

AFTER RECORDING RETURN TO:

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**ARBORS OF FAIR OAKS  
DESIGN GUIDELINES**

EXECUTED to be effective the 4 day of Feb, 2019 by Declarant:

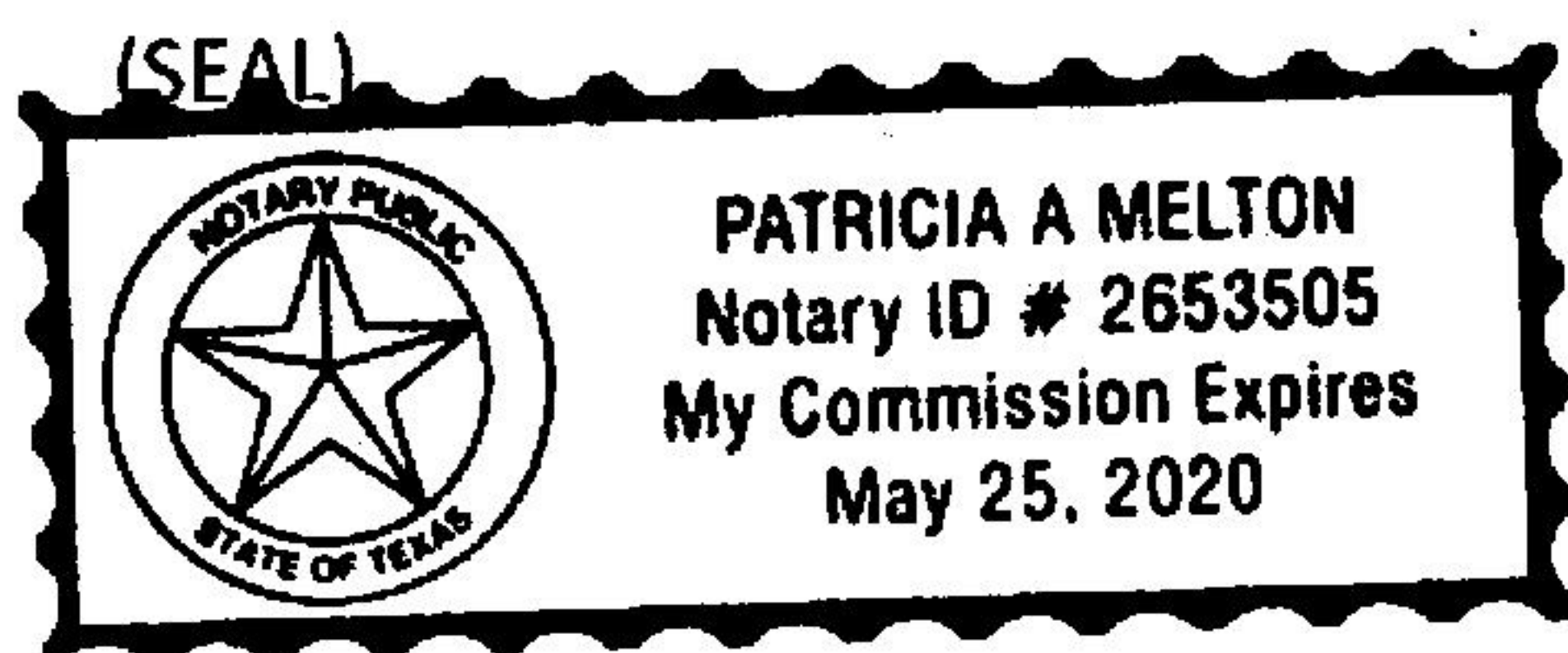
SF FAIR OAKS DEVELOPMENT, LLC,  
a Texas limited liability company

By: [Signature]  
Printed Name: James Edward Horne  
Title: Manager

THE STATE OF TEXAS           §  
  §  
COUNTY OF Williamson   §

This instrument was acknowledged before me on this 4th day of February, 2019, by James Edward Horne, Manager of SF FAIR OAKS DEVELOPMENT, LLC, a Texas limited liability company, on behalf of such limited liability company.

[Signature]  
Notary Public Signature



Adopted by SF Fair Oaks Development, LLC, in accordance with Section 7.02(c) of the Declaration of Covenants, Conditions and Restrictions for Arbors of Fair Oaks, recorded under Document No. 20160256086 in the Official Public Records of Bexar County, Texas, and under Document No. 201606049204 in the Official Public Records of Comal County, Texas, as amended (the "Declaration"). In accordance with Section 7.02(c) of the Declaration, these Design Guidelines may be amended from time to time by the ACC (as defined in the Declaration).

ARBORS OF FAIR OAKS  
DESIGN GUIDELINES

TABLE OF CONTENTS

	<u>Page</u>
<b>I. Introduction .....</b>	<b>1</b>
A. Background .....	1
B. ACC and Review Authority.....	1
<b>II. Governmental Requirements .....</b>	<b>1</b>
<b>III. Interpretation.....</b>	<b>2</b>
<b>IV. Amendments.....</b>	<b>2</b>
<b>V. Architectural Review Overview .....</b>	<b>2</b>
A. Objective .....	2
B. Responsibility for Compliance .....	2
C. Inspection .....	2
D. Submittals .....	2
<b>VI. Architectural and Aesthetic Standards .....</b>	<b>3</b>
A. Plan Repetition.....	3
B. Stone, Trim & Brick Repetition .....	3
C. Siding and Masonry .....	3
D. Square Footage .....	5
E. Temporary/Accessory Structures .....	5
F. Building Height.....	5
G. Roofs and Chimneys.....	6
H. Driveways.....	7
I. Sidewalks .....	7
J. Garages .....	8
K. Exterior Lighting.....	8
L. Setbacks .....	9
M. Address Markers and Mailboxes .....	9
N. Solar Energy Devices .....	9
O. Satellite Dishes.....	9
P. HVAC Screening .....	9
Q. Signage .....	9
R. Aesthetic Appeal.....	10
<b>VII. Landscape Guidelines.....</b>	<b>10</b>
A. Landscape .....	10
B. Tree Protection .....	11
C. Irrigation .....	11
D. Rainwater Harvesting Systems .....	12
E. Landscape Inspection.....	12
F. Drainage.....	12
G. Fencing and Walls .....	12

- H. Pools, Spas and Hot Tubs..... 13
- I. Playscapes, Trampolines and Sport Courts..... 14
  
- VIII. Erosion Control and Construction Regulations .....14**
  - A. Erosion Control Installation and Maintenance ..... 15
  - B. Security ..... 15
  - C. Construction Hours ..... 15
  - D. Noise, Animals, Children ..... 15
  - E. Material and Equipment Storage..... 15
  - F. Insurance..... 16
  - G. Site Cleanliness ..... 16
  - H. Sanitary Facilities ..... 16
  - I. Construction Parking..... 16
  - J. Schedule of Construction Fines ..... 16
  
- IX. Plan Review Process.....17**
  - A. Submittals ..... 17
  - B. Timing ..... 17

## I. Introduction

Any notice or information required to be submitted to the Architectural Control Committee under these Design Guidelines hereunder will be submitted to the Architectural Control Committee, c/o Brian Lott; email: brian@srraustin.com; Phone: (512) 801-1130.

### A. **Background**

Arbors of Fair Oaks is a residential community (the "**Community**") located in the Texas Hill Country in Bexar County and Comal County, Texas. The Community, and the homes within the Community, should be reflective of the natural beauty of the Hill Country. The Community is subject to the terms and provisions of Declaration of Covenants, Conditions and Restrictions for Arbors of Fair Oaks, recorded under Document No. 20160256086 in the Official Public Records of Bexar County, Texas, and under Document No. 201606049204 in the Official Public Records of Comal County, Texas, as amended (the "**Declaration**"). The Declaration includes provisions governing the construction of improvements and standards of maintenance, use and conduct for the preservation of the Community.

### B. **ACC and Review Authority**

The Architectural Control Committee (the "**ACC**") consists of members who have been appointed by **SF FAIR OAKS DEVELOPMENT, LLC**, a Texas limited liability company (the "**Declarant**"). As provided in *Article 7* of the Declaration, Declarant has a substantial interest in ensuring that improvements within the Community maintain and enhance Declarant's reputation as a community developer and do not impair Declarant's ability to market and sell all or any portion of the Community. As a consequence thereof, until Declarant has delegated its right to appoint and remove all members of the ACC to the Board as provided for in the Declaration, the ACC will be acting solely in Declarant's interest and shall owe no duty to any other Owner or Arbors of Fair Oaks Residential Community, Inc. (the "**Association**").

*Article 7* of the Declaration includes procedures and criteria for the construction of improvements within the Community. *Section 3.01* of the Declaration and *Section 7.01* of the Development Area Declaration provides that no improvements may be constructed without the prior written approval of ACC.

**These Design Guidelines will apply only to Lots within the Community which will be used for residential purposes.**

## II. Governmental Requirements

Governmental ordinances and regulations are applicable to all Lots within the Community, including, but not limited to federal, state, county and local requirements and universal building codes, if adopted. It is the responsibility of each Owner to obtain all necessary permits and inspections. Compliance with these Design Guidelines is not a substitute for compliance with Applicable Law. Please be advised that these Design Guidelines do not list or describe each requirement which may be applicable to a Lot within the Community. Each Owner is advised to review all encumbrances affecting the use and improvement of their Lot prior to submitting plans to the ACC for approval. Furthermore, approval by the ACC should not be construed by the Owner to mean that any Improvement complies with the terms and provisions of all encumbrances which may affect the Owner's Lot.

The ACC shall bear no responsibility for ensuring plans submitted to the ACC comply with any applicable building codes, zoning regulation and other government requirements. It is the responsibility of the Owner to secure any required governmental approvals prior to construction on such Owner's Lot.

### **III. Interpretation**

In the event of any conflict between these Design Guidelines and the Declaration, the Declaration shall control. Capitalized terms used in these Design Guidelines and not otherwise defined in this document shall have the same meaning as set forth in the Declaration.

### **IV. Amendments**

During the Development Period, the Declarant, acting alone, may amend these Design Guidelines. Thereafter, the ACC may amend these Design Guidelines. All amendments shall become effective upon recordation in the Official Public Records of Bexar County and Comal County, Texas. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or approved and in progress. It is the responsibility of each Owner to ensure that they have the most current edition of the Design Guidelines and every amendment thereto.

### **V. Architectural Review Overview**

#### **A. Objective**

The objective of the review process is to promote aesthetic harmony in the Community by providing for compatibility of specific designs with surrounding buildings, the environment and the topography. The review process strives to maintain objectivity and sensitivity to the individual aspects of design.

#### **B. Responsibility for Compliance**

An applicant is responsible for ensuring that all of the applicant's representatives, including the applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Design Guidelines and all requirements imposed by the ACC as a condition of approval.

#### **C. Inspection**

Upon completion of all approved work, the Owner must notify the ACC. The ACC may inspect the work at any time to verify conformance with the approved submittals.

#### **D. Submittals**

Requests for approval of proposed new construction, landscaping, or exterior modifications must be made by submitting the information and materials outlined in the Plan Review Process, set forth herein.

## VI. Architectural and Aesthetic Standards

### A. Plan Repetition

Plan Repetition within the Community shall be as follows:

*2 Lots between same floor plan, different elevation*

*4 Lots between same floor plan and same elevation*

*Across street and 2 over for same floor plan, different elevation*

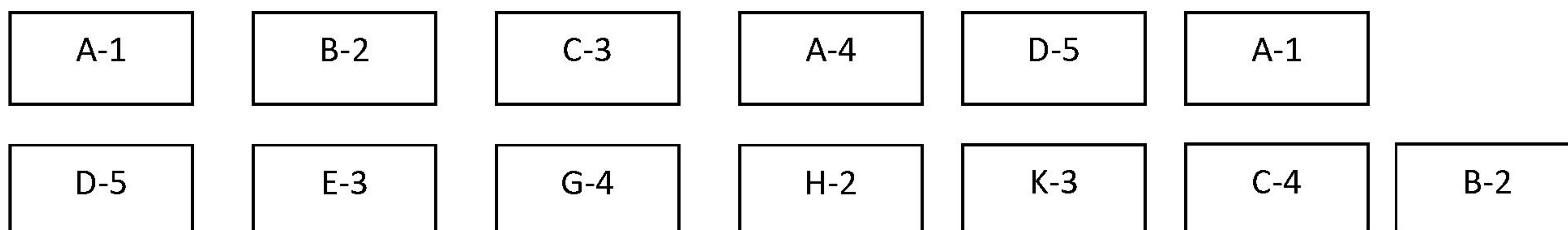
*Across street and 4 over for same floor plan, same elevation*

The ACC may, in its sole and absolute discretion, deny a plan or elevation proposed for a particular Lot if a substantially similar plan or elevation exists on a Lot in close proximity to the Lot on which the plan or elevation is proposed. The ACC may adopt additional requirements concerning substantially similar plans or elevations constructed in proximity to each other.

For Example:

**Plan = Letter**

**Elevation = Number**



### B. Stone, Trim & Brick Repetition

Exterior Color Scheme Repetition (stone, brick and trim combination) within the Community shall be as follows:

- *Exterior Color Scheme - 2 Lots between same scheme*
- *Exterior Color Scheme - Across street and 2 over for same scheme*

The ACC may, in its sole and absolute discretion, deny proposed stone, trim or brick for a particular Lot if substantially similar stone, trim or brick exists on a Lot in close proximity to the Lot on which the brick or masonry is proposed. The ACC may adopt additional requirements concerning substantially similar stone, brick & masonry materials and color schemes constructed in proximity to each other.

### C. Siding and Masonry

All building materials must be approved in advance by the ACC, and only new building materials (except for antique brick if approved in writing) may be used for constructing any Improvements.

Masonry will be required on all sides of the 1st floor of the house and the front of the 2nd floor, as applicable. Masonry shall consist of brick, stone and stucco.

**Exceptions:**

- Main Arterials of Collector Roads. Along any main arterial: 1) back facing residences must have a) 100% masonry along the back of the house on the 1st story, and b) elevated features are required along the 2nd story, e.g. shutters, pop out windows, etc.; and 2) side facing residences must consist of 100% masonry.
- Corner Lots. On all corner Lots, the side facing the street must consist of 100% masonry.
- Cementitious Materials and Stucco. Cementitious materials are not considered masonry. However, the ACC may approve in writing the use of cementitious materials as siding on certain areas of any residence where it is not structurally feasible to support brick or stone, where the materials are used to enhance the desired elevation of the residence or in other circumstances as determined in the sole discretion of the ACC. If approved, then such cementitious materials must be “fiber cementitious,” *i.e.*, Hardi-Plank or Hardi-Board.

In an effort to allow for varied architectural elements, up to 20% of the front elevation of the home can be made of board and batten siding or shingle style siding provided it is fiber cementitious. Any siding installed where it is not structurally feasible to support brick or stone will be counted toward this allowance if additional siding is used on the front elevation.

The ACC must approve in advance the composition and method of application of all stucco proposed to be applied.

- Masonry Calculation. Roofs, eaves, soffits, windows, gables, doors, garage doors and trim work are not required to be constructed of masonry and shall be deducted from the calculation of the minimum percentage of masonry requirement.
- Exposed Foundations. Exposed portions of the foundation on any sides of the house visible from the street must be concealed by extending the exterior stone or brick to within at least twenty-four inches (24”) of the finished grade. Remaining exposed slab area must be underpinned. When the façade of a side of the home is stucco, it is acceptable to finish the exposed foundation in the same color as the stucco.
- Projections. All projections from a dwelling or other structure, including but not limited to chimney flues, vents, gutters, downspouts, porches, railings and exterior stairways must match the color of the surface from which they project, unless otherwise approved by the ACC.
- Prohibited Elements:
  - Highly reflective finishes on exterior surfaces (other than non-mirrored glass or on surfaces of hardware fixtures).
  - Mirrored glass.
  - No vivid/bright colors.

**D. Square Footage**

- Calculation. For the purpose of calculating total square footage, open or screened porches, terraces, patios, decks, driveways, garages, storage facilities and walkways shall be excluded. Other detached accessory uses such as cabanas or garages are permitted, but will not count toward the minimum square footage requirement. The calculation of square feet shall be measured from outside surface to outside surface.
- Minimum Square Footage Requirements.

One Story	2,200
Two Story	2,700

**E. Temporary/Accessory Structures**

Detached accessory structures such as cabanas, garden buildings, detached garages, storage buildings or guesthouses are permitted if approved in advance by the ACC.

- Permitted Structures. Such accessory structures must be: (i) constructed of the same materials, same colors and with the same quality of construction as the primary residential structure, including the roof (as determined by the ACC); and (ii) no larger than 100 sq. ft. and no taller than eight feet (8'), unless otherwise approved.
- Square Footage Calculations. Permitted accessory structures do not count toward the minimum square footage requirements of these Design Guidelines.

**F. Building Height**

Proposed heights must be compatible with adjacent structures and be compatible with existing or anticipated structure heights on Lots located above or below the Lot on which the proposed residence will be constructed and must be approved in writing by the ACC, prior to commencement of construction.

- Structure Height. Unless otherwise approved in advance by the ACC, no building or residential structure may exceed thirty-six feet (36') in height as measured as the vertical distance between the finished floor elevation at any point within the structure and the highest ridge, peak or gable (exclusive of chimneys and ventilators).
- Eaves. In addition, the height of any eave on any structure may not exceed thirty-five feet (35') above the natural grade (as measured from the center point of the home finished floor elevation) at any point on the exterior wall of the residence.
- Views. Views are neither guaranteed, preserved nor protected within the Community.

## G. Roofs and Chimneys

The pitch, color and composition of all roof materials must be approved in writing by the ACC, prior to commencement of construction. Roof vents and other penetrations shall be as unobtrusive as possible and must match the principal color of the roof unless approved in advance by the ACC.

- Accepted Roof Pitch: The roof pitch of the primary residence erected on a Lot must be appropriate for the style of the home with a pitch of no less than 5:12 and no more than 10:12, unless otherwise approved in advance by the ACC. The roof pitch of dormers, porches and other similar accessory structures attached to the primary residence shall be exempt from this requirement, but nonetheless subject to approval by the ACC.
- Accepted Roof Materials: Roofing materials shall be limited to approved earthen colored non-reflective metal, clay, tile or 3-dimensional composition shingles with a rating of 30 years or more that conform to or exceed applicable local, FHA and VA requirements.
- Energy Efficiency Roofing. In addition, roofs of buildings may be constructed with “**Energy Efficiency Roofing**” with the advance written approval of the ACC. For the purpose of the Section, “Energy Efficiency Roofing” means shingles that are designed primarily to: (a) be wind and hail resistant; (b) provide heating and cooling efficiencies greater than those provided by customary composite shingles; or (c) provide solar generation capabilities.
- The ACC will not prohibit an Owner from installing Energy Efficient Roofing provided that the Energy Efficient Roofing shingles: (i) resemble the shingles used or otherwise authorized for use within the Community; (ii) are more durable than, and are of equal or superior quality to, the shingles used or otherwise authorized for use within the Community; and (iii) match the aesthetics of adjacent property. An Owner who desires to install Energy Efficient Roofing will be required to comply with the architectural review and approval procedures set forth the Declaration. In conjunction with any such approval process, the Owner should submit information which will enable the ACC to confirm the criteria set forth in this Section.
- Chimneys. Chimney style must be appropriate for the style of the home and shall be fiber cement siding or masonry (stone, brick or stucco) matching with the same permitted colors and materials as permitted on the body of the house.
- Other Materials. Any other type of chimney or roofing material shall be permitted only with the advance written approval of the ACC.
- Prohibited Elements:
  - Excessively pitched roofs.
  - Mansard, gambrel or chalet roofs.
  - Flat roofs (less than 3:12).
  - Roofs that are too steep or too shallow for the style of the home.
  - Shed roofs except as incidental to the main roof.
  - Glossy metal and/or reflective materials or bright colors.
  - Natural or silver Galvalume.

- Roof vents on the front plane of the home.
- Stove-pipe chimneys, prominent chimneys or other random roof penetrations.
- White or bubble skylights.

## H. Driveways

The design, construction materials, and location of: (i) all driveways, and (ii) culverts incorporated into driveways for ditch or drainage crossings, must be approved by the ACC.

- Width. Other than the flair in the driveway necessary to connect to the garage and, for side-entry garages area required for turning/maneuvering, the minimum width of a driveway is twelve feet (12') and the maximum width of a driveway path is eighteen feet (18') within five (5) feet from the curb (to allow for connecting radius to street). The maximum width of driveway area for a turnout shall be no more than thirty feet (30') wide.
- Setbacks. All driveways must be at least one foot (1') from adjacent property lines except when side-entry garages oppose one another, in which case the minimum is two and one-half feet (2 ½') from adjacent Lot lines.
- Finishes. All driveways shall be surfaced with brushed or salt rock concrete. Asphalt driveways are prohibited.
- Features. Drives shall intersect the street at as close to 90 degrees as possible. Driveways must permit entry by standard mid-size vehicles without "bottoming out" in the transition area between the curb and property line as wells as the driveway area between the property line and the garage. Each Lot is permitted only one driveway access from the street. Circular driveways that have been approved by the ACC are also permitted. Driveways on corner lots abutting a cul-de-sac and another roadway must access off the cul-de-sac.
- Raised Driveway. If the driveway is raised significantly above finished grade (which will be determined by ACC in its sole and absolute discretion), the exposed sides of the driveway must be underpinned (parged). When practical, landscaping to screen the raised area is recommended, upon approval in writing by the ACC.
- Ramps. Where driveways conflict with pedestrian walks, curbs must be saw cut and handicap ramps installed. Handicap ramps must be constructed to comply with all Texas Department of Licensing and Regulation Architectural Barriers Texas Accessibility Standards and American Disabilities Act (ADA) requirements.

## I. Sidewalks

Each Owner of a Lot must build or cause to be built on such Owner's Lot, in a location designated by the ACC, a concrete sidewalk complying with the specifications set forth in the applicable plat, approved subdivision plans, the Declaration or any other requirements in conjunction with and at the time of construction of the residence thereon.

- Pedestrian Sidewalks. Sidewalks that run generally parallel with the street and are considered part of the overall community sidewalk or trail system are “Pedestrian Sidewalks.” Pedestrian sidewalks must be constructed in accordance with the approved subdivision plans. Pedestrian sidewalks shall be surfaced with brushed concrete. Pedestrian sidewalks are to be placed forty-two inches (42”) off curb.
- Lead Walk. The portion of sidewalk that may connect from the curb or driveway to the home is called the “Lead Walk.” Lead Walks may be surfaced with brushed concrete, salt rock concrete, or exposed aggregate or other surfaces as may be approved by the ACC.

## J. Garages

All garages shall be approved in advance of construction by the ACC.

- Enclosed Garage. Improvements constructed on each Lot must include a private, enclosed garage capable at all times of housing at least two (2) standard size automobiles. Unless approved in writing by the ACC, no more than three (3) garage doors may be contiguous to one another and, in those circumstances, there must be a two (2) foot offset on at least one of the three bays.
- Features. Interior walls of all garages must be finished with sheetrock and painted at a minimum. Each garage shall have garage doors that are wired so as to be operated by electric door openers.
- Prohibited Elements:
  - Carports.
  - Open (not enclosed) automobile storage.

## K. Exterior Lighting

Exterior lighting must be approved in advance by the ACC.

- Brightness. All exterior illumination shall be designed and located to encourage conformance to “Dark Sky” principles. “Dark Sky” principles include avoiding adverse impact of artificial light including sky glow, glare, light trespass, light clutter, decreased visibility at night, and energy waste. A variety of Dark Sky fixtures are encouraged for community lighting such as street lights, amenity areas, trail systems, etc., and downlighting is required where all lighting must be angled toward the ground and screened so that its source cannot be seen from above. These requirements shall not apply to areas such as sports fields, pool areas, etc. where this requirement is impractical. Further, all exterior lighting on the front elevation of residential lots shall have dusk to dawn sensors which must be maintained in good working condition at all times and no exterior light whose direct source is visible from a street or neighboring property or which produces excessive glare to pedestrian or vehicular traffic will be allowed. Exterior mounted lamp housings must shield lamp (maximum 75 watts) from view and direct light. Housing must be at least 8 inches long, extend at least 3 inches beyond lamp and have a

maximum angle from the wall of the structure of 30 degrees. Decorative or lantern fixtures shall have a maximum of 60 watts per fixture.

- Number. The number of exterior light fixture for the house and the landscape may be limited in order to prevent excessive lighting. When the lighting is being installed on the site, a night time inspection and written approval may be required prior to final installation.
- Prohibited Elements:
  - White or color corrected high intensity lamps and exterior lights (except holiday lighting which may not be installed more than twenty-one (21) days before a holiday and must be removed no more than fourteen (14) days after the holiday).
  - Sodium, mercury vapor, or bare HID yard lights.

#### **L. Setbacks**

Without written approval from the ACC, no Improvements shall be constructed within the below setback areas which are measured from the relevant boundary line of each Lot; provided, however, such prohibition shall not apply to the maintenance or repair of any existing walls or fencing within such setback area.

**Front** – Fifteen feet (15') or as otherwise shown on recorded plat

**Sides** – Five feet (5') or as otherwise shown on recorded plat

**Rear** – Ten feet (10') or as otherwise shown on recorded plat

#### **M. Address Markers and Mailboxes**

Address markers must be readily visible from the street. The painting of addresses on the curb is not allowed. Centralized mailbox units will be provided in the Community for mail pick-up and delivery.

#### **N. Solar Energy Devices**

The requirements for the installation of Solar Energy Devices are set forth in the Declaration.

#### **O. Satellite Dishes**

The requirements for the installation of Satellite Dishes are set forth in the Declaration.

#### **P. HVAC Screening**

Air conditioning compressors and pool equipment shall be enclosed by a landscape or structural screening element installed or constructed of materials approved by the ACC.

#### **Q. Signage**

The signage requirements are set forth in the Declaration.

## R. Aesthetic Appeal

The ACC may disapprove the construction or design of a home on purely aesthetic grounds. Any prior decisions of the ACC regarding matters of design or aesthetics shall not be deemed to have set a precedent if the ACC feels that the repetition of such actions would have any adverse effect on the Community.

## VII. Landscape Guidelines

### A. Landscape

All landscapes and landscaping must meet the guidelines set forth herein. An approved list of plants and turf is set forth on Attachment 1.

- Plans. No significant (*i.e.*, major changes in the plant list, plant and plant bed locations, plant count, hardscape design, materials) revisions may be made to landscaping plans without submission to the ACC for approval. Otherwise, plans otherwise in compliance with these guidelines shall be deemed approved without submission of Lot-specific landscape plans. Landscape installation must include vegetative screening for above ground utility connections visible from the street or adjacent properties. Hardscape elements in the landscaping must be in scale with the home and associated structures.
- Materials. All introduced vegetation shall be trees, shrubs, vines, ground covers, seasonal flowers or sodded grasses which are commonly used in Central Texas for landscaping purposes as set forth on the approved list of plants. Emphasis is placed on utilizing native plants that are drought tolerant as well as deer resistant. Landscaping on each Lot must include the installation of at least two (2) 3" caliper trees. A minimum of 2" of mulch is required for all shrub and bed areas. Turf grass shall have a minimum of 4" of native soils or improved soils. Caliche is not considered soil. An Owner must plant grass within three (3) days after top-soil for planting grass has been delivered to the Lot.
- Installation and Maintenance. Landscaping of new homes must be installed within thirty (30) days of completion and in any event, landscaping in accordance with the approved plans shall be completely installed prior to occupancy of a residence. Modifications of existing landscaping must be completed within fourteen (14) days of commencement. Extensions to the time limit may be granted by the ACC but may require a deposit. After installation, landscaping (including temporary landscaping) shall be properly maintained at all times.
- Gardens; Sculptures and Fountains. Any Owner who wishes to plant one or more gardens upon their Lot must obtain the approval of the ACC. Sculptures and fountains are subject to approval by ACC.
- Reservation of Future Approvals. The ACC reserves the right to require additional landscaping for pools, cabanas and other hardscape elements that may be constructed after completion of the residence and associated landscaping.

- Prohibited Elements.
  - Rock or crushed rock as an overall ground cover (Rock or crushed rock may be used as an accent in landscape design, subject to approval by ACC).

## **B. Tree Protection**

Protection and preservation of trees is of significant importance to the aesthetics and environment of the Community.

- Vegetative Fencing. Whenever possible and economically feasible, all trees should be preserved and protected during construction with vegetative fencing.
- Tree Removal. As used herein, the “Building Envelope” shall be defined as the area of the lot that is allowed for construction of improvements as defined by the setbacks of the lot. A “Specimen Tree” is defined as a tree that is healthy and with a uniform canopy, excluding Junipers. In the area outside the Building Envelope, a Specimen Tree that is 12” or larger in diameter measured 24” off the ground must be flagged and approved in writing by the ACC prior to removal. Within the Building Envelope, a Homebuilder shall have the right to remove any Specimen Tree less than 18” in diameter as measured 24” off the ground. Within the Building Envelope, a Specimen Tree greater than or equal to 18” in diameter as measured 24” off the ground shall require prior written approval from the ACC before removal.
- Oak Wilt. Sound horticultural practices, as recommended by the Texas Forest Service, are required to prevent the establishment or spread of oak wilt. Specific requirements include:
  - Tree pruning tools and blades shall be sterilized prior to and between cutting any oak trees.
  - Oak tree pruning is discouraged from February 1<sup>st</sup> to June 15<sup>th</sup>.
  - Pruned trees and/or wounds shall be immediately protected with tree paint (approved example: Treekote Tree Compound).
  - All firewood shall be covered.

## **C. Irrigation**

The ACC must approve all irrigation systems prior to installation.

- Yard Requirements. Yard irrigation systems are not required; however, if installed, the system must be installed in such a manner as to require a five foot (5’) perimeter encircling the residence constructed on a Lot. All irrigation systems, if installed, must be installed and maintained by a Texas Commission on Environmental Quality (“TCEQ”) licensed irrigator.
- Features. Backflow prevention devices are required and must be installed and maintained in accordance with TCEQ regulations. The use of drip irrigation is encouraged. Irrigation sprinkler systems must use heads that emit large drops rather than a fine mist. All irrigation systems

shall be zone based on plant watering requirements. Rain sensors are required on all irrigation systems.

- Inspections. Yearly inspections by a licensed TCEQ Backflow Prevention Assembly Tester must be performed on all backflow prevention devices.
- Drought Management Plans. Drought management plans may be implemented, as necessary, by the Association or other governmental authority.

#### **D. Rainwater Harvesting Systems**

The requirements for the installation of Rainwater Harvesting Devices are set forth in the applicable Declaration, subject to the following limitations: (i) only two 55 gallon tanks shall be permitted which must be two feet (2') in diameter and four feet (4') in height; and (ii) only located within the fenced yard of the Lot and not visible from the street.

#### **E. Landscape Inspection**

The ACC may, upon the Owner's completion of the installation of landscaping, conduct an on-site inspection of the property to ensure compliance with the approved plan.

#### **F. Drainage**

There shall be no interference with the established drainage patterns except by Declarant, unless adequate provision is made for proper drainage and such provision has been certified by a professional engineer and approved in advance by the ACC.

- Site Drainage. Responsibility for proper site drainage rests with the Owner. Each Owner is solely responsible for correcting any change in water flow or drainage caused by the construction of Improvements on such Owner's Lot.
- Area Drains. No area drains are allowed to extend through the curb, and any area drain opening must be behind the curb within the Lot and cannot extend to the street or right-of-way.

#### **G. Fencing and Walls**

The materials, height, location and construction of all fences must be approved in advance by the ACC.

- Construction. All fencing shall be six feet (6') tall cedar slats and must be approved in advance by the ACC. On all fences facing viewable from a street shall be capped, good side out and installed with steel posts. Additionally, on corner lots, Homebuilder will install stone columns at front and rear corners. The ACC will provided stone selection placement to Homebuilders.
- Setbacks. Any side yard fence at the point where it connects to the house must be setback a minimum of fifteen feet (15') from the front corner of the house and a minimum of ten feet (10') from the back corner of the house. All side yard fences must be installed so that they are perpendicular to the house unless circumstances on site dictate otherwise. Side yard fences

must be installed so that all pickets are facing toward the street and no fence rails are seen from the street.

- Stain. Any part of the fence that is visible from any street must be stained and shall be routinely re-stained (no less than every four years) in the approved stain color by the ACC. Either the ACC, the Association or both shall have the right to re-stain such visible portion of the fence and charge the expense to the Owner pursuant to the terms and provisions of the Declaration.
- Lot Fencing. Fencing is required on the sides and rear of the lot. Courtyard walls that are architectural walls and designed for individual house plans will be considered for approval by the ACC.
- Retaining Walls. All retaining wall plans over four feet (4') tall or within any right-of-way must be submitted to the ACC for consideration and must be constructed in accordance with stamped engineered plans by a licensed engineer.
- Plans. Plans submitted for fences or walls must be drawn on an accurate copy of the site plan.
- Setbacks. Any side yard fence at the point where it connects to the house must be setback a minimum of fifteen feet (15') from the front corner of the house and a minimum of ten feet (10') from the back corner of the house. All side yard fences must be installed so that they are perpendicular to the house unless circumstances on site dictate otherwise. Side yard fences must be installed so that all pickets are facing toward the street and no fence rails are seen from the street.
- Prohibited Elements:
  - Shadowbox or "Pallet" type fencing.
  - Fencing of front yards.
  - Solid walls enclosing an entire site.

## H. Pools, Spas and Hot Tubs

The materials, location and construction of all pools, spas and hot tubs must be approved in advance by the ACC.

- In Ground. Swimming pools and accompanying spas shall be in-ground, or a balanced cut and fill, and shall be designed to be compatible with the site and the dwelling. All exposed concrete on "Infinity Edge" swimming pools must be properly screened through the use of landscaping and no more than three feet (3') of exposed concrete may be visible. Self-contained above-ground hot tubs require approval by the ACC.
- Screening; Fencing. Screening, fencing, security and maintenance are required of all swimming pools, spas and hot tubs. Additional fencing, if any is proposed in addition to the yard fencing, and/or walls around the swimming pool, spa or hot tub must be approved in advance by the ACC and integrated into the design of the dwelling and site. Fences must meet all governmental

regulations and no pool, spa, hot tub or other similar water containing basin shall be filled with water until proper fencing is installed.

- Plans. The swimming pool, spa or hot tub plan must be drawn on a copy of an accurate site plan and shall include specific indications of distances from the water containing basin(s) and surrounding slab walks to the lot lines and building setbacks.
- Backwash. Unless otherwise expressly approved by the applicable governmental agency or utility service provider, backwash from a swimming pool, spa or hot tub drain with a backwash filtering system must be contained within the Lot on which the swimming pool, spa or hot tub has been constructed and is not permitted to be discharged into any street, adjoining Lot or drainage easement.
- Construction Deposit. A construction deposit is required for all swimming pool, spa or hot tub construction (except for any Homebuilder that has already provided a construction deposit for the construction of the home).
- Lot Access. No access across another Lot or greenbelt/open space area for the purpose of building or maintaining a swimming pool, spa or hot tub is permitted without the prior written approval of the other property owner or the ACC in the case of greenbelts/open spaces.

#### **I. Playscapes, Trampolines and Sport Courts**

Playscapes, recreational or sport courts and trampolines must be approved in writing by the ACC prior to the commencement of construction or placement.

- Features. If allowed, these facilities must be properly sited and screened so as to minimize the visual and audio impact of the facility on adjacent properties. Special attention will be placed on color schemes and on the visibility of the equipment from the street and neighboring Lots.
- Plans. Plans for playscapes and sport courts must be drawn on an accurate copy of the site plan and must include proposed screening.
- Prohibited Elements.
  - Direct or indirect lighting of the playscape, trampoline or sport court.
  - Netting enclosures (except safety netting around a trampoline).
  - Tennis courts.

### **VIII. Erosion Control and Construction Regulations**

The following restrictions shall apply to all construction activities in the Community. **It is the responsibility of all Owners and/or contractors to adhere to State and Federal stormwater runoff protection and prevention requirements that may be applicable to their construction activities and to obtain proper permits as may be required.** Periodic inspections by a representative of the ACC may

take place in order to identify non-complying construction activities. If items identified as not complying with the regulations are not remedied in a timely manner, fines will be levied.

#### **A. Erosion Control Installation and Maintenance**

Upon written approval by the ACC, it is the responsibility of the Owner to install erosion control measures prior to the start of construction and to maintain the measures throughout construction.

- Silt Fencing. Silt fencing installed to all applicable standards is required to be properly installed and maintained to protect the low sides of all disturbed areas, where storm-water will flow during construction. The purpose of the silt fence is to capture the sediment from the runoff and to permit filtered, clean water to exit the site.
- Sediment Removal. **Built-up sediment will need to be removed from the silt fence after heavy or successive rains, and that any breach in the fencing will need to be repaired or replaced immediately.** If for any reason the silt fence is to be temporarily removed, a representative of the ACC must be contacted prior to the removal.

#### **B. Security**

Neither ACC, the Association, nor the Declarant shall be responsible for the security of job sites during construction. If theft or vandalism occurs, the Owner should first contact the Bexar County or Comal County Sheriff's Department and then notify the ACC.

#### **C. Construction Hours**

Unless a written waiver is obtained from the ACC, construction may only take place as follows:

- Hours. Monday through Friday from 7:00 a.m. until 7:00 p.m., and on Saturdays and Sundays from 9:00 a.m. until 6:00 p.m.
- Holidays. There shall be no construction on New Year's Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving Day, or Christmas Day.
- Waivers. Waivers may be given for the pouring of concrete slabs during the summer months.

#### **D. Noise, Animals, Children**

The use of all music devices and noise must be restrained so as not to be heard on an adjoining Lot or street. Contractors and subcontractors may not bring children under 16 years of age or dogs to construction sites.

#### **E. Material and Equipment Storage**

All construction materials and equipment shall be neatly stacked, properly covered and secured. Any storage of materials or equipment shall be the Owner's responsibility and at their risk. Owners may not disturb, damage or trespass on other Lots or adjacent property.

## F. Insurance

The ACC may require an Owner to procure adequate commercial liability insurance during construction naming the Association, the Declarant and the ACC as additional insureds in an amount to be determined, from time to time, by the ACC.

## G. Site Cleanliness

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming an eyesore.

- Fencing. Brightly colored construction fence must be installed before the start of construction on all side lot lines where a home is being constructed next to an existing occupied home.
- Trash Containers. Owners and Homebuilders shall clean up all trash and debris on the construction site. Trash and debris shall be removed from each construction site on a timely basis. The ACC will have the authority to require that one dumpster be provided to serve no more than two Lots. In addition to any dumpster, a trash receptacle approved in advance by the ACC will be located on each lot during construction. Trash receptacles must be emptied periodically and will not be permitted to overflow. Chain link fencing is not an acceptable enclosure material for temporarily containing trash. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site.
- **No Dumping or Burning.** The dumping, burying or burning of trash is not permitted anywhere in the Community.
- Heavy Equipment and Debris. When moving heavy equipment, precautions must be taken to prevent damage to pavement, curbs, and vegetation. Track loaders are not to be operated on paved or concrete surfaces. Mud, dirt and other construction debris that is tracked off the construction site shall be cleaned on a daily basis. Skid steer loaders are not to be used to clean the streets by scraping them.

## H. Sanitary Facilities

A temporary sanitary facility (chemical toilet) shall be provided and maintained for the use of construction workers on or within three (3) Lots of the construction site.

## I. Construction Parking

Construction crews shall not park on, or otherwise use, other Lots. No construction vehicle will be permitted to leak oil or otherwise damage or deface any street located within the Community.

## J. Schedule of Construction Fines

Periodic inspections by a representative of the ACC may take place in order to identify non-complying construction activities. Fine amounts will be set forth in the Fine and Enforcement Policy in the Policy Manual (as defined in the Declaration).

## **IX. Plan Review Process**

The construction or installation of any improvements, changes to existing improvements, or the reconstruction of improvements, will require the submission of plans and specifications for approval of the ACC before any such construction or installation activity is commenced. The ACC may waive plan and specification requirements for certain modifications or improvements at its discretion.

### **A. Submittals**

The Plan Review Process includes three stages of review, plus Final Approval by the ACC:

Stage 1 – Pre-approval of standard sets of plans, elevations for multiple homes that will be allowed to be built by each Homebuilder. Alterations to the plans and plans not included in the pre-approved list must be independently approved in advance of construction.

Stage 2 – Submittal of a site plan showing the specific home on the specific lot upon which it is proposed to be built. Must show compliance with all set-backs, easements, etc. Also must show location of and material to be used for driveway, sidewalks, patios, decks, and any ancillary improvements along with house siding, roof, trim colors, and siding and trim materials.

Stage 3 – (Can be submitted during Stage 2) Diagram showing placement of required landscaping plants and any additional landscape improvements that may be specific to the particular house.

Final Approval - To obtain final approval, a completed Final Plan Application attached hereto as Attachment 2 must be submitted to the ACC, including any information or materials requested but not previously provided or submitted (can be submitted at any Stage above). Improvements on a Lot may not commence until such Final Plan Application has been submitted and executed by the ACC.

### **B. Timing**

The ACC will attempt to review all applications and submittals within thirty (30) days after submission. Please plan construction activities to allow sufficient time for submittals and review as outlined above, and for obtaining Final Approval prior to commencement.

**ATTACHMENT 1**

**APPROVED PLANT LIST**

The following list of plants is composed of selected native and adaptive plant material suitable for plant material in the Community. This list is recommended but is not all-inclusive. All plants selected for installation must be approved by the ACC.

<b>Canopy Trees</b>		
<u>Scientific Name:</u>	<u>Common Name:</u>	
Acer grandidentatum	Bigtooth Maple	fall color
Carya illinoensis	Pecan	tree litter
Fraxinus texensis	Texas Ash	
Juglans microcarpa	Texas Black Walnut	
Pistacia chinensis	Chinese Pistache	fall color
Pitatacia texensis	Texas Pistache	
Platanus occidentalis glabrata	Sycamore	moist areas
Populus deltoides "Cottonless"	Cottonwood	
Quercus muhlenbergii	Burr Oak	
Quercus glaucoides	Lacey Oak	
Quercus pungens "Vaseyana"	Chinquapin Oak	
Quercus shumardii	Shumard Oak	fall color
Quercus sinuata	Shin Oak	drought tolerant
Sapindus drummondii	Western Soapberry	drought tolerant
Taxodium distichum	Bald Cypress	moist
Ulmus americana	American Elm	
Ulmus crassifolia	Cedar Elm	drought tolerant
Ulmus parvifolia	Chinese Elm	
Ulmus parvifolia "Drake"	Drake Elm	fast growing
<b>Ornamental Trees</b>		
<u>Scientific Name:</u>	<u>Common Name:</u>	<u>Comments</u>
Acacia wrightii	Wright Acacia	full sun
Aesculus arguta	Texas Buckeye	DR
Aesculus pavia	Red Buckeye	
Bumelia lanuginosa	Wooly-Bucket Bumelia	sun/drought
Cercis canadensis alba	Whitebud	
Cercis canadensis texana	Texas Redbud	sun/drought
Chilopsis linearis	Desert Willow	DR
Cornus drummondii	Rough Leaf Dogwood	shade/DR

Crategus reverchonii	Reverehon Hawthorn	
Crategus tracyi	Mountain Hawthorn	fall color
Diospyros texana	Texas Persimmon	sun/drought/DR
Ilex decidua	Possumhaw Holly	sun/shade
Ilex vomitoria	Yaupon Holly	sun/drought
Juniperus ashei	Cedar	sun/drought
Koelreuteria paniculata	Goldenrain Tree	susceptible to freeze
Lagerstroemia indica	Crape Myrtle	sun/summer color
Parkinsonia aculeata	Jerusalem Thorn	sun
Pinus eldarica	Afgan Pine	
Prunus mexicana	Mexican Plum	
Prunus americana	American Plum	
Prunus caroliniana	Carolina Laurel Cherry	moist soils, subject to Choroisis
Prunus serotina "eximia"	Escarpment Black Cherry	
Pyrus calleryana "Bradford"	Bradford Pear	white flower, formal
Rhamnus Caroliniana	Carolina Buckthorn	moist soils
Rhus lanceolata	Prairie Flameleaf Sumac	sun/drought/DR
Rhus glabra	Smooth Sumac	sun/drought/DR
Sophora secundiflora	Texas Mountain Laurel	sun/drought/DR
Ungnadia speciosa	Mexican Buckeye	sun/DR
Vitex agnus-castus	Lilac Chaste Tree	sun
<b>Shrubs</b>		
<u>Scientific Name:</u>	<u>Common Name:</u>	<u>Comments:</u>
Abelia grandiflora	Glossy Abelia	
Agave americana	Agave/Century Plant	full sun drought
Anisacanthus wrightii	Flame Acanthus	tolerant
Callicarpa americana	French Mulberry	sun/DR
Cephalanthus occidentalis	Button Bush	sun/shade/moist
Cotoneaster horizontalis	Cotoneaster	moist areas
Dasyilirion texanum	Texas Sotol	sun
Escallonia	Escallonia spp.	sun/DR
Eupatorium havanense	Shrubby Boneset	sun
Eysenhardtia texana	Texas Kidneywood	moist
Forestiera pubescens	Texas Elbow Bush	sun/drought
Fouquieria splendens	Ocotillo	
Garrya ovata	Silk Tassel	sun
Hesperaloe parviflora	Red Yucca	
Ilex vomitoria	Yaupon Holly	sun/DR

Ilex vomitoria "Nana"	Dwarf Yaupon	sun/shade
Lantana horrida	Texas Lantana	DR
Leucophyllum frutescens	Texas shade	sun/DR
Lindera benzoin	Spice-bush	sun/drought/DR
Mahonia trifoliolata	Agarita	sun/drought/DR
Mahonia swaseyi	Texas Mahonia	sun/drought/DR
Myrica cerifera	Wax Myrtle	shade
Pistacia texana	Texas Pistache	sun/shade
Prunus rivularis	Creek Plum	
Prunus reverchonii	Reverchon Hog Plum	moist
Rhus aromatica	Fragrant Sumac	sun
Rhus virens	Evergreen Sumac	DR
Rosmarinus officinalis	Rosemary	drought/DR
Sabal texana	Texas Sabal Palm	drought/DR
Sophora affinis	Eve's Necklace	DR
Symphoricarpos	Coralberry	sun/shade
Orbiculatus	Rusty Blackhaw	
Viburnum rufidulum	Viburnum	sun/drought
Yucca pallida	Pale Leaf Yucca	DR
<b>Groundcovers</b>		
<u>Scientific Name:</u>	<u>Common Name:</u>	<u>Comments:</u>
Achillea millefolium	Yarrow	full sun/shade/DR
Adiantum capillus-veneris	Maidenhair Fern	moist areas/shade
Ajuga reptans	Ajuga	shade/DR
Aquilegia canadensis	Columbine	shade
Cyrtomium falcatum	Holly Fern	shade/moist/DR
Dryopteris spp.	Wood Fern	shade/moist/DR
Hedera helix	English Ivy	shade
Juniperus conferta "Blue Pacific"	Shore Juniper	sun/DR
Liriope muscari	Liripoe	sun/shade
Lonicera sempervirens	Coral Honeysuckle	sun/shade
Mahonia repens	Creeing Mahonia	shade
Nolina texana	Bear grass	sun/DR
Ophiopogon japonicus	Monkey Grass	shade/DR
Pavonia lasiopetala	Pavonia	sun
Phlox drummondii	Drummond's phlox	sun
Phlox subulata	Thrift	sun
Poliomenantha longiflora	Mexican Oregano	sun/DR
Rosmarinus officinalis "prostratus"	Trailing Rosemary	sun/DR
Salvia farinacea	Mealy Sage	sun/DR

Salvia greggii	Cherry Sage	sun/DR
Salvia romeriana	Cedar Sage	sun/DR
Santolina chamaecyparissus	Gray Santolina	sun/drought/
Santolina virens	Green Santolina	sun/drought tolerant
Tradescantia spp.	Spiderwort	shade
Verbena bipinnatifida	Prairie Verbena	sun/DR
Verbena elegans "asperata"	Hardy Verbena	sun/DR
Vinca major	Bigleaf Periwinkle	dry shade
Yucca rupicola	Twisted-leaf Yucca	sun/drought/DR

<b>Grasses</b>		
<u>Scientific Name:</u>	<u>Common Name:</u>	<u>Comments:</u>
Andropogon gerardii	Big Bluestem	tall seed heads
Andropogon Scoparius	Little Bluestem	
Bouteloua curtipendula	Sideoats Gramma	
Bouteloua gracillis	Blue Gramma	drought tolerant
Buchloe dactyloides	Buffalo Grass	
Cynodon spp.	Bermuda Grass	drought tolerant
Festuca glauca	Blue Fescue	
Festuca Spp. "Arid"	Tall Fescue	ornamental
Hilaria belangeria	Common Curly mesquite	drought
Leptochloa dubia	Green Sprangletop	shade/drought
Miscanthus sinensis "zebrinus"	Zebra Grass	
Muhlenbergia lindheimeri	Big Muhly	
Panicum virgatum	Switchgrass	clump
Sorghastrum nutans	Indiangrass	
Stenotaphrum secundatum	St. Augustine Grass	
Tripsacum dactyloides	Eastern Gamagrass	moist
Zoysia spp.	Zoysia Grass	
<b>Vines</b>		
<u>Scientific Name:</u>	<u>Common Name:</u>	<u>Comments</u>
Bignonia capreolata	Crossvine	evergreen
Campsis radicans	Trumpet Creeper	aggressive
Clematis pitcheri	Leather Flower	delicate
Gelsemium Sempervirens	Carolina Yellow Jasmine	
Ipomoea Quamoclit	Cypress Vine	annual
Lonicera sepmervirens	Coral Honeysuckle	

Mauranda antirrhinniflora	Snapdragon Vine	delicate
Parthenocissus quinquefolia	Virginia Creeper	shade
<b>Annuals</b>		
<u>Winter/Spring:</u>	<u>Spring/Summer:</u>	<u>Summer/Fall</u>
Calendula	Geranium	Acalypha
Daffodil (bulb)	Marigold	Ageratum
Hyacinth (bulb)	Periwinkle	Alyssum
Ornamental Kale	Petunia	Amaranthus
Pansy		
Poppy		Caldium
Primula		Chrysanthemum
Snapdragon		Coleus
Tulip (bulb)		Impatiens
Ornamental Pepper		Marigold
Dianthus		Periwinkle
		Phlox
		Portulaca
		Purslane
<b>Legend For Approved Plant List:</b>		
Full sun/sun	sun-loving plant	
Shade	shade-loving plant	
Moist	moist-loving plant	
Drought/drought tolerant	plants generally able to survive on less supplemental water and better able to withstand droughts	
Fall color	fall leaf color	
DR	deer resistant plants unpalatable enough to be left alone as long as other food is available	
Ornamental	showy plant	
<b>NOTE: The following plants/shrubs/trees are prohibited</b>		
Photonia glabra	Red Tip Photinia	Intolerant of deer, especially in immature plants
Nerium Oleander	Oleander	Extremely poisonous to wildlife and domestic animals

Melia azedarach	Chinaberry	Non-native invasive plant which will choke out native plants necessary for native wildlife and endangered species
Nandina Domesitca	Nandina	See reason for Chinaberry
Ligustrum japonicum	Ligustrum	See reason for Chinaberry
Lonicera japonica	Japanese Honeysuckle	See reason for Chinaberry
Ailanthus altissima	Tree of Heaven	See reason for Chinaberry

ATTACHMENT 2

ARBORS AT FAIR OAKS  
**FINAL PLAN APPLICATION**

Email to:

ACC c/o Brian Lott

Phone: (512) 801-1130

Email: brian@srraustin.com

Fax: (512-338-1836

Date: \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Phase: \_\_\_\_\_ Section: \_\_\_\_\_

Plan #: \_\_\_\_\_ Elevation: \_\_\_\_\_

Address: \_\_\_\_\_

**Standard Plans Attached: (Please Circle) Yes/Previously Submitted**

If yes, please indicate if the plans include elevations for multiple homes being requested. Indicate any requested alterations or changes to the plans:

\_\_\_\_\_.

**Site Plan Attached: (Please Circle) Yes/Previously Submitted**

If yes, please indicate whether plans include the following:

- 1"= 20' or larger scale, as appropriate to the acreage
- Site dimensions
- Existing Contours
- Calculation of Masonry Percentage
- Masonry Description, sample and color
- Roof Material and Pitch
- Color palette (trim, doors, garage, etc.)
- Square Footage of all enclosed improvements
- Property lines
- Chemical toilet location
- Trees to Remain
- Trees to be Removed
- Silt fence location
- Sidewalk location
- Building setbacks
- Building location labeled with floorplan reference and noting any proposed revisions to previously approved plans or elevations
- Proposed finished floor elevation
- Easements
- Utility connections at the street and residence with proposed trench locations
- North arrow
- Driveway and sidewalk locations and materials
- Proposed perimeter fence and retaining wall locations including material and height
- Any anticipated accessory development such as pools, cabanas, guest house

1<sup>st</sup> Floor Masonry % \_\_\_\_\_

2<sup>nd</sup> Floor Masonry % \_\_\_\_\_

Chimney: (Please Circle) Yes/No \_\_\_\_\_Masonry\_\_\_\_\_Fiber Cement

Fencing Type: \_\_\_\_\_

Stone Type and Color: \_\_\_\_\_

Brick Manufacturer and Color: \_\_\_\_\_

Stucco Color: \_\_\_\_\_

Roof Pitch: \_\_\_\_\_Roof Color: \_\_\_\_\_Year dimensional shingle

Paint Color: \_\_\_\_\_

**Fill in the information if different from color above:**

Trim Color: \_\_\_\_\_Door Color: \_\_\_\_\_

Shutters Color: \_\_\_\_\_Garage Color: \_\_\_\_\_

Square Footage of House: \_\_\_\_\_

Homebuilder Name: \_\_\_\_\_

By: \_\_\_\_\_

APPROVED BY:

ACC: \_\_\_\_\_ (signature)

Approval Date: \_\_\_\_\_

**File Information**

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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 2/5/2019 4:23 PM



*Lucy Adame-Clark*  
Lucy Adame-Clark  
Bexar County Clerk