

KING OAKS
ARCHITECTURAL AND SITE DESIGN GUIDELINES

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KING OAKS

ARCHITECTURAL AND SITE 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 King Oaks (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. Our intent is to expedite your process of building an exceptionally high quality residence. Throughout the course of the development, we may review and revise these Architectural and Site Design Guidelines (the “**Guidelines**”), as necessary to reflect changing conditions.

1.02 Relationship to Legal Documents

The Guidelines are supplementary to the Declaration of Covenants, Conditions and Restrictions for King Oaks, which are recorded as Document No.00212660, in the Official Public Records of Grimes County, Texas, as amended and supplemented (the “**Declaration**”). The criteria are intended to complement the Declaration and should a conflict arise, the Declaration shall prevail.

1.03 Community Master Plan

King Oaks is a planned community that includes approximately 953 acres located at 12175 CR 175, Iola, TX, 77861 in Grimes County, Texas. The Community includes parks, ponds, picnic areas and walking trails.

2.0 Organization & Responsibilities of the Architectural Review Board (ARB)

2.01 Mission and Function

The Declaration states that no structure is to be erected in the Development without being approved by the Architectural Review Board (the “**ARB**”). The Guidelines are used by the ARB for the evaluation of projects submitted to the ARB for approval. The final decision of the ARB may be based on purely aesthetic considerations. It is important to note that these opinions are subjective and may vary as committee members change over time. Southstar at King Oaks, LLC, a Texas limited liability company (the “**Declarant**”) reserves the right to revise and update the Guidelines as well as the performance and quality standards to respond to future changes.

2.02 Membership

At present, the ARB is comprised of 2 members appointed by the Declarant. The right to appoint members to the ARB shall be retained by the Declarant until ninety-five percent (95%) of the total number of lots permitted by the Master Plan for King Oaks have residential dwellings located thereon which have been completed. Upon transition from Declarant control, the elected Board of the King Oaks Property Owner’s Association (the “**Association**”) shall constitute the ARB and shall have the authority to delegate the responsibilities of the ARB to a committee of Members or consultants in accordance with Article 9.2 of the Declaration.

The Declarant, along with the separate management entity (the “**Manager**”), may review and approve new construction with the assistance of an architect or other design professional. Until transition, the Declarant may but is not obligated to appoint a resident to the ARB.

2.03 Scope of Responsibility

The ARB has the following responsibilities:

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

2.04 Architectural Review Application and Meeting

An Architectural Review Application is required of every Owner before any new construction may begin on a Lot. Approval of the primary dwelling for the Lot is to be initiated prior to a request for any other structure or new construction. For example, landscape and pool/water feature design approvals are not permitted until the approval of the primary dwelling is given by the ARB.

In addition, both a pre-construction and a post-construction on-site meeting between the Owner, the Builder, and the Manager are 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 home dwelling. The Owner and the Builder are both required to sign the agreement acknowledging review, receipt and acceptance of the Guidelines.

2.05 Enforcement Powers

In accordance with Article 9 of the Declaration, all exterior structures, exterior home dwelling improvements, and exterior home modifications require a review by the ARB. A processing fee will be incurred for every plan submitted to the ARB, unless the submittal does not require an architect review, as determined by the ARB. 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, greenhouses, and permanent basketball goals. Any structure or improvement that is placed on any Lot without ARB approval is considered to be in violation of the Declaration and the Guidelines. The ARB has the power to request that the non-conforming structure be brought into compliance at the owner’s expense.

2.06 Limitation of Liability

Approval by the ARB 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 ARB 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 commencement of

construction. The Declarant, the Association, the Board, 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 home site.

3.0 The Design Review Process

3.01 Review of Plans

The ARB will review design submissions. There is one submission in the design review process during which the architectural and site requirements are reviewed by the ARB. The ARB administrator will review submissions in advance of the scheduled meeting. Submission requirements are outlined in Section 9.3 of the Declaration and Section 5.01 of these Guidelines.

3.02 Conditions of Approval / Rejection of Plans

Approval by the ARB shall in no way relieve the owner of responsibility and liability for the adherence to any applicable ordinances and codes. Plans submitted for review or any portion thereof may be disapproved upon any grounds, which are not consistent with the purpose and objectives of the ARB, including purely aesthetic considerations.

3.03 Architectural and Contractor Requirements

Unless otherwise approved in advance by the ARB, all plans for the construction of dwellings and 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.

3.04 Final Review

The ARB will perform a final review of each submittal. The ARB reserves the right to make design comments on any plan during this review.

3.05 Additional Meetings with the ARB

If an application for approval is denied or conditions are unacceptable, the applicant may request an additional meeting to discuss the plans with the ARB or an ARB representative.

3.06 Variances

The ARB may, from time to time, grant variances in accordance with section 9.7 of the Declaration. The ARB will grant or deny the variance request in writing. No variances are allowed unless the applicant has received a written notice of approval from the ARB. Any variance granted is unique and does not set any precedent for future decisions of the ARB.

3.07 Builder Compliance Deposit

Builder Compliance Deposit (the “**Builder Deposit**”) amount has been established and published by the ARB. The Builder Deposit must be included with the submission. Submissions received without the Builder Deposit will be considered incomplete, and may be returned to the Owner. The ARB 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. The builder can be fined for violation of the “Clean Site” standards at the discretion of

the ARB. 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 home construction. All deposit refunds must be requested in writing within twenty-four (24) months of application approval or it will become non-refundable.

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 Design Review Fees

Design review fees may be established and published by the ARB. The purposes of these fees are to cover all expenses related to the processing and review of applications for construction. The Board reserves the right to change or waive these fees from time to time without prior notice.

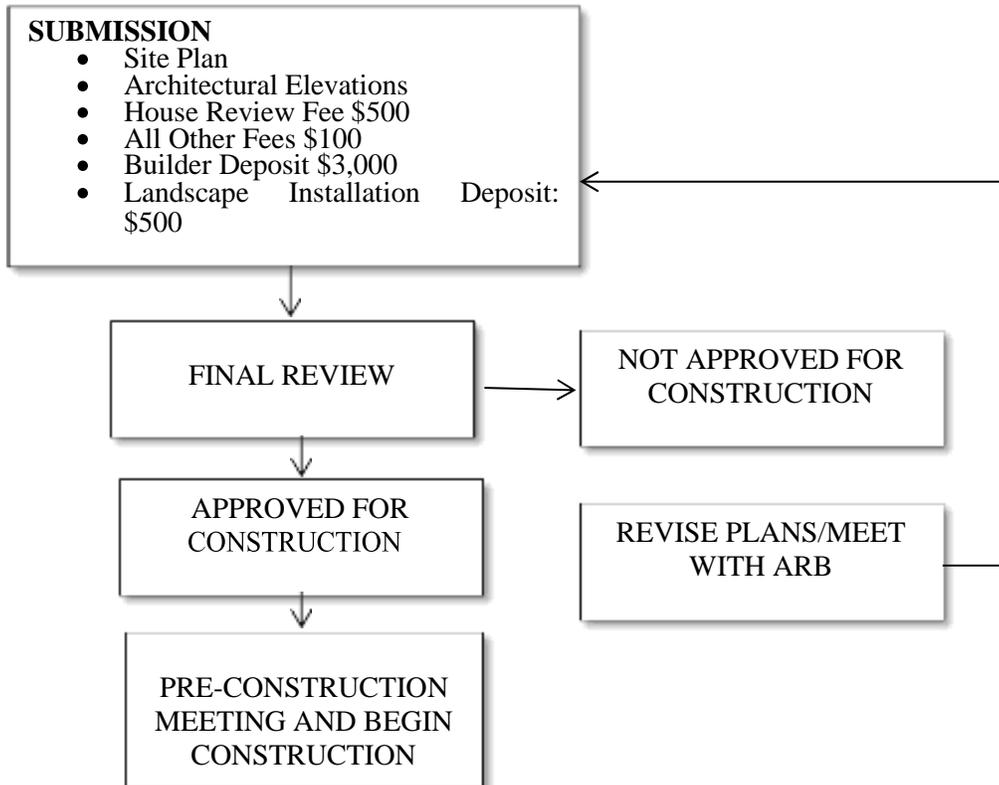
3.09 Renovation / Additions to Existing Structures

All renovations, additions, or improvements to existing structures shall be approved by the ARB. The applicant shall submit plans showing the nature of the work to be performed with the review fee, if any.

3.10 Final Approval

The final approval letter is issued after the ARB approves the submitted plans for construction.

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'x2' Plastic Lined Dump Box;
- Chemical Toilet;
- Construction entrance with culvert (if necessary); Permanent culverts must have concrete end treatments;
- Fire suppression equipment;
- Site must be kept clean and free of trash and debris;
- All construction vehicles must use posted construction entrance into community.

4.02 Construction Time Limit

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

If construction has not commenced within one year after the date of the final approval, it shall be deemed to have expired unless applicant, prior to such expiration date, has requested and received an extension in writing from the ARB.

4.03 Builder's Sign

Builder signs, if desired, may be placed on site two weeks prior to home construction. The sign shall remain properly installed throughout construction. Upon completion of home construction, the builder sign must be removed within 14 days. Builder signs shall not be allowed on vacant Lots or at any time other than construction of the home.

Builder model or speculative home monument signs are strictly prohibited.

All signs shall be placed on the front property line at the center of the lot. The sign cannot be any higher than 72 inches from the ground to the top of the sign and shall be no larger than 4 feet and 4 feet.

Subcontractor signs are not allowed on the property. Any additional signage or displays found on a jobsite may be removed at any time without warning.

4.04 Chemical Toilet

A temporary chemical toilet shall be provided and maintained for the use of construction workers on the construction site. The chemical toilet may be placed anywhere on the Lot as long as the

entry into the chemical toilet does not open into the street. However, it is advised that the chemical toilet be placed several yards away from 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.

4.06 30 Cubic Yard Dumpster

A dumpster (minimum of a 30 cubic yard) or approved equivalent 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 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

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.

The individual Owner, 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 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 70% of the native background vegetative cover has been established. At that point, the permit should be terminated. If you, the Owner, hire 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 you perform the general contracting duties yourself, you would be the “operator” and would be responsible for these requirements. An environmental consulting firm may assist with the preparation of a stormwater permit application.

For additional information concerning TCEQ permitting requirements, you can access their web site at www.tceq.texas.gov.

4.08 Dump Box

An 8’x8’x2’ dump box lined with plastic shall also be constructed on each Lot for the deposit of materials such as concrete, drywall related products, paint, brushes, 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. 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 Property for Compliance

The right of entry and inspection is specifically reserved for the ARB, its agents, and representatives. The Manager will make periodic inspections during the entire construction period in order to verify compliance with the Guidelines. The Owner will be notified in writing, with a copy to the architect/designer and general contractor, 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 Workers

No alcohol or drugs are permitted on site. Animals are prohibited. Firearms are prohibited. No loud music is permitted. Workers shall not be allowed to travel the property unnecessarily or use the amenities. Violations may result in the contractor being denied access to King Oaks.

4.12 Revisions and Changes During Construction

All revisions and changes made during construction shall be submitted in writing to the ARB for approval prior to the implementation of such change. All revised drawings must be submitted along with the revision request. The ARB 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 Compliance 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 ARB. All exterior changes or renovations shall be submitted to the ARB for approval in accordance with Article 9 of the Declaration. All construction shall be subject to the construction regulations set forth in Section 4.0 of these Guidelines.

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

If a structure is located within 100 feet of a transformer, any meter and/or panel **MUST** be affixed to that structure. Structures greater than 100 feet 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 can be found on the last page of these Guidelines.

- (1) **Existing conditions** - minimum scale 1"=20'. Must include the following information and be submitted electronically:
 - (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'. Must be submitted electronically: (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 accessory structures (out building, trellis, etc.);
 - (h) Finish Floor Elevation (FFE) of first floor and garage;
 - (i) Proposed two-foot contour lines; and
 - (j) Location of underground or above ground LP tank with compliant screening.

- (3) **Architectural Plans** - minimum scale of 1/4"=1'-0". Must be submitted electronically:
 - (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 your specific Section Supplemental Declaration of Declaration, Conditions and Restrictions.)

 - (b) **BUILDING ELEVATIONS**. Must be submitted electronically:
 - (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' (When Required). Must be submitted electronically:
 - (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.

6.0 ARCHITECTURAL GUIDELINES

6.01 General Standards

All dwellings, buildings and other improvements must be constructed in conformity with the Guidelines. All footprints and garages must be sited within applicable setbacks. The ARB 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. Prefabricated accessory structures, such as sheds and gazebos, may only be installed with the advanced written approval of the ARB.

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. The range of Sherwin Williams Color pallet SW6112 (Biscuit) to SW6160 (Best Bronze) should be used as a guide. The color(s) selected must compliment the masonry component of the home and surrounding landscape. **ARB approval is required for all exterior color selections.**

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 50% of the main dwelling. The location and appearance of outbuildings shall be submitted and approved by the ARB prior to construction. Accessory structures should be architecturally compatible with the home and similar in color. All accessory structures shall be within applicable setback lines. Accessory structures shall be oriented so that access is indirect and they do not open on to the street. All accessory structures shall be situated so that garage doors (if any) do not face the street on which the house fronts. Outdoor playsets are not considered accessory structures but must be reviewed and approved by the ARB prior to constructing or placing on a Lot.

7.02 Arbors and Trellises

Arbors and trellises are permitted. The location, elevation and finish of an arbor or trellis must be submitted to the ARB for approval prior to beginning construction.

7.03 Fences and Walls

Walls, fences and gates, if any, must be approved by the ARB prior to commencement of construction and shall be on or within the Lot property line. Fences on the front face of the house shall be within the building setback lines and in no case shall be placed beyond the front of the building. No fence shall be more than six feet (6') high, excluding fences surrounding tennis/sports courts whose proposed height shall be submitted to and subject to approval at the sole discretion of the ARB. All materials must be new when installed.

Gateposts, fenceposts or columns may be constructed out of the following materials: a) Cedar, treated wood or Steel (painted); b) Stone; c) Brick; d) CMU (concrete masonry unit) or concrete with a plaster/stucco finish. Stone or Plaster/Stucco must compliment the main dwelling.

Typically, only one vehicular entry/gate is allowed for the front entrance of a Lot. However, a second vehicular gate will be considered for approval on unusually large Lots or Lots with extreme topographical conditions at the discretion of the ARB. The Owner must receive prior approval from the ARB for the type of fence and gauge of fence wire (if any) used as well as the number and type of gates selected before installation.

All fences must be maintained in good condition with no broken or damaged sections or visible rust or fading (painted fences).

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 and/or sports courts or with prior approval from the ARB.

Perimeter masonry screen walls are not allowed on any Lot. Masonry screen walls within the building envelope (within all building setbacks and not beyond the front of the building) may be approved at the sole discretion of the ARB.

Tennis and/or sports court fencing must be constructed of green-coated chain link fence material. The ARB may disapprove or approve any fence, in its sole discretion.

Cedar board on board and privacy fences are prohibited.

Allowed Fence Types

(A) Fencing may also be 2-3/8” steel pipe fence, painted dark green, black or brown. “Tightlock” or “Solidlock” mesh tensile steel class III galvanized wire shall be installed between the in-line posts. Spacing of the wire shall not exceed 6”x6” square.

- (1) In-line posts must be spaced and no more than ten feet (10’) apart;
- (2) A single top rail consisting of the same size pipe shall be placed on top of the in-line posts;
- (3) A single bottom rail consisting of the same size pipe shall be placed on the bottom of the fence at 6: above finished grade; and
- (4) Wire must be left in natural color.

(B) Fences may also be wrought iron.

- (1) In-line posts must be spaced no more than ten feet (10’) apart;
- (2) Metal pickets shall be approximately 4 3/8” on-center with less than 4: air space between pickets; and
- (3) Wrought iron fences shall be painted black.

(C) Fences may also be split rail, 3 rail or 4 rail.

- (1) In-line posts shall be cedar or treated wood and must be spaced no farther than ten feet (10’) apart.
- (2) “Tightlock” or “Solidlock” mesh tensile steel class III galvanized wire or similar may be installed between the in-line posts. Spacing of he wire shall not exceed 6” x 6” square.

Fencing Examples (see next page)



Steel Pipe Fence



Wrought Iron Fence



Split Rail Fence



3-Rail Fence



4-Rail Fence

7.04 Swimming Pools / Hot Tubs

Above ground swimming pools are prohibited. Bubble covers for below ground swimming pools are prohibited. Fitted (excluding bubble type) pool covers are permitted. Pools may not be installed on the front or side yard of any home. All plans for swimming pools must be submitted to the ARB for approval. Swimming pools and hot tub/spa equipment shall be subject to screening requirements requiring approval by the ARB.

All swimming pools and in-ground hot tubs shall be fenced and location shall be shown on the site plan for ARB review. The fencing shall be wrought iron or three-rail or four-rail wood fencing at least 48" tall. Wood fencing shall include wire as listed in that section. Gates around a pool shall be self-closing and self-latching.

Outdoor hot tubs are approved. The location of a hot tub shall be shown on the site plan. Hot tubs shall not be installed on the front or side yard of any home. Approved hot tubs may be subject to additional screening requirements imposed by the ARB.

7.05 Clothesline

There shall be no outdoor clothesline on any Lot.

7.06 Tennis Courts

Private tennis courts are permitted on Lots that are 3 acres or larger. Tennis courts must meet all set back requirements placed on the rear yard of the Lot and must be approved in advance by the ARB.

7.07 Basketball Goals

Temporary basketball goals are permitted if they comply with the dwelling's setbacks from the front street. Permanent basketball goals require approval from the ARB. Basketball goals are not permitted to be attached to any structure, for example over the garage. Any permanent basketball goal constructed without ARB approval is considered to be in violation of the Declaration and the Guidelines.

7.08 Camping

No camping is permitted at King Oaks.

7.09 Flagpoles

One flagpole is allowed per occupied homesite. Builder model and/or speculation homes may not have flagpoles. Flagpole may be no taller than the main dwelling and shall not be located within any easement, right-of-way or where it may obstruct the view of vehicles or pedestrians on any public or private roadway.

7.10 Mailboxes

All mailboxes shall be of a design to complement the house and fit with the neighborhood and may be constructed of Stone, Brick; or CMU/concrete with a plaster/stucco finish. Stone, Brick or Plaster/Stucco which compliments the main dwelling brick; or may be of other construction/design as approved by the ARB. No single 4" x 4" wood or plain metal posts are permitted. No portion of a mailbox may be closer than 8 inches from the edge of the roadway pavement. Non-compliant (single wood or plain metal post) mailboxes must be replaced with a mailbox as described above when they are replaced.

8.0 SITE REQUIREMENTS: DRIVEWAYS

8.01 Driveways

Driveways must be surfaced with concrete, exposed aggregate, brick pavers, or a combination thereof. Driveways must be surfaced upon completion of construction of the dwelling. Driveway Culverts must have concrete end treatments. *See* the concrete end treatment detail attached hereto for additional guidance on recommended end treatment.

9.0 SITE REQUIREMENTS: LANDSCAPING IRRIGATION & LIGHTING

9.01 Landscape and Submission Requirements

Refer to your specific Section Supplemental Declaration of Covenants, Conditions and Restrictions to determine if your home is required to be landscaped.

The landscape layout and plans must be approved in writing by the ARB. Such landscape layout and plans shall include all landscaping, plant materials, irrigation, walls, walks, swimming pools, fencing, ponds, or other features to be installed or constructed on any portion of the Lot. All swimming pools must have fencing included in the project. The ARB will approve landscape plans submitted for review in its sole discretion.

Landscaping plans must be submitted for review by the ARB at least thirty (30) days prior to the completion of home construction. Landscaping installation must be completed within ninety (90) days after the completion of home construction.

Landscaping shall be a well-designed balance of mature trees, shrubs, and lawn grass around the perimeter of each new home. Plants must screen most of exposed foundations. All new landscaping turf installed or planted must be standard grass compatible for the Region, including Buffalo, Blue Grama, Zoysia, Bermuda Grass, St. Augustine, or Raleigh Grass. Other low water requirement turf products will be considered and may be approved by the ARB.

For homes with residences, all grass and natural areas that are visible from any street must be maintained and mowed regularly subject to inclement weather. All trees, shrubs and vegetation must be maintained and free of fallen dead limbs in any yard that is visible from any street. Yaupon, American Beauty Berry and native Hawthorne are not considered grass and can remain on any properties as long as they are maintained. Deadfall from nearby trees (including uprooted or shattered trees) must be removed in a timely manner. All areas that are visible from any street must be mowed regularly so that grass and ground cover never exceeds 8" in height.

Failure to comply with landscaping requirements will be considered a violation of the Declaration and the Guidelines and will be subject to the Association's enforcement policies.

9.02 Lighting

All exterior lights shall consist of fixtures that prevent light from escaping through the top and sides of the fixture. Down lighting is encouraged to reduce glare, better light drives and paths, and to protect neighboring properties from bright light sources.

Colored lights are prohibited. Spotlights, floodlights and pole lights will be reviewed on a case-by-case basis.

All path and landscape lighting must consist of low voltage lamps. Path and landscape lighting shall have a maximum height of 36".

10.0 ADDITIONAL REQUIREMENTS

10.01 Storage of Recreational Vehicles and Equipment

Recreational Vehicles may not be kept on any Lot prior to construction of the main dwelling. After the main dwelling is completed, recreational vehicles may be kept on the Lot as long as they are parked only in garages serving the Lots or behind the main dwelling or accessory structure out of sight from the street on which the house faces.

No other trailer, tent, boat, machinery, equipment or stripped down, wrecked, junked, or vehicle not legally operable on public streets shall be kept, parked, stored, or maintained on any portion of the driveway or front yard in front of the building line of the permanent structure, and same shall be kept, parked, stored or maintained on other portions of a Lot only within an enclosed structure or a screened area which prevents the view thereof from street on which the house faces. No dismantling or assembling of motor vehicles, boats, trailers, recreational vehicles, or other machinery or equipment shall be permitted in any driveway or yard.

10.02 Signage

Political signs must comply with State law. No more than two (2) school or community function signs not to exceed 24" x 36" may be placed on a Lot. All signs must be removed within ten (10) days of the event promoted.

Refer to Section 4.03 for additional guidance regarding Builder Signs.

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(b)(i) of the Declaration, or as stated below.

One professionally made "Home for Sale" sign may be installed in the ground for the sale or resale of a new or existing home. Such sign shall not exceed 24"x36" in size and shall be placed at the front building line in the center of the Lot. The ARB may remove such "For Sale" signs at any time at its sole discretion.

Notwithstanding, however, nothing herein shall prevent the Association from establishing rules for permitting celebration or recognition of Religious or National Holidays.

10.03 Propane Storage Tanks

Propane storage tanks must not be visible from the street and must be buried in the ground or fully screened with masonry wall(s) matching the masonry of the dwelling. Propane tank location and screening must be approved by the ARB prior to installation.

Dwellings submitted for construction approval prior to January 1, 2019 may have propane tanks buried in the ground or fully screened from view with landscaping or masonry walls matching the masonry of the dwelling. All landscape screening must be at least 36" tall at installation, must be fully mature within 12 months of installation and must screen the propane tank year around.

10.04 Fishing & Swimming Piers or Docks

Any Lot that adjoins a pond may have a fishing structure erected per the following guidelines:

- The structure may be permanent or floating;
- It may extend a maximum of 10 feet from the shoreline and be a maximum of 100 square feet of surface area;
- It may be a maximum height of 2 feet above the normal water level;
- It must be constructed of treated lumber with a minimum surface thickness of 2 inches. Any pilings or poles must be a minimum of 6x6 in size and diameter;
- The structure must not be within 25 feet of a property line;

10.05 Drainage and Drainage Easements

There shall be no interference with the established drainage, including any drainage easement, over any of the Property, including the Lots, except by Declarant, unless adequate provision is made for proper drainage and such provision is approved in advance by the ARB. Specifically, and not by way of limitation, no improvement, including landscaping, may be installed which impedes the proper drainage of water between Lots.

**KING OAKS
APPLICATION FOR VARIANCE REQUEST**

The ARB will review variance requests on a case by case basis. Any variance granted is unique and does not set any precedent for future decisions of the ARB.

DATE

HOME SITE (SECTION/LOT):

TYPE OF VARIANCE:

SET BACK _____
 OTHER STREET NAME

PROPERTY OWNER:

ADDRESS:

CITY, STATE, ZIP:

TELEPHONE:

Fax:

EMAIL ADDRESS:

DESCRIBE VARIANCE BEING REQUESTED WITH A SHORT EXPLANATION OF WHY IT IS NEEDED:

PROPERTY OWNER

DATE

KING OAKS

APPLICATION TO COMBINE ADJOINING TRACTS

DATE

HOME SITE (SECTION/LOT):

PROPERTY OWNER:

ADDRESS:

CITY, STATE, ZIP:

TELEPHONE:

Fax:

EMAIL ADDRESS:

REASON FOR COMBINING TRACTS:

PROPERTY OWNER

DATE

APPENDIX A

SECTION	LOT #	MAX BUILDING HEIGHT		SET BACKS					
		HOME	ACCESSORY BUILDINGS	FRONT		REAR		SIDE	
				Lft	Rt	Lft	Rt	Lft	Rt
All sections	All Lots	35'	Height of Main Dwelling	50'		25'		15'	

Design Review Checklist

Existing conditions - minimum scale 1"=20'. Must include the following information:

- Owner's name
- Designer's name
- North Arrow and scale.
- Property lines with dimensions and bearings.
- Setback lines
- Easement lines
- Adjacent street names

Site Plan - minimum scale 1"=20' Must include the following information:
(May be added to the existing conditions map.)

- Proposed location of home;
- Dimensions from corner of foundation to adjacent property line;
- Proposed driveway;
- Proposed fences;
- Proposed retaining walls;
- Proposed pool or spa location;
- Proposed accessory structures (out building, trellis, etc.);
- Finish Floor Elevation (FFE) of first floor and garage; and
- Location of underground or above ground LP tank with compliant screening.

Architectural Plans - minimum scale of 1/4"=1'-0"

FLOOR PLANS

- Interior rooms dimensioned and named;
- All window and door openings shown;
- Roof overhang with a dashed line;
- Total square footage of structure; and
- Heated square footage of structure (Refer to applicable Supplemental Declaration of Covenants, Conditions and Restrictions for requirements).

BUILDING ELEVATIONS

- Front, rear and both side elevations;
- All elevations labeled so they correspond with site plan;
- Exterior finish shown, including paint color & samples; and
- All decks and terraces shown.

Landscape Plans - minimum scale of 1"= 20' (If Required)

- Owner's name;
- Designer's name, address, telephone and fax number;
- North arrow and scale;
- Property lines with dimensions and bearings;
- Location of all structures (including decks, trellises, fences, gazebos, etc.), pavement and utilities;
- Location of all lawn areas and shrub bed lines;
- Location of all proposed plant material;
- Plant list with quantities, botanical names, common names, sizes and specifications;
- Location and specifications of all exterior lighting fixtures;
- Total area of lawn in square feet; and
- Total area of lawn as percentage of site.

ARB HOME CONSTRUCTION CHECKLIST

1. Before Construction:
 - Dumpster (30 cubic yard minimum or approved equivalent)
 - Dump Box (8' x 8' x 2' plastic lined)
 - Chemical Toilet
 - Construction Entrance with culverts, if culverts are necessary for adequate drainage (no standing water allowed)
 - Fire Suppression Equipment/Extinguisher
 - Site must be kept clean and free of trash and debris
 - Permanent culverts must have concrete end treatments
 - Receipt of Builder Compliance Deposit

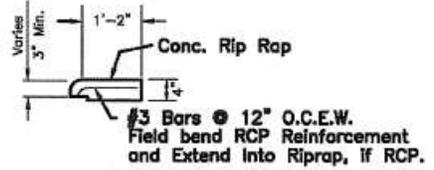
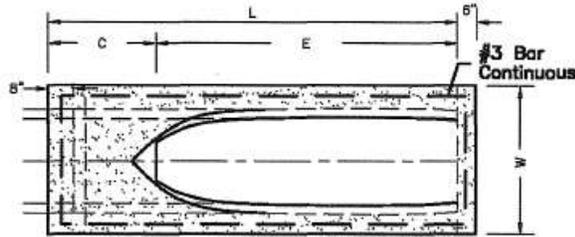
2. Construction Phase:
 - Verify site location. ie; Compliance to setbacks.
 - Clean site being maintained.
 - Periodic site visit to check for compliance.
 - Masonry or Exterior Materials
 - Roof Materials
 - Colors
 - Paved Road Inspection for Damage. Builder Deposit will not be refunded until all road damage is repaired.

3. Final Inspections:
 - Meet restriction requirements including drives, fencing, landscaping, road damage, etc.

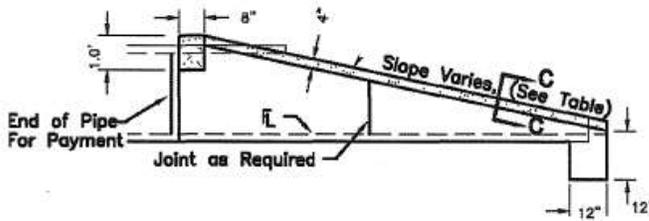
4. Refund of Builder Deposit less fines assessed for damage to public infrastructure; damage to POA property and/or failure to follow the Design Guidelines.

RECOMMENDED CONCRETE END TREATMENT

END TREATMENT



SECTION C-C



Size	Slope	L	W	C	E
18"	4:1	68"	48"	12"	56"
24"	4:1	92"	54"	12"	80"
30"	4:1	116"	60"	12"	104"
36"	4:1	140"	66"	12"	128"
48"	4:1	188"	78"	12"	176"

1. Reinforcement Shall Be #3 @ 12" O.C.E.W.
2. Concrete Shall Be 3,000 psi Concrete
3. If Multiple Pipe Headwalls Are Required, Each Headwall Shall Be Constructed With The Dimensions Shown With No Space Between Adjacent Headwalls.

SLOPED CONCRETE HEADWALL DETAILS

Application Instructions

1. Page One:

- a. Provide Unit and Lot Number
- b. Date of Submission
- c. Choose type of construction for your project (if you do not see your project listed, check "Renovation / Addition").
- d. Fill out the owner and builder information. If the builder is the same as the owner, indicate with "same as above" only if all information is the same.
- e. Provide email address for all correspondence.

2. Page Two:

- a. Area Calculations – provide square footage of heated space for both the first and second floors (if applicable).
- b. Site Calculations – provide area of total site.
- c. Application Requirements (Review process estimated to be 30 days):
 - i DO NOT submit paper copies. All applications are to be electronic, to scale, and in PDF format. Applications are only accepted if submitted by email. The ARB review process will begin upon receipt of all supporting documents. Refer to Appendix A (can be found in the Site Design Guidelines / Unit Supplements) for specific requirements for each lot.
 - ii NEW HOME construction and all other construction application projects (fences, landscaping, pools, outbuilding, etc.) are emailed to: hoa@bhhs caliber.com
- d. Deposits:
 - i New home construction applications require a \$3,000 builder deposit.
 - ii New landscape installation applications require a \$500 deposit.
 - o Note: these deposits may or may not be refundable provided the specific project requirements are met in accordance to the Covenants, Conditions Restrictions and Design Guidelines.
 - o
- e. Fees: Application review fees are detailed in the application. All fees and deposits should be paid with separate checks and shall include both the lot numbers and physical address on each.

3. The following is an application checklist with types of supporting documents that may or may not apply to your project:

- Application
- New home plans including the following:
 - Site Plan - indicating house location, front, side and rear setbacks, propane location (buried / screened), if applicable, driveway material, and any other relevant site elements.
 - Floor Plans (all levels)
 - Elevation (all sides) – label all materials including chimney.
 - Exterior Color Selections – include individual representative photos of specific materials and provide manufacturer and color name.
- For landscaping projects – either provide a separate list of plants or ensure they are notated on the plans.

For questions, please contact the ARB team at hoa@bhscaliber.com

KING OAKS

ARCHITECTURAL REVIEW BOARD APPLICATION FOR ALL TYPES OF CONSTRUCTION

HOME SITE (UNIT/LOT): _____

DATE: _____

TYPE OF CONSTRUCTION:

- NEW CONSTRUCTION
- FENCE
- RENOVATION / ADDITION

- LANDSCAPE (Note: new landscape submit 30 days prior to completion of home).

- POOL / SPA
-
-

PROPERTY OWNER: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____

FAX: _____

EMAIL ADDRESS: _____

BUILDER: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____

FAX: _____

EMAIL ADDRESS: _____

ARCHITECT / DESIGNER: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____

FAX: _____

EMAIL ADDRESS: _____

AREA CALCULATIONS:

Heated Square Footage:

First Floor: _____

Second Floor: _____

Total Site Area: _____

APPLICATION REQUIREMENTS:

FOR NEW CONSTRUCTION BUILDS: An electronic set of house construction documents must be submitted via email to the ARB at hoa@bhscaliber.com

FOR ALL OTHER CONSTRUCTION PROJECTS: (i.e., landscaping, pool, fence, outbuilding, etc.) must be submitted via email to hoa@bhscaliber.com

REQUIRED SUPPORTING DOCUMENTS: Refer to Appendix A for specific requirements for each lot

- | | |
|--|---|
| <input type="checkbox"/> Site Plan (location of project notated) | <input type="checkbox"/> Exterior Color Selection |
| <input type="checkbox"/> Floor Plans (all levels) | <input type="checkbox"/> Initial Landscape (include plant list and submit 30 days |
| <input type="checkbox"/> Exterior Elevations | 30 days prior to new home completion) |
-

APPLICATION FEES:

Make all Checks payable to POA of KING OAKS

- New Home Construction Review Fee \$500
- All Other Project Review Fees \$100
- Initial Landscape Refundable Deposit \$500

Date Received:
Received by:
Check #:

- Builder Bond Deposit \$3,000 **
 - For compliance to "Clean Site" standards.
 - Any deviations from submitted and approved plans can result in Builder's Deposit penalties.

Date Received:
Received by:
Check #

Note: To be refunded to the Builder upon completion of the approved construction less any fines for "Clean Site" violations, deviations from submitted / approved plans, or damage.

****Builder Bond Deposit checks must come from Builder**

SUBMIT FEES / DEPOSIT:

Mail to: (be sure to notate the project address on the payment)

<p>Berkshire Hathaway HomeServices Caliber Realty 700 University Drive East Suite 108 College Station, Texas 77845</p>

AGREEMENT:

As the property owner and or builder of the above described construction project, we acknowledge and agree that the improvements will be constructed in accordance with plans and specifications which have been approved by the Architectural Review Board. Please note that approved plans and specifications shall not be changed, modified or altered without written ARB approval. **Any deviations without approval can result in builder's deposit penalties.**

We further acknowledge and understand that:

Initial Below:

1. We have read and understand the Covenants and Restrictions applicable to the property, all ARB Guidelines and will follow and obey said Covenants, Restrictions, and Guidelines.
2. We are responsible for completing this project as described by the drawings and specifications approved by the ARB.
3. We will maintain a clean construction site at all times and install a builder sign, commercial dumpster, job toilet, a construction entrance with culvert if necessary and a "dump box" in conformance with ARB guidelines prior to any construction. Builder understands that if he does not comply with clean site standards, that violations are subject to fines, at the discretion of the ARB. Said fines will be taken out of the builder bond deposit.
4. We are responsible for the conduct of all workers and subcontractors performing services on this project at all times while they are engaged by us.
5. The property owner and or builder are responsible for applying for all utilities (including, but not limited to, electricity, water, and natural gas) and complying with connection/interface requirements immediately upon receiving approval for construction. King Oaks will not be held responsible for construction delays due to the builder/owner's failure to apply for utilities in a timely manner. Furthermore, King Oaks will not be held liable for the failure of any utility to provide their services to the builder/owner in a timely manner. Temporary power (not by generator) must be in place prior to the start of framing.
6. The Builder and Property Owner are responsible for installing base temporary drive to lot prior to starting construction activities. Damage to paved roads by a Builder, Sub-Contractor, Supplier or Others related to the construction of the home will be repaired and fees deducted from the Builder Bond Deposit.
7. Gated Communities: We understand there are weight Limit Restrictions: have a GVW (Gross Vehicle Weight) limit of 35 tons. Penalty for violations: \$1000.
8. We understand propane tanks must not be visible from the road and must be buried or fully screened with masonry walls matching the masonry of the dwelling. Propane tank location and screening must be approved by the ARB prior to installation.

9. We understand that construction must not alter the drainage pattern, nor are you permitted to alter any drainage easement on your lot without a certified engineer's report.
10. The Property Owner is responsible for Foundation Screening. The definition of foundation screening is screening most of the foundation which is screening three sides (front and each side) with plant material and will ensure exterior finish materials extend to within 18" of finished grade on three sides of the residential dwelling. In areas where it is not conducive to plant vegetation (septic system, A/C units, pool equipment, etc.) painting exposed foundations will comply with design guidelines. Additionally, driveways, structures and outbuildings that require foundations will be held to the same foundation screening requirements. Foundation Screening must be addressed in the site plan & landscaping plan and approved by the ARB.
11. We understand construction times are M-F 7am-7pm, Saturdays & Sundays 9am-6pm;
12. We understand all projects require fire suppression equipment on site for the duration of the construction. Spotters are required for all metal cutting including rebar. Contractors are required to follow TCEQ laws for outdoor burning.

Please be advised that review and approval of the plans is based on aesthetic considerations only and the ARB takes no responsibility for ensuring the structural integrity or soundness of any approved construction or modification. The ARB does not recommend, endorse, sponsor, warrant, guarantee or otherwise support or promote the services performed by vendors you have selected, and is not affiliated with any of the persons, businesses, or entities associated therewith. In no event shall the ARB be liable for any direct, indirect, incidental, punitive, or consequential damages of any kind whatsoever with respect to any services provided by the vendors you select. In addition, the approval of your plans does not relieve you from the obligation to comply with any applicable law, rule, or regulation.

AGREED:

Property Owner

Date

Builder

Date