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# **VINTAGE OAKS AT THE VINEYARD**

## **THIRD AMENDED AND RESTATED** **ARCHITECTURAL AND SITE** **DESIGN GUIDELINES**

*[Comal County, Texas]*

THIS DOCUMENT AMENDS, RESTATES, AND REPLACES IN ITS ENTIRETY THAT CERTAIN VINTAGE OAKS SECOND AMENDED AND RESTATED ARCHITECTURAL AND SITE DESIGN GUIDELINES, RECORDED UNDER DOCUMENT NO. 202206029763 IN THE OFFICIAL PUBLIC RECORDS OF COMAL COUNTY, TEXAS.

Cross Reference to that certain Second Amended and Restated Declaration of Covenants, Conditions and Restrictions – Vintage Oaks at the Vineyard recorded under Document No. 202206053304, Official Public Records of Comal County, Texas, as amended and supplemented (the “Second Amended and Restated Declaration”).

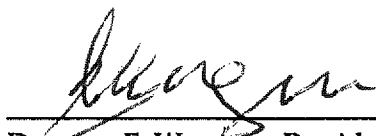
THIRD AMENDED AND RESTATED  
ARCHITECTURAL AND SITE DESIGN GUIDELINES FOR VINTAGE OAKS AT THE VINEYARD

**CERTIFICATE OF OFFICER**

The undersigned certifies that the foregoing Vintage Oaks at the Vineyard Third Amended and Restated Architectural and Site Design Guidelines was duly approved and adopted by the Board of Directors of the **PROPERTY OWNERS ASSOCIATION OF VINTAGE OAKS, INC.**, on the 28 day of December, 2022 and that the undersigned has been authorized by the Board of Directors to execute and record this instrument. The undersigned further certifies that the foregoing Vintage Oaks at the Vineyard Third Amended and Restated Architectural and Site Design Guidelines constitutes a dedicatory instrument under TEX. PROP. CODE § 202.006 which applies to the operation of Vintage Oaks at the Vineyard, a subdivision located in Comal County, Texas, as hereinabove described.

Signed this 28 day of December, 2022

**PROPERTY OWNERS ASSOCIATION OF VINTAGE OAKS, INC.**

By:   
DONALD E. WAGNER, President

THE STATE OF TEXAS       §  
  §  
COUNTY OF COMAL       §

BEFORE ME, a notary public, on this day personally appeared DONALD E. WAGNER, known to me to be the President of the Board of Directors of the RPROPERTY OWNERS ASSOCIATION OF VINTAGE OAKS, INC., and the person whose name is subscribed to the foregoing document and being first duly sworn, declared and acknowledged that the statements herein contained are true and correct.

GIVEN under my hand and seal of office this 28 day of December, 2022



  
Notary Public, State of Texas

**THIRD AMENDED AND RESTATED**  
**ARCHITECTURAL AND SITE DESIGN GUIDELINES FOR VINTAGE OAKS AT THE VINEYARD**

**VINTAGE OAKS AT THE VINEYARD**

*THIRD AMENDED AND RESTATED ARCHITECTURAL AND SITE DESIGN GUIDELINES*

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## VINTAGE OAKS AT THE VINEYARD

### THIRD AMENDED AND RESTATED ARCHITECTURAL AND SITE DESIGN GUIDELINES

*Notice to Owners: Certain Units within Vintage Oaks at the Vineyard constitute a distinct neighborhood known as "The Grove", as defined in the Second Amended and Restated Declaration. A separate set of design guidelines has been established for The Grove. Owners are encouraged to verify whether such Owner's lot is subject to The Grove Design Guidelines.*

#### 1.0 Introduction

##### 1.01 Objective of the Guidelines

This document has been prepared for promoting the development of a residential community known as Vintage Oaks at the Vineyard (the "**Development**"). The standards of design expressed in this document are intended to describe our "vision" of the Development through procedures that are clearly outlined and informative. The intent of these Guidelines is to expedite the process of building an exceptionally high-quality residence. Throughout the course of the Development, the Architectural Review Authority (the "**ARA**") may review and revise these Third Amended and Restated Architectural and Site Design Guidelines (the "**Vintage Oaks Design Guidelines**"), as necessary to reflect changing conditions.

##### 1.02 Relationship to Legal Documents

The Guidelines are supplementary to the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions – Vintage Oaks at the Vineyard, which is recorded as Document No. 202206053304 in the Official Public Records of Comal County, Texas, as amended and supplemented from time to time (the "**Second Amended and Restated Declaration**"). The Vintage Oaks Design Guidelines are intended to complement the Second Amended and Restated Declaration and should a conflict arise, the Second Amended and Restated Declaration shall prevail. Any capitalized terms not defined herein shall have the meaning ascribed to such terms in the Second Amended and Restated Declaration.

##### 1.03 Community Master Plan

The Development is a planned community that includes approximately 3,316 acres located at 1110 Vintage Way, New Braunfels, Texas 78132 in Comal County. It includes multiple parks, a fitness center, five swimming pools, a volleyball court, sports complex and walking trails. Throughout the Development it is the intent of the developer to

protect the natural features of the Texas Hill Country. Consequently, the Vintage Oaks Design Guidelines will reflect that concern in its approach toward the design, review and construction of residences and landscapes within Vintage Oaks at the Vineyard.

## **2.0 Organization & Responsibilities of the Architectural Review Authority (ARA)**

### **2.01 Mission and Function**

The Second Amended and Restated Declaration states that no exterior structures or improvements shall be erected in the Development without being approved by the ARA. The Guidelines are used by the ARA for the evaluation of plans and specifications submitted to the ARA for review and approval (or disapproval). The final decision of the ARA may be based on purely aesthetic considerations. It is important to note that these opinions are subjective and may vary as members of the ARA change over time.

Membership

The ARA is comprised of one (1) or more members appointed by the Board. , The Board of Directors of the Property Owners Association of Vintage Oaks, Inc., a Texas nonprofit corporation (the “**Association**”), shall appoint the members of the ARA in accordance with Article 9.2 of the Second Amended and Restated Declaration.

### **2.02 Scope of Responsibility**

The ARA has the following responsibilities:

1. Evaluating each of the plans submitted by an Owner for adherence to the Guidelines.
2. Approving or rejecting all new construction.
3. Monitoring the design and construction process in order to ensure conformance with the Second Amended and Restated Declaration and the Guidelines.
4. Interpreting the Second Amended and Restated Declaration and the Guidelines.
5. Approving all modifications to existing structures, including but not limited to walls, fences, driveways, sidewalks, material replacements, renovations, additions and landscaping.

### **2.03 Architectural Review Application and Meeting**

An application shall be submitted to the ARA by the Owner and the Builder before any new construction may begin on a Lot (the “**Architectural Review Application**”). *See* the Architectural Review Application attached hereto. Approval of the main residential dwelling for a Lot is to be initiated prior to a request for any other structure, improvement or new construction. For example, landscape and pool/water feature design approvals are not permitted until the approval of the main residential dwelling is given by the ARA.

In addition, both a pre and post construction meeting between the Owner, the Builder, and the Manager is required for all new construction. This process will begin as soon as the Owner or Builder submits the Architectural Review Application for review and approval. An orientation session will be scheduled and facilitated by the Manager prior to the start of construction for any new residential dwelling. The Owner and the Builder are both required to sign the Architectural Review Application acknowledging review, receipt and acceptance of the Guidelines. By signing the Architectural Review Application, both the Owner and Builder understand that there is NO CONSTRUCTION allowed on New Year's Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving, or Christmas Day, subject to the following exception: variances may be granted for early slab pours ("early" to be defined as before 7:00 am) upon request. Violations will incur a fine for each occurrence.

#### **2.04 Enforcement Powers**

In accordance with Article 9 of the Second Amended and Restated Declaration, all exterior structures, exterior residential dwelling improvements, and exterior residential dwelling modifications require a review by the ARA. A processing fee will be incurred for every plan submitted to the ARA, unless the submittal does not require an architect review, as determined by the ARA. All exterior structures and improvements requiring professional approval will have an approval fee. Examples of exterior structures and improvements requiring architect review will include, but are not limited to, sheds, re-painting, fencing, gates, play structures outside of the back yard, greenhouses, and permanent basketball goals outside of the back yard. Any structure or improvement that is placed on any Lot without ARA approval is considered to be in violation of the Second Amended and Restated Declaration and the Vintage Oaks Design Guidelines. The ARA has the power to require that the non-conforming structure be brought into compliance at the Owner's expense.

#### **2.05 Limitation of Liability**

Approval by the ARA does not constitute a representation of warranty as to the quality, fitness, or suitability of the design or materials specified in the plans. Owners should work with their architect and or contractor to determine whether the design and materials are appropriate for the intended use. In addition, approval by the ARA does not assure approval by any governmental agencies that require permits for construction. Owners are responsible for obtaining or ensuring that their architect or contractor obtains all required permits before the commencement of construction. The Association, the Board, the ARA, nor any committee or member of any of the foregoing, shall not be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications to any Lot.



### 3.0 The Design Review Process

#### 3.01 Review of Plans

The ARA will review submissions for design review at scheduled ARA meetings. There is one (1) submission in the design review process during which the architectural and site requirements are reviewed by the ARA. The ARA shall have thirty (30) days from the date all plans, specifications, deposits, and fees are submitted and received by the ARA to approve or disapprove the submittal. If the ARA fails to approve or disapprove such plans and documents in writing within the thirty (30) day period or the vote of the members of the ARA results in a tie, such plans, specifications, and documents shall be **deemed disapproved**. Submission requirements are outlined in *Section 9.3* of the Second Amended and Restated Declaration and *Section 5.01* of these Vintage Oaks Design Guidelines.

#### 3.02 Conditions of Approval / Rejection of Plans

Approval by the ARA shall in no way relieve the Owner or Builder of responsibility and liability for the adherence to any applicable ordinances and codes. Architectural Review Applications submitted for review or any portion thereof may be disapproved upon any grounds, which are consistent with the purpose and objectives of the ARA, including purely aesthetic considerations.

#### 3.03 Architectural and Contractor Requirements

Unless otherwise approved in advance by the ARA, all plans for the construction of residential dwellings or other buildings or other improvements must be designed and drawn by an architect who is registered and licensed in the State of Texas or a professional, experienced home designer.

*For Grove Construction Requirements, refer to The Grove Design Guidelines:*

- 9.03 Construction Hours
- 9.04 Construction Regulations
- 9.05 Fire Protection
- 9.06 Material and Equipment Storage
- 9.07 Insurance

#### 3.04 Final Review

During final review, the Owner or the Builder shall submit a final set of construction drawings for the construction project. These drawings shall address all the conditions imposed by the ARA, the Second Amended and Restated Declaration and the Vintage Oaks Design Guidelines. The ARA reserves the right to make design changes on any plan during this review.

### **3.05 Additional Meetings with the ARA**

If an Architectural Review Application is denied or conditions are unacceptable, the Owner or the Builder may request an additional meeting to discuss the submission with the ARA or an ARA representative.

### **3.06 Variances and Waivers**

Variances. The ARA may authorize variances from compliance with any of its guidelines and procedures when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations or other reasons require, but only in accordance with duly adopted rules, regulations, and policies. A variance is defined as a formal request initiated by the Owner and at Owner's expense to formalize a noncompliance from the Covenants or Guidelines and must be approved by the ARA. Refer to the Second Amended and Restated Declaration Section 9.9 for more information regarding variances.

Waiver of Enforcement. A waiver is defined as an informal request for a deviation to design guidelines. A waiver will be documented in writing by the ARA for the Owners' record. Waivers are issued by the ARA through a formal, documented process that produces the rationale used in issuing the waiver and will also be recorded in the ARA software platform. Waivers may only be granted, however, when unique circumstances dictate, and no waiver shall be effective unless in writing or prevents the ARA from denying a waiver in other circumstances. If the ARA elects to grant a waiver, the waiver will recite the basis for the approval and issuance of the waiver, specifically detailing the existing circumstances warranting the waiver. The grant of a waiver to allow a deviation from the Second Amended and Restated Declaration of the Vintage Oaks Design Guidelines shall not be considered a precedent for other similar circumstances. Each consideration of a waiver shall be on a case-by-case basis. For purposes of this Section 9.9, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a waiver.

A waiver from compliance with the Vintage Oaks Design Guidelines, the Second Amended and Restated Declaration, or an approved ARA Application may be requested by an Owner or Builder and shall be requested in writing to the ARA. An Owner or Builder shall seek a waiver before any modification, alteration, or deviation from an approved design or construction is executed. Any such modification, alteration or deviation must be approved in writing by the ARA in advance of any work done pursuant to the waiver requested.

The ARA may, but does not have a duty to, consider granting a waiver for such modifications, alterations, or deviations after the fact. However, if the ARA denies such a waiver the ARA reserves the right to require any Owner to restore their Lot to its previous

and/or approved condition in the event unapproved Improvements or modifications are constructed thereon. The Owner or Builder receiving the ARA denial shall have a right of appeal pursuant to TEX. PROP. CODE § 209.00505, as amended. The ARA may, from time to time, grant a waiver in accordance with Section 9.9 of this Second Amended and Restated Declaration. The ARA will grant or deny the waiver request in writing. No waivers are allowed unless the Owner or the Builder has received a written notice of approval from the ARA. Any waiver granted is unique and does not set any precedent for future decisions of the ARA.

A waiver granted due to hardship shall be temporary and responsive to the unique circumstances of each case. The ARA shall also authorize a submission of construction plans that include wheelchair ramp access to the front door of any home as may be required for a disabled individual in accordance with ADA or other State law requirements.

### **3.07 Builder “Clean Site” Deposit**

A Builder “Clean Site” deposit and any other fees may be established per Section 9.4 of the DCCR and published by the ARA (the “**Builder Deposit**”). The Builder Deposit shall be included with the Architectural Review Application. An Architectural Review Application received without the Builder Deposit shall be considered incomplete, and may be returned to the Builder. The Board of Directors reserves the right to change the amount of the Builder Deposit at any time without notice. The purpose of the Builder Deposit is to assure compliance to workplace clean site standards, including the cleanup of construction debris on adjacent Lots. The Builder can be fined for violation of the “Clean Site” standards at the discretion of the Association’s representative. Said fines, if any, will be deducted from the Builder Deposit, and the balance of the Builder Deposit will be refunded to the Builder upon completion of the approved construction and/or modification.

If amounts, fines or charges are deducted from the Builder Deposit, Builder will deposit such sums necessary to replenish the Builder Deposit to its initial amount within ten (10) days after such amounts, fines or charges are deducted.

### **3.08 Review Fees**

Review fees may be established and published by the BOD pursuant to *Section 9.2* of the Second Amended and Restated Declaration. The purpose of the review fees is to cover all expenses related to the processing and review of the Architectural Review Applications. The Board reserves the right to change or waive the review fees from time to time without prior notice. Review Fees and Compliance Deposits – A portion of the Compliance Deposit will be refunded to Owners upon completion of their improvements. The ARA will conduct a final review to ensure the details of the approval letter was accurately followed. Upon completion of this review process, the ARA will generate a refund.

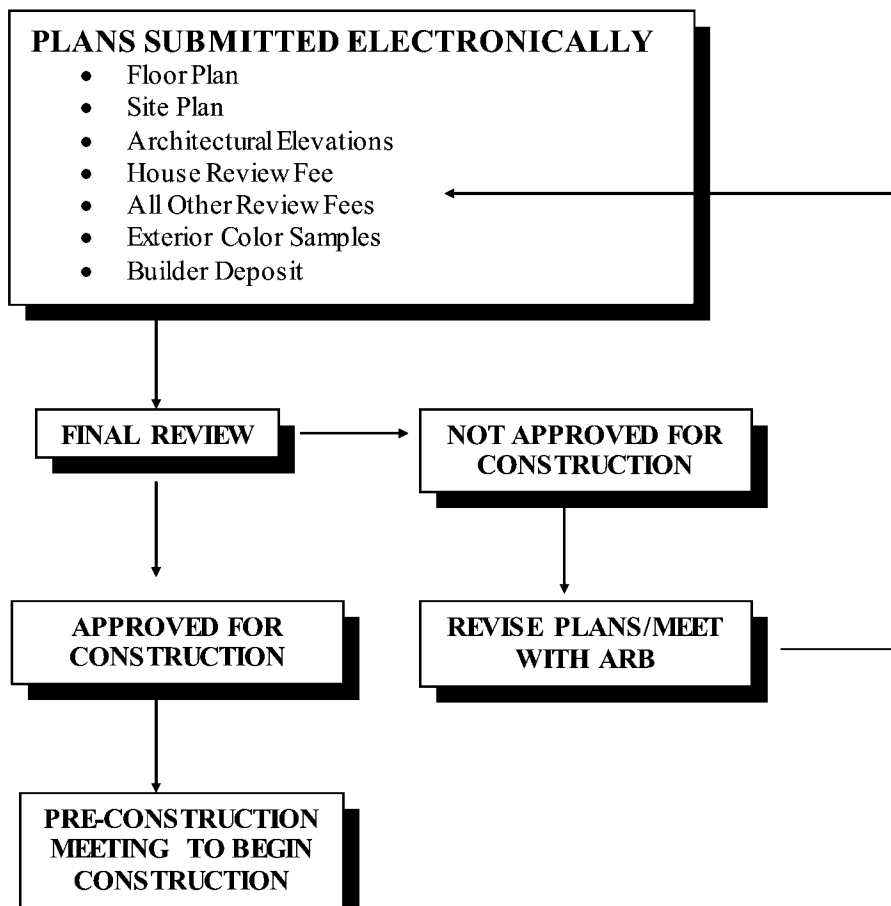
### **3.09 Renovation / Additions to Existing Structures**

All renovations, additions, or improvements to existing structures shall be approved by the ARA. The Owner shall submit an Architectural Review Application showing the nature of the construction and/or modification to be performed with the review fee, if any.

### **3.10 Final Approval**

The final approval letter is issued after the ARA approves the submitted Architectural Review Application. No approval is final until the Final Approval Letter is issued. The ARA may take several factors and elements into account when approving an Architectural Review Application, including, but not limited to, the location of the building site, topography, the character and aesthetics of neighboring structures or surrounding areas, and such other elements and considerations that the ARA, in its sole discretion, considers pertinent to the application. As such, each approval is unique and shall not be construed to be precedent for any future approvals.

# THE ARCHITECTURAL REVIEW PROCESS



## **4.0 The Construction Process**

### **4.01 Beginning Construction**

No construction of any type is permitted without the following on site at all times:

- Construction Dumpster (30 cubic yard minimum);
- 8'x8' Plastic Lined Dump Box;
- Chemical Toilet;
- Construction entrance with culvert (if culvert is required to provide adequate drainage);
- Fire suppression equipment; and
- Once construction begins, the site must be kept clean and free of trash and debris.

### **4.02 Construction Time Limit**

The exterior of all residential dwellings and other improvements must be completed within one (1) year after the construction of same has commenced, except where such completion is impossible or would result in great hardship to the Owner or the Builder due to strikes, fires, national emergency, or natural calamities, as deemed by the ARA. If an extension is needed, the Owner or the Builder may submit an extension request, including projected completion date, in writing to the ARA. Failure to complete the project within one (1) year of the deadline will be considered a violation of the Second Amended and Restated Declaration and the Guidelines, which may subject an Owner to fines.

If construction has not commenced within one (1) year after the date of the final approval, it shall be deemed to have expired unless the Owner or the Builder, prior to such expiration date, has requested and received an extension in writing from the ARA.

### **4.03 Builder Signs**

Builder signs are required and shall be either for speculative homes (Available) or sold homes (Purchased) and may be placed on the Lot two (2) weeks prior to the commencement of construction on said Lot. The sign shall remain properly installed throughout construction. Upon completion of the construction of the main residential dwelling, the Builder sign must be removed within fourteen (14) days. Builder signs shall not be allowed on vacant Lots or at any time other than during the construction of the main residential dwelling. Signage indicating the prospective sale of Unimproved Lots is also permitted as long as the signs meet the same standards as those set for home sales noted in this Section's dimensions, company logo, phone number, and URL (Page 9). Advertising is limited to Builders or Owners only and must also include their company name/logo, phone number and URL (Page 10).

“Take One” boxes for distributing fliers are prohibited.

**Builder model or speculative home monument signs are strictly prohibited.**

All Builder signs must comply with the Guidelines. Refer to the New Construction Application for details and contact information regarding Builder signs. The Board, may change sign manufacturer without notice and without amendment to these Vintage Oaks Design Guidelines, at its discretion.

Advertising is limited to Builders only and can include their company logo/name and phone number and/or URL. All signs are an industry-standard 3' X 2' H frame sign with a heavy-duty coroplast single-sided insert. See the sample Builder signs attached hereto.

All Builder signs shall be placed parallel to the road on the front property line at the center of the Lot. Subcontractor signs are not allowed on the Properties. Any additional signage or displays found on the Properties may be removed at any time without warning and disposed of by the ARA.

No other signage of any kind including, but not limited to “For Sale” signs, “Sold” signs, “For Lease” and/or “For Rent” signs, or any other third-party utility or subcontractor signs shall be permitted on any Lot, except as provided in Article 9.4 of the Second Amended and Restated Declaration, or as stated below.

One professionally made “Available” sign and an “Open House” sign in the required design to be used on weekends only may be installed in the ground for the sale or resale of a new or existing residential dwelling. Such sign shall be 3' x 2' in size, shall be the same sign type as those used for Builder signs and shall be placed parallel to the road at the front building line in the center of the Lot. The Association, its agents, and representatives may remove and dispose of such “Available” signs at any time at its discretion. See the Construction Application for sample signage. No signs shall be erected either temporary or long-term in a community common area.

**4.04 Chemical Toilet**

A temporary chemical toilet shall be provided and maintained for the use of construction workers on each construction site and not shared between construction sites. The chemical toilet may be placed anywhere on the Lot, but not in the road right of way or drainage ditch, as long as the entry into the chemical toilet does not open toward the street.

**4.05 Construction Entrance**

A construction entrance must be installed prior to the start of any construction on the Lot. The entrance must be built to eliminate the tracking of mud onto paved roads and must include a culvert if culvert is required to provide adequate drainage. Damage to roads,

including road edges, from any construction activity will be the responsibility of the builder to restore to its original condition.

#### **4.06 30 Cubic Yard Dumpster**

A dumpster (minimum of a 30 cubic yard) must be present on the construction site at all times and must be removed and replaced when full. The dumpster may not overflow with debris at any time. Temporary or hand constructed (lumber) dumpsters shall only be allowed until the permanent dumpster is delivered to the construction site (maximum of 5 days). The construction site must be cleared of trash and debris daily. The dumpster must comply with any applicable gross vehicle weight limits as determined by the county or other regulatory agency.

#### **4.07 Erosion Control**

The Texas Commission on Environmental Quality (TCEQ) requires the Association to obtain a permit while constructing roads, installing utilities and performing construction activities. This permit authorizes the discharge of “storm water associated with construction activity”. The TCEQ permit requires specific pollution prevention and control measures and reporting activities. Among the conditions and requirements of this permit, Association must prepare and implement a Storm Water Pollution Prevention Plan (SWP3) that is tailored to the construction activity. Additionally, the control measures must be inspected every fourteen (14) days and after every rainfall event greater than 0.5 inches.

As defined in the TCEQ regulations, “storm water associated with construction activity” includes storm water runoff from a construction activity where soil disturbing activities (including clearing, grading, excavating) result in the disturbance of one (1) or more acres of total land area, or are part of a larger common plan of development or sale that will result in disturbance of one (1) or more acres of total land area.

Association’s general permit covers every Lot in the Development. However, when title to a Lot is conveyed to the Owner or the Builder, that Lot is no longer under Association’s general permit. Therefore, the Owner or Builder, prior to starting any construction activity that includes any type of earth disturbing activity, must apply for a TCEQ permit to discharge storm water and develop a SWP3 that is tailored to that construction site. Typically, the SWP3 includes control measures such as rock berms and silt fences that trap sediments and keep them from leaving the construction site. Additionally, the control measures must be inspected every fourteen (14) days and after every rainfall event greater than 0.5 inches. After construction is complete, the permit must stay in effect until the site is stabilized or until seventy percent (70%) of the native background vegetative cover has been established. At that point, the permit should be terminated. If the Owner hires a building contractor, that contractor should apply for the TCEQ permit, prepare the SWP3, supervise the implementation of the SWP3, perform the inspections and terminate the



permit when the site is stabilized. However, if the Owner performs the general contracting duties itself, the Owner is the “operator” and shall be responsible for these requirements. An environmental consulting firm may assist with the preparation of a storm water permit application.

For additional information concerning TCEQ permitting requirements, the Owner or the Builder can access the TCEQ web site at [www.tceq.texas.gov](http://www.tceq.texas.gov).

#### **4.08 Dump Box**

An 8’x8’x4’ dump box lined with plastic shall also be constructed on each Lot for the deposit of materials such as concrete, drywall related products, etc. The cleaning of equipment related to these materials should be confined to the dump box.

#### **4.09 Site Maintenance**

Only usable construction materials may be stored on a construction site. Discarded construction materials, refuse and debris must be removed daily from the site or contained within the required 30 cubic yard dumpster. Storage or placement of materials within any right of way or easement is not permitted at any time. Failure to remove trash or debris on a regular basis will be considered a violation of the Guidelines.

No fires are allowed on construction sites once construction commences. No petroleum-based products or other potentially hazardous or toxic substances may be disposed of on any Lot or any drainage ditch, stream, or lake.

#### **4.10 Right to Enter and Inspect Lots for Compliance**

The right of entry and inspection of a Lot is specifically reserved for the ARA, its agents, and representatives during the construction period. The Manager will make periodic inspections during the entire construction period in order to verify compliance with the Guidelines. The Owner or the Builder will be notified in writing of any items and exceptions noted in the inspection report and all such items and exceptions must be completed or resolved within the timeframe stated in the inspection report.

#### **4.11 Conduct of Builders, Contractors, Sub-Contractors and Workers**

Builders, contractors, sub-contractors and workers are prohibited from the following in Vintage Oaks at the Vineyard: (i) the possession, consumption or use of alcohol or drugs; (ii) possession of animals; (iii) possession or use of firearms; (iv) loud music; (v) traveling within the Development unnecessarily; and (vi) use of Common Area, including but not limited to the Vintage Oaks at the Vineyard amenities. Violations may result in the Builder, contractor, sub-contractor or worker being denied access to Vintage Oaks at the Vineyard.

#### **4.12 Revisions and Changes During Construction**

All revisions and changes made during construction shall be submitted in writing by the Owner or the Builder to the ARA for approval prior to the implementation of such change. All revised drawings must be submitted along with the revision request. The ARA will grant or deny the request in writing. Failure to obtain written approval for any revision during construction will result in fines being deducted from the Builder Deposit.

#### **4.13 Alterations / Remodeling / Improvements / Repainting of Approved Structures**

Any change to the exterior of an existing structure requires the advance written approval of the ARA. All exterior changes or renovations shall be submitted by the Owner or the Builder to the ARA for approval in accordance with Article 9 of the Second Amended and Restated Declaration. All construction shall be subject to the construction regulations set forth in *Section 4.0* of these Vintage Oaks Design Guidelines.

#### **4.14 Exterior Meter(s) and/or Panel(s)**

If a structure is located within one hundred feet (100') of a transformer, any meter and/or panel **MUST** be affixed to that structure. Structures greater than one hundred feet (100') from the transformer may have an attached meter and/or panel, or the meter and/or panel may be located on a pedestal (i.e. Type 3R by Milbank) enclosure. Contact the electrical provider for their specifications or requirements. **NO "RACKS", "FRAMES" OR SIMILAR STRUCTURES ARE PERMITTED.**

### **5.0 Specific Submission Requirements**

#### **5.01 Plan Submission Requirements for Design Review**

The following submission requirements must be met prior to obtaining final approval for construction. A Design Review Checklist is attached to these Guidelines.

- (1) **Existing conditions** - minimum scale 1"=20'. Must include the following information:
  - (a) Owner's name;
  - (b) Designer's name;
  - (c) North Arrow and scale;
  - (d) Property lines with dimensions and bearings;
  - (e) Setback lines;
  - (f) Easement lines;
  - (g) Adjacent street names; and

- (h) Outline of exterior walls, decks and driveways on adjacent lots.
- (2) **Site Plan** – minimum scale 1"=20'. All plans must be submitted electronically and must include the following information: (May be added to the existing conditions map.)
- (a) Proposed location of home;
  - (b) Dimensions from corner of foundation to adjacent property line;
  - (c) Proposed driveway;
  - (d) Proposed fences;
  - (e) Proposed retaining walls;
  - (f) Proposed pool or spa location;
  - (g) Proposed location of masonry screening wall(s);
  - (h) Proposed accessory structures (out building, trellis, etc.);
  - (i) Finish Floor Elevation (FFE) of first floor and garage;
  - (j) Proposed two-foot contour lines; and
  - (k) Location of underground or above ground LP tank.
- (3) **Architectural Plans** - minimum scale of 1/4"=1'-0"
- (a) **FLOOR PLANS**
    - (i) Interior rooms dimensioned and named;
    - (ii) All window and door openings shown;
    - (iii) Roof overhang with a dashed line;
    - (iv) Total square footage of structure; and
    - (v) Heated square footage of structure. (Refer to the applicable Supplemental Declaration of Covenants, Conditions, and Restrictions)
  - (b) **BUILDING ELEVATIONS**
    - (i) Front, rear, and two side elevations;
    - (ii) All elevations labeled so they correspond with site plan;
    - (iii) Exterior finish shown, including paint color & samples; and
    - (iv) All decks and terraces shown.
- (4) **Landscape Plans** - minimum scale of 1"= 20'
- (a) Owner's name;
  - (b) Designer's name, address, telephone, and fax number;
  - (c) North arrow and scale;
  - (d) Property lines with dimensions and bearings;

- (e) Location of all structures (including decks, trellises, fences, gazebos, etc.), pavement, and utilities;
- (f) Location of all lawn areas and shrub bed lines; and
- (g) Location of all proposed plant material.
- (h) Plant list with quantities, botanical names, common names, sizes, and specifications.
- (i) Location and specifications of all exterior lighting fixtures.
- (j) Total area of lawn, mulch, rock, or other coverage materials in square feet.
- (k) Total area of lawn as a percentage of site.

## **6.0 ARCHITECTURAL GUIDELINES**

### **6.01 General Standards**

All residential dwellings, buildings, and other improvements must be constructed in conformity with the Guidelines. All footprints and garages must be sited within applicable setbacks. The ARA may disapprove plans for any reason, including purely aesthetic considerations.

### **6.02 Modular Construction**

No modular home or manufactured home is permitted. "Modular home and manufactured home" includes any prefabricated or prebuilt dwelling which consists of one or more transportable sections or components and shall also be deemed to include manufactured building, manufactured home, modular building, modular home, modular construction, and prefabricated construction as defined by the Texas State Building Code. SIP (structural insulated panel) construction or other modular components may be allowed upon review and approval of the ARA. Prefabricated accessory structures, such as sheds and gazebos, may only be installed with the advanced written approval of the ARA.

### **6.03 Dwelling Size / Minimum Standards**

Refer to the applicable Supplemental Declaration of Covenants, Conditions, and Restrictions.

### **6.04 Setback & Building Height Requirements**

*See Appendix A.*

**6.05 Exterior Color Guidelines**

All exterior colors of any structures must be natural or earth tones and must compliment the surrounding landscape. The ARA may approve other color schemes, elevations, and masonry in its sole discretion, as well as ensure builders do not use identical masonry, inclusive of the same stone or stucco color choices on adjacent dwellings. Exteriors must be 100% masonry, with a minimum of two (2) materials not to exceed 80% of one material on the front street-facing façade of the dwelling.

Siding is prohibited. Furthermore, design elements creating a “siding look” are to be avoided. Stucco or masonry made to look like siding, Hardiplank, or such other siding-type material in a horizontal configuration as a design element of the main residential dwelling is prohibited. The Architectural Review Board may approve stucco configurations that resemble other construction materials, however, it does so in its sole and absolute discretion; any approval by the Architectural Review Board of such a design element is not a precedent for future approval of similar design elements.

**6.06 Address Markers and Mailboxes**

Address markers should be readily visible from the street. Per Comal County regulations, all residents must have a house number visibly placed on the front of the dwelling or in the yard lit to expedite the location of any address by emergency responders. The painting of the address on any portion of the roadway or dwelling is prohibited. Centralized mailbox units will be provided in the community for mail pick-up and delivery. No single-dwelling mailboxes are allowed.

**6.07 Generators**

As part of the installation and maintenance of a generator on an Owner’s Lot, an Owner may submit plans for and install a standby electric generator (“Generator”) upon written approval by the Architectural Review Authority under the Second Amended and Restated Declaration (the “ARA”).

**7.0 SITE REQUIREMENTS: ACCESSORY AND DECORATIVE STRUCTURES**

**7.01 Accessory Structures**

The number of buildings on each Lot is limited by the applicable Supplemental Declaration of Covenants, Conditions, and Restrictions. Accessory structures, such as detached garages or workshops, shall be no larger than the percentage of the main residential dwelling as defined in the applicable Supplemental Declaration of Covenants, Conditions, and Restrictions. Each home site is limited to outbuildings as defined in the applicable Supplemental Declaration of Covenants, Conditions, and Restrictions. The location and appearance of outbuildings shall be submitted and approved by the ARA prior to construction. Outbuildings must be architecturally compatible with the main

residential dwelling with exterior materials and roofs matching the main residential dwelling. All outbuildings shall be within the building setback lines. Refer to the applicable Unit Supplemental Declaration of Covenants Conditions & Restrictions for more details. All accessory structures shall be situated so that garage doors (if any) do not face the street on which the main residential dwelling fronts, however, street-facing front outward sliding swing-out style doors (Carriage Doors) are allowed. Roll-up doors are not permitted on these structures. A pool house or cabana is considered an accessory building and shall not be larger than twenty percent (20%) of the main residential dwelling, and is not permitted in front of the main dwelling, or within the front or rear setbacks.

## **7.02 Arbors, Trellises and Pergolas**

Arbors, trellises, and pergolas are permitted and require ARA approval for placement and materials. The location, elevation, materials (metal, treated wood, or composite material), and finish of an arbor or trellis must be submitted to the ARA for approval *before* the commencement of construction. All items must be located in the side yard or the backyard (defined as rear corners of the main dwelling extending laterally to the property line), within appropriate setbacks and easements, and placed no closer than 10 feet to an adjacent neighbor fence or property line.

- Arbors are shade structures or plant-support structures which are to be designed so that they are harmonious and visually integrated, are architecturally compatible with the dwelling, and are attractive in all seasons. Arbors are permitted in the side yard behind the front, lateral corners of the dwelling, or the backyard. The dimensions of an arbor must not exceed 4' W X 8' H X 6' D (in feet). A maximum of two (2) arbors is permitted.
- Trellises are shade structures or plant-support structures that are to be designed so that they are harmonious and visually integrated, are architecturally compatible with the dwelling, and are attractive in all seasons. Trellises are permitted in the side yard behind the front, lateral corners of the dwelling, or the backyard. The dimensions of a trellis must not exceed 6' H X 8' L (in feet). A maximum of two (2) trellises is permitted. Board-on-board trellises are not permitted.
- In accordance with *Section 3.9*, all renovations to an existing structure must be disclosed to the ARA before installation or construction. If more than one arbor or trellis is installed, the style of each must be architecturally compatible with both the dwelling and with one another. The location of such structures must be approved by the ARA.

### **Pergolas**

- Pergolas are not permitted on the street front-facing side of the dwelling. Pergolas must be architecturally compatible with the dwelling. The location, elevation,

materials, and finish of any pergola must be submitted to the ARA for approval before the commencement of construction. Pergola requests must comply with the outbuilding requirements of the appropriate Unit Supplemental Declaration.

### 7.03 Fences and Walls

#### General

Walls, fences, and gates, if any, must be approved *before* the commencement of construction by the ARA and shall be on or within the Lot property line. Fences are distinguished from “walls” in that each corner end of a fence is attached to either (i) another corner end of the fence, or (ii) a dwelling, for the purposes of enclosing an area. Any partitioning structure whose ends are not attached to either a dwelling or other enclosing structure shall be considered a wall. Only Unit 3 and Unit 7 permit animal husbandry. All fencing, animal sheds, storage sheds, or outbuildings must be approved by the ARA prior to construction.

- Fences

There are three (3) permitted fence types: Wrought Iron, Steel Pipe, and King Ranch fences. Any existing fencing that is not of an approved type, but was approved at the time such fencing was installed, may only be replaced with compliant fencing upon total replacement. No fence shall be more than five feet (5') high, excluding fences surrounding sports courts whose proposed height shall be submitted to and subject to the approval of, the ARA or appropriate reviewing body on a case-by-case basis.

In general, fencing is allowed from the front corner/sides of the main residential dwelling and may extend laterally from the main residential dwelling and then back. All portions of the fence that face the front of the Lot (and typically the street on corner lots) shall be wrought iron or steel metal piping. Entry gates, pedestrian gates, side gates, and drive gates shall be constructed from approved steel or wrought iron and painted black or brown. No galvanized steel ranch-type gates are permitted. Gate design, materials, and location shall be approved by the ARA *before* installation. All materials must be new when installed.

- (a) Typically, only two gates will be allowed on any Lot, however, additional gates may be allowed upon ARA review. Additional gates may also be allowed for unusually large Lots or Lots of extreme topographical conditions. Entry gates, side gates, and drive gates shall be constructed from approved steel or wrought iron and painted black or brown. Gate design shall be approved by the ARA.

- (b) Galvanized chain-link or similar fencing material may not be constructed, used in the construction of, or maintained on any lot except in connection with tennis or sports courts or with prior approval from the ARA.
- (c) Tennis or sports court fencing must be constructed of green-coated chain link fence material. The ARA, or other appropriate reviewing body, in its sole discretion, reserves the right to disapprove/approve any fence.
- (d) Except as allowed in the Association's Pool Enclosures and Security Measures Policy, no unapproved fencing is allowed in front of a dwelling; other fencing may begin on the front corner of a home and then extend laterally to the side property line.
- (e) **Steel Pipe Fencing:**
  - (i) Fencing may also be a minimum of 2-3/8" to 4" Steel Pipe fence (not to exceed four (4") inches, painted black or brown. "Tightlock" or "Solidlock" mesh tensile steel class III galvanized wire, cattle panel, or as approved by the ARA shall be installed between the in-line posts. The spacing of the wire shall not exceed 6" x 6" square. Steel Pipe fences are subject to the following requirements:
    - (ii) All portions of the fence that face the front of the lot (and typically, the street) may be constructed of the same steel pipe material consistent with the other three sides.
    - (iii) In-line posts must be spaced at no more than 10 feet (10').
    - (iv) A single top rail consisting of the same size pipe shall be placed on top of the in-line posts.
    - (v) A single bottom rail, if used, consisting of the same size pipe shall be placed on the bottom of the fence at 6" above the finished grade.
    - (vi) The wire must be left in natural color.
- (f) **Wrought Iron Fences:**
  - (i) All portions of the fence that face the front of the lot (and typically, the street) may be wrought iron.



- (ii) All corner Lots shall have a wrought-iron fence that faces the front of the lot. For the non-front street side, the fence may be either Wrought Iron or 2-3/8" steel pipe.
- (iii) Fences consisting of 100% masonry are not permitted, however, Wrought Iron fences may incorporate masonry components pursuant to these Vintage Oaks Design Guidelines.
- (iv) The masonry component of the fence, except columns, may not exceed twenty-four (24) inches in height. Columns may not exceed a maximum height of five feet (5').
- (v) Maximum column width is three feet by three feet (3' x 3').
- (vi) Inline columns must be spaced at no less than twelve (12') feet and not to exceed sixteen (16') feet.
- (vii) Combined Wrought Iron/Masonry fencing is the only fence type that may extend in the front of the dwelling, and Wrought iron on top of the twenty-four inch (24') masonry is the only material allowed in combination. Such fencing may not be located on any easement unless approved by the easement owner (i.e. Utilities) but may extend to the property line.
- (viii) All masonry elements must be mortared.

**(g) King Ranch Fences:**

A King Ranch type fence is allowed, which consists of peeled cedar corners and in-line posts and cedar stays between the in-line posts. "Tightlock" or "Solidlock" mesh tensile steel class III galvanized wire shall be installed between the in-line posts. For King Ranch type fencing:

- (i) All portions of the fence that face the front of the lot (and typically, the street) shall be wrought iron.
- (ii) Line posts shall be peeled cedar with a minimum diameter of 4", set a minimum of 36" deep, at a maximum spacing of 18'.
- (iii) All corner posts shall be peeled cedar with a minimum diameter of 8" and shall be set in concrete at a minimum depth of 36" deep.
- (iv) Cedar stays shall be a minimum of 1" in diameter at a maximum spacing of 6'.

- (v) No steel T-posts allowed as part of a fencing structure.
- (vi) All materials must be new when installed.

- Walls

Walls must be stone or masonry and must follow all fencing guidelines including the limitation on location and size. The wall must be no taller than four feet (4') from ground level to the tallest portion of the wall or column, except for masonry walls used to screen trash or recycle containers, which may be up to five feet (5') from ground level to the tallest portion of the wall or column. Walls have a maximum length of twenty (20') unless otherwise approved by the ARA. Walls may not be located on the easement unless approved by the easement owner (i.e., Utilities) but may extend to the property line. Walls must be mortared or Gabion (metal-contained). Walls that are utilized to meet screening requirements must be approved by the ARA. Dwellings placed on corner lots or in cul-de-sacs may have more strict screening requirements to meet fully screened conditions for trash and recycle containers, pool equipment, generators, or above-ground propane tanks.

- (h) Masonry walls may be allowed by the ARA upon review only and must meet specific aesthetic requirements at the sole discretion of the ARA. Masonry screening walls within the building envelope (within all building setbacks) may be allowed by the ARA upon review only and must meet specific aesthetic requirements at the sole discretion of the ARA. Masonry screening walls constructed to form a courtyard may be allowed by the ARA.

- (i) Trash and recycling receptacles shall be stored out of sight as evaluated from the lot-line-to-lot-line street-facing façade of the house, in Owner garages, or with a good faith effort behind approved masonry screening. Approved screening is made of masonry or stone that matches the exterior of the dwelling on the Lot. A wall that matches the external masonry of the dwelling may be constructed to screen these containers. Use of live screening is prohibited. Additionally, screening trash or recycle containers by placing them behind equipment (i.e. air conditioning units, or driveway dropoffs, or behind vehicles) is prohibited.

- Privacy Screen Fences or Privacy Walls

- (j) Board-on-board or privacy fences are not allowed. Trellises may be used for privacy if they meet the screening requirements. Refer to Section 7.02 for more additional information.

- (k) The ARA encourages the use of shrubs strategically planted in clusters rather than the use of built structures to create privacy where desired.
- (l) No construction of a privacy fence or wall may be commenced without the prior written approval of the ARA.
- (m) A Privacy Screen must be constructed of materials such as metal or masonry. The design and materials chosen should complement the primary dwelling on the Lot by matching masonry colors or trim paint colors.
- (n) The most aesthetically pleasing side of the Privacy Screen must face the neighboring Lot. Thus, structural elements such as posts, rails, channels, and lesser details shall face the Owner's Lot.

#### **7.04 Swimming Pools / Hot Tubs**

Pools Generally. Above-ground vinyl, swimming pools are prohibited. Bubble covers for in-ground swimming pools are prohibited. Fitted (excluding bubble type) pool covers are permitted. Pools may not be installed in the front or side yard of any main residential dwelling. All plans for swimming pools must be submitted by the Owner or the Builder to the ARA for approval. Swimming pools and adjacent pool equipment shall be subject to screening requirements imposed by the ARA at the time it approves the Architectural Review Application for a pool. Such screening material shall be of masonry, stone or such other material approved by the ARA, and shall complement the main dwelling. Pool equipment must be screened as evaluated from lot-line-to-lot-line of the street-facing façade of the house, and may require the masonry wall to be “L” shaped if noise abatement necessitates screening from the adjacent neighbor property as determined by the ARA. Dwellings built on corner lots of cross streets or in cul-de-sacs may require additional screening as determined by the ARA. The use of plants or shrubs alone as screening material to block the view of pool equipment is not permitted.

Spas and Hot Tubs. Outdoor swim spas or hot tubs are permitted. The Owner shall submit the plans to the ARA. The location of a hot tub/swim spa must be shown on the site plan. Hot tubs/swim spas shall not be installed in the front or side yard of any main residential dwelling. Approved hot tubs may be subject to additional screening requirements imposed by the ARA.

Swimming Pool Enclosures. The term "swimming pool enclosure" means a fence surrounding a water feature, including a swimming pool or spa, consisting of transparent mesh or clear panels set in metal frames, is not more than six feet in height, and is designed not to be climbable. An Owner must submit any request to install a swimming pool enclosure in accordance with these Vintage Oaks Design Guidelines for approval. The ARA will apply its architectural requirements to the request; however, the ARA may not

deny an Owner's request to install a swimming pool enclosure if the swimming pool enclosure conforms to Applicable Law or local safety requirements and the swimming pool enclosure is black in color and consists of transparent mesh set in metal frames. Totally enclosed Florida Screen Room pool enclosures are not permitted.

**7.05 Clothesline**

There shall be no outdoor clothesline on any Lot.

**7.06 Sports Courts**

Private sports courts are permitted on Lots that are one (1) acre or larger. Courts such as tennis courts may be permitted on Lots of three (3) acres or larger. Sports courts must meet all setback requirements placed on the rear yard of the Lot and must be approved in advance by the ARA. Direct or indirect lighting of a sports court that is less than three (3) acres is not permitted. Lighting of sports courts on Lots three (3) acres or larger must be approved by the ARA. Light fixtures approved by the ARA must be Dark Skies compliant.

All play or sports equipment must be located in the backyard, within an appropriate rear setback, and placed no closer than 10 feet of an adjacent property line or 10 feet side setback.

**7.07 Basketball Goals and Other Sports Equipment**

The location and finish of a permanent basketball goal or other sports equipment including, but not limited to, batting cages and sports courts, and in the back or side yard shall be submitted to the ARA for approval *before* construction. Any permanent basketball goal or other sports equipment constructed without ARA approval shall be considered a violation of the Second Amended and Restated Declaration and the Vintage Oaks Design Guidelines and is subject to fines and removal at the Owner's expense. Due to the density of the area in the Grove, permanent sports equipment or sports courts are not permitted.

Portable basketball goals are permitted on driveways. Portable basketball goals may not be stabilized by placing sandbags, concrete blocks, or other weighted objects on the base of the goal. Owners shall follow manufacturers' guidelines in the goal's operating instructions which recommend sand or water as fillers in the base.

Portable basketball equipment and other sports equipment may be located in the backyard or side yard within appropriate setbacks and easements and must be placed no closer than 10 feet to the side setback of an adjacent property line and may not be placed within the 50-foot front setback of the dwelling or on the street, or roadway.

Other portable, nonpermanent sports equipment, such as, but not limited to, temporary batting cages, obstacle courses( including pet agility courses), soccer nets, football practice equipment, and the like also require ARA approval for placement on a lot. The ARA may

impose additional restrictions on placement and time of day use based on potential noise conditions that may affect neighboring properties. Direct or indirect lighting of basketball, other sports play equipment, and the like must be approved by the ARA.

Due to the density of the area in the Grove, non-permanent sports equipment or sports courts are not permitted.

All sports equipment, whether basketball goals, backboards, soccer nets, and other supporting structures must be well maintained by replacing torn or broken nets, backboards, or supporting structures. Chain nets are prohibited. All sports equipment, whether permanent or temporary, must be well maintained by replacing broken parts, torn tape, or netting.

#### **7.08 Camping**

No camping structure of a temporary character, such as a trailer, mobile home, manufactured home, tent, shack, garage, or another outbuilding shall be used on any undeveloped lot at any time as a residence. No overnight camping is allowed in any common area or green spaces including the parks and trails.

#### **7.09 Satellite Dishes**

Satellite dishes designed to receive radio, television, or microwave signals, which are intended for cable television, network television reception, communications, or entertainment purposes shall not be mounted on residence rooftops, with the exception of the back-yard roof areas where it cannot be visible from the street. In addition, satellite dishes may not be installed (pole-mounted) in the front yard or side yard areas of any home.

In the event lot topography interferes or eliminates signal quality, an alternative location request may be submitted to the ARA before installation. Where placement restrictions require an alternative location, the ARA may require additional screening requirements up to and including shrubbery or a screening wall constructed of materials (stone or stucco) that match the main residence.

#### **7.10 Tree Houses, Playhouses, Playscapes, and Trampolines**

No Treehouse ("Treehouse" meaning a structure elevated above the ground) or Playhouse ("Playhouse" meaning a structure situated on the ground) shall be placed upon a Lot without prior written approval by the ARA. No Treehouse or playground equipment of any type is allowed on front yards. Written approval from the ARA will determine: (i) the location, which shall be within the building setbacks, in the rear yard, and preferably behind the main residence; (ii) screening requirements; (iii) color; and (iv) maximum

height (not to exceed the max height of the roof of the main residence, excluding any chimney) of any such structure.

The standard building material for treehouse structures shall be weatherproof wood (pressure-treated pine, redwood, cedar, etc.). Plastic, vinyl, metal, or such other synthetic or non-wood materials shall be limited to minor accessories and accents (slides, swing seats, etc.) to the wooden structure. All wood must be stained and sealed to maintain its appearance and blend in with the surrounding area. Treehouses must be architecturally compatible with the primary dwelling and surrounding area, and neutral in color.

Any play structure (“Playscapes”) should have minimum visibility from any street. If necessary, obscuring trees or bushes may be approved by the ARA to aid in meeting this requirement. The trees or bushes should be of sufficient size to provide a reduction in the visibility of the structure. Accessories (tarps, slides, etc.) that are visible shall be a solid dark color in order to blend in with the surrounding area.

Bright or multi-colored accessories are not allowed to be visible from outside the lot. All wood, components, and accessories must be maintained in a neat, clean, and attractive manner. All play equipment, including trampolines, must be located in the backyard (defined as rear corners of the main dwelling extending laterally to the property line), within appropriate setbacks and easements, and placed no closer than ten (10’) feet side setback, or fifty (50’) feet rear setback of any adjacent property line.

## **8.0 SITE REQUIREMENTS: DRIVEWAYS**

### **8.01 Driveways**

Driveways must be surfaced with concrete, concrete exposed aggregate, brick pavers, or a combination thereof. Driveways must be surfaced within 30 days of completion of the main residential dwelling. Owners should consult with Comal County for sizing and placement of driveway culverts on all public roads. The correct size culvert(s) shall be placed during the installation of the construction entrance. In driveway design and construction, Owners are encouraged to consider future overflow parking needs and to allow for the safe maneuvering of vehicles in and out of the garage and driveway. Overflow parking areas must also be made of approved materials listed herein. The use of decomposed granite or other such non-permanent materials to create additional parking areas is not permitted.

Driveways whose construction, materials, or design were approved by the ARA at the time of their construction, but whose construction, materials, or design are no longer allowed due to a current or future change to these Vintage Oaks Design Guidelines shall not be considered in violation of these Vintage Oaks Design Guidelines for the useful life of the approved driveway. If any such driveway needs to be entirely replaced, said replacement is subject to the prior approval of the ARA, and shall comply with all

applicable Vintage Oaks Design Guidelines in force at the time the Architectural Review Application for the replacement driveway is submitted to the ARA, unless granted a variance by the ARA.

## 9.0 SITE REQUIREMENTS: LANDSCAPING IRRIGATION & LIGHTING

### 9.01 Landscaping

All residential dwellings in Vintage Oaks at the Vineyard will be landscaped per the following guidelines. Before designing a landscape plan, it is imperative to understand a Lot's topographical features and how seasonal water run-offs will impact the plans and impact adjacent Owners' properties. Additionally, Hill Country indigenous wildlife (deer, armadillos, skunks, wild hogs, etc.) have an insatiable appetite for specific plants, trees, and shrubs. Temporary wildlife barriers are permitted, but only until landscaping matures, so the selection of wildlife-resistant plants and shrubs is essential. The goal of the herein below landscape guidelines is to integrate home design and community development with the inherent scale, form, massing, color, and texture of the natural Hill Country landscape. The Association should be contacted regarding any questions.

**Wildlife Barriers – Plants, Trees, and Shrubs:** The temporary use of discrete wire wraps to protect newly planted vegetation is allowed. These barriers do not require ARA review and approval; however, they are subject to compliance with construction material and maintenance requirements and duration of use. Use of these barriers beyond three growing seasons may become subject to a compliance review. Such wraps must be neatly maintained and enlarged when needed as protected landscaping matures. Plant barrier wraps measures are to be temporary in nature allowing plants and shrubs to achieve maturity within two or three growing seasons. Such wire wrappings can be applied to individual planted items or small groups of items (i.e., 2-4 plants or shrubs) in close physical proximity not to exceed an area length greater than ten (10') feet. Vertical support posts shall be green, brown, or black.

**Wildlife Barriers – Electric Hog Fencing:** The use of discrete electric fencing to protect Manicured Landscape areas (MLA) from feral hogs and other animal threats does not require ARA review and approval, however, this barrier is subject to compliance with construction requirements and maintenance of the barrier. Typically, the areas requiring protection are mulched flower beds and newly installed turf areas. The general guidelines for electric fencing include a maximum height of 24 inches; 1-3 wires; vertical posts/insulators in green, brown, or black; timer controls; and warning signage. Any electric fencing barriers erected by Owners that do not meet the guidelines above will be subject to compliance enforcement.

## 9.02 Landscaping Submission Requirements

The landscaping plan, which is subject to site conditions, will be a well-designed balance of trees, shrubs, grass, rocks, and existing native plants around the perimeter of each new residential dwelling. Well-balanced is defined as a consistent balance of shrubbery and greenery across the front envelope façade of the dwelling with no façade exposure of greater than three feet. This is accomplished by softening the impact of building facades, and/or slab foundations at ground level to alleviate the stark contrast between masonry and the area to be landscaped by using plantings. Landscape plans must be submitted for ARA review no later than thirty (30) days prior to completion, of the dwelling or upon the Owners' taking possession of the main residential dwelling. A landscape fee and or deposit is required prior to the start of landscape installation (deposit must be included with the landscape plan submission). Landscape plans and installation is subject to a final inspection by the ARA. . Landscape plans are expected to be completed within six (6) months of the issuance of the approval letter. The deposit will be returned when the landscaping job is complete and all landscape debris, including rockpiles, trees, and shrub debris, has been removed from the Lot.

Minor landscape changes such as the removal of plants or shrubs do not require ARA review, however, a substantial change of landscaping such as the removal of turf, or flower beds that are replaced with hardscape shall require ARA review. Substantial change is defined as improvements of considerable importance in size and scope that have a noticeable impact on the aesthetic of the property. Should landscaping die, Owners are expected to maintain their landscaping up to the standard of the initially approved landscape plan whether the landscaping was installed during the initial build process or acquired as part of a resale purchase. In the absence of a formal, recorded landscape plan, Owners are expected to follow the landscape standards as written in 9.04 Landscaping Requirements and Guidelines.

New Home Construction (NHC): The Owner should hold the builder responsible for removing piles of rock, mulch, and debris created during the initial construction process within six (6) months of taking possession of the dwelling unless an Owner notifies the ARA in writing such rocks are being held for use in their Landscape Plan. The Owner is responsible for removing all rock piles and debris from the Lot upon completion of their Landscape Plan especially if a phased approach is undertaken.

Supplemental Improvements: The Owner is required to remove excess builder material (rock piles, mulch, debris) within three (3) months of any Supplemental Improvement project. Supplemental accessory building structures must be landscaped with the same requirements as a new residential dwelling.

(a) Landscape plans will include the planting schematic, irrigation plan, and restoration plan. The plan must show the location of all residential improvements and the necessary plat data, setbacks, easements, etc., and include the items below:



- (i) Identify all existing landscaping to remain and all existing landscaping to be removed. (See Section 9.03 for additional requirements).
- (ii) Identify all locations and sizes of all proposed landscape materials.
- (iii) Identify proposed improvements such as, but not limited to, patios, decks, walkways, planters, stacked stones, gabion pillars, berms, retaining walls, landscape walls, fences, rockpiles, etc.
- (iv) Should an Owner or Builder opt for a phased approach and will add features/improvements over time, these future additions will also require ARA notification prior to installation. Each stage shall be completed within 90 days unless otherwise approved by the ARA.
- (v) Owners are responsible for temporary and permanent measures for slope stabilization and erosion control on lots or drainage easements. Landscape installation must not alter the drainage pattern of water across or off the Lot, nor may it interfere with any drainage easement on the Lot without a certified engineer's report. The Owner, not the Association, will be responsible for any damage to POA property or another Owner's property where natural drainage runoff slopes are changed.

Wherever applicable, Owners shall obtain a PIPROW (Private Improvement Within The Public Right-Of-Way) Permit from Comal County in order to make any modification to a drainage ditch located in a public right-of-way. Any such permit is the sole responsibility of the applying Owner, and the ARA makes no representation as to the feasibility, legality, or such other compliance of approved Improvements with any Applicable Law. Each Owner shall be responsible for verifying compliance of their Improvements with Applicable Law. If improvements are made to the ROW, such as but not limited to adding river rocks, decomposed granite, and the like, it is the obligation of the Owner to maintain this improvement. The obligation to maintain remains in place so long as the improvement remains.

(b) Builders of spec homes must also meet the 6-month deadline for landscape installation and completion upon giving notice that construction of the home is complete, and where no prospective buyer is under contract.

(c) Final inspection of the approved landscape installation will be completed by the ARA. Compliance deposits will be returned after the final inspection. Fines may be assessed against the deposit if it is determined the installed landscaping has not followed the guidelines or the approved plan. The ARA may approve the landscaping as presented or may require additional modifications in order to grant final approval.

### 9.03 Landscaping Design Guidelines - General

Landscape plans and grading plans will typically address two distinct landscape zones (the “Native Landscape Area” and the “Manicured Landscape Area”) and the creation of a defined edge between these two zones. If there are existing conditions that prevent the ability to designate these two distinct zones in a landscape plan, please provide a detailed explanation when submitting a landscape plan.

The Native Landscape Area (NLA) includes portions of the Lot outside of the building envelope. The NLA is to remain predominantly undisturbed during site development. The NLA can extend to the Building Envelope to reinforce the relationship between the building and the landscape.

*The “Building Envelope” is defined herein as the area in which the house can be built. The Building Envelope is generally understood by Builders as the “footprint” of the house; including fifteen (15’) to twenty (20’) feet around the perimeter of the home.*

Unless specifically approved by the ARA, all construction, excavation, cut and fill slopes, vegetation and hardwood tree removal, and other forms of disturbance are prohibited within the NLA. All portions of the NLA that are disturbed during construction shall be re-vegetated with plant materials indigenous to the area. The introduction of plant materials into the NLA that are not indigenous is prohibited.

The Manicured Landscape Area (MLA) is the second zone and generally includes areas within the Building Envelope. This area allows for a more formal landscape treatment adjacent to the main residential dwelling. The front of the Building Envelope, generally the front, street-facing side of a residence must be fully landscaped with inground plants and shrubs. The use of planters, whether constructed of metal, wood, or ceramic, in place of inground plants on the front envelope of the residence is prohibited, unless otherwise approved by the ARA.

Within the MLA, there are three distinct areas where landscaping must be considered. Note: The NLA or the Natural Landscape Area may not extend within the Building Envelope.

- i. The front foundation, or street-facing façade of the structure
  - o Contains the greatest area requirement for greenery within the building envelope.
  - o Porches and concrete stairway expanses do not need to be painted or planted.
- ii. The side foundation of the structure, or side envelope
  - o Any portion of the foundation on the left or right side of a home within the building envelope may be landscaped as described for the front, street-facing side of the home, or hardscaped, sodded, and/or painted depending on the exposed slab as noted in iii below.

- iii. The exposed slab of any side foundation.
  - o Exterior finish materials must extend to within eighteen inches (18”) of finished grade on three sides (not including the back) of the main residential dwelling. In areas prohibitive to planting vegetation, such as septic systems, A/C units, pool equipment, etc. the exposed foundation shall be painted a color complimenting or matching the home. All exposed side foundations with exposed eighteen inches (18”) of the slab must be painted to match the stone or stucco of the home, in addition, plants may also be added as noted in ii above.

Underground irrigation systems are highly encouraged to permanently support native plantings adjacent to manicured landscaped areas. Ornamental plants and water feature decorations are permitted, but such features should be planned carefully to conserve the use of water and maintain the natural character of the site.

Owners are encouraged to practice water conservation measures within their homes to efficiently manage their water use. Droughts are common in the central-south Texas climate and can result in the local water authority imposing mandatory drought and water conservation restrictions which limit the amount and time at which water can be used by residents.

Unimproved Lot Management. Vacant lots, often referred to as undeveloped property are often left as their complete Natural Landscape Area (NLA). In extreme situations referred to as “exceptional drought” conditions may require mowing to reduce the fire hazard potential. Categories regarding droughts may be found on the NIDIS, or National Integrated Drought Information System website. Tall native prairie grasses as well as native shrubs such as the Roosevelt weed are known for their high flammability. The Association will make every effort to notify Owners to take needed safety precautions well in advance of issuing a forced maintenance mow assessment at the Owners’ expense in which these lots will require immediate mowing of the tall native grasses and shrubs.

The Association shall have the right, but not the obligation, to maintain the grass and other landscaping on each unimproved Lot, at the Owners’ expense. For purposes of this Section 5.1 (f), an unimproved Lot shall mean a Lot without a dwelling.

#### **9.04 Landscaping Requirements and Guidelines**

- (a) Preservation of existing vegetation and natural features is encouraged. Prior to implementing your landscape plan, it is imperative to understand your lot’s topographical features and how seasonal water run-offs may impact your plan.

(b) In order to plan your landscaping plant species accordingly, please carefully review the plant list in the Landscape Plan provided by the Association, contact your local nursery, or visit the following websites:

(i) <https://aggie-horticulture.tamu.edu>

(ii) <https://www.hillcountrygardens.com>

(c) A list of plants and plant sizes must be listed on the Landscape Plan. Full five (5) gallon plants or plants that are at least 18-24 inches in plant maturity are required along the front, street-facing side of the foundation of the main residential dwelling which must be screened.

The use of five (5) gallon plants will often allow for sufficient growth in the planting season so that the plant may survive the occurrence of a periodic Hill Country freeze. When freezes do occur, dead plantings should be quickly removed and replanted by the next growing season as soon as available greenery can be obtained. Frequently, hardier perennials that have better root systems can be pruned back, and they will regrow once the growing season is in progress. Landscape requirements must be followed whether they are for new home construction or a resale property purchase's landscape makeover.

(d) Foundation screening, within the building envelope, is accomplished through the planting of greenery (shrubs and plants) whether for the main dwelling or an accessory building structure. The front, street-facing sides of structures must be landscaped with plants and shrubs that are reasonably spaced (no more than three (3') between plants), which allows for growth, maintenance, and disease control. The use of trees is not a screening tool for foundations or facades. Homes, with or without exposed foundations are expected to be landscaped on the front envelope of the structure to improve curb appeal and to maintain continuity throughout the Community. Exceptions will be reviewed by the ARA on a case-by-case basis.

(e) In consideration of Texas droughts, the space for planting within the building envelope shall include a minimum area of ten (10') to twelve (12') feet. On the street-facing façade of the structure, no less than 75% of the area must be screened adhering to the minimum spacing requirements in (d) above. The side envelope of the structure may be planted, or hardscaped, or sodded, and painted (Refer to 9.03 (b)(ii)(iii)) in accordance with Owner preferences.

Choosing plants and shrubs wisely is essential to meeting landscaping

conditions and restrictions. The environment and animal populations must be factored into planting decisions. Temporary wildlife screening, other than hog fencing is permitted but only to give plants time to mature and must not be used as permanent structures.

- (f) The use of nonliving materials such as silk or plastic flowers/plants, driftwood, or ornamental artwork, and the like placed along the front envelope of the dwelling in place of inground plants does not meet the front envelope of the structure landscaping requirements. Artificial or nonliving plants, vines, and shrubs placed on arbors or trellises are not permitted. Owners are encouraged to provide a mix of vegetative types within the Manicured Landscape Area, including shrub beds, perennial beds, trees, container plants, and turf.
- (g) Landscape Berms. With ARA approval, landscape berms are permitted with a maximum height of the mulched structure being three (3') feet and a maximum length of up to sixty (60') feet.
- (h) Walls must be stone or masonry and must follow all fencing guidelines including the limitation on location and size. Masonry walls may be allowed by the ARA upon review only and must meet specific aesthetic requirements. Walls must be no taller than four (4') feet from ground level to the tallest portion of the wall or column, except for the masonry walls used to screen garbage and recycle containers, which may be up to five (5') feet from ground level to the tall portion of the wall or column. Stacked stone and masonry walls are also permitted with a maximum height of four (4') feet and a maximum length of twenty (20') feet.

Masonry screening walls within the building envelope (within all building setbacks) may be allowed upon review. Masonry screening walls constructed to form a courtyard may be allowed upon review. Walls may not be located on the easement unless approved by the easement owner (i.e. Utility company) but may extend to the property line.

- (i) Builders and Owners should be aware the use of turf grass or river rock beds without the presence of in-ground shrubs and plants does not satisfy the definition of a "fully landscaped" front of the structure envelope. Plants set in decorative pots and set adjacent to the front street-facing façade of the dwelling in place of in-ground plants do not meet landscaping requirements.

- (j) Two (2") inches of mulch, organic or rubber, is required for all shrub and bed areas. Owners should add mulch to flower beds as weather, wind, or water conditions erode bed areas and unsightly woody remnants remain.
- (k) Turfgrass shall have a recommended minimum of four (4") inches of native soils or improved soils. Caliche is not permitted.
- (l) Paint choices should match the stone or stucco colors of the primary residence. Additionally, accessory structures (workshops, detached garages, casitas, cabanas, and the like) and outbuildings (sheds, equipment storage, conservatories, and the like) that require foundations will be held to the same foundation screening requirements as the primary residence structure.
- (m) Owner utility or breaker box screening requires approval by the ARA. Three options are permitted: Painting to match the paint on the main dwelling or planting evergreen shrubs or placing composite screening that has been painted to match the dwelling. Composite screens must not exceed the height or width of the utility box being screened. Owners are encouraged to contact public utility customer service before screening or covering public utility boxes. Any screening performed on these boxes or pedestals by the Owner is subject to any screening conditions or restrictions as designated by the Community governing documents. Evergreen shrubs that do not lose their leaves annually are recommended for use in screening the dwelling or utility boxes.
- (n) All plant materials introduced at Vintage Oaks at the Vineyard should be native to the state of Texas. To determine which plant species are appropriate, please reference the Tree, Shrub, Plant, and Turf Grass Reference List (the "**Landscape Reference List**") attached hereto as Appendix B. Owners may also find Vineyard Owner's Portal and in the applicable set of design guidelines for your Lot.
- (o) Artificial turf in the front yard is permitted. The type and quality of the artificial turf must be clearly indicated in the plan. All landscape plans using artificial turf must be submitted to the ARA for approval.
- (p) The use of natural turf grass is encouraged. *Prior to determining your turf area, consider local water company rates/cost and drought management policies.* Turf grass shall be limited to an area no more than 1.5 times the main residential dwelling foundation footprint with a 12,000 sq. ft. maximum. The measurement shall be based on the square footage of the main residential dwelling and the garage, but not the driveway or patio.

The turf grass layout and the irrigation system may be adjusted to fit certain site-specific situations.

Guidance turf grass proportion to main residential dwelling size

Sq/Ft	1.5 times footprint
2,500	3,750
3,000	4,500
3,500	5,250
4,000	6,000
4,500	6,750

- (q) Xeriscaping Requirements: In both the Manicured Landscape Area and the Natural Landscape Area, one hundred percent (100%) rock and stone landscaping is permitted but must meet ARA approval and all xeriscaping policies adopted by the Association. Rock landscaping must contain some diversity and variation in the elements used (dry river beds, out-croppings, color, etc.). The rock pattern must complement the inherent scale, form, massing, color, and texture of the natural landscape. Additionally, the front street-facing envelope of the dwelling must still be screened with live, in-ground plants as noted in (c – f) above.
- (r) Sound horticultural practices, as recommended by the Texas Forest Service, are required to prevent the establishment or spread of Oak Wilt. Specific recommendations include:
  - (i) Tree pruning tools and blades should be sterilized prior to and between cutting any oak trees. The planting of red oaks is strictly prohibited since the fungal mats at the base of the red oaks are the only vector by which oak wilt is spread by insects.
  - (ii) The pruning of oak trees is prohibited from February 1 to June 15.
  - (iii) Pruned trees and/or wounds should be immediately protected within 15 minutes of the cut with tree paint (approved example: Treekote Tree Compound) or black spray paint.
- (s) All firewood shall be stacked and neatly organized. Stacks may be located in the backyard extending laterally to the property line from the

rear corners of the dwelling unless otherwise approved by the ARA. Firewood must not be stacked against the front or sides of the main dwelling or any accessory structures.

**Landscape Irrigation** - A plan and schematic for an irrigation system must be included.

- (i) The use of typical drip irrigation or pop-up heads that conserve water is encouraged. Note: The use of drip irrigation lines and soaker hose lines is typically permitted by local water service companies beyond days when rotary spray and pop-up heads are restricted. Refer to local water service companies' drought management guidelines for more information.
- (ii) All in-ground irrigation systems installed are to be zoned based on plant watering requirements and be equipped with rain and/or moisture sensors.
- (iii) No irrigation is permitted in our typical rural section (standard roadside ditch layout we have in Vintage Oaks at the Vineyard). Watering of the area from the edge of the paving and the right-of-way line is permitted, but no sprinkler heads are allowed in the right of way. With sprinkler heads on private property, the irrigator can spray the grass in the right of way up to the edge of paving as long as they do not spray the pavement.
- (iv) Pressure-reducing valves and/or remote control valves are required for each station with flow control. A pressure-reducing valve installed in-line at the meter serving the house and as well as the irrigation system is acceptable.
- (v) A backflow prevention device installed upstream of the irrigation system (which is to be inspected yearly by a qualified inspector in accordance with state law) is required. Not every such device meets the requirements of state law so consult with your irrigator or contact the local water supply service. Backflow prevention devices may be covered for protection against wildlife and weather. Acceptable covers are standard BFV covers in brown or hunter green, or with artificial stone-like covers.

#### **9.05 Landscape Lighting**

Homeowners are encouraged to reference the Hill Country Alliance website for a list of recommended light fixtures: <https://www.hillcountryalliance.org>.

The International Dark Skies (IDA) Outdoor Lighting Basics: Modern society requires outdoor lighting for a variety of needs, including safety and commerce. IDA recognizes



this but advocates that any required lighting be used wisely. To minimize the harmful effects of light pollution, lighting should:

- Only be on when needed
- Only light the area that needs it
- Be no brighter than necessary
- Minimize blue light emissions
- Eliminate upward-directed light

All exterior lighting, including LED light arrays, or solar lights must be approved by the ARA whether for use on the home exterior, in the front of the home in landscaping, or for use in the backyard. Low voltage, downward-directed lighting is required to reduce glare and light pollution. The location, placement, and direction of all lighting, whether for security or decoration, including solar lights, should enhance the landscape and dwelling and must not encroach upon the adjacent property.

Unshielded fixtures that cast a bright light, or colored light, especially when left on past 11:00 pm that spills onto adjacent property, or into an adjacent home is known as “light trespass.” Property management will investigate complaints related to light trespass or colored lighting left on all night as it may be a nuisance source when left on when the area is not in use, or when adjacent Owners object to the light trespass.

If the landscape plan is to include landscape lighting, the submitted plan must include a lighting plan. Landscape lighting shall be installed to minimize the visibility of the light source and to minimize light pollution of the night sky. Dark skies are essential to the unique natural character of this community, and all landscape lighting should be maintained in such a way as to preserve the quality of nighttime darkness enjoyed by the community. The Property Manager will investigate complaints related to any lighting left on all night in the backyard as it may be subject to being a source of complaint if adjacent neighbors object to the light glare.

Additional requirements include:

- (a) Fluorescent, metal halide, and low-pressure sodium lamps are prohibited, as are exposed bulbs or wrap-around lenses.
- (b) Low voltage, low wattage lighting with a maximum of 45 watts is allowed for address markers and entry gates.
- (c) Pole lights will be reviewed on a case-by-case basis. ARA approval must be secured prior to installation even when lights are added after the initial Application Plan approval and completion have occurred.
- (d) Decorative or lantern fixtures shall have a maximum of 45 watts and downward lighting is encouraged.

- (e) Permanent colored bulbs or LED lights are prohibited in street fronting light fixtures but are permitted for ground-level driveway markers.
- (f) Color lighting is permitted for use in backyards or interior courtyards but must be turned off after 11:00 pm.
- (g) All decorative lighting, such as light ropes, soffit lighting, or light strings, must be turned off after 11:00 pm.
- (h) All path, landscape, and pillar lighting must consist of lamps emitting no more than 750 Lumens. Path, landscape, and pillar lighting shall have a maximum height of thirty-six (36") inches". Flicker-flame lighting is permitted with ARA approval.
- (i) Strobe lights are prohibited.

### **LANDSCAPE PLAN CHECKLIST**

The following items represent minimum requirements. Additional information may be required if deemed necessary by the ARA.

#### **LANDSCAPE DESIGN**

One set of completed final design plans shall be submitted electronically and shall include:

- Site plan
- Owner's Landscaping Deposit Agreement
- Owner's Landscaping Deposit
- Final landscape plan (due 30 days prior to substantial completion/move-in)
- Exterior and landscape details (include: location, color, and materials of retaining walls)
- Grading and drainage plans
- Plan cannot be at an Architect's scale, engineering scale only
- Location, type, quantities, and sizes of proposed plants (identify plants, not on approved list)
- All hardscape materials, details, specifications, and colors
- Irrigation plans (temporary irrigation for restoration of the NLA)
- Restoration plan

## **10.0 ADDITIONAL REQUIREMENTS**

### **10.01 Propane Storage Tanks**

Propane storage tanks shall not be visible from the road or an adjacent Lot and must be buried in the ground or fully screened with masonry walls matching the masonry type, color, and style of the dwelling. The use of live-plant screening is prohibited. Propane tank location and screening must be approved by the ARA *prior* to installation. Refer to Section 7.03 Walls for additional information on screening requirements.

### **10.02 Drainage and Drainage Easements**

There shall be no interference with the established drainage, including a drainage easement, over any portion of the Property, including the Lots, except by Association, unless adequate provision is made for proper drainage and such provision is approved *in advance* by the ARA. Specifically, and not by way of limitation, no improvement, including landscaping, may be installed which impedes the proper drainage of water between Lots. Refer to *Section 9.02* for additional details.

### **10.03 Storage of Recreational Vehicles and Equipment**

Recreational vehicles may not be kept on the property prior to the main dwelling being built. After the dwelling is complete, such items may be kept on the property as long as they are kept stored in a garage serving the lot.

APPENDIX A

SECTION	LOT #	MAX BUILDING HEIGHT		SET BACKS*					
		HOME	ACCESSORY BUILDINGS	FRONT		REAR		SIDE	
				Lft	Rt	Lft	Rt	Lft	Rt
All sections/Units (except as below)	All Lots	35'	Height of main dwelling	50'		50'		10'	
Unit 30	All Lots	35'	Height of main dwelling	25'		50'		10'	

\*Note: For all corner lots, the setback from the side street is 25'.

BUILDER SIGN/SAMPLE SIGN

**PURCHASED**

**AVAILABLE**

24"

36"

PMS 468

PMS 377

PMS 4625

## ARA HOME CONSTRUCTION CHECKLIST

1. Before Construction:
  - Dumpster (30 cubic yard minimum)
  - Dump Box (8' x 8' plastic lined)
  - Chemical Toilet
  - Construction Entrance with culvert if culvert is required for adequate drainage
  - Fire Suppression Equipment
  - Site must be kept clean and free of trash and debris
  - Receipt of Builder Deposit
  
2. Construction Phase:
  - Verify site location. i.e.; Compliance to setbacks.
  - Clean site being maintained.
  - Periodic site visit to check for compliance.
    - Masonry or Exterior Materials
    - Roof Materials
    - Colors (if applicable)
  - Paved Road Inspection for Damage
  
3. Final Inspections:
  - Meet restriction requirements including drives, fencing, landscaping, road damage, etc.
  
4. Refund of Builder Deposit.

## NOTICE TO ALL BUILDERS

All Builders are required to follow these Workplace Standards In Vintage Oaks at the Vineyard.

1. Vintage Oaks at the Vineyard is a SouthStar Community “*Clean Site*” All Builders are required to do the following **prior** to starting home construction:
  - Place a dumpster on the lot (site must be kept clean at all times);
  - Dump Box (8’ x 8’ plastic lined);
  - Place a chemical toilet on the Lot;
  - Install a construction entrance (minimum of 1½" to 3" rock) and culvert if culvert is required for adequate drainage; and
  - Fire suppression equipment must be on site.
  
2. During construction the following items are prohibited:
  - Possession, consumption or use of alcohol or drugs
  - Possession of animals
  - Possession or use of firearms
  - Loud music
  - Traveling within the Development unnecessarily
  - Using any common area or amenity

Contractors are required to continuously abide by these workplace standards on this SouthStar Community. Violations are subject to fines, at the discretion of the Vintage Oaks at the Vineyard Property Owner’s Association Board.

**APPENDIX "B"**  
**VINTAGE OAKS AT THE VINEYARD**  
**TREE, SHRUB, PLANT, AND TURF GRASS REFERENCE LIST**

The following list should be used as a starting point for selecting plants in Vintage Oaks at the Vineyard. Requirements for specific Lots may be more or less restrictive depending on the landscape indigenous to the immediate site and the location of the site within the community.

Plants identified with an asterisk (\*) at the end of the common name have shown some resistance to deer grazing, however, drought conditions and other situations may cause a food shortage and all plant material may be susceptible to deer grazing.

In addition to the plant list defined for the NLA, the following selection of plants is appropriate for use in (MLA/ELA) landscaped areas that have a direct relationship with the main residential dwelling. The Enhanced Landscape (ELA/MLA) must be contained within clear boundaries, beyond which only plants for the Native Zone are allowed.

*Caution: The use of San Augustine for turfgrass is prohibited. Also, due to the prevalence of Oak Wilt found in Red Oak trees, the planting of Red Oaks is prohibited. Some native grasses and shrubs are quite hardy and prolific sprouters. Not all are desirable. One such plant is the Bacchari Neglecta, better known as the "Roosevelt Weed". This shrub is known for its highly flammable nature and it is extremely invasive, For more information on managing this plant go to: <https://www.landmarkwildlife.com/willow-baccharis-texas-tough/>*

[PLANT REFERENCE CHART FOLLOWS]



**TREES**  
*Red Oak is Prohibited*

<i>Botanical Name</i>	<i>Common Name</i>
<b>Aesculus Arguta</b>	Texas Buckeye*
<b>Chilopsis Linearis</b>	Mesquite
<b>Cercis Canadensis.</b>	Redbud
<b>Cornus Drummondii</b>	Roughleaf Dogwood*
<b>Diospyros Texana</b>	Texas Persimmon*
<b>Fraxinus Texensis</b>	Texas Ash
<b>Leucaena Retusa</b>	Goldenball Leadtree*
<b>Quercus Fusiformis</b>	Escarpment Live Oak
<b>Rhus Lanceolata</b>	Flameleaf Sumac*
<b>Sophora Secundiflora</b>	Mountain Laurel*
<b>Ulmus Crassifolia</b>	Cedar Elm
<b>Ungnadia Speciosa</b>	Mexican Buckeye*
<b>Comus Florida</b>	Flowering Dogwood
<b>Cotinus Obovatus</b>	Smoke Tree
<b>Ilex Deciduas</b>	Possumhaw
<b>Ilex Vomitoria</b>	Yaupon Holly*
<b>Lagerstroemia Indica</b>	Crepe Myrtle
<b>Prunus Mexicana</b>	Mexican Plum
<b>Quercus Macrocarpa</b>	Bur Oak
<b>Sophora Affinis</b>	Eve's Necklace
<b>Taxodium Distichum</b>	Bald Cypress

<b>Ulmus Parvifolia Sempervirens</b>	Lacebark Elm
<b>Vitex Agnus-Castus</b>	Vitex
<b>SHRUBS</b>	
<b>Roosevelt Weed or Bacchari Neglecta is prohibited</b>	
<i>Botanical Name</i>	<i>Common Name</i>
<b>Anisacanthus Wrightii</b>	Flame Acanthus*
<b>Lantana Horrida</b>	Texas Lantana*
<b>Opuntiaspp</b>	Cactus*
<b>Rhus Virens</b>	Evergreen Sumac*
<b>Salvia Greggii</b>	Autumn Sage*
<b>Abelia spp</b>	Abelia*
<b>Aspidistra Elatior</b>	Cast-Iron Plant*
<b>Aucuba japonica</b>	Japanese Aucuba*
<b>Berberis Thunbergii</b>	Redleaf Barberry*
<b>Berberis Trifoliolata</b>	Aagarita*
<b>Buxus Microphylla</b>	Boxwood*
<b>Cotoneaster Dammeri</b>	Coral Beauty Cotoneaster*
<b>Elaegnus spp</b>	Elaegnus*
<b>Fatsia japonica</b>	Japanese Aralia*
<b>Hypericum spp</b>	Hypericum*
<b>Hesperaloe Parvaiflora</b>	Red Yucca*
<b>Ilex Comuta</b>	Dwarf Chinese Holly*
<b>Ilex Vomitoria</b>	Dwarf Yaupon*

<b>Ligustrum Luicidum 'Variegated'</b>	Variegated Ligustrum
<b>Leucophyllum spp</b>	Texas Sage*
<b>Myrica Cerifera</b>	Southern Wax Myrtle*
<b>Nandina spp</b>	Heavenly Bamboo*
<b>Nerium Oleander</b>	Oleander*
<b>Pyracantha Coccinea</b>	Pyracantha*
<b>Raphiolepis Indica</b>	Indian Hawthorn
<b>Rosmarinus Officinalis</b>	Rosemary*
<b>Santolina Chamaecyparissus</b>	Gray Santolina
<b>Yucca spp</b>	Yucca

**ANNUALS, PERENNIALS & GRASSES**

<i>Botanical Name</i>	<i>Common Name</i>
<b>Amblyolepis Setigera</b>	Huisache Daisy
<b>Aster Oblongifolius</b>	Autumn Aster*
<b>Bouteloua Gracilis</b>	Blue Grama
<b>Buchloe Dactyloides</b>	Buffalo Grass
<b>Car Ex Piano Stachys</b>	Cedar Sedge
<b>Castilleja Indivisa</b>	Indian Paintbrush
<b>Coreopsis Tinctoria</b>	Calliopsis
<b>Gaillardia Pulchella</b>	Indian Blanket
<b>Liatris</b>	Gayfeather
<b>Linum Lewisii</b>	Blue Flax

<b>Lupinus Texensis</b>	Bluebonnet
<b>Melanpodium Leucanthum</b>	Blackfoot Daisy
<b>Melica Nitens</b>	Three-Flower Melic
<b>Muhlenbergia Reverchonii</b>	Seep Muhly
<b>Malvaviscus Arboreus</b>	Turks Cap*
<b>Rudbeckia Hirta</b>	Black-Eyed Susan
<b>Salvia Coccinea</b>	Scarlet Sage
<b>Salvia Engellmannii</b>	Englemann Sage
<b>Salvia Farinacea</b>	Mealy Blue Sage
<b>Achillea spp</b>	Yarrow*
<b>Malvaviscus Arboreus</b>	Turks Cap*
<b>Nolina Texana</b>	Sacahuista*
<b>Pennisetum spp</b>	Fountain Grass
<b>Poliomentha Longiflora</b>	Mexican Oregano*
<b>Salvia Leucanthia</b>	Mexican Bush Sage*
<b>Salvia Roemeriana</b>	Cedar Sage*

**FLOWERS, FERNS AND HERBS**

<i>Botanical Name</i>	<i>Common Name</i>
<b>Ageratum spp</b>	Ageratum*
<b>Begonia spp</b>	Begonia*
<b>Coreopsis Grandiflora</b>	Coreopsis*
<b>Coreopsis Lanceolata</b>	Lanceleaf Coreopsis*
<b>Cosmos Bipinnatus</b>	Cosmos*

<b>Echinacea spp</b>	Purple Cone Flower*
<b>Iris spp</b>	Iris*
<b>Lupinus Texensis</b>	Bluebonnet*
<b>Nephrolepis spp</b>	Sword Fern*
<b>Salvia Farinacea</b>	Mealy Blue Sage
<b>Salvia spp</b>	Indigo Spires*
<b>Senecio Cineraria</b>	Dusty Miller*
<b>Tagetes spp</b>	Mexican Mint Marigold*
<b>Thelypteris Kunthii</b>	Wood Fern*
<b>Verbena Tenuisecta</b>	Moss Verbena*
<b>Vinca Rosea</b>	Periwinkle*
<b>Zinnia spp</b>	Zinnia*

**GROUND COVERS**

<i>Botanical Name</i>	<i>Common Name</i>
<b>Ophiopogonjaponicus</b>	Mondo Grass
<b>Thymus spp</b>	Creeping Thyme
<b>Trachelospermum Asiaticum</b>	Asian Jasmine

**LAWN/TURF GRASS**

<i>Common Name</i>
Bermuda, Improved Varieties Zoysia, Improved Varieties
Buffalo Grass, Improved Varieties

**VINES**

<i>Botanical Name</i>	<i>Common Name</i>
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<b>Bignonia Capreolata</b>	Crossvine
<b>Campsis Radicans</b>	Trumpet Vine
<b>Clematis Texensis</b>	Scarlet Leather-Flower
<b>Ficus Pumila</b>	Fig Ivy
<b>Gelsemium Sempervirens</b>	Carolina Jessamine
<b>Lonicera Sempervirens</b>	Coral Honeysuckle
<b>Parthenocissus Quinquefolia</b>	Virginia Creeper
<b>Passiflora Incarnata</b>	Passion Flower
<b>Wisteria Sinensis</b>	Wisteria

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*Bobbie Koepf*