

Hills of Bandera **-----Ranch-----**

Architectural & Site
Design Guidelines

Version 1 - June 15, 2014

1.0 Introduction

1.01 Objective of the Architectural and Site Design Guideline (ASDG).

This document has been prepared to ensure the quality and consistency of the Hills of Bandera Ranch residential community. The design standards as defined in this document are intended to describe explicit requirements and procedures which will be applied to all building and improvement request and activities. These guidelines may be reviewed and revised as necessary to reflect changing conditions and outlooks. When changes occur, property owners will be advised through appropriate, Board approved communication channels.

1.02 Relationship to Legal Documents.

These guidelines are complementary to the Declaration of Covenants, Conditions and Restrictions (DCCR) for the Hills of Bandera Ranch, the unit specific supplemental Declaration of Covenants, Conditions and Restrictions as well as the Board of Directors (BOD) resolutions, which are all of record. If a conflict arises between the ASDG and the above items, the DCCR and BOD resolutions shall prevail.

1.03 Community Master Plan.

The Hills of Bandera Ranch is a planned residential community of approximately 647 acres, and includes a 16 acre common area or park. Throughout the development; Hills of Bandera Ranch, it is the intent of the Hills of Bandera Ranch Property Owner's Association (HOBRRPOA) to protect the natural features of the Texas Hill Country. Consequently, the ASDG will reflect that concern in its approach toward the design, review, construction and maintenance of properties and residences within the Hills of Bandera Ranch.

1.04 HOBRRPOA

As described in the DCCR upon 100% conveyance of the parcels, the Hills of Bandera Ranch Property Owner's Association has assumed responsibility from the original developer, Cielo Trace, L.P. The HOBRR Board of Directors is the body responsible for the administration of the Association. The BOD shall appoint chairpersons and members to all committees for the assistance in the management of the association. All committees serve at the pleasure of the BOD.

2.0 Organization & Responsibilities of the Architectural Control Committee (ACC)

2.01 Mission and Function.

The DCCR states that no structure is to be constructed in Hills of Bandera Ranch without being approved by the ACC. The Hills of Bandera Ranch ACC works with the ASDG, DCCR, Supplemental Declarations and other recorded documents to assure an attractive, compatible, and aesthetically pleasing community. The ACC uses the ASDG for the evaluation of projects submitted to them. The final decision of the ACC may be based on purely aesthetic considerations. It is important to note that these opinions are subjective and may vary over time. The ACC reserves the right to revise and update the ASDG as well as the performance and quality standards to respond to future changes.

The ACC, when making its decision for approval or disapproval may take into consideration any factor deemed relevant by the ACC, including: location of improvements, proximity of improvements to other lots, number of improvements on the lot, color, material, size, setback requirements, design, construction, materials, visibility from common areas, street or neighboring properties, light wattage, lighting effect on neighboring properties, constancy of lighting with other lighting in the community (colored lights are prohibited, for example), utilities, harmony of structure of alteration with surrounding structures, and compliance with the DCCR and other restrictions.

2.02 Membership.

The ACC members are appointed by the HOBRPOA Board of Directors in accordance with Article 4.1 of the DCCR.

2.03 Scope of Responsibility.

The ACC has the following responsibilities:

- 1) Evaluating each of the plans submitted by an owner for adherence to the ASDG and compatibility of the design with the adjoining sites and common areas.
- 2) Approving all new construction.
- 3) Monitoring all stages of ownership, “vacant” lot status, the design and construction process, and post construction residency, in order to ensure conformance with the DCCR and ASDG.
- 4) Enforcing the ASDG through special assessment or self-help as described in the DCCR.
- 5) Interpreting the DCCR and ASDG at the request of the owners.
- 6) Approving all modification to existing structures, including but not limited to walls, fences, material replacements, renovations, color changes, additions and landscaping.
- 7) Amend the ASDG after approval by the HOBRPOA BOD.

2.04 Enforcement Powers.

Any existing structure or improvement that is altered or any new structure or improvement to be placed on any home site must receive prior written approval from the ACC or else will be in violation of the ASDG and the DCCR. The ACC has the power to request that the non-conforming structure be brought into compliance at the owner's expense. Should the owner fail to comply with the request of the ACC, the ACC will act in accordance with the DCCR to bring the non-conforming item/s into compliance.

2.05 Limitation of Liability.

Approval by the ACC does not constitute a representation of warranty as to the quality, fitness, or suitability of the design or materials specified in the plans. Owners should work with their architect and or contractor to determine whether the design and materials are appropriate for the intended use. In addition, approval by the ACC does not assure approval by any governmental agencies that require permits for construction. Owners are responsible for obtaining or ensuring that their architect or contractor obtains all required permits before commencement of construction. The HOBROA, the BOD, any committee, or member of any of the foregoing shall not be held liable for any injury, damages, or loss arising out of the manner of quality of approved construction on or modifications to any home site. In all matters, the committees and their members shall be defended and indemnified by the HOBROA as provided in Article 4.1 of the DCCR.

3.0 The Design Review Process

3.1 Review of Plans.

The ACC will review design submissions at scheduled ACC meetings. Submissions are due a minimum of seven calendar days before each meeting. The ACC administrator will review submissions in advance of the scheduled meeting. Submission requirements are specified in Section 3.1 of the DCCR and Section 5.01 of the ASDG.

3.2 Conditions of Approval or Rejection of Plans.

Approval by the ACC shall in no way relieve the owner of responsibility and liability for the adherence to any applicable ordinances and codes. Plans submitted for review or any portion thereof may be disapproved upon any grounds which are consistent with the purpose and objectives of the ACC, including purely aesthetic considerations. In the event that the ACC rejects the plan, the ACC shall provide the applicant a written explanation.

3.3 Architectural and Contractor Requirements.

Plans for the construction of dwellings and other buildings or significant structures at Hills of Bandera Ranch may be designed and drawn by an architect, builder, or property owner.

3.4 Final Review.

During final review, the applicant provides a final set of construction drawings for the project. These drawings should address all the conditions imposed by the ACC. The ACC reserves the right to make design recommendations on any plan during this review.

3.5 Additional Meetings with the ACC.

If an application for approval is denied or conditions are unacceptable, the applicant may request an additional meeting to discuss the plans with the ACC or an ACC representative. If the ACC and the applicant are unable to reach a mutually acceptable agreement, the applicant has the right to appeal as described in section 3.11 below.

3.6 Variances.

From time to time, the restrictions of the ASDG or existing site conditions may impose an undue hardship that may inhibit construction on a particular home site. In such cases, the applicant may submit a written request for a variance to the ACC.

At the discretion of the ACC, before approving a variance, the ACC may, by email, notify nearby HOBR property owners of a pending variance. The contacted HOBR property owners will be allowed 14 calendar days to express their concerns to the ACC. Any written or verbal comments to the ACC will be treated confidentially but made part of the meeting minutes. The ACC will review any comments generated from the property owner contacted by email, but the ACC retains the final decision to approve or deny a variance.

If the ACC does notify other property owners of a pending approval, the ACC will have an additional 30 days from the date the variance application was submitted to approve or disapprove the variance application. In the case where a variance is to be approved by the ACC, before notifying the property owner the ACC will notify the BOD of the pending approval and submit the application and accompanying documentation to the BOD. The BOD will have 2 weeks, (14 calendar days) in which to respond to the ACC. The BOD may request further review of the application and, if not already done, that neighbors be contacted regarding the variance. The ACC retains the final decision authority on all variances.

The ACC will grant or deny the variance request in writing. No variances will be considered recognized unless the applicant has received a written notice of approval from the ACC. Any variance granted is unique and does not set any precedent for future decisions of the ACC.

3.8 Design Review Fees.

Design review fees are established by the ACC and specified in the Application for Construction. The ACC reserves the right to change the amount at any time without notice. These fees are intended to cover all expenses related to processing applications for construction provided no variance requests are submitted in conjunction with an application, the ACC will expedite a plan review for an additional handling fee as indicated in the design review applications. In consideration for this additional fee, the ACC will review applications and approve or reject plans within five business days of receipt by the ACC.

3.9 Renovation, Additions, and Improvements.

All exterior renovations, additions, or improvements as defined in sections 6, 7, 8 and 9 must be approved by the ACC. The applicant shall submit plans showing the nature of the work to be performed with the review fee if applicable.

3.10 Final Approval.

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

3.11 Right of Appeal.

Should the ACC deny any submission in whole or in part, including any requested variance, the owner shall have a right of appeal to the BOD. An owner may exercise this right by providing the BOD notice of their desire to appeal within 60 days of the ACC denying the owner's submission. The BOD shall have the right to request whatever information it deems necessary to appropriately review and make a determination of the appeal. This may include, by way of example, written or oral comments from the ACC or neighboring owners, whether at a formal hearing or otherwise. The BOD shall render a decision on the appeal no later than 45 days after it has gathered all such information.

4.0 The Construction Process

4.01 Construction Time Limit

The exterior of all dwellings and other structures must be completed within one year after the construction of same has commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergency, or natural calamities deemed by the ACC. If an extension is needed the builder or owner may submit an extension request including projected completion date, in writing to the ACC. Failure to complete the project within the deadline may result in a special assessment or other enforcement rights as set forth in the DCCR.

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

4.02 Builder's Sign

Builder signs shall be installed at the start of clearing and grading. The sign shall remain properly installed and maintained throughout construction.

The sign shall include: builder company name and phone number, and optionally address, email, logo, etc. All signs must be placed no closer than 10 feet from the front line and 25 feet from each sideline. The sign cannot be any higher than 72 inches from the ground to the top of the sign, and no wider than 48 inches.

A sign with the numerical (number at least 6" high) street address of the home is to be placed on the property and visible from the road to help direct subcontractors to the correct building site.

Additional requirements regarding signage are found in section 10.02.

4.3 Portable Toilet

A portable toilet will be required for each job site. The toilet must be placed no closer than 15 feet from the front property line and no closer than 25 feet from each side property line.

4.4 Construction Entrance and Roadway Damage Prevention

Access to the construction site is to be on/from only the property where construction is being done. Prior written consent must be obtained from adjacent properties for access entry during construction.

The builder and property owner shall be responsible for repairing any and all damaged HOBR roadways caused by their construction activities,

4.5 Erosion Control

The Texas commission on Environmental Quality (TCEQ) requires property owners to inform their contractor prior to starting any construction activity that includes any type of earth disturbing activity for disturbance of one or more acres of total land area, to apply for a TCEQ permit to discharge storm water and develop a SWP3 that is tailored to that construction site.

For additional information concerning TCEQ permitting requirement access their web site at <http://tceq.state.tx.us>.

For construction projects which disturb less than an acre, the builder/property owner shall take appropriate control measures such as rock berms and silt fences to trap sediments and debris and to prevent them from leaving the construction site.

4.6 Site Maintenance

Only usable construction materials may be stored on a construction site. Discarded construction materials, refuse and debris must be removed daily from the site, or contained within a trash dumpster. Storage or placement of materials within any right of way or easement is not permitted at any time. If trash is not removed on a timely basis, HOBRPOA will remove the trash and an invoice will be sent to the property owner. No fires are allowed on construction sites, with the exception of trees and brush from lot clearing. Any burning shall be done in compliance with any Bandera/Medina County burn bans or other restrictions. No petroleum-based products or other potentially hazardous or toxic substances may be disposed of on any lot or any drainage ditch, stream, or lake.

4.7 Right to Enter and Inspect Property for Compliance

The right of entry and inspection is specifically reserved by the ACC, its agents, and its representatives to visit all or any portion of the construction site to verify compliance with the ACC requirements. A representative of the ACC may make periodic inspections during the entire construction period. The owner will be notified by email or writing with a copy to the general contractor of any items and exceptions noted in the inspection report. All exceptions must be resolved or remedied as set forth by the ACC. After a home is occupied, all ACC site inspections will be coordinated with the property owner before a site visit.

4.8 Conduct of Workers

No alcohol or drugs are permitted on site. Animals are prohibited. Firearms are prohibited. No harassing or loud behaviors are permitted, including loud music. Workers shall not be allowed to use the HOBR amenities. Additional violations may result in the contractor being denied access to the property.

4.9 Revisions and Changes During Construction

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

4.10 Alterations/Remodeling/Improvements/Repainting of Approved Structures

Any exterior change to an existing structure, including any paint colors, requires approval from the ACC before commencing with work. All exterior changes or renovations shall be subject to the construction regulations set forth in Section 4.0 of the ASDG.

5.0 Specific Submission Requirements

5.1 Plan Submission Requirements for Design Review and Building

The following submission requirements must be met prior to obtaining final approval for construction.

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

- (a) Owner's name
- (b) Designer's name
- (c) North Arrow and scale
- (d) Property lines with dimensions and bearings
- (e) Setback lines
- (f) Easement lines
- (g) Adjacent street names
- (h) Outline of exterior walls, patios, decks and driveways.

(2) Site Plan-min scale 1"=20'. Must include the following information:

(May be added to the existing conditions map.)

- (a) Proposed location of home.
- (b) Dimensions from 4 corners of foundation to adjacent property line.
- (c) Proposed driveway.
- (d) Proposed fences.
- (e) Proposed retaining walls.
- (f) Proposed pool or spa location.
- (g) Proposed accessory structures. (out building, trellis, etc.)
- (h) Finish Floor Elevation (FFE) of first floor and garage.
- (i) Location of underground LP tank.

(3) Architectural Plans – min. scale of 1/4" = 1'-0"

(a) FLOOR PLANS

- i. Interior rooms dimensioned and named
- ii. All window and door openings showing.
- iii. Roof overhang with a dashed line.
- iv. Total square footage (footage of structures)
- v. Heated square footage of structure. (Refer to the appropriate unit supplemental)

(b) BUILDING ELEVATIONS

- i. Front, rear and two side elevations.

- ii. The elevations labeled so they correspond with site plan.
- iii. Exterior finish shown, including paint color & samples.
- iv. Roof manufacturer, style name/number and specific color
- v. All decks and terraces showing.

6.0 ARCHITECTURAL GUIDELINES

6.1 General Standards

Homes must be designed in conformity with the standards; requirements and guidelines set forth in the DCCR and the ASDG. All footprints and garages must be within the setbacks unless authorized by an approved variance. Plans submitted for review, or any portion thereof, may be disapproved upon any grounds, which are consistent with the purpose and objectives of the ACC. including purely aesthetic considerations.

6.2 Modular Construction

No modular home or manufactured home shall be placed, erected, constructed or permitted within the development. “Modular homes and manufactured homes” shall include any prefabricated or pre-built dwelling which consists of one or more transportable sections or components and shall also be deemed to include manufactured building, manufactured home, modular building, modular home, modular construction, and prefabricated construction as defined by the Texas State Building Code. Prefabricated accessory structures, such as sheds and gazebos, must be reviewed and approved by the ACC.

6.3 Dwelling Size (Minimum Standards)

All residences must have a floor area of not less than 1600 square feet, excluding patios, driveways, carports and garages. Garages are to be private, fully enclosed for not less than two cars nor more than six cars, which garages may include living quarters above or adjacent thereto occupied by an integral part of the family occupying the main residence.

6.4 Setback & Building Height Requirements

No building shall be located on any tract nearer than 100 feet to the front track line. No building should be located nearer than 25 feet to the side and rear tract lines. In situations where a lot is bordered by two roads, the side yard construction setback on the side adjacent to the second road is suggested to be 50 feet, but shall be a minimum of 25 feet. This additional setback is intended to protect the visual appearance of the

neighboring homes along the second road. The maximum height for any dwelling is no more than two and one-half stories.

6.5 Exterior Color Guidelines

All exterior colors of any structures must be natural or earth tones and must complement the surrounding landscape. The ACC may in its sole discretion, may approve other color schemes so long as such colors complement the neighborhood.

6.6 Exterior Materials Requirement

Acceptable masonry materials: stone, rock, stucco, cement hardboard, and brick.
Acceptable wood materials: timbers, boards, board and batten, tongue and groove, solid wood siding and rough-sawn lumber.

7.0 SITE REQUIREMENTS: ACCESSORY AND DECORATIVE STRUCTURES

7.01 Accessory Structures

Each home site is limited to accessory structures such as workshops or barns for the personal use of the Owner. Accessory structures are any structure or building which is detached from the main residence building. The original house and a detached garage structure provided there is no garage as a part of the dwelling are considered one structure. The location and appearance of accessory structures shall be submitted for design review and approved by the ACC prior to construction. Accessory structures must be architecturally compatible with the home and similar in color. All accessory structures shall be within the building setback lines. Accessory structures may not rise above the roofline of the main dwelling and have a total height limited to a maximum of 35 feet.

No accessory structure will be approved for construction without prior or concurrent approval of plans for the main residence. No structure will be considered for occupancy prior to construction of the main residence. With the exception of the main garage accessory structures shall be constructed behind the main residence. Other accessory structures shall include but are not limited to: barns, work-shops, pump houses, storage sheds, concrete patio pads, playhouses, patio kitchens, pool houses, pavilions, green houses, tree houses, pergolas, and gazebos. Any structure is considered an accessory if it does not have common walls with the main house or duplicates any part of the main residence.

Commercial Restrictions – DCCR, Article 5, Section 11. No professional business or commercial activity to which the general public is invited shall be conducted on any tract, save except Tract 1A which shall be reserved for commercial use. One exception,

property owners desiring to establish a Bed & Breakfast on their property must submit an application with the ACC.

7.2 Arbors and Trellises

Arbors and trellises are permitted. Location, elevations and finishes must be submitted to the ACC for approval prior to beginning construction.

7.3 Fences, Feral Hog or Deer Exclusion fences, and Garden/Patio/Accent/Retaining Walls

Fences are to be built with approved materials as directed by the HOBR, DCCR, Article Seven. The ACC reserves the right to disapprove any fence or wall that, in its sole opinion may not meet the intended plan for the area.

7.31 Walls and Fences. DCCR, Article 5, Section 7

Any erection of any wall, fence or other improvement on any easement is forbidden. Fences and walls will be constructed as follows:

- (a) Fences on the perimeter boundaries of a lot: The Owner is not required to install fencing on the perimeter of any lot. If perimeter fencing is installed, all corner posts shall be cedar with a minimum diameter of eight (8) inches and set in concrete at a minimum dimension of thirty (30) inches deep; wire fencing shall be a "King Ranch" type wire mesh (#949-12-12 ½). made by Solidlock and marketed as "Fixed Knot"; barbed wire may be used at the bottom, and/or top of the fence; all wire, posts and gates shall be new when installed; maximum fence height shall be sixty (60) inches; deer-proof fencing of Solidlock may be constructed around the perimeter of the building envelope as shown on site plans that have been submitted to and approved by the Architectural Control committee; and gateposts and columns shall be constructed out of the following materials; (i) cedar or steel (painted), not less than eight (8) inches in diameter, (ii) stone or (iii) CMU or concrete with plaster finish. Steel (painted) pipe fences may be constructed with approval of the ACC. Cattle guards may not be used at the driveway entrance to any lot.
- (b) Fences along street rights-of-way: Line posts shall be peeled cedar with a minimum diameter of four (4) inches, set a minimum of thirty-six (36) inches deep, at a minimum spacing of eighteen (18) feet; cedar stays shall be a minimum of fifty (50) feet from the street right-of-way, steel T-posts will be allowed.
- (c) Side and rear fences: Fences that are constructed along the side and rear lot lines shall have line posts of peeled cedar with a minimum diameter of four (4) inches, set a minimum of thirty (30) inches deep, at a minimum spacing of eighteen (18) feet. Green six (6) foot T-posts may be used for line posts and set on an eighteen (18) foot spacing. If T-posts are used, the four (4) inch minimum diameter peeled cedar posts

- shall be set on a one hundred (100) foot maximum spacing. Stays shall be one (1) inch cedar at a minimum of six (6) feet.
- (d) Fences inside the building envelope: Cedar board fences, wrought iron or similar style fences shall be permitted.
 - (e) Chain link fences: There shall be no chain link fencing constructed, installed or maintained on any lot, except as authorized by the ACC for temporary storage of building materials and supplies during the construction phase or for enclosing a tennis court or dog run. Nothing herein shall be construed, however as to prohibit the installation and maintenance to chain link fencing in, on or about the amenities thereon and the appurtenances thereof or around the perimeter boundaries that separate the property from land owned by others.
 - (f) Approval of fences: Plans and specifications of all entry gates and fences require approval of the ACC.
 - (g) Maintenance: Maintenance of entry gates and fences on each lot shall be the responsibility of the owner, and all damage shall be repaired within thirty (30) days of written notification by the Association. It shall be a violation of the DCCR to maintain a fence in such a manner as to allow (i) any portion of a fence to lean so that the fence's axis is more than five (5) degrees out of perpendicular alignment with its base, (ii) missing, loose or damaged stone or wood rails in the fence or (iii) symbols, writings and other graffiti on the fence.

7.4 Swimming Pool/Hot Tubs

Above ground swimming pools are prohibited. Bubble covers for below ground swimming pools are prohibited. Pools may not be installed on the front or side yard of any home. Prior to construction, plans for swimming pools must be submitted to the ACC for approval. Swimming pools which are installed in the rear yards of lots that are adjacent to other lots will be subject to additional screening requirements as imposed by the ACC.

Outdoor hot tubs are permitted, but plans must be submitted to the ACC for approval. The location of a hot tub shall be shown on the site plan. Hot tubs shall not be installed on the front or side yard of any home. Hot tubs installed in the rear of lots adjacent to other lots will be subject to additional screening requirements as imposed by the ACC.

7.5 Clothesline

There shall be no outdoor clothesline in public view any home site, Article 5, DCCR. Any lot where the rear or side yard portion is visible to the public shall maintain a suitable enclosure to screen drying clothes from public view.

7.6 Tennis and Sports Courts

Private tennis courts shall be permitted, they must meet all set back requirements and be placed on the rear yard of the home with approval by the ACC. The location and construction finish of permanent basketball goals shall be submitted to and approved by the ACC prior to construction. Portable basketball goals are permitted, but must be stored out of view from the street, when not in use. In regards to the lighting of these courts, the lighting must be down lighting with no light escaping from the sides or top and approved by the ACC. Lights are to be shut off no later than 10pm.

7.7 Camping

Recreational, temporary camping is allowed for a period of no longer than 14 days within a 30 consecutive day period. All camping equipment must be located behind the dwelling or screened from view.

7.8 Flags

General. An Owner may display flags only on his or her Lot and only in compliance with this Section. Owner may not display flags on the Common Areas or on any other lands owned or maintained by the association, for any reason or at any time. An Owner may have one flagpole, or one wall mounted flag mount, but not both

Prior Approval Required All flagpoles, flag mounts, and related installations (e.g., flag lighting) must be approved in advance by the Association's Architectural Control Committee (the "ACC"). An Owner desiring to display a permitted flag must submit plans to the ACC for each installation, detailing the dimensions, type, location materials, and style/appearance of the flagpole, flag mount(s), lighting and related installations. The Association's ACC shall have the sole discretion of determining whether such items and installations comply with this Section subject to any appeal rights that may exist elsewhere in the Association's governing documents or under State law.

Additional Requirements Related to Flags.

- a. Flags must be displayed on an approved flag mount or flagpole. Flags may not be displayed in any other manner.
- b. No more than one flag at a time may be displayed on a flat mount. No more than two flags at a time may be displayed on a flagpole.
- c. Flags on flagpoles must be hoisted, flown, and lowered in a respectful manner.
- d. Flags must never be flown upside down and must never touch the ground.
- e. No mark, sign insignia, design, or advertising of any kind may be added to a flag.
- f. If the U.S. and Texas flags are flown on one pole, the U.S. flag must be the highest flag flown and the Texas flag the second highest.

- g. Only all-weather flags may be displayed during inclement weather.
- h. Flags must be no larger than 3x5 in size.
- i. Flags may not contain commercial material, advertising, or any symbol or language that maybe offensive to the ordinary person.
- j. A pennant, banner, plaque, sign or other item that contains a rendition of a flag does not qualify as a flag under this Section.

Additional Requirements for Flagpoles: The following additional requirements shall apply to flagpoles installed on Lots.:

- No more than one flagpole may be installed on a Lot.
- b. The flagpole must be free-standing and installed vertically.
- c. The flagpole must be no greater than 20 feet in height measured from grade level.
- d. The location and construction of the flagpole must comply with applicable zoning ordinances, may not be located in any easements (including drainage easements), and comply with all setback requirements.
- e. Unless otherwise approved by the ACC, the location of the pole must be within 10 feet of one of the side most building lines of the home, and within 10 feet of the front most building line of the home. The ACC may require the pole to be installed on a particular side or otherwise require a particular location.
- f. No trees may be removed for pole installation; and
- g. An Owner must ensure that external halyards (hoisting ropes) used in combination with a flagpole do not create an unreasonable amount of noise.

Maintenance. An Owner is responsible for ensuring that a displayed flag flagpole flag mount(s), and related installations are maintained in good and attractive condition at all time at the Owner's expense. Any flag, flagpole, flag mount, or related installation or item that is in a deteriorated or unsafe condition must be repaired, replace, or removed promptly upon the discovery of its condition.

7.9 Religious Displays/Exterior Holiday Decorations

General. State statute allows owners to display certain religious items in the owner's entry and further allows the association to impose certain limitations on such entry displays. The following rule outlines the limitations on religious displays in an owner's entry area. Not with-standing, any other language in the governing documents to the contrary, residents may display on the entry door or doorframe of the resident's dwelling one or more religious items, subject to the restrictions outlined in Paragraph 2 below. Allowed religious displays are limited to displays motivated by the resident's since religious belief.

Prohibited Items. No religious item(s) displayed in an entry area may:

- a. threaten the public health or safety;
- b. violate a law;
- c. contain language, graphics, or any display that is patently offensive to a passerby;
- d. be located anywhere other than the main entry door or main entry door frame of the dwelling;
- e. extend past the outer edge of the door frame of the door; or (have a total size (individually or in combination) of greater than 25 square inches.)

Remedies for Violation of this Section. Per state statute, if a religious item(s) is displayed in violation of this Section, the Association may remove the offending item without prior notice. This remedy is in addition to any other remedies the Association may have under its other governing documents or State law.

Seasonal Religious Holiday Decorations. This rule will not be interpreted to apply to otherwise-permitted temporary seasonal religious holiday decorations such as Christmas lighting or Christmas wreaths. The Board has the sole discretion to determine what items qualify as Seasonal Religious Holiday Decorations and may impose time limits and other-restrictions on the display of such decorations. Seasonal Religious Holiday Decorations must comply with all other provisions of the governing documents, but are not subject to this Section.

Temporary external holiday decorations are to be removed at the end of the celebration period. All lighting associated with decorations must not be directed toward neighboring properties and are to be turned off after 11:00 pm in the evenings.

The following are guidelines for the period of time that exterior decorations are allowed:

Easter from Ash Wednesday until 1 week after Easter

Patriotic summer holidays, from 1 week before Memorial Day until July 11th

Halloween from October 15th until November 7th

Christmas from Thanksgiving until January 7th

Any other holiday from 1 week before the specific holiday until 1 week after the holiday

This section should not be considered in any way restricting a property owner or resident from displaying or fixing on the entry (door or doorway) to the owner's or resident's dwelling one or more religious items the display of which is motivated by the owner's or resident's sincere religious belief. Such displays are limited to a cumulative 25 square inches on the door/doorframe.

Other displays. Non-religious displays in the entry area to an owner's dwelling and all (religious or otherwise) outside of the entry area to an owner's dwelling are governed by other applicable governing document provisions.

7.10 Wind Turbines/Windmills

No wind turbine, windmill or other wind generation energy system shall be installed without the prior approval of the ACC.

7.11 Solar Energy Devices

Conflict with Other Provisions Per state law, this Section controls over any provision in any other Association governing document to the contrary.

Prior Approval Required. An Owner may install solar energy devices only on property solely owned and solely maintained by he owner and only in accordance with the restrictions provided herein, Owners may not install solar energy devices except in accordance with the restrictions provided herein. Prior to installation o any solar energy device, the Owner must submit plans for the device and all appurtenances thereto to the ACC and must provide an as-built rendering and detail the size, material, and color of all solar devices, provide location, calculations of the estimated energy production of the proposed devices.

Definition. In this section "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. Any solar devices not meeting this definition are prohibited.

Prohibited Devices. Owners may not install solar energy devices that:

- a. threaten the public health or safety;
- b. violate a law;
- c. are located on property owned by the Association;
- d. located in an area owned in common by members of the Association
- e. located in an area on the Owner's property other than
 - a) on the roof of the home (or of another structure on the owner's lot allowed under the Association's governing documents); or b) in a fenced yard or patio owned and maintained by the Owner;
- f. are installed in a manner that voids material warranties;
- g. are installed without prior approval by the ACC;
- h. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or 'annoyance to persons of ordinary sensibilities'. This determination may be made at any time, and the ACC may require removal of any device in violation of this or any other requirement.

Limitations on Roof-Mounted Devices. If the device is mounted on the roof of the home it must:

- a. extend no higher than or beyond the roofline;
- b. be located only on the back of the home on side of the roof opposite the street. The ACC may grant a variance in accordance with state law if he alternate location is substantially more efficient

NOTE: If an alternative location increases the estimated annual energy production of the device more than 10 percent above the energy production of the device if located on the back of the home, the Association will authorize an alternate location in accordance with these rules and state law. It is the Owner's responsibility to determine and provide sufficient evidence to the ACC of all energy production calculations. All calculations must be performed by an industry professional.

- c. conform to the slope of the roof, and have all top edges parallel to the roofline; and not have a frame, a support racket, or visible piping or wiring that is any color other than silver bronze, or black tone commonly available in the marketplace.

Limitations on Devices in a Fenced Yard or Patio. If the device is located in a fenced yard or patio, it may not be taller than the fence line.

Solar shingles. Any solar shingles must:

Be designed primarily to:

Be wind and hail resistant;

Provide heating/cooling efficiencies greater than those provided by customary composite shingles;

Or provide solar generation capabilities; and

When installed:

- i. resemble the shingles used or otherwise authorized for use on property in the subdivision;

- ii. be 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

- iii. match the aesthetics of the property surrounding the owner's property

7.12 Rain Water Collection Systems

Pre-Approval Required. Owners may install rain barrels or rainwater harvesting systems only with pre-approval from the association, and only in accordance with the restrictions described in this Section.

Prohibited Locations. Owners are prohibited from installing rain barrels or rainwater harvesting systems, or any part thereof, in the following locations:

- a. on property owned by the Association;
- b. on property owned in common by the members of the Association; or
- c. on property between the front of the owner's home and an adjoining or adjacent street

Pre-Approval

Required for All Rain Barrels or Rainwater Harvesting Systems Prior to any installation of any rain barrel or rain harvesting system (or any part thereof), prior written permission must be received from the ACC.

Owners wishing to install such systems must submit plans showing the proposed location, color(s), material(s), shielding, dimensions of the proposed improvements, and whether any part of the proposed improvements will be visible from the street another lot, or a common area (and if so, what parts will be from the side.

Color and Other Appearance Restrictions. Owners are prohibited from installing rain barrels or rainwater harvesting systems that:

- a. are of a color other than a color consistent with the color scheme of the owner's home
- b. display any language or other content that is not typically displayed by such a barrel or system as it is manufactured; or
- c. are not constructed in accordance with plans approved by the Association.

Additional Restrictions if Installed in Side Yard or Improvements are Visible. If any part of tge improvement is installed in a side yard, or will be visible from the street, another lot, or common area, the Association may impose restrictions on the size, type materials, and shielding of, the improvement(s) (through denial of plans or conditional approval of plans).

7.13 Stock Ponds, Water Troughs, Wildlife Water Tank

Stock ponds and water troughs are not permitted in public view. Exceptions will be considered.

7.14 Water Wells, Pump Houses

No water well or pump house shall be installed without prior approval by the ACC.

Water wells and tanks are recommended to be located in the rear of the lot and not located within fifty (50) feet of the property line.

The owner will be responsible for obtaining any applicable County or State permits that may be required. Property owner shall be responsible for plugging water well(s) according to applicable State and County regulations, removal of slab and piping associated with water well(s) if abandoned, unserviceable, or unused. This obligation shall be transferable with property title.

Water well pump houses shall be constructed in such a manner as to cover the slab and surround the pump equipment and piping. Construction materials and appearance of pump house shall be similar to that of the main residence.

Property owners shall be responsible for removal of pump house, slab and piping if abandoned or unused. This obligation shall be transferable with property title.

Water Tanks

Prohibited Locations. Owners are prohibited from installing water tanks for use from wells, in the following locations:

- a. on property owned by the Association;
- b. on property owned in common by the members of the Association; or
- c. on property between the front of the Owner's home and an adjoining or adjacent street.

Pre-Approval Required for All Water Well Tanks. Prior to any installation of any water tank, prior written permission must be received from the ACC.

Owners wishing to install such tanks must submit plans showing the proposed location, color(s), material(s), shielding, dimensions of the proposed improvements, and whether any part of the proposed improvements will be visible from the street, another lot, or a common area (and if so, what parts) will be visible. The location information must provide information as to how far (in feet and inches) the improvement(s) will be from the side front and back property line of the Owner's property.

Color and Other Appearance Restrictions. Owners are prohibited from installing water well tanks that:

- a. are of a color other than a color consistent with the color scheme of the Owner's home,
- b. display any language or other content that is not typically displayed by such a tank as manufactured;
- c. are not constructed in accordance with plans approved by the association.

Additional Restrictions if Installed in Side Yard or Improvements are visible. If any part of the improvement is installed in a side yard, or will be visible from the street, another lot, or common area, the Association may impose restrictions on the size, type, materials, and shielding of the improvement(s) (through denial of plans or conditional approval of plans).

8.0 SITE REQUIREMENTS: DRIVEWAYS/LAND CLEARING

8.01 Driveways

All driveways must be improved, all improvements must be approved by the ACC. Gaps between the drive and the common roads are not acceptable as it will tear down the road edge. When possible, appropriate sized culverts should be used to deter water from eroding common roadway. Any damage due to inappropriate culvert size, design or implementation shall be the responsibility and corrected by the property owner.

8.02 Land Clearing not in conjunction with New Construction

All land clearing must follow Bandera/Medina County restrictions during burn bands.

9.0 SITE REQUIREMENTS: LANDSCAPING, IRRIGATION & LIGHTING

9.01 Landscaping Requirements. Landscaping plans should endeavor to retain the natural rural beauty of the Texas Hill Country conserve water and co-exist with native wildlife. The use of indigenous, noninvasive and/or drought tolerant plants are strongly recommended.

9.02 Lighting. No exterior lighting may be constructed or installed on any lot without the prior consent of the ACC and it must follow DCCR Article 5, Section 13. All external lighting must be indirect lighting, emitting light down and not directly out such as a yard light or flood light. The ACC has adopted the guidelines of the Hill Country Alliance. <http://hillcountryalliance.org/HCA/NightSkies>

9.03 Removal of Brush and Debris. All brush cut in the construction phase and the further debris also created must be removed upon completion of home site.

10.0 ADDITIONAL REQUIREMENTS

10.1 Storage of Recreational Vehicles and Equipment. See DCCR Article 5, Section 9.

10.2 Signage

All temporary signs constructed or placed upon any lot covered by the ASDG must comply with ASDG requirements or have the prior written approval of the ACC. In the event a permitted sign is not properly maintained, the ACC may give the lot owner written notice thereof. Required repairs must be made within five (5) business days of notification or the ACC shall have the right but not the obligation, to have repairs made and charged to the sign owner. Each lot may have one professionally made "For Sale" or "For Lease" sign. All builder signs must be removed from the lot within fourteen (14) days after the house is occupied. Signs that allow property owners to market their properties are allowed in Hills of Bandera Ranch (HOBR). The following guidelines apply:

Signs may be made of either PCV board or corrugated plastic. They are to be no more than 18" high x 24" wide and contained within a metal frame installed in the ground with metal supports (black 1 inch iron H frame for 18x24 sign).

The signs may contain any of the following information:

"Available" or "For Sale" (or "For Lease")

Area Code and Phone Number of contact person

Realtor Name or "By Owner"

Broker Name, if desired

No sign may contain any handwritten information and must be reprinted should information change. Marking over or partially covering signs with new information is not allowed.

All signs must be maintained in good condition and without unique enhancement.

Weathered signs or those not properly installed will be removed by the ACC Committee. "For Sale" signs must be removed when the sale is completed.

No commercial signage shall be allowed without prior approval from the ACC.

Political signs will be allowed in accordance with current Texas Laws. The following requirements are specific political signage:

- (1) May only be ground-mounted
- (2) Recommended size is 18"x24" and may not be larger than four feet by six feet
- (3) Only 1 sign allowed per candidate on a lot
- (4) No signs allowed to be placed in common areas

- (5) May not contain language, graphics, or any display that would be offensive to the ordinary person
- (6) May not contain or consist of roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building landscaping, or nonstandard decorative component
- (7) May not be attached in any way to plant material, a traffic control device a light, a trailer, a vehicle or any other existing structure or object
- (8) May not be accompanied by music or other sounds or by streamers or is otherwise distracting to motorists
- (9) May not include the painting of architectural surfaces or streets
- (10) May not threaten the public health or safety

Board of Directors may approve signs that announce Association events.

10.2 (a) Other temporary signs

Homeowners are allowed to place signs reflecting school spirit themes; however, no more than one sign per child under 18 residing in the home is allowed.

10.3 Propane Storage Tanks

Above ground propane storage tanks installed must not be visible from roads and must be screened with vegetation and/or privacy fencing.

10.4 Property Leases or Rentals

It is important that tenants who lease or rent residences from owners are made aware of and agree to follow the ASDG's and DCCR's, especially those sections w of the Hills of Bandera Ranch and it's Property Owners which describe use restrictions for the property and conduct required of residents.

Owners will be held responsible for a Lessee's/renter's violations of the HOBR DCCR's and/or ASDG's and any violations may result in fines payable and/or other sanctions to include the loss of use of community facilities by both the owner and lessee. To ensure this goal is accomplished, the HOBRPOA requires that every lease/rental of property in the HOBRPOA contain the following provision:

“It is a condition of this lease/rental agreement that the owner make the lessee/renter aware of all covenants, property use restrictions and conduct required of residents by the “Declaration of Covenants, Conditions and Restrictions, Rules and Regulations, and the “Architectural Design and Site Guidelines Associations” and that all leases/renters, by executing the same, agree to follow these covenants use restrictions and conduct requirements while occupying the property subject to this lease. Failure to do so will

subject both the owner and lessee/renter to all the fines and penalties described in these documents including the possible loss of use of community facilities.”

The owner shall ensure that the tenant receives the documents mentioned above and any other pertinent information prior to the lease commencement.

The Association reserves the right to deny an owner the ability to lease to any specific prospective tenant based upon that prospective tenant’s past record relating to the conditions outlined above in this section.

10.5 Refuse and Recycle containers

Refuse and recycle containers are allowed in public view only after sunset the day before scheduled pickup and must be taken out of view by sunset after pick up.

10.6 Pets and Animals

The owners of pets shall be responsible for all of the pet’s actions. Dogs must be properly restrained and not go beyond owner’s property unless on a leash.

Dogs must be monitored for barking by the property owner and be taken inside immediately in the case of extended barking. If dog barking is reported as excessive and a nuisance, owners will not be allowed to leave dogs alone outside the home unattended.

In the sole opinion of the ACC or Board, any pet that becomes dangerous or an annoyance or nuisance the owners will be subject to a fine and the animal may be required to be removed from the property.

