

Tavolo Park

Design Guidelines

I. Review Process

1.1 Purpose

A. Purpose of Guidelines. These Design Guidelines provide an overall framework and comprehensive set of standards and procedures for the development of the Community in an orderly and uniform manner. These standards have been developed to assist in site planning, Residential Dwelling construction, and landscaping of Lots in Tavolo Park, a residential community located in Tarrant County, Texas. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, and lighting. In addition, these Design Guidelines establish a process for review of Plans for proposed construction to ensure that Lots within Tavolo Park are developed in a consistent and uniform manner. All references herein to approval mean the prior written approval of Declarant or the Architectural Review Committee, as applicable.

B. Definitions. All capitalized terms used herein have the same meanings as that ascribed to them in the Declaration of Covenants, Conditions and Restrictions for Tavolo Park (the “**Declaration**”) recorded or to be recorded in the Official Public Records of Real Property of Tarrant County, Texas, unless otherwise indicated in these Design Guidelines.

C. Governmental Regulations. If an applicable building code or regulation is more restrictive than a provision in these Design Guidelines, the applicable building code or regulation will control. If an applicable building code or regulation is less restrictive than a provision in these Design Guidelines, the provision in these Design Guidelines will control.

D. Amendments and Supplements. These initial Design Guidelines have been prepared and adopted by PATE RANCH SINGLE FAMILY, LP, a Texas limited partnership (“**Declarant**”). These Design Guidelines may be amended or supplemented from time to time by Declarant during the Development Period and,

thereafter, the Architectural Review Committee, as deemed appropriate for the evolving development of the Community.

E. Applicability of Design Review. These Design Guidelines govern all property which is subject to the Declaration, as same may be amended from time to time and any additional property which may be subjected to the provisions of the Declaration and the jurisdiction of Tavolo Park Community Association, Inc. (the “**Association**”). All Plans for new construction on a Lot must be approved in writing by Declarant or the Architectural Review Committee (the “**ARC**”), as applicable, before any construction activity begins. Unless otherwise specifically provided in these Design Guidelines, no structure may be erected on a Lot and no improvements, including staking, clearing, excavation, grading and other site work, exterior alteration of existing improvements, and planting or removal of landscaping materials (collectively, “**Work**”) may take place without the prior written approval of Declarant or the ARC, as applicable.

Builders are responsible for ensuring compliance with all standards and procedures in these Design Guidelines. Builders are also governed by the requirements and restrictions set forth in the Declaration. Builders will be provided a copy of the Declaration and any amendment or supplement thereto and are responsible for providing a copy to construction and sales teams. In particular, Builders should systematically review and become familiar with the requirements applicable to Tavolo Park in the Declaration and these Design Guidelines.

F. Review Procedure. Architectural control and design review for Tavolo Park is primarily the responsibility of the ARC.

The ARC has jurisdiction over all matters relating to architecture and landscaping of Lots, as set forth in these Design Guidelines and the Declaration. The ARC will (1) review Plans for all construction and landscaping on a Lot, (2) have jurisdiction over all construction and landscaping on a Lot, (3) be the conclusive interpreter of these Design Guidelines, (4) monitor the administration of these Design Guidelines, and (5) promulgate additional design standards and review procedures consistent with these Design Guidelines.

G. Review Fees. When Plans are submitted for approval, the submission must include a “**Review Fee.**” The Review Fee will be made payable to the Association as follows:

1. Design plan review – A one-time approval of a Builder’s particular plan. Once a plan is approved, the Builder is not required to resubmit for that plan for approval. The Review Fee is per set (includes all elevations per submittal).

Design Plan Review Fee - \$200.00

2. Plot plan review for new Residential Dwelling construction - The plan for the initial construction upon a Lot, taking the Lot from a vacant site to a single family Residential Dwelling.

Plot Plan Review Fee - \$50.00

3. Re-Submittals - Changes to a plan, elevation changes or re-submission of unapproved plans.

Re-Submittal Review Fee - \$25.00

4. Other – Plans for all types of additions and modifications on a Lot.

Review Fee - \$25.00

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 these Design Guidelines. An attempt has been made to streamline this process and eliminate excessive delays. Nevertheless, each Owner or Builder is responsible for complying with the Declaration and these 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 these Design Guidelines are intended to provide a framework for construction and modifications, these Design Guidelines are not all- inclusive. In its review process, the ARC may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other things. ARC decisions may be based on purely aesthetic considerations. However, the ARC will not grant approval for proposed construction that is inconsistent with these Design Guidelines or the Declaration, unless the ARC grants a variance in writing, as provided in the Declaration.

C. Procedures. The ARC will conduct reviews of Plans for proposed single family Residential Dwellings. The ARC will respond in writing within thirty (30) calendar days or less after a submittal is received. Any response an Owner or Builder may wish to make in reference to issues set forth in the ARC's notice following review of submittals must be addressed to the ARC in writing.

D. Review Submittal Process. Plans for new construction or modifications or additions on a Lot must be submitted to the ARC. The Plans must include:

1. Elevations, including the detached garages, if applicable;
2. Floor plans;
3. Exterior materials and accent materials, including roof materials;
4. Roof pitch and plate height;
5. Plat plan showing the location of the proposed Improvement in relation to building setbacks and easements;
6. Drainage plan; and
7. Landscape plan.

Notwithstanding the foregoing, if a Builder will be constructing Residential Dwellings on numerous Lots within the Community, the ARC may approve the floor plans and elevations for the Residential Dwellings that the Builder may construct on those Lots. As to a particular Lot, the Builder may then only be required to submit a plan submittal sheet showing the floor plan and elevation. The approval of the plan submittal sheet by the ARC will constitute formal approval of the plans for the Residential Dwelling to be constructed on the particular Lot. In addition, the drainage plan and landscape plan may be approved by the ARC at one time as to all Lots on which Residential Dwellings may be constructed on Lots by a Builder, as opposed to the submission and approval of a drainage plan and a landscape plan for each individual Lot.

As indicated in Section 1.1.G., above, the applicable Review Fee must also be submitted with the Plans.

Despite the approval of Plans by the ARC, no Residential Dwelling may be occupied without compliance with all applicable State, County, City and other authorities.

E. Review Period. Plans will be approved or disapproved within thirty (30) calendar days of the date that all required information is received by the ARC. Reviewed Plans will be retained for the ARC's records. The ARC's decision will be provided in writing as follows:

1. "**Letter of Approval**" - The Plans are approved as submitted.
2. "**Approved with Conditions**" - The Plans are approved, on the condition that objectionable features or segments are corrected. The Owner or Builder must correct the objectionable features or segments in the Plans, and the Owner or Builder may be required (if requested by the

ARC) to resubmit the Plans and receive written approval prior to commencing the construction or alteration.

3. "**Disapproved**" - The Plans as submitted are rejected. The ARC will provide comments as to its reasoning behind disapproving the Plans.

If the ARC fails to respond within thirty (30) days, the application is deemed to be disapproved.

F. Implementation of Approved Plans. All Work must conform to the approved Plans. If it is determined that Work completed or in progress on a Lot is not in compliance with these Design Guidelines or the Declaration, the ARC will notify the Owner or Builder of any of such noncompliance, specifying in reasonable detail, the particulars of noncompliance and will require the Owner or Builder to remedy the same. If the Owner or Builder 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 an Owner or Builder is notified in the manner required by law by ARC, daily fines may be imposed on Owner or Builder until noncompliance is deemed by ARC as remedied.

1. Time to Commence. If construction of an approved Improvement does not commence within one hundred and twenty (120) days of the Plans for that Improvement is approved, such approval will be deemed to be rescinded, and it will be necessary for the Owner or Builder to resubmit Plans to the ARC for reconsideration.

2. Time to Complete. Construction of an approved Improvement must be completed within the time provided in the Declaration, unless the ARC approves a longer period to complete construction.

If construction is not completed within the applicable period, the incomplete construction will be deemed to be in violation of these Design Guidelines. In the event of such violation, the ARC may notify the Association of such failure and the Association, at its option, proceed with remedies provided in the Declaration or by law.

G. Changes After Approval. All proposed changes to Plans, including changes that affect the square footage, exterior of any building, colors, windows, grading, paving, utilities or landscaping made after the approval of Plans must be submitted to and approved in writing by the ARC prior to implementation.

H. Variances. As provided in the Declaration, a variance may be granted in some circumstances (including, but not limited to natural obstructions, hardship,

or environmental considerations) when a deviation is deemed necessary. No variance is effective unless issued in writing in the manner provided in the Declaration.

I. Governmental Approval. The review and approval of Plans does not constitute a warranty or representation as to compliance with the permitting and approval requirements of governmental authorities having jurisdiction. It is the responsibility of Owner or Builder to obtain all necessary governmental permits and approvals.

If a governmental authority having jurisdiction requires that changes be made to Plans previously approved by the ARC, the Owner or Builder must notify the ARC of such changes in writing and receive written approval from the ARC prior to implementing such change.

J. Completion of Work. The ARC has the right, but not the obligation, to inspect an Improvement upon completion to confirm that it has been constructed in accordance with the approved Plans. If, as the result of an inspection, it is determined by the ARC that an Improvement was not constructed in accordance with the approved Plans, the ARC may notify the Owner or Builder in writing, at which point the Owner or Builder will be required to correct the noncompliance.

1.3 Construction Guidelines

The following construction regulations ("**Regulations**") will apply to any and all Work performed on a Lot. Owners and Builders are required to comply with building setbacks and the orientation and placement of Improvements including, but not limited to, driveways, sidewalks, Residential Dwellings, garages, fencing and landscaping. Connections to utilities are the responsibility of the Owner or Builder.

A. Builder's Compliance. The Owner or Builder must comply with these Regulations. Any violation observed by the ARC 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 Owner or Builder fail to do so. Any expense incurred by the ARC or Association to correct a violation will be invoiced to the Owner or Builder and will be secured by the Association's lien established in the Declaration.

B. Governing Authority. Each Owner or Builder must comply with the regulations of any governmental authority having jurisdiction, as well as all applicable Occupational Safety and Health Act regulations and guidelines (OSHA).

C. EPA - SWPPP. Each Owner or Builder must 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 from Tavolo Park and properly disposed of.

E. Sales Trailers. A temporary sales trailer may be located on a specific Lot only with the written approval of Declarant. A temporary sales trailer must be removed within the time period specified by Declarant.

F. Construction Signage. If authorized by Declarant in writing, a Builder may place one (1) construction sign on a Lot. The size and location of the sign may be designated by Declarant.

G. Construction Access. The location of Tavolo Park’s main construction entrances will be determined from time to time by Declarant and each Builder is responsible for assuring that only that entrance is used by its employees, suppliers, subcontractors and agents.

H. Vehicles and Parking Areas. Construction crews may not park on, or otherwise use, another Lot or any open space. Construction vehicles are required to be parked on the same side of the street and within areas designated by the Declarant. No vehicles may be parked in a manner that obstructs or impairs traffic flow. Each Builder is responsible for assuring that subcontractors and suppliers comply with the speed limits and other traffic signs posted within Tavolo Park. Construction vehicles must be properly maintained so that they do not leak oil, emit smoke or fumes or make unreasonable noise.

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

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

Saturday 7 a.m. to 6 p.m.

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

Holidays..... During the hours designated by Declarant, which may vary depending upon the holiday.

The specified hours for construction include staging activities preceding actual construction work and clean-up and other activities associated with shutting down construction.

Construction hours are subject to change, as may be determined by Declarant from time to time. Builders are required to be respectful of residents living in close proximity to a construction site. Loud music is prohibited. Resident complaints will be courteously addressed and resolved as quickly as possible. Construction workers may not bring any type of animal or pet or any child sixteen (16) years of age or younger to a construction site.

J. Construction Materials and Equipment. Construction materials must be neatly stacked on the Lot on which the work is taking place. Construction materials and equipment must be covered and secured when not in use. The Owner or Builder is solely responsible for any loss of or damage to construction materials and/or equipment kept or maintained on a construction site.

K. Sanitary Facilities. Each Builder is responsible for providing adequate sanitary facilities for the Builder'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 Declarant. The sanitary facilities are to be removed promptly upon completion of construction.

L. Dust, Mud, Noise and Silt Fences. Each Builder is responsible for diligently controlling dust, mud and noise, including, without limitation, music, on the construction site. Silt fences are required and must remain in good condition during entire phase of construction. If a silt fence needs to be temporarily removed, the prior written approval of the ARC is required. Additionally, Lot perimeter silt fencing must be removed by Builder when construction is complete. Each Builder is also required to install appropriate erosion control devices and to maintain such devices during the construction process. Each Builder is required to sweep the street in front of the Lot and, in the case of a corner Lot, the side street at least once each week.

M. Debris and Trash Removal. During the construction period, each construction site must be kept neat and clean. Builders must clean all trash and debris on a construction site on a daily basis. Debris and other items must be kept in appropriate containers to prevent them from being windblown into streets or onto other Lots. Lightweight materials, packaging, and other construction debris must be removed from the site weekly.

Builders are prohibited from dumping, burying or burning trash anywhere within Tavolo Park. A temporary four foot (4') tall orange safety fencing between Lots with constructed Residential Dwellings and Lots under construction is required during construction. Each Builder is required to form an enclosed area with a minimum diameter of ten feet (10') on each Lot on which a Residential Dwelling

is under construction in which debris and trash generated by the construction on the Lot must be placed.

Declarant will designate an area or areas in Tavolo Park in which concrete wash-out is permitted. Concrete wash-out in other areas is prohibited.

Mud, dirt and construction debris from the construction site on paved streets in Tavolo Park, whether caused by the Builder or any of its subcontractors or suppliers, must be removed and cleaned by the Builder daily. Fines may be imposed on Builders for noncompliance.

N. Restoration or Repair of Other Property Damages. Damage to any property outside the Lot on which construction is taking place, 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 Builder. In the event a Builder fails to restore or repair the damaged area, the Association may repair the area and impose the expense on the Builder.

O. Miscellaneous and General Practices. Each Builder is responsible for the conduct and behavior of its employees, agents, representatives, suppliers and subcontractors while in Tavolo Park. The following practices are prohibited:

- a. Changing oil or making repairs on any vehicle or equipment on a Lot or at any other location within Tavolo Park other than at a location, if any, designated for that purpose by Declarant.
- b. Allowing concrete suppliers, plasterers, painters or any other subcontractors to clean equipment anywhere but the location(s) specifically designated for that purpose by Declarant. A violation of this provision will result in charges to the Builder or Owner for clean up or damage repairs.
- c. Removing rocks, plant material, topsoil, or similar items from other property within Tavolo Park, including other construction sites.
- d. Illegal possession of any type of firearms or other weapons within Tavolo Park.
- e. The use of utilities from an adjacent property without the written consent of the owner of the adjacent property.
- f. Using disposal methods or equipment other than those approved by Declarant.

- g. Careless disposal of cigarettes and flammable material. At least two (2) fully operational 10-pound ABC-rated dry chemical fire extinguishers must be present and available in a conspicuous place on the construction site at all times.
- h. The use of illegal drugs or alcohol.
- i. Destruction or removal of protected plant materials or plants without approval of the ARC.
- j. The use of radios and other audio equipment at an unreasonable sound level, as determined by the ARC.
- k. The use of a horn by a contractor, subcontractor or catering truck to signal arrival.

1.4 Compliance and Non-Liability

A. Enforcement. In the event of a violation of these Design Guidelines, Declarant or the Association may take any action set forth in the Declaration or these Design Guidelines. Declarant 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, Declarant or the Association, as applicable, is entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Owner of 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 submitted by an Owner or Builder. **PRIOR TO SUBMITTING PLANS OR INFORMATION FOR REVIEW, EACH OWNER OR BUILDER SHOULD READ AND UNDERSTAND THIS DISCLAIMER.**

DECLARANT, THE ASSOCIATION, THE ARC, THE BOARD, AND THEIR RESPECTIVE OFFICERS, AGENTS, MANAGERS, PARTNERS, DIRECTORS, SUCCESSORS OR ASSIGNS, ARE NOT LIABLE IN DAMAGES OR OTHERWISE TO ANYONE WHO SUBMITS MATTERS FOR APPROVAL TO DECLARANT OR THE ARC, 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 PLANS REQUIRING APPROVAL HEREUNDER. APPROVAL OF PLANS BY DECLARANT OR THE ARC DOES NOT CONSTITUTE ANY WARRANTY OR REPRESENTATION AS TO THE INTEGRITY OR

SUITABILITY OF THE PLANS FOR THE PROPOSED IMPROVEMENT OR COMPLIANCE WITH ALL APPLICABLE GOVERNMENTAL REGULATIONS.

C. Right of Waiver. Declarant and the ARC reserve the right, without the obligation, to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown, subject to compliance with the Declaration. However, any such waiver will not constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval.

Further, if Declarant or the ARC overlooks or is not aware of any item of non-compliance at any time during the review process, construction process or final inspection, the Owner or Builder is in no way relieved of the obligation to comply with these Design Guidelines, the Declaration and all applicable codes, ordinances and laws.

D. Severability. If any provision in these Design Guidelines is 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 these Design Guidelines may be reasonably applied without the invalid provision.

II. Site Plan Guidelines

2.1 Building Setbacks

Building setbacks are established by these Design Guidelines and, when recorded, the Plat.

Prior to the placement of any forms, the Builder is required to review the setbacks, as well as regulations required by the City and County for each specific Lot to verify all applicable setback requirements. **Unless otherwise delineated on the recorded Plat or set forth in the Declaration, or a City or County regulation,** the following setbacks will apply:

2.1 BUILDING SETBACKS AND EASEMENTS			
LOT SIZE	FRONT LINE SETBACK	SIDE SETBACK	REAR SETBACK
50'	Twenty feet (20')	Five feet (5')	Ten feet (10')
60'	Twenty feet (20')	Five feet (5')	Ten feet (10')

2.2 Lot Improvements

2.2.1 Garages

A garage capable of housing at least two (2) vehicles is required for every Lot. The driveway width must accommodate two (2) vehicles parked side-by-side. A minimum of four (4) parking spaces, including the garage, and beyond the street is required for each Lot. A carport on a Lot is prohibited. Additional provisions relating to garages are set forth in Section 3.12.

2.2.2 Street Sidewalks

Concrete sidewalks are to be constructed by the Owner or Builder within all public street right-of-way frontages according to City and County standards. All street sidewalks are to be constructed in a consistent manner producing a uniform appearance.

Sidewalks along a street must be five feet (5') in width and have a five foot (5') setback from the back of the curb to provide sufficient space for street trees. On a corner Lot, a sidewalk is required to be both parallel to the front Lot line and parallel to the side street Lot line. The area between the curb and the street sidewalk must be sodded with grass.

Expansion joints must occur every twenty feet (20'). Complete pours between expansion joints are required. No cold joints are permitted.

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

All sidewalk construction must meet or exceed ADA accessibility standards.

It is the responsibility of the Owner of a Lot to maintain, repair and replace all sidewalks on or adjacent to the Lot within the public right-of-way.

2.2.3 Walkways

Reinforced concrete is required, designed to standards. Walkways are to be a minimum of four feet (4') in width. Subject to ARC approval, decorative materials may include brick, stamped or colored concrete pavers, flagstone, etc. Asphalt paving, loose gravel, loose stone, and timber borders on walkways are prohibited.

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.

2.2.4 Driveways

Each driveway is required 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. 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 nearer than three feet (3') from the side property line.

A paved parking space adjacent to the driveway which is nearer to the front property line of a Lot than the front building setback is prohibited.

Circular driveways may be permitted on a case by case basis, in the sole discretion of the ARC. A submittal for a circular driveway may be disapproved by the ARC on the basis of the width or configuration of the Lot and the corresponding impact on the appearance of the front yard area. Accordingly, the approval of a circular driveway on a Lot does not obligate the ARC to approve a submittal for a circular driveway on another Lot. Circular driveway submittals must clearly note property lines, build lines and easements for the lot.

2.2.5 Pools, Spas, Water Amenities

Pools, hot tubs, spas and other water amenities must be approved in writing by the ARC prior to construction. Above ground pools and temporary or portable pools are prohibited. The area in which an approved pool, hot tub, spa or similar water amenity is located must be fully enclosed by a fence approved in writing by the ARC.

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 any adjacent Lot at ground level, a street or Common Area. Pumps, heaters, plumbing, etc. must be screened from view from a street and Common Area in a manner approved in writing by the ARC.

A pool, hot tub, spa or similar water amenity must be located on the Lot within all applicable building setbacks. Pool walls may not encroach into utility easements. If pool plumbing is required in a utility easement, the Builder/Owner must contact the appropriate utility company before excavating. Wood or concrete pool decks may be placed on a utility easement only with the prior written permission of the utility company.

A pool, hot tub, spa or similar water amenity is permitted only in the rear yard of a Lot; no such item is permitted in the front or side yard of a Lot.

A fountain in the front yard of a Lot is prohibited. In the case of a corner Lot, a fountain in the side yard adjacent to the side street is prohibited.

Dumping of excavated material within the Community is prohibited.

A pool, hot tub, spa or other water amenity is not permitted on a Lot unless there is a Residential Dwelling on the Lot or the pool, hot tub, spa or other water amenity is constructed at the same time that a Residential Dwelling on the Lot is constructed.

2.2.6 Decks

The construction of a deck on a Lot requires the prior written approval of the ARC. The location of a deck must comply with all applicable building setbacks. No deck may be more than two feet (2') above grade.

2.2.7 Patios and Patio Covers, Arbors and Pergolas

The construction of a patio and/or patio cover, an arbor and a pergola requires the prior written approval of the ARC. Steel, aluminum, and any other metal may not be used as an exterior material (siding or roofing) on a patio, patio cover or arbor.

2.2.8 Front Porches

Front porches are encouraged.. A front porch appurtenant to a Residential Dwelling may extend beyond the front building setback a distance not exceeding ten feet (10'). A front porch must have a depth of at least six feet (6') and a useable area of at least sixty (60) square feet. Front entry covers are not permitted on Residential Dwellings that are at least two (2) stories in height. Arched entry way openings may not exceed fourteen feet (14') in height on a two (2) story Residential Dwelling. Paladian style window configurations are discouraged on entries.

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 Owner or Builder in design or construction. The design of each Residential Dwelling must be compatible with the overall architectural scheme of the Community.

3.2 Square Footage

Square footage of a 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 Table below.

3.2 LOT COVERAGE AND SQUARE FOOTAGE		
Lot Width	Minimum Sq. Feet	Maximum Sq. Feet
50'	1800	3400
60'	2400	4000
70'	TBD	TBD

3.3 Plan Spacing and Repetition

Exterior elevations must be complementary in architectural design and materials, and compatible with Residential Dwellings throughout the Community.

The same elevation plan must be staggered throughout the Community in accordance with the “six Lot pattern” attached to these Design Guidelines as Exhibit “A”. The same elevation plan may not be repeated more frequently than every sixth (6th) Lot.

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

3.4 Exterior Materials

As used in these Design Guidelines, the term “**masonry**” means brick, stone and real stucco (wire mesh, cement, lime based). 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 front elevation of a Residential Dwelling, including the garage, must be one hundred percent (100%) masonry except over the roof of the Residential Dwelling or elsewhere specifically approved by ARC; only limited exceptions will be permitted by the ARC. The Residential Dwelling is required to be made up of eighty percent (80%) masonry overall, provided that the first floor of the Residential Dwelling must be one hundred percent (100%) masonry, except under

the roof on rear porches. No stone over the top of brick materials is permitted (i.e., stone accents must be on same plane and must start at the foundation)

Keystones and Brick Quoins are not permitted on front elevations.

Masonry lap siding or lap siding treated engineered siding or a similar cementitious material (equal to Hardi-Plank or Smartsystem by LP) may be permitted as exterior materials in limited circumstances depending upon the design of the Residential Dwelling and compatibility with surrounding Residential Dwellings, as determined by the ARC in its sole discretion; however, such siding is not considered to be masonry and will not be included in the determination of compliance with the minimum masonry percentage. Provided that, such masonry material may only be located above the roofline of the Residential Dwelling. Board and Batten siding, metal, reflective aluminum or 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. Materials must wrap a minimum of two feet (2') around the side elevation.

Highly reflective external materials, as determined by the ARC, are not permitted.

3.5 Masonry Repetition

Masonry on Residential Dwellings in close proximity must vary to provide diversity in color and design. The ARC may disapprove the masonry proposed to be used on a Residential Dwelling if the same or similar masonry is used on a Residential Dwelling in close proximity to the Lot for which the masonry is proposed. The masonry patterns on Residential Dwellings must be staggered throughout the Community in accordance with the “six Lot pattern” illustrated in Exhibit “A” attached to these Design Guidelines.

The ARC may adopt additional guidelines relating to masonry requirements and masonry repetition by an amendment or supplement to these Design Guidelines.

3.6 Paint Colors

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 ARC to be brilliant are not permitted. The exterior color must be approved in writing by the ARC prior to painting.

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 three (3) colors on a Residential Dwelling is not permitted.

The color schemes on the exteriors of a Residential Dwellings may not be the same as or similar to the color scheme of a Residential Dwelling within a six (6) Lot grouping, that being three (3) Lots on the same side of the street and three (3) Lots on the opposite side of the street must be staggered throughout the Community in accordance with the “six Lot pattern” illustrated in Exhibit “A” to these Design Guidelines.

3.7 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. Tinting is encouraged for energy conservation purposes. Bronze, reflective glass or mirrored glazing is prohibited. Exterior burglar or security bars on windows or doors are prohibited. Window shutters are permitted provided that they must be half (1/2) of the window’s width.

3.8 Roofs

The roofing materials on all Residential Dwellings and other Improvements in the Community must be lifetime architectural (dimensional) composition shingles with ten (10) year algae discoloration protection, barrel tile or slate. Three (3) tab composition shingles are prohibited. The type and color of the roofing material to be used on a Residential Dwelling must be approved in writing by the ARC prior to construction; the color of the roofing material must be consistent with the color scheme for roofs established by the ARC. Shingles are to be overlapped at valleys so that no valley flashing is exposed. Copper metal roofing is permitted only as an accent, not as the predominant roofing material.

Minimum fascia height is six inches (6”). Eaves must be boxed in with horizontal soffit.

All Residential Dwellings must have a minimum 8:12 roof pitch unless otherwise approved in writing by the ARC. Secondary roof structures, such as, by way of example and not in limitation, the roof on a porch, patio or dormer, may have a different roof pitch as approved in writing by the ARC.

Mansard, Gambrel and Chalet roofs, are prohibited. Flat roofs are prohibited. A minimum of 4:12 pitch at accent locations is permitted.

3.9 Chimneys

If a chimney is interior to the Residential Dwelling, it must be a direct vent located at the rear of the Residential Dwelling. If a chimney is exterior to the Residential Dwelling, the exterior of the chimney must be clad in a masonry material; for purposes of a chimney, Hardi-Plank and Smartsystem by LP are not considered to be a masonry material and, therefore, are not permitted.

3.10 Roof Top Accessories

The roof, as an expressive design element, should be kept as visually unobstructed as possible. A radio/television antenna or satellite dish antenna on a Residential Dwelling is not permitted if in front of the Lot or, in the case of a corner Lot, the side street, unless otherwise permitted by law.

Vent stacks and other necessary roof penetrations should be located away from public view. 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 building codes or regulations. Shingles are to be overlapped at valleys so that no valley flashing is exposed.

Rooftop or window air-conditioning or heating equipment is prohibited.

Skylights, if any, must be installed on the rear portion of the roof of the Residential Dwelling.

3.11 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 on Lots in the Community:

ARC Approval:

- (a) ARC Approval. The installation of a solar energy device requires the prior written approval of the ARC. Provided that, the ARC may not withhold approval if the provisions of this Section 3.11 are met or exceeded, unless the ARC 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.

- (b) 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.

- (c) 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 ARC 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 ARC. For determining estimated annual energy production, the parties must use a publicly available modeling tool provided by the National Renewable Energy Laboratory.

- (d) **Visibility.** A solar energy device located within a fenced yard or patio may not be taller than six feet (6').
- (e) **Warranties.** A solar energy device may not be installed on a Lot in a manner that voids material warranties.
- (f) **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.

3.12 Garages

A detached garage on a Lot in the Community is prohibited. A carport on a Lot is prohibited.

Garages must be set back at least two feet (2') from the front plane of the Residential Dwelling, unless otherwise approved in writing by the ARC.

The conversion of all or a portion of the interior of a garage into living space is prohibited.

3.12.1 Garage Doors

A garage for housing not less than two (2) vehicles is required for each Lot. Variations in single garage doors and double garage doors are required throughout the Community. The ARC may disapprove the design of garage doors if the same or similar design of garage doors exists on a Lot in close proximity. For a garage with single doors, a brick column twelve inches (12") in width separating the doors is required.

Garage doors must be architectural metal or cedar wood clad, or its approved equivalent, and incorporate at least two (2) of the following:

- a. Two single garage doors
- b. decorative windows;
- c. decorative hardware;
- d. reveals with texture; or

- e. garage door paint or stain that is darker than the trim.

The exterior color of a garage door must be consistent with the color scheme on the exterior of the Residential Dwelling, as determined and approved by the ARC. All garage doors must be recessed from the frame at least nine inches (9"). In the event of a three (3) vehicle garage facing a street, a plane break not less than two feet (2') is required to reduce the span of the garage opening.

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

3.13 Exterior Lighting

Exterior lighting must be installed in a manner that will not cause unnecessary light spill distraction, nuisance or unsightliness. All exterior lighting requires the prior written approval of the ARC.

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.

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 on Lots are prohibited. Mercury vapor lights, when the fixture is visible from an adjacent Lot, a street or Common Area are prohibited.

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.

3.14 Mechanical Screening

Landscaping approved by ARC is required around the power/phone transformers and pedestals in the front yards of Lots and in the side yard of a corner Lot adjacent to the side street. 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.

All mechanical, meters, air conditioning units, pool equipment, and other similar devices, are required to be placed away from view of streets, Common Areas, 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, landscaping must also be used to screen the equipment from view.

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

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.

3.15 Address Markers

Typical community Precast Stone required.



3.16 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:

- (1) ARC Approval. Proposed flagpoles, flagpole stands and/or footings and illumination must be approved in writing by the ARC. The Association may require an Owner to remove flagpoles, flagpole footings, or flags that do not comply with this Section 3.16.
 - (2) 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.
 - (3) 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.
 - (4) 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.
- (1) 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.
 - (2) 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.
 - (3) A flagpole attached to the Residential Dwelling or garage may not exceed six (6) feet in length.

- (4) 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.
 - (5) A flagpole may not be located in an easement or encroach into an easement.
 - (6) 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.
 - (7) A flagpole must be maintained in good condition; a deteriorated or structurally unsafe flagpole must be repaired, replaced or removed.
 - (8) An Owner is prohibited from locating a flagpole on property owned or maintained by the Association.
 - (9) A freestanding flagpole must be installed in accordance with the manufacturer's guidelines and specifications.
 - (10) If the footing and/or stand for a freestanding flagpole extends above the surface of the ground, the ARC may require the installation of landscaping to screen the stand and/or footing from view.
- (c) Flags.
- (1) 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 ARC or as otherwise permitted by the Association.

- (2) Not more than two (2) of the permitted types of flags may be displayed on a flagpole at any given time.
 - (3) 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.
 - (4) 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.
 - (5) A displayed flag must be maintained in good condition; a deteriorated flag must be replaced or removed.
 - (6) 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.
- (d) Illumination. It is the universal custom to display the flag of the United States of America only from sunrise to sunset. Likewise, the flag of the State of Texas should not normally be displayed outdoors before sunrise or after sunset. Accordingly, illumination of a flagpole or flag is not permitted.

3.17 Rain Gutters

A full gutter system is required on eaves on the front and side elevations of a Residential Dwelling. Downspouts on the front of a Residential Dwelling must be located to provide a clean, unobtrusive appearance. Gutters and downspouts must be painted the same color as trim on the Residential Dwelling.

3.18 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 on Lots in the Community:

- (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:
 - (1) 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
 - (2) 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:
 - (1) Rain Barrel:
 - (i) Size: A maximum height of forty-two (42) inches and a maximum capacity of fifty (50) gallons.
 - (ii) 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.

(iii) Materials: Wood, metal, polyethylene or plastic resin designed to look like an authentic barrel in brown or other neutral earth tone color.

(iv) 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 ARC.

(v) 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.

(2) 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 shall 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 ARC.

Provided that, the regulations in this Section 3.18 will be 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.

3.19 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 shall be applicable to the display of religious items on Lot in the Community:

- (a) ARC 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 ARC.
- (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 ARC.
- (h) Other. Notwithstanding the above provisions, the ARC 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 this section does not prohibit or apply to temporary seasonal decorations related to religious holidays.

3.20 Standby Electric Generators.

- (a) Definition. A Standby Electric Generator is a device that converts mechanical energy to electrical energy and is:
 - (1) powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
 - (2) fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
 - (3) connected to the main electrical panel of the Residential Dwelling by a manual or automatic transfer switch; and
 - (4) rated for generating capacity of not less than seven (7) kilowatts.

- (b) ARC 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 ARC 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 ARC as to compliance with these Design Guidelines. The submission of plans must include a completed application for ARC 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 ARC 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 ARC.

- (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 ARC and compliance with the following requirements:
 - (1) 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;
 - (2) all electrical, plumbing, and fuel line connections for a Standby Electric Generator must be installed by a licensed contractor;

- (3) all electrical connections for a Standby Electric Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
- (4) 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;
- (5) 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;
- (6) a nonintegral 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;
- (7) a Standby Electric Generator and all electrical lines and fuel lines relating to the Standby Electric Generator must be maintained in good condition;
- (8) a deteriorated or unsafe component of a Standby Electric Generator, including electrical or fuel lines, must be repaired, replaced, or removed;
- (9) periodic testing of a Standby Electric Generator shall 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
- (10) the preferred location of a Standby Electric Generator is:
 - (a) at the side or rear plane of the Residential Dwelling;
 - (b) outside (not within) any easement applicable to the Lot;
 - (c) 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 shall 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:
 - (1) visible from the street in front of the Residential Dwelling on the Lot on which it is located,
 - (2) 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
 - (3) 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 ARC.

- (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 Tavolo Park.
- (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.

3.21 Room Additions and Porches

A room addition requires the prior written approval of the ARC. A porch (other than a porch incorporated in the original design and construction of the Residential Dwelling) requires the prior written approval of the ARC. The ARC is vested with the authority to disapprove an application for a porch or room addition if it reasonably determines that the location and/or design of the porch or room addition will have an adverse affect upon the overall exterior design for the Community. This determination may be affected by the configuration of the Lot and the location of the Residential Dwelling and garage on the Lot. Thus, the approval of a porch or room addition on a Lot will not obligate the ARC to approve a porch or room addition on another Lot. The design of the room addition or porch must be compatible with the design of the Residential Dwelling, as determined by the ARC. In all instances, exterior building materials and roof materials must match the materials on the Residential Dwelling. If a porch is to be enclosed with a screen, the porch must be attached to the Residential Dwelling. Additional landscaping around a room addition or porch may be required by the ARC.

3.22 Accessory Buildings

No accessory building may be constructed or placed on a Lot without the prior written approval of the ARC. As provided in the Declaration, an accessory building may not exceed a height of eight feet (8') or have a floor area greater than one hundred (100) square feet. The exterior building and roof materials used in the construction of an accessory building must be the same or substantially similar to the materials used on the Residential Dwelling. The use of metal or plastic building or roof materials is prohibited. An accessory building must be located in the rear yard of a Lot and in the compliance with all building setbacks.

IV. Fencing

4.1 General

Fences must be constructed of cedar wood, decorative steel or masonry. All fences must be approved in writing by the ARC. All visible wood fences and gates must be stained with a product deemed appropriate by the ARC. All fences and gates must be maintained at all times by the Owner.

Fences are generally required to be six (6) feet in height; provided that, the ARC has the authority to approve a fence with a different height when deemed appropriate given the location of the fence and/or configuration of the Lot. In addition, Declarant, in its sole discretion, has the authority to construct fences which exceed six (6) feet in height.

4.2 Fence Setbacks

With respect to a fence which faces the street in front of the Lot, the fence may not be located nearer to the front property line of the Lot than the front building setback or the front wall of the Residential Dwelling nearest to the fence, whichever distance is farther from the front property line. With respect to a corner Lot, a fence may not be nearer to the side property line adjacent to the side street than the side building setback.

4.3 Wood Fences

Wood fences that are visible from any public right-of-way must be constructed of board-on-board stained cedar. Except as provided below, all wood fences must be constructed with: One inch (1") by six inch (6") by six feet (6') treated cedar panels;

- a. Two inch (2") by four inch (4") by seven feet (7') treated cedar rails;
- b. Three inch (3") diameter galvanized steel posts which are eight feet (8') on center;
- c. A two inch (2") by six inch (6") cap with a one inch (1") by six inch (6") trim; and
- d. Stained with Ready Seal Pecan (Medium Brown OS-015B).

Provided that, wood fences that are not visible from a public right-of-way may be constructed as provided below:

- a. One inch (1") by four inch (4") by six feet (6') treated cedar pickets;
- b. Two inch (2") by four inch (4") treated cedar rails;
- c. Steel posts;
- d. One inch (1") by six inch (6") trim at the top; and
- e. Stained with Ready Seal Pecan (Medium Brown OS-015B).

No used materials are permitted. To transition grade changes with wood fencing, the fence must be erected parallel to the slope.

4.4 Masonry Fences

Requirements for masonry fences and walls may be adopted by the ARC and set forth in a supplement to these Design Guidelines.

4.5 Common Area Fences

A fence is required along the property line of a Lot that is adjacent to Common Area. Fences which are adjacent to Common Areas (including, without limitation, hike and bike trails) must be wrought iron or tubular steel. A wrought iron or tubular steel fence must be four feet (4') in height with a black powder coat finish having rails at four inch (4") on center intervals. Wood fences are not permitted. A gate is required in the fence on a Lot that is adjacent to Common Area.

V. Landscape Guidelines

5.1 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 forth in these Design Guidelines. All landscaping on a Lot requires the prior written approval of the ARC. The landscaping Plan for each Lot must be submitted to the ARC for approval at the same time that Plans for the Residential Dwelling to be constructed on the Lot are submitted to the ARC. However, a Builder may submit to the ARC a typical landscaping Plan to be utilized for all Lots on which such Builder constructs a Residential Dwelling; if the ARC approves a typical landscaping Plan for a Builder, an individual landscaping Plan for each Lot for which the Builder thereafter submits Plans is not required.

All landscaping for a Lot must be completed in accordance with the landscaping Plan approved by the ARC no later than thirty (30) days following the date of substantial completion of the Residential Dwelling on the Lot.

The plant materials listed in the Preferred Plant List set forth in Exhibit "B" attached to these Design Guidelines are permitted within Tavolo Park. These plant materials have been chosen for their natural or adaptable qualities and their function in the landscape.

All plantings will be planted with the appropriate topsoil, additives and fertilizer mixtures. The use of on-site soil only is not permitted.

Planting beds will be curvilinear with the shrubs massed in tiers. 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 shrubs along the foundation in straight lines at a constant distance from the foundation is not permitted.

Widths of the beds should vary and size of plantings at full maturity should be taken in consideration. A single row of planting along the foundation is discouraged.

Width of planting beds must be at least six-feet (6') from the Residential Dwelling.

Bare ground is prohibited. 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 the ARC.

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.

Prior to planting a tree in the front 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.

The front yard of a Lot must be fully sodded at the time the landscaping is completed. The rear yard of a Lot must also be fully sodded if the rear yard is visible from a street or Common Area. In all other instances, fully sodding the rear yard is strongly encouraged. Sprigging a front yard or a rear yard that is

visible from a street or Common Area is not permitted. It is recommended that all yards be fully irrigated.

All grass must be St. Augustine “Raleigh” solid sod or Bermuda sod.

5.2 Street Trees

One (1) street tree is required for each Lot that is fifty feet (50’) in width. Two (2) street trees are required for each Lot that is sixty feet (60’) in width or greater. Each street tree is required to be a minimum four-inch (4”) caliper (at the time of planting). Each street tree must be planted midway between the curb and the sidewalk. The trees must be spaced in an equal manner between the interior edge of the driveway on the Lot and the opposite side property line of the Lot, as shown in Exhibit “C”. A street tree may not be removed or replaced without the prior written consent of the ARC. Each street tree must be a species designated for street trees in Exhibit “D” attached to these Design Guidelines. Street trees must be maintained and pruned, as necessary, by the Owner of the Lot to preserve views and prevent the obstruction of sidewalks and streets.

Notice: Easements for utilities may be located at the front of each Lot adjacent to the right-of-way. Prior to planting a street tree, the Builder or Owner is required to contact all utility providers to obtain information concerning the location of the underground utility lines, if any, to avoid injury and/or damage to an underground utility line.

5.3 Front Yard Trees

The only canopy trees permitted in the front yard of a Lot are the street trees addressed in Section 5.2, above.

5.4 Rear Yard Trees

If the rear property line of a Lot or any portion thereof is adjacent to Common Area, two (2) trees with a minimum three-inch (3”) caliper (at the time of planting) are required to be planted in the rear yard of the Lot at the time the Lot is landscaped. The type(s) and proposed locations of rear yard trees must be shown on the landscaping Plans for each such Lot.

5.5 Planting Bed Edges

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.

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

5.6 Irrigation

Each Lot must have an irrigation system that is in compliance with this Section 5.6. All proposed irrigation systems must provide proper amounts of water to landscaping within the entire yard (front, side and rear). In all instances, Owners are required to comply with water use restrictions imposed by the City of Fort Worth.

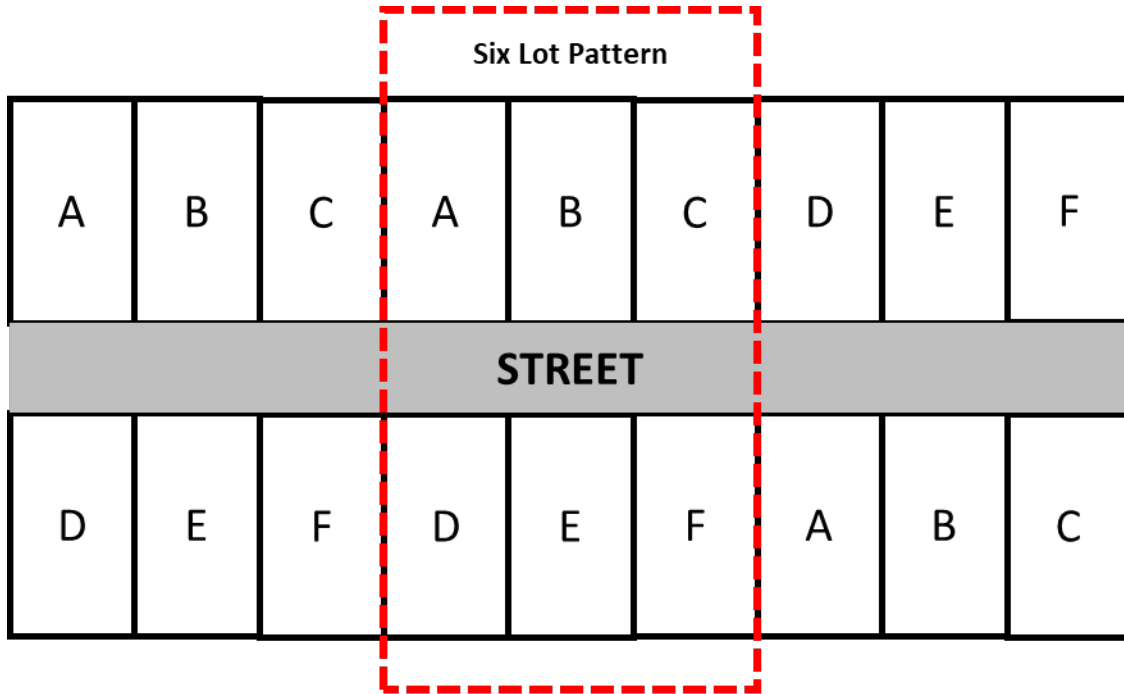
Sprinkler heads must be located to effectively water area intended with minimum overthrow onto pavement, walks, and neighbor fencing. No irrigation heads are allowed to spray into the street. Systems must have a rain sensor over-ride switch.

Irrigation controllers must be located inside the garage.

It is recommended that one zone of the irrigation system be dedicated to the area around the perimeter of the slab.

Exhibit A

The same elevation shall not be permitted within a six lot pattern, on an adjacent lot or on a lot directly across the street as depicted in the diagram below.



Same elevation may not be used within any six lot grouping

EXHIBIT B

Canopy Trees	
Botanical Name	Common Name
<i>Acer grandidentatum</i>	Maple, Bigtooth
<i>Acer saccharum</i> 'Caddo'	Maple, Caddo
<i>Fraxinus texensis</i>	Ash, Texas
<i>Quercus macrocarpa</i>	Oak, Burr
<i>Quercus muehlenbergii</i>	Oak, Chinquapin
<i>Quercus shumardii</i>	Oak, Shumard
<i>Quercus texana</i>	Oak, Red
<i>Quercus virginiana</i>	Oak, Live
<i>Taxodium distichum</i>	Bald Cypress
<i>Ulmus crassifolia</i>	Elm, Cedar
<i>Ulmus parvifolia</i>	Elm, Lacebark

Ornamental Trees

Botanical Name	Common Name
<i>Cercis Canadensis</i> var 'texensis'	Texas Redbud
<i>Chliopsis lineais</i>	Desert Willow
<i>Cotinus obovatus</i>	American Smoketree
<i>Ilex decidua</i>	Holly, Possumhaw
<i>Ilex vomitoria</i>	Holly, Yaupon
<i>Juniperus chinensis</i>	Blue Point Juniper
<i>Lagerstroemia indica</i>	Crape Myrtle
<i>Magnolia grandiflora</i> var. <i>Little Gem</i>	Little Gem Magnolia
<i>Prunus mexicana</i>	Mexican Plum
<i>Sophora affinis</i>	Eve's Necklace
<i>Virburnum rufidulum</i>	Rusty Blackhaw
<i>Vitex agnus-castus</i> 'Shoal Creek'	Chaste Tree

Screening Trees & Large Shrubs

Botanical Name	Common Name
<i>Ilex cornuta 'Burfordii'</i>	Burford Holly
<i>Ilex cornuta 'Nellie R. Stevens'</i>	Holly, Nellie R. Stevens
<i>Ilex x attenuata 'Foster'</i>	Holly, Foster
<i>Juniperus virginiana</i>	Eastern Red Cedar
<i>Ligustrum japonicum</i>	Waxleaf Ligustrum
<i>Ligustrum lucidum</i>	Glossy Ligustrum
<i>Magnolia grandiflora 'Little Gem'</i>	Magnolia, 'Little Gem'
<i>Myrica cerifera</i>	Wax Myrtle
<i>Photinia serrulata (not P. fraseri)</i>	Chinese Photinia
<i>Prunus caroliniana</i>	Cherry Laurel
<i>Viburnum awabuki 'Chindo'</i>	Chindo Viburnum

Shrubs & Large Grasses

Botanical Name	Common Name
<i>Abelia var. Rose Creek</i>	Rose Creek Abelia
<i>Agave spp.</i>	Agave
<i>Anisacanthus quadrifidus 'Wrightii'</i>	Flame Acanthus
<i>Berberis thunbergii 'Rose Glow'</i>	Red Barberry 'Rose Glow'
<i>Callicarpa americana</i>	American Beautyberry
<i>Cotoneaster glaucophyllus</i>	Gray Cotoneaster
<i>Hesperaloe funifera</i>	Giant Red, Droughtucca
<i>Hesperaloe parvifolia</i>	Red, Droughtucca
<i>Hydrangea quercifolia</i>	Oakleaf Hydrangea
<i>Ilex vomitoria 'nana'</i>	Dwarf Yaupon Holly
<i>Leucophyllum frutescens</i>	Texas Sage
<i>Leucophyllum frutescens</i>	Texas Sage
<i>Malvaviscus drummondii</i>	Turk's Cap
<i>Miscanthus sinensis 'gracillimus'</i>	'Morning Light' Miscanthus
<i>Muhlenbergia lindheimeri</i>	Lindheimer Muhly
<i>Myrica pusilla</i>	Dwarf Wax Myrtle
<i>Opuntia ellisiana</i>	Spineless Prickly Pear
<i>Pennisetum alopecuroides 'Hameln'</i>	Dwarf Fountain Grass
<i>Yucca filamentosa var. Color Guard</i>	Color Guard, Droughtucca
<i>Yucca recurvifolia</i>	Soft-leaf, Droughtucca

Groundcovers & Turf Grasses

Botanical Name	Common Name
<i>Buchloe dactyloides</i>	Buffalo Grass
<i>Bouteloua gracilis</i>	Blue Grama
<i>Cynodon dactylon</i>	Bermuda Grass
<i>Euonymus fortunei</i>	Wintercreeper
<i>Hedera helix</i>	English Ivy
<i>Juniperus spp.</i>	Trailing Juniper
<i>Ophiopogon japonica</i>	Monkey/Mondo Grass
<i>Phyla Nodiflora</i>	Texas Frogfruit
<i>Stenotaphrum secundatum</i>	St. Augustine Grass
<i>Trachaelospermum asiaticum</i>	Asian Jasmine

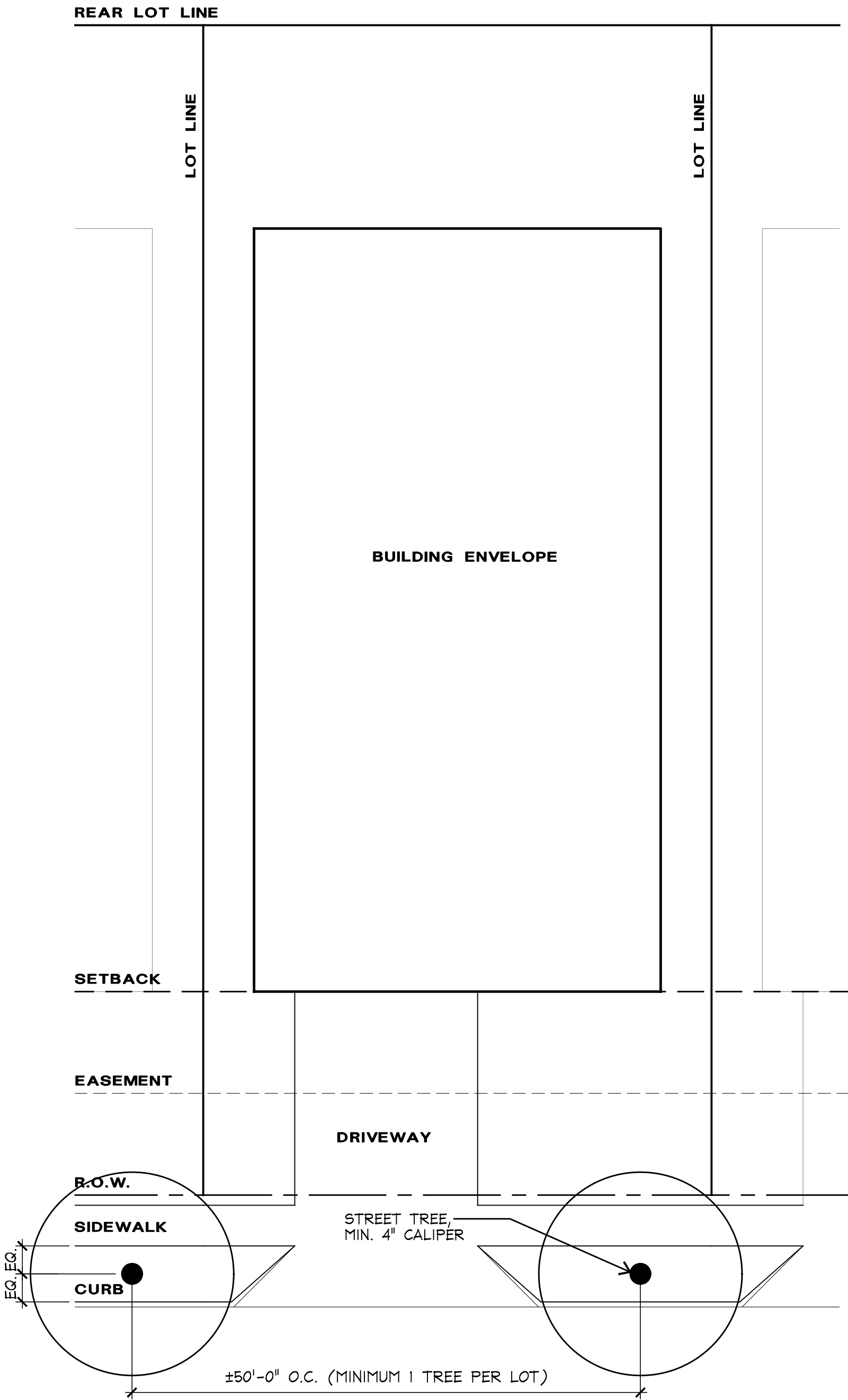
Vines

Botanical Name	Common Name
<i>Bignonia capreolata</i>	Crossvine
<i>Campsis radicans</i>	Trumpet Vine
<i>Lonicera sempervirens</i>	Coral Honeysuckle
<i>Wisteria frutescens</i>	Texas Wisteria

Perennials & Ornamental Grasses

Botanical Name	Common Name
<i>Aster longifolia</i>	Fall Aster
<i>Artemisia x 'Powis Castle'</i>	Artemisia
<i>Calyptocarpus vialis</i>	Horse Herb
<i>Carex divulsa</i>	Berkeley Sedge
<i>Carex texensis</i>	Texas Sedge
<i>Chasmanthium latifolium</i>	Inland Sea Oats
<i>Coreopsis lanceolata</i>	Lanceleaf Coreopsis
<i>Echinacea purpurea</i>	Purple Coneflower
<i>Eragrostis curvula</i>	Weeping Lovegrass
<i>Eupatorium greggii</i>	Greg's Mist Flower
<i>Guara lindheimeri</i>	Pink Gaura
<i>Hibiscus coccinea</i>	Texas Star Hibiscus
<i>Lantana horrida</i>	Texas Lantana
<i>Malvaviscus drummondii</i>	Turk's Cap
<i>Melampodium leucanthum</i>	Blackfoot Daisy
<i>Miscanthus spp.</i>	Maidengrass
<i>Muhlenbergia capillaris</i>	Gulf Coast Muhly
<i>Nasella tenuissima</i>	Mexican Feathergrass
<i>Perovskia atriplicifolia</i>	Russian Sage
<i>Rosmarinus officinalis var. Prostratus</i>	Prostrate Rosemary
<i>Rudbeckia fulgida</i>	Black-Eyed Susan
<i>Rudbeckia hirta</i>	Blackeyed Susan
<i>Salvia greggii</i>	Sage, Autumn
<i>Santolina chamaecyparissus</i>	Gray Santolina
<i>Scutellaria suffrutescens</i>	Pink Skullcap
<i>Autumn Joy Sedum</i>	Sedum spectabile 'Autumn Joy'
<i>Stachys byzantine</i>	Lamb's Ear
<i>Thelypteris kunthii</i>	Southern Wood Fern

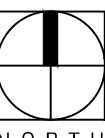
EXHIBIT C - 50' Lot



STREET TREE YARD PLAN - 50' LOT

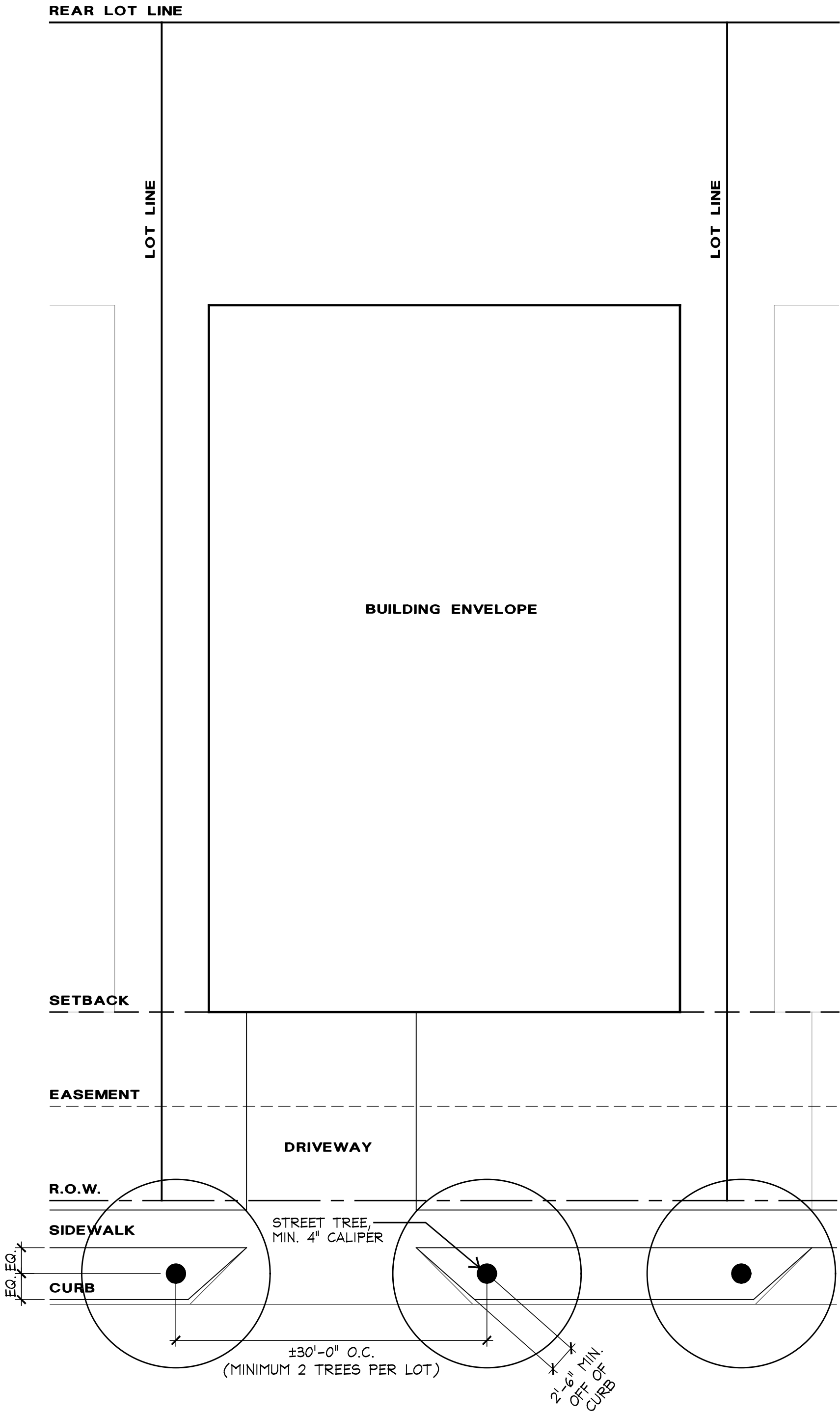


SCALE: 1"=10'



N O R T H

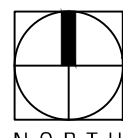
EXHIBIT C - 60' Lot



STREET TREE YARD PLAN - 60' LOT



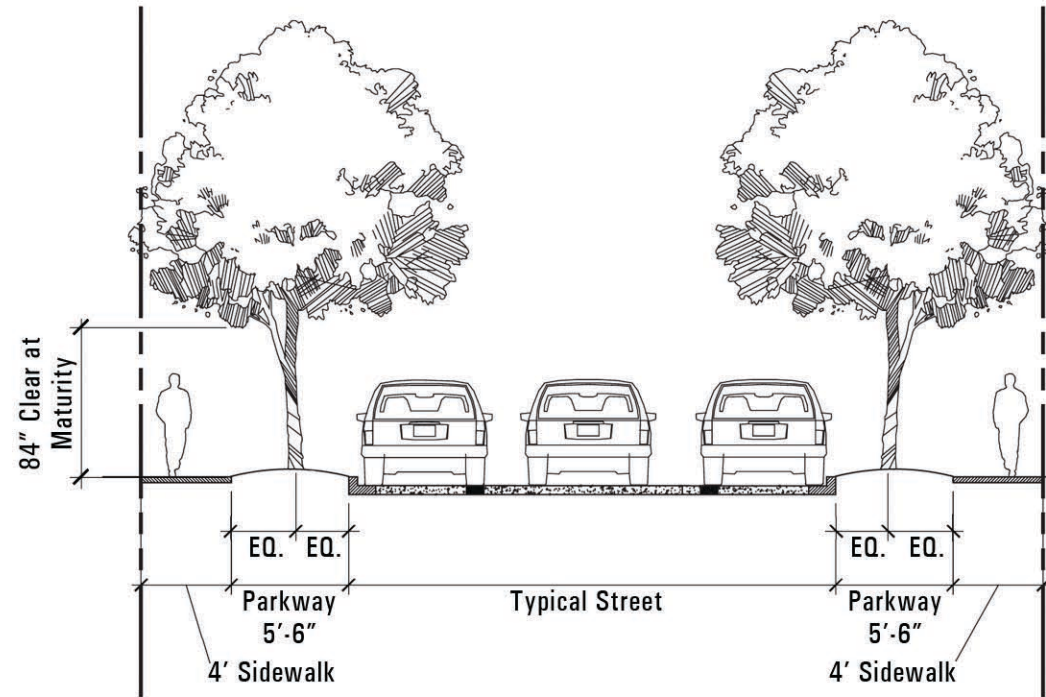
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N O R T H



TYPICAL STREET SECTION



LEGEND

- █ Live Oak or Lacebark Elm
- █ Chinkapin Oak or Texas Ash
- █ Cedar Elm, Texas Ash, or Live Oak
- █ Shumard Oak

STREE TREE MASTER PLAN



CERTIFICATION

I, the undersigned, do hereby certify:

That I am the duly elected and acting Secretary of Tavolo Park Homeowners Association, Inc., a Texas non-profit corporation;

That the foregoing Design Guidelines were adopted unanimously by the Board of Directors at a meeting of the Board duly called and held on the 7th day of August, 2018, at which a quorum was at all times present.

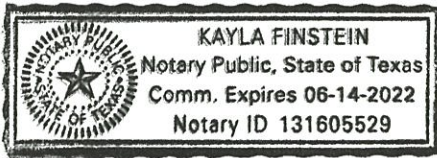
7th IN WITNESS WHEREOF, I have hereunto subscribed my name effective as of this August day of August, 2018.

TAVOLO PARK HOMEOWNERS
ASSOCIATION, INC.

By: Rylan Yowell
Rylan Yowell, Secretary

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned notary public, on this 7 day of August, 2018 personally appeared Rylan Yowell, Secretary of Tavolo Park Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.



Kayla Finstein
Notary Public in and for the State of Texas