

Cumberland Ridge Homeowners Association
Architectural Control Committee

Building Guidelines

Updated 9/2021

The Building Guidelines offer specific guidance for construction activities, and should be used by owners to plan new construction or improvements to their property. It is the responsibility of lot owners to ensure they have a copy of and has read the Restrictive Covenants, the ACC Policies and Procedures, and the ACC Building Guidelines before submitting an application as well as during the time work is being performed. These documents may be downloaded from the Subdivision's website www.cumberlandridge.net.

No construction or changes can begin prior to the approval of the ACC Application. Penalties for non-compliance may be assessed. (Section II - Penalties for Work Commenced Before Approval Has Been Received in the ACC Policies and Procedures)

These Building Guidelines have been adopted by majority vote of the ACC, and may be amended by majority vote from time to time as the circumstances, conditions, or opinions of the ACC dictate. Please note that previous Architecture Control Committees may have used different guidelines. Current and future ACCs are not required to base approvals for current and future projects upon decisions made by previous committees. The fact that a particular situation exists on any particular lot does not mean that situation would be approved now or in the future.

Adjacent Lots and Non-Adjacent Lots

Texas law now requires that Architectural Control Committees of planned developments treat adjacent lots as lots which can be used for residential purposes, subject to the Restrictions and Covenants currently in effect. Buildings, structures, or other improvements- (garage, sidewalk, driveway, children's playscape or swing set, fence, septic system, swimming pool, etc.) customarily related to a residence in Cumberland Ridge may be located on an adjacent lot. All such buildings, structures, or other improvements require the same ACC application process as used for any proposed changes to a lot.

Also, per Texas law, if an owner receives ACC permission and performs any such improvements to an adjacent lot(s), the adjacent lot(s) must be sold with the main residence lot, or the adjacent lot(s) must be returned to its pre-improvement condition if the owner wishes to sell it separately from the main residence lot. With the exception of septic systems, the ACC will not approve any permanent structure to be built on a non-adjacent lot.

Table of Contents

Section 1 - General Construction Processes (applies to all project types)

- A. Setbacks
- B. Easements
- C. Tree Removal/Native Growth Preservation
- D. Maintenance of Construction Site
- E. Temporary Toilet Facilities
- F. Lot Elevation
- G. Construction Runoff and Drainage
- H. Storm Water Protection Permit (SWPP)
- I. Construction Site Burning
- J. Required Inspections Before, During, and After Construction
- K. Maximum Truck/Trailer Length

Section 2 - Specific Items Not Allowed

Section 3 - Specific Construction Items

- A. Air Conditioners/Heat Pump Systems
- B. Air Conditioners- Window Units
- C. Antennas/Satellite dishes
- D. Awnings-- see Patio Covers
- E. Children's Playhouses/Forts/Swing sets/Sports equipment
- F. Decks
- G. Driveways/Driveway Extension/Driveway Transition
- H. Exterior Lighting
- I. Exterior Materials
- J. Exterior Painting
- K. Fences/Fence Repairs/Fence Replacement
- L. Flags
- M. Shops /Out-Buildings/Detached Garages/Garage Enclosures
- N. Gazebo/Pavilion/Arbor
- O. Landscaping/Hardscaping
- P. Mailboxes
- Q. Patio Covers
- R. Propane Tanks
- S. Rain Barrels and Rainwater Harvesting Devices
- T. Room Additions
- U. Septic Systems--New/Replacement
- V. Solar Energy Devices
- W. Storage Buildings/Sheds
- X. Swimming Pools and Spas/Hot tubs
- Y. Tree Removal (live tree-non construction)
- Z. Yard Displays/Decorations/Sports equipment

Section 1

General Construction Processes (applies to all projects)

1A. Setbacks- (*Restrictive Covenant- #8*)

1. No portion of any structure shall be constructed or located nearer than 22 feet from the front property line on any lot, 7 feet from the side property line, and 5 feet from the rear property line.
2. Exception to Front Setback: (*R.C. #7*)- Unit 4, block 9, lots 10, 11, 12, 13 and block 13, lots 12 and 13 require a front setback of only 15 feet. Side and back setbacks for these lots are the same as for all other lots (A.1).
3. Frontage on Corner Lots: Front property line is considered to be on the side of the lot with the shortest frontage. The ACC has the option, however, to set the frontage to another side of the lot if more appropriate.
4. The owner or contractor must clearly mark surveyor's pins prior to the on-site inspection. It is the responsibility of the owner or builder to contact utility companies and have underground utilities flagged.
5. An on-site inspection by the ACC to verify setback compliance is required before any clearing, demolition or construction is begun.

1B. Easements

1. An easement for the installation, operation, and maintenance of utilities is reserved on, over, and under a strip of land (5) five feet wide along each side lot line, and rear lot line, and the right of entry for such purposes is expressly reserved. (*Restrictive Covenant- #18*)

1C. Tree Removal/Native Growth Preservation

1. The native growth on any lot(s) may not be destroyed or removed, except as necessary for the construction of approved structures, septic system, driveways and maintenance of Cumberland Ridge roads and drainage system.
2. No live trees in excess of 8 inches in diameter measured 12 inches from the ground shall be removed except as required in the installation of utilities, septic system, and for foundation and site requirements.
3. Trees to be cut must be clearly marked. An ACC member must be called to the site to inspect and approve the proposed marked trees before any cutting or bulldozing can begin.

1D. Maintenance of Construction/Demolition Site

1. The dumping of concrete and other refuse, including sand from rain water runoff, onto other lots, the Common Areas, roadways and the lake is prohibited. "Washouts" may only be conducted *on the lot* where the concrete was poured.
2. Damage to trees or landscaping on other lots is prohibited.
3. During and after construction/demolition it shall be the owner and builder/contractor's responsibility to leave surrounding areas clean and free of debris and damage. Dumpsters must be used for total demolition of an existing home.
4. All refuse, trash or waste must be kept in sanitary containers. Site should be checked daily by the builder for compliance. A member of the ACC will check this weekly.
5. Construction vehicles may not park on adjoining properties or block roadways.
6. Violation of this section will result in a remediation effort at the owner and builder/contractor's expense, initially out of the construction deposit, and thereafter by special assessment against the offending owner.
7. It will be the owner's responsibility to manage his/her contractors in a manner consistent with the high standards of our community in areas such as: maintaining a clean site, no loud music, obeying of speed limits and orderly parking of construction vehicles.
8. A construction driveway made of Caliche or other sedimentary rock must be in place and at least level with the adjacent road before any heavy vehicles enter the jobsite for delivery, grading, dumping or pouring.

1E. Temporary Toilet Facilities

1. A commercial portable toilet must be on site once construction crews begin work, and must remain on site throughout construction.
2. It is the owner's responsibility to ensure that the commercial portable toilet is properly maintained.

1F. Lot Elevation

1. If the lot elevation is modified by adding or moving 4' of fill dirt, a retaining wall made of stone or masonry will be required. If the lot elevation is modified by adding or moving 8' or more fill dirt two or more retaining walls made of stone or masonry will be required. Generally speaking a retaining wall will be required for every 4" of elevation change on the lot after the grading plan is finalized. The ACC may approve a single retaining wall higher than 4" in place of multiple retaining walls. An Elevation/Topography/Grading/Drainage plan must be provided at the time of ACC Plan submission.
2. Retaining Wall(s) must clearly be marked on the Elevation/Topography/Drainage Plan.

1G. Construction Run-Off and Drainage

1. Erosion control devices (silt fence) must be used to control and filter any surface drainage into the ditches, roadway or onto adjacent lots or easements. Silt fences must be the type that are at least 3' in height and have Metal Wiring for support. Multiple silt fences may be required due to the lot's topography. The Building Committee of the ACC will inform the Builder after review of the Elevation/Topography/Drainage plan. Silt Fences should be cleaned weekly of runoff debris and soil.
2. Silt Fences will be inspected weekly by the ACC to ensure they are performing properly and are not overloaded.
3. The owner or builder/contractor is responsible for removing and redistributing soil from silt barriers on a weekly basis and removing any silt wash from ditches, roadways and adjacent lots at completion of construction.
4. Natural surface drainage courses within lots must be kept free and clear of debris and obstructions which prevent free flow of storm waters.
5. At the time of plan submission and prior to construction of any structure, the builder must submit an Elevation/Topography/Drainage Plan for approval. The Plan must include the design and engineering of appropriate drainage control structures including retaining walls (if required) that will direct excess water from impervious surfaces within the lot so that any water exiting the property will enter a roadside ditch rather than run onto the road or neighboring lots.

1H. Storm Water Protection Permit

1. The Builder must obtain a Storm Water Protection Permit (SWPP-TXR 150000) from the State prior to the plan being approved by the ACC. The Builder may obtain the permit from The Texas Committee for Environmental Quality (TCEQ) in the General Permit for Construction Activity tab. That permit must be submitted with the other supporting documents at time of ACC Application.
2. The SWPP must be displayed at all times during the construction process.

1I. Construction Site Burning

1. No Burning will be allowed at the Construction Site at any time during the building process.
2. All trees, limbs, and underbrush that were cleared/removed and all construction refuse and trash must be hauled off by the builder.

1J. Required Inspections (Before, During, After Construction)

1. Before construction: Before any clearing, concrete pouring, or construction, an ACC member must review and verify:
 - a. Boundaries of the lot are clearly marked.
 - b. Trees to be cut are clearly marked.

- c. Setbacks are clearly marked.
- d. Locations of structures to be built, including sidewalks, fences, etc. are clearly marked, and are not in conflict with boundary lines, easements, setbacks, or the submitted and approved ACC application and plans.
- e. The ACC- Approved Project and Storm Water Protection Permits are prominently displayed.

2. During construction:

- a. The owner and/or builder/contractor shall provide the ACC with copies of reports for all county and state required building inspections to be conducted during the construction process.
- b. An ACC member will inspect the construction site on a regular basis to ensure that approved plans are being followed and the construction site is being maintained as specified in (c), (d), and (e) above.
- c. Violations of construction guidelines are subject to fines &/or stoppage of work, if necessary, as outlined in the ACC Policies and Procedures, Section X- Enforcement.
- d. The ACC- Approved Project and Storm Water Protection Permits are prominently displayed.
- e. An ACC member will inspect for removal and redistribution of soil from silt fences on a weekly basis.
- f. An ACC member will inspect for trash and refuse removal on a weekly basis.
- g. Deadlines for beginning clearing, construction, landscaping, etc. will be monitored.

3. After construction:

- a. Construction site is clean.
- b. Adjacent lots and roadways are clean of debris and dirt.
- c. Builder/construction signs have been removed.

1K. Maximum Truck/Trailer Length

Due to the narrow roads, soft shoulders and earthen ditches throughout Cumberland Ridge, the maximum truck/trailer length is 60 ft.

Section 2
Specific Items Not Allowed

- 1. Window Security Bars (burglar bars)
- 2. Carports

Section 3
Specific Construction Items

3A. Air Conditioners/Heat Pump Systems:

- 1. If visible from the road, must be screened with a combination of landscaping and/or at least a four foot (4') tall screening fence, which shields the unit from visibility from the front street.

3B. Air Conditioners- Window Units

- 1. Must not be visible from any street.
- 2. Must be below fence line or screened with plant materials.

3C. Antennas/Satellite Dishes. Preferred location is out of sight from the street.

3D. Awnings: see Patio Covers

3E. Children's Playhouses/Forts/Swing Sets/Sports equipment

1. Not allowed in the front yard.
2. Playhouses/Forts/Swing sets may only be placed in privacy fenced areas.
3. Soccer and volleyball nets are not allowed in the front yard for both safety and aesthetic reasons. Basketball goal systems must be placed within the owner's property line. Placement on HOA property is not allowed.
4. Must be at least six feet (6') away from house. Must be at least three feet (3') from sides and backsetback.
5. No playhouse or fort can be built against any side or rear wall of a home.
6. Location must be far enough away from fence to allow for drainage to occur entirely on the owner's lot.
7. Playhouses/forts can be no higher than twelve feet (12') maximum so as not to cause a nuisance or loss of privacy to neighbors.
8. If fort has a platform, the platform can be no higher than six feet (6') above ground. It must be kept in good repair.
9. The colors and materials should match/blend with the predominant exterior colors of the main residence.
10. Awnings will be allowed for use on playhouses. See Patio Covers for proper location, materials, and acceptable condition.

3F. Decks

1. Decks should be made of materials that complement those of the main residence in both materials and color.
2. Decks may not encroach into any utility easement or setback.
3. Decks should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lots.
4. All structures of similar magnitude are to be held subject to the same limitations as patio covers. This includes, but is not limited to, all attached or free standing structures added to or at, the back or side of the existing dwelling.

3G.. Driveways/Driveway Extension/Driveway Transition

1. Only concrete and asphalt shall be used in the construction of driveways, driveway extensions, and driveway transitions.
2. Driveways must extend from the garage to the street and should be the same width as the garage or a minimum of 20 ft. wide (per fire department requirements), whichever is wider.
3. The driveway transition to the street is the owner's responsibility.
4. Driveway extensions can extend no nearer to a side property line than five feet (5').
5. Culverts are required where there are existing ditches. Unless warranted by specific conditions, the pipe size for a new/replacement/repair culvert installation should be a minimum of 15" inches in diameter and made from either aluminized corrugated steel or aluminum alloy, smooth inside wall concrete or double-walled,

smooth interior High Density Polyethylene (HDPE) pipe. PVC pipe is not acceptable. The length and size of pipe will vary with the depth and width of the ditch.

3H. Exterior Lights

1. All exterior lights must be located so as not to be directed toward neighboring lots. Down lighting and landscape lighting are encouraged.
2. Additional exterior lighting should not be of a wattage or lumen count that will affect neighboring homes.
3. Guard lights may be approved in certain situations. The light cannot encroach on other properties.

3I. Exterior Materials

1. The exterior of all residences, garages, boathouses and outbuildings shall be of brick, brick veneer, stone, decorative wood (cedar, cypress, redwood), or such materials as may be approved by the ACC.
2. Boathouses may use Penta or Womanized treated pine on the outside of the structure. Boathouses may not use corrugated tin metal roofs. Painted metal roofs are allowed but must be the seamless/no-fastener type.
3. Roofing on residences, garages, outbuildings, and boat houses must be **composite** shingle, seamless metal or equivalent or such other material as may be approved by the ACC.

The following roofing shingles have been authorized by Chapter 202.011 of the Texas Property Code, as of 2011:

- a. designed to be wind and hail resistant;
 - b. designed to provide heating and cooling efficiencies greater than those provided by customary composite asphalt shingles; including standing seam metal panels, shakes and tiles;
 - c. designed to provide solar generation capabilities.
4. The above listed types of shingles must be more durable and of equal or superior quality to composite shingles, and must conform to the aesthetics of the neighborhood.

3J. Exterior Painting/Siding

1. Paint colors and exterior siding must be approved before application.
2. Paint must conform to colors in the existing neighborhood. The color of neighboring homes will be taken into consideration, along with the applicant's house brick or stone colors.

3K. Fences/Fence Repairs/Fence Replacements

1. No fence, wall or shrub used for or serving the purpose of a fence may be maintained any closer than 22 feet from the property line fronting a paved street.
2. The following must be clearly marked prior to a site visit by an ACC member:
 - a. boundary edges (property lines) of the lot(s) where the fence will be placed;

- b. placement of the fence;
 - c. Trees which must be removed to allow for the fence.
3. Neighbor-friendly placement and construction is required. Where visible from any street or adjoining neighbors, approved fences will be installed picket side out with support posts and stringers/rails facing in.
 4. No part of any fence may extend off of the owner's lot or onto adjoining properties. The fence must be placed on or *inside* the property line.
 5. An easement for the installation, operation, and maintenance of utilities is reserved on, over, and under a strip of land five feet wide along each side lot line, and rear lot line, and the right of entry for such purposes is expressly reserved. Fences are the responsibility of the owner. Future maintenance or use of the easement by the HOA may require removal of any fence or part thereof. Removal and re-installation will be at the expense of the owner. Placement of any fence inside the 5' easement should be made with this in mind.
 6. Privacy fences are allowed to the rear half of residences at heights not exceeding 6 feet (8 feet may be approved if 6 feet doesn't provide adequate privacy from adjacent homes or the road). Privacy fences on waterfront lots are not allowed.
 7. Pool security fences are required and must be a min. of 4 feet in height. Use of BOCA standards is recommended.
 8. Privacy fences visible from any street must include landscaping to lessen their visibility. A landscape plan must be submitted with the fence application, showing that the privacy fence will be covered by an attractive amount of plant material.
 9. The planting of the approved landscaping design in front of a fence must be completed within a three (3) month period.
 10. See-through fences constructed of iron, aluminum, split-rail, or pickets not to exceed 4 feet in height are allowed behind the front building set back line. (see 3L.1) Materials should be consistent with style and materials of current residence. A sufficient amount of landscaping is required to lessen the impact of items that will be visible thru the fence from the street and to help avoid citing of R.C. violations.
 11. Chain link fences can be approved for lakeside properties. The chain links are to be the vinyl coated type in black or green, and must have a top support rail and be permanently attached to the ground.
 12. Repairs of fencing must be made with similar materials and construction details. Fence repairs do not require a new application to the ACC.
 13. Replacement fencing requires a new application to the ACC.

3L. Flags

1. An owner is permitted to display on his or her lot the flag of the United States of America, the flag of the State of Texas, and/or an official or replica flag of any branch of the United States armed forces, or other flag, subject to the restrictions contained in this Section.
2. An owner may display flags only on his or her lot(s) and only in compliance with this Section. An owner may not display flags on the Common Areas, or on any other lands owned or maintained by the Association, for any reason or at any time.
3. An owner desiring to display a permitted flag must submit plans to the ACC for installation, detailing the

dimensions, type, location, materials, and style/appearance of flagpole, flag mount(s), lighting and related installations.

4. The following are not permitted:
 - a. A pennant, banner, plaque, sign or other item that contains a rendition of a permitted flag does not qualify as a permitted flag under this Section.
 - b. No mark, sign, insignia, design, or advertising of any kind may be added to a flag.
 - c. Flags may not contain commercial material, advertising, or any symbol or language that may be offensive.
5. Requirements for display of flag:
 - a. The flag of the United States is to be displayed in accordance with Sections 5010 of Title 4 of the United States Code.
 - b. The flag of the State of Texas is to be displayed in accordance with Chapter 3100, Government Code.
6. An owner may have one flag pole or one residence-mounted flag mount, but not both.
7. Location of flag pole
 - a. The flagpole must be free-standing and installed vertically.
 - b. The flagpole may not be located in any easements (including drainage easements).
 - c. The flagpole must comply with all setback requirements.
 - d. If placed in the front yard, the location of the pole must be within 10 feet of one of the side building lines (setbacks) of the home, and within 10 feet of the front setback of the home.
 - e. If placed in backyard, flag must not be a nuisance to neighbors.
 - f. The ACC may require the pole to be installed on a particular side or otherwise require a particular location.
 - g. No trees may be removed for pole installation.
8. Location of Flag Mount
 - a. Must be located on house or outbuilding.
 - b. Cannot be attached to trees.
9. Flagpole/Flag Mount Dimensions and Requirements
 - a. Flagpole: can be no taller than twenty feet (20') measured from grade level.
 - b. Flag mount: can be no longer than six feet (6').
 - c. Pole or mount is to be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole or flag mount and harmonious with the dwelling.
10. Number and size of flags allowed:
 - a. A flagpole may display up to two flags. If one flag is displayed, the size of the flag may be 3'x 5' or 4'x 6'. In the event that two flags are to be displayed on one pole, the maximum size of each flag is 3'x 5'. The U.S. flag must be the highest flag flown.
 - b. A flag mount may display only one flag. The size of the flag displayed can be no larger than 3'x 5'.
11. Flag fabric should be all-weather. A 2-ply polyester flag is recommended.
12. Lighting is required if the owner intends to fly the flag at all times.

- a. Solar lighting is recommended.
 - b. If electrical lighting is to be used, the electrical line must be buried a minimum of 18" underground.
 - c. The flag lighting must be located to shine directly on the flag and specifically for that purpose. No other lighting, whether located inside or outside of the residence, may be directed toward a displayed flag for purposes of illuminating the flag (e.g., security flood or spot lights may not be oriented toward a displayed flag). The lighting should be directed in such a way to prevent encroachment on neighboring lots.
 - d. The wattage or lumen count of the flag light should not be so high as to affect neighboring homes.
13. Noise Restrictions. Clasps or other materials/equipment/machinery/attachments designed for the purpose of minimizing the noise created by external halyards (hoisting ropes) used on the flagpole are to be used.
 14. Landscaping around a flag pole should not exceed one-third (1/3) the height of the pole. Any hardscaping will require ACC approval.
 15. Flag and pole/mount should be maintained in good and attractive condition at all times. Any deteriorated flag or deteriorated or structurally unsafe flag pole or flag mount must be repaired, replaced, or removed promptly upon the discovery of its condition. A new ACC application will be required if there are any changes.

3M. Shops /Out-Buildings/Detached Garages/Garage Enclosures

1. Carports are not allowed.
2. Garages may be attached or unattached.
3. Garages must be completely enclosed, with an appropriate style of door.
4. Shops/Detached Garages/ Large Out-Buildings (Other than small storage sheds) should match/blend with the predominant exterior materials & colors of the main residence. As many of the following specifications as possible should be incorporated into the design of the Shop, Detached Garage, Out-Building and approval by the ACC shall be determined by this inclusion:
 - The primary wall material (brick/stone/siding) from the main residence must be incorporated in detached buildings/shops/garages.
 - Match the Roof Pitch, Color and Material.
 - Match Windows and Doors (If applicable).
 - Match Garage Doors (If applicable).
 - Match Gutters (If applicable).
 - Common hardscapes with main residence (walls, driveways, sidewalks).
5. Any garage enclosure should only be undertaken after having seriously considered the impact of the reduced parking area allowed by the remaining amount of driveway, including any potential impact this might have on future sale of the home. Regular parking off the driveway, on the street, or on HOA property is not allowed. Additional driveway installation may be required to avoid this.

3N. Gazebo/Pavilion/Pergola/Arbor

1. Must be located in the back or side yard.
2. Gazebos, Pavilions, or Arbors must be at least six feet (6') away from house. Must be at least three feet (3') from sides and backsetback. Pergolas may be attached to the house.

3. Location must be far enough away from lot boundaries to allow for drainage to occur entirely on the owner's lot.
4. May not be located on any easement.
5. Gazebos/pavilions/ pergolas/arbors are allowed a maximum height at peak of twelve feet (12').
6. The materials and colors should match/blend with the predominant exterior colors of the main residence.

3O. Landscaping/Hardscaping

1. Shrubs, flower beds, and grassy areas are required, where appropriate, along the portions of the house and garage areas visible from streets.
2. Landscaping is also required to screen privacy fencing and see-thru fencing and sheds from the street.
3. Landscaping which may have an impact on drainage of any property requires ACC approval. This includes, but is not limited to, berms, fill dirt, turf removed, beds added, and small walls.
4. Hardscaping additions of non-living, "hard" elements, including masonry work & woodwork, and materials such as: stone, rock, brick, tile, concrete, metal, etc. require ACC approval, if visible from the street.
5. Hardscaping structures such as walls/fences, fountains, arbors/pergolas/gazebos, decks, benches, brick/stone mailboxes, rock pools/waterfalls, paths/walkways, etc. require ACC approval.
6. Pre-fabricated concrete blocks/stone with interlocking lip, not exceeding two feet (2') in height, do not require ACC approval.
7. Landscape plants, materials, and hardscape should complement the residence and be in harmony with neighboring lots.

3P. Mailboxes

1. Mailboxes are to be installed according to USPS requirements for locating mailboxes so that they do not cause a hazard to vehicular traffic. (*see www.usps.com for mailbox specs*)
2. Regulations require that the bottom of a mailbox be approx. 42" above grade.
3. Mailboxes must be eighteen inches (18") to two (2) feet off the pavement edge to allow a car tire to pass by off of the road and must not block an existing ditch or drainage area.
4. Mailboxes are installed in the HOA Right of Way. Future road work (including widening) or maintenance may require removal of any mailbox within the 2 foot setback. Removal and re-installation will be at the expense of the owner.
5. The area around the mailbox pedestal, including the area between the street and the mail box, must be maintained by the owner to ensure reliable delivery of mail.
6. Before installing a mailbox requiring a hardscape/permanent installation, its proposed location must be approved by the ACC and the USPS. Materials used should blend/match the residence and lot.

3Q. Patio Cover

1. The colors should match/blend with the predominant exterior colors of the main residence.
2. Materials should complement the main structure.
3. Entire patio cover and posts should be trimmed out to match house.
4. Supports must be painted wood or treated wood, no metal columns or pipe is allowed.
5. Patio covers may not encroach into any utility easement.
6. Patio covers must be situated on the lot to provide drainage solely into the owner's lot. If a proposed patio cover location goes up to the side or rear setbacks, the ACC will require that it be guttered with downspouts, if it is to be a solid cover.

3R. Propane Tanks

1. No tanks of any kind shall be erected, placed or permitted within the Subdivision, except propane tanks.
2. Propane tanks larger than 250 gallons must be buried below natural grade.
3. Propane tanks sized 250 gallons or smaller may be allowed above ground, with approved screening.

3S. Rain Barrels and Rainwater Harvesting Devices

1. No rain barrels or rainwater harvesting systems, or any part thereof, may be installed in the following locations:
 - a. On property owned by the Association.
 - b. On property owned in common by the members of the Association.
 - c. Rain barrels or rainwater harvesting systems will not be permitted in the front portion of the lot.
2. Owners wishing to install such systems must submit plans showing the proposed location, color(s), material(s), shielding, dimensions of the proposed improvements, and whether any part of the proposed improvements will be visible from any street, or another lot, or a common area (and if so, what part(s) will be visible). The location information must provide information as to how far (in feet and inches) the improvement(s) will be from the side, front, and back property line of the owner's property.
3. Rain barrels or rainwater harvesting systems must be of a color consistent with the color scheme of the owner's home.
4. Rain barrels or rainwater harvesting systems may not display any language or other content that is not typically displayed by such a barrel or system as it is manufactured.
5. If any part of the improvement is installed in a side yard, or will be visible from the street, another lot, or common area, the ACC may impose restrictions on the size, type, materials, and shielding of the improvement(s) (through denial of plans or conditional approval of plans).

3T. Room Additions

1. Requirements for room additions are similar to those for new construction.
2. Size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home.
3. Exterior materials and colors should match the house as closely as possible.
4. Room additions may not encroach into any utility easement or effect drainage to neighboring lots.
5. Roof of addition must integrate with existing roofline so as to appear to have been part of the original home.
6. The addition must be opened to the main structure and be serviced by central heat/AC and electrical.

3U. Septic Systems- New/Replacement

1. The septic system plan must be approved and inspected by Smith County and/or The Upper Neches River Authority (waterfront lots).
2. A copy of the approved septic system permit must be submitted with the ACC application.
3. Water Front Lots - The Upper Neches River Municipal Water Authority requires that the septic tank design and construction for water front lots and lots within 300 feet of the delineated floodplain (345 feet mean sea level) must meet the specifications of the authority and must be approved and inspected by same. Check with the UNRMWA to confirm these requirements.

3V. Solar Energy Devices

1. An owner may install solar energy devices only on property solely owned and solely maintained by the owner, and only in accordance with the restrictions provided herein.
2. In this section, "solar energy device" means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. Such term also includes mechanical or chemical devices that have the ability to store solar-generated energy for use in heating or cooling or in the production of power. All solar devices not meeting this definition are prohibited.
3. Prior to installation of any solar energy device, the owner must submit plans for the device and all appurtenances thereto to the ACC. The plans must provide an as-built rendering, and detail the location, size, materials, and color of all solar devices, and provide calculations of the estimated energy production of the proposed devices.
4. The location of solar energy devices are limited to:
 - a. The roof of the home or another structure allowed on the lot under the applicable Declaration.
 - b. In a fenced yard or patio owned and maintained by the owner.
5. Solar energy devices installed in a manner that voids material warranties are not allowed.
6. Roof-mounted solar energy devices:
 - a. May not extend higher than or beyond the roofline;
 - b. Must be located only on the back of the home – the side of the roof opposite the street. The ACC may grant a variance in accordance with state law that if the alternate location is substantially more

- efficient, by 10%;
 - c. The device, as installed, must conform to the slope of the roof and the top edge of the device must be parallel to the roofline.
 - d. Any frame, support bracket, and/or visible piping or wiring of the device must be of silver, bronze, or black tone commonly available in the marketplace.
7. The solar energy system must be installed in the area designated by the ACC unless an alternate location desired by the owner increases the estimated annual energy production of the device by more than 10 percent above the energy production of such device if located in the area designated by the ACC. It is the owner's responsibility to determine and provide sufficient evidence to the ACC of all energy production calculations. The owner shall use a publicly available modeling tool provided by the National Renewable Energy Laboratory.
8. Ground-mounted solar energy devices:
- a. May not be taller than the fence line of the back yard or patio in which it is located.
 - b. Must be screened from view from the street.
 - c. Owners may not install solar energy devices that have been determined by a court to constitute a threat to public health or safety or a violation of a law.
9. The ACC may determine in writing that the placement of the Solar Energy Device in the manner proposed by the owner would create a condition that would substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed Solar Energy Device by all adjacent property owners constitutes prima facie evidence that the proposed placement of such Solar Energy Device does not create a condition that would substantially interfere with the use and enjoyment of land.

3W. Storage Buildings/Sheds

- 1. The colors should match/blend with the predominant exterior colors of the main residence.
- 2. Materials should match those of the main residence in both size and color.
- 3. Rubbermaid (or similar materials), vinyl and metal units cannot be visible from any street.
- 4. The storage building should have a peaked roof, no higher than eight and a half feet (8 1/2') from the ground to the highest point
- 5. The storage building must be far enough away from fence to allow for drainage to occur entirely on the owner's lot.
- 6. A storage building placed on a concrete slab may not be built in any easement.
- 7. If the storage building is portable (not located on a concrete slab and can be moved), the storage building may be placed on top of a utility easement.
- 8. No storage building can be built up against any side or rear wall of a home unless its maximum height is less than six feet (6') and it is not visible above the fence. It must also comply with all the other requirements for proper construction, size and location.
- 9. If under six feet (6'), a storage structure may be placed in a side yard, provided seven foot (7') minimum setbacks are observed and it is screened with sufficient landscaping or not visible from the street.

3X. Swimming Pools and Spas/Hot tubs/Equipment

1. All pools, in-ground and above ground, spas and hot tubs must have ACC approval.
2. No pool or spa/hot tub of any type may encroach into a utility easement.
3. All pools and spas/hot tubs, in-ground and above ground, must be located in a back or side yard, observing setbacks and easements.
4. The location of all pools and spas/hot tubs may not create or effect drainage to neighboring lots.
5. ACC approval is required for the installation of any decking surrounding the pool greater than twenty-four inches (24") above grade.
6. All pools, in-ground and above ground, and spas/hot tubs, must be enclosed within a security fenced area. *(See Section 3-J. Fences, for fence requirements)*
7. If visible from the road, pool equipment must be screened with a combination of landscaping and/or at least a four foot (4') tall screening fence, which completely shields the equipment from visibility from any street.

3Y. Tree Removal (live tree- non construction)/ Lot Clearing

1. Upon application, the ACC will approve the removal of one healthy tree per year as long as it is replaced with one tree, minimum diameter of 2 inches, planted anywhere on the lot.
2. For New or Replacement Construction, the appropriate ACC Application Form must be submitted & approved prior to any lot clearing or other construction work.
3. Lot clearing for the purpose of maintenance or sale must have ACC approval if live trees larger than 8" in diameter, 12" from the ground are to be removed.

3Z. Yard Decorations/Displays

1. An ACC application is required for the following structural yard decorations that can be viewed from any street:
 - a. Decorative objects taller than thirty-six inches (36");
 - b. Benches, gates, trellises, arbors, and other hardscape items *(see Section 3P. Hardscaping & ACC Application Form A- small projects)*
 - c. Birdhouses mounted on poles taller than thirty-six inches (36").
2. A maximum of 5-6 objects over 3' in height may be approved for placement.