

**Covenants and Deed Restrictions**  
**Foxfire Subdivision**  
**Approved by residents January 23, 2006**

**DESCRIPTION**

Foxfire Subdivision in College Station, Texas, consists of 321.346 acres developed by the Foxfire Development Corporation. On February 26, 1987, Foxfire Homeowners Association was established with approval by property owners of the Articles of Incorporation and Bylaws. Foxfire Subdivision was developed in four individual phases- Phases 1 and 2 in 1976; Phase 3 in 1981; Phase 4 in 1984. At that time, each phase had its own set of governing Deed Restrictions. The plats of Foxfire Phases 1, 2, 3, 4 are recorded in the Deeds Records of Brazos County, Texas and are identified at the Brazos County District Appraisal office.

These 2006 Deed Restrictions will be the governing restrictions for all four phases of the Foxfire Subdivision and will go into affect upon acceptance by the membership. This document will replace all previously written deed restrictions.

The Foxfire Subdivision is zoned 'A-OR', Rural Residential. 'A-OR' makes this Subdivision different from typical single family areas within College Station in the following ways:

- (1) Barns or stables are allowed, and residents may keep some private livestock.
- (2) The minimum lot size is at least one (1) acre, and the setback requirements for buildings is greater than usually required, as specified herein the Subdivision's deed restriction.

The intent of the deed restrictions listed in this document is to maintain the Subdivision in the style that it matured, namely a rural, private, quiet subdivision within the City of College Station.

**RESTRICTIONS** (listed in alphabetical order)**1. Architectural Control**

The Architectural Control Committee (ACC) is elected by the Members of the Association. Each of its three Members must be a member of the Association. This committee is responsible for the approval of plans prior to new construction and/or modifications to existing property. This Committee is identified by and empowered by the Deed Restrictions and is responsible to the Board of Directors. The intent of the ACC is to assist property owners with maintaining the deed restrictions of the subdivision and in meeting required city building codes for the zoning applicable.

A property owner must submit a standardized set of documents in writing to the ACC for each proposed construction project that alters the overall footprint or exterior appearance. A drawing of the structure on the plat to identify setback requirements is an essential part

of the plans and specifications. The ACC will consider finish materials, architectural design, finish grade elevations, and setback requirements.

The ACC's written opinion must be rendered within fifteen (15) calendar days from the date of receipt by any Committee Member. All construction on any property must comply with all the requirements of the Association's Deed Restrictions, the rulings of the ACC, and the City of College Station's codes.

A property owner may appeal, in writing to the Board of Directors, the ACC's decision to disapprove plans for construction or improvement(s). Any appeal to the Board of Directors of the ACC's decision must have a written response within fifteen (15) calendar days from the date of receipt by the Board. The Board of Directors makes the final decision on all appeals.

**2. Building Location and Setback Requirements**

Foxfire adheres to the City of College Station standards as listed from the city code:

## Section 5.2 Residential Dimensional Standards

The following table establishes dimensional standards that shall be applied within the Residential Zoning District unless otherwise identified in this UDO (Unified Development Ordinance). [Note: this table is taken from the "Residential Zoning Districts" chart as it relates to A-OR zoning in Foxfire.]

Minimum Lot Area per Dwelling Unit (DU)	1 Acre
Minimum Lot Width	None
Minimum Lot Depth	None
Minimum Front Setback (H)	50 feet
Minimum Side Setback	20 feet
Minimum Street Side Setback	15 feet
Minimum Rear Setback	50 feet
Maximum Height	35 feet

### 3. Building Type

Single family residences will be constructed on the site of each lot, and each residence will be required to have appurtenant thereto, an enclosed garage for a minimum of two (2) automobiles. No temporary living structure (tent, cabin, barn, shack, trailer, etc.) will be used at any time for residence.

### 4. Easements

Easements for the installation and maintenance of utilities are reserved as shown and provided for on the plat recorded in Brazos County, Texas. No obstructions to any natural drainage and flow of water or obstructions in a channel of any creek or branch will be constructed.

### 5. Enforcement

Where the laws and ordinances of the City of College Station govern, the City has enforcement authority. Enforcement of these covenants not covered directly by City code will be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant in these deed restrictions, either to restrain violation or to recover damages. The process will be as follows: The Board of Directors of the Foxfire Homeowners Association will convene a meeting of the Foxfire Homeowners Associations' membership to determine the course of action. The membership will vote on the course of action according to voting procedures described in the Bylaws.

### 6. Fences and Landscaping

Fences may be located on or near property lines with the approval of the ACC, prior to construction. No fence, landscaping plants, brush, or trees will be permitted to obscure vision at intersections of streets in Foxfire.

- \* Fence material will be of a decorative or barrier type, such as board, rail, brick, etc.
- \* Barbed wire fences are not permitted.
- \* All fences must be maintained in good condition by the property owner.
- \* Chain link fences must not be visible from the street. Landscape barriers are required to provide screening.

### 7. Firearms/Fireworks

The discharge of firearms or fireworks of any kind is not permitted within the city limits of College Station, Texas.

### 8. Home Occupations

A home occupation is that accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling.

Foxfire adheres to the City of College Station's Unified Development Ordinances with respect to home occupations (Paragraph 6.4 Accessory Usage, Section C. Home Occupation)

### 9. Land Use

No lot will be used for any purpose other than single family residential. No lot may contain more than one single-family dwelling and the normal appurtenances thereto, such as garage, fence, pool, terraces, and similar landscaping features. Under the A-OR city zoning, owners are permitted to have barns or stables for private livestock, provided that the conditions of the Livestock section and the property setback requirements are met.

### 10. Livestock/Household Pets

Household pets may be kept provided they are not for any commercial purposes. No household pets may be allowed to roam free beyond an owner's property.

Livestock and poultry, except for swine, may be kept on any tract larger than three (3) acres in size, provided these livestock and poultry are confined by fence and are sheltered, and proper sanitary conditions are maintained.

The maximum number of animals permitted on any lot that is three (3) acres or larger will be determined by a formula wherein one (1) animal unit per acre or fraction thereof will be permitted. For these purposes, one (1) head of cattle or one (1) horse will count as one (1) animal unit. One (1) sheep or goat will count as one-half (1/2) unit. One (1) poultry will count as (1/10) unit. All poultry will be kept in cages, and no cage will be located within fifty (50) feet of any property boundary.

Any exceptions for 4-H and FFA projects will be presented to the ACC each six (6) months for approval.

#### **11. Lot Division**

No lot designated on the original plat duly filed and recorded in Brazos County, Texas, may be subdivided, nor may an owner erect more than one single family residence on any single lot.

#### **12. Membership**

Membership in the Foxfire Homeowners Association is required of all Foxfire property owners. A member must be a property owner in Foxfire and must have paid prescribed annual dues.

#### **13. Mobile Homes**

Mobile homes, travel trailers, buses, campers, etc. may not be used for residential purposes on any lot at any time by anyone. Campers, boats, motor homes etc. used elsewhere for recreational purposes may be parked on an owner's lot (but not upon any street or road within Foxfire), provided they are not used for a residence by anyone, and their presence does not constitute a nuisance or safety hazard to Foxfire or its residents. Temporary guests of a property owner may reside in the camper or mobile home in which they are traveling for no more than two weeks. Extensions may be requested in writing to the ACC.

#### **14. Nuisances and Hazards**

No noxious or offensive activity or practice will be permitted upon any lot nor will anything be done thereon which may be an annoyance or nuisance to the safety and the tranquility of Foxfire. The City of College Station has the authority to determine and enforce a prohibition on nuisances.

#### **15. Parking**

- \* The parking of vehicles in excess of a two (2) ton payload or in excess of two (2) axles is prohibited.
- \* No vehicle of any kind may be parked on lawn areas for any reason where it is visible from the street.
- \* Passenger vehicles may be parked on the street in front of lots for periods of time not to exceed twelve (12) hours in any twenty-four (24) hour period. Any vehicle parked for a longer time may be towed by the Association at the lot owner's expense. This restriction is to specifically prohibit residents from using the street as the usual overnight parking spot for their own vehicles.

#### **16. Residence Minimum Size**

The heated area of the main residence structure (excluding porches, garages, patios, and the like) will not be less than 1,800 square feet.

#### **17. Severability**

Invalidation of any one of these covenants by judgment or court order will in no way affect any of the other provisions, which will remain in full force and effect.

#### **18. Sewage, Garbage and Refuse Disposal**

Foxfire Subdivision is located within the city limits of the City of College Station, Texas. That authority regulates its sewage, garbage, and refuse disposal. No lot will be used as a dumping ground for rubbish and trash. No rubbish or debris of any kind is permitted to accumulate upon the property and no odors permitted to arise there from so as to render the property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other property or to its occupants. Refuse garbage and trash is to be kept within enclosed structures or appropriately screened from view, in the trash containers provided by the City of College Station.

Incinerators or other devices to burn trash and garbage are considered hazards to life and property and will not be permitted.

**19. Unrelated Home Occupants**

No more than two (2) unrelated people can live in the same house, or live as a single housekeeping unit.

**20. Term**

These covenants run with the land and will be binding on all parties and persons claiming under them for a period of twenty-five (25) years from the date of recording. After twenty-five (25) years, these documents will be automatically extended for successive periods of ten (10) years unless otherwise modified.

To change or alter these covenants, an instrument changing said covenants in whole or in part will be amended by a majority vote of the members.