

# BALMORAL

*A Land Tejas Community*

Design Guidelines

# **I. Review Process**

## **1.1 Purpose**

**A. Purpose of Production Guidelines.** The production guidelines (hereinafter, “**Design Guidelines**”) provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. These standards have been developed to assist in the site planning, residential dwelling construction, and landscaping of Lots within Balmoral, a residential community located in Harris County, Texas. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage and lighting. In addition, the Design Guidelines establish a process for review of proposed construction to ensure that sites within Balmoral are developed with the consistency and quality of the development. All references herein to “approval” means the prior written approval of the appropriate reviewer unless otherwise specifically stated to the contrary.

**B. Governmental Regulations.** If an applicable building code or regulation is more restrictive than the provisions of these Design Guidelines, the applicable building code or regulation will control. If an applicable building code or regulation is less restrictive than the provisions of these Design Guidelines, the provisions of these Design Guidelines will control.

**C. Preparer.** These initial Design Guidelines have been prepared and adopted by BALMORAL LT, LLC., a Texas limited liability company (the “**Developer**”) and the Architectural Control Committee (“**Committee**”) for Property Owners Association of Balmoral, Inc. (the “**Association**”). The Design Guidelines may be changed and amended to serve the needs of an evolving community pursuant to the procedures set forth in these Design Guidelines.

**D. Applicability of Design Review.** These Design Guidelines govern all property which is subject to the Declaration of Covenants, Conditions and Restrictions for Balmoral, as same may be amended and supplemented from time to time (“**Declaration**”) and any additional property which may be subject to the jurisdiction of the Association and encumbered by the Declaration. All plans and materials for new construction on a Lot must be approved in writing by the Committee before any construction activity begins. Unless otherwise specifically provided in these Design Guidelines, no structure may be erected on a Lot and no improvement, including staking, clearing, excavation, grading and other site work, exterior alteration of an existing improvement, or planting or removal of landscaping materials (“**Work**”) may take place without receiving written approval of the appropriate reviewer as provided below. When these Design Guidelines

specifically allow a Builder to proceed without advance written approval, such allowance will only be effective so long as the Builder complies with the requirements of the stated guideline.

Builders are responsible for ensuring compliance with all standards and procedures within these Design Guidelines. Builders are also governed by the requirements and restrictions set forth in the Declaration and any applicable Supplement. Builders will receive the Declaration and any applicable Supplement at the time of engineer's substantial completion or when the Declaration is recorded, whichever occurs first. Builders are responsible for providing copies of the Declaration and any applicable Supplement to construction and sales teams prior to construction. In particular, Builders should systematically review and become familiar with the requirements applicable to Balmoral in this document.

**E. Review Structure.** Architectural control and design review for Balmoral is the responsibility of either the Committee or its designee. The term "**Reviewer**," as used in these Design Guidelines, means the Committee.

The Committee has jurisdiction over all matters relating to architecture and landscaping of residential properties, as set forth in these Design Guidelines and the Declaration. The Committee will review plans and specifications for all construction and landscaping on a Lot, will have jurisdiction over all construction and landscaping on a Lot, will be the conclusive interpreter of these Design Guidelines, will monitor the administration of these Design Guidelines, and may promulgate additional design standards and review procedures consistent with these Design Guidelines.

**F. Review Fees.** When a Builder (the "**Applicant**") submits plans to the Reviewer for approval, the submission must include a "**Review Fee**." Once a plan for a residential dwelling is approved, the Applicant is not required to resubmit for additional uses of that specific plan. However, plans must be submitted for any change to a previously approved plan. The Review Fee will be made payable to the Reviewer as follows:

1. **Review Fee - \$125** – The review of a Lot, taking the Lot from a vacant site to a single family residential dwelling or improvement. The Review Fee is per set (includes all elevations per submittal).
2. **Re-Submittal Review Fee - \$125** - For changes to plot, plan, elevation or re-submission of unapproved plans.

## **1.2 Design Review Process**

**A. General.** The design review process for new construction has been developed to provide adequate checkpoints in an effort to minimize time spent on concepts which do not adhere to the Design Guidelines. An attempt has been made to streamline this process and eliminate excessive delays. Nevertheless, each Applicant is responsible for complying with the Design Guidelines, and all other rules and regulations of any governmental authority, in order to bring the design review process to a prompt and satisfactory conclusion.

**B. Review Criteria.** While the Design Guidelines are intended to provide a framework for construction and modifications, the Design Guidelines 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, and finish grade elevation, among other things. Reviewer decisions may be based on purely aesthetic considerations. However, no Reviewer will grant approval for proposed construction that is inconsistent with the Design Guidelines, unless such Reviewer/Committee grants a variance in writing.

**C. Governing Authority.** No residential dwelling may be occupied without compliance with all regulations and requirements of all applicable State, County, City and other authorities.

**D. Procedures.** The Reviewer will conduct reviews of proposed single family residential dwellings. The Reviewer will respond within thirty (30) calendar days after a complete submittal is received. Any responses an Applicant may desire to make in reference to issues set forth in the Reviewer's notice following review of a submittal must be addressed to the Reviewer in writing.

**E. Review Submittal Process.** Plans for new construction or modifications on a Lot must be submitted to the Reviewer. The review process is divided into two phases:

1. Design Plan Review – A one-time approval of an Applicant's particular master design plan. Design Plan Review Submittals must be received thirty (30) days or less after closing on lot(s) with Developer.
2. Plot Plan Review – An approval of an Applicants design plan specific to an address. Plot Plan Review Submittals must be received thirty (30) days or more prior to commencement of governmental permitting process.

The following documents must be submitted to the Reviewer:

1. Master Design Plan Review Submittals:

Applicant's name and phone number must be indicated on the submittal. Set of construction documents on 11" x 17" paper. All cut sheet plans (handouts) and elevation specification sheets should be on 8-1/2" x 11" paper. Design Plans Submittals include the following information clearly noted:

1. Square footages
2. Floor plans
3. Elevations including detached garages
4. Roof pitch
5. Plate height
6. Exterior materials (include manufacturer and colors)
7. Accent materials (include manufacturer and colors)
8. Options & bonus options
9. Percentage of masonry for each plan

2. Plot Plan Review Submittals:

Applicant's name and phone number must be indicated on the submittal. Set of complete Plot Plans on 8-1/2" x 11" paper and include the following information clearly noted:

1. Property, Lot number, block number, section number, address
2. Plan number and elevation
3. All building setbacks
4. All right-of-ways ("R.O.W.")
5. All Easements
6. Drainage
7. Exterior materials selections (include manufacturer and color)
8. Roofing materials (include manufacturer and color)
9. Flatwork size and placement (driveway, walkway, sidewalk, patio)
10. Fencing type and placement
11. AC unit placement
12. Landscape Plan – A typical planting plan will tabulate the plant count for each plant type (species and common name), size and placement (Street, Front, Side, Rear yard). It must feature the required minimum number of trees as required by these Design Guidelines and shrubs, ground covers, vines and turf found in the Preferred Plant List in Section 5.6 of these Design Guidelines. Any changes are required to be submitted to the Committee for review prior to installation. Review typical lot Exhibits "1.2", "1.2-

A”, and “1.2-B” which may be used in submittal process. A copy of Landscape Plan submittal will be provided to the Association for their records.

**F. Review Period.** Each application for Design Plan and Plot Plan Submittal will be approved or disapproved within thirty (30) calendar days of submission of all materials required by the Reviewer. The reviewed plans will be retained for the Reviewer's records. The Reviewer's decision will be rendered as follows:

1. **"Approved"** - The entire application is approved as submitted.
2. **"Approved with Conditions"** - The application is approved, provided the Reviewer's objectionable features or segments are corrected. The Applicant must correct the plan's objectionable features or segments, and the Applicant may be required (if requested by the Reviewer) to resubmit the application and receive approval prior to commencing the construction or alteration.
3. **"Not Approved"** - 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 thirty (30) days, the Applicant must give the Reviewer written notice of its failure to respond. In no event will the Committee's failure to approve or not approve the application within thirty (30) days constitute approval to (a) violate a setback or encroach upon an easement set forth in the Declaration or the applicable Plat, or (b) violate an express provision of the Declaration or these Design Guidelines, or (c) violate any applicable regulation or requirement of State, County, City and other governing authorities.

**G. Implementation of Approved Plans.** All Work must conform to approved Design Plan and Plot Plan. If, on an on-site review, it is determined that Work completed or in progress on a Lot is not in compliance with these Design Guidelines, the Reviewer will notify the Applicant of any of such noncompliance, specifying in reasonable detail the particulars of noncompliance and requiring the Applicant to remedy the same. If the Applicant 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 will be deemed to be in violation of these Design Guidelines. Once Applicant is notified by Reviewer, daily fines may be imposed on Lot Owner until noncompliance is deemed by Reviewer as remedied.

1. Time to Commence. If construction of an approved submittal does not commence on a project for which a plot plan has been approved within six (6) months from the date of such approval, such approval will be deemed

withdrawn, and it will be necessary for the Applicant to resubmit the plans to the Committee for reconsideration.

2. **Time to Complete.** Construction of an approved submittal must be completed within one (1) year from the date of approval (the “**default period**”). The Applicant may request an extension of such maximum time period not less than thirty (30) days prior to the expiration of the maximum time period, which the Reviewer may approve or not approve, at its sole discretion.

If construction is not completed on a residential dwelling within the period set forth in the approval, within the one (1) year default period, if applicable, or within any extension approved by the Reviewer, the approval will be deemed withdrawn, and the incomplete construction will be deemed to be in violation of these Design Guidelines. In the event of such violation, the Reviewer may notify the Association of such failure and the Association, at its option, may either complete the exterior of the residential dwelling in accordance with the approved drawings, or remove the improvements and return the Lot to its natural state prior to the beginning of any Work. The Applicant will reimburse the Association for all expenses incurred therewith.

**H. Changes After Approval.** All proposed changes to plans, including changes that affect the square footage, 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 thirty (30) calendar days prior to implementation. Close cooperation and coordination between the Applicant and the Reviewer will ensure that changes are approved in a timely manner.

**I. Variances.** A variance may be granted in certain circumstances (including, but not limited to, natural obstructions, hardship, or environmental considerations) when a deviation may be required. The Committee will have the discretion to grant a written variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Design Guidelines or the Declaration. No variance will be effective unless issued in writing by the Committee/Reviewer.

**J. Governmental Approval.** The review and approval of plans and specifications will not be a substitute for compliance with the permitting and approval requirements of governmental authorities. It is the responsibility of Applicant to obtain all necessary permits and approvals.

If a governmental authority having jurisdiction requires that changes be made to final construction plans previously approved by the Reviewer, the Applicant must notify the Reviewer of such changes in writing and receive written approval from the Reviewer prior to implementing such change.

### **1.3 Construction Guidelines**

The following construction regulations ("**Regulations**") will apply to any and all Work performed on a Lot. Applicants are required to comply with building setbacks and the orientation and placement of improvements including, but not limited to, driveways, walkways, sidewalks, residential dwellings, detached garages, fencing and landscaping. Connections to utilities are the responsibility of the Applicant. To the extent that any local government standard is less restrictive, these Design Guidelines will prevail.

**A. Builder's Compliance.** The Applicant must comply with these regulations. Any violation observed by the Reviewer will result in written notification on non-compliance and may result in fines. The Association may also take the necessary action to correct the violation should the Applicant fail to do so. Any expense incurred by the Reviewer or Association to correct a violation will be invoiced to the Applicant and will be secured by the Association's lien created by the Declaration.

**B. Governing Authority.** All Applicants will comply with the regulations of any governing authority, as well as all applicable Occupational Safety and Health Act regulations and guidelines (OSHA).

**C. EPA - SWPPP.** Each Applicant will comply with the Environmental Protection Agency's Storm Water Pollution Prevention Program (SWPPP) or other governmental authorities on similar issues.

**D. Excavated Earth and Debris.** Excess earth excavation and debris must be hauled away from Balmoral and properly disposed of.

**E. Utilities and Energy Efficiency.** Builders agree to install, at a minimum, gas water heating and gas central heating to each dwelling on a Lot, or if the gas utilities for such Lot are not used, pay the gas company a gas non-utilization fee in the amount customary for the utility company providing service to the Subdivision in which the Lot is located. Such sum(s) are payable at closing on the Lot affected or when such gas non-utilization becomes apparent, whichever occurs earlier. Applicants are encouraged to be enrolled in an Energy Efficiency Program at all times and adapt to evolving national standards as well as provide the highest level available for the homebuyer.



**F. Sales Trailers.** A temporary sales trailer may be located on a specific Lot with the written approval of the Reviewer or Developer. To obtain such approval, Applicant must submit a copy of the site plan with proposed locations of the sales trailer. Such a temporary structure must be removed immediately upon completion of construction of the model home. Any Applicant who desires to bring a sales trailer to Balmoral must first apply for and obtain written approval from the Reviewer or Developer.

**G. Construction Trailers.** Builders may have a construction office in a garage but not in the garage of a model home garage or any room within a model home. A temporary construction trailer is preferred and may be located on a specific Lot with written approval from the Reviewer or Developer. To obtain such approval, Applicant must submit a copy of the site plan with the proposed location of the construction trailer. Such a temporary structure must be removed immediately upon completion of construction of the last home in that specific Section.

**H. Construction Signage.** Unless required by local governing authorities, no construction signs may be posted anywhere in Balmoral. The exception being, any Applicant authorized by Reviewer may post one (1) construction sign on a Lot. Signage may not be, or become, unsightly. Such sign must be designated by and approved by the Reviewer and erected on a location approved by the Reviewer.

**I. Other Signage.** Directional bandit signs are allowed for weekends only. Directional bandit signs may be placed no earlier than 4:00pm on Friday and must be completely removed by 8:00am on Monday. Failure to remove directional signage as noted may result in fines. There may not be more than one (1) sales sign per Lot and the sign may not exceed six (6) square feet. Unless required by local governing authorities, or as set forth in Section 3.14 of the Declaration, no other signs may be posted anywhere in Balmoral without Developer or Committee approval.

**J. Construction Access.** The only approved construction access during the time a residential dwelling or other improvement is under construction will be over the approved driveway for the Lot unless the Developer or Reviewer approves an alternative access point. The location of Balmoral's main construction entrances will be determined from time to time by the Developer or Reviewer and each Applicant is responsible for assuring that only that entrance is used by its employees, suppliers, subcontractors and agents.

**K. Vehicles and Parking Areas.** Construction crews may not park on, or otherwise use, other Lots or any open space for vehicle parking. Construction vehicles are required to be parked on the same side (northerly or easterly, as applicable) of the road or street and within areas designated by the Reviewer. No

vehicles may be parked in a manner that obstructs or impairs traffic flow. Each Applicant is responsible for assuring that subcontractors and suppliers comply with the speed limits and other traffic signs posted within Balmoral. Adhering to the speed limits should be a condition included in the contract between the Applicant and its subcontractors/suppliers. The Applicant and its subcontractors/suppliers must use extreme caution around occupied properties. Resident complaints must be courteously addressed and resolved quickly. Repeat offenders will be reported to the local sheriff's department.

**L. Daily Operation.** Daily working hours for each construction site will be as follows:

Monday - Friday.....6 a.m. to 7 p.m.

Saturday .....8 a.m. to 6 p.m.

Sunday.....9 a.m. to 6 p.m.

Designated Holidays.....9 a.m. to 6 p.m.

Construction hours are subject to change, as may be determined by Reviewer from time to time. It is important to be respectful of residents living in close proximity to the construction site. Resident complaints must be courteously addressed and resolved as quickly as possible.

**M. Sanitary Facilities.** Each Applicant will be responsible for providing adequate sanitary facilities for Applicant's construction workers. Portable toilets must remain clean at all times and located only at the construction trailer site or within an area approved by the Developer or Reviewer. The sanitary facilities are to be removed promptly upon completion of construction.

**N. Dust, Mud, Noise and Silt Fences.** Each Applicant is responsible for diligently controlling dust, mud and noise, including, without limitation, music from the construction site. Lot silt fences must remain in good condition during entire phase of construction. Additionally, Lot perimeter silt fencing must be removed by Builder when construction is complete.

**O. Debris and Trash Removal.** During the construction period, each construction site must be kept neat and clean and will be properly policed to prevent it from becoming an eyesore or affecting other Lots or any open space. Applicants must clean up all trash and debris on the construction site on a daily basis. Lightweight materials, packaging, and other construction debris must be removed from site weekly (preferably on Friday's) and between removals, items must be covered or weighted down to prevent their being blown off the construction site at any time.

Applicants are prohibited from dumping, burying or burning trash anywhere within Balmoral. Temporary four foot (4') tall orange safety fencing between Lots is required during construction. Each Applicant is required to form a circular fenced area with a minimum diameter of ten feet (10') on each Lot on which a residential dwelling is under construction in which the Applicant will place for disposal, debris and trash generated by the construction on said Lot.

The Developer will designate an area in each Section of Balmoral where Applicants in that Section may conduct concrete wash-out. The Applicants must cooperate to keep the street and surrounding area free of debris and remove the concrete wash-out at intervals of no less than thirty (30) days.

Mud, dirt and construction debris from the construction site on the paved streets in Balmoral, whether caused by the Applicant or any of its subcontractors or suppliers, must be removed and cleaned by the Applicant daily. The Association's designated management company will monitor and send Violation Notice Letters to Owners with Lots in need of correction. Fines may be imposed on Owners with noncompliant Lots.

**P. Restoration or Repair of Other Property Damages.** Damage and scarring of any property outside the Lot, including but not limited to adjacent Lots, roads, curbs, driveways, utilities, vegetation and/or other improvements, resulting from construction operations, is not permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the Applicant. In the event Applicant fails to restore or repair the damaged area, the Association may repair the area and charge the expense on the Applicant. In the event of default by the Applicant in complying with these obligations, a lien may be recorded against the Lot until the expenses charged to the Applicant are paid in full.

**Q. Miscellaneous and General Practices.** All Applicants are responsible for the conduct and behavior of their agents, representatives and subcontractors while in Balmoral. The following activities are prohibited:

1. Changing oil or making repairs on any vehicle or equipment on the Lot itself or at any other location within Balmoral other than at a location, if any, designated for that purpose by the Reviewer.
2. Allowing concrete suppliers, plasterers, painters or any other subcontractors to clean their equipment anywhere but the location(s) specifically designated for that purpose by the Reviewer. Violation of this provision will result in charges to Builder(s)/Owner(s) for clean up or damage repairs. The Association must be reimbursed for the expense incurred by the Builder(s)/Owner(s) within not less than thirty (30) days of invoice.

3. Removing any rocks, plant material, topsoil, or similar items from any property of others within Balmoral, including other construction sites.
4. Illegal possession of any type of firearms or other weapons within Balmoral.
5. The use of utilities from neighboring residents without their written consent. Repeat offenders will be reported to the local sheriff's department.
6. Using disposal methods or equipment other than those approved by the Reviewer.
7. Careless disposal of cigarettes and other flammable material. It is required that at least two (2) fully operational 10-pound ABC-rated dry chemical fire extinguishers be present and available in a conspicuous place on the construction site at all times.
8. The use of illegal drugs or alcohol.
9. Destruction or removal of protected plant materials or plants without approval of the Reviewer.
10. No pets, including dogs, may be brought into Balmoral by either Applicants or construction personnel. In the event of a violation, Reviewer or the Association will have the right to contact authorities to inspect/impound any pet, to refuse to permit the Applicant or subcontractor involved to continue on the project or to take such other action as permitted by law.
11. Radios and other audio equipment which can be heard outside the construction site.
12. The use of horns by contractor, subcontractor or catering or food trucks to signal their arrival. Trash generated by the procurement of items must be contained and disposed of properly. Repeated problems with these requirements will result in the contractor, subcontractor or catering or food trucks being denied admittance to Balmoral.

## **1.4 Rights and Compliance**

**A. Enforcement.** In the event of any violation of these Design Guidelines, the Developer or the Association may take any action set forth in the Bylaws, the Declaration or the Design Guidelines. The Developer or the Association may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Developer or the Association is

entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Lot upon which such violation exists.

**B. Non-Liability for Approval of Plans.** These Design Guidelines include a disclaimer of liability or responsibility for the approval of plans and specifications contained in any request by an Applicant. **PRIOR TO SUBMITTING PLANS OR INFORMATION FOR REVIEW, APPLICANT SHOULD READ AND UNDERSTAND THIS DISCLAIMER. IF APPLICANT DOES NOT UNDERSTAND IT, THE APPLICANT SHOULD SEEK APPROPRIATE LEGAL ADVICE.**

**NEITHER THE DEVELOPER, A DECLARANT, THE ASSOCIATION, THE COMMITTEE, THE BOARD, NOR ANY OF THE RESPECTIVE OFFICERS, AGENTS, MANAGERS, PARTNERS, DIRECTORS, SUCCESSORS OR ASSIGNS OF THE ABOVE, ARE LIABLE IN DAMAGES OR OTHERWISE TO ANYONE WHO SUBMITS MATTERS FOR APPROVAL TO THE COMMITTEE, OR TO ANY OWNER AFFECTED BY THESE DESIGN GUIDELINES BY REASON OF MISTAKE OF JUDGMENT, NEGLIGENCE, OR NONFEASANCE ARISING OUT OF OR IN CONNECTION WITH THE APPROVAL, DISAPPROVAL, OR FAILURE TO APPROVE OR DISAPPROVE ANY MATTERS REQUIRING APPROVAL HEREUNDER. APPROVAL BY THE COMMITTEE DOES NOT CONSTITUTE ANY KIND OF WARRANTY OR GUARANTEE AS TO THE INTEGRITY OR SUITABILITY OF THE PLANS OR THE DESIGN OF THE IMPROVEMENT DEPCITED IN THE PLANS NOR THE COMPETENCY OF ANY CONTRACTORS USED.**

**C. Changes and Amendments to the Design Guidelines.** These Design Guidelines may be amended by the Developer or Committee. Any amendment must be recorded in the Official Public Records of Real Property of Harris County, Texas.

1. All changes or amendments will be promptly issued to all Applicants in Balmoral.
2. All amendments will become effective upon adoption by Developer or the Committee and recordation in the Official Public Records of Real Property of Harris County, Texas, so long as Developer has the authority to amend these Design Guidelines or, if the Developer no longer has such authority, upon adoption by the Committee. Such amendments will not be retroactive so as to apply to previous Work or approved Work in progress.

3. An amendment of or supplement to a provision in these Design Guidelines will not change, alter, or modify any provision in these Design Guidelines, or any supplement or annexation document, not expressly amended or supplemented.

**D. Right of Waiver.** The Reviewer reserves the right, without the obligation, to waive or vary any of the procedures or standards set forth at its discretion, for good cause shown, subject to compliance with the Declaration. However, any approval by the Reviewer of any drawings or specifications or Work done or proposed, or in connection with any other matter requiring such approval under the Design Guidelines, including a waiver by the Reviewer, will not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval. For example, the Reviewer may disapprove an item shown in the Final Submittal even though it may have been evident and could have been, but wasn't, disapproved at the Preliminary Submittal.

**Furthermore, should the Reviewer overlook or not be aware of any item of non-compliance at any time during the review process, construction process or during its Final Inspection, the Reviewer in no way relieves the Applicant from compliance with these Design Guidelines and all other applicable codes, ordinances and laws.**

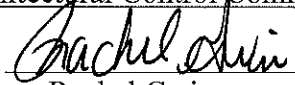
**E. Severability.** If any provisions of these Design Guidelines are held to be invalid, the same will not affect, in any respect, whatsoever, the validity of the remainder of these Design Guidelines to the extent that they can be reasonably understood without the invalid portion(s).

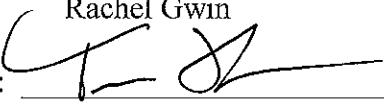
These Design Guidelines have been approved and adopted by the Committee this \_\_\_\_ day of March, 2017 and will remain in full force and effect until revised as provided herein.

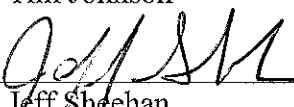
Approved and adopted:

By: **Property Owners Association of Balmoral, Inc.**

Architectural Control Committee Members

By:   
Rachel Gwin

By:   
Tim Johnson

By:   
Jeff Sheehan

## **II. SITE PLAN GUIDELINES**

### **2.1 General**

All residential dwellings within Balmoral must comply with the Master Plan established by these Design Guidelines.

Total square footage of a residential dwelling includes all air conditioned areas, but does not include garages, terraces, non-air conditioned storage areas, decks and porches.

Applicant must develop and maintain its individual Lots in a manner prescribed by these Design Guidelines. Compliance with building setbacks, Lot layouts, driveways, walkways, sidewalks, garages, etc., is required. Costs and connections to utilities are the responsibility of the Applicant.

**Applicant must comply with any and all rules and regulations in effect within the jurisdiction of any governmental agency including but not limited to City, County, State, MUD, and EPA. Applicant must also warrant compliance with applicable building codes. Governmental Agency codes and ordinances that are more restrictive than these Design Guidelines will control over these Design Guidelines.**

### **2.2 Lot Drainage & Grading**

In most cases, the Developer is delivering a non-wooded Lot to the Builder. In no event may the grade of a Lot deviate from or conflict with the approved grading plan included in the engineered drawings for the development. It is the responsibility of the Builder to assure compliance with the grading plan with respect to the grade of a Lot prior to setting forms for the slab of the residential dwelling. Caution should be used in establishing the foundation elevation so that slabs, driveways, retaining walls, walks, any other improvement or insufficient fall does not impair adequate drainage of the Lot in accordance with approved plans and specifications.

**FHA TYPE "A" LOT GRADING** – has a ridge along common rear Lot lines and each Lot is graded to drain storm water directly to the street. Type "A" lots may have offsite drainage that must be accepted and maintained from natural areas and or adjacent Type "B" or Type "C" lots that abut the common rear lot line.

**FHA TYPE "B" LOT GRADING** – has a ridge at the midpoint from the street from which the Lot is graded to drain storm water in the front half of the Lot directly to the street independent of other properties. The rest of the Lot will drain water runoff in the rear half of the Lot to the rear of the Lot. Type "B" lots may

abut a Type “A” lot along the common rear lot line, and under such conditions, the Type “A” lot must accept and maintain positive drainage from the Type “A” lot.

**FHA TYPE “C” LOT GRADING** – has a ridge along common front Lot lines and each Lot is graded to drain storm water directly to rear Lot line. Type “C” lots may abut a Type “A” lot along the common rear lot line, and under such conditions, the Type “A” lot must accept and maintain positive drainage from the Type “A” lot.

The Builder is expected to provide final grading of each Lot that is consistent with the approved grading plan, and drainage shall be directed as noted on the approved plans. Positive drainage away from the building will be provided for rainfall, gutter downspouts, irrigation, air conditioner condensate and all other types of water runoff.

If a concern arises regarding the grading of a Lot as delivered by the Developer to Builder, the Builder should immediately notify the Development Manager of Balmoral.

## **2.3 Building Setbacks and Easements**

Building setbacks are established by recorded Plat within constraints established by authorities having jurisdiction over the platting process.

**Utility easements are located at the rear of Lots in Balmoral.**

Prior to the placement of any forms, the Applicant is required to review the setbacks and easements required by the City and County for each specific Lot to verify all applicable requirements. **Unless otherwise delineated on the recorded Plat or stipulated in the Declaration, City or County ordinance, the setbacks and easements follow Exhibit “2.3” attached to these Design Guidelines.**

## **2.4 Lot Coverage/Flatwork**

### **2.4.1 Garages**

A garage capable of parking at least two (2) vehicles is required for every Lot. No garage on a Lot with a residential dwelling may be altered or converted for use for any purpose other than housing two (2) vehicles at all times. **The conversion of all or any portion of a garage into livable area is prohibited.**

A minimum of four (4) parking spaces, including the garage, beyond the street R.O.W. is required for every Lot.



Third car garages are encouraged to have a one foot (1') minimum and three foot (3') maximum recess from the front face of the adjacent double or two-car garage. A five foot (5') to ten foot (10') garage extension is permitted.

Refer to Exhibits "2.4", and "2.4.1" attached to these Design Guidelines. Garage Doors are referenced in Section 3.11 of these Design Guidelines.

***Attached garages:***

Attached garage of any type: The garage must be located on the interior side of the Lot and must comply with applicable building setbacks.

***Detached garages:*** A detached garage is not permitted on a Lot that backs onto a Common Area, Reserve, Green Belt, Lake, or Recreational Area. When the side of a Lot is exposed to a Common Area, Reserve, Green Belt, Lake, or Recreational Area, a detached garage may be allowed but only if the garage is on the side of the Lot opposite to the Common Area, Reserve, Green Belt, Lake, or Recreational Area. Detached garages require breezeway fencing; see Section 4.10 in these Design Guidelines.

Detached front-loading garage: Must comply with applicable building setbacks. Detached garages loading on the side street with driveways extending to the front street are not permitted.

Detached side or rear-loading garage: Permitted at the rear of the Lot and must comply with applicable garage setbacks.

***Corner Lot Garages:***

Corner Lot garages must be built on the interior side of the Lot and must comply with applicable Building Setbacks; unless permitted by variance or as indicated on recorded plat.

**2.4.2 Driveways**

Driveways are to be a minimum four inch (4") thick concrete over a sand base. A number six (#6), six-inch (6") by six-inch (6") woven wire mesh or equivalent must be installed within the "drive-in" portion of the driveway between the curb and sidewalk. County or city specifications regarding driveway cuts and curb returns at driveway openings must be adhered to for all Lots. The driveway on a Lot may not be located closer than two feet (2') from the side property line. Review Exhibit "2.4" in these Design Guidelines.

1. The typical front load driveway width (16' min.) must accommodate no less than two (2) vehicles parked side-by-side.
2. The typical front load driveway width (24' min.) must accommodate no less than three (3) vehicles.

Driveways on Lots with attached or detached side or rear loaded garages must be a minimum of ten feet (10') in width at the street and may taper to a width not less than the total width of the garage measured at the doors. If approved in writing by the Committee, driveways on "swing" type Lots with side loading garages must be a minimum of twelve feet (12') in width at the street and taper outward to a width not less than the total of the garages measured at doors. Paving materials are never permitted to abut building foundation except at entry walk or garage approaches.

It is recommended that all driveways on the same side of the street remain in the same orientation as much as possible in order to increase the green space between driveways with the following exception:

1. All corner Lots should have the driveway on the opposite side of the corner.
2. All driveways should avoid being built over any culvert or manhole and avoid being too close to light poles.

If any of these conditions are present, the driveway should be flipped.

Circular driveways may be permitted on a case by case basis. Circular driveway submittals must clearly note all property lines, building lines and easements for the Lot. Under no circumstances may an entire front yard be paved as a driveway. Driveway paving is to be flush with adjacent sidewalk (ADA compliant). Refer to Exhibit "2.4.1.A" attached to these Design Guidelines.

### **2.4.3 Sidewalks**

Refined concrete sidewalk are to be constructed by the Applicant within all public street right-of-way frontages according to City and County standards. All sidewalk construction must meet or exceed ADA accessibility standards including connections to all Developer-installed ramps. All sidewalks are to be constructed in a consistent manner producing a uniform appearance. Typical sidewalk minimum is four foot (4') width; however, the Builder is expected to verify construction meets or exceeds municipal standards.

Locations of sidewalk should be generally parallel to the street curb following the right-of-way (R.O.W.) frontages and are not to be varied except where required to

avoid specimen trees or fire hydrants, light poles, or other infrastructure. Gentle radii instead of abrupt curves and angles are required for transitions.

Sidewalks along a sixty foot (60') R.O.W. must have a five foot (5') setback from the back of the curb.

Sidewalks along a fifty foot (50') R.O.W. must have a five foot (5') setback from the back of the curb.

Expansion joints will occur every sixteen feet (16'). Construction joints scored one-third (1/3<sup>rd</sup>) of the concrete thickness will occur every four feet (4'). Complete pours between expansion joints are required. No cold joints are permitted.

Drill dowels into concrete driveways and use expansion joints at connections of existing and new concrete. Dowels are to be stubbed out eighteen inches (18") where sidewalk is to be continued in the future.

Where sidewalks cross driveways with decorative paving, the standard sidewalk design does not carry through the driveway. Sidewalk is to be flush with adjacent driveway paving.

Builders on corner Lots must install a sidewalk both parallel to the front Lot line and parallel to the side street Lot line. Manhole and valve box adjustments may be required, and are the responsibility of the Applicant. The Applicant will coordinate any adjustments with the City.

Sidewalk at cul-de-sac Lots that are at the end of cul-de-sac street must meet sidewalk Lot to Lot as to avoid gaps in walkway. For Cul-de-sac Sidewalk also refer to Exhibit "4.6".

**As provided in the Declaration, it is the responsibility of the Owner of a Lot to maintain, repair and replace all sidewalks within the Owners Lot and within the public R.O.W. adjacent to the Owner's Lot.**

#### **2.4.4 Cul-de-Sac Sidewalk**

A typical Lot at the end of a cul-de-sac street will be configured so that the side property line of the Lot, nearest to the end of the cul-de-sac, will extend to the center of the cul-de-sac, thereby abutting the Lot on the opposite side of the cul-de-sac, which will be configured in the same manner. See recorded Plat for property lines.

The sidewalk on a typical Lot at the end of a cul-de-sac street is required to continue along the arc of the cul-de-sac until it connects to the sidewalk on the opposite side of the cul-de-sac street. The result being a sidewalk connected

around the entirety of the cul-de-sac street. Refer to Exhibit “4.6” attached to these Design Guidelines.

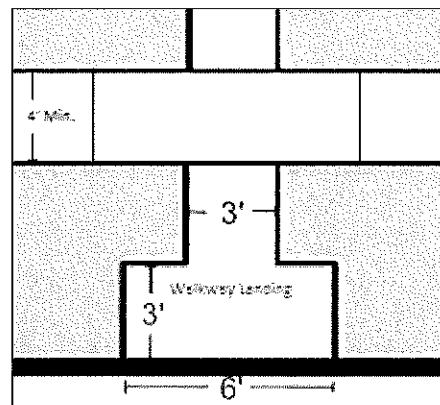
### 2.4.5 Walkways

Walkways may lead to the driveway and/or to curb fronting the residential dwelling. Walkways must have a five foot (5') landscape area between the walkway and the residential dwelling. Reinforced concrete is required, designed to standards. Typical walkways are to be a minimum of three foot (3') width.

Subject to Committee approval, decorative materials may include brick, stamped or colored concrete pavers, flagstone, etc. Decorative materials must terminate at the front sidewalk. Asphalt paving, loose gravel, loose stone, and timber borders on walkways are prohibited.

### 2.4.6 Walkway Landing

Walkways leading to the curb must have a three foot (3') by six foot (6') reinforced concrete walkway landing (see diagram below).



### 2.4.7 Patios

Concrete patios that extend from the rear of the residential dwelling are encouraged for design diversity. The location of a patio must comply with all applicable building setbacks.

Patios may be constructed of concrete, pavers or flagstone. The materials should relate to the architecture and create an interesting outdoor space. No patio will be approved for location on a utility or drainage easement without written authorization from each party having easement rights.

### 2.4.8 Covered Porches

Covered front porches are encouraged for design diversity.

Porch vertical posts are to be a minimum of 4" x 4"; 6" x 6" posts are preferred. Minimum slope on all covered porch roofs must be 6:12 pitch.

Roof material on the roof of porches must be the same as that on the roof of the residential dwelling. Roofing materials other than stated herein must be approved by the Reviewer.

#### **2.4.9 Pools, Spas, Water Features**

Pools, hot tubs, spas and appurtenances designs must be approved in writing by the Committee prior to construction. Spas, hot tubs and appurtenances must be screened from view from an adjacent Lot, a street and Common Area. Above ground pools, spas, and hot tubs are not permitted.

Pools must have overflow drain lines directing water to street with pop-up valves at curb. Locations will be clearly marked on plans.

Swimming pool appurtenances, such as rock waterfalls and slides, may not exceed six feet (6') in height measured from grade to the highest point of the appurtenance. Skimmer nets, long handle brushes, pool chemicals, filters, pumps, heaters, plumbing, etc. may not be visible from an adjacent Lot, a street or Common area.

Pool walls may not encroach on utility easements. If pool plumbing is required in a utility easement, Applicant must contact all applicable utility companies before excavating. Wood or concrete pool decks may be placed on a utility easement only with the prior written permission of the utility company, but are subject to removal by utility companies.

Pool builders are required to submit a written statement to the Committee describing the location of the intended ingress and egress to the Lot for pool construction. The written statement will include the location of the disposal site of the excavated soil. The Committee will not permit access across Common Area or private property. Dumping of excavated material within the community of Balmoral is not permitted. A \$1,000.00 cashier's check or money order deposit is required from the pool builder to ensure compliance with the Committee requirements. The deposit will be returned to the pool builder if inspection by the Reviewer confirms compliance with the Committee requirements; if the pool builder does not comply with all Committee requirements, the deposit will be forfeited.

#### **2.4.10 Decks**

The location of a deck must comply with all applicable building setbacks. Design of decks are to be architecturally compatible with the exterior of the residential

dwelling. Second story decks require specific Reviewer approval. No deck will be approved for construction on a utility or drainage easement or in a manner that causes water to flow on an adjacent Lot. No deck may be more than two feet (2') above grade.

### **III. ARCHITECTURAL GUIDELINES**

#### **3.1 General Responsibilities**

The following architectural guidelines provide a basis for design concepts, forms and materials to create a pleasant living environment. These Design Guidelines are not intended to limit the creativity of the Applicant in design or construction. The design of each residential dwelling should reflect each Applicant's choice of acceptable building materials, while fitting into the overall architectural scheme of the Balmoral community.

The Applicant is responsible for individual site development and maintenance including the area within the public street right-of-way (area between back of street curb and to property lines) and the surrounding Lots. Applicants on corner Lots are responsible for maintenance in these areas on both streets.

#### **3.2 Lot Coverage and Square Footage**

Total Lot coverage of buildings, walks and other structures may not exceed sixty percent (60%) of the total Lot area for standard single-family residential developments. Pools, spas, decks and driveways are not considered structures for the purpose of calculation the Lot coverage.

Square footage of a single family residential dwelling is considered to be the air conditioned living area of the structure, excluding porches, patios, decks and garages. Minimum and maximum square footage of single family residential dwellings, based on Lot width, are as listed in the Single Family Residential Dwelling Square Footage Table on Exhibit "3.2" attached to these Design Guidelines.

#### **3.3 Building and Ceiling Height**

All residential dwellings must include some variation of the ridgeline. Maximum building height of a residential dwelling is two and a half (2 1/2) stories or forty feet (40'), whichever is less. A minimum ceiling height of eight feet (8') in all living areas is required on the ground floor of all residential dwellings.

#### **3.4 Plan Spacing, Elevation and Repetition**

Exterior elevations must be complementary in architectural design and materials, and compatible with neighboring structures.

Same floor plans and/or elevations within a particular section should be staggered throughout so as to create diversity within the community. The Committee may determine different elevations within a plan to be considered the “SAME AS” for repetition purposes. The Committee may also determine different elevations from different master plans to be considered the “SAME AS” for repetition purposes.

Varied elevation and placement on the site result in more interesting street scenes. More pleasing arrangements are achieved with a variety of plans.

Two (2) Lot skip rule applies when building same plan, different elevation, on same side or on both sides of the street. Three (3) Lot skip rule applies when building the same plan, same elevation, on same side of the street.

Priority should be given to those sides of the residential dwelling that are visible from public view including streets, walkways and Common Areas. The most articulated elevations should be those which are in public view. However, it should be assumed that the residential dwelling will be seen from all angles and that there will be a continuity of colors, materials and details on all elevations.

**APPROVAL OF ALL PLAN LOCATIONS BY THE REVIEWER IS REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION.**

When considering repetition of plans refer to Exhibit “3.4” attached to these Design Guidelines.

**3.5 Plan Width**

Overall residential dwelling plan width may not be less than fifteen feet (15’) of the Lot width. Lots one hundred feet (100’) width or larger will be no less than twenty-five feet (25’) of the Lot width. Refer to Exhibit “3.5” attached to these Design Guidelines.

**3.6 Exterior Materials**

As used herein, the term “masonry” includes brick, rock, cultured stone, real stucco (wire mesh, cement, lime based) or equal materials. Applications of stucco finish may not exceed twenty percent (20%) of masonry requirement. A combination of masonry materials is encouraged. Brick is required to be fired clay brick. Concrete brick for use on a residential dwelling is expressly prohibited. The Committee will determine at the time of plot plan approval the masonry requirements for Lots. Review Section 1.2 (E) Submittal Process.

Each residential dwelling and detached garage must be clad in a minimum of sixty percent (60%) masonry (excluding eaves and fascia); this requirement is applicable to both one (1) story and two (2) story residential dwellings.

Masonry lap siding or lap siding treated engineered siding or a cementitious material (equal to Hardi-Plank or Smartsystem by LP) is a permitted exterior material; however, such siding is not considered to be masonry and will not be included in the determination of compliance with the minimum masonry percentage. Board and Batten siding, metal, reflective aluminum and vinyl siding are prohibited. Hardi-Board is prohibited. Material changes may not occur at a front outside corner of the front elevation of a residential dwelling. The technique of "shirt fronting" of masonry veneer is prohibited. Materials must wrap a minimum of two feet (2') around the side elevation. Percentages are net material /cladding and do not include openings.

1. Masonry requirements for residential dwellings on Lots backing or siding the entrance to a Section, Primary Entrance Access Roads in a Section, or to any entry monument (corner lots or entry reserves), Reserve Lots (not entry reserves), Lake Lots, and Green Belt Lots may not be less than the following:

(a) one (1) story: seventy-two percent (72%) masonry on the front elevation, one hundred percent (100%) masonry on both side elevations and the rear elevation (excluding eaves and fascia).

(b) two (2) story: seventy-two percent (72%) masonry on front elevation, one hundred percent (100%) masonry on all elevations on the first floor (excluding eaves and fascia).

Minimum percentages are listed in the Exterior Materials Table on Exhibit "3.6" attached to these Design Guidelines.

Exposed metals must be anodized aluminum, bronze, copper, or painted galvanized steel. Copper, wrought iron, and steel ornamentation for decorative accent may be allowed only with the written approval of the Committee.

### **3.7 Masonry Color Repetition**

High contrast trim or material variations should be avoided in favor of variations that are chosen to blend all elements into a single concept. A wide diversity of material types and colors is discouraged in favor of a more continuous theme creating a continuity of materials throughout the community.



When considering repetition of masonry types and colors, one (1) Lot skip is required in order to use the same masonry color on either side of the street.

### **3.8 Paint Colors**

Colors will follow minimum masonry color skip rule. Neutral earth tones or forest tones are preferred. The exterior color must also be an acceptable shade of color. Bright, primary, brilliant, pastel, iridescent colors or tones considered by the Committee to be brilliant are not permitted.

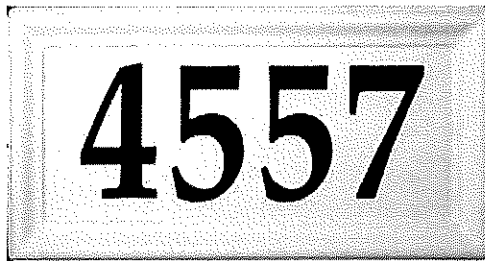
Soffit, fascia board, window and door trim and rain gutters must also be an earth tone or forest tone color; however, the shades of trim color may be deeper than the principal color of the residential dwelling. Extreme color differences or use of more than two (2) colors on a residential dwelling should be avoided.

The color scheme on the exterior of a residential dwelling may not be the same as the color scheme of a residential dwelling on an adjacent Lot or on a Lot across the street.

Unless otherwise approved in writing by the Committee, a paint color used on the exterior of a residential dwelling may not be the same as a paint color used on the exterior of a residential dwelling on an adjacent Lot or on a Lot across the street. Light, non-descript colors are less obvious adjacent to one another whereas darker colors may be obvious and disapproved for repetition on adjacent Lots.

### **3.9 Address Markers**

Typical community Precast Stone required in location easily visible for emergency personnel to view from street (see diagram below).



### **3.10 Windows**

Metal or vinyl-clad, double paned windows or higher quality must be used. Metal window finishes must complement the architectural style and color of the residential dwelling. Bronze, white, black, and taupe are acceptable. Clear anodized aluminum is prohibited. Bathroom windows facing streets or within

public view or an adjacent Lot must have privacy glass block, frosted, tinted or similar privacy window treatment. Tinting is encouraged for energy conservation purposes. Bronze, reflective glass or mirrored glazing is prohibited. Burglar or security bars on windows or doors and awnings are likewise prohibited. Window HVAC equipment is prohibited.

### **3.11 Garage Doors**

The dominant visual impact of garage doors should be carefully addressed in a variety of ways. Treatment of detail on garage doors will be consistent with the overall character of the residential dwelling. The color of the garage door should match the color of siding or trim.

Sixteen foot (16') double doors, if used, must be a metal four-panel design. Particleboard doors are not permitted. Single garage doors are encouraged but not required. A column of at least twelve inches (12") between two (2) single garage doors is required.

All garages must be pre-wired for automatic garage door openers.

### **3.12 Roofs**

Roofs should be both practical and attractive. The Committee will determine at the time of plot plan approval the refinement for roofs.

The roofing materials on all residential dwellings, garages and other buildings in the community must be thirty (30) year architectural (dimensional) composition shingles with ten (10) year algae discoloration protection. Weathered Wood is the only shingle color allowed. Shingles are to be overlapped at valleys so that no valley flashing is exposed. Copper metal roofing is permitted as a limited accent.

Overhangs should be an integral part of the residential dwelling form and should not be thin planes extending past the mass of the residential dwelling.

Exposing the ends of rafters is prohibited. Minimum fascia width is six inches (6"). Eaves must be boxed in with horizontal soffit.

Minimum roof overhang is twelve inches (12") on exterior walls when the minimum 6:12 roof pitch is utilized. 6:12 minimum roof pitch for porches. When roof pitch increases, less roof overhang will be considered.

### **3.13 Roof Top Accessories**

The roof, as an expressive design element, should be kept as visually unobstructed as possible. As provided in the Declaration, only particular types and sizes of antennas and masts are permitted and each such antenna and mast is required to be located in the least visible location that allows reception of an acceptable quality signal.

Vent stacks and other necessary roof penetrations should be located out of view from the street in front of the Lot. Roof vents should be combined to reduce number of roof penetrations, when possible. All vent stacks and flashing must be painted to match the color of the shingles. Roof penetrations should be set no higher than the minimum height required by applicable zoning codes. Shingles are to be overlapped at valleys so that no valley flashing is exposed.

**Rooftop HVAC equipment is prohibited.**

Skylights, if any, must be installed on the rear portion of the roof of the residential dwelling, not visible from the street in front of the Lot, unless otherwise approved in writing by the Committee. Skylights proposed on the front or side roofing are not recommended and are, therefore, discouraged.

### **3.14 Solar Energy Devices**

Section 202.010 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts an Owner from installing a solar energy device except as otherwise provided therein. As used in Section 202.010 of the Texas Property Code, "solar energy device" has the meaning assigned by Section 171.107 of the Tax Code, which defines the term as "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 power". The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power. The following provisions are applicable to solar energy devices in Balmoral:

Committee Approval:

- (i) Committee Approval. The installation of a solar energy device requires the prior written approval of the Committee. Provided that, the Committee may not withhold approval if the provisions of this Section 3.12 are met or exceeded, unless the Committee determines in writing that placement of the device as proposed constitutes

a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the device by all Owners of Lots adjoining the Lot in question constitutes prima facie evidence that substantial interference does not exist.

- (ii) Location. A solar energy device is not permitted anywhere on a Lot except on the roof of the residential dwelling or other permitted structure on the Lot or in a fenced yard or patio within the Lot.
- (iii) Devices Mounted on a Roof. A solar energy device mounted on the roof of the residential dwelling or other permitted structure on a Lot:
  - (1) may not extend higher than or beyond the roofline;
  - (2) must conform to the slope of the roof and have a top edge that is parallel to the roofline;
  - (3) must have frames, support brackets and/or visible piping or wiring that are silver, bronze or black tone, as commonly available in the marketplace; and
  - (4) must be located on the roof as designated by the Committee unless an alternate location increases the estimated annual energy production of the device by more than ten percent (10%) above the energy production of the device if located in the area designated by the Committee. For determining estimated annual energy production, the parties must use a publicly available modeling tool provided by the National Renewable Energy Laboratory.
- (iv) Visibility. A solar energy device located within a fenced yard or patio may not be taller than eight (8) feet.
- (v) Warranties. A solar energy device may not be installed on a Lot in a manner that voids material warranties.
- (vi) Limitations. A solar energy device is not permitted on a Lot if, as adjudicated by a court, it threatens the public health or safety or violates a law.

### **3.15 Rain Gutter Drains**

Although rain gutters are not required, roof design or the use of diverters should be used to keep dripping water off of patios, balconies, stairs, doorways, etc. Positive drainage away from the residential dwelling will be provided for rainfall, irrigation, air conditioner condensate and all other types of water runoff. Down spouts on front of the residential dwelling must be located to provide a clean, unobtrusive appearance.

Roof drainage that creates erosion or run across pedestrian walks and paths is prohibited.

Gutters and downspouts must be integrated with architectural design in color, shape, and location. Gutters and downspouts must be painted the same color as trim.

### **3.16 Rain Barrels and Rain Harvesting Systems**

Section 202.007 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts an Owner from installing rain barrels or a rain harvesting system on the Owner's Lot. However, Section 202.007 of the Texas Property Code further provides that a property owners' association is not required to permit a rain barrel or rainwater harvesting system to be installed on a lot in particular circumstances or restricted from regulating rain barrels and rain harvesting devices in specified manners. The following provisions are applicable to rain barrels and rain harvesting systems in Balmoral:

- (a) Location. A rain barrel or rain harvesting system is not permitted on a Lot between the front of the residential dwelling on the Lot and an adjacent street.
- (b) Color and Display. A rain barrel or rain harvesting system is not permitted:
  - (i) unless the color of the rain barrel or rain harvesting system is consistent with the color scheme of the residential dwelling on the Owner's Lot; or

- (ii) if the rain barrel or rain harvesting system displays any language or other content that is not typically displayed by the rain barrel or rain harvesting system as it is manufactured.
- (c) Regulations if Visible. If a rain barrel or rain harvesting system is located on the side of the residential dwelling on the Lot or at any other location on the Lot that is visible from a street, another Lot, or Common Area, the rain barrel or rain harvesting system must comply with the following regulations:
- (i) Rain Barrel:
    - (1) Size: A maximum height of forty-two (42) inches and a maximum capacity of fifty (50) gallons.
    - (2) Type: A rain barrel that has the appearance of an authentic barrel and is either entirely round or has a flat back to fit flush against a wall of the residential dwelling. A rain barrel must have a manufactured top or cap to prevent or deter the breeding of mosquitoes.
    - (3) Materials: Wood, metal, polyethylene or plastic resin designed to look like an authentic barrel in brown or other neutral earth tone color.
    - (4) Screening: The rain barrel must be screened with evergreen landscaping to minimize its visibility from a street, another Lot, and Common Area, unless otherwise approved in writing by the Committee.
    - (5) Downspout: The downspout which provides water to the rain barrel must be the same color and material as the gutters on the residential dwelling. Further, the downspout must be vertical and attached to the wall against which the rain barrel is located.
  - (ii) Rain Harvesting System: A rain harvesting system must collect and store the water underground. The

portion of a rain harvesting system that is above-ground must appear to be a landscape or water feature. The above-ground portion of the rain harvesting system may not extend above the surface of the ground by more than thirty-six (36) inches. The above-ground portion of the rain harvesting system must be screened with evergreen landscaping to minimize visibility from a street, another Lot, and Common Area, unless otherwise approved in writing by the Committee.

Provided that, the regulations in this Section 3.16 are applicable only to the extent that they do not prohibit the economic installation of the rain barrel or rain harvesting system on the Lot and there is a reasonably sufficient area on the Lot in which to install the rain barrel or rain harvesting system.

### **3.17 Standby Electric Generators.**

- (a) Definition. A Standby Electric Generator is a device that converts mechanical energy to electrical energy and is:
- (i) powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
  - (ii) fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
  - (iii) connected to the main electrical panel of the residential dwelling by a manual or automatic transfer switch; and
  - (iv) rated for generating capacity of not less than seven (7) kilowatts.
- (b) Committee Approval. The Declaration requires an Owner to submit an application for a proposed exterior improvement on the Owner's Lot and obtain the written approval of the application from the Committee prior to installation or construction. Accordingly, a Standby Electric Generator may not be installed on a Lot unless an application therefor is first submitted to and approved in writing by the Committee as to compliance with these Design Guidelines. The submission of plans must include a completed application for Committee review, a site plan showing the proposed location of the Standby Electric Generator, the type of screening to be used (if required as provided below), and a copy of the manufacturer's brochures. The Committee may not withhold approval of

a Standby Electric Generator if the proposed installation meets or exceeds the provisions set forth below, and, if visible as provided below, the Standby Electric Generator is screened in the manner required by the Committee.

- (c) Requirements. The installation and operation of a permanent Standby Electric Generator on a Lot is permitted, subject to the prior written approval of the Committee and compliance with the following requirements:
- (i) a Standby Electric Generator must be installed and maintained in compliance with the manufacturer's specifications and applicable governmental health, safety, electrical, and building codes;
  - (ii) all electrical, plumbing, and fuel line connections for a Standby Electric Generator must be installed by a licensed contractor;
  - (iii) all electrical connections for a Standby Electric Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
  - (iv) all natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for a Standby Electric Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
  - (v) all liquefied petroleum gas fuel line connections for a Standby Electric Generator must be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes;
  - (vi) a non-integral Standby Electric Generator fuel tank must be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes;
  - (vii) a Standby Electric Generator and all electrical lines and fuel lines relating to the Standby Electric Generator must be maintained in good condition;



- (viii) a deteriorated or unsafe component of a Standby Electric Generator, including electrical or fuel lines, must be repaired, replaced, or removed;
- (ix) periodic testing of a Standby Electric Generator must be in accordance with the manufacturer's recommendations, and may occur not more than once a week, on any day other than a Sunday, between the hours of 10:00 a.m. and 4:00 p.m.; and
- (x) the preferred location of a Standby Electric Generator is:
  - (1) at the side or rear plane of the residential dwelling;
  - (2) outside (not within) any easement applicable to the Lot;
  - (3) outside (not within) the side setback lines applicable to the Lot.

However, in the event the preferred location either (i) increases the cost of installing the Standby Electric Generator by more than ten percent (10%) or (ii) increases the cost of installing and connecting the electrical and fuel lines for the Standby Electric Generator by more than twenty percent (20%), the Standby Electric Generator may be located on the Lot in a position that complies as closely as possible with the preferred location without violating either (i) or (ii) herein.

- (d) Screening. If a Standby Electric Generator is:
  - (i) visible from the street in front of the residential dwelling on the Lot on which it is located,
  - (ii) located in an unfenced side or rear yard of the Lot and is visible either from an adjoining Lot or from adjoining property owned by the Association, or
  - (iii) located in a side or rear yard of the Lot that is fenced by a wrought iron fence or residential aluminum fence and is visible through the fence either from an adjoining Lot or from adjoining property owned by the Association,

the Owner will be required to completely screen the Standby Electric Generator by evergreen landscaping or in another reasonable manner, as determined by the Committee.

- (e) Non-Payment for Utility Service. A Standby Electric Generator may not be used to generate all or substantially all of the electrical power to a residential dwelling, except when utility-generated electrical power to the residential dwelling is not available or is intermittent due to causes other than non-payment for utility service to the residential dwelling.
- (f) Property Owned by the Association. No Owner may install or place a Standby Electric Generator on property owned or maintained by the Association.
- (g) Non-Compliance. The installation of a Standby Electric Generator that is not in compliance with the provisions of these Design Guidelines will be considered a violation of the dedicatory instruments governing Balmoral.
- (h) Property Owned or Maintained by the Association. The provisions in this section do not apply to property that is owned or maintained by the Association.

### **3.18 Exterior Lighting**

Exterior lighting must be installed in a manner that will not cause unnecessary light spill distraction, nuisance or unsightliness.

Exterior residential lighting should convey an inviting atmosphere and aid in providing nighttime illumination of the property without annoying others. Selection and placement of fixtures, and selection of light source types should be done with care. Exterior illumination of architectural features such as columns, entries, chimneys and landscape features are encouraged.

Lights should be directed to illuminate residential dwelling number graphics. Ground lighting or decorative light fixtures are permitted. Decorative fixtures should be of high quality materials and workmanship and should be in scale and style with the residential dwelling. High-pressure sodium vapor lights, except for subdivision streetlights, are prohibited. Mercury vapor lights that are visible from adjacent Lots, streets or Common Areas are prohibited. Mercury vapor lights, when used for special landscape lighting affect (hung in trees as up and down lights) are permissible with the prior written approval of the Committee.

Colored lenses on low voltage lights, colored light bulbs, fluorescent and neon lighting are prohibited. Incandescent, low voltage incandescent, screw-in fluorescent, metal halide, quartz and natural gas lights are permitted.

### **3.19 Mechanical Equipment Screening**

If a utility transformer or pedestal is located in the front yard of a Lot and/or in the side yard of a corner Lot adjacent to the side street, evergreen landscaping is required to screen the transformers or pedestal from view from the streets. Transformers and pedestals must be screened on three (3) sides – in front to screen each transformer or pedestal from view from a street adjacent to the Lot and on both sides. The plant materials must be evergreen and be large enough at the time the landscaping is installed to fully screen the transformers and pedestals from view.

Screening with plants is to be accomplished with initial installation, not assumed growth at maturity. Shrubs or vines must be placed in front of screens. Hedges may be used for screens if plants are mature enough and spaced close enough to provide adequate screening at the time of planting. Staggered spacing of shrubs for hedges makes a good screen.

All mechanical, meters, air conditioning units, pool equipment, and other similar devices are required to be placed away from view of streets, Reserves, Common Areas, Lakes and adjacent Lots. The equipment must be placed behind the fence or wall of rear and side yards. If the fence is an ornamental fence, evergreen plantings must also be used to screen from view by either fences, walls, plantings, or a combination thereof.

On interior Lots where a residential dwelling has a detached garage, the driveway and detached garage must be placed on the opposite side of the gas and electric service so these services can be properly screened from public view.

On corner Lots, air conditioners, pool pumps, etc., must be placed in the rear yard or the interior side of the Lot.

In absence of complete yard fencing, meters, air conditioner, pool pumps, etc. must be screened from view with approved landscaping and wood fence. Where possible, design plans with niches or offsets to tuck in mechanical equipment is

suggested. Extreme care should be taken in the location of the condensers to avoid noise infiltration of adjoining bedrooms and other "quiet" zones.

### **3.20 Flag Poles**

Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits, restricts, or has the effect of prohibiting or restricting a flag of the United States of America, the flag of the State of Texas, or an official or replica flag of any branch of the United States armed forces, except as otherwise provided therein.

- (a) The following provisions are applicable to flagpoles and the three (3) types of flags listed in Section 202.011 of the Texas Property Code:
  - (i) Committee Approval. Proposed flagpoles, flagpole stands and/or footings and illumination must be approved in writing by the Committee. The Association may require an Owner to remove flagpoles, flagpole footings, or flags that do not comply with this Section 3.20.
  - (ii) Flag of the United States. The flag of the United States must be displayed in accordance with applicable provisions of 4 U.S.C. Sections 5-10, which address, among other things, the time and occasions for display, the position and manner of display, and respect for the flag.
  - (iii) Flag of the State of Texas. The flag of the State of Texas must be displayed in accordance with applicable provisions of Chapter 3100 of the Texas Government Code, which address, among other things, the orientation of the flag on a flagpole or flagstaff, the display of the flag with the flag of the United States, and the display of the flag outdoors.
  - (iv) Flag of a Branch of the United States Armed Forces. An official or replica flag of any branch of the United States Armed Forces.

- (b) Flagpoles.
  - (i) Not more than one (1) freestanding flagpole or flagpole attached to the residential dwelling or garage (on a permanent or temporary basis) is permitted on a Lot.
  - (ii) A freestanding flagpole may not exceed five (5) feet diameter, twenty (20) feet in height, measured from the ground to the highest point of the flagpole.
  - (iii) A flagpole attached to the residential dwelling or garage may not exceed six (6) feet in length.
  - (iv) A flagpole, whether freestanding or attached to the residential dwelling or garage, must be constructed of permanent, long-lasting materials with a finish appropriate to materials used in the construction of the flagpole and harmonious with the residential dwelling on the Lot on which it is located.
  - (v) A flagpole may not be located in an easement or encroach into an easement.
  - (vi) A freestanding flagpole may not be located nearer to a property line of the Lot than the applicable setbacks shown on the recorded Plat or set forth in the Declaration. Provided a freestanding flagpole may be located up to ten feet (10') in front of the front building setback line for a Lot, if any above-ground stands and/or footings are approved in accordance with this section.
  - (vii) A flagpole must be maintained in good condition; a deteriorated or structurally unsafe flagpole must be repaired, replaced or removed.
  - (viii) An Owner is prohibited from locating a flagpole on property owned or maintained by the Association.

- (xiv) A freestanding flagpole must be installed in accordance with the manufacturer's guidelines and specifications.
  - (x) If the footing and/or stand for a freestanding flagpole extends above the surface of the ground, the Board may require the installation of landscaping to screen the stand and/or footing from view.
- (c) Flags.
- (i) Only the three (3) types of flags addressed in this section may be displayed on a freestanding flagpole. Other types of flags may be displayed on a wall-mounted flagpole as otherwise provided in architectural guidelines adopted by the Committee or as otherwise permitted by the Association.
  - (ii) Not more than two (2) of the permitted types of flags may be displayed on a flagpole at any given time.
  - (iii) The maximum dimensions of a displayed flag on a freestanding flagpole that is less than fifteen (15) feet in height or on a flagpole attached to the residential dwelling or garage is three (3) feet by five (5) feet.
  - (iv) The maximum dimensions of a displayed flag on a freestanding flagpole that is fifteen (15) feet in height or greater is four (4) feet by six (6) feet.
  - (v) A displayed flag must be maintained in good condition; a deteriorated flag must be replaced or removed.
  - (vi) A flag must be displayed on a flagpole. A flag may not be attached to the wall of the residential dwelling or other structure on a Lot or a tree, or be displayed in a window of the residential dwelling or other structure on a Lot.

### **3.21 Religious Items**

Section 202.018 of the Texas Property Code provides that a property owners' association may not enforce or adopt a restrictive covenant that prohibits an Owner or resident from displaying or affixing on the entry to the Owner's or resident's residential dwelling one or more religious items, the display of which is motivated by the Owner's or resident's sincere religious belief, except as otherwise provided therein. Section 202.001(4) of the Texas Property Code defines "restrictive covenant" to mean any covenant, condition, or restriction contained in a dedicatory instrument. The following provisions are applicable to the display of religious items in Balmoral:

- (a) **Committee Approval.** As authorized by the Declaration and, therefore, allowed by Section 202.018(c) of the Texas Property Code, any alteration to the entry door or door frame must first be approved in writing by the Committee.
- (b) **Location.** Except as otherwise provided in this section, a religious item is not permitted anywhere on a Lot except on the entry door or door frame of the residential dwelling. A religious item may not extend past the outer edge of the door frame.
- (c) **Size.** The religious item(s), individually or in combination with each other religious item displayed or affixed on the entry door or door frame, may not have a total size of greater than twenty-five (25) square inches.
- (d) **Content.** A religious item may not contain language, graphics, or any display that is patently offensive to persons of ordinary sensibilities.
- (f) **Limitation.** A religious item may not be displayed or affixed on an entry door or door frame if it threatens the public health or safety or violates a law.
- (g) **Color of Entry Door and Door Frame.** An Owner or resident is not permitted to use a color for an entry door or door frame of the Owner's or resident's residential dwelling or change the color of an entry door or door frame that is not authorized by the Committee.

- (h) Other. Notwithstanding the above provisions: (i) the Committee has the authority to allow a religious statue, such as by way of example and not in limitation, a statue of St. Francis of Assisi or other religious item in a landscape bed or other portion of a Lot, and (ii) this section does not prohibit or apply to temporary seasonal decorations related to religious holidays.

## **IV. FENCING**

### **4.1 General**

Fences must be constructed of cedar wood, decorative steel or masonry. All cedar wood fences and gates visible to public must be stained with Sherwin Williams Superdeck solid color stain #3034 and maintained at all times by the Owner.

Some areas require a specific type of fence determined by fence location. To ensure compatibility of fence design, material, color and placement throughout the community, all fences must be approved by the Reviewer prior to installation. The material, design, and fence specifications will be promulgated by the Committee. Association Walls may be located on the Lot line or boundary of a Lot and Common Area, easement, or private or public street. Steel Fences on Lots visible from a street or reserve must transition Steel Fence to height of Association Wall masonry wall. Association Walls may not be altered, moved or destroyed without the express written consent of the Association.

Diagonal or horizontal fencing is prohibited. Plastic, aluminum and chain link fences are prohibited.

**All fences and gates on a Lot will pass with title to the Lot and it is the Owner's responsibility to maintain, repair and replace the fences and gates on the Lot.**

### **4.2 Typical Fence Setbacks**

- (a) Any typical Lot where the fence faces the street, the fence must setback ten feet (10') from the nearest front corner of the residential structure on the Lot.



- (b) Any typical corner Lot where the fence faces the street corner, the fence is encouraged to be placed on the side build line (leaving sufficient planting buffers).

Review typical lots on Exhibit “4.2” and “4.2.A” attached to these Design Guidelines.

### **4.3 Front Fence**

The fence on the Lot which touches or faces any street must be of the “*Upgraded Wood Fence*” type and must be “Good Side Out” with all pickets finished side out. A front fence setback ten feet (10') from closest front corner of the residential dwelling is required. Review Exhibit “4.3” attached to these Design Guidelines for “*Upgraded Wood Fence*” type.

### **4.4 Corner Lot Side Fence**

The fence on the Lot which touches or faces any street must be of the “*Upgraded Wood Fence*” type and must be “Good Side Out” with all pickets finished side out. A front fence on a corner Lot requires setback ten feet (10') from the closest front corner of the residential dwelling. Review Exhibit “4.3” attached to these Design Guidelines for “*Upgraded Wood Fence*” type.

- (a) If the residential dwelling on a corner lot is sitting on the property build line, end the fence at back of the nearest residential structure.
- (b) If the residential dwelling on a corner Lot is *not* sitting on the side build line adjacent to the side street, the street side fence should stop ten feet (10') from nearest front corner of the residential dwelling.

### **4.5 Interior Lot Side Fence**

An interior Lot side fence must be built on the property line. Fence must be of the “*Good-Neighbor Fence*” type fence with alternate eight-foot (8') panels of solid pickets and exposed rails to provide a uniform attractive fence to each abutting property. Review Exhibit “4.5” attached to these Design Guidelines for “*Good-Neighbor Fence*” type.

Any “*Good-Neighbor Fence*” connecting to “*Steel Ornamental Fence*” must transition to the height of the Steel Fence. Review the Exhibit “4.5.A” for an illustration of the required transition. Lake Lots require 100% “*Steel Ornamental Fence*” review Section 4.8.

## **4.6 Cul-de-sac Side Fence**

A side fence on a cul-de-sac Lot located at the end of cul-de-sac circle must be built on the property line. All Lots located at the end of cul-de-sac circle must be built to extend beyond the face of the dwelling, abutting to the front neighbor fence or built to extend to the front property line nearest front neighbors front property line. The fence must be of the “*Upgraded Wood Fence*” type must be “Good Side Out” with all pickets finished side out to the street causing the two adjoining Lot fences to close up the gap at the end of cul-de-sac street. When a cul-de-sac circle abuts to a Main Thoroughfare, Reserve, Green Belt, Lake or Common Area, the fence must be “Good Side Out” with all pickets finished side out to the Main Thoroughfare, Reserve, Green Belt, Lake or Common Area. Review Exhibit “4.3” attached to these Design Guidelines for “*Upgraded Wood Fence*” type and Exhibit “4.6” for typical cul-de-sac end Lots.

## **4.7 Reserve/Street Area Fences**

The fence on the Lot which touches or faces any street must be of the “*Upgraded Wood Fence*” type and all wood fences contiguous to Reserves (excluding Green Belts and Lakes) must be “Good Side Out” with all pickets finished side out. Review Exhibit “4.3” attached to these Design Guidelines for “*Upgraded Wood Fence*” type.

## **4.8 Lake/Green Belt and Common Area Fences**

The Lake or Green Belt fence must enclose the rear Lot yard and side Lot and be located on the property line. The entire Lot must have one hundred percent (100%) “*Steel Ornamental Fence*” type. No wood gates or fences are permitted on these type Lots. Materials will be Ameristar Montage Plus, Majestic Style, hot dip galvanized, 2-rail, flush bottom panel, black powder coat finish and four-foot, two-inches (4’2”) in height along the rear property line adjacent to Lake or Green Belt and extending along the adjacent side property lines, thirty feet (30’) from the rear property line graduating steel fence up to a maximum of six feet (6’) in height. Review Exhibits “4.8”, “4.8-A” and 4.8-B” attached to these Design Guidelines.

At other common area Lots, steel fencing must be Ameristar Majestic Style, Montage Plus, hot dip galvanized, 3-rail, with ball cap on the corners of Lot posts, black powder coat finish and six-foot (6’) in height. Review Exhibit “4.8” attached to these Design Guidelines.

## **4.9 Fences Connecting to Association Walls**

Steel fences of a Lot that connects to Association walls (masonry or wood fences) must transition to the height of the masonry Association wall. See Exhibit "4.9" for illustration of the required transition.

## **4.10 Detached Garage Breezeway Fences**

Breezeway fences are required between residential dwelling and detached garages. Breezeway fence materials may be wood, masonry, or ornamental steel. Fence must be set back at least one foot (1') from the nearest face of the property side detached garage. The Applicant must, at minimum, construct a four foot (4') tall good side out wood breezeway fence between the residential dwelling and detached garage. A breezeway fence made of brick, stone or ornamental steel fence between the residential dwelling and garage is encouraged. Fence color and finish must be harmonious to colors on the residential dwelling.

Cedar Wood Breezeway:

- Four foot (4') or six foot (6') high.
- Good Side Out real cedar wood must be stained with Sherwin Williams Deckscape Cedar Solid #3034.
- Wood Breezeway gates may have Sherwin Williams Superdeck solid color stain #3034 (also known as Sherwin Williams Deckscape Cedar Solid #3034) stained wood, black colored steel, or black colored wrought iron.

Masonry Breezeway:

- Four foot (4') high.
- Masonry color to match the brick on the residential dwelling.
- Masonry Breezeway gates must have black colored steel or black colored wrought iron..
- Masonry fences must be constructed so that site drainage is unobstructed.

Steel or wrought iron Breezeway:

- Four foot (4') or six foot (6') high
- Steel or wrought iron breezeway gates must be a black colored steel or black colored wrought iron.

## **4.11 Fence Gate & Driveway Gate**

Perimeter Lot fence gate, at rear or side, is generally prohibited. However, these can be considered on a case by case basis with complete plan submittal. Plans

must clearly indicate all Lot improvements, easements, setbacks, and right-of-ways presented to the Committee for review.

Front yard (street view) fence gate required. Review illustration in Exhibit “4.11” attached to these Design Guidelines.

A driveway front fence gate will be ten feet (10’) back from the closest front corner of residential dwelling on Lot. It must be black color steel with steel posts. A wood driveway gate or steel panel driveway gate is prohibited. Review illustration in Exhibit “4.11.A” attached to these Design Guidelines.

## **V. LANDSCAPE GUIDELINES**

### **5.1 Residential Landscaping**

The general intent of the landscape guidelines is to provide requirements as a framework for site improvements through landscape plantings. The object is to create an orderly planned landscape utilizing the minimum standards set in these Design Guidelines.

The plant materials listed in the Preferred Plant List set forth in Section 5.6 of these Design Guidelines are permitted within Balmoral. These plant materials have been chosen for their natural or adaptable qualities and their function in the landscape.

**Prior to planting in the yard of a Lot, the Builder or Owner is required to contact all utility providers to obtain information concerning the location of the underground utility lines to avoid injury and/or damage to an underground utility line.**

As used herein, “*Front yard of an interior Lot*” means the area between each side Lot line at the front of the residential dwelling and includes the area from front street curb extending to the residential fence facing the front street.

As used herein, “*Side yard of an interior Lot*” means the area between side Lot line and side of the residential dwelling; to include the area from rear Lot line extending to the residential fence facing the front street.

As used herein, "*Front yard of a corner Lot*" means the area between each side Lot line at the front of the residential dwelling and includes the area from front street curb extending to the front most dominant corner of the residential dwelling (excluding small projected porches and overhangs).

As used herein, "*Side yard of a corner Lot (street side)*" means the area between side Lot line and side of the residential dwelling; to include the area from rear Lot line extending to the front build line setback.

*As used herein, "Area along the street" means the area that runs between the curb and the right-of-way (R.O.W.) of a particular Lot. On streets with a fifty foot (50') width, the distance between the curb and the sidewalk must be five feet (5'). On streets with a sixty foot (60') width the distance between the curb and the sidewalk must be six feet (6'). All plantings must be planted with the appropriate topsoil, additives and fertilizer mixtures. The use of on-site soil only is not permitted. Bare ground is prohibited. Weed barrier fabric underlayment is encouraged. All planting beds must be mulched with two inch (2") deep natural color shredded hardwood mulch. Painted or dyed hardwood mulch is prohibited (i.e., black or red mulch).*

Gravel and rock may be used at the drip line of a residential dwelling, but is not permitted for use or substitution for shrubs, ground cover, mulch, or grass lawns. Specimen boulders are permitted upon written approval of Reviewer.

Large trees and shrubs may not be planted closer to the foundation of the residential dwelling than three (3) times the diameter of the root ball of the installed plant. Mature ultimate size of the plant should be considered when designing the planting plan.

The front yard of a Lot must be fully sodded upon completion of the residential dwelling with St. Augustine "Raleigh" solid sod. The rear yard of a Lot must also be fully sodded upon completion of the residential dwelling if the rear yard is visible from a Common Area or Lake. In all other instances, fully sodding the rear yard is strongly encouraged. However, sprigging of rear yards not visible from a Common Area or Lake is permissible. It is recommended that all yards be fully irrigated. All grass must be St. Augustine "Raleigh" solid sod or Common Bermuda sod. Lawns may be "overseeded" with rye grass (maintained to 2 - 1/2" height) during October 15 and April 15.

## **5.2 Minimum Landscape Requirements**

All yards must be landscaped with the minimum required combination of trees as set forth in these Design Guidelines. Listed below in the Preferred Plant List are minimum required combination of shrubs, ground covers and grass. When plantings are removed for any reason, the Owner must also remove the stump, and fill any resulting hole with appropriate landscape. All Lots must screen mechanical equipment from street and common views with evergreen species. Topiaries require the prior written approval of the Committee.

The landscaping requirements set forth must be properly maintained at all times on each Lot and replaced as necessary upon death or disease to the specifications set forth in these Design Guidelines. Typical Landscape Minimum Requirements must comply with these Design Guidelines. Review attached Exhibit "5" and Typical Lot Exhibits 1.2", "1.2.A", and "1.2.B" for landscape submittals.

**Notice: Easements for utilities will be located on each Lot. Prior to planting, the Builder or Owner is required to contact all utility providers to obtain information concerning the location of the underground utility lines to avoid injury and/or damage to an underground utility line.**

## **5.3 Planting Beds**

Width of planting beds must be at least six-feet (6') from the residential dwelling. Widths should vary and size of plantings at full maturity should be taken in consideration. A single row of planting along the foundation is discouraged.

Planting shrubs along the foundation in straight lines at a constant distance from the foundation is discouraged. All Lake Lots must screen the rear foundation of residential dwelling with evergreen shrub species. Smaller shrubs and ground cover must be placed in the front of the bed. Larger shrubs must be placed in the rear of the bed. Groupings of shrubs of the same species provide a substantial look.

Planting bed edging is not required, but is encouraged for maintenance purposes and to define the shape of planting beds. Edging that will be conducive to easy maintenance with line trimmers or powered edges should be considered. Planting beds will be curvilinear with the shrubs massed in tiers.

Railroad ties, landscape timbers, scalloped concrete borders, plastic edging, brick/masonry, etc., are not permitted. Edging will not compete with the visual quality of planting beds, but must enhance its appearance.

## **5.4 Irrigation**

Although irrigation is not required, all proposed irrigation systems should provide proper amounts of water to landscaping within the entire yard. Applicant should instruct the Owner in the operation of the system so as to not over or under water the landscaping or allow excessive run off.

Sprinkler heads must be located to effectively water area intended with minimum overthrow onto pavement, walks, neighbor fencing, etc. No irrigation heads will be allowed to spray into the street and to effect one hundred percent (100%) overlap ensuring effective and even coverage. Systems must have a rain sensor over-ride switch. Irrigation controllers must be located inside the garage. If a sprinkler system is installed it is recommended that one zone be dedicated to the area around the perimeter of the slab.

## **5.5 Landscape Water Features**

Water features such as ponds, cascade features, fountains, water gardens will be considered by the Committee on a case by case basis. Water features submittals must clearly note all property lines, build lines and easements for the Lot.

## **5.6 Preferred Plant List**

The plants listed in this section are the permitted plant materials for Balmoral. Other plant material may be used, but only with the prior written approval of the Reviewer. Aggressive invasive plantings are not permitted. The use of Golden Euonymus, Russian Olive, and Red Tip Photinia is discouraged because of growth characteristics and susceptibility to disease. Arborvitae, yucca, cactus, bamboo and junipers (other than columnar and ground cover varieties) are not in character with the plant palette and are prohibited. Consider planting size at maturity when spacing. The plants listed below are the permitted plant materials for Balmoral.

### **Trees:**

Nellie R. Stevens Holly	(Ilex x attenuata "Nellie R. Stevens")
Savannah Holly	(Ilex attenuata 'Savannah')
Southern Magnolia	(Magnolia grandiflora)
Water Oak	(Quercus nigra)
Willow Oak	(Quercus phellos)
Texas Oak	(Quercus texana)
Live Oak	(Quercus virginiana)
Lacebark Elm	(Ulmus parvifolia)

Drummond Red Maple	( <i>Acer rubric</i> var. <i>drummondii</i> )
Loblolly Pine	( <i>Pinus taeda</i> L.)
Slash Pine	( <i>Pinus elliottii</i> Engelm.)

**Small & Ornamental Trees:**

Foster Holly	( <i>Ilex x attenuata</i> ‘Fosterie’)
Yaupon Holly	( <i>Ilex vomitoria</i> )
Crape Myrtle	( <i>Lagerstroemia indica</i> )
Treeform	(multi-trunk)
Little Gem Magnolia	( <i>Magnolia grandiflora</i> ‘Little Gem’)
Tree Wax Myrtle	( <i>Myrica cerifera</i> )
Mexican Plum	( <i>Prunus mexicana</i> )
Texas Mountain Laurel	( <i>Sophora secundiflora</i> )
Italian Cypress	( <i>Cupressus sempervirens</i> )
Vitex	( <i>Vitex agnus-castus</i> )
Sago Palm	( <i>Cycas revolute</i> )
Sabal Palm	( <i>sabal Texana</i> )

**Trees Permitted Only in the Rear Yard of a Lot:**

Pindo Palm	( <i>Butia capitata</i> )
Fruit Tree	(Fruit Tree spp.)
Chinese Fan Palm	( <i>Livistona chinensis</i> )
Date Palm	( <i>Phoenix</i> spp.)
Florida Sabal Palm	( <i>Sabal palmetto</i> )
Texas Sabal Palm	( <i>Sabal texana</i> )
Windmill Palm	( <i>Trachycarpus fortune</i> )
Vitex or Chase Tree	( <i>Vitex agnus-castus</i> )
California Fan Palm	( <i>Washingtonia filifera</i> )
Mexican Fan Palm	( <i>Washingtonia robusta</i> )

**Shrubs:**

Azalia	( <i>Azalea indica</i> var.)
Azurri Satin Rose-of-Sharon	( <i>Hibiscus syriacus</i> ‘DVPazurri’)
Bouganvillea	( <i>Bouganvillea</i> ‘Barbara Karst’)
Bridal Wreath Spirea	( <i>Spirea prunifolia</i> )
Chinese Holly	( <i>Ilex cornuta</i> ‘Rotunda’)
Coppertone Loquat	( <i>Eryobotrya japonica</i> )
Coralbean	( <i>Erythrina herbacea</i> )
Dwarf Bottlebrush	( <i>Callistemon citrinus</i> , ‘Austraflora’, ‘Firebrand’, ‘Little John’, and ‘Splendens’)
Dwarf Burford Holly	( <i>Ilex cornuta</i> ‘Burfordii compacta’)



Dwarf Crape Myrtle	( <i>Lagerstroemia indica</i> 'Nana')
Dwarf Gardenia	( <i>Gardenia jasminoides</i> )
Dwarf Oleander	( <i>Nerium oleander</i> 'Petite Pink'/ 'Little Red')
Dwarf Wax Myrtle	( <i>Myrica pusilla</i> )
Dwarf Yaupon	( <i>Ilex vomitoria</i> var.)
Feijoa – Pineapple Guava	( <i>Feijoa sellowiana</i> )
Flame Acanthus	( <i>Anisacanthus wrightii</i> )
Fringe Flower Razzleberri	( <i>Loropetalum chinense</i> 'Monraz')
Glossy Abelia	( <i>Abelia grandiflora</i> )
Green Velvet Boxwood	( <i>Buxus sinica</i> var. <i>Insularis</i> x <i>B. Sempervirens</i> )
Indian Hawthorn	( <i>Raphiolepis indica</i> 'Clara')
Japanese Boxwood	( <i>Buxus microphylla</i> )
Japanese Cleypora	( <i>Ternstroemia gymnathera</i> )
Korean Boxwood	( <i>Buxus sinica</i> var. <i>insularis</i> )
Nandina	( <i>Nandina domestica</i> 'compacta')
Oleander	( <i>Nerium oleander</i> )
Pittosporum	( <i>Pittosporum tobira</i> )
Rosemary	( <i>Rosmarinus officinalis</i> )
Rose-of-Sharon	( <i>Hibiscus syriacus</i> )
Sago Palm	( <i>Cycas revolute</i> )
Sasanqua Camellia	( <i>Camellia sasanqua</i> )
'Schilling's Dwarf' Holly	( <i>Ilex vomitoria</i> )
Summer Hydrangea	( <i>Hydrangea macrophylla</i> )
Sweetshrub	( <i>Calycanthus floridus</i> )
Sweet Viburnum	( <i>Viburnum</i> spp.)
Texas Sage, Ceniza	( <i>Leucophyllum</i> spp.)

### **Ornamental Grasses and Accent Plants:**

Black Mondo Grass	( <i>Ophiopogon planiscapus</i> <i>Nigrescens</i> )
Butterfly Iris	( <i>Diets iridioides</i> )
Dwarf Maiden Grass	( <i>Miscanthus sinensis</i> 'Morning Light')
Dwarf Pampas Grass	( <i>Cortaderia selloana</i> 'Pumila')
Firebush	( <i>Hamelia patens</i> )
Foxtail Fern	( <i>Asparagus meyeri</i> )
Hinkley's Columbine	( <i>Aquilegia hinkleyana</i> )
Lemongrass	( <i>Cymbopogon citratus</i> )
Lily of the Nile	( <i>Agapanthus orientalis</i> )
Louisiana Iris	( <i>Iris louisiana</i> )
Maiden Grass	( <i>Miscanthus sinensis</i> var.)
Milk and Wine Lily	( <i>Crinum</i> hybrids)
<i>Miscanthus</i> 'adagio'	(Gramineae)

Monkey Grass	( <i>Ophiopogon japonica</i> )
Muhly Grass	( <i>Meuhlenbergia lindheimeri</i> var.)
Plumbago	( <i>Plumbago auriculata</i> )
Society Garlic	( <i>Tulbaghia violacea</i> )
White Fountain Grass	( <i>Pennisetum setaceum</i> 'Alba')
Yarrow	( <i>Achillea millefolium</i> )

**Groundcovers & Vines:**

Algerian Ivy	( <i>Hedera canariensis</i> )
Asian Jasmine	( <i>Trachelospermum asiaticum</i> )
Big Blue Liriope	( <i>Liriope muscari</i> )
Carolina Jessmine	(Carolina Jessamine)
Confederate Jasmine	( <i>Tracholospormum jasminoides</i> var.)
Coral Honeysuckle	( <i>Lonicera sempervirens</i> )
Daylily	( <i>Hemerocallis</i> 'Evergreen Yellow Supreme')
Evergreen Wisteria	( <i>Millettia reticulata</i> )
Fig Ivy, Creeping Fig	( <i>Ficus pumila</i> )
Giant Liriope	( <i>Ophiopogon jaburan</i> )
Katie Ruellia	( <i>Ruellia brittonia</i> 'Katy')
Lantana	( <i>Lantana sellowiana, montevidensis, camara</i> )
Lily Turf Liriope	( <i>Liriope spicata</i> L. <i>muscari</i> )
Purpleleaf Honeysuckle	( <i>Lonicera japonica</i> )
Trumpet Vine	( <i>Campsis radicans</i> )
Variegated Liriope	( <i>Liriope muscari</i> <i>variegata</i> )
Verbena (Blue Princess)	( <i>Verbena x hybrida</i> 'Blue Princess')

**Turf:**

Grass will be St. Augustine "Raleigh" solid sod on all front yards. Other areas may utilize St. Augustine "Raleigh" solid sod or Common Bermuda sod. Overseeding with annual Ryegrass is encouraged if installed between October 15 and April 15.

**24 EXHIBITS ATTACHED:**

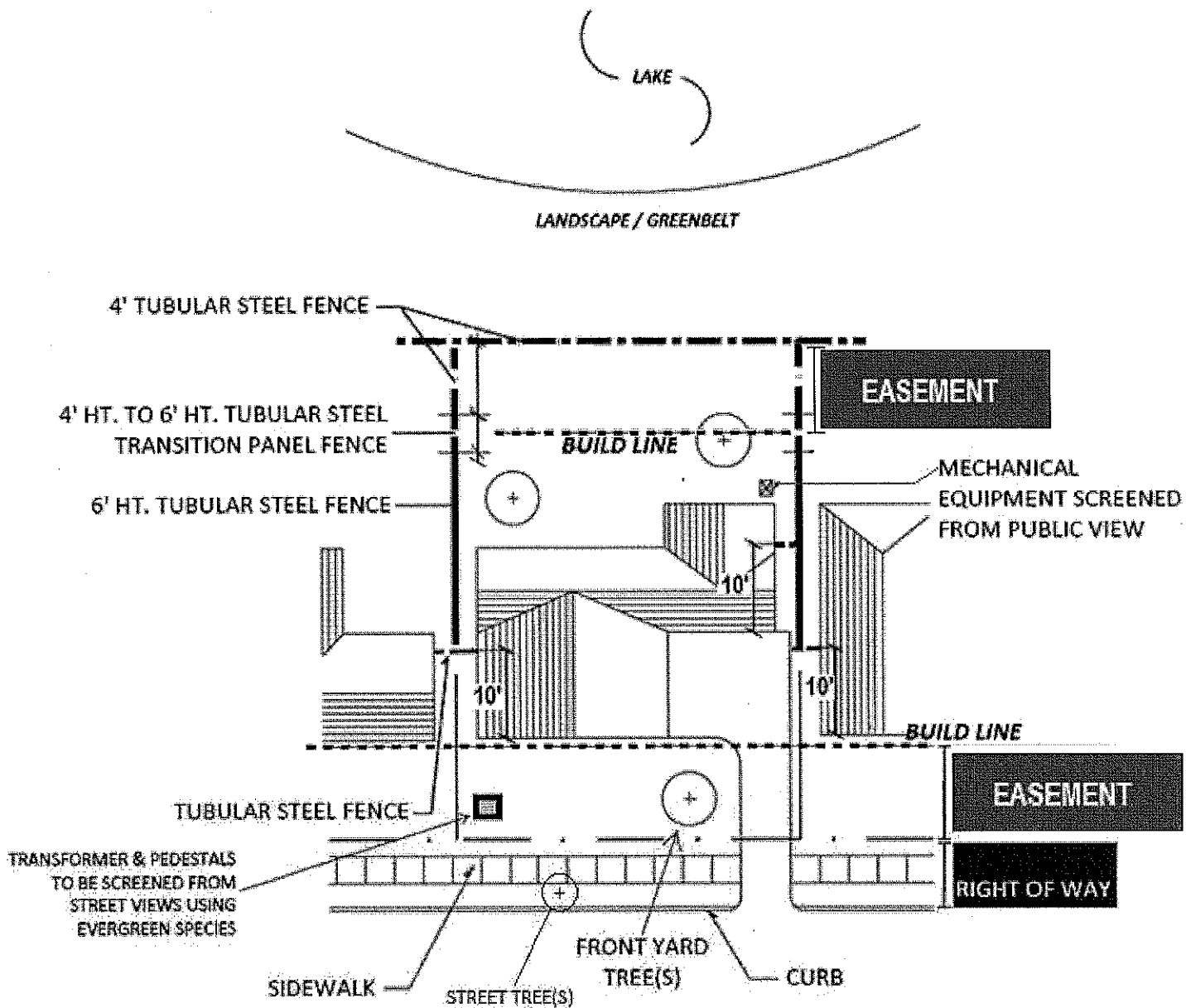
- EXHIBIT "1.2"
- EXHIBIT "1.2.A"
- EXHIBIT "1.2.B"
- EXHIBIT "2.3"
- EXHIBIT "2.4"
- EXHIBIT "2.4.1"
- EXHIBIT "2.4.1.A"
- EXHIBIT "3.2"
- EXHIBIT "3.4"
- EXHIBIT "3.5"
- EXHIBIT "3.6"

EXHIBIT "4.2"  
EXHIBIT "4.2.A"  
EXHIBIT "4.3"  
EXHIBIT "4.5"  
EXHIBIT "4.5.A"  
EXHIBIT "4.6"  
EXHIBIT "4.8"  
EXHIBIT "4.8.A"  
EXHIBIT "4.8.B"  
EXHIBIT "4.9"  
EXHIBIT "4.11"  
EXHIBIT "4.11.A"  
EXHIBIT "5"





# EXHIBIT "1.2.B"



**Typical Lake Lot**

LANDSCAPE SUBMITTALS WILL BE FORWARDED TO THE ASSOCIATION FOR THEIR RECORDS.

Location:	Quantity:	Name:	Size:
Street			
Front Yard			
Rear Yard			

**EXHIBIT "1.3"**

**2014-2016 Wiring Specifications for:**

**Lago Mar**

**Miramesa**

**Balmoral**

**BALMORAL AT PARK LAKES EAST**

**Sterling Lakes**

**Includes Honeywell Structured Wiring and  
Security System**

## Introduction

With the growth of technology today a wide variety of electronic devices, such as, computers, DVD players, intelligent appliances, etc., are available to enhance busy lives. In order to take full advantage of such technology homes must be wired appropriately. A homeowner subscribing to cable television, for example, probably wants the flexibility of watching television in more than one room in his home.

Service providers will be installing a state-of-the-art network that will provide Cable television, Telephone, and Internet access to each homeowner. Likewise, many homeowners will have the ability to have one or more computers, and connect those computers to share resources like printers and have access to the Internet and community network. Also, many entertainment technologies, such as, television/home theater systems and computer technologies are rapidly converging. The rate of change in the industry is accelerating as well. Competing technologies and protocols make the decision on what to include difficult. This specification is intended to support today's entertainment and computer technologies, and support further emerging multimedia technologies.

This document will define the minimum requirements for a structured wiring system that supports lifestyle and community computer applications as well as audio, video, security, and home automation systems generally in compliance with ANSI/TIA/EIA 570-A (9/99). We want to make the structured wiring system meet the present and future needs of the homeowner.

## Summary of Benefits

The planned technology will offer benefits to the homeowners that are unique in the marketplace. Some of the major benefits to homeowners are as follows:

- Digital Cable TV w/ Surround Sound
- High Speed Internet Connectivity
- Community Intranet for access to Community goods and services
- Security Monitoring w/Panic Button
- Discounted Local Telephone
- Discounted Long Distance
- Digital Telephone
- Discounted Voice Mail
- Automated Home Control (Cut energy costs, etc.)
- Extended Telephone Features (i.e. Caller ID)
- Digital Video on Demand

The infrastructure installed will also support future services such as:

- Integrated Local and Mobile Telephone
- Video Game Rental
- Ability to Utilize Web TV
- Support for HDTV
- High Speed Connectivity to Local Schools
- Ability to Tele-commute and work from the Home
- Video Conferencing from the Home
- VPN services for employers



## Structured Wiring Equipment

It is important to have a minimum Structured Wiring standard that supports today and future technology. The needs and capabilities of each homeowner may vary but the following recommended structured wiring infrastructure should serve well for each homeowner. It is encouraged that the homebuilder meet with each homebuyer to determine their needs and incorporate those additions in the beginning to keep cost lowered for both parties.

### **Government Compliance**

All wiring system components should be installed in compliance with applicable local, state, and national building codes. In any case where these guidelines conflict with building codes, the building codes should apply.

### **MDF**

In each home, a central location or Main Distribution Facility (MDF) must be identified to which all wiring must be home run and terminated. The MDF is the location where the connection center will be located and all wiring terminated and interconnected. Planning is required to ensure that adequate space is available for all equipment to be located in the MDF.

### **Approved Connection Centers**

- The Honeywell 36" Connection Center ("Can") and the Honeywell Trim Kit Model # V20PTEJASKT1 are the only approved Network Connection Centers.

### **Location and Size**

- Since the connection center will house equipment that has specific environmental operating requirements (like temperature and humidity), the connection center must be securely mounted in an interior wall inside the home within the HVAC space of the house. DO NOT install the components in a garage, crawl space, exterior enclosure, or fire rated wall.
- The Approved Honeywell enclosure comes in one size. 14 1/3" wide and 36" high. The connection center will fit in a standard stud bay.
- Space must be available in the enclosure for Third party equipment to be housed for services to be provided to the homeowner. 8" wide, 5.25" high, 2.75" deep

### **Power**

- The connection center will house equipment that requires power. A single dedicated duplex 120VAC outlet must be installed inside the connection center, per the connection center installation instructions. All Honeywell connection centers are UL listed to support AC power inside the cabinet.
- The duplex 120VAC outlets in the connection center MUST be on their own dedicated breaker.

### **Equipment Installation**

- The volume and ventilation characteristics of the connection center must allow for 75W heat dissipation without exceeding the ambient temperature and humidity requirements.

### **Ambient Temperature**

Operating	16°C to 32°C (60.8°F to 89.6°F)
Non-Operating	10°C to 43°C (50°F to 109.4°F)

	<b>Humidity</b>
Operating	8% to 80%, no condensation
Non-Operating	8% to 80%, no condensation

- Cat5e and RG/6 cable termination, splitter, and amplification modules must be installed in the connection center per the manufacturer's instructions.

## Structured Wiring Requirements

### Cable Specifications

- All cabling and system components should be installed in compliance with applicable local, state, and national building codes. In a case where these guidelines conflict with building codes, the building codes will apply.
- The NIB (network interface box) and connection center should be placed so that no run exceeds 90 meters. The maximum distance between any device and the connection center, including any patch cords should not exceed 90 meters. If a run of coax needs to exceed this amount.
- The routing of the cables shall be done in the basement, crawlspace, or attic of the house rather than through the studs.
- All wiring must be installed using the proper tools and according to the manufacturer's instructions.
- All cables, plugs, jacks, and connecting hardware used in a point-to-point data network must be rated for the appropriate class (Cat5e or Cat6) performance to assure future use in a high-speed application.
- All local area network (LAN) cables will be terminated per the ANSI/TIA/EIA 568-A *Commercial Building Telecommunications Cabling Standard*. (using the 568A wiring scheme)
- Inside cabling will be PVC rated and meet or exceed the requirements of the ANSI/ICEA S-80-576 *Standard for Telecommunications Wire and Cable for Wiring* and the category performance characteristics described in ANSI/TIA/EIA 568-A *Commercial Building Telecommunications Cabling Standard*. Additional standards and practices affecting these specifications are listed at the end of this section.

#### *Telephone and Data Cable Specifications*

The cable shall be 24 AWG, four-pair, 100 ohm, PVC, unshielded twisted pair (UTP) data grade/data service and shall meet or exceed UL listed requirements. It shall be band-stripped and color-coded. Cable must be type CL or CL2. Cable will meet or exceed Category 5e, 100 Mhz, performance standards.

#### *Coax Cable Specifications*

RG6, quad shield, coaxial PVC.

#### *Security Cable Specifications*

18 AWG, 2C, stranded zip PVC.

#### *Security Control Panel*

24 AWG, four-pair, category CAT5e PVC.

#### *Codes and Standards*

All work performed will adhere to the industry standards set forth by:

*The National Electrical Code (N.E.C.) 1999 Edition*

Articles 700, 725, 770, 800 and 820.

**ANSI/EIA/TIA - Commercial**

Commercial building telecommunications wiring part 568-A.  
Commercial building telecommunications pathways and spaces part 569.

**TIA – Residential and Light Commercial**

Residential telecommunications cabling standard 570.

**EIA-IS-60 CEBus Standard**

RG6, quad shield coax to all wall plates.

**UL Certification Program**

Manufacturer submitted twisted pair product samples to UL for certification.

**Services Entry**

- Two category 5e wires, one Quad Shielded RG-6 wires and one 18/2 power wire (additional category 5e may be substituted for power wire) will be run from the outside of the house where services will enter to the connection center wiring location.
- A minimum 1" corrugated conduit (interduct) is required to be run from the connection center to the attic.

**Voice, Data, and Video Pre-Wiring**

- Category 5e cables and Quad Shielded RG-6 cables will be home-run to the connection center wiring location from any room where data, fax, computer, or telephone jacks are located.

The following locations are required as a minimum:

Location	C	RG	18/2
Point of Service Entry	2	1	1
Honeywell Touchscreen Location	1	0	
Family Room	1	1	
Kitchen for phone	1	0	
Master Bedroom	2	1	
Study (per plan)	1	1	

- Install outlets to satisfy your customer's requirements. It is recommended that a minimum of one data, cable TV and phone outlet be installed in every livable space (i.e. bedrooms, family room, den, office, study, game room, etc.). It is also recommended that each outlet have an additional Cat5e (trimming the additional Cat5e would be optional).
- All Cat5e cables inside the connection center must be long enough to easily plug into any RJ45 jack module, high-speed modem, or Ethernet hub that may be installed in the connection center.
- All cables need to be secured per the manufacturer's instructions using service loops on all runs in the attic. Staples **will** not be used to secure Cat5e and RG6 wiring.
- Metallic cables running parallel to 120VAC cable must be at least 6" apart and never pass through the same hole.
- Where a metallic cable crosses a 120VAC cable, it must do so at a 90-degree angle.
- Where it is necessary to drill through wall studs, rafters, and plates, the cable must not exceed the manufacturers recommended minimum bend radius or tension for

suspended cable. Cables should be protected at significant bends by using specially designed cable routers.

- Where it may be necessary to penetrate a fire-rated wall, the hole must be sleeved with EMT. The hole and sleeve must be sealed with fire retardant sealant. Check this practice against local code to ensure compliance.
- Where it may be necessary to place an outlet in a fire-rated wall, a metal junction must be used to house the outlet. Check this practice against local code to ensure compliance.
- Steel nailing plates should be used to protect cable bundles wherever they pass through bore holes in studs. Drywall nails or screws easily damage low-voltage wiring.
- It is strongly recommended that two 1" conduit runs be installed inside the home from the connection center to the attic and from the connection center to the entertainment niche. This allows the homeowner more flexibility for additional cable runs. This conduit also needs to contain a pull string, which shall be secured at both ends of the conduit.

### **Security Pre-Wiring**

- Security pre-wiring will consist of all accessible doors and windows. The pre-wire will additionally bundle all security wiring together for later trim out. The wire will be home-run directly above the **Honeywell 36" Connection Center**.
- In addition to the standard keypad wiring, the main security keypad location must include a cat5e wire from the keypad to the connection center to enable the installation of the Tuxedo touch screen. The cat5e wire will be connected into the homes Ethernet network and the standard keypad wire will run to the security system.

### **Security Equipment**

- The only approved security system is the **Ademco Vista-211P "Digital Phone and IP Enabled Security System" included in the V20PTEJASKT1 package**.
- The Ademco Vista 211P must be mounted in the included Honeywell security enclosure.

### **Trim Out-Wiring Terminations**

- Deformation of the cabling at any time is not permitted. There shall not be more than 1/2" of jacketing or insulation removed. Disruption of UTP twist patterns should be kept to less than 1/2".
- All cable runs will be labeled with pre-marked labels. Not written in Sharpie ink!
- All fiber runs will be housed in 1" conduit.
- A Network Interface Box (NIB) needs be installed on the outside of the house to accommodate the conduit and home-runs.
- The NIB must be permanently affixed to the side of the home.
- Cables must be terminated on the faceplates using approved connectors and jacks.
- Be sure that all terminations are properly marked to prevent connection of telephone or VDSL signals with home network connections.
- UTP cables must be connected per the jack and cable manufacturer's instructions. Installers must pay strict attention to the manufacturer's instructions, in order to maintain end-to-end integrity, especially as it relates to the amount of sheath removed and the amount of "pair untwist" allowed.
- Each RG/6 cable must be terminated on a female-female barrel connector (Keystone Jack or similar) designed to snap into the faceplate. Connected coaxial cables must be affixed to the barrel connector with a wrench to prevent noise ingress into cable TV plant.
- Each Cat5e jack location must be clearly identified so the homeowner can easily associate a given jack with the corresponding cable in the connection center.
- All cable connections must be identified in such a way so that the homeowner can distinguish between each of the cables at the faceplate and in the connection center. The same naming convention must apply to all locations in the home.
- Excess cable must be coiled up and inserted in the wall in such a way as to not deform the cable or violate minimum bend radius of the cables. In the attic service loops need to be installed.

## **Upgrades**

Many upgrades and options are available to provide to the homebuyer. The following are additional drop options that should be considered:

- Full Multimedia Drop
- Half Drop
- Single Telephone
- Single LAN
- Single Coax
- Fiber to the desktop

Please see the Honeywell/Honeywell connection center brochure for a detailed listing of the other options that are available in the connection center wiring can.

## EXHIBIT "2.3"

### **2.3 BUILDING SETBACKS AND EASEMENTS**

<b>LOT TYPE</b>	<b>FRONT LINE SETBACK</b>	<b>SIDE SETBACK</b>	<b>REAR SETBACK</b>
<b>Interior Lot</b>	20'/25'	5'	14'
<b>Corner Lot</b>	20'/25'	10' Side Yard	14'
<b>Reserve Lot</b>	20'/25'	5'	14'
<b>Lake Lot</b>	20'/25'	5'	14'

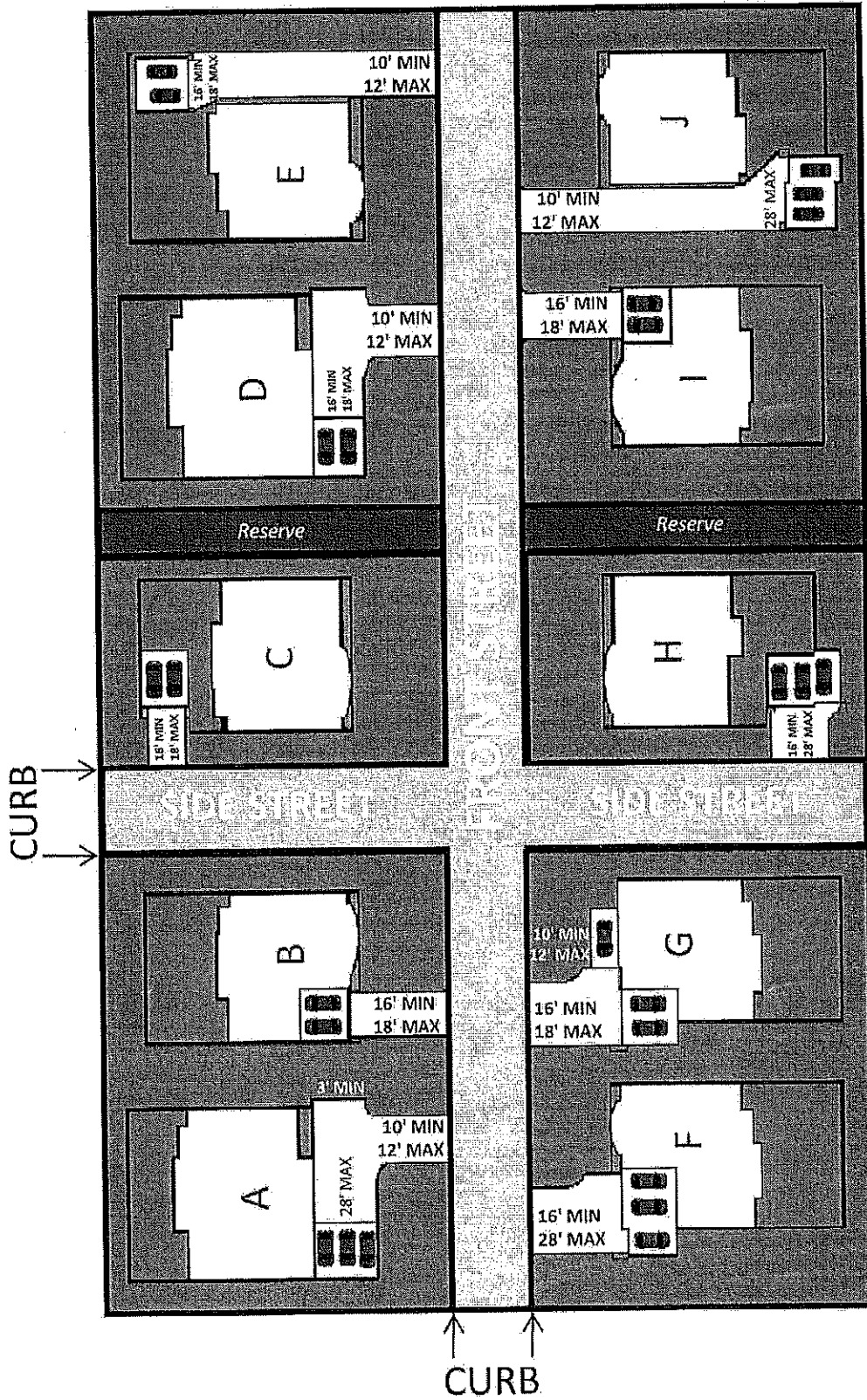
**\*Review Recorded Plat Setbacks, Declaration, and  
Governmental Ordinances.**

## EXHIBIT "2.4"

### *2.4 LOT COVERAGE - Driveways*

DRIVEWAYS	TWO CAR BAY	THREE CAR BAY
<b>Front Load Garage</b>	<u>16' Minimum &amp; 18' Maximum</u> at Face of Garage all the way to curb	<u>28' Maximum</u> at Face of Garage all the way to curb
	<u>16' Minimum &amp; 18' Maximum</u> at Front Property Line	<u>16' Minimum &amp; 28' Maximum</u> at Front Property Line
<b>Front Load Attached Swing Garage</b>	<u>10' Minimum &amp; 12' Maximum</u> Driveway Width	<u>10' Minimum &amp; 12' Maximum</u> Driveway Width
	<u>16' Minimum &amp; 18' Maximum</u> at Face of Garage	<u>28' Maximum</u> at Face of Garage
<b>Detached Garage</b>	<u>16' Minimum &amp; 18' Maximum</u> at Face of Garage	<u>28' Maximum</u> at Face of Garage
	<u>10' Minimum &amp; 12' Maximum</u> Driveway Width	<u>10' Minimum &amp; 12' Maximum</u> Driveway Width
<b>Detached Side Load Garage</b>	<u>16' Minimum &amp; 18' Maximum</u> at Face of Garage all the way to curb	<u>28' Maximum</u> at Face of Garage all the way to curb
	<u>16' Minimum &amp; 18' Maximum</u> at Front Property Line	<u>16' Minimum &amp; 18' Maximum</u> at Front Property Line

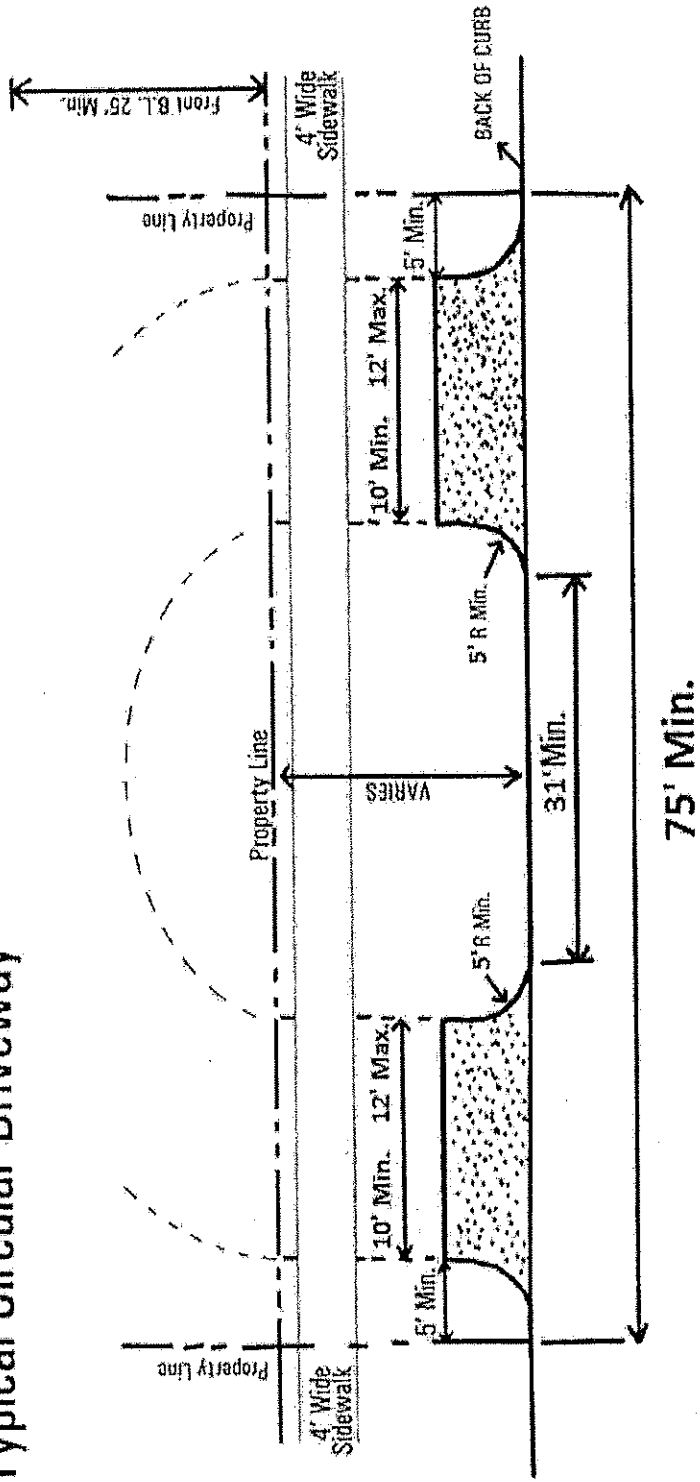
# EXHIBIT "2.4.1"





# EXHIBIT "2.4.1.A"

## Typical Circular Driveway



## EXHIBIT "3.2"

### ***3.2 LOT COVERAGE AND SQUARE FOOTAGE***

Lot Width	One (1) Story		Two (2) Story	
	Minimum Sq. Feet	Maximum Sq. Feet	Minimum Sq. Feet	Maximum Sq. Feet
45'	1400	2400	1400	2600
50'	1500	2800	1500	3200
55'	1600	3400	1600	3600
60'	1800	3600	1800	3800
65'	2200	3800	2200	4000
70'	2400	No Limit	2400	No Limit
75' (and up)	2500	No Limit	2500	No Limit

\*\*Garage area excluded from calculations.

## EXHIBIT "3.4"

### 3.4 PLAN SPACING AND REPETITION

ELEVATION	STREET SIDE	NUMBER OF FULL LOTS BETWEEN SAME FLOOR PLAN						
		45'	50'	55'	60'	65'	70'	75'
Same	Same	3	3	3	3	3	3	3
Different	Same	2	2	2	2	2	2	2
Same	Opposite	2	2	2	2	2	2	2
Different	Opposite	2	2	2	2	2	2	2

## EXHIBIT "3.5"

### *3.5 PLAN WIDTH*

LOT	MINIMUM PLAN WIDTH
45'	30'
50'	35'
55'	40'
60'	45'
65'	50'
70'	55'
75'	60'
100'	75'

# EXHIBIT "3.6"

## 3.6 EXTERIOR MATERIALS

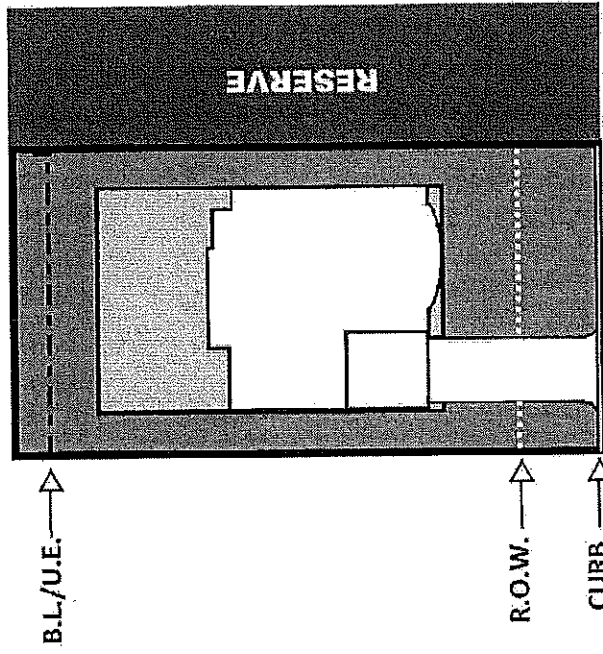
**Total Area  
(excluding eaves and facia)**

	<b>One Story</b> <i>Front/Side/Rear</i>	<b>Two Story</b> <i>Front/Side/Rear</i>
<b>Typical Lots backing or siding Lake, Greenbelt, Reserve Primary Entrance Road, Entrance to Section, Entry Monument (corner lots or entry reserves)</b>	72% Front 100% Side 100% Rear	72% Front 100% Side – 1 <sup>st</sup> floor 100% Rear – 1 <sup>st</sup> floor 72% Rear – 2 <sup>nd</sup> floor
<b>All other Lots</b>	60%	60% - Total both floors 72% Min. Front elevation

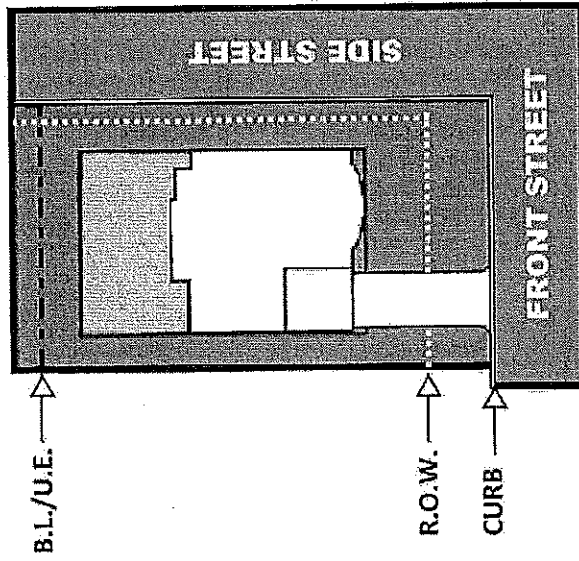
**Percentages are net material coverage and does not include openings  
(i.e., windows and garage doors)**

# EXHIBIT "4.2"

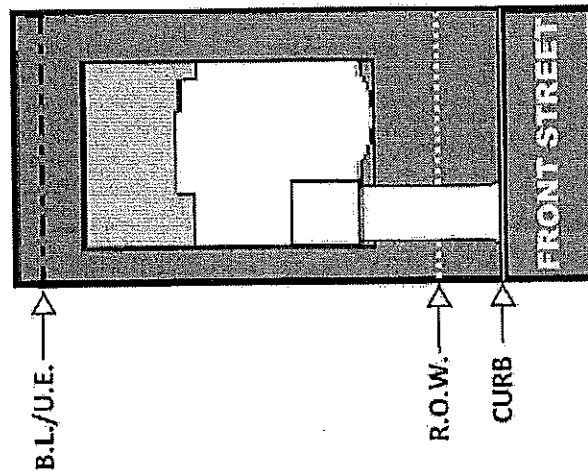
## Typical Lot Reserve



## Typical Lot Corner

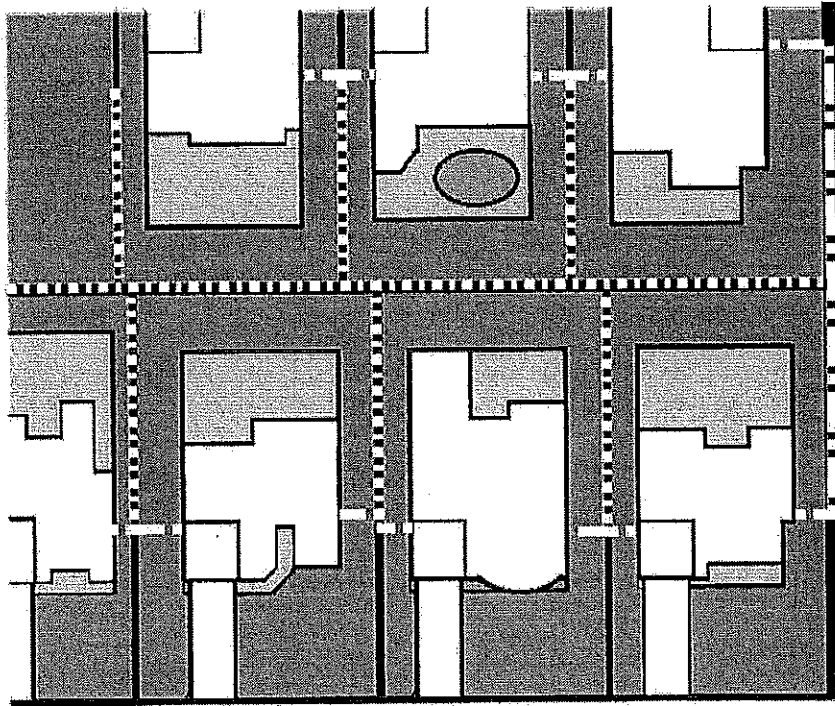


## Typical Lot Interior



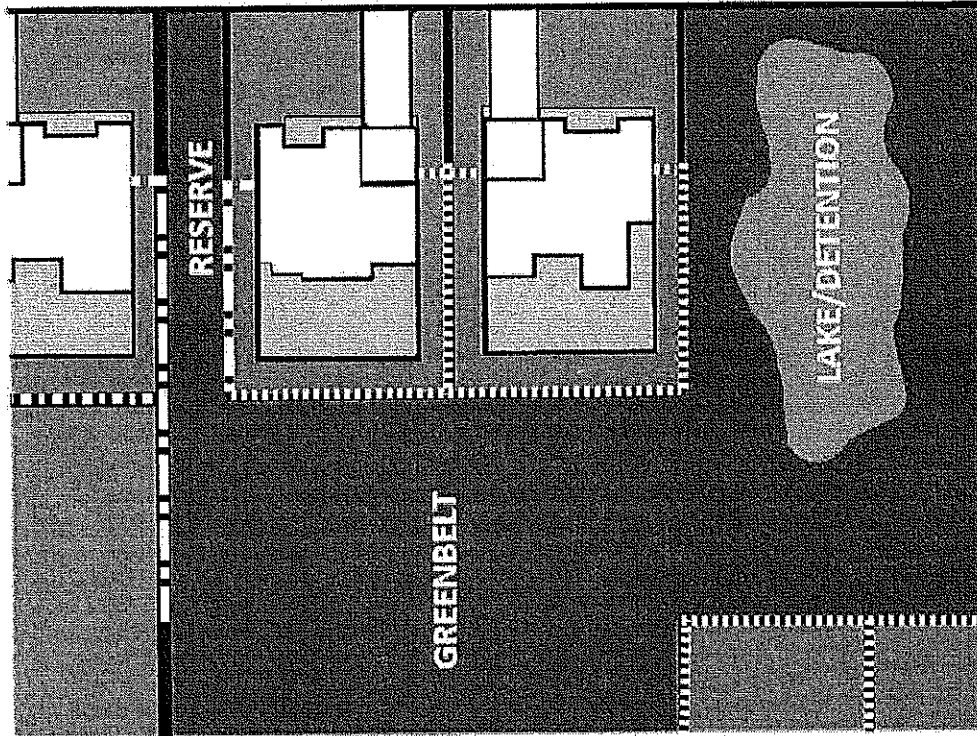
Verify all easements and setbacks with recorded plat.

# EXHIBIT "4.2.A"



FRONT STREET

SIDE STREET



RESERVE

GREENBELT

LAKE/DETENTION

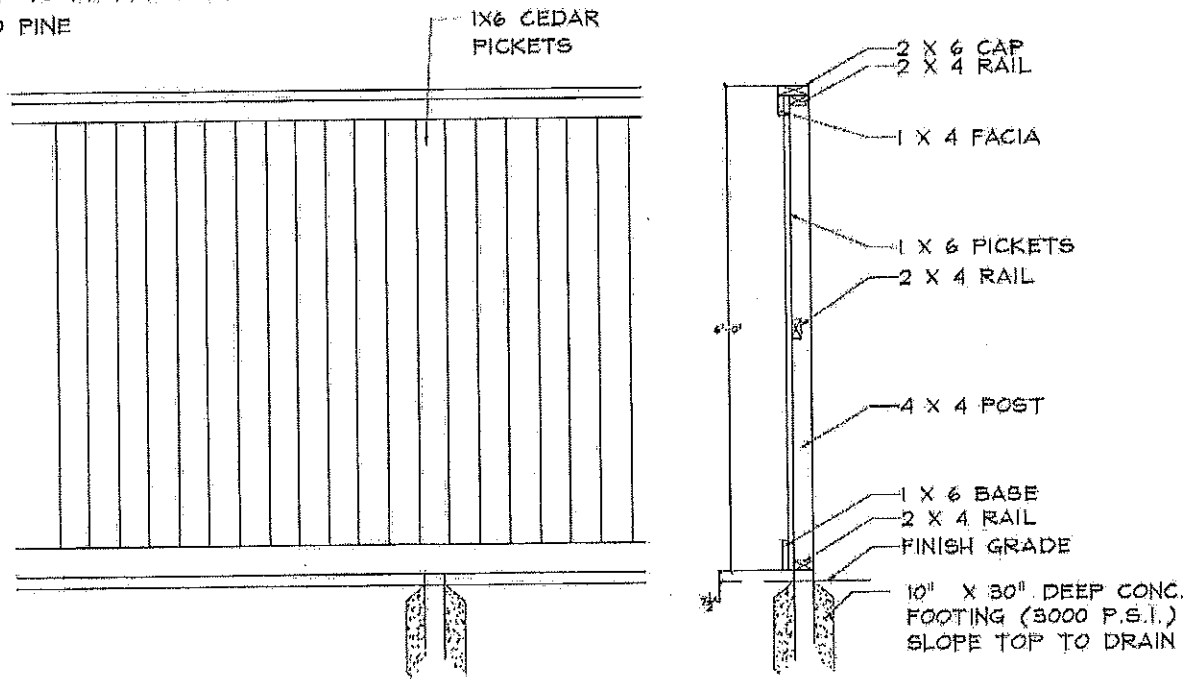
## LEGEND

- Good Neighbor Fence
- Upgrade Wood Fence
- Tubular Steel Fence

# EXHIBIT "4.3"

## GENERAL NOTES:

1. 1" X 4" FACIA TO BE CEDAR
2. 4" X 4", AND 2" X 4" MEMBERS TO BE PRESSURE TREATED PINE
3. 1" X 6" PICKETS TO BE CEDAR
4. ALL NAILS TO BE GALVANIZED SCREW - SHANK NAILS.
5. 2 X 12 TRUE ROT BOARD TO BE PRESSURE TREATED PINE
6. 1 X 6 CAP TO BE PRESSURE TREATED PINE



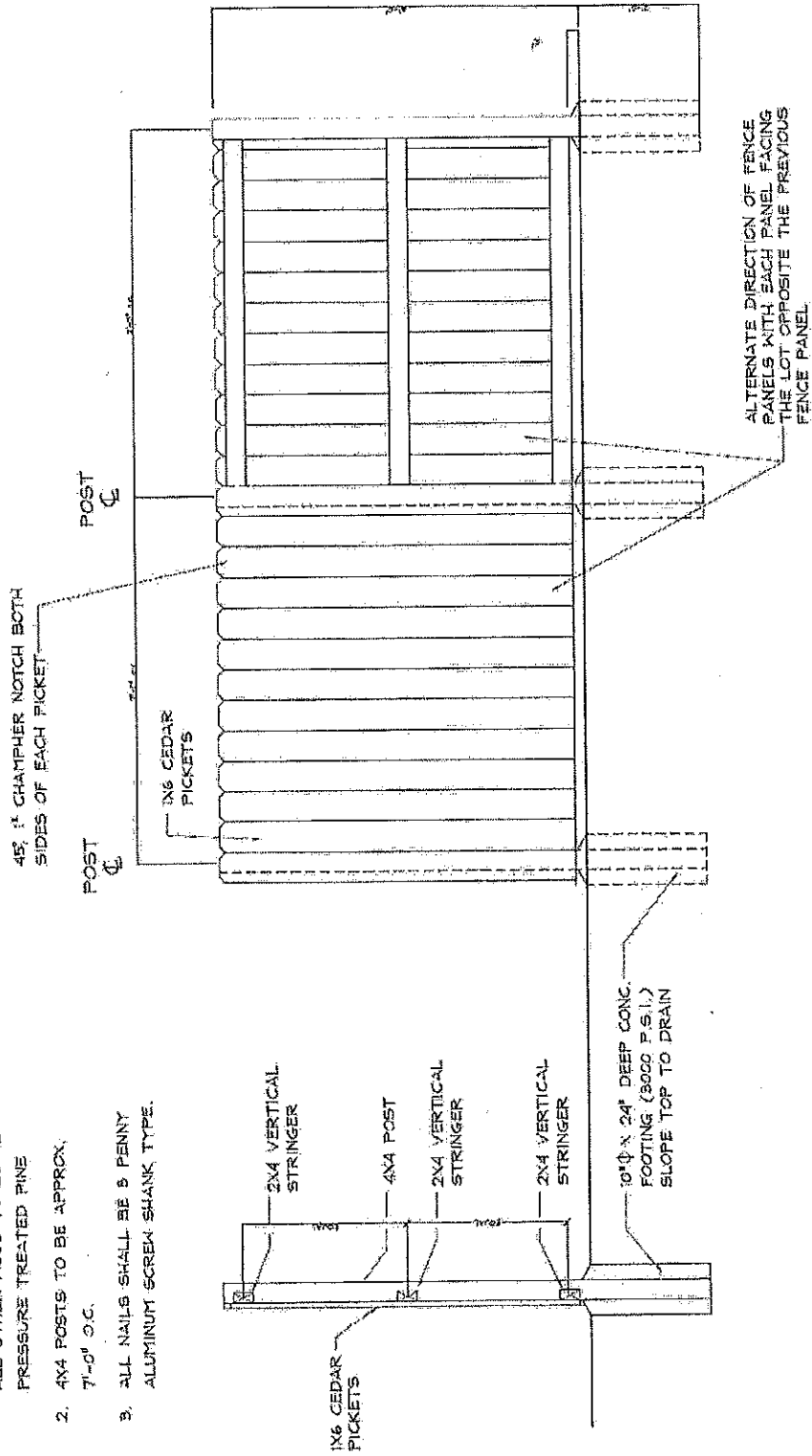
6' HT. UPGRADE WOOD FENCE



# EXHIBIT "4.5"

**GENERAL NOTES:**

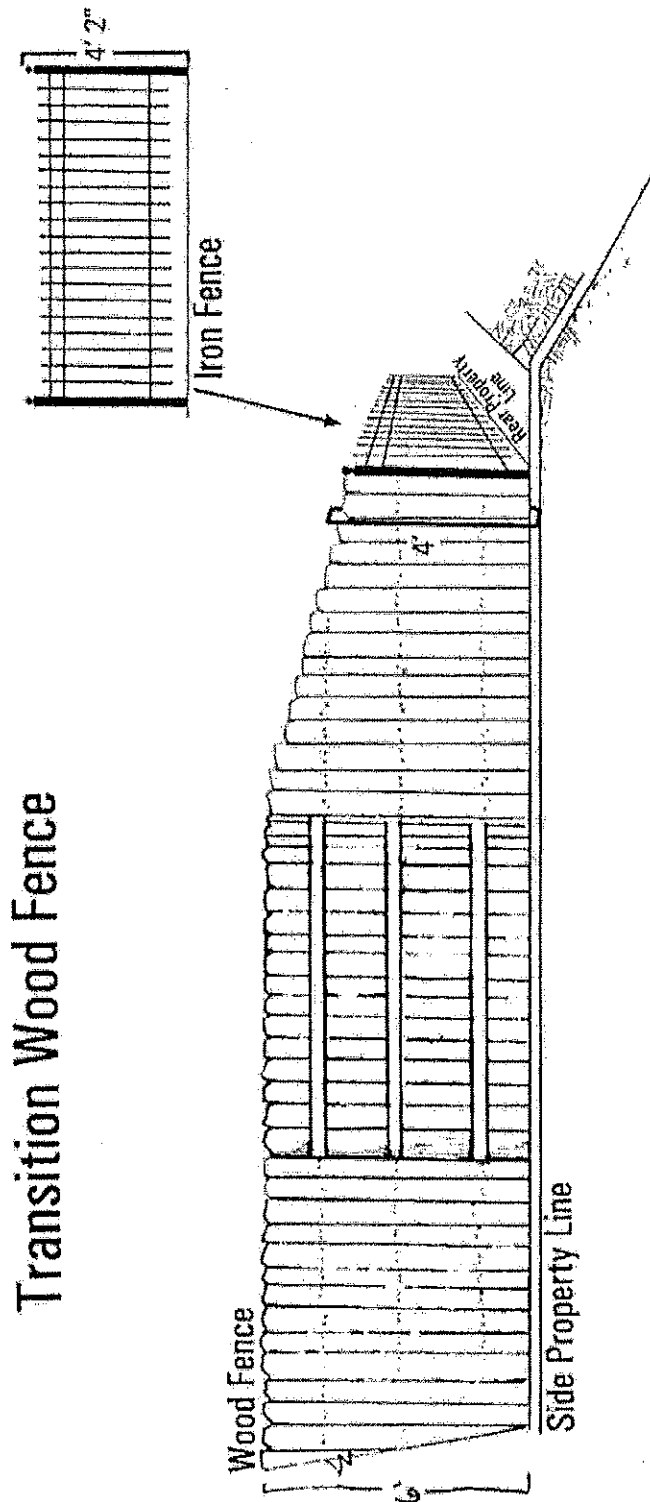
1. VERTICAL PICKETS TO BE NO. 2-1X6 CEDAR (NO KNOTS)  
ALL OTHER WOOD TO BE #2 PRESSURE TREATED PINE
2. 4X4 POSTS TO BE APPROX. 7'-0" O.C.
3. ALL NAILS SHALL BE 8 PENNY ALUMINUM SCREW SHANK TYPE.



6' HT. GOOD NEIGHBOR FENCE

HTS

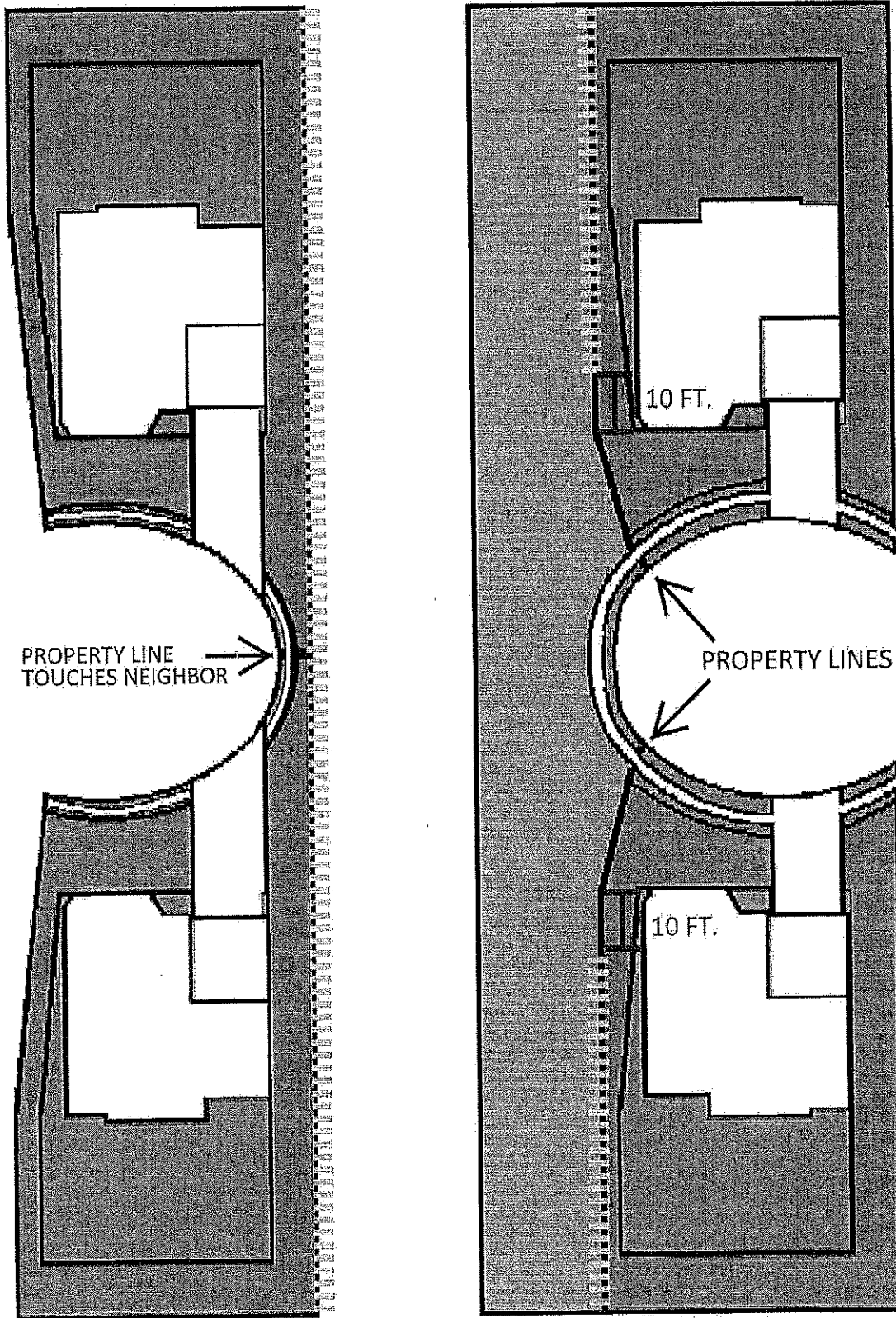
# EXHIBIT "4.5.A"



Good-Neighbor Fence connection to Tubular Steel Fence

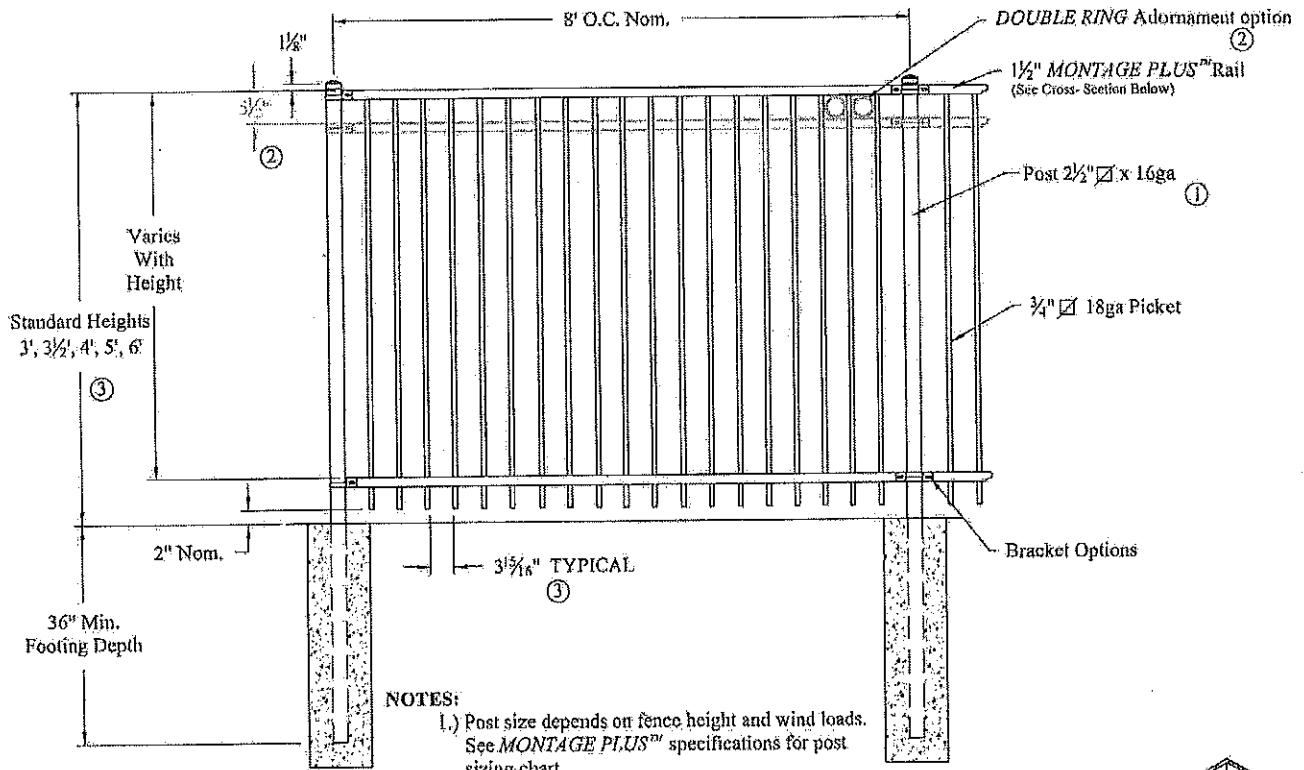
NTS

# EXHIBIT "4.6"



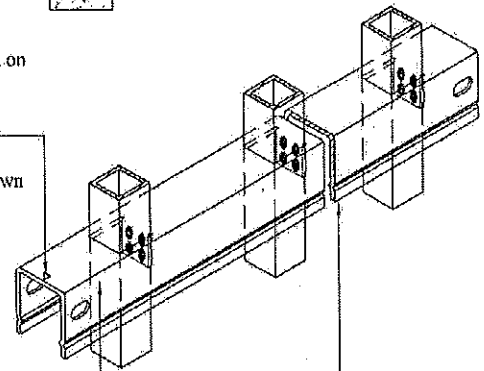
"Upgraded Wood Fence" and Sidewalk at Cul-de-sac circle.

# EXHIBIT "4.8"



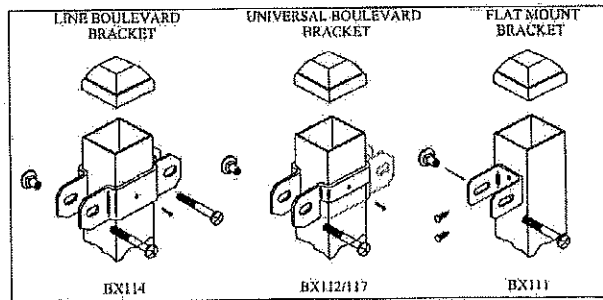
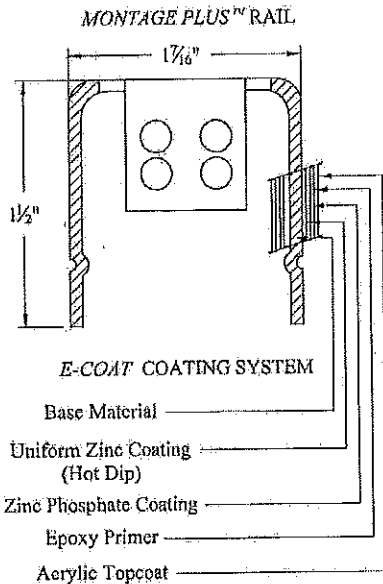
- NOTES:**
- 1.) Post size depends on fence height and wind loads. See *MONTAGE PLUS™* specifications for post sizing chart.
  - 2.) Third rail required for *Double Rings*.
  - 3.) Available in 3" air space and/or Flush Bottom on most heights.

**RAKING DIRECTIONAL ARROW**  
 Welded panel can be raked 30° over 8' with arrow pointing down grade.



**PROFUSION™ WELDING PROCESS**  
 No exposed welds, Good Neighbor profile - Same appearance on both sides

**MONTAGE PLUS™ RAIL**  
 Specially formed high-strength architectural shape.



**COMMERCIAL STRENGTH WELDED STEEL PANEL**  
**PRE-ASSEMBLED**

Values shown are nominal and not to be used for installation purposes. See product specification for installation requirements.

IRMISC

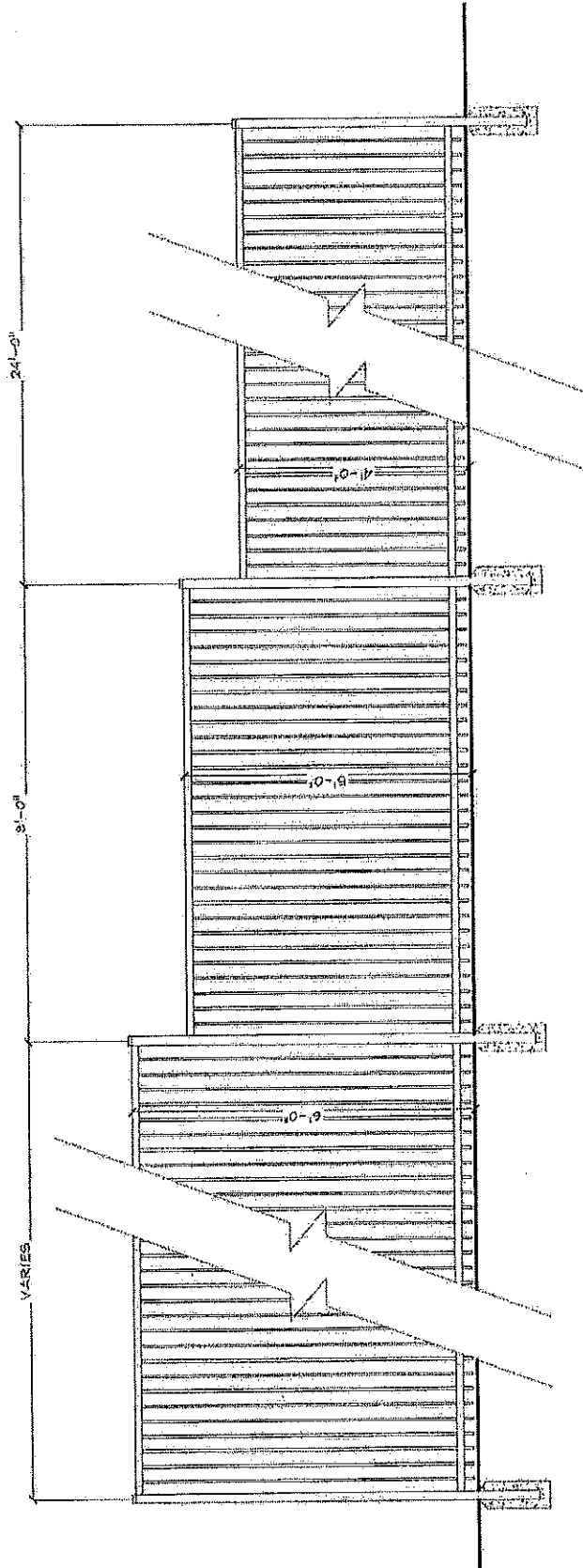
Title: <b>MONTAGE PLUS MAJESTIC 2/3-RAIL</b>			
DR: CI	SH: 1 of 1	SCALE: DO NOT SCALE	
CK: ME	Date: 6/28/10	REV: e	



**AMERISTAR™**

1555 N. Mingo  
 Tulsa, OK 74116  
 1-888-333-3422  
 www.ameristarfence.com

# EXHIBIT "4.8.A"

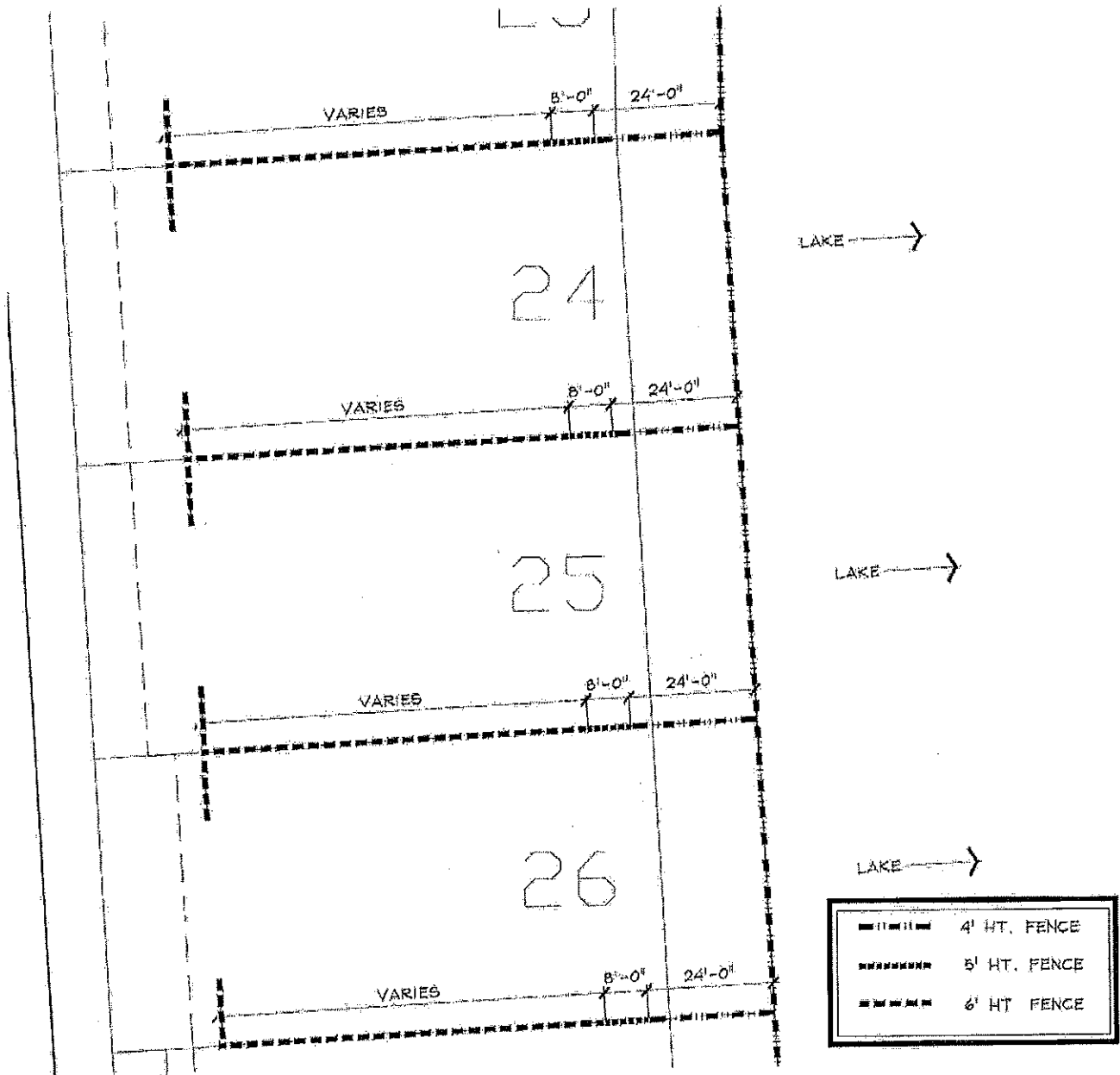


**Builder Tubular Steel Fencing - Transitional Panels**

Lake Lots require 100% tubular steel fencing.

SCALE: NTS

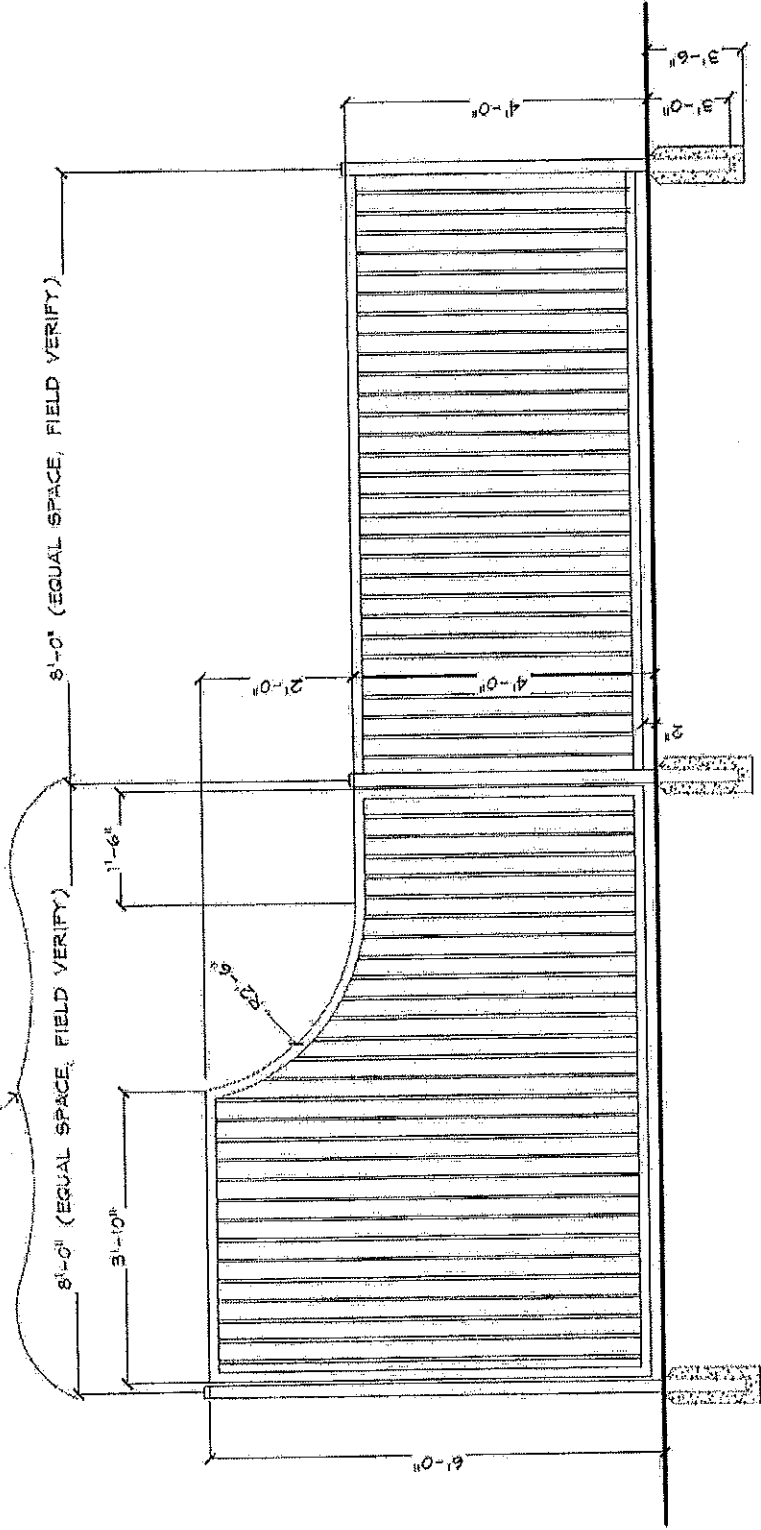
# EXHIBIT "4.8.B"



Builder Tubular Steel Fencing – Transitional Panel Plan View

# EXHIBIT "4.9"

TRANSITION PANEL  
BETWEEN 4' HT. TUBULAR  
STEEL FENCE AND 6' HT.  
BUILDERS FENCE/6' HT.  
BRICK THINKWALL



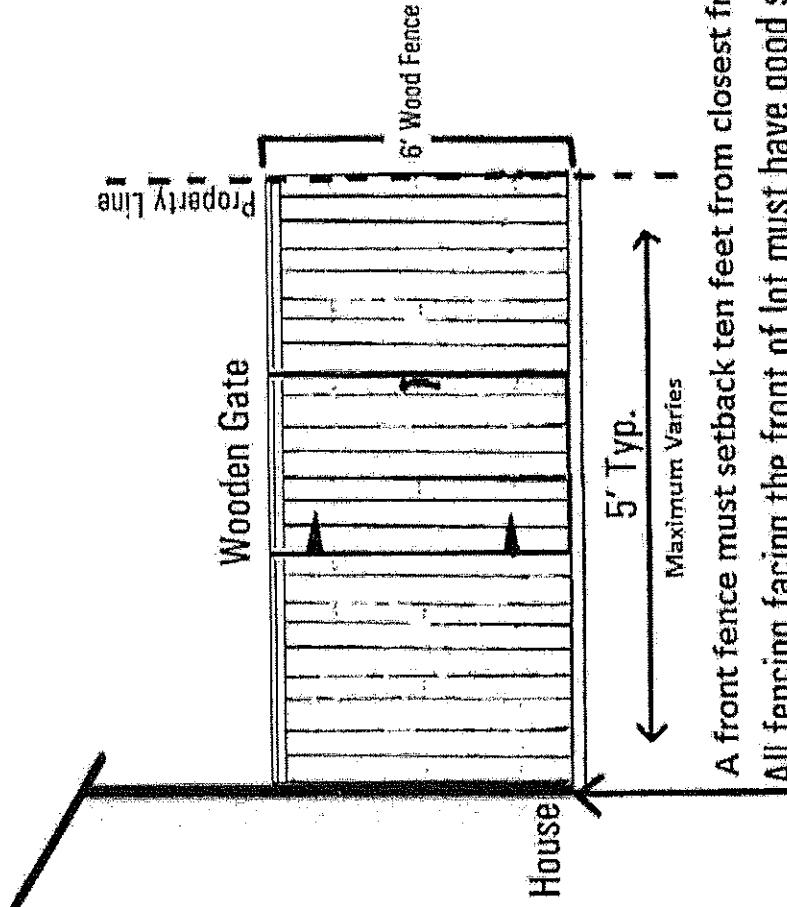
4'-0" HT. TUBULAR STEEL FENCE

NTS

# EXHIBIT "4.11"

## Front Fence Gate - "UPGRADED WOOD FENCE"

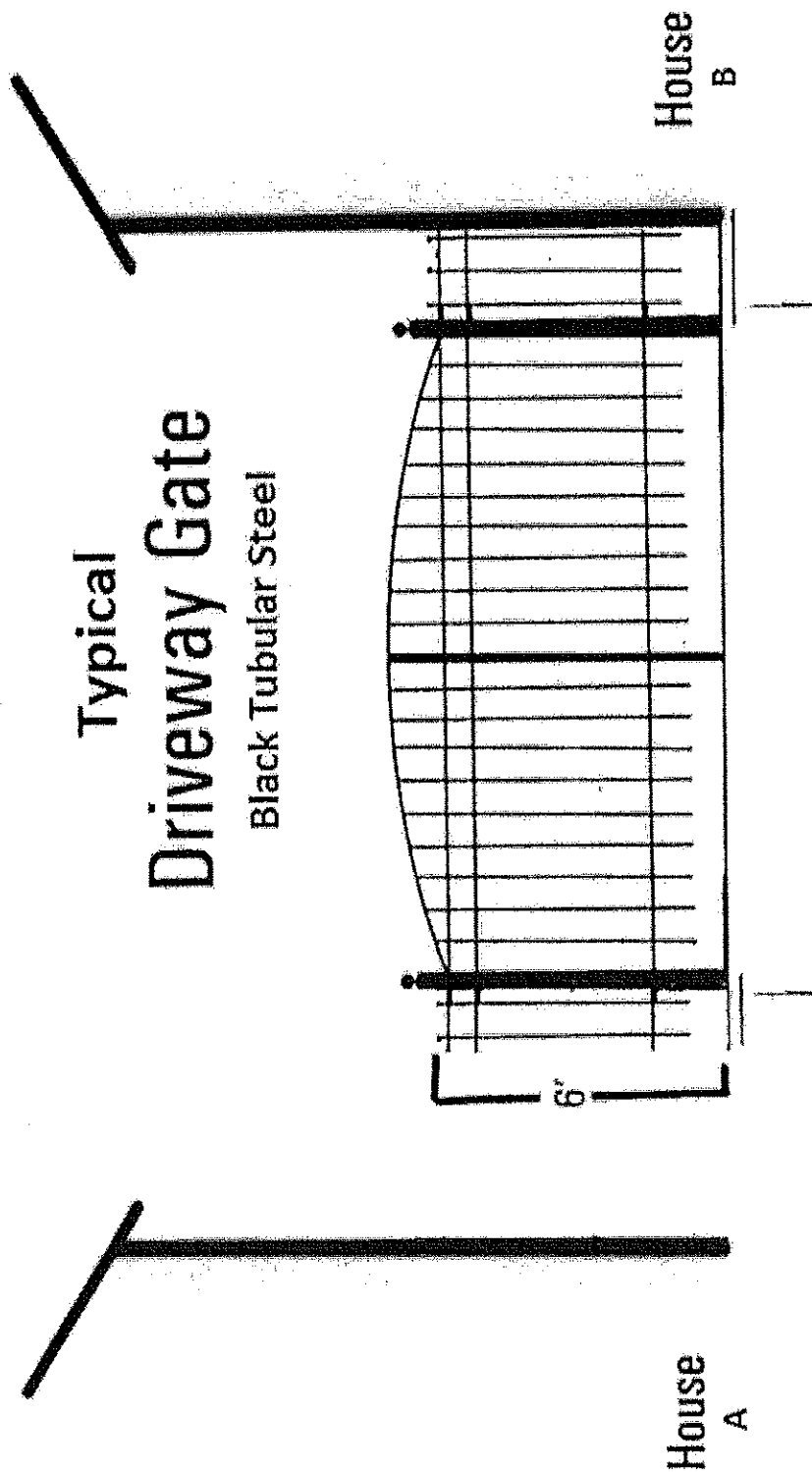
Only use permitted stain noted in Design Guidelines



A front fence must setback ten feet from closest front corner of residential structure.  
All fencing facing the front of lot must have good side facing out to public view.



EXHIBIT "4.11.A"



Driveway front fence gate will be 10 feet back from nearest front face of house A and B.

50' LOT & UNDER		51' LOT - 69' LOT		70' LOT & OVER	
INTERIOR LOT		INTERIOR LOT		INTERIOR LOT	
<i>Street Tree</i> (3 ft. from Curb & Front ROW)	1 Live Oak Tree - 2" caliper (Front ROW)	<i>Street Tree</i> (3 ft. from Curb & Front ROW)	1 Live Oak Tree - 2" caliper (Front ROW)	<i>Street Tree</i> (3 ft. from Curb & Front ROW)	1 Live Oak Tree - 2" caliper (Front ROW)
<i>Front Yard</i>	1 Tree - 4" caliper (From "Evergreen Hardwood" List) 1 Shrub - 15 gallon 10 Evergreen Shrubs - 3 gallon (Screen Transformer/Pedestal) 20 Plants - 1 gallon	<i>Front Yard</i>	1 Tree - 4" caliper (From "Evergreen Hardwood" List) 1 Tree - 4" caliper 2 Shrub - 15 gallon 15 Evergreen Shrubs - 3 gallon (Screen Transformer/Pedestal) 25 Plants - 1 gallon	<i>Front Yard</i>	1 Tree - 4" caliper (From "Evergreen Hardwood" List) 2 Tree - 4" caliper 3 Shrub - 15 gallon 20 Evergreen Shrubs - 3 gallon (Screen Transformer/Pedestal) 30 Plants - 1 gallon
CORNER LOT		CORNER LOT		CORNER LOT	
<i>Street Tree</i> (3 ft. from Curb)	1 Live Oak Tree - 2" caliper (Front ROW)	<i>Street Tree</i> (3 ft. from Curb)	1 Live Oak Tree - 2" caliper (Front ROW)	<i>Street Tree</i> (3 ft. from Curb)	1 Live Oak Tree - 2" caliper (Front ROW)
<i>Front Yard</i>	1 Tree - 4" caliper (From "Evergreen Hardwood" List) 1 Shrub - 15 gallon 10 Evergreen Shrubs - 3 gallon (Screen Transformer/Pedestal) 20 Plants - 1 gallon	<i>Front Yard</i>	1 Tree - 4" caliper (From "Evergreen Hardwood" List) 1 Tree - 4" caliper 2 Shrub - 15 gallon 15 Evergreen Shrubs - 3 gallon (Screen Transformer/Pedestal) 25 Plants - 1 gallon	<i>Front Yard</i>	1 Tree - 4" caliper (From "Evergreen Hardwood" List) 2 Trees - 4" caliper 3 Shrub - 15 gallon 20 Evergreen Shrubs - 3 gallon (Screen Transformer/Pedestal) 30 Plants - 1 gallon
<i>Side Yard</i> (Between sidewalk & Corner Lot Side Fence)	2 Hardwood Trees - 4" caliper 3 Shrubs - 5 gallon 15 Shrubs - 3 gallon	<i>Side Yard</i> (Between sidewalk & Corner Lot Side Fence)	2 Hardwood Trees - 4" caliper 3 Shrubs - 5 gallon 15 Shrubs - 3 gallon	<i>Side Yard</i> (Between sidewalk & Corner Lot Side)	2 Hardwood Trees - 4" caliper 3 Shrubs - 5 gallon 15 Shrubs - 3 gallon
LAKE LOT		LAKE LOT		LAKE LOT	
<i>Street Tree</i> (3 ft. from Curb & Front ROW)	1 Live Oak Tree - 2" caliper (Front ROW)	<i>Street Tree</i> (3 ft. from Curb)	1 Live Oak Tree - 2" caliper (Front ROW)	<i>Street Tree</i> (3 ft. from Curb)	1 Live Oak Tree - 2" caliper (Front ROW)
<i>Front Yard</i>	1 Tree - 4" caliper (From "Evergreen Hardwood" List) 1 Shrub - 15 gallon 10 Evergreen Shrubs - 3 gallon (Screen Transformer/Pedestal) 20 Plants - 1 gallon	<i>Front Yard</i>	1 Tree - 4" caliper (From "Evergreen Hardwood" List) 1 Tree - 4" caliper 2 Shrub - 15 gallon 15 Evergreen Shrubs - 3 gallon (Screen Transformer/Pedestal) 25 Plants - 1 gallon	<i>Front Yard</i>	1 Tree - 4" caliper (From "Evergreen Hardwood" List) 2 Tree - 4" caliper 3 Shrub - 15 gallon 20 Evergreen Shrubs - 3 gallon (Screen Transformer/Pedestal) 30 Plants - 1 gallon
<i>Rear Yard</i>	2 Trees - 4" caliper 2 Shrubs - 15 gallon 15 Evergreen Shrubs - 3 gallon (Foundation Screening)	<i>Rear Yard</i>	2 Trees - 4" caliper 2 Shrubs - 15 gallon 15 Evergreen Shrubs - 3 gallon (Foundation Screening)	<i>Rear Yard</i>	2 Trees - 4" caliper 2 Shrubs - 15 gallon 15 Evergreen Shrubs - 3 gallon (Foundation Screening)