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THE OAKS AT NORTH GROVE DESIGN GUIDELINES

ADOPTED BY:

BBCP NORTH GROVE 79, LLC, a Texas limited liability company

By: 

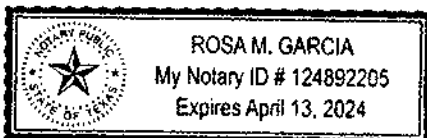
Printed Name: Clayton Snodgrass

Title: Manager

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on this 28th day of September, 2022, by Clayton Snodgrass, Manager of BBCP NORTH GROVE, LLC, a Texas limited liability company, on behalf of said limited liability company.

[SEAL]



Rosa M Garcia
Notary Public, State of Texas

Adopted by Declarant in accordance with Section 7.2.3 of Declaration of Covenants, Conditions and Restrictions for The Oaks at North Grove, recorded as Document No. 2218492, Official Public Records of Ellis County, Texas (the "Declaration").

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THE OAKS AT NORTH GROVE
DESIGN GUIDELINES

Table of Contents

	Page
I. INTRODUCTION.....	1
A. Background	1
B. ACC and Review Authority	1
II. GOVERNMENTAL REQUIREMENTS.....	1
III. INTERPRETATION	2
IV. AMENDMENTS.....	2
V. ARCHITECTURAL REVIEW OVERVIEW	3
A. Objective	3
B. Responsibility for Compliance	3
C. Inspection	3
D. Submittals.....	3
E. Timing of Completion	3
VI. ARCHITECTURAL AND AESTHETIC STANDARDS	3
A. Plan Repetition	3
B. Brick Color and Masonry Stone Repetition	4
C. Siding and Masonry	4
D. Square Footage	5
E. Temporary/Accessory Structures.....	6
F. Building Height.....	6
G. Porches.....	7
H. Roofs and Chimneys.....	7
I. Driveways	8
J. Sidewalks	9
K. Garages	9
L. Exterior Lighting	10
M. Setbacks	10
N. Address Markers and Mailboxes	11
O. Solar Energy Devices	11
P. Satellite Dishes.....	11
Q. HVAC Screening	12
R. Signage.....	12
S. Aesthetic Appeal	12
VII. LANDSCAPE GUIDELINES	12
A. Landscaping.....	12
B. Irrigation.....	13
C. Rainwater Harvesting Systems	14
D. Landscape Inspection	14
E. Drainage	14
F. Fencing and Walls.....	15
G. Pools, Spas and Hot Tubs.....	16
H. Playscapes, Trampolines, Basketball Goals and Sport Courts	17

Table of Contents (continued)

	Page
VIII. EROSION CONTROL AND CONSTRUCTION REGULATIONS	17
A. Erosion Control Installation and Maintenance	17
B. Security	18
C. Construction Hours	18
D. Noise, Animals, Children.....	18
E. Material and Equipment Storage	18
F. Insurance	18
G. Site Cleanliness.....	19
H. Sanitary Facilities	20
I. Construction Parking & Construction Trailers	20
J. Schedule of Construction Fines.....	20

DESIGN GUIDELINES

I. INTRODUCTION

Any notice or information required to be submitted to the ACC under these Design Guidelines hereunder will be submitted to the ACC, 2121 Midway Road, Suite 155, Carrollton, Texas 75006, Phone: 817.235.5270.

A. Background

The Oaks at North Grove is a community located in Ellis County, Texas which is subject to the terms and provisions of Declaration of Covenants, Conditions and Restrictions for The Oaks at North Grove, recorded in the Official Public Records of Ellis County, Texas (the "**Declaration**"). The Declaration includes provisions governing the construction of Improvements and standards of maintenance, use and conduct for the preservation of The Oaks at North Grove.

B. ACC and Review Authority

The ACC consists of one or more individuals who have been appointed by BBCP NORTH GROVE 79, LLC, a Texas limited liability company (the "**Declarant**"). As provided in *Article 7* of the Declaration, Declarant has a substantial interest in ensuring that Improvements within The Oaks at North Grove development maintain and enhance Declarant's reputation as a community developer and do not impair Declarant's ability to market and sell all or any portion of the community, and as a consequence thereof, the ACC acts solely in Declarant's interest and shall owe no duty to any other Owner or The Oaks Residential Community, Inc., a Texas nonprofit corporation (the "**Association**").

Article 7 of the Declaration includes procedures and criteria for the construction of Improvements within The Oaks at North Grove. *Section 7.2.3* of the Declaration provides that the Declarant or the ACC may adopt Design Guidelines to govern the standards for design, construction of Improvements, landscaping, and the placement of exterior items within The Oaks at North Grove which may consist of multiple written design guidelines applying to all or specific portions of the Property. These Design Guidelines shall constitute "**Design Guidelines**" as such term is defined and used in the Declaration. *Section 7.1* of the Declaration provides no Improvements may be erected, placed, constructed, painted, altered, modified or remodeled on any Lot by anyone other than Declarant without the prior written approval of the ACC.

II. GOVERNMENTAL REQUIREMENTS

Governmental ordinances and regulations are applicable to all Lots within The Oaks at North Grove, including, but not limited to federal, state, county and local requirements, universal building codes, if adopted, as well as those certain obligations and requirements to maintain the landscape, streetscape and hardscape in and along the right of way as set forth in (i) Planned

Development-Mixed Use Community Standards adopted for North Grove on March 3, 2014, by City Ordinance No. 2733 (the "**Development Ordinance**"), and (ii) those certain rules, regulations, fees, permit and inspection requirements, if any, resulting from the creation of the North Grove Public Improvement District, created and adopted by the City on September 15, 2014, pursuant to Resolution No. 1189 ("**North Grove PID**").

It is the responsibility of each Owner to obtain all necessary permits and inspections and to comply with all Applicable Law (as further defined in the Declaration). Compliance with these Design Guidelines and approval by the ACC is not a substitute for compliance with the applicable ordinances and regulations and other requirements set forth in the Restrictions or the Development Ordinance, or as may be further required by the City, or the North Grove PID. Please be advised that these Design Guidelines do not list or describe each requirement which may be applicable to a Lot within The Oaks at North Grove. Each Owner is advised to review all encumbrances affecting the use and improvement of their Lot prior to submitting plans to the ACC for approval. Furthermore, approval by the ACC should not be construed by the Owner that any Improvement complies with the terms and provisions of all encumbrances which may affect the Owner's Lot.

The ACC shall bear no responsibility for ensuring plans submitted to the ACC comply with any applicable building codes, zoning regulation and other government requirements, including but not limited to the Development Ordinance. It is the responsibility of the Owner to secure any required governmental approvals prior to construction on such Owner's Lot.

III. INTERPRETATION

In the event of any conflict between these Design Guidelines and the Declaration, the Declaration shall control. Capitalized terms used in these Design Guidelines and not otherwise defined in this document shall have the same meanings as set forth in the Declaration.

IV. AMENDMENTS

During the Development Period, the Declarant, acting alone, may amend these Design Guidelines. Thereafter, the ACC may amend these Design Guidelines. All amendments shall become effective upon Recordation in the Official Public Records of Ellis County, Texas. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or approved and in progress. **It is the responsibility of each Owner to ensure that they have the most current edition of the Design Guidelines and every amendment thereto.**

V. ARCHITECTURAL REVIEW OVERVIEW

A. Objective

The objective of the review process is to promote aesthetic harmony in the community by providing for compatibility of specific designs with surrounding buildings, the environment and the topography. The review process strives to maintain objectivity and sensitivity to the individual aspects of design.

B. Responsibility for Compliance

An applicant is responsible for ensuring that all of the applicant's representatives, including the applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Design Guidelines and all requirements imposed by the ACC as a condition of approval.

C. Inspection

Upon completion of all approved work, the Owner must notify the ACC. The ACC may inspect the work at any time to verify conformance with the approved submittals.

D. Submittals

Requests for approval of proposed new construction, landscaping, or exterior modifications must be made by submitting the information and materials outlined in the Plan Review Process, set forth herein.

E. Timing of Completion

The construction of a residence by a Homebuilder must be started promptly after receiving approval from the ACC and completed with due diligence. Unless otherwise approved in advance by the ACC, each single family residence must be completed on or before the expiration of two hundred seventy (270) days after commencement of construction.

VI. ARCHITECTURAL AND AESTHETIC STANDARDS

A. Plan Repetition

The ACC may, in its sole and absolute discretion, deny a plan or elevation proposed for a particular Lot if a substantially similar plan or elevation exists on a Lot in close proximity to the Lot on which the plan or elevation is proposed. Each housing model will have at least three (3) characteristics which clearly and obviously distinguish it from other housing models, including different floor plans, exterior materials and/or roof lines. The ACC may adopt additional requirements concerning substantially similar plans or elevations constructed in proximity to each other. For Example:

- *Same Side of the Street: Plans with the same elevation can be repeated every fourth Lot (example: Elevation A, Elevation B, Elevation C, Elevation D, and Elevation A).*

Elevation A	Elevation B	Elevation C	Elevation D	Elevation A
Elevation D	Elevation E	Elevation F	Elevation G	Elevation B

- *Across the Street: Plans with the same elevation cannot be placed on a Lot across the street or diagonal from any other plan (example above: Elevation B).*

B. Brick Color and Masonry Stone Repetition

The ACC may, in its sole and absolute discretion, deny proposed brick or masonry for a particular Lot if substantially similar brick or masonry exists on a Lot in close proximity to the Lot on which the brick or masonry is proposed. The ACC may adopt additional requirements concerning substantially similar brick or masonry constructed in proximity to each other. For Example:

- *Same Side of the Street: Similar brick or masonry can be repeated every fourth Lot (example: Plan A, Plan B, Plan C, Plan D and Plan A).*

Brick A	Brick B	Brick C	Brick D	Brick A
Brick D	Brick E	Brick F	Brick G	Brick B

- *Across the Street: Same brick or masonry cannot be placed on a Lot across the street or diagonal from any other brick or masonry (example above: Brick B).*

C. Siding and Masonry

All building materials must be approved in advance by the ACC, and only new building materials (except for antique brick if approved in writing) may be used for constructing any Improvements.

- Exteriors. The exterior of each primary residence on a Lot shall be constructed of a minimum of ninety percent (90%) brick or stone masonry construction, with the remaining ten percent (10%) to be materials approved after submission to the ACC.
- Material Choice: Masonry, as used herein, consists of brick or stone, or other similar products approved by the ACC. HardiePlank® and other cementitious materials are not considered masonry; however, in areas where it is not structurally feasible to support brick or stone, then cementitious siding products

may be used only if approved in writing by the ACC. Roofs, eaves, soffits, windows, gables, doors, garage doors and trim work are not required to be constructed of masonry.

- Projections. All projections from a dwelling or other structure, including but not limited to vents, gutters, downspouts, porches, railings and exterior stairways must match the color of the surface from which they project, unless otherwise approved by the ACC.
- Prohibited Elements:
 - Vertical siding or wood shake siding (wood siding accents may be permitted if approved by the ACC).
 - Highly reflective finishes on exterior surfaces (other than non-mirrored glass or on surfaces of hardware fixtures).
 - Mirrored glass or reflective film, exterior or interior tinting.
 - Aluminum frame doors and windows.
 - No vivid/bright colors.

D. Square Footage

The minimum square footage for each permitted residence is described below:

Product Types**	Lot Classification (Density)	Minimum Percentage of Total Single-Family Dwelling Units	Minimum Lot Area	Minimum Lot Width	Alley Access	Minimum Attached Garage Door	Minimum Principal Building Front Setback *†	Porch Zone Setback (Optional)	Minimum Side Yard Setback	Minimum Street Side Yard Setback	Rear Setback	Minimum Side Setbacks for Attached/Detached Garage (Alley Access)	Minimum Floor Areas	Maximum Structure Height	Minimum Percentage of Total Single-Family Dwelling Units	Porch Percentage Minimum
Estate*	A (Low)	NA	9,600 sf	80'	N	25'	20' or 25'	15'	7'	15'	20'	5'	2,400 sf	35'	10%	25%
Manor*	A (Low)	NA	8,400 sf	70'	N	25'	20' or 25'	20'	5'	15'	20'	5'	2,200 sf	35'	15%	25%
Township	B (Med)	40%	7,200 sf	60'	Y	23'	20'	10'	5'	15'	20'	5'	2,000 sf	35'	20%	25%
Cottage	C (High)	20%	5,500 sf	50'	Y	NA	20'	10'	5'	15'	15'	5'	1,800 sf	35'	10%	35%
Bungalow	C (High)	10%	4,500 sf	40'	Y	NA	20'	10'	5'	10'	15'	5'	1,500 sf	35'	NA	50%

*If the Lot is not moisture-conditioned, the front setback will be 25'. If the Lot is moisture-conditioned, the front setback will be 20' if the house plan needs an 80' deep pad and 25' if the plan needs a 75' deep pad.

‡ For Lots 45 and 62, Block C, Phase I, the front setback will be determined by the ACC based upon the Homebuilder's plans.

- Calculation. For the purpose of calculating total square footage, open or screened porches, terraces, patios, decks, driveways, storage facilities and walkways shall be excluded. Other detached accessory uses such as cabanas or garages are permitted, but will not count toward the minimum square footage requirement. The calculation of square feet shall be measured from outside surface to outside surface.
- Variances. The ACC may, at its sole discretion, approve variances to the minimum and maximum square footages allowable on different Lot products.

E. Temporary/Accessory Structures

No temporary or accessory structures (including but not limited to cabanas, garden buildings, detached garages, storage buildings, sheds or guesthouses) shall be erected, placed or constructed upon any Lot, unless such temporary or accessory structure is:

- (i) Approved in advance by the ACC;
 - (ii) Compatible with the architectural style of the other Improvements on the Lot;
 - (iii) Consistent with the paint and roofing materials of other Improvements on the Lot;
 - (iv) Located in a fenced backyard;
 - (v) Not taller than nine feet (9') measured from finished grade to top of roof;
 - (vi) Not visible from any adjacent street; and
 - (vii) Not in excess of one hundred and fifty (150) square feet of floor space.
- Square Footage Calculations. Permitted accessory structures do not count toward the minimum square footage requirements of these Design Guidelines.
 - Variances. The ACC may, at its sole discretion, approve variances on an individual basis.

F. Building Height

Proposed heights must be compatible with adjacent structures and be compatible with existing or anticipated structure heights on Lots located above or below the Lot on which the proposed residence will be constructed and must be approved in writing by the ACC, prior to commencement of construction.

- Structure Height. Unless otherwise approved in advance by the ACC, no building or residential structure may exceed thirty-five feet (35') in height as measured as the vertical distance between the finished floor elevation at any point within the structure and the highest ridge, peak or gable (exclusive of chimneys and ventilators).
- Eaves. In addition, the height of any eave on any structure may not exceed thirty-four feet (34') above the natural grade (as measured from the center point of the home finished floor elevation) at any point on the exterior wall of the residence.
- Views. Views are neither guaranteed, preserved nor protected within The Oaks at North Grove.

G. Porches

Porches will be allowed to extend past the front yard setback by ten feet (10') and will be required to be a minimum of six feet (6') in depth and minimum sixty (60') square feet to ensure usability.

H. Roofs and Chimneys

The pitch, color and composition of all roof materials must be approved in writing by the ACC, prior to commencement of construction. Roof vents and other penetrations shall be as unobtrusive as possible and must match the principal color of the roof unless approved in advance by the ACC.

- Accepted Roof Pitch: The roof pitch of the primary residence erected on a Lot must be appropriate for the style of the home with a pitch of no less than 8:12 unless otherwise approved in advance by the ACC. The roof pitch of dormers, porches and other similar accessory structures attached to the primary residence must be complementary to the primary roof structure and may be permitted to have a minimum roof pitch of 4:12 under strict conditions and only with advance approval by the ACC.
- Accepted Roof Materials: Roofing materials shall be limited to approved tile, slate or dimensional composition shingles with a rating of 25 years or more that conform to or exceed applicable local, FHA and VA requirements.
- Energy Efficiency Roofing. The requirements for the installation of Energy Efficiency Roofing are set forth in the Declaration.
- Chimneys. Chimney style must be appropriate for the style of the home and may be brick or other masonry matching with the same permitted colors and materials as permitted on the body of the house; provided however, that any chimney

located on the interior portion of the roof may also include cementitious materials solely or in addition to the brick or other masonry.

- Other Materials. Any other type of chimney or roofing material shall be permitted only with the advance written approval of the ACC.
- Prohibited Elements:
 - Excessively pitched roofs.
 - Mansard, gambrel or chalet roofs.
 - Flat roofs (less than 3:12).
 - Roofs that are too steep or too shallow for the style of the home.
 - Shed roofs except as incidental to the main roof.
 - Glossy metal and/or reflective materials or bright colors.
 - Natural or silver Galvalume.
 - Roof vents on the front plane of the home.
 - On corner lots, roof vents on street side (unless prior written approval obtained).
 - Stove-pipe chimneys, prominent chimneys or other random roof penetrations.
 - Vents or skylights facing the street.
 - White or bubble skylights.

I. Driveways

The design, construction materials, and location of: (i) all driveways, and (ii) culverts incorporated into driveways for ditch or drainage crossings, must be approved by the ACC.

- Width. Other than the flair in the driveway necessary to connect to the garage and, for side-entry garages area required for turning/maneuvering, the minimum width of a driveway is twelve feet (12') and the maximum width of a driveway path is twenty feet (20') for a front-facing two-car garage or thirty feet (30') for a front facing three-car garage, located within five feet (5') from the curb (to allow for connecting radius to street). The maximum width of driveway area for a turnout shall be no more than 30' wide.
- Setbacks. Driveways shall comply with the minimum setback standards established by the City.
- Finishes. All driveways shall be surfaced with broom-finished concrete, at a minimum (in some sections this may also be exposed aggregate and/or salt finish). Asphalt driveways are prohibited.

J. Sidewalks

Each Owner of a Lot must build or cause to be built on such Owner's Lot, in a location designated by the ACC, a concrete sidewalk complying with the specifications set forth in the applicable plat, approved subdivision plans, the Restrictions or any other requirements in conjunction with and at the time of construction of the residence thereon and must be five feet (5') in width.

- Pedestrian Sidewalks. Sidewalks that run generally parallel with the street and are considered part of the overall community sidewalk or trail system are "Pedestrian Sidewalks." Pedestrian sidewalks must be constructed in accordance with the approved subdivision plans. Pedestrian sidewalks shall be surfaced with concrete.
- Lead Walk. The portion of sidewalk that may connect from the Pedestrian Sidewalk to the home is called the "Lead Walk." Lead Walks may be surfaced with concrete or exposed aggregate or other surfaces as may be approved by the ACC.
- Compliance. All required sidewalks must comply with designated widths (5' on neighborhood streets and 6' on collector) and must be adjacent to the property line of a Lot and comply with all Texas Department of Licensing and Regulation Architectural Barriers Texas Accessibility Standards.

K. Garages

All garages and garage doors shall be approved in advance of construction by the ACC. If any Lot has a garage door wide enough hold two vehicles, any additional garage doors located on the Lot will be considered a third garage door for purposes of these Design Guidelines.

- Enclosed Garage. Improvements constructed on each Lot must include a private, enclosed garage capable at all times of housing at least two (2) standard size automobiles. Homes with two (2) car garages shall be side, front, or rear entry.
- Three Door Garage. A third garage door will be subject to the following restrictions.
 - When a third garage door is front-facing and the other two garage doors are side-facing, the third garage door must be set back from the front building elevation by a minimum of twenty feet (20');
 - When all three garage doors are front-facing, the third garage door must be set back from the front building elevation by a minimum of two feet (2') and separated by a twelve inch (12") brick column; or
 - When all three garage doors are side-facing, the third garage door must be separated by a twelve inch (12") brick column.

- Garage Door Style. Only steel or cedar carriage-style garage doors are permitted.
- Features. Interior walls of all garages must be finished with sheetrock, textured and painted at a minimum.
- Prohibited Elements:
 - Carports.
 - Aluminum garage doors.
 - Open (not enclosed) automobile storage.

L. Exterior Lighting

Exterior lighting must be approved in advance by the ACC.

- Brightness. Exterior lights whose direct source is visible from a street or neighboring property or which produces excessive glare to pedestrian or vehicular traffic will not be allowed.
- Number. The number of exterior light fixture for the house and the landscape may be limited in order to prevent excessive lighting. When the lighting is being installed on the site, a night time inspection and written approval may be required prior to final installation.
- Prohibited Elements:
 - Use of other than white or color corrected high intensity lamps and exterior lights (except holiday lighting which may not be installed more than thirty (30) days before a holiday and must be removed no more than thirty (30) days after the holiday).
 - Sodium, mercury vapor, or bare HID yard lights.

M. Setbacks

The setbacks shall be set forth as noted on the Recorded Plat. In the event setbacks are not noted on the Recorded Plat, the following setbacks shall apply to each Lot:

Product Types	Lot Classification (Density)	Minimum Percentage of Total Single-Family Dwelling Units	Minimum Lot Area	Minimum Lot Width	Alley Access	Minimum Attached Garage Door	Minimum Principal Building Front Setback *‡	Porch Zone Setback (Optional)	Minimum Side Yard Setback	Minimum Street Side Yard Setback	Rear Setback	Minimum Side Setbacks for Attached/Detached Garage (Alley Access)	Minimum Floor Area	Maximum Structure Height	Minimum Percentage of Total Single-Family Dwelling Units	Porch Percentage Minimum
Estate*	A (Low)	NA	9,600 sf	80'	N	25'	20' or 25'	15'	7'	15'	20'	5'	2,400 sf	35'	10%	25%
Manor*	A (Low)	NA	8,400 sf	70'	N	25'	20' or 25'	20'	5'	15'	20'	5'	2,200 sf	35'	15%	25%
Township	B (Med)	40%	7,200 sf	60'	Y	23'	20'	10'	5'	15'	20'	5'	2,000 sf	35'	20%	25%
Cottage	C (High)	20%	5,500 sf	50'	Y	NA	20'	10'	5'	15'	15'	5'	1,800 sf	35'	10%	35%
Bungalow	C (High)	10%	4,500 sf	40'	Y	NA	20'	10'	5'	10'	15'	5'	1,500 sf	35'	NA	50%

*If the Lot is not moisture-conditioned, the front setback will be 25'. If the Lot is moisture-conditioned, the front setback will be 20' if the house plan needs an 80' deep pad and 25' if the plan needs a 75' deep pad.

‡ For Lots 45 and 62, Block C, Phase I, the front setback will be determined by the ACC based upon the Homebuilder's plans.

The ACC reserves the right to stipulate additional building or improvement setbacks attributable to any Lot. The ACC further reserves the right to grant variances to the setbacks set forth herein in accordance the Declaration.

N. Address Markers and Mailboxes

Address markers must be readily visible from the street. The painting of addresses on the curb is not allowed. Mailbox specifications may be determined by the ACC.

O. Solar Energy Devices

The requirements for the installation of Solar Energy Devices are set forth in the Declaration.

P. Satellite Dishes

The requirements for the installation of Satellite Dishes are set forth in the Declaration.

Q. HVAC Screening

Air conditioning compressors and pool equipment shall be screened from view by vegetative or a structural screening element constructed of materials approved by the ACC.

R. Signage

Certain signage requirements are set forth in the Declaration. Further, the Restrictions permit Declarant to erect and maintain advertising signs (illuminated or non-illuminated), sales flags, other sales devices and banners for the purpose of aiding the sale of Lots in the Property. Upon written approval from the ACC, a Homebuilder may be permitted to erect and maintain such signs, flags and banners by submitting along with the application for approval the location, size, number, design and other features of the signs, flags and banners requested. If approved, such signs, flags and banners must be removed immediately upon sale of the Lot(s) for which the signs, flags and banners were displayed. Approval by the ACC shall not relieve Homebuilder from the obligation to apply for and obtain any other governmental permits before erecting and maintaining such signs, flags or banners in the Property.

S. Aesthetic Appeal

The ACC may disapprove the construction or design of a home on purely aesthetic grounds. Any prior decisions of the ACC regarding matters of design or aesthetics shall not be deemed to have set a precedent if the ACC feels that the repetition of such actions would have any adverse effect on the community.

VII. LANDSCAPE GUIDELINES

A. Landscaping.

All landscapes and landscaping must be approved in writing prior by the ACC prior to installation.

- **Xeriscaping.** The requirements for the installation of Xeriscaping are set forth in the Declaration.
- **Plans.** Detailed landscape plans for each Lot must be submitted to the ACC for consideration at least thirty (30) days before installation is planned. No significant (*i.e.*, major changes in the plant list, plant and plant bed locations, plant count, hardscape design, materials) revisions may be made to approved plans without submission to, and further approval by the ACC of the revised plans. Hardscape elements in the landscaping must be in scale with the home and associated structures.
- **Materials.** All introduced vegetation shall be trees, shrubs, vines, ground covers, seasonal flowers or sodded Common Bermuda grasses which are commonly used in

Ellis County, Texas for landscaping purposes and which are approved by the ACC. An Owner must plant grass within three (3) days after top-soil for planting grass has been delivered to the Lot.

- Installation and Maintenance. Landscaping of new homes must be installed within thirty (30) days of completion and in any event, landscaping in accordance with the approved plans shall be completely installed prior to occupancy of a residence. Modifications of existing landscaping must be completed within fourteen (14) days of commencement. Extensions to the time limit may be granted by the ACC but may require a deposit. After installation, landscaping (including temporary landscaping) shall be properly maintained at all times.
- Gardens; Sculptures and Fountains. Any Owner who wishes to plant one or more gardens upon their Lot must obtain the approval of the ACC. Sculptures and fountains are subject to approval by the ACC.
- Reservation of Future Approvals. The ACC reserves the right to require additional landscaping for pools, cabanas and other hardscape elements that may be constructed after completion of the residence and associated landscaping.
- Landscape Requirements. The following are required:
 - One three inch (3") caliper tree must be planted every thirty feet (30') between the curb and sidewalk. An approved list of trees is set forth on Attachment 1.
 - Two shade trees (thirty (30) gallon), consisting of one three inch (3") caliper tree in every front yard and one three inch (3") caliper tree planted in every back yard. An approved list of trees is set forth on Attachment 1.
 - Stake kits shall support of each tree.
 - One ornamental tree (fifteen (15) gallon) is required per Lot.
 - Twenty-one (21) shrubs (3-5 gallon) are required per Lot.
 - One "v-cut" trench or metal edging is required for each plant.
- Prohibited Elements.
 - Rock other than crushed granite as a ground cover (unless approved in advance by the ACC).

B. Irrigation

The ACC must approve all irrigation systems prior to installation.

- Full Yard Required. Full yard programmable irrigation systems are required to be installed on every Lot by the Homebuilder. Any approved irrigation systems must

be installed and maintained pursuant to all water requirements of the City, the State of Texas, as well as any applicable Texas Commission on Environmental Quality ("TCEQ") regulations.

- Backflow Prevention Device. Each Owner is advised that TCEQ regulations require the installation of a backflow prevention device at any connection to a public drinking water supply. If a backflow prevention device is required, the Owner will be obligated to have performed a yearly inspection by a licensed TCEQ Backflow Prevention Assembly Tester.
- Drought Management Plans. Drought management plans may be implemented, as necessary, by the ACC.

C. Rainwater Harvesting Systems

The requirements for the installation of Rainwater Harvesting Devices are set forth in the Declaration.

D. Landscape Inspection

The ACC may, upon the Owner's completion of the installation of landscaping, conduct an on-site inspection of the property to ensure compliance with the approved plan.

E. Drainage

There shall be no interference with the established drainage patterns except by Declarant, unless adequate provision is made for proper drainage and such provision has been certified by a professional engineer and approved in advance by the ACC.

- Site Drainage. Responsibility for proper site drainage rests with the Owner. Each Owner is solely responsible for correcting any change in water flow or drainage caused by the construction of Improvements on such Owner's Lot, and all site drainage shall be in accordance with all Applicable Law.
- Area Drains. No area drains are allowed to extend through the curb, and any area drain opening must be behind the curb within the Lot and cannot extend to the street or right-of-way.
- Drainage Improvements. All drainage Improvements within any right-of-way must be submitted to the ACC for consideration and must be constructed in accordance with stamped engineered plans by a licensed engineer. Drainage Improvements must be maintained by each Owner unless maintenance has been accepted by the Association in a Recorded written instrument.

F. Fencing and Walls

The materials, stain and/or color, height, location and construction of all fences must be approved in advance by the ACC.

- Lot Fencing. Fencing is required on the sides and rear of the Lot. Courtyard walls that are architectural walls and designed for individual house plans will be considered for approval by the ACC. All fencing shall be not exceed six feet (6') in height, unless otherwise approved in advance or required by the ACC.
- Retaining Walls. All retaining wall plans over four feet (4') tall or within any right-of-way must be submitted to the ACC for consideration and must be constructed in accordance with stamped engineered plans by a licensed engineer.
- Plans. Plans submitted for fences or walls must be drawn on an accurate copy of the site plan.
- Greenbelt Fencing. Unless otherwise approved in writing at the sole discretion of the ACC, all lots backing up to the trail corridor must utilize six feet (6') tall ornamental tubular steel fence as specified by the ACC.
- Construction. All fencing between Lots must be six feet (6') wood fencing. Fences shall utilize metal posts and must have at least three horizontal boards for attaching the pickets. Fences that side onto collector roads or otherwise identified high visibility locations will require the fence to be capped.
- Location. All fences and walls must be approved in advance in writing by the ACC.
- Stain. All wood fences shall be stained using a Wood Defender Transparent Oxford Brown. Any part of the fence that is visible from any street shall be routinely re-stained (no less than every four years) in the approved stain color, and the ACC and/or the Association shall have the right to re-stain such visible portion of the fence and charge the expense to the Owner pursuant to the terms and provisions of the Declaration.
- Prohibited Elements:
 - Shadowbox or "Pallet" type fencing.
 - Fencing of front yards.
 - Solid walls enclosing an entire Lot.

G. Pools, Spas and Hot Tubs

An application must be submitted to the ACC in conjunction with the review of any application for any proposed swimming pool, spa, or hot tub. The materials, location and construction of all pools, spas and hot tubs must be approved in advance by the ACC.

- **In Ground.** Swimming pools and accompanying spas shall be in-ground, or a balanced cut and fill, and shall be designed to be compatible with the site and the dwelling. All exposed concrete on "Infinity Edge" swimming pools must be properly screened through the use of landscaping and no more than three feet (3') of exposed concrete may be visible. Self-contained above-ground hot tubs require approval by the ACC. **Portable or permanent above-ground swimming pools are strictly prohibited.**
- **Location.** All permitted swimming pools and spas shall be located behind the front building line and in no case shall the pool proper be closer than five feet (5') to any Lot boundary line.
- **Screening; Fencing.** Screening, fencing, security and maintenance are required of all swimming pools, spas and hot tubs. Additional fencing, if any is proposed in addition to the yard fencing, and/or walls around the swimming pool, spa or hot tub must be approved in advance by the ACC and integrated into the design of the dwelling and site. Fences must meet all governmental regulations and no pool, spa, hot tub or other similar water containing basin shall be filled with water until proper fencing is installed.
- **Plans.** The swimming pool, spa or hot tub plan must be drawn on a copy of an accurate site plan and shall include specific indications of distances from the water containing basin(s) and surrounding slab walks to the lot lines and building setbacks.
- **Backwash.** Unless otherwise expressly approved by the applicable governmental agency or utility service provider, backwash from a swimming pool, spa or hot tub drain with a backwash filtering system must be contained within the Lot on which the swimming pool, spa or hot tub has been constructed and is not permitted to be discharged into any street, adjoining Lot or drainage easement.
- **Construction Deposit.** A construction deposit is required for all swimming pool, spa or hot tub construction (except for any Homebuilder that has already provided a construction deposit for the construction of the home).
- **Lot Access.** No access across another Lot, Common Area, Open Space or greenbelt for the purpose of building or maintaining a swimming pool, spa or hot tub is permitted without the prior written approval of the other property owner or the ACC, in the case of Common Area, Open Space and/or greenbelt.

H. Playscapes, Trampolines, Basketball Goals and Sport Courts

Playscapes, basketball goals, recreational or sport courts and trampolines must be approved in writing by the ACC prior to the placement or commencement of construction. Requests for approval shall include the location on the Lot, specifications and image of the proposed product.

- Features. If allowed, these facilities must be properly sited and screened so as to minimize the visual and audio impact of the facility on adjacent properties. Special attention will be placed on color schemes and on the visibility of the equipment from the street and neighboring Lots.
- Plans. Plans for playscapes and sport courts must be drawn on an accurate copy of the site plan and must include proposed screening.
- Basketball Goals. Permanent basketball goals are permitted in the driveway on a Lot. Portable basketball goals are allowed only between the street right-of-way and the front of a residence on a Lot and must not be placed, at any time, on any street-or-right of way or Common Area within Property. All basketball goals shall have a clear backboard and a black pole. Portable basketball goals shall remain at all times in the approved location or stored inside the garage when not in use. Nets and poles shall be kept in a state of good repair including, but not limited to, painting of poles when necessary.
- Prohibited Elements.
 - Direct or indirect lighting of the playscape, trampoline or sport court.
 - Netting enclosures (except safety netting around a trampoline).
 - Tennis courts.

VIII. EROSION CONTROL AND CONSTRUCTION REGULATIONS

The following restrictions shall apply to all construction activities at The Oaks at North Grove. **It is the responsibility of all Owners and/or contractors to adhere to State and Federal stormwater runoff protection and prevention requirements that may be applicable to their construction activities and to obtain proper permits as may be required.** Periodic inspections by a representative of the ACC may take place in order to identify non-complying construction activities. If items identified as not complying with the regulations are not remedied in a timely manner, fines will be levied.

A. Erosion Control Installation and Maintenance

Upon written approval by the ACC, it is the responsibility of the Owner to install erosion control measures prior to the start of construction and to maintain the measures throughout construction.

- Silt Fencing. Silt fencing installed to all applicable standards is required to be properly installed and maintained to protect the low sides of all disturbed areas, where storm-water will flow during construction. The purpose of the silt fence is to capture the sediment from the runoff and to permit filtered, clean water to exit the site.
- Sediment Removal. **Built-up sediment will need to be removed from the silt fence after heavy or successive rains, and that any breach in the fencing will need to be repaired or replaced immediately.** If for any reason the silt fence is to be temporarily removed, a representative of the ACC must be contacted prior to the removal.

B. Security

Neither the ACC, the Association, nor the Declarant shall be responsible for the security of job sites during construction. If theft or vandalism occurs, the Owner should first contact the City of Waxahachie Police Department and then notify the ACC.

C. Construction Hours

Unless a written waiver is obtained from the ACC, construction may only take place as follows:

- Hours. Monday through Friday from 7:00 a.m. until 7:00 p.m., and on Saturdays and Sundays from 9:00 a.m. until 6:00 p.m.
- Holidays. There shall be no construction on New Year's Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving Day, or Christmas Day.
- Waivers. Waivers may be given for the pouring of concrete slabs during the summer months.

D. Noise, Animals, Children

The use of music devices and noise must be restrained so as not to be heard on an adjoining Lot or street. Contractors and subcontractors may not bring dogs or children under 16 years of age to construction sites.

E. Material and Equipment Storage

All construction materials and equipment shall be neatly stacked, properly covered and secured. Any storage of materials or equipment shall be the Owner's responsibility and at their risk. Owners may not disturb, damage or trespass on other Lots or adjacent property.

F. Insurance

The ACC may require an Owner to procure adequate commercial liability insurance during construction naming the Association, the Declarant and the ACC as additional insureds in an amount to be determined, from time to time, by the ACC.

G. Site Cleanliness

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming an eyesore.

- Fencing. Brightly colored construction fence must be installed before the start of construction on all side lot lines where a home is being constructed next to an existing occupied home.
- Trash Containers. Owners and Homebuilders shall clean up all trash and debris on the construction site. Trash and debris shall be removed from each construction site on a timely basis. The ACC will have the authority to require that one dumpster be provided to serve no more than two Lots. In addition to any dumpster, a trash receptacle approved in advance by the ACC will be located on each lot during construction. Trash receptacles must be emptied periodically and will not be permitted to overflow. Chain link fencing is not an acceptable enclosure material for temporarily containing trash. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site.
- No Dumping or Burning. The dumping, burying or burning of trash is not permitted anywhere in The Oaks at North Grove.
- Heavy Equipment and Debris. When moving heavy equipment, precautions must be taken to prevent damage to pavement, curbs, and vegetation. Track loaders are not to be operated on paved or concrete surfaces. Mud, dirt and other construction debris that is tracked off the construction site shall be cleaned on a daily basis. Skid steer loaders are not to be used to clean the streets by scraping them.
- Concrete Truck Clean-Out Site. Each Owner who is a Homebuilder may designate a portion or portions of Lots owned by such Owner, which must be approved in advance by the ACC (the "**Clean-Out Site**") for the cleaning of concrete trucks used by such Owner or its subcontractors during the construction of Improvements on any Lot. Each such Owner or its subcontractors shall restrict its cleaning of concrete trucks to the Clean-Out Site, and shall immediately remove all debris and trash deposited by any concrete truck from property and streets adjacent to the Clean-Out Site. Each Owner shall be obligated to restore any vegetation located within the Clean-Out Site which is removed or damaged as a result of the use of the Clean-Out Site by such Owner or its subcontractors. In the event such Owner fails to comply with the terms of this paragraph, Declarant may, at its option, remove any

trash or debris and restore any vegetation removed or damaged, and the Owner shall be responsible for reimbursing Declarant for any costs it incurs for such actions. If such Owner fails to pay such costs and expenses upon demand by the Declarant, such costs and expenses (plus interest from the date of demand until paid at the maximum lawful rate, or if there is no such maximum lawful rate, at the rate of one and one-half percent (1½%) per month) will be assessed against and chargeable to the Owner's Lot. Any such amounts assessed and chargeable against a Lot hereunder will be secured by the liens reserved in the Declaration for Assessments and may be collected by any means provided in the Declaration for the collection of Assessments.

H. Sanitary Facilities

A temporary sanitary facility (chemical toilet) shall be provided and maintained for the use of construction workers on or within three (3) Lots of the construction site.

I. Construction Parking & Construction Trailers

Construction crews shall not park on, or otherwise use, other Lots. No construction vehicle will be permitted to leak oil or otherwise damage or deface any street located within the community. The Restrictions permit Declarant to maintain and locate construction trailers and construction tools and equipment within the Property. Upon written approval from the ACC, a Homebuilder may be permitted to establish a construction trailer, field office or similar temporary structure by submitting along with the application for approval, a copy of the site plan with proposed locations of trailer, field office or similar temporary structure with a trash receptacle noted thereon. The trash receptacle shall be of an approved size. Such temporary structure, if approved, must be removed immediately upon completion of construction. Approval by the ACC shall not relieve Homebuilder from the obligation to apply for and obtain any other governmental permits before moving any such construction trailer, field office, etc. onto the Property.

J. Schedule of Construction Fines

Periodic inspections by a representative of the ACC may take place in order to identify non-complying construction activities. Fine amounts will be set forth in the Fine and Enforcement Policy in the Community Manual (as defined in the Declaration).

ATTACHMENT 1
TREE LIST

Trees which may be planted adjacent to Streets		
Street Trees (between Curb and Sidewalk)		
Bald Cypress	Lace Bark Elm	Chinquapin Oak
Pond Cypress	Alle Elm	Shumard Oak
Cedar Elm	Chinese Pistachio	Burr Oak
Texas Red Oak	Urbanite Ash	Highrise Live Oak
Yard Trees (between Sidewalk and Front Facade)		
Live Oak	Bald Cypress	Shumard Oak
Sweetgum	Texas Red Oak	Burr Oak
Cedar Elm	Chinquapin Oak	

FILED FOR RECORD - ELLIS COUNTY, TEXAS
INST NO. 2238278 on September 29, 2022 at 2:09 PM

STATE OF TEXAS COUNTY OF ELLIS
I hereby certify this instrument was filed on the date
and time stamped hereon and was duly recorded in
the records of Ellis County, Texas as stamped hereon.
COUNTY CLERK, ELLIS COUNTY, TEXAS



A handwritten signature in black ink, appearing to read "Hupar Valdez".

ATTACHMENT 1

THE OAKS AT NORTH GROVE
DESIGN GUIDELINES