

Waterwood Policies For Residential Lots

**Protective Covenants and Declaration of Restrictions Supplement
With Governing Interpretations and Additional Rules, Regulations, and Requirements**

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A. Purpose and Overview.

The Waterwood community is located in the east Texas county of San Jacinto in a densely forested area of natural beauty adjacent to scenic Lake Livingston. Waterwood combines heavily wooded residential lots with a championship golf course and club, and easy access to Lake Livingston in a quiet country setting. The community is administered by the Waterwood Improvement Association (WIA) which is composed of Waterwood property owners who annually elect a Board of Directors (Board) to provide basic community services, guidance on future community development, and administration of the Protective Covenants or Declaration of Restrictions that govern the use, development, and maintenance of Waterwood residential properties. This Waterwood Policies document contains pertinent Protective Covenants or Declaration of Restrictions, governing interpretations, and additional rules, regulations, and requirements established by the Board. The Waterwood Policies are administered by the Architectural Control Board (ACB) in order to preserve the natural setting and beauty of Waterwood, establish and preserve a harmonious and aesthetically pleasing lot development process, and to protect and promote the value of Waterwood properties. This document is intended to provide a quick reference to the governing policies established for Waterwood to current property owners and to those interested in joining the Waterwood community.

B. General Rules, Regulations, and Requirements.

General use and maintenance requirements for lots and structures are as follows:

1. Native Growth Removal on an Unimproved Lot.
 - a. A key aspect to maintaining the natural beauty of Waterwood is to preserve the forest environment of a lot prior to the commencement of construction for a dwelling. To this end, the integrity of native growth on an unimproved lot (a lot without a dwelling) shall be maintained until a Permit to Build for a dwelling or other major structure has been issued by the ACB. Native growth is defined as all naturally occurring live botanical growth that is present on a lot including all species of trees, plants, shrubs, grasses, and vines.
 - b. Within the constraint of maintaining the native growth integrity on a lot, and with prior ACB approval, the native growth on an unimproved lot may be prudently and selectively trimmed and pruned, and where appropriate removed, in order to provide an improved and healthier environment for the remaining native growth, and to allow the lot owner to "open up" the native growth to enhance visibility and access within the lot. Clear cutting, removal, or destruction of most or all native growth, or selected species on a lot is prohibited. The ACB can provide guidance and examples of selective and prudent native growth pruning and removal. To prevent damage to the native growth, any selective trimming or removal of native growth shall be accomplished using hand operated tools. Without prior ACB approval, the use of heavy machinery on a lot prior to the issuance of a Permit to Build is prohibited.
 - c. A Permit to Build issued by the ACB is required before any native growth (beyond what was approved for removal in B.1.b above) may be cut down within the footprint of a proposed dwelling or other structure.

- d. Dead native growth may be removed from a lot without ACB approval.
2. Native Growth Removal on an Improved Lot.
 - a. On an improved lot (a lot with a dwelling), ACB approval is required before any of the following activities take place:
 - 1) A contiguous area of native growth greater than five hundred (500) square feet is cut down, removed, or otherwise destroyed.
 - 2) A live Dogwood, Hawthorn, Longleaf Pine, American Holly, Fringe, Cherry, Red Bud, or Magnolia tree of any size is cut down or otherwise destroyed. The WIA Executive Director can provide guidance and assistance for identifying these tree species.
 - 3) A live tree not listed in B.2.a.2 above that is greater than or equal to four (4) inches in diameter, measured one (1) foot up from the ground, is cut down or otherwise destroyed.
 3. Property Maintenance. A lot owner shall maintain all buildings, landscaping, fences, driveways, walkways, and any other improvements or structures in good and sufficient repair. Such premises shall be maintained in an aesthetically pleasing manner. Specific maintenance requirements include:
 - a. Landscaping. Non-native landscaping shall be maintained in a neat and adequate manner. Proper maintenance of landscaped areas shall include mowed and edged lawns, trimmed hedges, sufficiently watered plants and grass, and removal of weeds, dead plant material, dead trees, visible tree stumps, and underbrush. A compost area may be maintained on a lot to collect leaves, small tree limbs, and other plant materials as long as said area is not within public view.
 - b. Trash and Debris. Lots shall be kept free of garbage, debris, rubbish, and trash of any kind.
 - c. Unsightly Storage. Storage of unsightly items or material of any kind shall not be permitted when such items are visible from streets, adjoining lots, community properties, golf course, or lake. Examples of unsightly items include construction or landscaping materials, landscape maintenance equipment, appliances, garbage or other trash containers, and use of non-earth tone colored tarpaulins or covers. Also see B.16, B.21, and B.22 below.
 - d. Building Exterior Appearance: Building exteriors shall be maintained to a state of good repair and appearance.
 - 1) Painted or stained surfaces shall be repainted or stained whenever noticeable discoloration, peeling, or chipping occurs.
 - 2) Roofs shall be replaced whenever noticeable buckling, deformation, or other deterioration of roofing material occurs.
 - 3) Building wall surfaces shall be repaired whenever noticeable material deterioration, cracking, rotting, warping, or buckling occurs.
 - e. Other Structures: Other structures or constructed items including driveways, walkways, and fences shall be repaired or replaced whenever noticeable deterioration occurs.
 4. Firearms. The use or discharge of firearms is expressly prohibited. The State of Texas statutes define "Firearm" as any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use (see Appendix A, Table 2).

Note

The Trinity River Authority of Texas (TRA) imposes additional regulations on the discharge of firearms in TRA controlled areas. See TRA ordinance listed in Appendix A, Table 2.

5. Hunting. Wildlife hunting in any form is expressly prohibited.

Note

The TRA imposes additional regulations on hunting in TRA controlled areas. See TRA ordinance listed in Appendix A, Table 2.

6. Animals. Ordinary household pets commonly housed in a residence, including dogs, cats, fish, and birds, are permitted provided they are not kept, bred or maintained for commercial purposes. No other animals, including wildlife, livestock, and fowl, shall be kept, raised, or bred.

7. Pet Control. Pet owners are responsible for actively controlling their pets and ensuring they do not become a public nuisance. Examples of nuisance behaviors include continual barking or other noise making, and chasing or pursuing pedestrians, cyclists, or vehicles. Dog owners shall not permit their dog(s) to roam or stray unrestrained or uncontrolled off the owner's lot. When walking a dog, the dog shall be restrained by a lead, line, leash or an electronic restraint device and actively controlled and managed by a responsible person. Without prior notice, WIA may cause stray pets, both tagged and untagged, to be captured and delivered to an animal shelter.

Note

San Jacinto County (SJC) imposes additional rules that regulate ownership of dogs and cats. See SJC ordinance listed in Appendix A, Table 2.

8. Temporary Living Structures. No mobile home, recreational vehicle, motor home, trailer, camper, tent, shack, portable building, detached garage, or other non-primary dwelling structure of any kind shall be used for occupancy on any lot either temporarily or permanently. In addition, a boathouse or any outbuilding that may have been completed prior to the primary dwelling shall not be used for temporary occupancy until the primary dwelling is completed.

9. Camping. Camping on residential lots or community properties is prohibited.

10. Signs. Except as provided below, no signs of any kind or for any purpose including billboards, posters, pennants, advertising or promotional devices of any kind, or signs that are lighted or flash shall be erected or displayed to the public view on any lot. Except for a security sign as noted below, signs that are permitted shall not exceed two by two (2 x 2) feet in size. All signs shall be supported on their own standards. No sign of any kind shall be nailed, spiked, or otherwise attached to trees, utility poles, street signs, fences, walls, buildings, other structures, or placed upon community properties or roadway shoulders. The ACB may issue variances to this sign policy as it may deem necessary. The only signs permitted on a lot are as follows:

- a. For Sale, Lease or Rent Signs. One (1) sign advertising a lot or property for sale, lease, or rent is permitted along each street bounding such lot. Signs shall be removed promptly once the lot or property is sold, leased, or rented.
- b. Contractor Signs. The general contractor or builder for constructing, remodeling, or repairing a dwelling or other structure may temporarily place, with the lot owner's permission, one (1) company identification sign on the lot where the construction activity is taking place. The sign shall be removed when such activity has been substantially completed. Signs identifying subcontractors are not permitted.
- c. Security Signs. One (1) sign that gives notice that a dwelling is protected by a security system is permitted provided the sign does not exceed one by one (1 x 1) feet in size.

11. **Holiday Yard Displays.** A holiday yard display may be placed on an owner's lot provided the display is not erected more than thirty (30) days before the holiday to which it pertains and is removed within ten (10) days after such holiday.
12. **Fires and Debris Burning.** Outdoors burning of any material including trash, rubbish, debris, leaves, grass, brush, shrubs, native growth, tree stumps, trunks, or limbs, and construction material is expressly prohibited. Outdoors fires used for food preparation or recreational purposes (e.g. fire pits) are permitted provided they are continuously controlled and monitored, and are confined in a manner that does not create a fire hazard to the surrounding property. When a San Jacinto County burn ban is in effect, no burning shall take place at the WIA yard debris dump, and Waterwood residents shall comply with the outdoors fire prohibitions established by the San Jacinto County Commissioners Court.
13. **Businesses on Residential Lots.** No commercial business or professional service shall be conducted on any lot, and buildings or structures shall not be adapted for business or professional purposes.
14. **Property Rental.** No room or rooms in any dwelling or other building on a lot shall be rented or leased to others by the owner or his/her agent, unless the entire property is rented or leased.
15. **Garage or Yard Sales.** Garage or yard sales on any residential lot are prohibited.
16. **Vehicle, Boat, or Trailer Storage.** No mobile home, commercial-type truck or other equipment shall be stored, kept, or placed on any lot or street. Except as provided in B.18 below, no recreational vehicle, motor home, trailer of any kind, tractor or similar equipment, camper, boat, all-terrain vehicle (ATV), golf cart, or personal water craft (PWC) shall be stored or kept on any lot or street except in a carport, garage, or in an ACB approved storage area screened from view from streets, adjoining lots, golf course, and lake. Wrecked, disabled, unlicensed, unregistered, or uninspected motor vehicles or trailers shall not be stored, kept, or placed on any lot or street.
17. **Motor Vehicle or Boat Repair.** Motor vehicles or boats shall not be repaired, reconstructed, or modified on any lot or street. Minor motor vehicle or boat maintenance activities may be conducted on a lot provided said activities: a) do not become a nuisance; b) are not unsightly; and c) are completed in a timely manner.
18. **Vehicle Parking.** To facilitate efficient passage of emergency or other vehicles on a street, vehicles should be parked on a driveway or in a carport or garage. No vehicles of any kind shall be parked, kept, or stored on landscaped or unimproved lot surfaces. On an infrequent basis, a recreational vehicle, motor home, boat, PWC, or utility trailer may be temporarily parked on the driveway of a lot or adjoining street for up to four (4) consecutive days.
19. **Small Recreational Vehicle Operation.** Golf carts, go-carts, ATVs, scooters, or other small recreational vehicles shall be used and operated in a safe and responsible manner, and in accordance with any applicable state or county regulations. Operation of a small recreational vehicle on community properties, easements, or unpaved roadway shoulders is prohibited. If operation of a small recreational vehicle becomes an annoyance within a neighborhood or is destructive to native growth, landscaping, or unimproved surfaces, it shall be discontinued.

Note

The use of an all-terrain vehicle (ATV) on public roadways is regulated by State of Texas statute (See Appendix A, Table 2).

20. Nuisances. Activities that are generally considered a nuisance, annoyance, noxious, offensive, or hazardous in nature within a residential neighborhood environment, or activities that are illegal, shall not be carried on or maintained on any lot. Loud music, loud voices, loud motors or equipment, or any other sounds deemed annoying are not permitted.

21. Firewood Storage. Firewood shall be neatly stacked and should be located or stored so that the wood is not visible from streets. If it is necessary to locate a firewood stack in a place that is visible from a street it shall be located so as to be as inconspicuous as possible.

22. Play Equipment and Structures. Play equipment including swing sets, slides, playhouses, climbing or other children's play structures, trampolines, pools, and tree houses shall not be placed, kept, or stored in front of, or to the side of a dwelling without prior approval of the ACB.

23. Satellite Dishes and Other Antennas. A satellite dish shall be located or mounted so that it is as unobtrusive as possible when viewed from a street. The satellite dish and supporting mounting structure shall not be placed on an easement, right of way, or community property. No exterior tower or antenna, except for a satellite dish, shall be installed or maintained on any lot without prior written approval from the ACB.

24. Soliciting. Soliciting or canvassing of any kind for commercial purposes is prohibited. Except for daily or weekly newspapers, it is prohibited to distribute or deliver for commercial purposes, flyers, product samples, or other material of any kind to lots.

C. New Construction, Remodeling and Landscaping.

Requirements for new construction, remodeling or modification of existing structures, and landscaping are as follows:

Note

The ACB cannot accept or approve any improvement project application for a lot or property unless the WIA Annual Charge payments for all lots owned by the applicant are current.

1. ACB Approval. **Where applicable, ACB review and approval for live tree or other native growth removal, building, remodeling, or landscaping plans is required before any such activity can take place on a lot.** ACB approval is required for most activities that will affect the exterior appearance of a lot, its buildings, or structures. Activities/items requiring ACB approval include, without limitation, the following:

- a. New construction, structure addition or modification, remodeling or alteration, installation, or replacement of the following:
 - 1) House or dwelling, detached garage or other vehicle storage facility, or outbuilding of any kind
 - 2) Exterior of buildings or structures
 - 3) Driveways, walkways, or sidewalks
 - 4) Decks, patios, courtyards, gazebos, trellises, arbors, or pergolas
 - 5) Bulkheads, piers, docks, floating platforms, boat slips, or boathouses
 - 6) Swimming pools (above or below ground)

- 7) Repainting or staining of exterior structure finishes if the color is different from what is currently applied.
- 8) Roof or exterior wall siding if the material, style, or color is different from what is currently applied.
- 9) Fences, gates, or outdoors walls of any type, size, style, location, or material
- 10) Miscellaneous structures including tree houses, antennas, and flagpoles

b. Lot preparation, landscaping or other improvements:

- 1) Unimproved lot preparation for construction including live tree and other native growth removal or destruction per B.1 above and C.9.b.1 below.
- 2) Land topography changes including adding or removing significant amounts of soil, creating ditches or berms, or changing land contour or grade
- 3) Major landscaping (covering an area greater than 500 square feet) including plant, shrub, turf or sod, or tree plantings
- 4) Removal or destruction of live trees or other native growth from an improved lot per B.2 above.

2. Application Process for Improvement Projects. Most lot or property improvement activities that affect the exterior appearance of a lot, its buildings, or structures require advance ACB approval before any work may commence. Depending on the type or scope of the improvement, the information that must be provided to the ACB will vary. The lot owner may informally consult with the ACB or WIA Executive Director to determine the submittal and approval requirements for a specific lot improvement activity.

a. Application Process for Small Improvement Projects. For small improvement projects, the lot owner shall submit a simple, one-page application that provides a description of the project, and where needed, an informal sketch. In many cases, the application may be immediately reviewed and approved by the WIA Executive Director. The ACB or WIA Executive Director can provide guidance on what is required to submit an application for a specific type of small improvement project.

b. Permit to Build Application Process for a Dwelling or Large Improvement Project. **Unless specifically approved by the ACB, no lot preparation or construction activity of any kind shall take place on any lot until a written Permit to Build is issued by the ACB.** A lot owner shall submit to the ACB a WIA Permit to Build Application, capital improvement charge payment, copies of applicable permits from other entities (examples: San Jacinto County, Waterwood MUD #1, and Trinity River Authority), and two (2) complete, detailed, and final sets of plans for any structure or improvement to be erected on or moved upon any portion of any lot. In cases where a dwelling is to be built across multiple lots, only one capital improvement charge payment shall be required. The items required for submittal may vary depending on the nature of the improvement. Major structure plans shall include the following items:

- 1) Full architectural construction plans including structure foundation, floor, and elevation drawings.
- 2) Plot (site) plan that shows locations of proposed improvements including buildings, driveways, walkways, fences, decks, patios, retaining walls, landscaped areas, and any other improvement of a permanent nature.
- 3) Exterior finish material type and color specifications for siding, roofing, decking, retaining walls, driveways, walkways, and any other improvement component that will be visible from the lot perimeter.

- 4) Exterior paint or stain color scheme.
 - c. Plan Approval/Disapproval. The ACB shall approve or disapprove plans, specifications, and other improvement details within forty-five (45) days after proper receipt of the application including all required supporting documents, capital improvement charge (when applicable), and plans. One (1) set of the plans with the approval or disapproval endorsed thereon shall be returned to the applicant. The other plan set shall be retained by the ACB for its permanent files. If the application is not approved, the ACB shall advise the applicant of the reason for disapproval and suggest acceptable changes. In the event the ACB fails to approve or disapprove any plan, which has been properly submitted to it, within forty-five (45) days from receipt thereof, approval shall not be required and the related Waterwood Policies shall be deemed to have been fully complied with.
 - d. Plan Disapprovals. The ACB shall have the right to disapprove any plans submitted to it in the event the plans are not in accordance with all of the provisions of the applicable protective covenants or declaration of restrictions, and the interpretations and additional requirements set forth in this document or otherwise established by the ACB. The ACB may also disapprove the plans if: a) the design or color scheme of the proposed improvements is not in harmony with the general surroundings of the real property or with existing adjacent improvements and natural environment; b) if the plans submitted are incomplete or preliminary; or c) in the event the ACB deems the plans or any part thereof to be contrary to the interest, welfare, or rights of other lot owners. For information on appealing an ACB decision, see E below.
3. Construction Sequence. With the exception of constructing a bulkhead on a lake lot, no building or other structure shall be built, moved to, or otherwise erected on a lot prior to the commencement of construction on the primary dwelling structure. See C.9.b.12 below for requirements for constructing a boathouse or other structure that is partially or completely over water.
4. Plan Revision. After the ACB has issued a Permit to Build, if any change is made to any portion of the improvement plan that will be visible from the lot perimeter, the lot owner shall provide written notice of the change or provide revised plan documents to the ACB at least five (5) days prior to the change being implemented. The ACB shall have five (5) days from receipt of such documents to approve or disapprove the change.
5. Construction Period. After the ACB has issued a Permit to Build, all improvements must be substantially completed in accordance with the plan approved by the ACB within one (1) year from the date the Permit to Build was issued. If the owner fails to comply with the above conditions, then any approval given shall be deemed revoked unless, on written request of the owner made to the ACB prior to the expiration date of the designated one (1) year period, the ACB agrees to extend the time for completion. For small improvement projects that do not require a Permit to Build, the ACB may establish a period of less than a year for completion of the project. With ACB approval, an active Permit to Build may be transferred from one lot owner to another.
6. Compliance.
 - a. Waterwood Policies Compliance. All buildings, structures, or other improvements on any lot shall be constructed, erected, installed, or otherwise created in compliance with the following: 1) the requirements, restrictions, and other specifications set forth in this

document; 2) the Protective Covenants or Declaration of Restrictions that apply to said lot; and 3) any improvement project specific requirements established by the ACB. For enforcement of Waterwood Policies see F below.

b. **Building Code Compliance.** It shall be the sole responsibility of the lot owner to specify and ensure compliance to any building codes, workmanship standards, or common construction practices. **Neither WIA nor the ACB provides inspection services or causes any inspections to take place.** Arranging and paying for any inspections the lot owner may deem necessary shall be the sole responsibility of the lot owner.

7. **Certificate of Occupancy.** Upon completion of construction of a dwelling, the owner shall provide written notification to the ACB so that it may determine compliance with the requirements set forth in the applicable Protective Covenants or Declaration of Restrictions, this document, and any project specific requirements established by the ACB. If the construction complies with all requirements, the ACB will grant a Certificate of Occupancy, without which no building may be occupied. The ACB shall have ten (10) days from receipt of such written notice to approve or disapprove the construction. If the ACB takes no action within ten (10) days, the construction shall be deemed in compliance with the requirements and may be occupied. In special situations where an owner desires to occupy an unfinished dwelling (for example, where the owner plans to perform some or all of the interior finish work), the owner shall request a variance from the ACB during the Permit to Build application process.

8. **Plan or Construction Defects.** WIA, its Board of Directors, Architectural Control Board members, WIA administration staff, or any agent thereof shall not be responsible in any way for: a) defects of any kind contained in the plans or other information or data submitted, revised, or approved; or b) for structural or other construction defects of any kind in work done according to such plans.

9. **Construction Requirements.**

a. **Subdivision Specific Improvement Requirements.** All buildings, structures, or other improvements on a lot shall comply with the specific requirements set forth in the Protective Covenants or Declaration of Restrictions for the subdivision in which the lot is located. Examples of these requirements include minimum dwelling size, maximum structure height, dwelling exterior masonry requirement, lot building lines and setbacks, and lot location dependent requirements (corner, golf course, or lake lots). Copies of subdivision specific Protective Covenants or Declaration of Restrictions can be obtained at the WIA office.

b. **General Lot Improvement Requirements.**

1) **Tree Removal.** After a Permit to Build is issued, the lot owner and/or general contractor shall meet with the ACB at the project lot(s) to review the location of live trees proposed for removal. Trees that the ACB approves for removal shall be clearly marked.

2) **Easements.** Permanent structures, except for driveways and walkways, cannot encroach on an easement as shown on the current plat drawing for a lot. If desired, a lot owner may pursue a specific Consent to Encroachment or a Release of Easement from all affected utility companies. After all releases are received, copies must be provided to the ACB before a Permit to Build may be issued.

3) **Underground Utilities.** Individual underground utility service drops shall be installed for a dwelling or other structure on a lot. The lot owner shall comply with utility company policy, requirements, or recommendations regarding underground service installations.

- 4) Window A/C Unit. Unless otherwise prohibited and with prior ACB approval, the installation of a wall or window type air conditioner unit in any building or other structure may be permitted if it is deemed appropriate for the proposed location.
- 5) Fuel Storage Tank Concealment. No butane, propane, or other tank used for storage of gas or liquids shall be placed on a lot unless the same is buried or architecturally concealed from view. Supply line(s) shall be buried underground.
- 6) Chimney Spark Arrester. All chimneys, flues, or vents for fireplaces and open flame heating units shall have a U.S. Forestry Service approved spark arrester attached in an approved manner.
- 7) Obstruction of Traffic Sight Lines. No structure or landscaping element of any kind shall be placed, erected, or maintained on a lot in such a manner, in the opinion of the ACB, that it obstructs traffic sight lines and/or creates a traffic hazard.
- 8) Roofing Material. All roofing materials shall be naturally fire retardant or treated to be fire retardant.
- 9) Roof Placement of Mechanical Equipment. No mechanical equipment shall be placed on or above a building roof unless it is architecturally concealed from view and is not aesthetically objectionable in the opinion of the ACB.
- 10) Driveways. All driveways shall have a minimum width of ten (10) feet and shall be constructed of concrete or brick pavers.
- 11) Fences, Walls, and Hedges. No fences or walls shall be erected or maintained nearer to the front of any lot than the front building line. All fences and walls on any lot shall not exceed six (6) feet in height (other height restrictions may apply depending on the subdivision in which a lot is located) and must be of ornamental iron, wood, wood alternatives made from synthetic materials, or masonry construction. Chain link or other wire fencing is not permitted where said fence is visible from a street, golf course, or lake. With ACB approval, a chain link or other wire fencing may be permitted in areas not within public view. Rear yards of golf course lots may have restrictions on fence construction depending on the subdivision in which the lot is located.
- 12) Boathouses, Bulkheads, Piers, Boat Slips, and Floating Platforms. With ACB approval, bulkheads may be constructed on a lot at any time, independent of dwelling construction. Boathouse or boat slip construction shall not commence until the ACB has issued a Permit to Build for the primary dwelling structure unless the ACB provides a variance based on firm dwelling construction plans or if other circumstances warrant it. In addition to ACB approval, a TRA construction permit is required before any construction activity associated with the lake can take place. See TRA ordinance listed in Appendix A, Table 2.
- 13) Motor Vehicle Parking Space. All improved lots shall provide sufficient parking space for at least one (1) motor vehicle using one of the following means: a) a garage or carport either attached or detached from the main dwelling structure or b) an exterior parking area screened from view of adjacent lots, golf course, or the lake.
- 14) Exterior Lighting. All exterior lighting on a lot shall be installed and operated in such a manner as to not create a nuisance to occupants of adjacent lots or users of the golf course, lake, or adjacent streets.
- 15) Window Coverings. The use of aluminum foil, reflective wrap, paper, plastic, or other similar materials as window coverings is prohibited.

c. General Construction Site Requirements.

- 1) General Contractor Identification. For large improvement projects, the general contractor or builder shall provide a company identification sign per the requirements in B.10.b above.

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- 2) Permit to Build and Address Posting. The original Permit to Build certificate issued by the ACB and a street address number sign shall be posted on a standard within fifteen (15) feet of the street curb.
- 3) Construction Site Safety. The contractor shall be responsible for maintaining a safe work site. When construction personnel are not present on the lot, the following items shall be left in a safe or inoperable position or condition: a) ladders shall be laid on the ground (not be left in an upright position); b) power tools and other electrical equipment shall be physically disconnected from the electrical power source or otherwise rendered inoperable; and c) motor vehicles or other motorized equipment shall be rendered inoperable. Storage of hazardous material of any kind on the lot is prohibited.
- 4) Drainage and Runoff Control. Natural drainage of streets, lots, or roadway ditches shall not be impaired. Lot grading, landscaping, or structures including driveways, walkways, and retaining walls shall not direct runoff water onto adjoining lots. Appropriate barriers or other means shall be used to prevent runoff water from carrying soil, sediment, or other debris into streets or onto adjoining lots.
- 5) Construction Debris. Construction debris or trash of any kind shall be removed from the construction site on a weekly basis and properly disposed of. A utility trailer may be kept at a construction site to collect said debris or trash. Construction debris or trash shall not be allowed to blow onto streets or other lots. **Burning of any material on a lot is expressly prohibited**; refer to B.12 above. Removed tree or native growth material, scrap construction materials, debris, rubbish, or trash of any kind shall not be placed in WIA garbage dumpsters or at the WIA yard debris dump without advance approval from the WIA Executive Director. If unauthorized materials or improperly deposited materials are placed in the WIA garbage dumpsters or at the WIA yard debris dump, the company or party responsible for such actions shall promptly reimburse WIA for the cost of cleanup or proper disposal of said materials.
- 6) Temporary Construction Storage. With prior ACB approval, placement of a temporary structure on a lot for the sole purpose of storing construction materials or tools is permitted. Any such structure shall be removed immediately upon completion of the improvement construction activity.
- 7) Lot Ground Restoration. On completion of any construction activity, any lot ground areas that were disturbed by the construction process, including vehicle tire or tread ruts, shall be graded, backfilled, or leveled, and then either paved, replanted with native growth, or landscaped.
- 8) Curb and Street Restoration. On completion of any construction activity, any damage caused to a curb or street by the construction process shall be repaired or replaced to the satisfaction of the ACB at the lot owner's expense.
- 9) Portable Toilet Location. A portable toilet may be temporarily located on a lot during construction of a dwelling. It shall be placed a minimum of five (5) feet back from the street curb and as far as possible from any adjacent improved lot.

D. Variances.

Each improvement project application or other request shall be considered on its own merit, independent of any other previous or pending application or request. The ACB may grant a specific variance from these policies if, at the sole discretion of the ACB, the circumstances warrant it. A variance granted in one instance does not apply to any other application or request and does not set a precedent for granting similar variances on future applications or requests.

E. Appeals.

If a lot owner and the ACB cannot resolve a compliance issue, the lot owner may appeal the decision of the ACB to the WIA Board at a regularly scheduled meeting. To initiate the appeals process, the lot owner shall provide written notice of his/her intention to appeal to the WIA office at least ten (10) days prior to the next WIA Board meeting. At the meeting, the lot owner shall make a brief presentation of his/her position on the issue(s). The WIA Board will consider the issue(s) and either uphold the ACB decision or grant a variance to the lot owner. The decisions of the WIA Board shall be final.

F. Enforcement.

The ACB shall apply and enforce the Protective Covenants, Declaration of Restrictions, and Governing Interpretations and Additional Rules, Regulations, and Requirements (collectively called the Waterwood Policies) in a fair, consistent and timely manner. For improvement projects, the ACB reserves the right to suspend or in severe cases, revoke ACB approval if, during execution of the improvement project, non-compliance issues with these policies are identified and are not resolved immediately. The ACB shall use a Notification and Issue Resolution Procedure to address violations of the Waterwood Policies. In cases where a lot owner does not resolve an issue in a timely manner or to the satisfaction of the ACB, WIA reserves the right to pursue resolution of the case in a San Jacinto County court.

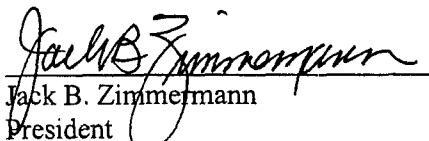
G. Conflicts.

In the event that one or more of the rules, regulations, or requirements set forth herein shall be shown to directly conflict with one or more provisions set forth in a subdivision Protective Covenants or Declaration of Restrictions document, the Protective Covenants or Declaration of Restrictions provision(s) shall take precedence and apply in lieu of what is set forth herein. Similarly, in the event of a conflict with a State of Texas statute or San Jacinto County regulation or ordinance, the latter shall prevail.

H. Approval.

On March 15, 2004, the Waterwood Improvement Association, Inc. Board of Directors approved the policies set forth in this document. In addition, the Board authorized the Architectural Control Board to apply and enforce the policies set forth in this document. This document revokes and replaces any and all documents of a similar nature that may have been in use by WIA prior to the approval date. This document will remain in effect until revised or rescinded by the WIA Board of Directors.

This document was filed of record in the County Clerk's office of San Jacinto County, Texas on the date of approval by the WIA Board of Directors.


Jack B. Zimmermann
President

Waterwood Improvement Association, Inc.

Appendix A
Reference Documents

Table 1 lists the Protective Covenants and Declaration of Restrictions documents that are applicable to many, but not all, of the developed subdivisions in Waterwood. The interpretations and additional requirements set forth in this document shall be used in conjunction with the Protective Covenants or Declaration of Restrictions document that applies to a lot. Table 2 lists other documents referred to in this document.

Table 1 Selected Protective Covenants and Declaration of Restrictions Documents

Ref	Waterwood Subdivision	Document	SJC Date Recorded	File No.	Vol. No.	Pages
1	Augusta Estates	Declaration of Restrictions	10/2/1981	5966	209	138-145
2	Bay Hill	Protective Covenants	12/1/1977	5728	170	127-137
3	Country Club Estates I	Protective Covenants	7/20/1973	2220	135	854-863
4	Country Club Estates I & II	General Warranty Deed and Declaration of Covenants	5/23/1974	1874	141	802-812
5	Country Club Estates II & III	Single Family Protective Covenants	5/23/1974	1875	141	813-822
6	Greentree Village XI-A	Covenants and Restrictions (Protective Covenants)	9/15/1975	3781	151	556-564
7	Lakeview Estates	Declaration of Restrictions	7/9/1981	3818	205	150-160
7A	Lakeview Estates	Amendment to Declaration of Restrictions	3/13/1985	1371	5	199-202
8	Park Forest Village	Declaration of Restrictions	7/9/1981	3817	205	139-149
8A	Park Forest Village	Amendment to Declaration of Restrictions	3/13/1985	1372	5	203-205
8B	Park Forest Village	Amendment to Declaration of Restrictions	7/26/1985	4595	15	196-197
9	Whispering Pines Village I & II	Protective Covenants	2/20/1973	528		

Table 2 Other Reference Documents

Document
San Jacinto County's Rules to Regulate the Vaccination of Dogs and Cats; The Quarantining of Dogs and Cats; Declaring Certain Animals a Public Nuisance; Requiring Dogs and Cats to be Restrained or Enclosed; Providing for Criminal Penalties for Violation; Providing for an Effective Date of January 1, 2001
Trinity River Authority of Texas Ordinance No. 0-20AAAA, Approved October 27, 1993
"Firearm" Definition Source: State of Texas Statutes, Penal Code, Title 10, Chapter 46 Weapons, Section 46.01. (this document may be viewed on the internet at http://www.texas.gov)
All-Terrain Vehicle Statute: State of Texas Statutes, Transportation Code, Title 7, Chapter 663 All-Terrain Vehicles. (this document may be viewed on the internet at http://www.texas.gov)

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RECORD

2004 MAR 15 P 1:59

Charlene Vann
COUNTY CLERK
SAN JACINTO COUNTY, TEXAS

CLERK'S NOTICE: 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.

STATE OF TEXAS
COUNTY OF SAN JACINTO
I, Charlene Vann, hereby certify that this instrument was FILED in file
number sequence on the date and at the time stamped hereon by me
and was duly RECORDED, in the official public records of San Jacinto
County, Texas as stamped hereon by me on

MAR 15 2004



CHARLENE VANN
COUNTY CLERK
SAN JACINTO COUNTY, TEXAS