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**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
HIGHLANDS RANCH UNITS 1 THROUGH 6
PLANNED UNIT DEVELOPMENT
(AMENDED May 30, 2024)**

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INDEX

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

HIGHLANDS RANCH UNITS 1 THROUGH 6 PLANNED UNIT DEVELOPMENT

(AS RESTATED AND AMENDED)

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**DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS
FOR HIGHLANDS RANCH UNITS 1 THROUGH 6,
PLANNED UNIT DEVELOPMENT
(AS RESTATED AND AMENDED)**

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("DCCR") FOR HIGHLANDS RANCH UNITS 1 THROUGH 6 PLANNED UNIT DEVELOPMENT (AS RESTATED AND AMENDED), is made on the date hereinafter set forth by the Members of Bexar County Highlands Ranch Homeowners Association, Inc., for the purposes herein set forth as follows:

WITNESSETH:

WHEREAS, BEXAR COUNTY HIGHLANDS RANCH HOMEOWNERS ASSOCIATION, INC. ("Association") has been incorporated as a Texas non-profit corporation with the power and duty to maintain and administer the Common Facilities of the Highlands Ranch Subdivision, Units 1 through 6, (the "Subdivision") and the power to administer and enforce the covenants and restrictions, and to collect and disburse the assessments and charges, hereinafter described; and

WHEREAS, the Members of the Association desire to restate and amend the various sets of the original DCCRs that governed the Subdivision to combine them into a single document, bring them into compliance with laws passed since the adoption of the original DCCRs, and to delete obsolete provisions;

NOW, THEREFORE, the Members of the Association declare that the Subdivision is and shall be held, transferred, sold, conveyed, occupied, and enjoyed subject to the covenants, restrictions, easements, charges, and liens hereinafter set forth, all of which shall be deemed as running with the land, and shall be subject to the assessments and liens of the Association, on the terms set forth herein.

ARTICLE I.

DEFINITIONS

The following words when used in this DCCR or any Supplemental Declaration (unless the context shall prohibit) shall have the following meanings

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(a) "Association" shall mean and refer to Bexar County Highland Ranch Homeowners Association, Inc., a Texas non-profit corporation, its successors and assigns as provided for herein. The Association operates under the assumed names "Highlands Ranch Homeowners Association, Inc." and "Association."

(b) "Board of Directors" and "Board" shall mean and refer to the Board of Directors of the Association, the election and procedures of which shall be as set forth in the Articles of Incorporation and Bylaws of the Association.

(c) "Builder Member" shall mean such builders approved t for construction within the Subdivision and who own one or more Lots for construction of a residence and resale to others.

(d) "Committee" or "Architectural Control Committee" or "ACC" shall mean and refer to the committee established in Article VII hereof.

(e) "Common Areas" and "Common Facilities" shall mean and refer to all property leased, owned, or maintained by the Association for the use and benefit of the Members of the Association. The Common Areas may include, but shall not necessarily include or be limited to, any or all of the following: greenbelts, water wells, private roads (together with any future extensions thereof) and entry gate for the Subdivision, and all entrance monuments, perimeter walls, drainage facilities and detention ponds, esplanade and right-of-way landscaping and such other areas lying with indicated public easements or rights-of-way as deemed appropriate by the Board of Directors of the Association for the preservation, protection and enhancement of the property values and the general health, safety or welfare of the Owners.

(f) "Declarant" shall mean and refer to Country Bend Properties for Subdivision Units 1 through 4 and Dancing Rabbit, Ltd. for Subdivision Units 5 through 6.

(g) "Declaration" or "DCCR" shall mean and refer to this Declaration of Covenants, Conditions and Restrictions for Highlands Ranch Units 1 through 6, Planned Unit Development (as Restated and Amended), and any amendments, annexations and supplements hereto made in accordance with the terms hereof.

(h) "Living Unit" shall mean and refer to a single-family residence and its attached or detached garage situated on a lot.

(i) "Lot" shall mean and refer to any of the plots of land numbered Lots 1-83, inclusive, and Lots 144-145, inclusive, Block 1, CB 4709, Lots 1-50, inclusive, Block 2, CB 4709, Lots 1-7, inclusive, Block 3, CB 4709, HIGHLANDS RANCH UNITS 1 through 6, PLANNED UNIT DEVELOPMENT, in Bexar County, Texas, according to plats thereof recorded in Deed and Plat Records of Bexar County, Texas;

(j) "Members" shall mean and refer to all those Owners who are members of the Association as provided herein.

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(k) "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot or portion of a Lot, within the Properties, including contract sellers but excluding those having interest merely as security for the performance of an obligation.

(l) "Properties" or "Subdivision" shall mean and refer to the above described properties known as HIGHLANDS RANCH UNITS 1 THROUGH 6, PLANNED UNIT DEVELOPMENT, and additions thereto, as are subject to this Declaration or any Amended or Supplemental Declaration.

(m) "Single Family" shall mean and refer to a group related by blood, adoption, or marriage or a number of unrelated house mates equal to the number of bedrooms in a Living Unit.

(n) "Subdivision Plat" and/ or "Subdivision Plats" shall mean and refer to the maps or plats of HIGHLANDS RANCH PLANNED UNIT DEVELOPMENT, filed for record in Deed and Plat Records of Bexar County, Texas, as follows:

1. Unit 1: Volume 9532, Page 150;
2. Unit 2: Volume 9537, Page 91;
3. Unit 3: Volume 9541, Page 175-176;
4. Unit 4: Volume 9544, Page 102-103;
5. Unit 5: Volume 9560, Page 132-135;
6. Unit 6: Volume 956, Page 167-169; and

any amendment thereof upon filing of same for record in the Deed and Plat Records of Bexar County, Texas.

ARTICLE II.

CONSTRUCTION REQUIREMENTS

Section 1. Placement of Structures on Lots and Side Yards. All buildings or other structures, permanent or temporary, habitable or not, must be constructed, placed and maintained in conformity with the setback lines hereby established, and those shown on the Subdivision Plats, if any. No building or other structure may be constructed, placed or maintained nearer to any Lot line than such setback lines. Setbacks for all Lots shall be as follows: one hundred feet (100') from any front Lot line, forty feet (40') from any side lot line, and seventy-five feet (75') from any rear Lot line. There shall be no projections nor encroachment into any utility or drainage easement or into the Conservation Area herein established. Eaves of buildings shall not be deemed to be a part of a building or structure, but steps and porches shall be deemed to be a part of a building or structure for the purpose of this covenant. In no event may any structure be constructed or maintained upon any utility or other easement.

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The ACC shall have the right to grant variances to the setbacks established in this **Section 1** to accommodate the topography and trees on a Lot or the architectural design of the proposed improvements.

Each Lot shall include a Conservation Area. The Conservation Area shall consist of 25 feet adjacent to each side and rear Lot line and shall not be trimmed, pruned, cut-back, penetrated, encroached upon, backfilled with soil, or chemically treated in any way, except for the installation, maintenance and replacement of utilities within the above described utility easements, the creation of a "clear vision area" as described below, or unless otherwise approved in writing by the Architectural Control Committee. The foregoing restrictions related to the Conservation Area shall not apply forward of the front fence setback. If two or more Lots are combined for one home site and a residence is constructed on such home site, then the combined area shall be considered as one Lot for purposes of determining the Conservation Area described herein. Notwithstanding anything to the contrary contained herein, this provision shall not, and shall not be construed to, prohibit the maintenance of "clear vision areas" between the height of 3 feet and 8 feet above ground level on the corner of two intersecting streets as required by Article II, "Planning," of the City of San Antonio's Unified Development Code.

Section 2. Size and Height. No building or structure erected, altered or placed on, within or in the Properties shall exceed forty feet (40') in average height (measured from the top of the foundation to the topmost part of the roof) nor be more than two and one-half (2½) stories in height without the written consent of the Architectural Control Committee; provided, however, that all applicable ordinances, regulations, and statutes with respect to the maximum height of building and structures shall be complied with at all times.

Each single story or one and one-half (1½) story building or structure shall contain not less than 2,200 contiguous square feet of living area. Each two story or two and one-half (2½) story building or structure shall contain not less than 2,400 contiguous square feet of living area, such areas to be exclusive of open or screened porches, terraces, patios, driveways, garages, carports, and living quarters for domestic servants separated or detached from the primary living area, and the entire living area comprising the residence building shall be fully finished on the interior and serviced by HVAC. The first floor of each two and one-half (2½) story building or structure shall contain not less than 1,600 contiguous square feet of living area, as the term is used hereinabove.

Section 3. Masonry. The masonry requirement for the exterior walls of each main residence building constructed on any Lot shall be at least seventy-five percent (75%) by area composed of masonry or masonry veneer, including the entire front and both sides. Said percentage shall apply to the aggregate area of all said lower story walls. In determining compliance with this Section, window and door openings surrounded by masonry material shall be considered masonry and window and door opening surrounded by non-masonry materials shall be considered non-masonry. The exterior of all chimneys shall be one hundred percent (100%) masonry if located on the front or side of a house or otherwise visible from the street and such masonry shall be of a type and color

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matching the primary masonry on the exterior walls of the residence. The Architectural Control Committee is empowered to waive this restriction if, in its sole discretion, such waiver is advisable in order to accommodate a unique or advanced building concept, design, or material, and the resulting structure will not detract from the general appearance of the neighborhood. Masonry or masonry veneer includes stucco, ceramic tile, clay, brick, rock and all other material commonly referred to in Bexar County, Texas as masonry but shall exclude any product, regardless of composition, which is manufactured to have a wood or non-masonry appearance. Absent the express written consent of the ACC, vinyl siding and aluminum siding shall not be allowed.

The builder of each residence and building shall, to the extent possible, minimize the amount of exposed foundation, and in any event, no more than twenty-four inches (24") of foundation along all sides of the residence shall be exposed. All exposed slab areas shall be parged or concealed by masonry or masonry veneer approved by the ACC. All stucco exteriors shall be fully extended to the ground leaving no exposed slab.

Notwithstanding the requirements of this Section, and in addition to variance power granted to the Architectural Control Committee hereinafter, the Committee is empowered to waive one or more requirements of this Section if in its sole discretion, such waiver is advisable in order to accommodate a unique or advanced building concept, design, or material, and, in the opinion of the Committee, the resulting structure or appearance will not detract from the general appearance of the neighborhood.

Section 4. Siding. Subject to the limitations imposed by Section 3, above, wood siding may be used. All other siding materials, and all siding colors, must be approved by the Committee.

Section 5. Roofing. The surface of roofs of principal and secondary structures, including garages and domestic living quarters, shall be of architectural dimensional shingles of a color and type approved by the ACC, slate, stone, concrete tile, clay tile, or other tile of a ceramic nature; or they may be metal, left natural or painted a color approved by the Architectural Control Committee, using standing or battened seams; or they may be of wood shingle or wood shake if they meet minimum fire retardant criteria and are permitted by governmental authorities. The Architectural Control Committee shall have the authority to approve other roof treatments and materials if the form utilized will, in its sole discretion, be harmonious with the surrounding homes and Subdivision as a whole. No flat roofs are permitted.

The Architectural Control Committee shall establish roofing criteria which are directed to (a) generally improving the quality of materials used; (b) encouraging the use of colors which are in harmony with other structures in the Subdivision; and (c) establishing minimum pitch requirements.

Notwithstanding the foregoing, roofing shingles shall meet the following specifications:

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1. Be designed primarily to:
 - a. Be wind and hail resistant;
 - b. Provide heating and cooling efficiencies greater than those provided for customary composite shingles; or
 - c. Provide solar generation capabilities; and
2. When installed:
 - a. Resemble the shingles used or otherwise authorized for use on property in the Subdivision;
 - b. Are more durable than and are of equal or superior quality to the shingles used or otherwise authorized for use on property in the Subdivision; and
 - c. Match the aesthetics of the property surrounding the Owner's property.

Section 6. Exterior Colors and Materials. The exterior colors of all improvements on a Lot, including any repainting of improvements, shall be subject to approval by the Architectural Control Committee. A sample of the masonry, roofing, paint colors and any additional exterior materials shall be submitted to the ACC for review prior to its application. Any changes to exterior material or color shall be submitted to the ACC for review and approval.

Section 7. Windows and Glass. Windows shall be wood or factory job-finished painted metal windows in a color approved by the Architectural Control Committee. The design of windows may be double or single hung, casements or projecting, except that, as necessary, sliding windows may be single pane. No reflective glass is permitted.

Section 8. Guttering. Guttering shall not be required but all dwellings with guttering must be guttered with downspouts being so situated as to minimize adverse drainage consequences for adjoining Lots.

Section 9. Garages. A garage able to accommodate at least two (2) automobiles must be constructed and maintained as such for each residence. Garages will be allowed as builder's sales offices but must be reverted to use as a garage upon the conveyance or occupancy of home by a resident.

Section 10. Fences and Other Security Measures. An Owner cannot be prohibited from installing security measures on the Owner's property, which include, but are not limited to perimeter fences, cameras or motion detectors, all of which require advance approval in writing by the Architectural Control Committee ("ACC")

No chain-link or cyclone fences may be built or maintained on any Lot, except in connection with (a) tennis courts, provided such fence is vinyl clad, is properly landscaped, and is reasonably screened from public view, or (b) a rear yard dog run so located or screened as to not be visible from any street.

No fence, wall, or hedge shall be built or maintained forward of the front fence setback line, except for decorative walls or fences which are part of the architectural

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design of the main structure and retaining walls, provided the ACC approves of same in writing. No fence shall extend closer than twenty-five feet (25') to the front property line and/or the edge of the street, as approved by the ACC.

Construction of perimeter fencing shall consist only of the following kinds of ranch fencing and comply with the following:

1. Posts. Cedar posts shall be placed 10'-12' on center (min. 3" to 4" diameter for in-line posts and 6" to 7" diameter for corners and H-braces) with cedar stakes or metal tee stakes (color to be approved by the ACC) between each post. Cedar posts may be stripped of bark. Painted iron pipe may be used in lieu of wood posts. In-line pipe shall be a minimum of 2 3/8", and corners and H-braces shall be a minimum diameter of 2 7/8". Wolmanized pine or other wood posts are permissible.

Iron pipe shall be placed at a maximum of 200' (100' is recommended) provided there are no corners, or any changes in direction, and must have metal tee stakes or cedar posts placed 10' to 12' on center. In general, H-braces should be placed at all changes in direction and at all ends.

2. Wire. Wire shall be standard 47" Sheep and Goat galvanized wire fencing (12.5 gage or better). The overall height of the fence shall not exceed 56". The wire fencing shall be tied at a height of 48" and may be topped with one strand (2" to 6" above fencing, for a total fencing height not exceeding 56") of smooth wire. Non-climb wire (12.5 gage wire or better) 48" in height, 2X4 12.5 gage welded wire 48" in height, or 48" 8 gage welded wire panels, may be used in lieu of the Sheep and Goat wire fencing.

Also, five strands of smooth wire may take the place of the fencing. This kind of fencing will also allow for the easier passage of fawns and other small wildlife within the Properties.

3. In lieu of the above, the ACC, at its option, may approve a wrought iron metal panel fence with iron posts or stone columns not to exceed 60".

No "deer proof" perimeter fencing or any fencing above the height of 56" shall be permitted which would restrict the movement and habitat of wildlife presently existing on the Properties.

Free standing site walls, bollards, planters or gate posts may be allowed at the driveway entrance, as long as the improvements are a minimum of twenty-five (25') feet from the roadway right-of-way and/or the edge of the street, as approved by the ACC. No driveway entrance shall be designed as a "drive under" using beams or arches spanning the driveway, and no driveway entrance feature shall exceed eight (8') feet in height and fifty (50') feet in width along the street [twenty-five (25') feet from either side of the centerline of the driveway].

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All fences or walls located on Lots are to be maintained at the expense the Owner of the Lot.

Notwithstanding the foregoing, the ACC is empowered to waive the aforesaid composition requirements for fences and the aforesaid height and setback limitations in connection with retaining walls and decorative walls if, in its sole discretion, such waiver is advisable in order to accommodate a unique, attractive or advanced building concept design or material and the resulting fence, decorative wall and/or retaining wall (whichever is applicable) will not detract from the general appearance of the neighborhood.

No fence (other than a perimeter fence), wall, hedge, shrub planting or other security measures which obstruct sight lines shall be placed or permitted to remain on any corner Lot within the triangular area as formed by the extension street right of way lines and a line connecting them at points twenty-five feet (25') from the intersection of the street right of way lines, or in the case of a rounded property corner, from the intersection of three and one-half feet (3½') tall shall be allowed in this inscribed triangle. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

Each Owner shall maintain all fencing and other security measures placed on his Lot in a neat appearance and in a usable condition including the reconstruction or replacement of fences which are tilted more than ten (10) degrees from a vertical position.

Owners are allowed to install fences across drainage easements provided such fences are installed and maintained in such a manner as to not interfere with the proper drainage within and across such easements. Openings of sufficient size to permit the free flow of water across such drainage easements must be provided for any such fences. This situation arises on the rear and/or side Lot lines of Lots 19, 20, 22-24, 27, 44-47, 51-62, 63-69, 71, and 73-83, inclusive, Block 1; Lots 13, 20-34, 36-38, and 41-50, inclusive, Block 2; Lot 1, Block 3; and Lots 4 and 6, Block 3, as shown on the Subdivision Plat. If the Lot Owner wants to fence in the variable width drainage easement, the fence shall be designed by an engineer, approved by the Public Works Department and submitted to the ACC for review of the fencing materials being in compliance with the restrictions.

For swimming pool and spa enclosures, see Article III. Section 5.

Section 11. Driveways. All driveways shall be of a hard surfaced material, finish, and composition for the first 100 feet of driveway extending from the main road running in front of the Lots as expressly approved by the Committee. These may include, but are not necessarily limited to, stone, flagstone, concrete, exposed aggregate concrete, concrete pavers, brick, and asphalt. Except with approval of the Committee, no circular driveway shall be more than twenty feet (20') in width. All driveway entrances shall be at least twelve feet (12') in width. Driveway locations shall be only as approved by the Committee. All other concrete or exterior hard composition surfaces shall be of a finish and color approved by the Committee. No loose gravel driveways shall be permitted

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without approval of the Committee. No more than one curb cut per lot shall be permitted without approval of the Committee. Builders and contractors are required to clean streets immediately after aggregate finished driveways have been washed.

It is the responsibility of each Lot Owner to take into consideration the sizing of drain pipes in all bar ditches adjacent to the street to facilitate drainage after the transversion of the ditches with a driveway. It is recommended that a civil engineer be consulted as each Owner will be responsible for the repair and/or replacement of all damaged property which results from any improper drainage on such Owner's Lot. Culvert headwalls must be concreted on both sides of the driveway.

Section 12. Sewage Disposal Systems and Water Wells. Sanitary control easements are established on the Subdivision Plat and Owners shall comply therewith. Additionally, installation of all septic tanks and systems and other sewage disposal systems on the Lots shall be in accordance with the requirements of Bexar County and its "Regulations for On-Site Sewage Facilities" and pursuant to all required inspections. The Architectural Control Committee is authorized to make set back waivers and adjustments it deems necessary in connection with the authorized location of any sewage disposal system or equipment. Owners are advised that some Lots will require an authorized sewage disposal system other than a septic tank system, such as aerobic treatment system, an evapo-transpiration unit, or a pressure dosing system. All Owners are required to determine which sewage disposal systems may be used on their Lots.

No outside toilets shall be used, constructed or permitted. No installation of any kind for disposal of sewerage shall be constructed or maintained which would result in untreated sewerage or septic tank drainage being drained onto or into the surface of any part of the Subdivision, or onto or into any body of water located in the Subdivision. No means of sewerage disposal may be installed, used or maintained except a septic tank, an improved gray water system or a similar or improved means of sanitary sewerage disposal which meets the requirements of and is approved by all governmental authorities having jurisdiction thereof. No structure placed upon a Lot shall be used until sanitary sewerage disposal facilities complying with this paragraph have been completely finished. The Committee shall have the right, but not the obligation, to specify the location, orientation and drainage field of any such means of sanitary sewerage disposal, subject to the approval of all governmental authorities having jurisdiction thereof. This Section is not meant to prohibit any "gray water" systems which are approved by the Architectural Control Committee and all applicable governmental authorities.

The ACC is not responsible for, and will not review or approve, the design or placement of any septic system. Each Owner must have his septic tank and system properly engineered and obtain review and approval from county or other applicable authorities.

The Subdivision does not currently lie within any water survey subject to a Certificate of Convenience and Necessity ("CCN"). Owners are advised that water for the Lots must be supplied through private water wells.

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Section 13. Landscaping and Designated Areas. For landscaping purposes, each Lot shall be regarded as consisting of three designated areas as described in this Section 13.

The **Conservation Area** on each Lot is designed to provide a natural zone of undisturbed landscape to provide privacy and a noise buffer between residences. This area typically consists of a 25-foot strip along the side and rear Lot lines. Only the trimming and removal of dead or damaged vegetation material are allowed in order to promote healthy growth of existing native vegetation in the Conservation Area. Any other vegetation within the Conservation Area of a Lot removed or damaged during construction, or by deliberate action of the Lot Owner, shall be replaced at the Owner's expense. Wounds on any hardwood trees situated within the Conservation Area as a result of pruning must be painted immediately to prevent infection.

The **Native Area** consists of half or 50% of the overall Lot; including the Conservation Area. Within the Native Area, Lot Owners are encouraged to trim and remove underbrush. Only plants indigenous to the Texas Hill County shall be planted in the Native Area. The sowing of a mix of native grasses to discourage erosion and wildflowers to provide spring color is encouraged within the Native Area.

The **Developable Area** consists of the remaining half or 50% of the overall area of each Lot and includes the Building Envelope. The Building Envelope is defined as the area within a Lot required to complete the construction of the planned improvements to such Lot. The Developable Area shall be subject to the approval of the ACC to insure the protection of any significant topographical features, drainage areas or archeological features. Natural terrain features such as slopes, ridges, knolls and rock formations should be carefully considered and integrated into the development of the Lot.

All areas disturbed by construction activities shall be cleaned and vegetated with native materials at a minimum. Decorative ground cover rock in the front and side yards may not exceed twenty (20%) percent of the total area of the front and side yards. Cuts into natural grade visible from the street are to be faced with masonry, sodding or landscaping. Allowances may be made for areas left in a natural state depending upon their appearance

All air conditioning units or other outdoor equipment shall be located where not in view of any street or fully screened by landscaping or fencing so as not to be in view of any street.

The Committee shall have the right to grant a variance or waiver of the requirements of this Section of the landscaping standards from time to time promulgated in such instances as it shall determine that such waiver is advisable in order to accommodate a unique, attractive or advanced landscaping concept, design or material and the resulting appearance, in the opinion of the Committee, will not detract from the

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general appearance of the neighborhood. No such variance or waiver shall be presumed and any such grant of variance or waiver shall be in writing.

The Committee has found the plant lists developed by the National Wildflower Research Center "Recommended Species for Central Texas" and "Recommended Species for South Texas" to be inherently compatible with the landscape ethic for the Properties and approves the use of these plants within the Properties as provided within these guidelines. Any species of trees or shrubs not listed which have been found to be indigenous to the Properties may also be acceptable, but upon specific review and approval of the Committee.

In order to help Owners and their landscape designers, the additional National Wildflower Research Center publications "Native Plant Bibliography for Texas," "Texas Sources for Native Plants and Seeds," "Gardening and Landscaping with Native Plants," and "Wildflower Meadow Gardening" are maintained by the Committee for inspection and reference. In addition, the National Wildflower Research Center has consultants available at a nominal fee to help Owners either by prepaid telephone conversations or personal appointments. A list of native plants and publications are available, on request, from the Association.

The Committee encourages the use of landscaping that requires minimal water use.

Section 14. Exterior Lighting. No light fixture or lantern of any type shall be placed on any Lot if the same is visible from any other portion of the Properties or any streets, of any Lot until the same has been approved by the Committee.

Section 15. Burglar and Fire Alarms. Each residence constructed on a Lot within the Subdivision shall be pre-wired for a perimeter burglar alarm system covering all exterior doors, entries and windows and such type, number, and location of smoke detectors as stipulated by the ordinances and/or building codes of the City of San Antonio then in effect.

Section 16. Flags and Flagpoles. An owner or resident has the absolute right to display on their property.

1. The flag of the United States, which shall be displayed in accordance with the following requirements:
 - a. It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness. The flag should be hoisted briskly and lowered ceremoniously.
 - c. The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.

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- d. The flag should not be draped over the hood, top, sides, or back of a vehicle. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.
- e. No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America.
- f. The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.
- g. The flag of the United States of America should be at the center and at the highest point of the group when a number of flags are grouped and displayed from staffs.
- h. When flags are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.
- i. When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half-staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.
- j. When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.
- k. The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. The term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff.
- l. No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing.
- m. The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.
- n. The flag should never touch anything beneath it, such as the ground, the floor, or water.
- o. The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free.
- p. The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
- q. The flag should never be used as a covering for a ceiling.

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- r. The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature
 - s. The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.
 - t. The flag should never be used for advertising purposes in any manner whatsoever. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.
 - u. The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.
2. The flag of the State of Texas, which shall be displayed in accordance with the following requirements:
- a. If the state flag is mounted on a flagstaff:
 - (1) The flag should be attached at the peak of the staff;
 - (2) The staff should be at least 2- 1/2 times as long as the flag's hoist; and
 - (3) If the staff has a finial, the finial should be a star or a spearhead.
 - b. If the state flag is permanently mounted on a flagstaff:
 - (1) The flag may be decorated with gold fringe; and
 - (2) The staff may be decorated with gold cord or tassels.
 - c. The state flag should not normally be displayed outdoors before sunrise or after sunset.
 - d. For patriotic effect, the state flag may be displayed outdoors:
 - (1) Twenty-four hours a day, if properly illuminated during darkness; or
 - (2) In the same circumstances that the flag of the United States may be displayed.
 - e. The state flag should not be displayed outdoors during inclement weather unless the flag is a weatherproof flag.
 - f. If the state flag is displayed on a flagpole or flagstaff, the white stripe should be at the top of the flag, except as a signal of dire distress in an instance of extreme danger to life or property.
 - g. A flag or pennant, other than the flag of the United States, displayed with the state flag:
 - (1) Should not be above the state flag; or
 - (2) If the other flag or pennant is at the same height as the state flag, should not be, from the perspective of an observer, to the left of the state flag.
 - h. If the state flag and the flag of the United States are displayed on the same flagpole or flagstaff, the United States flag should be above the state flag.
 - i. If the state flag and the flag of the United States are displayed on flagpoles or flagstaffs at the same location:
 - (1) The flags should be displayed on flagpoles or flagstaffs of the same height;
 - (2) The flags should be of approximately equal size;
 - (3) The flag of the United States should be, from the perspective of an observer, to the left of the state flag;

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- (4) The flag of the United States should be hoisted before the state flag is hoisted; and
 - (5) The state flag should be lowered before the flag of the United States is lowered.
 - j. If the state flag is displayed from a flagstaff that projects horizontally or at an angle from a building, the top of the flag should be placed at the peak of the staff unless the flag is at half-staff.
 - k. If the state flag is suspended over a sidewalk from a rope that extends from a building to a pole at the edge of a sidewalk, the flag should be hoisted from the building so that the white stripe is nearest the pole.
 - l. If the state flag is displayed in a window, the white stripe should be above the red stripe and, from the perspective of an observer who is outside the window, to the right of the blue stripe.
 - m. The state flag should not:
 - (1) Touch anything beneath it, including the ground or floor;
 - (2) Be dipped to any person or thing, except as a mark of honor for the United States flag;
 - (3) Trail in water;
 - (4) Have placed on any part of it, or attached to it, any mark, word, figure, design, picture, or drawing;
 - (5) Be used or stored in a manner in which it can easily be soiled or damaged;
 - (6) Be used as a receptacle for receiving, holding, carrying, or delivering anything;
 - (7) Be draped over the hood, top, side, or back of any vehicle;
 - (9) Be used as bedding or drapery;
 - (10) Be festooned or drawn back or up in folds, but instead allowed to fall free; or
 - (11) Be used as a covering for a ceiling.
 - n. Advertising should not be fastened to a flagpole, flagstaff, or halyard on which the state flag is displayed.
3. Any flagpole attached to a dwelling or a freestanding flagpole shall be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling.
 4. The display of a flag, or the location and construction of the supporting flagpole, shall comply with applicable zoning ordinances, easements, and setbacks of record.
 5. A displayed flag and the flagpole on which it is flown shall be maintained in good condition, and any deteriorated flag or deteriorated or structurally unsafe flagpole shall be repaired, replaced, or removed.
 6. No more than one flagpole is allowed per Lot.

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7. No flagpole shall exceed twenty feet in height.
8. No flag larger than three feet by five feet may be displayed.
9. There shall be no more than one light, not to exceed sixty watts in intensity, used to illuminate a displayed flag.
10. Persons displaying flags on flagpoles shall abate noise caused by an external halyard of a flagpole so that it cannot be heard from any other Lot.

Section 17. Rain Barrels and Rainwater Harvesting Systems.

1. No irrigation system shall be constructed so that it may be viewed from any other lot or common area.
2. No rainwater harvesting system or rain barrel shall be permitted to exist on any Lot if the barrel or system:
 - a. Is of a color other than a color consistent with the color scheme of the property Owner's home; or
 - b. Displays any language or other content that is not typically displayed by such a barrel or system as it is manufactured, or
 - c. Be visible from a street, another lot, or a common area if:
 - (1) So long as such prohibition does not prohibit the economic installation of the device or appurtenance on the property owner's property; and
 - (2) There is a reasonably sufficient area on the property Owner's property in which to install the device or appurtenance.

Section 18. Religious Displays.

1. Except as otherwise provided in the DCCR, an Owner cannot be prohibited from displaying or affixing on Owner's Lot or dwelling any religious items. However, no display or affixing of a religious item on the entry to any Owner's or resident's dwelling shall be permitted that:
 - a. Threatens the public health or safety;
 - b. Violates a law other than a law prohibiting the display of religious speech;
 - c. Contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;
 - e. Is installed on property that is owned by the Association or is owned in common by Members of the Association,
 - f. Violates any applicable building line, right-of-right, setback or easement; or
 - g. Is attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole or fixture.

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2. No Owner or resident shall use a material or color for an entry door or door frame of the Owner's or resident's dwelling or make an alteration to the entry door or door frame that is not authorized by the Architectural Control Committee.
3. The Board of Directors of the Association may cause its agent or representative to remove an item displayed in violation of a restrictive covenant permitted by this Section 18.

ARTICLE III.

RESTRICTIONS ON USE

Section 1. Residential Only. The Properties shall be used only for the development of private single-family residences, and Common Facilities serving the Owners and residents thereof.

Section 2. Permitted Use. All land included within the Properties shall be used for "residential purposes" only, either for the construction of private single-family residences, including an enclosed private garage for not less than two (2) automobiles or as part of the Common Facilities; provided, however, that only one such private single-family residence may be constructed, or otherwise placed upon, any one Lot. The terms "residential purposes" as used herein shall be held and construed to exclude any business, commercial, industrial, apartment house, hospital, clinic and/or professional uses, and such excluded uses are hereby expressly prohibited subject solely to the use by each Builder Member of residences within the Properties as temporary sales offices and model homes for the display and sale of Lots within the Properties and no others. This restriction shall not, however, prevent the inclusion of permanent living quarters for domestic servants or to allow domestic servants to be domiciled with an Owner or resident.

No Lot (including any Living Unit) or any portion of such Lot may be leased for a term of less than three (3) months, except for leases between buyers and sellers of such Lot incidental to such sale. Any such Lease Agreement must be in writing. The Owner must provide to the Board of Directors the Lessee's contact information, to include name, mailing address, phone numbers, email addresses of everyone who resides on the property, and the lease start date and end date. The Lease Agreement must contain a provision stating that the Lessee shall be subject to and shall comply with all provisions of the Declaration of Covenants, Conditions and Restrictions, the Bylaws, and all other rules and policies of the Association, as if the Lessee were the Lessor/Owner.

Section 3. Athletic Facilities. Tennis court lighting and fencing shall require the prior written approval of the Architectural Control Committee and any Owner desiring to install the same shall submit design and site plans, landscaping plans, and lighting specifications. Landscaping and fencing requirements may be set by the Committee for the purpose of screening courts in an aesthetically pleasing manner. No basketball goals

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or backboards or any other similar sporting equipment of either a permanent or temporary nature shall be located on any Lot closer than eighty feet (80') from the front property line or closer than forty feet (40') to the side property line. The ACC will have the right to regulate the appearance and placement of all sporting apparatus including basketball goals. All basketball backboards shall be maintained in a playable condition at all times and any damaged structure shall be repaired or removed immediately.

Section 4. Outbuilding and Exterior Modifications. Every outbuilding, inclusive of such structures as a storage building, pool house, servants' quarters, greenhouse or children's playhouse, shall be compatible with the dwelling to which it is appurtenant in terms of its design and material composition. The design, materials and location of all such buildings shall be subject to the written approval of the Committee.

Every proposed addition or exterior modification to any structure or improvement shall be subject to the terms of this Declaration and the plans and specifications for same shall be submitted to the Committee for approval.

Section 5. Swimming Pool and Spa Enclosures. A swimming pool and/or spa enclosure means (a) a fence that surrounds a water feature, including a swimming pool or spa, (b) consists of transparent mesh or clear panels set in metal frames, (c) is not more than six feet in height, and (d) is designed not to be climbable. Any swimming pool or spa must be surrounded by such an enclosure.

The type of mesh and/or clear panels used shall be subject to approval of the Architectural Control Committee ("ACC"). However, the Association may not adopt or enforce a provision in a dedicatory instrument (a) that prohibits or restricts an Owner from installing on the Owner's property a swimming pool or spa enclosure that conforms to applicable state or local safety requirements and (b) that establishes limitations related to the appearance of such enclosures, including limitations establishing colors for the enclosures, provided that the provision does not prohibit an enclosure that is black in color and consists of transparent mesh set in metal frames. Bright or fluorescent colors will not be approved.

Any swimming or spa enclosures approved by the ACC and built prior to September 1, 2021, shall remain acceptable, unless they are deconstructed and rebuilt, in which case the rebuilt enclosures must comply with this Section 5 and receive approval of the ACC.

All plans for swimming pools and spas, and all related fencing and construction, must be submitted to the ACC for review and approval prior to the start of construction. When swimming pool or spa construction accompanies the initial construction of a residence, such plans (include clear site plans) shall accompany the submission of plans for the residence.

Above ground pools are not permitted.

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Section 6. Radio and TV Antennae and Television Dishes. No radio or television aerial wires or antennas shall be maintained on any portion of any Lot, except those which are fully enclosed or retractable within the structure of the Living Unit, and shall not be located on the front part of the dwelling, and shall not be located on the side of the dwelling nearer than ten (10') feet to the front wall line of the respective dwelling. No microwave dishes, antennas, receivers, or transmitters shall be placed on any Lot without being fully enclosed or fully screened from public view. Satellite or cable television dishes of eighteen inch (18") or smaller diameter are permitted if maintained where not visible from the street.

Section 7. Solar Energy Devices. As used herein "solar energy device" means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

No solar energy device may be used or installed in the area of land subject to the DCCR to the extent that such solar energy device:

1. As adjudicated by a court:
 - a. Threatens the public health or safety; or
 - b. Violates a law.
2. Is located on property owned or maintained by the Association;
3. Is located in an area on the property Owner's property other than:
 - a. On the roof of the home or of another structure allowed under the DCCR;
or
 - b. In a fenced yard or patio owned and maintained by the property Owner;
4. If mounted on the roof of the home or of another structure allowed under the Declaration:
 - a. Extends higher than or beyond the roofline;
 - b. Is located in an area other than an area designated by the ACC, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than ten percent above the energy production of the device if located in an area designated by the ACC;
 - c. Does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or
 - d. Has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;
5. If located in a fenced yard or patio, is taller than the fence line;
6. As installed, voids material warranties; or

