



**TEXAS GRAND RANCH**

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**SITE & BUILDING REQUIREMENTS**

**AMENDED 12/06/2020**

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## **I. Texas Grand Ranch Master Plan**

Texas Grand Ranch is a master planned acreage community designed for an exceptional living environment with enduring property and building values. The developer, I Texas Grand Ranch LLC., has prepared these Site & Building Requirements to help ensure that property owners' building designs are complimentary to the architecture and environment of the subdivision. These Site & Building Requirements are first and foremost for the protection of each owner at Texas Grand Ranch. They serve as a set of established and detailed requirements that promote the successful build out and maintenance of the community.

These Site & Building Requirements and the Covenants, Conditions, and Restrictions (CCRs) for Texas Grand Ranch establish particular principles and certain standards to be observed by all property owners and users in the subdivision.

The Architectural Review Committee (ARC) has the authority to review, evaluate, approve and/or deny/reject all plans and specifications including finalizing of construction prior to occupancy, for any and all proposed construction and future improvements and alterations within the subdivision. The ARC also has the authority to enforce, at its sole discretion, the Conditions Covenants and Restriction and these Site & Building Requirements for Texas Grand Ranch, as well as levying and collecting the fines and other consequences against those who do not act in accordance with these rules and regulations, including but not limited to retaining conformance /damage deposits for damage done to roads, drainage easements, neighboring properties, etc. These Site & Building Requirements are to be used by the ARC in the review of builder or owner plans.

Creativity and flexibility of architectural and landscape design, tailored for individual use within the framework of the subdivision's intent, are strongly encouraged. The ARC is prepared to cooperate with property owners and their agents by providing information, ideas, and suggested methods for accomplishing mutual development goals. Requirements of construction and landscaping, as well best practices and effective recourse options can be found in each section of these Site & Building Requirements.

These Site & Building Requirements and the CCRs have been carefully formulated to assure an attractive, rewarding environment for all its users and to ensure the best possible safeguards for the continuing appreciation of property values.

## **II. Site & Building Requirements**

### **1.0 Introduction**

These Site & Building Requirements serve as a supplement to the CCRs. They illustrate, define and detail the design objectives for a unified, harmonious style for Texas Grand Ranch. The information in these Site & Building Requirements is presented as a convenient reference to assist property owners, their architects, engineers and designers in the most advantageous adaptation of Texas Grand Ranch CCRs for development and construction.

Location, size, style, color, and types of signs, buildings, walls, vegetation, ornaments, drainage, building materials and other design elements are described in the following pages. Illustrative examples and descriptions are meant to ensure an orderly and a well-maintained sense of community and spaciousness.

In addition to the Site & Building Requirements, a Builder's Reference is available, through the POA, to assist builders in understanding the Texas Grand Ranch construction requirements, as well as the sequence of the requirements. The builders are encouraged to request a copy of the Builder's Reference as a tool to streamline the interaction between the Builder and the ARC/POA.

## **1.1 Architectural Review Forms, Fees, and Inspections**

**Prior to any lot work** requiring heavy equipment, (any vehicle with tires larger than passenger vehicles, including metal track equipment) the new home application and all permits must be submitted and approved, the owner /builder shall then determine the location and sizing of the permanent which must be installed before any heavy construction machinery may enter upon any home site. Driveway culvert sizing has been approved by Walker County and a copy of the individual lot culvert sizing requirements are available upon request. The ARC shall be notified prior to any culvert installation and the installation shall not be authorized until a damage deposit has been received, as required in the Site and Building Requirements.

Vegetation-clearing machinery, on rubber tires and no larger than a pick-up truck, may enter upon a home site prior to culvert installation for the purpose of clearing underbrush, defined in Section 4.1, Lot Clearing, without approval from the ARC or posting a Damage Deposit. Vegetation-clearing machinery on tracks shall be considered heavy construction machinery and may not enter upon any home site without ARC notification and receipt of a Damage Deposit.

A form survey is required upon the setting of the form boards for any Dwelling on a Lot, and must be approved by the ARC prior to any vertical construction on the Lot.

There are several forms, which are required of the owner/builder during the process of building in Texas Grand Ranch. These have been included in your closing package, and as a reminder are outlined below:

### **Texas Grand Ranch Specific Forms:**

- Pre-Construction Clearing Form
- Culvert Installation Meeting Form
- Builder Approval Form
- Burn Notice Form (for lot clearing)
- New Home Construction Application and Review Process Form
- Application for Improvement or Modification Form
- Variance Request Form (if applicable)
- Conformance/Damage Deposit Submittal & Return Forms

**Other Required Forms:**

- Walker County Department of Planning and Development 911 Address Form
- Development Permit Application Form (Walker County & Huntsville)
- City Huntsville Development Permit (where required if in ETJ)
- SWPPP Form (TCEQ)
- Driveway/Culvert Permit Application (where required by Walker County)
- Form Survey (after the foundation form has been placed.)

**The Fees required for various building and improvement activities include:**

**Fees:**

- Underbrush clearing Fee - \$250, plus \$1,000 damage deposit (refundable)
- New Home Construction Fee - \$1,000
- Additional Modification Fees, including fences, pools, etc. \$250 Fee, plus \$1,000 damage deposit (refundable)
- Conformance/Damage Deposit Fee \$3,500 (Refundable post-final inspection, less damages)
- Variance Request Fee - \$250 (Non-refundable)
- Re-Inspection Fee - \$150 (if due to builder error)
- Additional fines and fees may be incurred for damages to property or trees

**Fines:**

Placement of any Construction Items in Ditches, R.O.W, or Easements	\$500/day		SBR 2.5
Installation of Culvert Without Authorization	\$500.00		SBR 2.7
Materials Delivered to Site Without Culvert Installed	\$500.00		SBR 2.7
Driveway Constructed with Non-Approved Materials	\$1,500.00		SBR 2.7
Fence Constructed without ARC Approval	\$500.00		SBR 2.9
Fence Constructed – Not in Compliance	\$500.00 min		SBR 2.9
Site Clean-up by POA (After written notice to Owner)	Cost + 10%		SBR 3.1
Ditch Clean-up by POA (after written notice to Owner)	Cost + 10%		SBR 3.1
Clearing Prior to ARC Approval and Conformance/Damage Deposit on file	\$500.00/day \$5000.00 max		SBR 3.1
Dwelling not Built to Approved Plans	\$10,000.00		SBR 3.1

Occupying Dwelling Prior to Passing Final Inspection	\$250.00/day \$5000.00 max		SBR 3.1
Chimney Constructed with Non-Approved Materials	\$2500.00		SBR 3.7
Garage Doors not Approved by ARC	\$100.00/day \$5000.00 max		SBR 3.9
Accessory Building not in Compliance w/ARC Approval	\$1500.00 min.		SBR 3.10
Clearing Within The "No Clear Zone"	\$5000.00 Restore Vegetation	CCR 3.15	SBR 4.1
Outdoor Lighting not in ARC Compliance	\$300.00		SBR 4.2
Burning During a Burn Ban	\$2000.00		SBR 4.3
Fires Left Unattended	\$500.00		SBR 4.3
Trees Damaged from Burning	\$1500.00 per Tree		SBR 4.3
Clearing Trees or Vegetation on Adjoining Property	\$1500.00 per Tree		SBR 4.4
Adverse Effect Caused by Improper Drainage Design	\$1500.00		SBR 4.8
Not in Compliance with SWPPP Permit	\$500.00 min.		SBR 4.8
Failure to Maintain Erosion Control	\$500.00		SBR 4.9
Construction Prior to ARC Approval and Conformance/Damage Deposit on File	\$500.00/day \$5000.00 max	CCR 4.1(a)	SBR 5.0
Washing Concrete Outside of On-site Washout Box	\$500.00		SBR 4.10
Failure to Clean Site of Trash Daily	\$20.00/day \$500.00 max		SBR 5.1
Failure to Maintain the Appearance of Buildings & Lot	Cost + 10%	CCR 3.24	

**Inspections:** There are THREE REQUIRED inspections that will take place onsite, all of which must be completed prior to any refund of the conformance/damage deposit:

- (1) Pre-Construction Meeting – takes place prior to any construction on a Lot, with the exception of light underbrushing.
- (2) Pre-Pour Meeting – All required permits and a form survey shall be turned in prior to this meeting.
- (3) Final Inspection, once the Dwelling is in final stages of construction and is ready to be cleared for occupancy.

**No review, release or construction is allowed prior to culvert installation, silt fencing, and associated site requirements.**

## 2.0 Site Layout

At Texas Grand Ranch, preservation of the natural setting is one of the central goals along with the promotion of aesthetically attractive structures and the protection of property values. All of these goals are attained by adherence to the CCRs and these Site & Building Requirements.

It is not the intention of this document to contradict the CCRs that have been filed for record in Walker County. In case of a conflict between the CCRs and these Site & Building Requirements, the more restrictive and specific document shall rule, as determined by the ARC.

Emphasis at Texas Grand Ranch shall be towards the preservation of the natural beauty of the native landscape. Preserving the native flora of the region while, at the same time, providing reasonable flexibility to the property owner to make the desired and necessary improvements to their property, is essential in the development of an estate lot community.

All lots adjoining the Huntsville State Park shall contain an additional provision to provide for a "no clear zone" setback of twenty-five feet (25') from the lot boundary lines adjacent to Huntsville State Park prohibiting the clearing of trees, brush, or of any undergrowth to allow for a privacy buffer for the adjoining property owner. This no clear zone shall be enforceable by the Texas Grand Ranch Property Owners Association and by Texas Parks and Wildlife Department. These lots are identified as Section 5, Block 23, Lots 1-9, 14-37; and Section 7, Block 23, Lots 54-70; and Section 9, Block 23, Lots 84-93; Section 13 Block 23, Lots 94-104; and Section 15, Block 34, Lots 12-24. Violation of the no clear zone and/ or removal of the vegetative buffer on a lot boundary line adjacent to Huntsville State Park will result in lot owner being required to plant additional trees to screen the cleared area and may be subject to fines of up to \$5,000.

A natural vegetation Buffer also referred to as a "No Clear Zone" must be maintained on the rear twenty-five (25') feet of Lots fronting on the common area and the following lots; Section 3A, Block 6, lots 171 & 172, Section 4A, Block 6, Lots 184-191, Section 4B, Block 6, Lots 192-209, which border private ownership. Removal of the vegetative buffer is subject to fines up to \$5,000 and the requirement to plant and re-establish the vegetative buffer.

As per our erosion control measures, there is a twenty foot (20') vegetation buffer, starting behind the utility easement and drainage ditch, at the front of each lot which requires that only non-machinery vegetation clearing (prior to and during construction) i.e. no equipment that has tires that would disturb the native soil, is allowed within the front 20' from the front street of the lot, excluding where the driveway will be located plus an additional four feet (4') on either side of the driveway. Hand held trimmers or cutting blades are permitted to clear vegetation (underbrush) with a maximum trunk diameter of 3" at a height of 5'. After the final approval of the completed construction, upon final inspection, this front 20' buffer area may be cleared in accordance with the regular site clearing limitations set out in Sections 4.1 and 4.3 of these Site & Building Requirements. If vegetation is removed, at final inspection there must be sod or established vegetation in place to mitigate erosion.

The no-cut vegetation buffer is strongly recommended in order to uphold the best erosion control practices. If an owner agrees, a builder may clear within the 20' buffer, however if this is done there must be careful attention paid to maintaining other appropriate erosion control measures, including but not limited to hay bale barriers, properly maintained silt fencing, or mulch barriers.

PLACEMENT OF BUILDING MATERIALS, TRASH DUMPSTERS, PORT-A-JOHNS, VEHICLES OR ANY OTHER OBSTRUCTION OR DELIVERY OF CONSTRUCTION MATERIALS TO THE ROADSIDE DITCHES, ROAD ROW, AND/OR UTILITY, NATURE TRAIL EASEMENT IS STRICTLY PROHIBITED AND SUBJECT TO A \$500/DAY FINE PER INCIDENT.

## **2.1 General**

The owner/builder is to develop and maintain individual lots in a manner prescribed by the recorded CCRs and by these Site & Building Requirements. Compliance with building setback lines, lot layouts, driveways, garages, etc. is required of every owner and builder.

Connections to utilities are the responsibility of the owner/builder.

Notwithstanding the above, it is expected that over time, product preferences of the market will change. At that time where such demand exists, the ARC will reevaluate these Site & Building Requirements to respond to changes in product types.

The owner/builder shall comply with any and all ordinances that may be in effect from Walker County and/or any other governmental agency having applicable jurisdiction.

## **2.2 Living Area Requirements**

The total living area for residences constructed on lots in Texas Grand Ranch and certain lots identified in the CCRs, excluding porches and garages, shall not be less than 2,000 square feet, with no less than 1,600 square feet on the first floor for residences of 2 stories.

Dwellings constructed on Lots in Section 12, Block 22, Lot(s) 57 thru 73,76,77 and Section 12, Block 28 Lot(s) 18, 30 thru 33 shall have a minimum of 3,000 square feet of living area, excluding porches and garages and there shall be a minimum of 2,400 square feet of living area on the first floor of any multi-story Dwelling.

## **2.3 Building Setbacks**

Unless otherwise approved by the ARC, building setbacks for the primary residence are seventy-five feet (75') from the front of the property line, twenty feet (20') from the rear of the property line, and twenty feet (20') from the side property lines.

Accessory buildings, such as barns, sheds, shops, or detached garages, must be setback no less than two hundred feet (200') from the front of the property line and no less than one hundred feet (100') from the side street. Accessory buildings must be a minimum of thirty feet (30') from the side and rear lines of the lot. No construction of accessory buildings, barns, shops, guesthouses, etc. may begin until ARC approval has been issued for the main Dwelling and the approved slab has been poured and Form Survey submitted to the ARC and approved. In cases where the accessory building has a foundation, the foundation forms may be included on the Form Survey and the accessory building's foundation constructed at the same time as the Dwelling foundation.



If a detached garage is going to be side facing, the requirement for 200' lot depth is removed and the garage may be placed in line with the building area of the Dwelling.

The ARC may require more or less stringent setbacks. In case of conflict between these Site & Building Requirements and the setbacks called for in the recorded subdivision plat, a variance may be sought and granted by the ARC. Section 1, Block 1, Lots 1 and 2 and Section 1, Block 6 Lot 2, the main dwelling must be no less than one hundred feet (100') from the front street and seventy-five feet (75') from the side street and these Lots are restricted to only Owners and Builders that will construct and maintain a Model Home. The Dwelling on these Lots must be three thousand square feet (3000 sq. ft.) or greater.

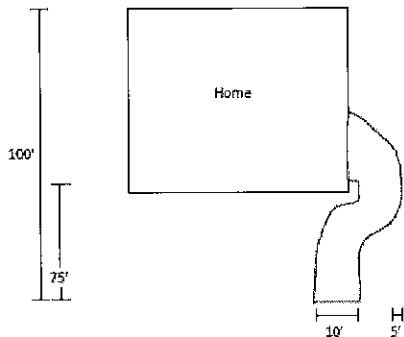
If, in the opinion of the ARC, the relaxation of these standards can protect and enhance an existing natural feature such as a tree, consideration will be given for a variance on a case-by-case basis. This will generally only be granted if no other options exist. To secure such variance, the owner/builder is required to provide evidence in the form of a tree survey or provide photographs that verify the existence and character of the site feature causing the variance request. The variance request fee of \$250 is also required prior to review and is non-refundable regardless of acceptance or denial.

Prior to the placement of any forms, owner and builder should review the recorded final plat and these Site & Building Requirements for the specific lot to verify all setback requirements. Property owners are required to obtain written confirmation from their builder that all setback requirements have been met prior to the start of any construction of the residence, and that the Form Survey has been submitted to the ARC and approved. This procedure is in place in order to avoid unnecessary expenses for the owner/ builder.

## **2.4 Typical Lot/Site Layout**

Because of the large size of estate lots, and due to the long distances between residences, care should be given to site buildings with regard to views and site lines. In so doing, the siting of the building(s) should take into consideration such factors as the views from adjoining roadways, relationship to adjoining lots and structures, preservation of existing woods and specimen trees, and relationship to utility connections. Owners/builders are encouraged to have driveway designs that include curving drives.

Only one single-family residence and related accessory building shall be constructed on each lot. Separate and attached "housekeeper's" quarters or a Guest/Servants house will be permitted subject to the architectural restrictions contained in the CCRs and these Site & Building Requirements.



## 2.5 Driveways

All driveways must be constructed of concrete or asphalt. The use of stamped and colored concrete, interlocking pavers, brick pavers, and brick borders is permitted. Color, pattern, and design will require the approval of the ARC prior to construction.

All driveways must be constructed with a minimum width of ten feet (10') from the garage to the front property line and must widen to twenty feet (20') between the front property line and the road to accommodate the twenty feet (20') wide culvert. Driveways must be a minimum distance of five feet (5') from the side property line. To the extent possible, meandering driveways that make a curvilinear path are to be constructed in place of driveways that make a straight, direct path to the home site. Whenever possible, driveways are to be de-emphasized, highlighting instead the building and landscape environment. Turnaround or circular drives are allowed with ARC approval. Under no circumstances may an entire front yard be paved as a driveway.

A hard surfaced construction apron or stabilized temporary approach must be constructed and used as the entrance to the property for construction of the residence and all lot clearing. **No vehicles shall drive through the roadside ditches to enter lot.** Any damage to roadside ditches or sod shall be repaired by homeowner or homeowner's builder **immediately** or I Texas Grand Ranch POA shall deduct the actual cost of repairs plus 10 percent (10%) from the owner/builder's deposit submitted with the construction plans.

**The County requires the concrete driveway be 2 feet from the edge of the chip seal. This 2' area is to be filled with chip seal or cold patch asphalt. Final approval cannot be granted for any deviation from this requirement.**



*Curvilinear, meandering driveway*

## **2.6 Garage Placement**

The placement and design of garages must have the greatest effect on the overall street scene. To the extent possible, garages are to be de-emphasized, highlighting the home and landscape environment. A street scene with emphasis on residences instead of garage doors is the design intent. Garages should be either a side-loading type or a rear-loading type so as not to face the street at the front property line. **No garage doors shall be fewer than 90 degrees (perpendicular) to the front street**

If further than two hundred feet (200') from the front of the lot, front facing detached garages may be requested via variance, and must be appropriately screened from view of the street if possible.

If a detached garage is going to be side facing, the requirement for 200' lot depth is removed and the garage may be placed in line with the building area of the Dwelling.

Both attached and detached garages must be enclosed and at a minimum be able to accommodate the storage of two (2), but not more than five (5) full size automobiles at the same time.

## **2.7 Culverts and Driveways**

NO CULVERTS SHALL BE SET UNTIL A NEW HOME CONSTRUCTION PLAN HAS BEEN SUBMITTED AND APPROVED, UNLESS INSTALLED PRIOR TO JANUARY 1st, 2021. DRIVEWAY CULVERTS MUST BE A MINIMUM OF TWENTY (20) FEET IN LENGTH AND MUST BE INSTALLED PRIOR TO ANY HEAVY EQUIPMENT ENTERING THE PROPERTY. ALL REQUIRED PERMITS MUST HAVE BEEN RECEIVED, PROVIDED AND APPROVED BY THE ARC.

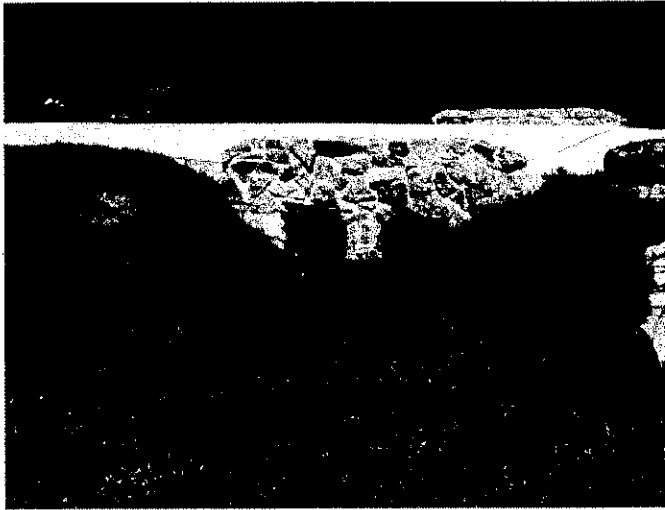
Any culverts that are installed prior to the site visit with an authorized representative will be required to be removed and subject to a \$500 fine to the owner or builder. Any materials delivered to the site prior to the installation of the culvert will result in a \$500 fine to the owner or builder. The ARC must be notified and a \$3500 Damage Deposit must be on file before installation of the

culvert can commence. Damage done to the drainage and established vegetation will be repaired and the cost deducted from the Damage Deposit.

The driveway or entrance to each Lot from the pavement of the street shall be paved with concrete or asphalt and shall include concrete headwalls and Walker County approved culverts installed to cross any roadside drainage ditch. Headwalls are required to be covered with concrete or like materials used in construction of the home i.e. brick, stone, stucco. Design flow-lines of the drainage ditches must be maintained.

The culverts for each home site **must conform to Walker County Standards.**

NOTE: CULVERT SIZING CHART AVAILABLE UPON REQUEST.



Culvert with headwall

## 2.8 Pools, Spas, and Decks

Portable or permanent above ground swimming pools are prohibited. Smaller prefabricated, installed above the ground spas and hot tubs are acceptable. Above ground spas and hot tubs must be skirted, decked, screened, and landscaped to hide all plumbing, heaters, pumps, and filters. All pool designs must either be submitted along with the initial New Home Construction Application, or with an Application for Swimming Pool, and cannot under any circumstances be constructed without prior approval of the ARC.

If a pond is desired to be constructed, submittal to the ARC is required, a Civil Engineer must be hired to create plans and prove that the overall topographic drainage will not be negatively impacted. The completed pond must be built to the specs laid out by the engineer. The engineered plans must be submitted along with the other building plans and be approved by the ARC. If the pond is being constructed prior to or after the construction of the Dwelling, an additional plan

review fee of \$200 and additional conformance/damage deposit of \$3,500 must be submitted prior to construction of the pond.

## **2.9 Fences**

All fences built after January 1, 2021, are subject to the following: 1. A field survey is required to be submitted to the ARC, and, 2. Fencing may be no closer than 2' to any rear or side boundary line for fence maintenance purposes. This excludes pool fencing.

Walls and fences, if any, must be approved prior to construction by the Committee and no wall, fence, planter or hedge in excess of six (6') feet in height shall be erected, planted or maintained on any Lot. No wall, fence, planter or hedge shall be erected, planted or maintained outside of the Lot lines. No fence shall be constructed inside the utility easement. No wall or fence of any kind may be constructed within or across a Drainage or Variable Width Drainage Easement.

No electric wire or temporary fences shall be allowed unless the Committee approves a variance to allow such type of fence prior to its construction. No barbed wire, hurricane, chain link or white picket fencing fences shall be allowed, provided, an Owner may obtain permission from the Committee to construct a cage, kennel or dog run out of chain link fence, provided any such outside pen, cage, kennel, shelter, concrete pet pad, run, track or other building, structure or device directly or indirectly related to animals which can be seen, heard or smelled by anyone other than the subject Owner must be approved as to materials, size and location by the Committee in its sole and absolute discretion.

"Horse Fencing", as referred to herein, shall at a minimum, be constructed of three (3) rail pipe or no-climb fencing with a top pipe rail, three (3) rail wood or vinyl, or other material approved by the Committee and may not be constructed without prior approval of the Committee. No temporary panels shall be used for fencing. No climb fencing shall not be visible from the street unless it is more than 200 ft. from the property line. If closer than 200 ft., either a landscape hedge or twenty feet (20') wide natural vegetation barrier shall be used to prevent visibility of the no climb fence from the street. Horse fencing may be no closer than 2' to any rear or side boundary line for fence maintenance purposes. Horse fencing shall be constructed outside of utility easement areas.

A "Non-Privacy Fence" is an iron ornamental fence no more than six (6') feet in height, of a design and color approved by the Committee that does not obstruct the view of a park or adjoining Lots. Ornamental fencing may be no closer than 2' to any rear or side boundary line for fence maintenance purposes. Hog Fencing is permitted to be attached to ornamental fencing and must be 1.25 gauge or greater. The following additional restrictions shall apply to walls, fences, planters or hedges on park fronts ("Park Fronts"), Reserves and corner Lots, to-wit:

Except for a Non-Privacy Fence as hereinafter described, no privacy fence or wall of any kind shall be erected, planted or maintained on a corner Lot, provided that this Subsection 3.11(a) shall not apply to a corner Lot which abuts any of the Reserves described in Section 2 hereof.

"Pool Fencing" shall be installed around any swimming pool, spa or hot tub in accordance with International Residential Code (IRC), Appendix G, Section AG105 BARRIER

REQUIREMENTS, including self-closing gates where appropriate. Pool fencing may be no closer than 20' to any rear or side boundary line.

“Privacy Fencing” and walls shall be constructed of ornamental iron, wood, masonry or synthetic materials in harmony with the requirements established by the Committee, provided Privacy Fences shall not be constructed any closer to the front of the Lot than 50% of the depth of the Dwelling and may be no closer than 2' to any rear or side boundary line for fence maintenance purposes.

“Hog fencing”, is fencing for the purpose of protecting the property from nuisance animals. If hog fencing is installed separately from within ornamental fencing, the natural vegetation between the hog fencing and property boundary must be allowed to grow and remain established in order to effectively hide the hog fencing from any neighboring property. However, no fencing is allowed in, over or through the drainage easements or variable width drainage easements. Said fencing is permitted along the side and rear boundary lines of a property and must be installed no closer than twenty (20') feet to the closest boundary line, if not attached to an ornamental fence.

Driveway entrances may be constructed of masonry columns, ornamental iron or similar materials in harmony with the Dwelling on said Lot as may be approved by the Committee.

The Owner of any Lot upon which Developer may have constructed a fence shall be responsible for the maintenance and repair of said fence.

Any fencing constructed prior to ARC approval shall result in a minimum of \$500 fine and may require the fencing to be removed or rebuilt.

### **3.0 Architecture**

#### **3.1 General**

The acreage development setting provides the maximum freedom of choice for variety in architectural styles. The intent of this section is to establish basic design criteria for the construction of the residences and other structures within Texas Grand Ranch. Emphasis is on the quality of material, design, and construction in order to promote well-crafted residences. The house footprint and the roof form should work together to provide variety and interest when viewed from the street and public areas. These Site & Building Requirements allow for diversity in design and should produce a climate of individuality while ensuring the architectural integrity of the community as a whole.

The homebuilder shall be responsible for individual site development and maintenance of the area within the street right-of-way. The homebuilder on corner lots will be responsible for the right-of-way of both streets.

Each homebuilder shall also be responsible for street cleaning and trash pickup of litter that might fall or blow onto adjoining lots. The owner or builder will deposit a \$3,500 conformance/damage deposit, with the Association prior to construction to ensure timely repairs to the community infrastructure. It is understood that the builder will complete all repairs and cleanup immediately,

or the Association shall have the repairs and cleanup performed at a deduction of cost plus 10% (ten percent) of the cost of time and material, from the conformance/damage deposit. Any construction or clearing (beyond the preliminary site clearing of three inch (3") diameter vegetation) conducted prior to the conformance/damage deposit will result in a \$500 a day fine up to \$5,000 maximum to the owner or builder every day until the work has ceased and the ARC has been notified, or until the conformance/damage deposit has been submitted. This is designed to protect the property owner and property values at Texas Grand Ranch.

Builder shall provide and name 1 Texas Grand Ranch Property Owners Association as additional insured for Commercial General Liability Insurance during the construction of the primary residence. This coverage shall include all improvements within the 1 Texas Grand Ranch Property Owners Association to include but not limited to streets, landscaping, hardscaping, sod and irrigation systems, or other property of the Community Association.

It is the responsibility of the builder to complete the construction according to the plans and elevations that are submitted and approved by the ARC. If for any reason the plans are not followed, a **minimum** fine to the builder of \$10,000 will be due by the builder prior to final inspection approval and the home being cleared for occupancy. Changes to the exterior of the residence, requested by the owner during construction, may be submitted to the ARC for approval, prior to making the changes, to avoid being fined at the final inspection.

No home shall be occupied prior to final inspection and written approval by the ARC. Violations of this provision will be subject to a fine of \$250 a day up to \$5,000 maximum in addition to the loss of the conformance/damage deposit.

### **3.2 Exterior Elevations**

Exterior elevations should emphasize articulation avoiding a "shoebox" appearance. All single-story homes are recommended to include some variation of the ridgeline.

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

In order to promote the unique character of Texas Grand Ranch, the same Dwelling design elevation cannot be used on two adjacent lots. In the event that two identical or nearly identical home plans are submitted for approval on adjacent lots, the earlier submittal shall be granted the right to build that home plan. We define "nearly identical" as having seventy-five percent (75%) or greater shared characteristics, as to be determined by the ARC.

All structures must be constructed from new material or its equivalent with the finished exteriors being of natural colors, in harmony with each other and in harmony with the natural surroundings. White and off-white colors along with shades of gray to black are also permitted colors for Dwellings. Structures may be subject to Walker County codes, regulations, building permits, and flood control district requirements (if applicable), the compliance of which shall be Owner's

responsibility. The exterior of Dwellings, garages and carports shall be of at least sixty-five (65%) percent glass or masonry construction or its equivalent on its exterior wall area, unless another type of material is approved in writing by the Committee, (stucco, stone and brick are considered masonry for purposes of this requirement, while Hardie-Board and other materials similar to Hardie-Board are not considered masonry for purposes of this requirement). The roof of any Dwelling, garage or carport shall be constructed of either composition shingles, copper, tile, slate, standing seam metal or other material approved by the Committee and according to the requirements adopted by the Committee, prior to construction. The use of sheet metal or similar material on the roof or exterior sides of any Dwelling, garage or carport other than as flashing is prohibited. All chimneys shall be of masonry construction. Cement Fiberboard Chimneys are allowed if they are made of solid cement board in either smooth finish, stucco finish or textured finish with trim boards on corners. Lap siding will not be allowed. Custom log homes shall be considered by the ARC on a case-by-case basis, provided the requirement for at least sixty-five percent (65%) glass or masonry construction of the exterior walls is met. In addition to the previously stated building material requirements for Dwellings, requiring no less than 65% glass or masonry construction, Southern Living Showcase Homes™ or other like-quality, like-kind homes are permitted to be built on any Lot within the Texas Grand Ranch and may deviate from the 65% requirement in accordance with their design integrity. If the Dwelling is not specifically a Southern Living Showcase Home design, it will need to be verified as appropriate by the ARC prior to receiving approval, at the ARC's discretion. This style of construction, along with the stipulated quality standards, does not offer a "less expensive" alternative to the general building requirements, and due to its popularity, will be permitted.

### **3.3 Width of Homes**

The minimum width of a home shall be seventy feet (70'). On a case-by-case basis, variances may be granted to owners/builders who require a narrower Dwelling.

### **3.4 Exterior Materials**

The CCRs require that the exterior of all homes, garages and carports be at least 65% glass, brick, stone or stucco. High quality materials should be chosen for the remaining 35%.

### **3.5 Roof Materials**

The roofing materials may be composite shingles, copper, tile, slate, or standing seam metal. Tesla "Solar Roof" tiles are also permitted and highly suggested. No reflective materials may be used in flashing involved in roof construction and all metallic roof penetrations shall be painted in a complementary color to the roofing materials.

The homebuilder shall provide a color photograph of the roof material to the ARC, in either PDF or JPG format, for approval purposes prior to the construction of any home or outbuilding.

### **3.6 Entrances, Walkways, Windows, Roofs, Addresses**



Care should be given to the size, type, and organization of all windows. They should never appear like surface "holes" cut into the side of a box. They should be architectural features and, whenever possible, grouped into recessed areas or bordered by projections which provide a shadow pattern. Scattered windows tend to create awkward, face-like shapes and should be avoided.

Changes in roofs; a minimum slope on all roofs should be 8 on 12 pitch. Porches and overhangs may have a minimum slope of 5 on 12 pitch. A combination of roof pitch may be used if they are integrated to the design of the house. As different styles of homes may call for shallower roof pitches than are allowed in this document, requests for roof pitches less than 8 on 12 will not require a variance if ARC approval is granted.

ARC approved permanent address signage shall be included at entrance to driveway or made otherwise clearly and easily visible from the front street for EMS and delivery purposes. An example of this would be on the headwalls of the culverts.

Walkways shall be constructed of materials appropriate to the home and driveway. Stylized, meandering, walkways complementary to the design and color scheme of the drive, of a width between 4' and 6' are preferred.

### **3.7 Chimneys**

Chimneys can be used to establish an ornamental or thematic direction. They must be of masonry construction. The minimum plan dimensions for an exposed mass is 24" x 24" or larger.

In the event of gas fireplaces, direct vents in place of chimneys are allowed, provided the vents are located along the rear slope or rear half of the roof and painted to match the shingles or other approved roofing materials.

The height of the chimney should be in proportion to the roofline and adhere to building codes and fire codes. Broad, massive chimneys will be encouraged and small, spindly shapes will not be approved. Chimneys which barely peak above, or squat on the roof, are not visually bold enough, and are therefore unacceptable. They may be used only when clad with material complementary to the house, such as masonry. Chimneys must be constructed of masonry, stone or stucco, or shall result in a \$2,500 fine to the builder/owner and may need to be reconstructed at the owner/builders expense. Cement Fiberboard chimneys are allowed if they are made of solid cement board in either smooth finish, stucco finish or textured finish with trim boards on corners. Lap siding will not be allowed.

Top treatments, soldier courses in brick and other interesting variations to the upper portions of chimneys are encouraged.

### **3.8 Rooftops Elements**

All stack vents and attic ventilators shall be located on the rear slopes of roofs or on the side slopes, behind the main roof ridge, and mounted perpendicular to the ground plate. In instances where metal roofing is employed, following ARC approval, roof accessories may be made of the same

metal. All exposed metal roof accessories; stack vents, roof flashing, attic ventilators, etc. shall match the color of the roofing material color.

No solar collectors shall be allowed on any roof slope visible from a public street aside from the approved Tesla "Solar Roof" tiles, which are suggested. However, solar panels may be installed on a roof in a location visible from the public street in front of the Dwelling provided the owner can provide the committee with calculations from the installation company demonstrating that the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than ten percent (10%) above the energy production of the device if located in an area designated by the property owners' association (Texas Property Code, Sec. 202.010(d)(5)(B)). The framing material shall be one that is in harmony with the rest of the Dwelling or permitted structure. Written approval from the Committee is required prior to the installation of any solar panels. The Association reserves the right to seek removal of any solar panels installed without first obtaining written approval from the Committee or for any solar panels violating these restrictions.

The location and design of all skylights requires approval by the ARC.

Satellite dishes must not exceed 30" in diameter and be inconspicuously mounted to the rear of dwelling and cannot be visible from the street or adjoining property. All satellite dishes must be placed on the rear facing roof pitch of the Dwelling whenever possible, and secondarily may be placed on a side facing exterior wall or roof pitch if required for adequate signal. Any satellite dishes which are not placed on a rear facing roof pitch will require written verification from the dish or installation company that such placement was a signal requirement.

### **3.9 Garages**

Each single-family residence must have an attached or detached garage that will accommodate a minimum of two (2) and a maximum of five (5) automobiles. Garages must be either a side-loading type or a rear-loading type so that garage doors are not facing the street at the front of the lot. No garage doors may be fewer than ninety degrees (90) perpendicular to the front street of the lot.

No carport shall be erected on any lot unless expressly approved by the ARC. Detached garages may be connected to the main dwelling by a common roofline or a covered walkway.

If attached construction is used, a setback of five feet (5') minimum from major front elevation of house to the face of the garage is encouraged. The face of a porch qualifies as the major front elevation, if the porch is substantial enough to be the major focus of the façade.

All garage doors should be of metal, fiberglass, or wood design and of a color that complements the adjacent wall or trim paint treatment. Treatment of details on garage doors should be consistent with the overall character of the house. This may be accomplished with one or two well placed windows along the top of the garage door and by breaking up the mass with the paneled construction. Garage doors that do not meet these requirements may result in a fine of \$100 per

day with a \$5,000 maximum until they have been replaced with doors that do meet the requirements.

When attached two-car garages are built, two single doors divided by a column are encouraged. This breaks up the expanse of the door into appropriately scaled architectural elements.

### **3.10 Accessory Buildings**

No construction of accessory buildings, barns, shops, guesthouses, etc. may begin until ARC approval has been issued for the main Dwelling and the approved slab has been poured, except that the foundation for an approved accessory building may be poured at the same time as the foundation for the main Dwelling. All structures must maintain an overall architectural continuity with the main Dwelling and the Subdivision. Roof materials and coloring (non-reflective) should be the same as the roof materials of the main Dwelling. In all cases, the plans for construction shall be reviewed and approved on a case-by-case basis. No prefabricated aluminum or light duty metal structures are permitted. All accessory buildings shall be of substantial and new construction. Prefab metal barns are allowed provided they are sided with the lesser of either a wainscot, four feet (4') in height, on all four sides of the building or fifty (50%) percent of the exterior of the building using stone, stucco or brick (matching the Dwelling's materials). The remaining metal shall be of colors in harmony with the Dwelling and natural surroundings (earth tones) or glass for windows. No accessory buildings may be larger than the main Dwelling.

Accessory buildings such as workshops or storage sheds are allowed and should match the Dwelling and be made of like materials. They are also permitted to be made of metal, provided they are constructed with high-quality, non-reflective, sturdy metal, **sized 26 gauge or thicker**, sided with the lesser of either a wainscot feet (4') high on all four sides or fifty (50%) percent of the exterior of the building using stone, stucco or brick (matching the Dwelling's materials). The remaining metal exterior shall be of colors in harmony with the Dwelling and natural surroundings (earth tones) or glass for windows. The roofs of these metal outbuildings must be colored to match the main dwelling. No accessory buildings may be larger than the main Dwelling. The minimum size for any such metal outbuildings is to be ten feet by ten feet (10' x 10') or one hundred square feet (100sqft). If any such building should be large enough that it requires a building permit from any governing bodies, it must comply with the appropriate rules and regulations. Metal buildings may be no closer than two hundred feet (200') from the front street of the property and no closer than thirty feet 30' from the side or rear lot lines of a property.

Any accessory buildings not meeting these requirements will result in a **minimum** of \$1,500 fine to the owner or builder, and will be required to be re-built or altered to the specifications laid out in these Site & Building Requirements.

## **4.0 Landscape**

### **4.1 Lot Clearing**

Underbrushing and removal of small trees up to 3" in diameter (measured 5 ft. from the ground) may be conducted on a Lot without the use of a temporary or permanent culvert, provided that

only rubber tire vehicles, no larger than a pick-up truck, pass through the ditch. Vegetation clearing machinery on tracks may not be used until the culvert is in place. All efforts to avoid damaging the drainage ditch and vegetation should be exercised. Prior to underbrushing, the lot owner must contact the ARC for approval. A \$100 inspection fee and a \$1000 damage deposit are required prior to beginning any underbrush clearing. The damage deposit is fully refundable once work is completed, assuming the drainage ditch, including vegetation, and road are undamaged

ARC approval and a \$3,500 conformance/damage deposit is required prior to beginning any clearing of larger trees and is fully refundable once the work is completed, assuming the drainage ditch, including vegetation, and the road are undamaged.

Lots may be underbrushed at any time prior to building. If a property is underbrushed prior to building, the vegetation removal must be maintained so that underbrushed properties do not grow over with brush in a way that compromises the aesthetic appeal of the community. The minimum requirement for maintenance of an underbrushed lot is every six months. Failure to accommodate this minimum requirement may result in a fine sufficient for the POA to hire for and commence the underbrushing.

All lots adjoining the Huntsville State Park shall contain an additional provision to provide for a "no clear zone" setback of twenty-five feet (25') from the lot boundary lines adjacent to Huntsville State Park prohibiting the clearing of trees, brush, or of any undergrowth to allow for a privacy buffer for the adjoining property owner. This no clear zone shall be enforceable by the Texas Grand Ranch Property Owners Association and by Texas Parks and Wildlife Department. These lots are identified as Section 5, Block 23, Lots 1-9, 14-37; and Section 7, Block 23, Lots 54-70; and Section 9, Block 23, Lots 84-93; Section 13 Block 23, Lots 94-104; and Section 15, Block 34, Lots 12-24. Violation of the no clear zone and/ or removal of the vegetative buffer on a lot boundary line adjacent to Huntsville State Park will result in lot owner being required to plant additional trees to screen the cleared area and may be subject to fines of up to \$5,000.

There is a twenty foot (20') vegetation buffer at the front of each lot, starting behind the utility easement and drainage ditch, which requires that only non-machinery vegetation clearing prior to and during construction (i.e. no equipment that has tires that would disturb the native soil) is allowed within the front 20' from the front street of the lot, excluding where the driveway will be located plus an additional four feet (4') on either side of the driveway. Hand held trimmers or cutting blades are permitted to clear vegetation (underbrush) with a maximum trunk diameter of 3" at a height of 5'. After the final approval of the completed construction, upon final inspection, this front 20' buffer area may be cleared in accordance with the regular site clearing limitations set out here in Sections 4.1 and also in 4.3 of these Site & Building Requirements.

The no-cut vegetation buffer is strongly recommended in order to uphold the best erosion control practices. If an owner agrees, a builder may clear within the 20' buffer, however if this is done there must be careful attention paid to maintaining other appropriate erosion control measures, including but not limited to hay bale barriers, properly maintained silt fencing, or mulch barriers. Substantial natural vegetation exists on most lots in Texas Grand Ranch. Mid-growth and canopy vegetation is to be protected during construction and is to be integrated into the final landscape design to the extent practical.

For the purposes of preliminary lot clearing, or "underbrushing," only the vegetation which is three inches (3") in diameter or smaller may be cleared without prior approval from the ARC.

No more than **30% of trees in excess of six (6") inches** (at five feet (5') of height) may be cleared. This 30% of mature vegetation excludes the trees taken for the pad of the main dwell and accessory buildings.

**FOLLOWING INSTALLATION OF APPROVED CULVERT, Any clearing** on any lot, aside from the preliminary clearing explained above, requires prior ARC written approval and an onsite inspection. All clearing twenty feet (20') beyond the building pad or four feet (4') on either side of the driveway also requires the written approval of the ARC; however, these areas will not be considered to be part of the thirty (30%) percent of the mature trees which can be cleared on any lot. Notwithstanding the restriction on clearing, the owner may remove rhus radicans (poison ivy) vines at their discretion.

In contrast to higher density suburban developments, acreage lot developments are intended to maintain large areas of natural green space without the imposition of costly and high maintenance landscaping.

**Location of home and drive must be clearly ribboned off and corners staked prior to Pre-Construction submittal in order to determine areas for under brushing.** If Survey Pins are removed or cannot be found by the owner/ builder, it is the responsibility of the owner/ builder to contract the surveyor to come and replace said Pin(s) at owner's/ builder expense. Recommended service providers may be requested of the POA.

Low shrubbery and bedding should be limited to the areas around the perimeter of the buildings to soften the visual appearance and provide a transition along the driveways and at entry points to the residence.

A no-cut, natural Vegetation Buffer must be maintained on the rear twenty-five feet (25') of Lots fronting on the common area and those lots as detailed in the CC&Rs. Owners of the Vegetation Buffer Lots are prohibited from cutting or thinning any trees, bushes, grasses, or other vegetation or clearing any underbrush or landscaping of any kind on the rear twenty five feet (25') of such Vegetation Buffer Lots without the prior written consent of the ARC. It is the intent that the rear twenty (25') feet of the Vegetation Buffer Lots be left in its natural state as a screen for the Subdivision. Any clearing within any Vegetation Buffer will result in a minimum fine of \$2,500 to the owner/ builder, and may require re-planting of appropriate trees or vegetation.

## **4.2 Lighting**

Outdoor lighting will be carefully reviewed to assure that neighboring properties are protected from the view of bright light sources. No floodlighting will be permitted unless it is solely a timer based motion detector that is programmed to operate after 11:00 p.m. and not programmed to stay lit for periods of time greater than 20 minutes from a single motion detection. "Cut sheets" (product description, specifications and illustration) may be requested by the ARC. Lighting that does not meet these requirements may result in a \$300 per day fine until they have been corrected.

Any illumination necessary for evening activities must be directed downward and no brighter than what is necessary to provide for the traverse of steps and paths. Subtle lighting of architectural elements and trees is encouraged. Exposed lighting sources are discouraged in favor of softer down lighting that reduces glare and lights the surfaces of driveways and walks, etc. Any exterior light can be on a photocell.

Exterior light fixtures adjacent to doorways for the purpose of illuminating such entryways are permitted under the following conditions: The number of fixtures shall be held to a minimum. "Soffit" lights (where the fixture is not visible) are in general preferred over "Coach Lights". Where "Coach Lights" or similar fixtures are proposed, and such fixtures are visible or potentially visible from the street or other properties, the actual lamp of the fixture shall be screened, either through the use of an opaque shield or obscured glass. "Canister" type fixtures, with lighting directed downward, are permitted. Upward illumination or fixtures are generally not permitted.

The owner/builder is to install and maintain lighting on individual lots in a manner that does not cause distraction, nuisance, or unsightliness. Light sources should not conflict with the sight lines of pedestrians or motorists, or be installed in a manner which endangers their safety and welfare. Light sources must not spill over into neighboring yards.

Exterior residential lighting can convey a warm, inviting atmosphere. Care is to be taken in placing fixtures and selection of fixtures and types of light sources. Exterior illumination of architectural features such as columns, entries, chimneys, and landscape features are encouraged.

Lighting for outdoor tennis courts or personal athletic courts will be reviewed by the ARC on a case by case basis. In no circumstances shall such outdoor lighting be permitted which causes a nuisance or is allowed to "bleed over" onto adjoining lots.

Ground lighting or decorative fixtures must be of high quality materials and workmanship and be in scale and style with the residence.

Freestanding decorative fixtures and lampposts are acceptable but must be approved by the ARC.

Mercury vapor lights, when used for special landscaping effect, are permissible with ARC approval.

Incandescent, low voltage incandescent, metal halide, quartz and natural gas lights are acceptable.

All wiring for exterior lighting must be underground unless otherwise approved by the ARC. Pathway lighting and landscape lighting is encouraged. Such lighting must be inconspicuous.

Holiday lights and decorations, and other holiday decorations must be removed from the exterior of all buildings by thirty (30) days after the holiday.

#### **4.3 Tree Protection**

All lots adjoining the Huntsville State Park shall contain an additional provision to provide for a "no clear zone" setback of twenty-five feet (25') from the lot boundary lines adjacent to Huntsville State Park prohibiting the clearing of trees, brush, or of any undergrowth to allow for a privacy buffer for the adjoining property owner. This no clear zone shall be enforceable by the Texas Grand Ranch Property Owners Association and by Texas Parks and Wildlife Department. These lots are identified as Section 5, Block 23, Lots 1-9, 14-37; and Section 7, Block 23, Lots 54-70; and Section 9, Block 23, Lots 84-93; Section 13 Block 23, Lots 94-104; and Section 15, Block 34, Lots 12-24. Violation of the no clear zone and/ or removal of the vegetative buffer on a lot boundary line adjacent to Huntsville State Park will result in lot owner being required to plant additional trees to screen the cleared area and may be subject to fines of up to \$5,000.

A natural vegetation Buffer also referred to as a "No Clear Zone" must be maintained on the rear twenty-five (25') feet of Lots fronting on the common area and the following lots; Section 3A, Block 6, lots 171 & 172, Section 4A, Block 6, Lots 184-191, Section 4B, Block 6, Lots 192-209, which border private ownership. Removal of the vegetative buffer is subject to fines up to \$5,000 and the requirement to plant and re-establish the vegetative buffer.

The following procedures are recommended to ensure the survival and good health of trees existing within Texas Grand Ranch. The owner/builder should use the following guidelines to preserve and protect trees on the construction site. An onsite Pre-Construction Clearing Inspection is required prior to lot clearing beyond the preliminary clearing of vegetation three inches (3") or smaller in diameter at five feet (5') of height, and a Pre-Construction Clearing Inspection Form must be submitted.

No more than thirty (30%) percent of trees in excess of six (6") inches of diameter (at five feet (5') height) may be cleared from a lot unless specifically approved by a Variance from the ARC. The thirty (30%) percent does not include trees cleared for the Dwelling pad.

Tree protection fencing should be placed around drip line of trees to prevent storing of machinery or equipment, which can cause soil compaction and mechanical damage.

Soil should not be excavated, spread, spoiled, or otherwise disposed of within drip line of trees. Trash or open fires shall not be permitted on any lot.

If any removal of vegetation greater than three inches (3") diameter at five feet (5') height takes place prior to ARC approval, the owner of the lot or their builder will be required to pay a minimum fee of \$3,000 per lot cleared. Required planting of new trees may also be required as determined by the ARC.

The burning of underbrush vegetation and excess trees is permitted on an owner's property, considering that the owner, builder or other professional is conducting the burn and that the burn piles remain small enough to be easily contained. **The owner/ contractor must submit a BURN NOTICE FORM no fewer than five (5) days prior to burning.** Please take extreme care when planning and executing such burns, as Texas Grand Ranch is heavily wooded and any damage to neighboring properties or homes will result in costly legal action taken against the owner/ builder. **Any burning conducted during a Walker County Burn Ban shall result in a \$2,000 fine to the owner/ builder, per violation.**

**At no time shall a fire be left unattended and no accelerants are to be used. Any fires left unattended will result in an automatic \$500 fine. If damage is caused by fire, or the fire department is called, additional fines may be levied.**

Should the owner/builder choose to burn the trees and brush removed for construction of the home, care should be taken not to destroy the trees being kept on the property. Care should also be taken not to destroy any trees on neighboring lots. Keep in mind that the smoke created from the fire will kill trees. Small burn piles are a requirement of burning vegetation for clearing purposes. If trees are destroyed in this way, the owner/ builder will be fined \$1,500 per tree that is affected, whether on their lot or an adjoining lot. This does not prevent the owner of an adjoining lot from pursuing additional compensation or other legal remedy for lost trees.

#### **4.4 Tree Preservation**

**BULLDOZERS AND EXCAVATORS HARM TREE ROOT SYSTEMS. RUBBER TIRE AND RUBBER TRACK MACHINES ARE NECESSARY TO MAINTAIN ROOT SYSTEMS WHEN CLEARING AND UNDERBRUSHING LOTS IN TEXAS GRAND RANCH.**

Where tree clusters are preserved, owner/builder is encouraged to also preserve understory if possible. This helps maintain conditions around existing root systems. Under no circumstances are owners to remove more than thirty (30%) percent of the mature (6" diameter) trees without prior approval from ARC, for the purposes of replanting different mature trees in their place.

If any owners or builders clear vegetation on adjoining properties, the ARC may choose to fine that owner/builder up to \$1,500 per tree wrongfully removed. This does not preclude the owner(s) of the adjoining properties from seeking additional compensation or legal remedies for such activities. Please see the prior section on Vegetation Buffers for specific information on how they are to be maintained.

It is suggested that lot owners maintain natural vegetation along the sidelines and rear of their property, for increased privacy. This is not required, except for those lots as specified in the CC&R's, but it is recommended to maintain individual lot privacy. With the density of growth in Texas Grand Ranch, ten feet (10') to fifteen feet (15') will generally be sufficient for most purposes.

Placement of utilities within the drip line is detrimental to chances of survival of trees. If routing utilities outside the drip line is not possible, keep trench area to a minimum and adhere to tree protection methods described in previous section.

In case of specimen trees, consider boring under the tree root system. Prune trees using horticultural accepted methods to compensate for any loss of root system

#### **4.5 Required Revegetation for Erosion Control**



Planting beds should be located along the foundation, on the front and sides, to soften the appearance of the residence.

The areas cleared by the builder for construction (up to 20 ft. around the Dwelling and/or accessory buildings and up to 4 ft. on each side of the driveway) must be revegetated before final inspection, using sod or other "established vegetation" to mitigate erosion. Hydro-mulching or seeding will not be an acceptable erosion control in these areas. Areas in the drainage ditch and the right-of-way where vegetation was removed or damaged during construction must also have either sod or established vegetation in place before the final inspection. The builder should be repairing damaged areas immediately, as required in the CC&Rs, so that the new vegetation has time to take root before the final inspection.

Except as noted above, all of the remaining areas that have had the underbrush removed and have no visible vegetation must be revegetated to mitigate erosion. Acceptable methods of revegetation in these areas include: sod, established vegetation (i.e. plant beds), hydro-mulching, erosion control mats, seeding, or any combination of those methods.

NOTE: As part of the revegetation process around the Dwelling, an irrigation system is recommended to protect the foundation. Most engineers require "constant moisture content" in the soil around the foundation and failure to provide this can void the engineer's warranty. The irrigation system provides constant moisture content in the soil.

#### **4.6 Plant Materials**

Plant materials that are appropriate for bed shrubs and suitable to the environment of Texas Grand Ranch, including deer resistant plants, are preferred. Other plant material may be used but preference should be given to plants that are native to the area.

#### **4.7 Landscape Maintenance**

All landscaping is required to be maintained in a healthy and attractive appearance. Owner or occupant of all Lots shall keep all weeds and grass thereon (outside of natural vegetation areas) cut and shall in no event use any Lot for storage of materials or equipment except for normal residential requirements. All yard equipment or storage piles shall be kept screened by a service yard or other similar facility, so as to conceal them from view of neighboring Lots, streets or other property.

Such maintenance includes, but is not limited to the following:

- a. Prompt removal of all litter, trash, refuse, and wastes. All trash cans and bins may be placed at the curb the day of pick up and must be removed within 24 hours and stored from street view.
- b. Lawn mowing (outside of the natural vegetation areas), to include roadside ditches to the hard surface of the street.
- c. Tree and shrub pruning (outside of the natural vegetation areas).
- d. Keeping exterior lighting and mechanical facilities in working order.

- e. Keeping lawn and garden areas alive, free of weeds, and attractive.

Proper maintenance includes adequate irrigation, appropriate fertilization, insect, pest and disease control, seasonal mulching of planting beds, erosion control and replacement of diseased or dead plant materials.

Each lot shall be maintained in a neat, clean, and orderly condition by the owner/builder.

**If deemed necessary by the POA, the POA will maintain a lot according to the criteria listed above and charge the home owner for these operations. See CC&Rs Section 3.24 for detail.**

#### **4.8 Drainage**

Each Owner of a Lot must not, in any way interfere with the established drainage pattern over his Lot from adjoining or other Lots in the Subdivision. In the event it is the Owners wish to change any established drainage on or over his Lot, they must submit drainage plan revisions stamped by a licensed civil engineer and have such plans approved by Walker County engineer, prior to submittal to the ARC. For the purposes hereof, "established drainage" is defined as the drainage which existed at the time that the overall grading of the Subdivision, including landscaping of any Lot in the Subdivision, was completed by Developer.

Each Owner (including Builders), unless otherwise approved by the ARC, must finish the grade of the Lot so as to establish good drainage from the rear of the Lot to the front street or from the building site to the front and rear of the Lot as dictated by existing drainage ditches, topography, and swales constructed by Developer or utility districts for drainage purposes. No pockets or low areas may be left on the Lot (whether dirt or concrete) where water will stand following a rain or during watering. With the approval of the ARC, and following the submittal and approval of a licensed civil engineer's drainage plans, as approved by the Walker County engineer, an Owner may establish an alternate drainage plan for low areas by installing underground pipe and area inlets or by installing an open concrete trough with area inlets, however, the drainage plan for such alternate drainage must be properly engineered, and submitted to and approved by the Committee prior to the construction thereof. The ARC's sole function in reviewing drainage plans is to see if the drainage pattern has been or will be altered by the proposed construction and to make a determination if the Builder/Owner has evaluated the effects of their construction to other properties and of the effect of potential flowing and rising water that may affect the submitted improvements. Any adverse effects caused by improper drainage design, to neighboring properties or the community, may be met with minimum fines to the owner or builder of \$1,500.

The Subdivision has been designed and constructed utilizing surface drainage in the form of ditches and swales and, to the extent these drainage ditches and swales are located in front, side or rear Lot easements, the Owners shall not re-grade or construct any improvements or other obstruction on the Lot which adversely affects the designed drainage flow. The Owner shall be responsible for returning any drainage swale disturbed during construction or thereafter to its original line and grade, and the Owner shall be responsible for maintaining the drainage ditches or swales appurtenant to said Owner's Lot in their original condition during the term of his ownership.

**Prior to ANY SITE CONSTRUCTION, the site must have adequate erosion controls and measures in place and approved in writing by the ARC. Adequate erosion controls options include the following:**

- **Seeding or Planting applied with soil stabilizers or binders (tackifier)**
- **Seeding and placing fiber rolls / logs on bare slopes and in ditch**
- **Sodding ditch and ditch slopes**

**[NOTE] – Erosions controls must not be allowed to contribute to Sediment issues.**

Appropriate erosion controls must be maintained by owners/ builders for properties that include private drainage easements or flood plain areas. Owners indemnify and hold harmless the Developer and I Texas Grand Ranch POA and ARC for any damages caused by erosion within the owner's lot or to neighboring properties. If excessive clearing is determined to be the cause of accelerated erosion, fines may be imposed upon the owner/ builder according to the amount of damages caused.

All builders are required to have an individual SWPPP (Storm Water Pollution Prevention Plan) Permit **posted**, as required by TCEQ.

All Owners and/or Builders shall comply with the National Pollutant Discharge Elimination Rules and Regulations applicable to their respective Lot(s) as required by EPA under the Water Quality Act of 1987 amending the Clean Water Act, as said laws, rules and regulations may be amended from time to time. Any owner/ builder found to not be in compliance with these Rules and Regulations will face minimum fines of \$500.

It will be the responsibility of each owner/builder to provide adequate drainage for each home. Caution should be used in establishing the foundation elevation so that adequate drainage from the back yard around to the front and the reverse is not impaired by driveways or slabs.

**PLACEMENT OF BUILDING MATERIALS, TRASH DUMPSTERS, PORT-A-JOHNS, VEHICLES OR ANY OTHER OBSTRUCTION OR DELIVERY OF CONSTRUCTION MATERIALS TO THE ROADSIDE DITCHES, ROAD ROW, AND/OR UTILITY, NATURE TRAIL EASEMENT IS STRICTLY PROHIBITED AND SUBJECT TO A \$500/DAY FINE PER INCIDENT.**

#### **4.9 Sediment Control**

Sediment Control measures must be carried out in addition to the erosion control measures for ditches and drainage swales.

There is a twenty foot (20') vegetation buffer at the front of each lot, starting behind the utility easement and drainage ditch, which requires that only non-machinery vegetation clearing (prior to and during construction) i.e. no equipment that has tires that would disturb the native soil, is allowed within the front 20' from the front street of the lot, excluding where the driveway will be located plus an additional four feet (4') on either side of the driveway. Hand held trimmers or cutting blades are permitted to clear vegetation (underbrush) with a maximum trunk diameter of

3" at a height of 5'. After the final approval of the completed construction, upon final inspection, this front 20' buffer area may be cleared in accordance with the regular site clearing limitations set out here in Sections 4.1 and also in 4.3 of these Site & Building Requirements.

The no-cut vegetation buffer is strongly recommended in order to uphold the best erosion control practices. If an owner agrees, a builder may clear within the 20' buffer, however if this is done there must be careful attention paid to maintaining other appropriate erosion control measures, including but not limited to hay bale barriers, properly maintained silt fencing, or mulch barriers.

**Prior to ANY SITE CONSTRUCTION, the site must have adequate erosion controls and measures in place and approved in writing by the ARC.**

**At final inspection, if owner/builder has not repaired any damage to the ARC's satisfaction, and re-grading or re-vegetation required, an estimate will be given for repairs which will be carried out according to ARC discretion. This cost will be withheld from the conformance/damage deposit.**

In order to maintain clean streets and prevent siltation into drainage channels, all projects in Texas Grand Ranch are required to practice sediment control during construction. As soon as earthwork commences, sediment control methods shall be installed in such a way as to filter all storm water runoff from the tract into the street. The sediment control system shall remain in place and in good repair until construction is complete, landscaping is installed, and lawns are established.

Following installation of the approved culvert, PRIOR TO ANY SITE WORK, including but not limited to lot clearing, pushing of undergrowth, or any disturbance of the established vegetation, erosion control measures must be in place on the site. This is not subjective or subject to interpretation. Any site work that occurs before the installation of adequate erosion control measures which include but are not limited to staked hay bales with erosion barrier material, staked rolled erosion control devices, etc. is subject to a \$500/ per day fine to the owner/builder, for each day there is site disturbance without adequate erosion control in place. Adequate erosion control shall be defined as structures that do not allow the sedimentation or siltation of existing drainage ditches and culverts.

Erosion control structures require regular cleanout. Failure to maintain the erosion control until establishment of permanent vegetation may result in a \$500 fine to the owner/builder if there is sedimentation from the site entering the established drainages.

All Owner and Builders shall conform to all regulatory agencies' rules, regulating standards, and criteria governing sediment control to include, but not limited to, the EPANPDES. Builders shall be responsible for filing and securing all necessary permits, including, but not limited to TCEQ SWPPP permits and proof will be required prior to ARC approval. Any construction taking place without these required permits may result in a minimum fine to the builder of \$500 and a "Stop-Work" order. Please contact the ARC at [TGRARC@gmail.com](mailto:TGRARC@gmail.com) if such an order has been received.

#### **4.10 Foundations**

Minimum finished slab elevation for all Dwellings shall be twelve (12") inches above 100 year flood plain, or such other levels as may be established by the Walker County Commissioner's Court or Walker County Engineer. The minimum slab elevation must also be a minimum of eight inches (8") above the finished grade of the Lot.

All foundation plans must be signed and sealed by a Professional Engineer registered in the State of Texas.

An on-site concrete washout area, which is to be used by all contractors and owners for rinse out of concrete trucks, shall be in place inside the property lines of the Lot before the foundation is poured. There will be a \$500 fine to the builder for any contractor washing concrete outside of their required, approved washout area.

#### **4.11 Septic Systems**

Builders are required to furnish all permits required by all ruling jurisdictions, including Walker County, for the installation of wastewater treatment system on each lot in Texas Grand Ranch, prior to construction.

Prior to occupancy, all dwellings constructed in Texas Grand Ranch must have a septic or sewage disposal system installed by the Owner to comply with the requirements of the appropriate governing agency or agencies and must pass the onsite final inspection. Any owner found to be occupying a Dwelling prior to receiving these permissions may be fined \$250 per day of occupancy up to a maximum of \$5,000, prior to approval of the onsite inspection.

A system shall not produce odors; shall be serviceable through a surface-level access opening; and must be capable of producing clean effluent that shall be disposed of using drip or surface irrigation or other accepted methods.

#### **5.0 Residential Review Process and Submittal Form**

**Prior to plan submittal, please review the Builder's Reference or contact the ARC at [TGRARC@gmail.com](mailto:TGRARC@gmail.com) if you have any questions.**

Plans are submitted through the Texas Grand Ranch website. For information on plan submittal, please refer to the Builder's Reference. Copies of the Builder's Reference are available on the website or by contacting the ARC at [TGRARC@gmail.com](mailto:TGRARC@gmail.com).

Owners or Builders are required to submit a check in the amount of \$500 at the time of the plan submittal, for lots closing before October 31, 2015. Lots closing after October 31, 2015 will require the owner/builder to submit \$1,000. This fee covers the plan submittal, inspections and builder compliance program costs. Owners/Builders are also required to submit a \$3,500 conformance/damage deposit, which is refundable subject to reduction for fines, property damage, etc.

No construction of any sort may begin on a lot prior to plan submittal and subsequent approval by the ARC. Any owner/builder that begins to construct on a lot prior to approval shall be fined \$500 per day with a \$5,000 maximum, until they have submitted the appropriate approval form(s) and payment required for review of construction plans.

In addition, builders are required to submit a Certificate of Liability Insurance, demonstrating that they hold Commercial General Liability insurance. This certificate must be in the amount of \$1 Million, with \$2 Million Aggregate and list 1 Texas Grand Ranch as the Certificate Holder.

## **5.1 Site Operations**

Builders are expected to conduct construction activities solely between the hours of 7:00 am and 8:00 pm. Exceptions for activities such as large concrete pours requiring earlier arrival of trucks may be requested in advance of that activity; approval from the ARC is required.

Builders must locate a dumpster or other type of roll-off container on site for the collections of site trash. The site should be cleared daily of all debris that may be blown to other lots during any type of storm activity or other high winds. The dumpster should bear only professional signage and no graffiti or other non-business graphical insignia.

Contractor is required to pick up and remove trash from the build site daily. Failure to do so may result in a fine to the builder of \$20 per day up to \$500.

Site Signage: On behalf of the Builder, the Association will post a professionally made address sign at each building site to accommodate deliveries of contractor locations of the site. The sign will contain the following minimum information:

Builder's Company Name  
Contractor Contact Name/Phone Number  
911 Address  
Section, Block and Lot Number (i.e. 4A-22-37).

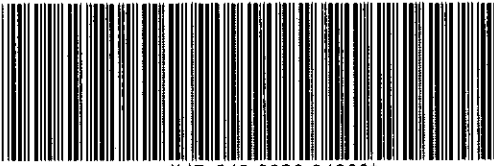
The following rules should guide the operation of the jobsite:

1. The builder shall supply and maintain a portable toilet.
2. The use and/or possession of drugs and/or alcohol on jobsites is prohibited.
3. Vehicles shall not obstruct access to mailboxes, occupied homes, or the normal course of work.
4. Maximum Speed in the community is 30 miles per hour, or as stated by Speed Limit Signs.
5. No loud music will be tolerated on jobsites. Music that can be heard 40 feet from its source will be considered excessive.

## **5.2 Indemnify:**

Each Owner who submits a request for approval of an improvement or alteration of any structure shall indemnify, defend and hold harmless the Association, the Board, the Committee, their





\*VG-240-2020-64009\*

Walker County  
Kari A. French  
Walker County Clerk

Instrument Number: 64009

Real Property

RESTRICTIVE COVENANTS

Recorded On: December 28, 2020 03:00 PM

Number of Pages: 32

" Examined and Charged as Follows: "

Total Recording: \$146.00

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Instrument Number: 64009  
Receipt Number: 20201228000043  
Recorded Date/Time: December 28, 2020 03:00 PM  
User: Jessica D  
Station: Recording

**Record and Return To:**

TEXAS GRAND RANCH  
PO BOX 39  
NEW WAVERLY TX 77358



STATE OF TEXAS  
COUNTY OF WALKER

I hereby certify that this Instrument was FILED In the Instrument Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Walker County, Texas.

Kari A. French  
Walker County Clerk  
Walker County, TX