

BEACHSIDE

ARCHITECTURAL GUIDELINES

The following are the architectural and design criteria established by the Beachside Architectural Review Committee (ARC) on behalf of Beachside Property Owners' Association, Inc. (BPOA) and, in accordance with the recorded "Declaration of Protective Covenants, Restrictions, Easements, Charges and Liens for Beachside " (Declaration).

ARTICLE 1 - STATEMENT OF PURPOSE & INTENT:

- 1.1 **Purpose:** These Beachside Architectural Guidelines (Guidelines) provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. These Guidelines have been developed to provide direction for the planning, designing, constructing, landscaping, and modifying of all residences, buildings, and structures or improvements within the Beachside Subdivision. The Guidelines set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage, lighting and other structures. In addition, the Guidelines establish a process for review of all proposed construction and modifications to residences, buildings, and structures to ensure that all home sites within Beachside are developed with consistency and quality.
- 1.2 **Intent:** It is the intention of the ARC that all structures and other improvements within the community echo the rich architectural style of "Coastal Cottage Homes" and that these structures and other improvements be of the highest design quality and be planned and sited to be aesthetically and architecturally harmonious with one another, with the natural features of the land and with the Coastal Cottage aesthetic. The ARC is particularly concerned that the community has a consistent streetscape and quality of design (façade, materials, etc.). In order to maintain a "planned look" and to preserve the aesthetic integrity of the community, the ARC may at times place a temporary moratorium on any particular style of design, or building material until, at the sole discretion of the ARC, it is determined that the community has been brought back into balance.

ARTICLE 2 – APPLICABILITY, AUTHORITY & AMENDMENTS:

- 2.1 **Applicability:** The Guidelines shall govern all residences, buildings, and all other structures and improvements within Beachside properties, which are or may be subject to the Declaration. These Guidelines are not binding upon the ARC.
- 2.2 **Authority:** Beachside Architectural Review Committee (ARC) has jurisdiction over all matters relating to construction, architecture and landscaping of new construction and modifications of the Properties as set forth in the Declaration. While the Guidelines are intended to provide a framework for construction and modifications, the 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. The ARC reserves the right to reject any submittal, and may disapprove plans, specifications or other materials, for any reason, including purely aesthetic reasons, which in the sole discretion of the ARC shall be deemed sufficient.

2.3 **Governmental Permits:** To the extent that the Texas State Building Code, Matagorda County Ordinances, or any other government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Guidelines or the Declaration, the government standards shall prevail. To the extent that any government standard is less restrictive, the Declaration and the Guidelines (in that order) shall prevail.

2.4 **Responsibility for Compliance:** It is the responsibility of the Owner and Builder to ensure that all Applications for Architectural Review and subsequent construction are in accordance with the applicable zoning requirements, building code requirements, and the requirements of any other laws, regulations, ordinances, and deed restrictions. The ARC does not review submittals for compliance with such requirements. Approval of plans and specifications by the ARC shall not be deemed or construed to mean that improvements constructed in accordance with such plans will comply with applicable zoning requirements, building code requirements, and the requirements of any other laws, regulations, ordinances, and deed restrictions, as to the structural soundness, quality, durability, suitability, fitness or proper functioning of such improvements; and any responsibility or liability therefore is hereby disclaimed. **IF YOU DO NOT UNDERSTAND THIS DISCLAIMER, PLEASE ASK A REPRESENTATIVE OF THE DECLARANT OR BEACHSIDE PROPERTY OWNERS' ASSOCIATION TO EXPLAIN IT TO YOU.**

Owners and Builders are further responsible for ensuring compliance with all standards and procedures within these Guidelines. Owners are also governed by the requirements and restrictions set forth in the Declaration, any applicable Supplemental Declarations, and any other applicable architectural and landscape guidelines which address restricted and prohibited conduct and activities within the community.

2.5 **Amendments:** These Guidelines may be revised and amended at any time by the ARC, in its sole discretion, as needed to serve the needs of an evolving community.

ARTICLE 3 – PROCEDURES AND APPROVALS:

3.1 **Architectural Review Process:** Prior to the commencement of any construction activity of any type (including land disturbance of any type) on any Lot, an Application for Architectural Review (using forms to be obtained from the ARC) of such work must be submitted by the Lot Owner or such Owner's designated agent to the ARC. The ARC must receive, review and approve the information and documentation required to be submitted under Section 3.3 "Design Review Procedure" prior to the commencement of any work. Also, all design and construction escrow fees required under these Guidelines must be paid to Beachside Property Owners' Association (BPOA – see Section 3.8 for address) at the closing and prior to the commencement of any such work. Submittals for review will be accepted after closing and collection of fees have occurred.

3.2 **Pre-Application Procedure:** Compliance with all governmental and quasi-governmental rules, regulations and standards is the obligation of each Lot Owner and the Lot Owner's builder. It should not be assumed, however, that compliance with the rules, regulations and standards of Matagorda County and other governmental and quasi-governmental authorities will satisfy all requirements of the ARC.

3.3 **Design Review Procedure:** The successful completion of the design review procedure under these Architectural Guidelines will be facilitated by reviewing and complying with the requirements outlined in the Architectural Guidelines and by reviewing and following the step-by-step design review format

described below. The review format has been structured to achieve a smooth and timely review from preliminary plan submittal to final site inspection and approval.

If a new residence is to be built "on speculation," the builder must submit a set of Building Plans and Specifications for such Improvements to the BPOA. An extra copy of the final approved Building Plans and Specifications submittal is to be delivered to the sales office for future reference by sales office personnel.

The following process represents the procedures in the process of building a residence in Beachside:

1. Approval of preliminary building plans and specifications (submission is optional but encouraged).
2. Changes/Additions.
3. Approval of final building plans and specifications, including a foundation plan.
4. Site and clearing inspection within five (5) working days of staking lot.
5. Begin construction.
6. Submittal of landscape plans and specifications.
7. Copy of as-built conditions showing actual impervious area calculations.
8. Final inspection and approval of improvements within ten (10) working days prior to closing of lot.
9. Builder shall supply copy of certificate of occupancy for BPOA files.
10. Approval of landscape.
11. Ready for occupancy.

- 3.4 **Optional Preliminary Plans and Specifications Review, (the “Plans”):** This step is not required but the ARC highly encourages Lot Owners and Builders who are building in the Beachside community for the first time to participate in the preliminary Plan review process. The preliminary Plan review process may help avoid unnecessary expense and delay by expediting later phases of the Plan review process. The ARC will review with the Lot Owner or the Lot Owner's representative the proposed design approach to confirm general compliance with the Pattern Book and the Architectural Guidelines and the appropriateness of the design concept. To fully utilize the preliminary Plan review process, two copies of a completed site plan and the architectural drawings for the Improvements shall be included as part of the preliminary Plan submittal. The preliminary Plan submittal shall also include a completed Application for Preliminary Architectural Review (attached as Schedule A) and the Preliminary Architectural Review Fee of \$100.00 made payable to Beachside Property Owners’ Association, Inc. (See Article 3.9).

The ARC shall review the preliminary Plans and return them to the Owner marked “Approved as Submitted”, “Approved as Noted” or “Disapproved”, as the case may be. As to any preliminary Plans that are marked “Approved” by the ARC, final Plans produced thereafter must be in substantial conformity therewith; provided, however, the ARC's approval of preliminary Plans shall in no way bind or obligate the ARC to approve the subsequent final Plans that do not comply with the intent and spirit of the Pattern Book and the Architectural Guidelines.

The ARC may refuse to approve preliminary Plans or any component(s), including, without limitation, the location, style, exterior colors or finishes or other specifications of the proposed improvements for any reason or reasons, including purely aesthetic reasons, in the sole discretion of the ARC.

- 3.5 **Required Final Building Plans and Specifications Review, (the “Plans”):** The submittal of final Plans shall incorporate all of the requirements stated in the Application for Final Architectural Review form,

(attached as Schedule B), Required Submittals per Article 3.8, and other portions of the Architectural Guidelines as well as comments from previous meetings and design reviews.

In addition, the following items must be submitted to the BPOA as a condition to the final Plan review process:

1. A Final Architectural Review fee of \$1,000.00. (See Article 3.9)
2. The Construction Bonds Escrow Deposit (“Bonds”). (See Article 3.10)
3. A true and complete copy of a fully executed contract for construction of the Improvements between the Owner and a Builder. In the case of construction of Improvements on a Lot “on speculation” (i.e., where a builder is building such Improvements for sale to a third party) or in the case of construction of Improvements on a Lot by a builder for such builder's personal occupancy, there shall be no requirement that a true and complete copy of a fully executed contract for construction of the Improvements be submitted.

If found not to be in compliance with the Guidelines or if found to be otherwise unacceptable to the ARC, one (1) set of the final Building Plans and Specifications shall be returned to the Lot Owner marked “Revise and Resubmit,” accompanied by a written statement of items found not to be in compliance with the Guidelines or to be otherwise unacceptable to the ARC. If the first resubmittal of final Building Plans and Specifications occurs more than six (6) months from the original submittal of the final Building Plans and Specifications, such resubmittal shall be accompanied by another Processing Fee (\$1,000.00); also, a resubmittal of final Building Plans and Specifications in excess of two (2) submittals shall be accompanied by a processing fee of \$500.00. The resubmitted Plans shall be subject to any amendments to the Guidelines that may have occurred since the original review.

At such time as the final Building Plans and Specifications are approved by the ARC, one (1) complete set of the approved final Building Plans and Specifications for custom designs shall be retained by the ARC and the other complete set of the approved final Building Plans and Specifications shall be marked "Approved as Submitted" or "Approved as Noted" and retained by the BPOA, along with a written statement with design comments. Once the ARC has approved final Building Plans and Specifications for Improvements to be constructed on a particular Lot, the construction of such Improvements must be promptly commenced and diligently pursued to completion; and if such construction is not commenced within one (1) year following the date of approval of the final Building Plans and Specifications by the ARC, the approval of such final Building Plans and Specifications by the ARC shall be deemed rescinded. In the event of any such rescission of the ARC's approval of final Building Plans and Specifications pursuant to the immediately preceding sentence, construction of Improvements on such Lot may be commenced only after resubmission of final Building Plans and Specifications and a \$500.00 processing fee to the ARC for approval and approval of such final Building Plans and Specifications by the ARC.

Any modification or change to the “Approved” set of final Building Plans and Specifications must be submitted in duplicate to the ARC for its review and approval (using the same procedure as set forth herein relative to the submission and approval of the original final Building Plans and Specifications). The ARC may require the Lot Owner to pay an additional review fee in connection with any submittal of substantial modifications or changes to previously approved final Building Plans and Specifications.

3.6 **Lot Staking, Site Inspection and Approval to Commence Work:** Once final Building Plans and Specifications approval has been granted by the ARC, the Lot Owner or the Lot Owner's representative shall stake the Lot for review and approval by the ARC prior to commencing any construction work thereon (including grading work). The Lot Owner or the Lot Owner's representative must clearly stake the proposed house "footprint" and property lines and, if applicable, any ancillary structures, and pool locations. Staking shall be with a continuous ribbon locating each corner of the footprint and another ribbon encircling the area to be cleared. All trees that are to be cleared shall be ribboned individually or in groups when trees are clustered. Tree save areas of large deciduous trees shall be protected with a tree save barrier located at the drip line of the tree unless otherwise required by the ARC. The entire area beneath the tree drip line shall be mulched with a minimum of 3" of mulch and protected from any and all traffic. The proposed finished floor elevation of a slab, 1st floor sub-floor and garage slab will also be staked. All vertical elevations will be confirmed by comparing the established top of curb elevations at the property lines as shown on the marketing site plan for each lot with the approved site plan proposed elevations. After such staking of the Lot has been completed, the Lot Owner or the Lot Owner's representative shall request the BPOA to make a site inspection prior to the commencement of clearing and construction work on the Lot.

The primary purpose of the site inspection by the BPOA is to ensure compliance with the approved Building Plans and Specifications and to prevent any unnecessary damage to specimen trees and other unique site features. In addition to the foregoing matters, the site inspection shall include a review of the following matters and issues:

Building setbacks or Build-To lines (as per stakes); Side yards (as per stakes); Clearing limits; General grading; Finish floor elevations; Placement of excavation materials; Protection of water meter and sanitary sewer boxes; Protection of tree save areas by approved "tree save barrier"; Protection of specimen trees by "tree save fence"; Location of construction entrances (15'W x 60'D Min.); Location of street trees; Location of temporary toilet; Location of trash containers; and Erosion control measures (fencing and hay bales as required).

Inspection by the BPOA shall be made based on the BPOA schedule. Requests are advised to be made on the date final design approval is given. Written authorization by the BPOA to proceed with the Lot clearing and construction work will be issued to the Lot Owner or to such Lot Owner's builder by the BPOA promptly after the inspection is completed or, if problems are detected during the site inspection, written notification of such problems shall be given to the Lot Owner or such Lot Owner's builder by the BPOA promptly after the inspection is completed. No clearing or construction activities may be commenced prior to issuance of the site inspection approval by the BPOA. The BPOA shall have the right to stop any unauthorized clearing and/or construction activities that are commenced on a Lot in violation of the terms and requirements of this paragraph. The BPOA may delegate its site inspection functions under this section to a third party construction manager for Beachside.

3.7 **Failure of the ARC or BPOA to Act:** If the ARC fails to approve or disapprove any final Plans and Specifications and other submittals which conform (and which relate to Improvements which will conform) with the requirements of the Guidelines and of the Declaration or to reject them as being inadequate or unacceptable to the ARC within forty five (45) calendar days after receipt, and provided such submittal was a full and complete submittal, in accordance with the Guidelines and the Declaration, of all items that were to have been submitted to the ARC, it shall be conclusively presumed that the ARC has approved such conforming Plans and Specifications and other submittals; provided, however, that no such failure to act shall be deemed an approval of any matters specifically prohibited by any other provision of the

Declaration or these Guidelines. The ARC has no right or power, either by action or failure to act, to waive or grant any variances relating to any mandatory requirements specified in the Declaration or any Additional Declaration for the Phase in which the Lot is located. If final Plans and Specifications or other submittals are not sufficiently complete or are otherwise inadequate, the ARC may reject them as being inadequate or may approve or disapprove a portion, and either reject or approve the balance. The ARC is authorized to request the submission of samples of proposed construction materials.

3.8 **Required Submittals:** The following items must be submitted to the ARC through the BPOA for final approval:

1. A completed **Architectural Review Application**.
(Copies are available from the BPOA).
2. (3) Three sets of **Final Construction Plans & Specifications**.
(Minimum scale: 1/8"=1'-0", minimum sheet size 24"x36") including:
 - Floor plan: Indicate all rooms, dimensioned to scale, along with square footage of the total enclosed living area.
 - Roof plan: Indicate slopes, pitches, hips and gables.
 - Elevations: Provide front, rear, and side elevations showing building materials and finishes. Indicate maximum height of the principal structure and anticipated finished grades. A rendered elevation depicting material and colors of the primary façade may be requested by the ARC for more complicated elevation schemes.
 - Typical Wall Section: Indicate foundation condition, building materials, roof overhang, fascia, and decorative elements and other details as needed to convey the design.
 - Foundation plan: The foundation plan shall be signed, sealed, contain the name, address, phone number and license number of the registered professional engineer.
3. (3) Three **Site Plans**.
(Minimum scale: 3/32"=1'-0" or 1"=10', minimum sheet size 24"x36").
Indicate the required setbacks or build-to lines, easements and horizontal dimensions that locate the residence on the lot. Show all driveways, walkways, patios, decks, pools and other recreational equipment, HVAC units, etc. (Include screening details for HVAC unit).
4. (3) Three **Schematic Landscaping Plans** showing plants, shrubs, trees, etc. A **Detailed Landscaping Plan**.
(Minimum scale: 1/8"=1'-0" or 1"=10', minimum sheet size 24"x36"), including site grading, and showing location, size, species, quantity, spacing, percentage of native plant material, and quality of all plant material, protection of existing vegetation and other landscaping details shall be submitted for approval prior to the completion of construction.
5. (3) Three **Drainage Plans**.
(Minimum scale: 3/32"=1'-0" or 1"=10', minimum sheet size 24"x36"), showing the location of erosion control devices and the direction of storm water flow.
6. **Samples** of all exterior materials and finishes, including paint colors, siding materials, roofing, shutters, medallions, chimneys, doors, lighting scheme, and other details affecting the exterior appearance.

7. (2) Copies of **Photographs** documenting the existing conditions of the lot prior to clearing/construction. Photos shall be provided showing the following:
 - Road surface, road shoulder, and drainage ditch along the entire portion of the lot abutting the street.
 - The entire width of the lot and its trees/vegetation as viewed from the street and as viewed from the approximate center of the lot facing the rear of the lot.
 - The entire width of the lot and its trees/vegetation, and shoreline, as viewed from the water. (Water view lots only).
8. The ARC reserves the right to require the submittal of other information, data, drawings and samples as deemed necessary.
9. **Architectural Review Fee** of \$1,000.00.

Submit all items required to:

BEACHSIDE PROPERTY OWNERS' ASSOCIATION, INC.
C/O James Hanson
301 S. Bridge Street
Suite 3
Victoria, TX 77901
1-888-552-0785

- 3.9 **Architectural Review Fee:** A fee of \$100.00 will be assessed for each Optional Preliminary Architectural Review by the ARC. The ARC may revise the amount of the review fee at any time.

A fee of \$1,000.00 will be assessed for Final Architectural Reviews by the ARC. This fee covers two reviews of the same Lot. Each additional review beyond two is subject to another \$500.00 review fee. The ARC may revise the amount of these review fees at any time.

Applicants shall be subject to an additional \$500.00 fine for commencing any construction activities prior to the review and written approval of the Final Architectural Review Application by the ARC. An additional \$100.00 shall be assessed for each subsequent day in which construction activities occur prior to ARC approval.

Payment in full (checks payable to Beachside Property Owners' Association, Inc.) must accompany the Architectural Review Application.

- 3.10 **Construction Bonds:** The Construction Bonds Escrow Deposit ("Bonds") as set and determined by the BPOA as of the date the final Plans shall be submitted. The Bonds are currently Five Thousand Dollars (\$5,000.00) per Lot and include One Thousand Five Hundred Dollars (\$1,500.00) for a Contractor Performance Bond, Two Thousand Five-Hundred Dollars (\$2,500.00) for a Road Bond and One Thousand Dollars (\$1,000.00) for a Landscaping Bond. The Bonds shall be paid by check made payable to Beachside Property Owners' Association, Inc. (the "BPOA") The Bonds will be held by the BPOA. Payment in full must be made prior to or accompany the Final Architectural Review Application. Either the Owner or the Builder may provide the bond. The bond is intended to protect the Property Owners Association from the cost of unnecessary road repairs caused by careless contractors, to ensure the proper reseeded, clean up, etc. of rights-of-way and drainage swales when construction activities have been completed. The bond is

fully refundable upon completion of home construction, if the road pavement, road shoulders and drainage swales near and in front of the subject lot are maintained throughout the construction process, or are otherwise restored, to the pre-construction condition, as determined by the BPOA in its sole discretion, and as evidenced by the photographs required in Article 1.2. (NOTE: Lot Owners who are not Builders may wish to include a provision in the contract with their builder that requires the builder to post the bond and to be responsible for the actions of their subcontractors.)

- 3.11 **Review Period:** Properly completed Preliminary or Final Review Applications, complete with all required submittals, and any fees, bonds, and dues that may be owed, will be reviewed and a written response issued, within forty five (45) calendar days of receipt. A letter from the BPOA will be sent to the Applicant stating the submittal status is one of the following:
- “Approved as Submitted” – The entire submittal is approved as submitted.
 - “Approved as Noted” – The submittal is not approved as submitted, but approved with the ARC’s suggestions for curing objectionable features or segments noted. The Applicant must correct the plan’s objectionable features or segments, and the Applicant may be required to resubmit in order to receive approval prior to commencing the construction or alteration.
 - “Disapproved” – The submittal is rejected. The ARC may provide comments, but is not required to do so.
- 3.12 **Submittals Retained:** All approved submittal items will be retained by the BPOA for inspection & record purposes.
- 3.13 **Variations:** Variations may be granted in some circumstances including, but not limited to, odd shaped lots or parcels, topography, natural obstructions, hardship, or environmental considerations. All variance requests must be submitted in writing. The applicant must state the reason for the request, and propose mitigation of the variance. The ARC shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration or governmental regulations. No variance shall be effective unless in writing and signed by two representatives of the ARC.

NOTE: The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of Matagorda County or other governmental authorities. It is the responsibility of Owner/Builder to obtain all necessary permits and approvals.

- 3.14 **Implementation of Approved Plans:** All work must conform to approved plans. If it is determined by the ARC or the BPOA that work completed or in progress on any site/parcel is not in compliance with these Guidelines or any approval issued by the ARC, the ARC shall notify the Owner and builder in writing of such noncompliance, specifying in reasonable detail the particulars of noncompliance, and shall require the Owner and/or builder to remedy the same. If the Owner and/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 shall be in violation of the Declaration and these Guidelines.
- 3.15 **Pre-Construction Inspection:** Prior to commencement of clearing, grading or construction the Owner shall: stake-off the location of the home site and driveway; clearly mark all areas to be cleared, as measured at the base, for inspection/approval by the BPOA. Call the BPOA to schedule the inspection. Allow a minimum of (5) days notice.

3.16 **Construction Completion Inspection:** Upon final completion of home construction, landscaping, proper installation of a concrete driveway culvert, paving of driveway, as approved, the removal of silt fencing, and the removal of the dumpster and other construction related items, the Owner can request a final inspection from the BPOA, if any portion of the Contractor Performance Bond is still remaining at the time of issuance of the certificate of occupancy then this amount will be refunded to builder/contractor who posted the bond. If there is no damage to the road pavement, road shoulders, or drainage swales, the \$2,500 road bond will be refunded. If the landscaping has been completed according to the landscaping plan then the \$1,000.00 landscaping bond will be refunded.

3.17 **Time to Complete:** If no maximum time period is specified in the approval or any other agreement, construction shall be completed within one year of its commencement. The Applicant may request an extension of such maximum time period not less than thirty days prior to the expiration of the maximum time period, which the ARC may approve or disapprove, in its sole discretion.

If construction is not completed on a project within the period set forth in the approval or within one year, or within any extension approved by the ARC, the approval shall be deemed withdrawn, and the incomplete construction shall be deemed to be in violation of the Declaration and these Guidelines.

3.18 **Change After Approval:** All proposed changes to structures, including changes that affect the exterior of any building, colors, windows, doors, grading, paving, utilities, landscaping, or signage, made after the final approval of plans must be submitted to and approved in writing by the ARC prior to implementation. Close cooperation and coordination between the Applicant and the ARC will ensure that changes are approved in a timely manner. If Matagorda County or any other authority having jurisdiction requires that changes be made to final construction plans previously approved by the ARC, the Applicant must notify the ARC of such changes and receive approval from the ARC prior to implementing such changes.

3.19 **Review of Modifications:** The review of modifications to existing dwellings (occupied after issuance of a Certificate of Occupancy or Certificate of Completion) shall require the submission of an Architectural Review Application to the ARC, including new calculations for total lot impervious area. Depending on the scope of the modification, the ARC may require the submission of all or some of the required submittals listed in Article 3.8 above. The review and approval of modifications shall take place within the same time periods as required for new construction. Modifications must be scheduled and completed in a time agreed upon by the ARC.

ARTICLE 4 – SITE REQUIREMENTS:

4.1 **Impervious Area:** All lot improvements (driveways, walkways, building footprints, fencing, patios, etc.) must be within the recorded set backs.

4.2 **Setbacks:** Setback requirements from property lines are established in these Guidelines and by Specific Site Zoning and are subject to public utility easements, drainage easements, landscape easements and rights-of-way.

All homes must meet minimum setback requirements, as set forth in the recorded plat, deed restrictions, governmental regulations, and as follows:

- All lots shall comply with minimum setback requirements as follows (where build-to is stated, the front setback of the residence shall be built to the specified dimension from the property line):

Front Yard Build-To Line:	25'
Left and Right Side Yard Setback:	All interior side building lines between numbered lots are 5'. All other building lines are as noted on the recorded plat.
Rear Setback:	40'

“Double Lots” (two lots combined to form one new lot) whose main residence is constructed mainly on one half of the property as seen from the road shall comply with the minimum setback requirements and build-to outlined above.

“Double Lots” (two lots combined to form one new lot) whose main residence is constructed more or less equally across the new lot as seen from the road shall comply with the minimum setbacks and build-to requirements below:

Front Yard Build-To Line:	25'
Left Side Yard Setback:	10'
Right Side Yard Setback:	10'
Rear Setback:	40'

The ARC reserves the right to require alternate setbacks, to be determined at time of the ARC review, in order to preserve particular view corridors, or to account for unusual topography, natural site features, or other extenuating circumstances.

- 4.3 **Construction Fencing:** Before beginning construction, orange plastic construction fencing, minimum 36” high, must be installed along the edge of the street pavement, across the entire width of the lot and across the street in front of the home site to prevent the parking of vehicles on the road shoulders. If the Owner does not have the builder install such fencing prior to the beginning of construction, then the BPOA will install the fencing and bill the Owner in the amount of \$800.00. This fencing must be maintained throughout the construction period and removed at the time of the Road Bond Inspection.
- 4.4 **Construction Entrance:** The property owner is responsible for placing and maintaining a hard surface driveway. A minimum of 5” of #5 crushed stone or other suitable hard surface base must be provided to facilitate the delivery and distribution of materials from the paved street to a central staging area on the subject lot. **No materials of any nature are to be unloaded or stored in the road or road rights-of-way for any reason.** This driveway is to be used before and during construction to minimize damage to the roads and road shoulders caused by the repeated parking of vehicles, heavy equipment and trucks. It is the responsible of the property owner to provide access to their lot for staging of all construction and construction deliveries.
- 4.5 **Material Storage:** All construction materials must be kept within the property lines and street rights-of-way must be kept open for vehicular access to all sites. Temporary storage structures must receive approval by the ARC prior to their use. Storage structures may not be used as living or office quarters.
- 4.6 **Vegetation Protection:** All existing trees or other vegetation shown on the plans, or required by the ARC, to be preserved must be left undisturbed during construction, including the 30’ Buffer Area on all Lots that abut water. Prior to beginning construction the builder must erect wire or plastic environmental barriers to

protect these natural areas. It will be the financial responsibility of the applicant to mitigate or restore any disturbed areas and to keep the barriers in good repair during construction.

- 4.7 **Dumpster:** A commercial dumpster is required on site to keep a neat and clean construction site. At the end of each work day all construction materials must be stored neatly and trash placed in the dumpster. Fabricated wood or wire bins will not be permitted. The builder is encouraged to utilize the services of a disposal company that is environmentally friendly by using recycling and composting techniques.
- 4.8 **Toilet Facilities:** Each construction site is required to have a job toilet and it must be placed inside the home site area in the least conspicuous location with the door facing away from the street.
- 4.9 **Fires:** Fires and burning are not permitted on residential sites under any circumstances.
- 4.10 **Drainage:** Water runoff for each individual building site must be handled by adequately sloping all areas so that runoff is directed to the natural drainage areas or storm drainage facilities of each lot owner.
- 4.11 **Mailbox:** Cluster mailboxes will be provided by the developer in locations to be determined by the developer. Driveway reflectors and markers are prohibited. Additional mailboxes and paper boxes are not permitted.
- 4.12 **Driveways/Walkways:** Driveways (a pervious middle strip flanked by two impervious strips) must be constructed of brick, concrete, pavers made of cast concrete, or cobbled pavers made from natural materials. Asphalt driveways are prohibited, Gravel driveways, with the exception of construction driveways during the construction of the home, and are also prohibited. Driveways shall be constructed and maintained in accordance with the rules, regulations, and specifications approved by the ARC and all requirements of the Texas Department of Transportation.

Walkways or patio areas must be constructed of brick, flagstone, stepping-stones, or pavers made of cast concrete, or pavers made from natural materials. Walkways or patio materials shall be selected to match the appearance and style of the residence.

- 4.13 **Exterior Lighting:** ARC approval is not required for exterior lighting if lighting is installed in accordance with the following guidelines: Exterior lights shall be conservative in design and as small in size as is reasonably practical. Exterior lighting shall be directed toward the house and be of low wattage (limited to 2,000 lumens) to minimize glare sources to neighbors and other homeowners. Lighting for walkways generally must be directed toward the ground. Lighting fixtures shall be dark colored so as to be less obtrusive. Low voltage (12 volts) lighting is preferable to conventional house-voltage systems because of its safety advantages. Any deviation from the aforementioned guidelines or use of high-wattage, spotlights, floodlights, or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc) requires ARC approval. The ARC may take into consideration the visibility and style of the fixture and on the home. Light fixtures must complement the architectural style of Beachside and the specific home and landscaping. Lighting of walls can be achieved by use of eave or ground recessed fixtures. Landscape lighting should be concealed where possible by ground recessing or placing in shrub beds. Colored lights are prohibited, except as temporary holiday decorations. Post mounted light fixtures will be considered on an individual basis. Spillover of light on to neighboring property should be avoided and lights should be shielded where necessary.

- 4.14 **Flagpoles:** Yard-mounted flagpoles are not permitted on any portion of the Properties, except for flags and flag poles installed by or for the BPOA at amenity sites. Flagpoles may be mounted on the dwelling, if its design and location is approved by the Architectural Review Committee. Owners may attach American flags, not to exceed 4' x 6', no other flags are allowed. Flags and poles may be permitted to be installed, on temporary basis for marketing or sales of property or model homes. Such flags and flagpoles require the approval of the ARC.
- 4.15 **Fountains:** ARC approval is required for all fountains.
- 4.16 **Garages:** Garages shall be under all residences with breakaway walls, designed to accommodate two vehicles aligned front to back or side by side. Open area garages are only allowed if approved by the ARC. Garages shall be compatible with and complementary to the main residence in architectural style, material, color. Detached garages shall accommodate two vehicles aligned side by side when garage doors are in the closed position. Garages shall be finished on the inside. Detached garage footprint shall not exceed 650 square feet. Detached garages shall be located within 25' of the main residence in order to create courtyard spaces between house and garage. In all detached garage scenarios, the front face of the garage shall be set behind the rear face of the main residence.
- 4.17 **Hot Tubs and Saunas:** ARC approval is required for the installation of any hot tub, Jacuzzi, sauna, or spa. Any hot tub, Jacuzzi, or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. A hot tub, Jacuzzi, or spa shall be located in the rear yard, shall be installed in such a way that is not immediately visible to adjacent property owners, and shall not create an unreasonable level of noise for adjacent property owners. All mechanical equipment necessary for the operation of any hot tub or sauna must be located in the rear yard and shall be screened from the street and neighboring units by a fence, wall, or landscaping, such screening to be in accordance with these Guidelines and approved by the ARC. Owner may be required to install safety features such as locks or covers for these items when such are not in use.
- Applications for hot tubs, Jacuzzis, saunas and spas shall be accompanied by a screen or fence plan and a plot of the property with the improvements indicated thereon and evidencing compliance with the above criteria.
- 4.18 **Pools:** ARC approval is required for the construction or installation of pools. Pools must be located in the rear yard and must be an integral part of the residence and landscape. Landscaping shall be provided around any retaining wall and such wall and landscaping must be an integral part of the overall landscape plan. All mechanical equipment necessary for the operation of any pool must be located in the rear yard and shall be screened from the street and neighboring residences/buildings by a fence, wall, or landscaping. Screening shall be submitted to and approved by the ARC. Above ground pools are prohibited.
- 4.19 **Ornaments and Statues:** Lawn ornaments, statuary and outdoor sculpture must be submitted for ARC approval in advance of installation and are prohibited in front and side yard areas unless concealed within a privacy wall. Approved ornaments installed in rear yard areas or behind privacy wall must be placed so as to not be visible from adjacent lots.
- 4.20 **Antennae & Satellite Dishes:** No exterior antennae are allowed. "Satellite dish" antennas and similar equipment in excess of 18 inches in diameter shall not be allowed except in the rear yard (to the rear of the Dwelling) and must to the fullest reasonable extent, be screened from view from adjoining Lots and

roadways. The dish shall be installed by being integrated with the residential structure and surrounding landscape.

- 4.21 **Exterior Wires & Cables:** No exposed exterior wires or cables of any kind are permitted.
- 4.22 **Propane Tanks:** Propane tanks must be installed underground.
- 4.23 **Garbage Containers:** Garbage containers shall be stored in garages or in side or rear yard and must be kept screened from view from the roads and adjacent lots.
- 4.24 **Walls & Fencing:** Walls and fencing should reflect the architecture of the residence and can be constructed of wood, custom designed wrought iron, painted or stucco base with custom designed wrought iron or masonry base with custom designed wrought iron. Prefab brick, chain link, or welded wire fencing will not be permitted. Once an approved fence or wall has been erected on a side Lot boundary line which is a common boundary line with another Lot, that approved fence or wall design and material(s) will be the only approved fence or wall design and material(s) that may be erected on that common Lot line. No double fencing will be allowed on side or rear Lot lines. All walls and fences, including description of materials, must be approved by the ARC prior to installation. Any fencing and/or walls to be installed shall be shown on the site plan. Fencing samples must be submitted to and approved by the ARC. Approved fencing must be finished on both sides.
- 4.25 **Patios & Decks:** Patios, decks, deck railings, and deck supports shall be, and reflect the style and architectural detail of the residence. Decks and patios shall be constructed of materials that are generally acceptable as complementary to the residence. Decks and patios shall be designed and installed as an integral part of the residence or patio area. Any such decks or balconies must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property owners. Construction shall not occur over easements unless specifically approved by the utility company having jurisdiction and must comply with the applicable governmental requirements.
- 4.26 **Ancillary Buildings**
All ancillary buildings require ARC approval and may include the following:
1. **Separate Living Space:** Separate Living Spaces are allowed above detached garages. The overall massing of the living space shall be appropriate to the architecture of the main residence.
 2. **Accessory Buildings:** Owners shall obtain ARC approval prior to construction of any accessory building or permanently installed playhouses, doghouses, gazebos, green houses, etc. whether built during initial construction or after. Accessory buildings shall meet the following criteria:
 - A. An accessory building must be of the same color, material, and architectural style as the main residence, or of color, material, and style that is generally recognized as complementary to that of the main residence. As accessory building's roofing materials shall match those of the main residence.
 - B. Any utilities servicing accessory buildings shall be installed underground.
 - C. Accessory buildings generally shall be located in the rear one third of the yard as long as it does not front onto a street, shall be incorporated as an integral part of the landscape plan, shall not

unreasonably obstruct any adjacent neighbor's views of the ponds, open areas, or other amenities, and must be screened by a fence or vegetation.

D. Freestanding metal utility sheds or storage sheds are not permitted.

E. A playhouse shall be considered an accessory building if it measures more than 30 square feet, is more than 6 feet high from peak to ground, or is constructed on a concrete slab or footing. All playhouses must be located in the rear yard and screened from view from adjacent properties and the street. Tree houses are not permitted.

F. Dog houses shall not be visible from the street or adjacent properties. ARC approval may require screening or landscaping. Dog lots, dog runs, and dog kennels are not permitted.

4.27 **Recreational Equipment:** All recreational equipment, including, but not limited to, playgrounds must be approved by the ARC prior to installation on any lot. The ARC may require photographs or other means of illustrating the appearance of equipment. Recreational Equipment must be located in the rear yard. No equipment may be placed less than 30' from any property line, unless screened from view of adjacent properties. Trampolines and brightly colored awnings are prohibited. Maximum height of recreational equipment is 10' above grade.

4.28 **Recreational Vehicles:** All boats and recreational vehicles (i.e. campers, motor homes, etc.) must be kept in a garage. NO outside storage will be allowed. No empty boat trailers are allowed to be stored in any open area garage.

4.29 **Birdbaths, Birdhouses, and Bird-feeders:** ARC approval is not required for the rear yard installation of a birdhouse, or a bird-feeder that is less than one foot wide by one and a half feet tall, or a birdbath that is three feet tall or less, including any pedestal. Placement in any front or side yard requires ARC approval.

4.30 **Clotheslines:** No clotheslines are permitted.

4.31 **Signs:** All signage must be in accordance with Beachside Signage Guidelines below. One security sign may be permitted in the front yard located either adjacent to the driveway or in close proximity to the front entrance of the main dwelling.

Guidelines: One integrated architect and builder sign (not to exceed sixteen square feet) and one permit board shall be allowed, however, no subcontractor or trade signs shall be permitted. The architect and builder sign shall be erected on the lot/parcel prior to the commencement of any work, including clearing or grading. The architect and builder sign shall be securely erected and no signs or permits shall be placed in trees. The architect and builder sign shall be removed immediately upon the issuance of a Certificate of Occupancy unless a longer period is granted in advance by the ARC. Only one architect and builder sign or one "For Sale" or Realtor sign will be permitted.

4.32 **Corps of Engineers Permit:** All activities on the property must be authorized pursuant to the DA Permit covering the Property. The following activities are prohibited on the Property: There shall be no filling, excavation, mining or alteration of the Property that will affect the success criteria outlined in the 404 Permit or the Mitigation Plan unless approved in writing in advance by the BPOA and the USACE through the BPOA.

ARTICLE 5 – BUILDING REQUIREMENTS:

- 5.1 **Architectural Standards:** The ARC may disapprove plans if in its judgment the massing, architectural style, roofline, exterior materials, colors or other features of the building do not meet these standards. **No modular or mobile home type construction shall be permitted. Some factory manufactured homes may be approved.** Slab-on-grade construction shall be permitted.

There shall be no improvements of any kind within the designated wetlands.

- 5.2 **Minimum Area Requirement:** All interior lot residences to be constructed shall have a minimum building area of 1,800 square feet of enclosed air conditioned living area (exclusive of porches, decks and garages and other unairconditioned spaces). All waterfront lot residences to be constructed shall have a minimum building area of 2,000 square feet of enclosed air conditioned living area (exclusive of porches, decks and garages and other unairconditioned spaces).
- 5.3 **Building Height:** No residence shall exceed three and one half stories above ground level.
- 5.4 **Roof Slope:** The minimum roof slope over the main residence structure shall be at least five (5) vertical to (12) horizontal inches, subject to ARC review. See Section 5.7.
- 5.5 **Exterior Wall Treatments:** The materials listed below are acceptable exterior wall treatments for vertical and horizontal surfaces. When used in combination, transitions from one material to another shall be made in an aesthetically sensitive manner such that the appearance and style of the home is consistent on all sides.

Materials:

- Traditional portland cement stucco in muted colors, natural, tinted or painted.
- Stone.
- Brick.
- Anodized, copper or paint finishes are required on all metal surfaces including windows, flashing, drips, and caps, in colors matching the approved trim colors.
- Soffits must be of wood, stucco, vinyl or cementitious materials. Aluminum soffits are prohibited.
- Synthetic/foam products used on the exterior of buildings shall be installed to meet industry standards to ensure quality construction.
- Gutters and downspouts shall be used at all eave lines unless deemed inappropriate and should be either aluminum or copper. Gutter color, if aluminum, should closely match the trim color.
- Vinyl siding, if approved by the ARC.
- Hardy Plank.
- Any overlapping siding, if approved by the ARC.

- 5.6 **Exterior Colors:** Exterior colors are limited to the colors included in Beachside Color Wheel (available from the ARC). Owners must submit for approval color samples of all exterior surfaces to the ARC for review and approval.

- 5.7 **Roofing:**

Materials:

Acceptable roof materials are natural or synthetic slate, concrete, clay, metal, architectural shingle and any roofing approved by the ARC.

Configuration:

- Principle roof: symmetrical gable or hip with slope 5:12 to 12:12.
- Ancillary roof(s): shed, hip or gable with slope 2:12 to 9:12.

General:

- Maximum 24"x48" wood trimmed skylights permitted on rear of residence. Only one skylight shall be visible from any given vantage point.
- Gutters shall be square or half round aluminum or copper.

5.8 Windows, Doors, Shutters and Trim:

Materials:

Windows shall be clear glass or a tinted glass in gray or smoke colors. Samples shall be submitted for gray and smoke glass colors for approval by the ARC. Screen on porch enclosures shall be dark bronze or charcoal. Windows shall be trimmed/banded on the front and at the rear elevations. Window screen fabric must be dark bronze or charcoal color. Doors shall be of painted or stained wood or fiberglass. Shutters shall be of wood or solid PVC. Wood or masonry sills should project enough for drip kerf. Masonry walls shall have expressed lintels or jack arches above openings. The ARC must approve security treatments for doors and windows.

Configuration:

- Windows shall be operable casement or sash of vertical orientation.
- Multiple windows in the same opening shall be separated by a 4" mullion.
- Divided light window panes shall be no more squat than is a square.
- Muntins shall be of the same angled profile as, and coplanar with, the sash.
- SDL exterior muntins to be permanently fixed.
- Windows and casings inset a minimum of 1.5" in a masonry wall.

General:

- Shutters shall be operable and sized to match opening.
- Single bay garage doors shall be 9'-0" maximum width and 7'-6" minimum height.
- Polygonal bay windows shall project perpendicularly from main structure a minimum of 8".
- Windows shall be sized to "fill" dormers.
- Single door openings shall be 48" maximum.
- Window panes shall be of equal size.
- Wood attic vents shall be no more squat than is a square and shall be trimmed as a window.

5.9 **Screen Doors:** Front screen doors are not permitted. Screening is not allowed at the garage doors and ARC approval is required for all other screen door applications. Screen door design and color must match and be generally accepted as complementary to that of the actual entry doors of the house.

5.10 **Vents:** Plumbing vents, mechanical vents and fans, turbine type attic vents and other similar types of vents must be painted to match the roof/wall. No vents shall be located on the front elevation.

- 5.11 **Ceiling Height:** In homes of two stories or more in height, the minimum ceiling height on each floor shall be 9'-0". In one and one and one-half story homes, the ceiling height on the first floor shall be 11'-0".
- 5.12 **Utilities:** Meter boxes, gas regulator, conduit, electrical panels, etc. are to be painted to match the exterior of the building.
- 5.13 **HVAC Units:** HVAC units must be located in the rear of the residence or on the roof provided it is not visible from the street fronting the residence and screened from adjoining lots in such a way to minimize the transmission of noise to adjacent properties. Window air conditioning units and through-wall units are not permitted.
- 5.14 **Awnings & Overhangs:** The installation of awnings or overhangs requires ARC approval. The awning or overhang color must be the same as or generally recognized as complementary to the exterior of the residence.
- 5.15 **Glass Block:** Glass block on the exterior of a dwelling shall be subject to ARC approval. Glass block shall not be a dominant feature for the dwelling or elevation. All glass block located on the dwelling shall be treated similar to windows with banding and/or architectural trim. Glass block located at the front and/or rear of the dwelling shall provide a privacy wall and/or sufficient landscaping that simulates a wall to diminish the impact on the elevation.
- 5.16 **Screen Porches/Patios & Other Enclosures:** ARC approval is required for the construction of covered porches, patios, and other enclosures. Such structures and their supports shall be substantial in appearance, and reflect the style and architectural detail of the residence. Such structures shall be constructed of materials that are generally acceptable as complementary to the residence and be designed and installed as an integral part of the residence with rooflines that complement that of the principle structure. Any such structure must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property owners. Such structures are not permitted on the street(s) façade. Construction shall not occur over easements unless specifically approved by the utility company having jurisdiction and must comply with the applicable governmental requirements.
- 5.17 **Garages:** See 4.16.
- 5.18 **Ancillary Buildings:** See 4.26.
- 5.19 **Additions, Modifications & Expansions:** Any addition, modification, expansion or similar alteration, including changes to the color scheme, of a previously approved residence, whether before or after the initial construction, is subject to the requirements of these Guidelines and must be submitted to the ARC for approval. Updated impervious area calculations must be included in the submission to the ARC.

ARTICLE 6 – LANDSCAPING REQUIREMENTS:

- 6.1 **Purpose:** These landscape requirements have been established to maintain the high standards of Beachside and reflect the community's emphasis regarding the value of open spaces, natural land forms, landscapes and sensitive environmental eco-systems. Such requirements and guidelines help assure a positive impact in property values, quality of life, and the overall enjoyment and benefits of outdoor living while reducing

any negative impacts on the natural eco-system. Special consideration should be given to the following aspects of landscape plantings.

- 6.2 **Approved Plant List:** All plantings shall be selected from Beachside Approved Plant List (Copies are available from the BPOA).
- 6.3 **Evergreen Foundations:** Evergreen Foundation Plantings are required to provide year ‘round accents and softening of foundations as well as provide a backdrop for ornamental and flowering plants. A minimum of 24”-30” tall shrubs planted 24”-36” on center will be required in areas along foundations and under windows, with exceptions for lower windows, porches, and in areas where the foundations materials are an important architectural accent. Quantities will be decided on an individual basis.
- 6.4 **Evergreen Screening:** Evergreen screening is needed to conceal service and utility areas. Quantities and sizes will be considered on an individual basis but should provide immediate screening i.e.: HVAC should be concealed by plantings 4-6’ tall at time of installation.
- 6.5 **Lawn, Groundcover & Mulch:** Areas should be established to control erosion in compliance with all Environmental Rules & Regulations of the Community, County & State. Front Lawn areas should receive Sod; side and rear yards may be seeded. Natural areas must be mulched, and ground cover is recommended on slopes greater than 3:1.
- 6.6 **Minimum Planting Plan:** All lots shall be landscaped as per the minimum requirements that are attached to these Guidelines as Exhibit “A”.
- 6.7 **Exterior Lighting:** Refer to Article 4.12 above.
- 6.8 **Ornaments & Statues:** Refer to Article 4.18 above.
- 6.9 **Fertilizers:** Fertilizers containing phosphorous are strictly prohibited for use on lawns in Beachside. Additionally on lawns that abut water, absolutely no fertilizers or pesticides may be used within 3 feet of the wooden or concrete retaining walls *and* concrete bulkheads. *No fertilizers or pesticides may be released* into the lakes.

END OF DOCUMENT.

EXHIBIT “A”

	50’ Waterview	50’ Waterfront	60’ Waterview	60’ Waterfront	70’ plus Waterview	70’ plus Waterfront
FRONT YARD REQUIREMENTS (MINIMUM)						
Shade Trees	Two @ 4” caliper hardwood trees or Two 12 trunk foot Specimen palms located between the setback and right-of-way		Two @ 4” hardwood trees or Two 12 trunk foot Specimen palms located between the setback and right-of-way		Two @ 6” hardwood trees or Two 12 trunk foot Specimen palms located between the setback and right-of-way	
Large Specimen Plant	Not required		One @ 30 gallon		Two @ 30 gallon	
Large Shrubs or Ornamental Trees	Two @ 15 gal		Three @ 15 gal		Four @ 15 gal	
Medium Size Shrubs	Twenty @ 5 gal		Thirty @ 5 gal		Forty @ five gal	
Border Plants	Twenty @ 1-gal		Twenty five @ 1-gal.		Thirty five @ 1-gal.	
Bulkhead frontage	Not applicable	Only grasses or low ground covers allowed within 30’	Not applicable	Only grasses or low ground covers allowed within 30’	Not applicable	Only grasses or low ground covers allowed within 30’
At Foundation	Must be evergreen but can have deciduous in a tiered planting scheme					
Lawn	St. Augustine sod or Bermuda sod					
Irrigation	Required					
LAKE LOTS, PARK, AND COMMON AREA LOTS						
Lawn	St. Augustine sod or Bermuda sod					
Shade or Flowering Trees	One @ 2-2-1/2” cal.		Two @ 2-2-1/2” cal.		Two @ 4” cal.	
Evergreen Hedge	Must be installed along one side of lots in drainage swale to slow					
Utility Pedestals and Transformer Boxes	Screen with evergreen shrubs or grasses					
CORNER LOTS	Five (5) ornamental trees in 15 gallon containers plus an evergreen hedge must be planted along the corner side property line beginning at a point 10’ behind the front elevation of the house and extending halfway to the rear property line. Sod remaining areas with St. Augustine sod or Bermuda sod.					

IRRIGATION STANDARDS	For all lots where irrigation systems are required, lawns and landscaped areas must be effectively, properly, and evenly irrigated by underground automatic irrigation systems of approved design with minimal overflow onto paved areas using current standards and designed and installed by licensed contractors doing business in the State of Texas. All exposed mechanical equipment such as automatic controllers, back flow preventors, and vacuum breakers must be screened or hidden. Drip irrigation systems will be permitted where appropriate.
LANDSCAPE MAINTENANCE	Mowing; pruning and shaping; weed control; seasonal mulching; winter protection as required; replacement of dead or diseased plants; insect and disease control; fertilization and watering; warranty
DRAINAGE SWALES	All lots must landscape along the 10' sideyard setback side of their lot that is located in the drainage swale. These plants must be suitable for semi-wet locations and suitable for slowing down water flow through the drainage area.
PLANTING BEDS	
Required	Mulched with shredded pine bark; minimum planting bed width of 5' from front of residence
Permitted	Ryerson steel edging (or similar), brick set in mortar, natural stone
Not Permitted	Gravel or rock mulch; plastic edging, loose brick edging, concrete scallop edging; corrugated aluminum edging, wire wickets, railroad ties or timbers; chicken coop wire attached to stakes; small picket fencing; continuous concrete bands. Shrubs or trees between the sidewalk and the street curb are strongly prohibited.
REQUIREMENTS FOR SWING-IN GARAGES	Since more concrete is required in front of the residence for swing-in garages, in addition to landscaping the front foundation of the residence, the planting bed must extend from the house to the edge of the driveway in order to help in screening a portion of the concrete.
LANDSCAPE STANDARDS	All plant material shall be sound, healthy specimens typical of their species, with well-formed tops and roots, and shall be free from all injurious insects, insect eggs or larvae, diseases, serious injuries to bark, root or foliage, broken branches, or any other types of disfigurement. Plant proportions shall be those recognized as normal for a well-grown plant of that species and size, as recommended by the American Standard for Nursery Stock. Installation of all plants must conform to the standards of the American Association of Nurserymen. All plants that fail to make new growth from a dormant condition, decline or die shall be replaced. A plant is considered dead if at least 50% of its growth is dead. All replacements shall conform to the original intent of the planting design.