural style, material, color and location. A residence in Cypress Point Estates must have a minimum two car garage capacity and a maximum four car garage capacity. Garage capacities in excess of four shall require Reviewer approval. Garage doors shall be complementary to the main residence in style and color. Metal garage doors are prohibited. Carports are prohibited.

**Q. Gazebos and Greenhouses:** Reviewer approval is required prior to the construction of any gazebo or greenhouse. Any gazebo or greenhouse must be an integral part of the landscape plan and must not obstruct any adjacent property owner's view.

**R. Hot Tubs and Saunas:** Reviewer approval is required for the installation of any outdoor hot tub, sauna or spa. Any hot tub, sauna or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. A hot tub, sauna or spa shall be located in the rear or side yard, shall be installed in such a way that it is not immediately visible to adjacent property owners and shall not create an unreasonable level of noise for adjacent property owners. Owners may be required to install safety features such as locks or covers for these items when such are not in use.

**S. Latticework:** Latticework or a garden trellis which is a part of the landscaping and compatible with the exterior of a structure may be installed without approval.

**T. Mailboxes:** Mailboxes shall be approved by the Reviewer. Newspaper tubes and driveway reflectors are prohibited.

**U. Massing:** Equal attention to detail and architectural definition must be given to all sides of the structure, including, but not limited to, the foundations, banding, accent materials, roof character and window treatment. Retaining walls, planter walls and privacy walls should be used to break up the elevation of a building and help relate the structure to the ground. All exposed concrete block or poured concrete foundations and site retaining walls must be covered with an appropriate wall-facing material which must be approved by the Reviewer.

**V. Mechanical Equipment:** All mechanical equipment shall be screened from neighboring dwellings and yards, Common Area, sidewalk and street view.

**W. Patios:** Reviewer approval is required in regard to the design, location and construction of patios. Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. Enclosed patios shall be constructed of materials that are similar to or generally accepted as complementary to those of the residence. Metal patio covers are prohibited.

**X. Playhouses:** Free standing playhouses that measure more than 50 square feet, or are than 6 feet high from peak to ground, require Reviewer approval.

**Y. Pools:** Reviewer approval is required for the construction or installation of pools. Pools shall be an integral part of the deck or patio area and/or the rear yard landscaping. Any pool shall be located in the rear or side yard, shall be installed in such a way that it is not immediately visible to adjacent property owners and shall not create an unreasonable level of noise for adjacent property owners. Pools on golf course lots shall conform to the Oak Tree Architectural Standards and Guidelines. Above ground pools with a capacity of more than 30 gallons will not be permitted.

**Z. Roofing:** All structures shall have slate, clay tile or Grand Manor composition shingles, with 50 year warranty, in Black Pearl, Brownstone, Colonial Slate, Gatehouse Slate or Stonegate Gray. Exceptions must be approved by Reviewer. Wood shingles or shakes are prohibited. Metal roof valleys are required. Roof pitches shall be 9/12 or above. However, some roof pitches lower than 9/12 that are necessary to fit a special architectural style may be approved by the Reviewer on a case-by-case basis.

**AA. Roofing Accessories, Guttering and Equipment:** Reviewer approval is required for all rooftop equipment and accessories. Full guttering on all units is required in Cypress Point Estates. Fascia shall be painted to match gutters. Gutters shall be anodized aluminum or copper. No exposed attachment straps will be allowed. Any installed solar energy equipment shall have the appearance of a skylight, shall have a finished trim material or curb and shall not be visible from the street. Landscaping or other buffering may be required for solar panels. Reviewer approval is not required for skylights having measurements of 3 feet by 5 feet or less. Skylights should be placed in locations so as not to detract from the building elevations.

**BB. Satellite Receivers:** To the extent permitted by law, all plans relating to the installation of satellite receivers shall be submitted to the Reviewer prior to installation. Satellite receivers shall be no larger than 30 inches in diameter, and shall be mounted on the main residential dwelling in a location which is not visible from the street.

**CC. Setbacks:** Front, side and rear building setback requirements from property lines are indicated on the Final Plat for Cypress Point Estates and in the Declaration and may be further subject to public utility easements, drainage easements, pipeline easement, landscape easements and rights-of-way. Minimum building set back is 20' from the rear lot line on interior Lots. On Lots that abut the golf course or pond, the minimum set back from the rear property line is thirty feet (30'). Side building setback requirements are seven and one-half feet (7.5'). Front setbacks will be determined on an individual basis, but in no case shall be less than twenty feet (20') from the property line.

**DD. Siding:** Owners shall seek Reviewer approval before installing or replacing siding which differs from original material.



**EE. Statues:** Reviewer approval is not required for the rear-yard installation of any statue which, including any pedestal, stands no more than 4 feet tall. Other accessory features such as fountains, ponds, reflecting pools or yard ornaments require Reviewer approval.

**FF. Temporary Structures:** Temporary structures, other than those used during the initial construction of a residence, are prohibited. Reviewer approval is required for tents other than camping tents that are used for occasional overnight sleeping by children and are left standing for no longer than 72 hours.

**GG. Utilities:** Pipes, wires, poles, utility meters and other utility facilities shall be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure. Any utilities or utility equipment not installed below ground or within an enclosed structure requires Reviewer approval. Utilities include water, wastewater systems, telephone, cable television and miscellaneous conduits.

**HH. Windows, Doors & Trim:** Windows shall contain clear glass or tinted glass of bronze, gray or smoke colors. Reflective glass or reflective tinting is prohibited. Exterior doors and windows shall be: 1) 100% wood; 2) wood with aluminum exteriors; or 3) wood with vinyl exteriors with a baked on paint finish. All windows shall have a minimum 10-year warranty. Windows and door trim shall be compatible with and complementary to the main residence in style and color. Exterior color schemes must be approved by the Reviewer. Side garage doors and mechanical room doors may be metal.

#### IV. LANDSCAPING AND SITE STANDARDS

Landscaping is an essential element of design in Cypress Point Estates. No planting or removing of landscaping or placement or posting of anything on any Lot shall take place without the approval of the Reviewer. While keeping with the landscape theme of Cypress Point Estates, it is important that all residential landscapes blend with the surrounding environment. Careful integration of site grading, architecture, and landscaping will accomplish this, while also maximizing each site's potential. Thoughtful attention to landscape design will ensure that as each home site is completed, it will become an integrated element in the overall character of Cypress Point Estates. To further this goal, it is important to preserve and incorporate native plant material and existing trees into all proposed landscape designs when possible. Homeowners are required to extend landscaping to the street curb or sidewalk when adjacent to the local street. All landscaping shall be maintained in accordance with the requirements of the Cypress Point Estates Declaration and any City of Edmond ordinances that may be applicable.

**A. Initial Landscaping:** Unless landscaping is provided with the purchase of the Lot, within 30 days of recordation of the deed of a Lot to the homeowner, or within any extended period as may be provided in writing by the Reviewer, the Applicant shall develop a landscaping plan and install and maintain landscaping on such Lot. Every residence must contain at least two percent (2%) of the gross value of the home in landscaping, exclusive of the sprinkler system and exclusive of sod. All landscaping installed by a Builder or approved by the Reviewer shall be maintained by the Owner in a manner consistent with the Community Wide Standard, as defined by the Board. Features to be included and restrictions are illustrated below, but this list is not intended to be confining or exhaustive. Reviewer approval is required for all landscaping. The minimum amount of beds will be 300 square feet per 1,000 square feet of unit. Plant units are as follows:

- a. Seventy-five (75) gallons of shrubs are required.
- b. Three (3) and Five (5) gallon shrubs only.
- c. One ornamental or evergreen tree with a minimum three (3) inch trunk is required.
- d. One 4-5 inch deciduous tree per lot is required.

1. **Trees:** All trees planted shall be staked with a minimum of two stakes. Trees that are planted pursuant to the requirements of this Section shall not require prior Reviewer approval.

2. **Ground Cover:** The ground surfaces of all yards shall be covered with inert or living materials or any combination of both. Inert materials shall include decomposed granite, native river-run rock and other such similar materials which are compatible, in the Reviewer's discretion with the natural environment for Cypress Point Estates, provided that black rock shall not be the predominant landscaping material. For the purpose of these Design Standards, topsoil shall not be considered inert material. Excessive use of concrete at front and street side yards is prohibited. No artificially colored rock shall be permitted as ground cover. If turf is used as ground cover, the turf shall be Bermuda grass or fescue, unless otherwise approved by Reviewer. Wood chips and bark shall not be used as ground cover provided that wood chips may be used as mulch for ground cover within the immediate area of a shrub or tree. All lawn areas shall be installed with 100% sod. Seeding of lawn areas is not permitted. Mulched beds without shrubs or groundcover shall not dominate the landscape design.

**B. Weed Block:** The use of solid plastic sheeting or polyethylene over ground plane areas is strictly prohibited. If landscape fabric is used, such fabric shall be of an A.B.S. or Nylon A.B.S. composite type to allow the free flow of water, air, and gasses to and from the soil.

**C. Drainage:** Drainage of the Lot must conform to all City of Edmond requirements. All drainage and grading must be indicated on the Site Plan. There shall be no interference with the established drainage pattern over any property except as approved in writing by the Reviewer. The established drainage pattern is defined as the drainage pattern as engineered and constructed by the Builder prior to (or in some cases, immediately following) conveyance of title from Builder to the individual homeowner. Owners may make minor drainage modifications to their Lots provided that they do not alter the established drainage pattern. Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under or pooling near or against the house foundation. Water should flow fully over walkways, sidewalks or driveways into the street. The Reviewer may require a report from a drainage engineer as part of landscaping or improvement plan approval. Sump pump drainage should be vented a reasonable distance interior to the property line to allow for absorption.

**D. Fencing Maintenance:** All fencing, whether constructed by the Owner or a Builder, shall be well repaired and maintained consistent with the Community Wide Standard. In the event a fence or wall is damaged, worn out or destroyed, the Owner shall repair or recondition the fence or wall within a reasonable time frame at the Owner's expense.

**E. Grading:** Owners shall not grade their property so as to interfere with the established drainage pattern over any property except as approved in writing by the Reviewer.



Owners should work with the natural contours and seek solutions that minimize the impact of grading with respect to major alterations of existing grades.

Owners may create berms, slopes and swales for the purpose of defining space and screening undesirable views, noise and high winds. Grassed slopes or berms are suggested not to exceed 3 feet of horizontal distance to 1 foot of rise or vertical height (3 to 1 slope) in order to permit greater ease of mowing and general maintenance.

**F. Paving and Driveways:** Owner shall secure Reviewer's approval prior to paving with any paving material, including concrete, brick, flagstone, stepping stones, and pre-cast patterned or exposed aggregate concrete pavers, and for any purpose, including walks, driveways, or patio areas. Owners shall not pave with asphalt. Owners shall secure Reviewer approval before extending or expanding any driveway. The Reviewer shall not approve such extensions or expansions for Owner's intended purpose of providing side yard parking or vehicle storage.

**G. Retaining Walls:** All retaining walls require approval by the Reviewer. No timber retaining walls will be approved for front yards or for side yards visible from the street. Such walls shall be properly anchored to withstand overturning forces. Stonewalls shall be made thicker at the bottom than at the top to achieve stability. All retaining walls shall incorporate weep holes into the wall design to permit water trapped behind them to be released. Timbers for walls or other landscape use should be treated to resist decay. Walls shall not be located so as to alter the existing drainage patterns.

The foregoing standards are intended as an aesthetic guide only. The Reviewer does not ensure the soundness, structural integrity or effectiveness of retaining walls constructed in conformity with this Section.

**H. Underground Installations:** Owners shall seek approval for any proposed underground installation, except for installation of underground sprinkler systems and storm shelters within the confines of the residence or attached garage.

**I. Irrigation:** Automatic irrigation systems are required in the entirety of a yard of any residence in Cypress Point Estates. Spray heads should be located so as not to cause over spray onto adjacent property, roads, sidewalks or buildings. Lawn irrigation may be installed underground, without Reviewer's approval so long as the Owner installing such system obtains any permits required by city ordinance or other governmental authorities.

**J. Views:** Views from the golf course, roadways and walkways toward a landscaped area should complement the appearance of the existing natural vegetation.

**K. Wall Systems:** Walls should appear as an extension of the home's architecture and be constructed in the same or complementary character to the main structure. Walls can be used to enclose and define courtyards, extend and relate the building forms to the landscape, and provide security and privacy. In no case should they block community views. Freestanding walls may not exceed 6' in height without specific approval of the Reviewer. Vegetation may be used to screen or define boundaries. Low decorative walls that are part of the landscape design will be considered. Front yard landscape walls shall not exceed 3' in height.

**L. Pruning:** Trees shall be pruned and maintained as necessary. Mature trees with overhead encroachment upon adjacent Lots or Common Areas shall be permitted, provided that

such encroachment does not unreasonably interfere with the use and enjoyment of the adjacent Lot or Common Area.

**M. Landscape Maintenance:** Owners shall maintain landscaping and vegetation in a timely manner and in a manner consistent with the Community Wide Standard. Such standard shall specifically include, without limitation, removing weeds, mowing, trimming, and replacing diseased and damaged plants.

## V. CONSTRUCTION STANDARDS

**A. Inspections:** If requested by the Reviewer, the Applicant shall schedule and coordinate a review of all new construction and modification activities with the Reviewer to verify compliance with the approved plans and specifications. The Reviewer may also perform additional periodic informal inspections to ensure that work is being performed in conformance with approved plans and these Design Standards. All inspections are observations only and will not relieve the Owner of the obligation to obtain inspection approvals from the City of Edmond and other organizations having jurisdiction.

Job sites not in compliance with the Declaration, these Design Standards or approved plans will be issued a Notice of Violation and a list of items needed to bring the construction and/or job site into compliance. Further construction is prohibited until such items have been corrected.

**B. Vegetation Protection and Barricading:** Prior to performing any new construction or modifications, the Applicant shall take measures to protect vegetation and eliminate erosion. The Reviewer may review the type and materials of barricades. In addition, the following actions are prohibited:

1. Dumping backfill into an area containing protected vegetation ("protected area"),
2. Excavating soil from a protected area,
3. Falling trees into a protected area,
4. Parking in or driving through protected areas,
5. Stacking or storing supplies or equipment in protected areas,
6. Changing site grading to cause drainage into a protected area,
7. Locating temporary construction buildings in a protected area, or
8. Disposing of toxic materials into a protected area.

**C. Construction Damages:** Any damage to vegetation or common area facilities caused by an Owner, or the Owner's contractors, subcontractors, agents or employees must be corrected immediately to the satisfaction of the Reviewer and the owner of the damaged property. If the damage is not corrected, the Reviewer or the Association may repair such damage and specially assess the costs of repair to the Owner.

**D. Conduct:** The Applicant and Owner must ensure that all contractors and subcontractors control the conduct of their employees while working in Cypress Point Estates. Loud music, profanity and other behavior which is unbecoming of a quality operation will not be tolerated. Employees and contractors shall not be allowed to possess beer or alcoholic beverages while on the premises. Employees and contractors violating this policy may be asked to leave the premises and may be denied access at the construction entrance. The Applicant

shall also ensure that highly visible construction warning signs are prominently displayed in the construction area.

**E. Site Cleanliness:** All contractors and subcontractors must maintain the sites in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. Each site or group of adjacent work sites shall have a trash dumpster unless a confinement area has been approved by Reviewer. The Reviewer has the authority to clean building sites, if necessary, and the cost of cleaning the site shall be the responsibility of the Owner and may be specially assessed to the Owner by the Association. Liens shall be filed against the subject property, if necessary.

## **VI. LIMITATION OF LIABILITY FOR APPROVAL OF PLANS**

Review and approval of any application is made on the basis of aesthetic considerations only and neither the Declarant, the DRC or the Association shall bear any responsibility for ensuring the structural integrity or soundness of approved new construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Declarant, DRC or the Association, the Association's Board, or member of any of the foregoing, shall be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications to any Lot.

## **VII. AMENDMENTS TO DESIGN STANDARDS**

The Declarant shall have sole and full authority to amend the Design Standards until its jurisdiction is surrendered or terminated pursuant to the Declaration. If the Declarant's jurisdiction is so terminated or surrendered, the DRC shall have authority to amend the Design Standards; provided, however, the Declarant's consent shall be required so long as the Declarant owns any property subject to the Declaration. There shall be no limitation on the scope of amendments to the Design Standards. The Design Standards may be amended to remove requirements previously imposed or otherwise to make the Design Standards less restrictive. Any amendments to the Design Standards shall apply to construction and modifications commenced after the date of such amendment only and shall not apply to require modifications to, or removal of, structures previously approved once the approved new construction or modification has commenced.

## **VIII. DEFINITIONS**

Capitalized terms that are not defined in these Design Standards shall have the same meaning as set forth in the Declaration.

## **IX. AUTHORIZATIONS**

The Declarant has adopted these Design Standards on the \_\_\_ day of September, 2014.

**OTBR, LLC**  
**An Oklahoma Limited Liability Company**

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**By:**  
**Manager**

**EXHIBIT "A"**

**Owner Application for Architectural Review**

Date: \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Location of Improvement: \_\_\_\_\_  
Lot Number: \_\_\_\_\_

If an agent is submitting on behalf of the owner, also complete the following:

Agent's Name: \_\_\_\_\_  
Company Name: \_\_\_\_\_  
Business Name: \_\_\_\_\_  
Telephone: \_\_\_\_\_

In accordance with Article VII of the Declaration of Covenants, Conditions, and Restrictions for Cypress Point Estates at Oak Tree and the Design Standards, application is hereby made for review and approval of the following described improvements: (Provide brief description.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In support of this application the following required items are submitted:

- 1) One sets of plans: The plans will show the following (where applicable): site plan, floor plan, elevations, roof plan, landscaping plan and such other items as may be needed to reflect the character and dimensions of the improvements. **(Please review Section II of the Design Standards for further details regarding the review process.)**
- 2) Any written statements or other submissions that may be required.

It is hereby understood and agreed that approval of this application by a Reviewer does not constitute approval as to compliance with applicable Oklahoma law or City of Edmond ordinances.

It is hereby understood and agreed that approval of this application by a Reviewer does not constitute approval as to compliance with applicable Oklahoma law or City of Edmond ordinances.

Signature of Owner(s) \_\_\_\_\_ Date \_\_\_\_\_

Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_

Approved by Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Architectural Review  
P.O. Box 31625  
Edmond, OK 73003

If the application is incomplete, the Reviewer will notify the applicant as to the needed documents and the application will not be further considered until receipt of these materials.

## EXHIBIT "B"

### Landscape Plan Submittal Checklist

1. Format to be 24 inch x 36 inch sheet size.
2. Site plan with property boundary, footprints of permanent structures, and locations and identifications of every hardwood tree with a diameter of eight inches or more at a height of 3 feet above grade.
3. Contour lines as needed to illustrate grade conditions.
4. Project location and owner's name.
5. North arrow, drawing scale, sheet number, and date.
6. Boundaries of protected areas and method of protection.
7. Planting plan showing locations of proposed and existing plants.
8. Plan materials list with scientific names of plants, sizes, and quantities.
9. Hard surface plan and layout dimensions noting materials to be used.
10. Irrigation plan.
11. Construction details for all structural elements (retaining walls, pools, decks, etc.).
12. Submit 2 copies of the package.