

ARCHITECTURAL GUIDELINES FOR STONEGATE

The Architectural Guidelines for Stonegate have been prepared to assist you in maximizing the quality of your living experience at Stonegate. The Guidelines contained herein apply to the development of a home and other improvements on your home site within Stonegate. The purpose of the guidelines is to enhance the aesthetic experience at Stonegate, to promote harmonious residential design, and to protect and enhance property values. The recommendations and regulations contained herein encourage harmonious architectural building and landscaping design and foster the preservation of the native features found at Stonegate. The Architectural Guidelines are administered by the Architectural Review Committee (ARC). This committee is responsible for assisting you and your designer in the creation of your living environment. The ARC committee is accountable to the Tyler Stonegate Property Owners Association Board of Directors.

The Architectural Guidelines apply to all construction, alteration, additions, grading, landscaping and removal of landscaping or existing vegetation on any residential home site in Stonegate. The preparation and application of these guidelines is accomplished under the authority and direction of Article XIII (Architectural Control) of the Declaration of Covenants, Conditions and Restrictions for Stonegate, filed with the County Clerk of Smith County, Volume 6354 Page 256, April 8, 2002 herein referred to as the Design Guidelines Declaration.

1. INTRODUCTION AND OBJECTIVES

1.1 INTRODUCTION

Stonegate was carefully planned to take advantage of a site with remarkable natural beauty and to create a private residential community. The purpose of the Architectural Guidelines is to ensure that the full potential of Stonegate is realized, and that the master plan is fulfilled.

In general, the aim of the Architectural Guidelines is to encourage design adapted to the climate, and to foster harmony between buildings and their sites and among the buildings themselves. The Guidelines also allow careful consideration of the opportunities and constraints unique to each site.

Presented in the pages that follow are standards that describe the design review process and provide direction and assistance to the owners of parcels with respect to design considerations. Modifications to these Guidelines can only be made if it can be demonstrated to the ARC that the overall intent is being adhered to and the unique situation prevents the strict compliance contained herein. Any modifications must be approved by the Association Board of Directors.

1.2 CREATION OF A COMMUNITY

The site of the Stonegate community is dominated by the visual presence of the Lake at Stonegate, including the highly vegetative areas encompassing the lots and reserved areas. These guidelines are designed to maximize the enjoyment of these signature characteristics of Stonegate for all property owners. The existing and introduced landscapes on each lot and the building materials used in the construction of the homes represent a crucial element in the formation of the future character of Stonegate. The awareness of the significance of landscape development and the use of appropriate building materials and colors to the creation of the total living experience at Stonegate is a major objective of these guidelines. It is the endeavor therefore to encourage creativity in both building and landscape design and to maximize landscape impact.

Stonegate is located in the heart of Tyler, Texas. The intent of the ARC and owners is to elicit immediate images of an indigenous architectural character. The Stonegate Architectural Guidelines encourage sensitivity to the regional style while embodying the architectural

Tyler Stonegate Property Owners Association, Inc.

sophistication of a highly prestigious community. The purpose of the criteria herein is to create residential structures that encourage compatibility and harmony, yet allow the diversity that is characteristic of quality architectural design. Through sensitive application of these Guidelines, Stonegate will continue to be synonymous with elegant living.

1.3 WATER RESOURCE STEWARDSHIP

Water is a precious resource. It is the goal of Stonegate to use the least amount of water necessary to achieve a quality lifestyle and to preserve as much water as possible for the use and enjoyment of future generations. The Community will be utilizing Best Management Practices to minimize water consumption and to protect the quality of the natural setting and environment.

1.4 ENERGY CONSERVATION AND SOLAR CONSIDERATIONS

This region of East Texas receives a very high percentage of "sun days." Sensitivity to the solar characteristics of the site will enhance the living experience of the residence as well as minimize the pressure on non-renewable resources. Consideration of a few basic factors during the design process will create definitive results:

1. Orient the residence such that patios, courtyards and windows receive maximum sun during the winter.
2. Protect glass areas from unnecessary solar penetration during the summer.
3. Consider thermal mass and high resistance insulation in the design process.
4. Thermal pane glazing on windows.
5. Consider the seasonal and daily characteristics of breezes.
6. Become familiar with the climate and environment of the site.

2. DESIGN REVIEW PROCESS

Improvements to Property requiring approval of the Architectural Review Committee shall be submitted to the Architectural Review Committee according with the following procedure.

2.1 REVIEW OF PLANS

The ARC shall conduct reviews of plans during regular meetings or at such other times as deemed appropriate. The ARC shall respond in writing within ten (10) working days after the review, but not more than thirty (20) days after the submittal is complete.

2.2 SUBMISSION OF PLANS

A. Submission of Plans. Prior to or during submission of building plans to the City of Tyler, the Owner and or Builder proposing to make such Improvement to the Property ("Applicant") shall submit to the Architectural Review Committee at its offices such descriptions, surveys, plot plans, drainage plans, elevation drawings, construction plans, specifications, and samples of materials and colors as the Architectural Review Committee shall reasonably request showing the nature, kind, shape, height, width, color, materials, and location of the proposed Improvement to Property.

B. Receipt: The Applicant shall be entitled to receive a receipt for the same from the Architectural Review Committee or its authorized agent.

C. Authority to Require Additional Information: The Architectural Review Committee may require submission of additional plans, specifications, or other information prior to approving or disapproving the proposed Improvement to Property.

D. Complete Submission: Until receipt by the Architectural Review Committee of all required material in connection with the proposed Improvement to Property, the Architectural Review Committee may postpone review of any materials.

2.3 CRITERIA FOR APPROVAL

Tyler Stonegate Property Owners Association, Inc.

A. Criteria for Approval. The Architectural Review Committee shall approve any proposed Improvement to Property, at its sole discretion, even if based only on pure aesthetic value. Furthermore, the ARC will base its approval of an Improvement to property in the location indicated if it deems the following.

1. Will not be detrimental to the appearance of the surrounding areas of the Community Area as whole;
2. That the appearance of the proposed Improvement to the Property will be in harmony with the surrounding Community Area;
3. That the Improvement to Property will not detract from the beauty and attractiveness of the Community Area or the enjoyment thereof by Owners;
4. That the upkeep and maintenance of the proposed Improvement to Property will not become a burden on the Association;
5. That the proposed Improvement to the Property does not affect the drainage plan for the Community Area or any portion thereof;
6. That the submittal meets all design review criteria of the Architectural Guidelines.

B. Conditional Approval: The Architectural Review Committee may condition its approval of any proposed Improvement to Property upon the making of such changes therein as the Architectural Review committee may deem appropriate.

2.4 OUTLINE OF REVIEW PROCEDURE

- A. Pre-Design Meeting: owner, builder, Planner-Architect, ARC.
- B. Preliminary Submittal
- C. Posting of Property
- D. Preliminary Review and Action by ARC
- E. Final Submittal
- F. Final Review and Action by the ARC
- G. Applicants Delivery of Notice of completion

2.5 PRE-DESIGN MEETING

Prior to preparing plans for any proposed improvement, it is strongly recommended that an owner and/or his architect meet with the ARC to discuss proposed plans. The intent of this informal meeting is to offer guidance prior to preparation of preliminary plans.

2.6 PRELIMINARY SUBMITTAL

A. Site Plan at an appropriate scale (not less than 1/16" = 1'-0") showing the location of buildings, building envelope, building setback dimensions, the residence and all buildings or other structures, driveway, parking areas and a grading plan and drainage plan, including existing and proposed topography (if deemed necessary) and preliminary landscape plan. Preliminary landscape plan may be combined on Site Plan.

B. Roof Plan and floor plan at no less than 1/8" = 1'.

C. Exterior elevations (all) with both existing and final grade lines at same scale as floor plans.

D. Indication of materials and colors.

E. Any accessory improvements contemplated on the lot must be shown on the Preliminary submittal (detached garage would be an example).

F. Any drawing, materials or samples requested by the ARC.

G. Staking: The applicant shall provide preliminary staking at the corners of the residence or major improvement and at such other locations as the ARC may request.

Tyler Stonegate Property Owners Association, Inc.

2.7 POSTING OF THE SITE

As soon as the submission is complete, the lot owner shall be required to place a notice (sign provided by ARC) on the lot stating that drawings have been submitted for proposed improvements on the site. This sign will include the builder's name.

2.8 PRELIMINARY REVIEW

Upon receipt of the comments and additional information or staking requested in writing by the ARC, the ARC will review the submittal for conformance to these Architectural Guidelines and provide a written response to the Owner.

2.9 FINAL SUBMITTAL

After preliminary approval has been obtained, the following documents are to be submitted to the ARC for final review.

- A. An approximate time schedule indicating commencement and completion dates of construction, completion of landscape work and anticipated occupancy date.
- B. Site plan showing the location of the building envelope, including setback dimensions, the residential structure, other buildings and landscape structures, driveways, parking areas, recreational surfaces, proposed grading and drainage (grading and drainage plans on the lots draining into the lake on Stonegate will include plans for the water to be piped or otherwise handled such that it will not introduce any foreign material or soil into the lake and no way create a silting problem), utility connections, and finish floor elevations including garage.
- C. Roof plan and floor plans at a scale of no less than 1/8" = 1'0
- D. All exterior elevations at a scale of no less than 1/8" = 1'0 with both existing and proposed grades shown.
- E. Complete landscape plan at same scale as site plan, showing; areas to be irrigated, types of irrigation, proposed planting locations and other site features included on the site plan. A list of the proposed plantings showing size at installation, common name and botanical name of plant material.
- F. Cross-section of structure indicating existing and proposed grades.
- G. Exterior building corners of the proposed residence or other structures and improvements shall be staked on the site for the ARC inspection. At the time of the staking inspection a determination of the trees to be removed on the area directly related to the structure will be noted and approved in writing.

2.10 FINAL REVIEW

When all requirements of the final submittal have been received, the ARC shall conduct a final review and provide a written notice of the results of the review to the applicant.

2.11 FAILURE OF THE ARCHITECTURAL REVIEW COMMITTEE TO ACT

Any request of a proposed Improvement to Property shall be deemed approved, unless disapproved or a request for additional information or materials is transmitted to the Applicant by the Architectural Review Committee within fourteen (14) days after the date of receipt by the ARC of all required material.

2.12 RE-SUBMITTAL OF PLANS

In the event of any disapproval by the ARC of either a preliminary or a final submission, a resubmission of the plans should follow the same procedure as an original submittal.

2.13 SUBSEQUENT CHANGES

Additional construction landscaping, or other improvements and/or any changes either during construction or after completion of an approved structure must be submitted to the ARC for approval prior to making such changes and/or additions.

2.14 COMPLETION OF WORK AFTER APPROVAL

A. Completion of Work after Approval. Following the approval of any proposed Improvement to Property by the Architectural Review Committee, the proposed Improvement shall be completed by such Owner:

1. As promptly and diligently as possible but in no event in excess of the time periods set forth below.
2. In substantial conformance with all plans and specifications and other materials presented to the ARC.
3. In accordance with any and all conditions imposed by the Architectural Review Committee.

B. Completion Within 18 Months: In accordance with the foregoing, all Improvements approved by the ARC shall be completed:

1. Within 18 months from the date of approval of such Improvements by the ARC; provide, however, that any and all landscaping approved by the ARC which is related to the construction of the initial dwelling unit for a Lot shall be completed within 60 days of the issuance of the certificate of occupancy for such dwelling unit or within 18 months after the approval of the plans for such dwelling unit by the ARC, whichever is sooner;
2. Or within such time period as the ARC may otherwise prescribe.
3. Failure to comply with the terms and conditions of the provision shall constitute noncompliance with the terms and provisions of the Declaration and the ARC and the Association shall have the right to invoke all rights and remedies provided to the Association hereunder, including, but not limited to, the imposition of fines and penalties in accordance with the Declaration.

2.15 INSPECTION OF WORK IN PROGRESS

A. The ARC or its authorized representatives may inspect all work in progress and give notice of noncompliance. Absence of such inspection and notification during the construction period does not constitute either approval of the ARC with work in progress or compliance with these Architectural Guidelines.

B. The ARC right of inspection shall terminate fourteen (14) days after the ARC receipt of a Notice of Completion from the Applicant.

2.16 COMPLETED WORK

A. Notice of Completion. Upon completion of the Improvement to Property, the Applicant shall give written Notice of Completion to the ARC. Until the date of receipt of such Notice of Completion, the ARC shall not be deemed to have notice of completion of such Improvement to Property.

B. Inspection of Work. The ARC or its duly authorized representative shall have the right to inspect any Improvement to Property prior to or after completion, provided that the right of inspection shall terminate fourteen (14) days after the ARC shall have received a Notice of Completion from Applicant.

C. Notice of Satisfactory Completion of Improvement to Property. After inspection of the Improvement to Property, the ARC will issue a Notice of Satisfactory Completion of Improvement to Property if the Improvements were completed in conformity with the plan, description, and

Tyler Stonegate Property Owners Association, Inc.

materials furnished to and approved by the ARC, and any conditions imposed by the Architectural Review Committee.

D. Notice of Noncompliance. If, as a result of inspections or otherwise, the Architectural Review Committee finds that any Improvement to Property has been done without obtaining the approval of the ARC or was not done in complete conformity with the description and materials furnished to, and any conditions imposed by, the ARC or was not completed within eighteen (18) months after the date of approval by the ARC or such shorter period as specified herein or in writing by the ARC, the ARC shall notify the Applicant in writing of the noncompliance, which notice shall be given, in any event, within fourteen (14) days after the ARC receives a Notice of Completion from the Applicant. The notice shall specify the particulars of the noncompliance and shall require the Applicant to take such action as may be necessary to remedy the noncompliance. If a Notice of Noncompliance has been issued by the ARC, the Applicant may post a Performance Guaranty, as herein after defined, sufficient to bring the Improvement to Property into compliance with the Architectural Review Committee; provided however, that the ARC shall not be required to accept such Performance Guaranty. Such performance Guaranty must be in an amount sufficient to remedy any noncompliance, as determined by the ARC in its sole and absolute discretion. After posting such Performance Guaranty with the Association, the ARC may then issue a Conditional Notice of Satisfactory Completion of Improvement to Property.

E. Performance Guaranty for Noncompliance or Incompletion. If the Applicant wishes to apply for and obtain a certificate of occupancy from the City of Tyler prior to completion of landscaping and/or prior to correction of a minor noncompliance, the Applicant may request to post a bond, letter of credit or as escrow in an amount equal to the estimated cost of completion such work ("Performance Guaranty"); provided however the ARC shall not be required to accept such Performance Guarantee. The Performance Guaranty shall be used by the Association to ensure completion of such work in accordance with the time periods from completion established hereunder and the plans for such work as approved by the ARC. The form, content and terms of the Performance Guaranty shall be determined by the ARC in its sole and absolute discretion. If the ARC accepts the Performance guaranty for the completion of landscaping and/or remedy of noncompliance, then the ARC shall issue a Conditional Notice of Satisfactory Completion to Improvement to Property. Such Conditional Notice shall grant authorization for Applicant to request a certificate of occupancy from the City of Tyler. All premiums, costs and expenses related thereto shall be the obligation of the Owner. Any surety or financial institution issuing payment and performance bond or letter of credit hereunder shall be authorized to do business in Texas and shall be acceptable to the ARC. If any Owner fails to complete the landscaping work or fails to remedy the noncompliance, in accordance with the provisions of the Declaration, subject to delays beyond the reasonable control of such Owner, the Association is authorized under the provisions of the Declaration to enter upon the Lot of such Owner to complete the landscaping work and or remedy the noncompliance in accordance with the plans therefore, draw upon the Performance Guaranty for all costs incurred by the Association relating to the completion of the landscaping work or relating to the remedy of noncompliance and levy a Reimbursement Assessment against such Owner for all costs and expenses incurred by the Association in completing such landscape work or in remedying such noncompliance which are not otherwise covered by the Performance Guaranty, including any costs and expenses of collection and attorney's fees. Upon satisfactory completion of landscaping and/pr remedy of noncompliance, the Applicant shall give written Notice of completion to the ARC as outlined in Article 2.16 herein. If the ARC finds the improvements satisfactory, a Notice of Satisfactory Completion of Improvements to Property shall be issued by the ARC within fourteen (14) days of receipt of Notice of Completion and any funds being held by the Association as a Performance Guarantee shall be released to Applicant within seven (7) days of the issuance of the Notice of Satisfactory Completion of Improvement to Property.

F. Failure of Committee to Act after Completion. If, for any reason other than the Applicant's act or neglect, the ARC fails to notify the Applicant of any noncompliance within fourteen (14) days

Tyler Stonegate Property Owners Association, Inc.

after receipt by the ARC of written Notice of Completion from the Applicant, the Improvement to Property shall be deemed in compliance if the Improvement to Property was, in fact, completed as of the date of Notice of Completion and the Applicant may proceed to request a certificate of occupancy from the City of Tyler.

G. Appeal to Board of Directors of Finding of Noncompliance. If the ARC gives any notice of noncompliance, the Applicant may appeal to the Board of Directors by giving written notice of such appeal to the Board and the ARC within fourteen (14) days after receipt of the notice of noncompliance by the Applicant. If, after a notice of noncompliance, the Applicant fails to commence diligently to remedy such noncompliance, the ARC shall request a finding of noncompliance by the Board of Directors by giving written notice of such request to the Association and the Applicant within thirty (30) days after delivery to the Applicant of a notice of noncompliance from the ARC. In either event, the Board of Directors shall hear the maker in accordance with the provisions of the Bylaws for Notice and Hearing, and the Board shall decide whether or not there has been such noncompliance and, if so, the nature thereof and the estimated cost of correcting or removing the same.

H. Correction of Noncompliance. If the Board of Directors determines that a noncompliance exists, the Applicant shall remedy or remove the same within a period of not more than forty-five (45) days from the date of receipt by the Applicant of the Board ruling within such period, the Board may, at its option, record a Notice of Noncompliance against the real property on which the noncompliance exists, may enter upon such property and remove the non complying improvement to Property, or may otherwise remedy the noncompliance, and the Applicant shall reimburse the Association, upon demand, for all expenses incurred therewith. If such expenses are not promptly repaid by the Applicant or Owner to the Association, the Board may levy a Reimbursement Assessment against the Owner of the Lot for such compliance shall be in addition to all other rights and remedies which the Association may have at law, inequity, or under this Declaration. The Applicant and Owner of the Lot shall have no claim for damages or otherwise on account of the entry upon the property and removal of the noncompliant Improvement to Property.

2.17 NO IMPLIED WAIVER OR ESTOPPEL

No action or failure to act by the Architectural Review Committee or by the Board of Directors shall constitute a waiver or estoppels with respect to future action by the Architectural Review Committee or the Board of Directors with respect to any Improvement to Property. Specifically, the approval of the Architectural Review Committee of any Improvement to Property shall not be deemed a waiver of any right or an estoppels to withhold approval or consent for any similar Improvement to Property or any similar proposals, plans, specifications, or other materials submitted with respect to any other Improvement to Property.

2.18 VARIANCES TO ARCHITECTURAL GUIDELINES

A. Committee Power to Recommend Variances: The ARC may recommend to the Board of Directors proposed variances from compliance with any of the provisions of these Architectural Guidelines, including restrictions upon height, size, floor area, or placement of structures or similar restrictions, when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental consideration may require such variance. Such variances must be evidenced in writing and shall become effective when approved by at least a majority of the members of the Board of Directors.

B. Compliance with Other Jurisdictions: If any such variance is granted, no violation of the provisions of these Architectural Guidelines shall be deemed to have occurred with respect to the matter for which the variance was granted; provided, however, that the granting of a variance shall not operate to waive any of the provisions of these Architectural guidelines for any purpose except as to the particular property and particular provision hereof covered by the variance, nor shall the granting of a variance affect in any way the Owner's obligation to comply with all governmental laws and regulations affecting the property concerned, including, but not limited to,

Tyler Stonegate Property Owners Association, Inc.

zoning ordinances and setback lines or requirements imposed by any governmental authority having jurisdiction.

2.19 ESTOPPEL CERTIFICATES

The Board of Directors of the Tyler Stonegate Property Owners Association shall, upon the reasonable request of any interested Person and after confirming any necessary facts with the ARC, furnish a certificate with respect to the approval or disapproval of any Improvement to Property or with respect to whether any Improvement to Property was made in compliance herewith. Any Person, without actual notice to the contrary, shall be entitled to rely on said certificate with respect to all matters set forth therein.

3. SITE ARCHITECTURAL GUIDELINES

These site Architectural guidelines have been prepared to assist the lot owners in developing residential living environments that maximize the qualities of the Stonegate building site and help preserve and enhance the overall character of the Stonegate community for the enjoyment of all residents and guests.

3.1 BUILDING ENVELOPES

A. Building envelopes have been established for each lot within Stonegate. These areas are noted on the certified plat of the property dated October, 2001 in the records of Smith County. The envelopes are dictated primarily by the building setback requirements of the Stonegate PUD Zone Regulations although some envelopes are influenced by other factors. All building envelopes are graphically shown on the various final plats for Stonegate. Prior to final review plans by the ARC, the lot owner shall be responsible for the staking of the lot, building envelope, and the footprint, of all proposed structures by a land surveyor licensed to practice in the State of Texas.

B. All habitable space as defined by the City of Tyler Code shall be completely inside the approved building envelope. All other structures (gazebos, garden structures, sun arbors, etc.) except landscape walls are strongly encouraged to be located within the building envelope. Landscape plantings, recreational surfaces, driveways, and landscape walls are allowed outside of the building envelope.

C. Modification of a building envelope may be possible in some situations but such modification would require the approval by the City of Tyler as well as the Stonegate ARC. The building envelopes are bound by the City of Tyler Zoning Regulations and the City of Tyler Subdivision Regulations and would require a public hearing process to amend the reconfiguration of a platted building envelope. All costs of any such modification shall be the responsibility of the lot owner. Any plat amendment, including a building envelope modification shall be reviewed and approved by the ARC prior to submittal to the City of Tyler.

D. Combining of two or more lots may be accomplished through a Plat amendment processed under the jurisdiction of the City of Tyler. Any plat amendment, including a building envelope modification shall be reviewed and approved by the ARC prior to submittal to the City of Tyler. If a property owner elects to combine two or more lots, the newly created lot cannot be subdivided later.

E. General Architectural Guidelines:

1. Views: Siting of the residential structure shall, in as much as possible, consider the impact of the proposed residence on the views from neighboring lots as well as the impact that future construction on neighboring lots may have upon the views from the proposed residence.

Tyler Stonegate Property Owners Association, Inc.

2. To the best knowledge of the Declarants and Board of Directors, no lot within Stonegate is encumbered by any designated historical or archeological site.
3. Easements: It shall be the responsibility of the lot owner to observe all restrictions applicable to any easement upon said owner's lot as shown and established by a subdivision final plan within the Stonegate PUD.
4. Solar: Careful consideration should be given to the orientation and positioning of a residence in relationship to the daily and seasonal paths of the sun. Siting of the structure shall also minimize as much as possible interference with the solar accessibility of neighboring building sites.
5. Preservation of Existing Vegetation: Proposed lot improvements shall be designed with consideration for existing trees and shrubs in terms of enhancement of the living experience on the lot, the avoidance of damage to vegetation during construction and long-term health of the existing plant material. No existing vegetation shall be removed from a lot without the specific approval of the ARC.

3.2 DRIVEWAYS AND SIDEWALKS

A. Entry: All entry features require approval by the ARC. No entry feature, exclusive of landscape plantings, shall exceed six (6) feet in height.

B. Design

1. Driveway alignments shall be sensitive to terrain and vegetative features.
2. Garage entrances shall not face the adjacent roadway. Front entry garages will not be allowed. Straight driveway alignments from the street to the garage entry are strongly discouraged with the exception of corner lots. Alignments that allow for the preservation of existing trees and interesting vegetation will be encouraged.
3. Driveways shall be a maximum of 16 feet in width at the intersection of the street.
4. Driveways within the property shall be a maximum of 12 feet in width except as approved for parking, turn out and turn around areas.
5. Sidewalks will be required on lots as specified by the Board of Directors. A six-foot sidewalk shall be required on Stonegate Boulevard on lots that are lakeside (inside the Stonegate Boulevard loop) including those lots that do not abut the lake. A four-foot sidewalk shall be required on the north side of Stonehill Drive; the southeast side of Stoneleaf Drive; the north side of Stonegate Trail; the east side of Stonegate Boulevard between Stonegate Trail and Stonegate Valley Drive; and, the inside of Stonegate Valley Drive loop.

C. Construction

1. Concrete pavers, stone, and patterned concrete are required for all driveway surfaces. Asphalt will not be allowed for driveways except in park areas.
2. The cost of all driveway and sidewalk construction, including any required drainage structure shall be the sole responsibility of the lot owner.

3.3 PARKING REQUIREMENTS

Recreational Vehicles:

1. No boat, trailers, recreational vehicles, construction vehicles or equipment, shall be stored on a lot unless completely contained within an enclosed structure that has been approved in advance by the ARC. Any structure submitted for approval must have the same architectural presence and placement of the home and in no way deter from the drive by view of the home.

3.4 DRAINAGE AND GRADING

Tyler Stonegate Property Owners Association, Inc.

A. General Guidelines:

1. No design, construction or post construction activity shall be allowed to alter or interfere with or direct the natural course of any drainage and runoff, nor construct any improvement, place any landscaping (other than grasses or other low ground cover), or allow the existence of any condition whatsoever which shall alter the drainage pattern or runoff from its natural flow on or across the lot of another, except to the extent such alterations in drainage patterns or runoff is approved in writing by the ARC. Drainage and erosion control is the responsibility of the property owner.
2. A lot owner's designer shall become familiar with the platted drainage, utility, or other easements that influence the lot. Within these easements no grading, structure, planting, or other improvement shall be permitted which may damage or interfere with the installation and maintenance of utilities or drainage, or which may change the direction of flow or obstruct the flow of water in and through drainage channels or irrigation ditches in the easement.
3. Whenever possible, runoff from roofs, patios, courtyards, parking areas and driveways shall be directed to the existing drainage areas, but without exception cannot create any silting or deterioration of existing grades, subject to ARC approval. All runoff directed from building areas to the Lake on Stonegate must be enclosed in pipe, and must be approved by the ARC in advance. The release point of uncontaminated material must not disturb the natural vegetation of the Lake.

B. Grading:

1. Site grading, when required, shall be designed to result in curved, undulating (not sharp or squared) contours to create a rolling natural appearance.
2. Undulating, soft, and natural earth forms are encouraged to create privacy, screening and visual interest on the site.
3. Most lots within Stonegate should require reasonable site grading, but where more extensive earthwork is necessary the following guidelines shall be observed.
 - a. The preferred maximum slope for areas of cut and fill shall be three (3) feet horizontal to 1 foot vertical (3:1).
 - b. The maximum cut or fill slope allowed in limited severe conditions shall be 2.5 foot horizontal to 1 foot vertical (2.5:1).
 - c. Slope length for cut or fill slopes of 3:1 grades or steeper should not exceed 20 feet.
4. Landscape retaining walls are encouraged where excessive cut or fills are required. Retaining walls shall not be higher than four (4) feet without a minimum 18" step back in the wall. Material for retaining walls shall be appropriate to the design of other structural features on the lot and to the overall integrity of the Stonegate character. Railroad ties or wooden retaining walls are specifically not allowed within Stonegate.
5. Horizontal and vertical variations in the grade of cut and fill slopes create a more natural ride and valley configuration. Such undulations should relate to the adjacent natural slope variations if possible.

C. Drainage Away from Lake

1. Wherever possible, including the regrading of the natural contours of a building site, runoff from maintained landscape areas, building sites, and rear yards shall be directed away from the Lake on Stonegate. Runoff into the lake will be allowed only if it is captured on the site and transported to the lake in a drainage pipe, and introduced into the lake in such a way as not to contaminate the lake with silt or other undesirable contaminants. Any proposed runoff to the Lake must be approved in advance by the ARC.

3.5 FENCES AND PRIVACY WALLS

- A. No fences will be allowed that define lot perimeters.

Tyler Stonegate Property Owners Association, Inc.

B. Fences, wall and barrier devices may be used for privacy and screening purposes but must be integrated with the total residential structure design. All fences, walls and barrier devices shall require ARC approval prior to construction. Only black or brown wrought iron, steel, or aluminum will be approved for fences on a case-by-case basis. Chain link fences are not approved. Brick posts may be approved by the ARC.

C. Dog Kennels:

1. Dog kennels are required on all lots for owners who choose to keep a dog outside. The owner shall construct a dog kennel as approved by the ARC prior to obtaining a certificate of occupancy for the residential dwelling. Property owners with dogs are responsible to prevent barking becoming a nuisance to neighbors.
2. Dog kennels shall be located so as to be hidden from view as much as possible. Construction material will be of a nature as to blend in with the natural landscape of Stonegate and with the architecture of the owner's house.
3. All dog kennels must be approved by the ARC prior to construction or placement.

3.6 ACCESSORY EQUIPMENT

A. Wires, poles, aerials, antennae, and other facilities (except in section 3.6. B. below) for the transmission or reception of audio or visual signals or electricity and utility meters or other utility facilities will not be allowed.

B. Satellite dishes of 24 inches or less in diameter shall be discretely located to minimize their visual impact but do not require complete screening whether placed on a structure or site mounted. Screening must be in place when dish is installed.

C. Heating, air conditioning, air movement, refrigeration equipment or solar devices located on the ground or on the residence shall be screened from view. Consideration for neighbors is a must in the choosing of the equipment and its location as it relates to the noise generated and visibility.

D. All above described screening must be approved prior to the installation of the reference equipment and/or devices or the installation of the screening.

3.7 SWIMMING POOLS, TENNIS COURTS AND RECREATIONAL SURFACES

A. Swimming pools should be designed as being visually connected to the residence through walls or courtyards and screened from neighboring home sites and approved in advance by the ARC. Above ground pools are expressly prohibited. All pool equipment shall be screened from view and located to minimize any noise pollution to adjacent residences.

B. ARC may find the siting of a swimming pool, patio complex or recreation surface at a location removed from the residence as appropriate when properly situated, screened and landscaped.

C. Tennis courts tend to be intrusive, unsightly and noisy in private residential areas. Therefore, tennis courts shall not be permitted on Lots unless a variance is received from the Architectural Review Committee. A variance would only be considered if the ARC is completely satisfied that the tennis court is thoroughly screened from all neighbors' views and storm water runoff is properly controlled.

D. Basketball hoops and backboards tend to be intrusive and noisy in private residential areas. It is the desire of the ARC to help to preserve the quiet, peaceful ambience within the Community

Tyler Stonegate Property Owners Association, Inc.

Area. For these reasons, basketball hoops and backboards shall not be permitted on Lots unless a variance is received from the ARC. A variance would only be considered if the applicant could demonstrate that basketball hoop and backboard is thoroughly screened from all neighbors' views and the basketball hoop and backboard would create no adverse noise impact on any neighbor. ARC The paved surface must include an internal drainage system within the pavement to reintroduce storm water runoff into the soil within the paved area.

3.8 SIGNS AND ADDRESS IDENTIFICATION

A. All signs shall be of design and materials approved in advance by the ARC. Property owners may not post signs on their lot advertising or promoting commercial activities or services without the advance approval of the ARC. Political or election signs must be removed promptly following an election.

B. Allowed Signs:

1. Driveway entry signs to a maximum of 2 square feet, including mailboxes.
2. General contractor, architect or landscape architect, may during initial construction, utilize one standard sign. All signs must be removed within 10 days of owner's occupancy of the house or completion of the work.
3. Directional and safety signs installed by the Declarants or the Association.
4. Appropriate lot or property For Sale signs are approved.

3.9 EXTERIOR LIGHTING

The intent of Stonegate is to allow for minimum lighting necessary to provide for the safety, security and the enjoyment of outdoor living, while not interfering with the natural darkness of the sky nor disrupt the enjoyment of surrounding building sites. The following guidelines address the common types and locations of lights and sets limits on numbers of fixtures, wattage of lamps, etc. A lighting design that is not in strict compliance with these guidelines shall not be approved as a part of the normal review process; however, in an effort to encourage creative solutions to exterior lighting tasks, the ARC will assess each proposed design on a case-by-case basis. If requested in writing, the ARC will review mock-ups of the proposed lighting on site, prior to permanent installation. The ARC accepts no liability for any costs or hardships associated with the mock-up presentation for alternative lighting solutions that are found to be unacceptable by the ARC. All such findings shall be at the sole and final discretion of the ARC.

A. Types of Lighting

1. Safety Lighting: Lighting of vehicular and pedestrian circulation areas that are used only when receiving guests or circulating outdoors. Motion-detector lighting is encouraged for this use.
2. Security Lighting: Bright illumination lighting intended for use during emergency situations only. It must be circuited and controlled separately from other lighting.
3. Visual Enjoyment Lighting: Illumination of exterior living areas such as patios, pool decks, entry monuments and landscaping may be used only during waking hours. Downward directed lighting is strongly encouraged for this use. There is an overlap of function between visual enjoyment lighting and safety lighting, but due to the differences in the frequency and duration of use and the objective of minimizing unnecessary lighting, these two different lighting functions must be circuited and controlled separately.

B. Design Standards

1. Wattage: The maximum wattage of any exterior light fixture shall be 75 watts.
2. Mounting: Unless otherwise approved by the ARC, exterior lights shall be mounted as follows:
 - a. In the ground, or on a post not exceeding 18" above ground.
 - b. In or upon a wall not exceeding 66" above ground.
 - c. Attached to vegetation, if affixed in a height not exceeding 66" above the ground.
 - d. Appropriately on the walls of the structure but in no way casting light on adjacent homes

Tyler Stonegate Property Owners Association, Inc.

3. Shielding: Light sources (lamps or bulbs) of all exterior lighting must be completely shielded from view to eliminate glare from any normal standing, sitting or driving view angles from any neighboring property or Common Area.
 4. Up lights: Up lighting is discouraged. However, in limited, controlled environments, up lighting may be allowed if the following conditions are met: The lights must be aimed so that the focus of the light source does not exceed setback lines on lots.
 - a. A maximum of 1 upward directed exterior light is allowed for each 4,000 square feet of lot area up to a maximum of ten light fixtures.
 - c. Upward directed light fixtures will be limited to illumination of only large specimen trees as are specifically approved by the ARC.
 - d. A maximum of one upward directed light may be approved to illuminate approved landscaping or monument at a driveway entry treatment.
 5. Down lights:
 - a. Must be aimed within 10 degrees of vertical.
 - b. Light must be shielded to allow for no light above 45 degrees and no visible light source.
- C. The ARC reserves the right to reject any exterior light if, in its sole discretion, it appears excessive, inappropriate, or not in conformance with the lighting philosophy of Stonegate.

4. ARCHITECTURAL DESIGN GUIDELINES

East Texas is historically known for diverse architecture characterized by indigenous material and manmade (brick) as well as quarried stone that is indigenous to the south. At Stonegate, the vocabulary of architecture will be redefined to integrate materials characteristic of the region with the refined design traditional to a forested setting. The ARC envisions not so much a community theme, but more an "architectural diversity." The following recommendations and design criteria are presented to assist the owners and their designers in implementing the rustic sophistication that will generate Stonegate's unique "sense of place."

4.1 FOUNDATIONS

- A. All improvements shall require the submittal of foundation design and drainage prepared by a registered professional engineer and or a qualified builder.
- B. All lot development, including improvement construction, shall be conducted in accordance with the plans submitted to the ARC.

4.2 BUILDING HEIGHT

- A. Height by Zone District: For convenience, the maximum building height will be determined by the City of Tyler and be subject to the ARC advance approval.
- B. Method of Measurement: The distance, measured vertically, from the undisturbed or natural ground surface at the mid-point between the front and rear wall of a building to the top of a flat roof or mansard roof or to the mid-point between the eave line and the peak of a gable, hip, shed or similar pitched roof.
- C. Design Considerations: The ARC will be interested in the relationship of building heights to critical views from surrounding lots and the structures relationship to terrain features.

4.3 SCALE AND MASSING

- A. Scale and massing of all structures shall emphasize a harmonious relationship with the site and surrounding structures as well as creating spaces and experiences that reflect a comfortable "human scale." Structures should not be dominated by long unbroken elements in either the walls or roofline. Larger residences should have at least three distinct masses visible in each building elevation with the masses distinguished by a 2-foot horizontal and vertical offset.

Tyler Stonegate Property Owners Association, Inc.

B. Minimum Size of Residence:

1. Measurement: Square footage shall be measured from outside of exterior wall to outside of exterior wall exclusive of basements and garage square footage.

Zone District Minimum Floor Area

Lake Front 3,000 sq. feet

Non Lake Front 2,500 sq. feet

C. Garages Required: A minimum of a two-car garage enclosure with automatic door closures. Garage openings are prohibited from facing the street and preferably shall be positioned so as to minimize their being visible from the street. Garages may be detached from the residence but shall be integrated with the residence by architectural elements, walls or fences, subject to approval.

4.4 ROOF CONFIGURATION AND CONSTRUCTION

A. Roof Pitch:

1. All roofs will conform to city of Tyler specifications for primary roof elements. Secondary roof elements including entries, porches, breezeways and dormers, may be a minimum pitch of 4 _.
2. Only gable and hipped configurations are permitted for primary roof elements. Attached shed configurations may be permitted for secondary roof elements.

B. Dormers and Skylights:

Dormers shall be within the field of the primary roof and shall not penetrate the eave line except for push throughs. Clerestories, monitors and skylights may be permitted, provided they are compatible with the overall design of the structure and theme of Stonegate. Darkly tinted glazing must be used on all skylights and clerestories to reduce light spill from interior spaces.

C. Accessories and Architectural Features

Chimney caps, crickets, vents, gutters, downspouts, utility boxes, ornamental iron railings, fences and stairways, etc. shall observe the following:

1. Non-reflective metal with anodized, baked-on or field painted color, with a minimum of 20-25 year warranty.
2. Copper or bronze with artificially weathered or oil rubbed finish (nonreflective).
3. Vents and mechanical equipment shall be centralized as much as possible, grouped with other roof elements or masses and screened from view and painted to match roof coloration.
4. Roof saddles and downdraft preventors are required for all chimneys.

D. Construction Standards:

Well-insulated attic areas are encouraged as a matter of energy conservation and maintenance control. All roofing shall be "Class C" fire retardant materials or better. 30 year architectural shingles are a minimum requirement for all roof materials.

E. Variance:

Variations of roof shape and construction from the above regulations may be permitted by the ARC only if it is determined that such variations are compatible with the overall design of the structure and the theme of Stonegate.

4.5 BUILDING MATERIALS

Only the following materials will be permitted on the exterior of structures erected within Stonegate.

A. Roofs:

1. Concrete tiles
2. Slate

Tyler Stonegate Property Owners Association, Inc.

3. Non-reflective metal (subject to review and approval of ARC)
4. Fiber glass/asphaltic shingles in limited "thick" styles with a minimum 30-year warranty.
5. Approved colors for roofing shall be available for review with the ARC.

B. Exterior Walls:

1. Natural stone or brick (characteristic of stone native to Texas, Oklahoma, Arkansas region is encouraged) as a base for entire walls and for chimneys, columns, retaining walls and fences. Minimum 50% wall coverage for all walls fronting any street within the Community Area. Requests for exceptions will be presented in advance to the ARC for review.
2. Stucco (natural or synthetic). All stucco shall be built to grade. All structures with stucco walls shall have 30% minimum stone or masonry for all walls fronting any street within the Community Area.
3. Wood siding, wood shingles, and Hardy Board, will be acceptable. All structures with wood and/or Hardy Board materials on the exterior shall have at least 40% stone or masonry on the walls fronting any street within the community Area, subject to approval by the ARC.
4. No more than three types of masonry are recommended on the exterior of structures (including walkways and driveways).
5. A maximum of four types of materials will be permitted on exterior walls exclusive of windows and doors.

C. Windows:

1. Windows designed to reduce heat loss shall be required.
2. Glazing shall be insulating units of clear, obscure or bronzed tinted glass. Stained or etched glass may be placed inside or outside of primary glazing.

D. Doors:

1. Glazing shall be insulated units of clear, obscure or bronze tinted glass. Stained or etched glass may be placed inside or outside of primary glazing.
2. Doors, muntin bars and trim shall be wood or steel (stile and rail, solid core or insulating) with natural, semi-transparent or painted finish.

4.6 COLOR PALETTE

A. Exterior wall and roof colors shall harmonize with the site and surrounding structures. The predominant tones should tend toward muted, warm, earthy hues. Bold or dramatic earthy colors may be used provided they are used sparingly and confined to entries and walls of recessed areas hidden from general view.

B. Approved colors for roofing, exterior walls, windows, doors and trim shall be available for review with the ARC.

D. All colors must be submitted to the ARC on the materials on which they will be used for approval by the ARC.

4.7 INTERIOR LIGHTING

The dramatic views from the site will tend to encourage large expanses of glazing that could result in excessive amounts of interior lighting to spill to the exterior causing glare when seen from neighboring properties or common areas. Special care and attention should be given to the aiming and brightness of display lighting and other intense accent lighting as it may be reflected to the exterior, particularly through high windows, clerestories or skylights. No light sources pointed up or out or visible through high windows, clerestories or skylights are allowed. Darkly tinted glazing must be used on all skylights and clerestories and dark tinting of glass areas or the use of window coverings at doors and windows may be required to reduce light spill from interior spaces.

4.8 SOLAR APPLICATIONS

The use of passive and active solar design elements and orientation of the residence to maximize winter solar heat gain will reduce winter energy demands and is encouraged. Such design elements shall be discretely and tastefully integrated into the architectural and landscape design of the site to minimize visual impacts on neighbors. Solar devices shall be screened so as not to be seen from adjacent roadways to the greatest extent possible. The ARC also encourages site and structure design that is sensitive to solar access by adjacent building sites.

4.9 FIREPLACES AND SOLID FUEL STOVES

All dwellings will be allowed an unrestricted number of natural gas burning/solid fuel fireplaces or appliances.

4.10 PATIOS AND COURTYARDS

Maximum enjoyment of the Stonegate climate can best be captured by well-designed outdoor spaces. Patios and courtyards approved in advance by the ARC should be integrated into the design of the residence with special care for proper orientation to the sun, as well as summer, fall and spring breezes. Internal drainage systems should also be incorporated into any paved patios and courtyards to reintroduce storm water runoff into the soils within the paved surface. Privacy fencing will be allowed on a case-by-case basis in areas immediately adjacent to the rear yard of the home and must be pre-approved by the ARC. Privacy fencing will not be allowed in set back or side yard areas.

4.11 STORAGE

Construction materials including bricks and lumber shall not be stored long term on the property. Such materials are permitted temporarily if for approved near-term construction work. Firewood, garbage, refuse, pet foods and other materials shall be stored safely and in totally enclosed structures so as not to be unattractive to neighbors or attractive to rodents and other animals. The ARC encourages that these storage areas be integrated into the residential structure.

4.12 INTERIOR WINDOW COVERINGS

Only materials intended for use as window coverings shall be allowed. No temporary use of towels or sheets, etc. shall be permitted. Interior window treatments (curtains, shutters, etc.) shall be neutral in color when viewed from outside.

4.13 DOCKS ON LAKE FRONT

Advanced approval by the ARC is required for designs for boat docks allowed on the Lake at Stonegate. The location of the docks will be restricted to 40' (forty feet) of either side of the centerline of each lake front lot. No gas motors, jet skis or floating devices that would make noise or a wake on the lake will be allowed. Electric trolling motors under 30 lbs. of thrust will be allowed.

5. LANDSCAPE GUIDELINES

The Stonegate site is characterized by a diverse mix of vegetation communities.

A. The variety of shrub and tree species are a natural part of Stonegate and must be of highest priority in contemplating the location of structures and driveways, and improved areas related to the construction of homes in the community.

B. Stonegate has invested extensive forethought into the development of a master plan that will preserve existing tree and shrub masses on the site. Introduced plantings will serve to soften the architectural statements of each lot, instill a more comfortable human scale to the site, moderate seasonal weather cycles, provide habitat for wildlife and enhance the visual appearance of the community. Therefore, the ARC has set forth numerous recommendations as well as specific landscape criteria to assure the achievement of a living environment that reflects a gracious balance of intense landscape plantings, and residential structures. These guidelines are intended

Tyler Stonegate Property Owners Association, Inc.

to promote creativity while giving the lot owner a conceptual pattern for how the home sites at Stonegate can be landscaped to enhance the living environment and value of the entire community.

5.1 GENERAL DESIGN CONSIDERATIONS

It is strongly recommended that a landscape architect or designer familiar with the local growing conditions and appropriate plant pallet be utilized to develop the landscape plan for submittal to the ARC. Planting designs for each lot shall endeavor to be sympathetic to and integrated with the existing vegetation, and Common Areas so as to minimize the visual presence of property lines. The landscaping on each lot adjacent to the street is of particular importance in order to create a harmonious feeling throughout the community.

5.2 PRE-CONSTRUCTION LOT MAINTENANCE

A. Each lot owner shall be responsible to maintain any unoccupied lot in such a manner as to minimize fire hazard (mow two or three times per season), control wind and water erosion and to minimize the presence of under-brush, noxious weeds, trash and dust. All deadfall shall be disposed of within two (2) months of occurrence. Post-construction, property owners shall comply with these requirements for areas intended as natural areas.

B. In the event that a lot is not maintained as described in 5.2 A above, the ARC shall have the authority to enter the property and conduct such seeding or maintenance measures as may be required to bring the lot into compliance with these terms. The Lot owner shall then be assessed the reasonable cost of performing these tasks.

5.3 PRESERVATION OF EXISTING VEGETATION

No naturally existing tree 6" in diameter shall be removed from a lot without the approval of the ARC. The ARC recognizes the necessity to remove some existing plants in order to appropriately site a residence. Removal of some existing plants will be allowed by the ARC but only after being presented with adequate evidence that there is no reasonably desirable alternative design of the site or the residence that would better preserve the existing plants. The ARC will also consider limited removal of existing vegetation if it is the only opportunity to achieve quality views from the building site. When it is determined that a naturally existing tree or shrub would be removed; it is strongly encouraged that the naturally occurring tree or shrub be moved to another location within the lot whenever possible. The ARC may require any property owner to replace trees with comparable plantings if the ARC deems the property owner or its builder exceeded its approval.

5.4 IRRIGATION

Irrigation Systems Required: All lots shall be required to install an underground, automatic timer controlled irrigation system as approved by the ARC. The irrigation system shall be installed upon the issuance of the certificate of occupancy. All landscaped areas, will be irrigated and regularly maintained with the acceptance of natural areas. Care will be taken in the natural areas not to disturb the existing mulch.

5.5 TYPICAL PLANTING TREATMENTS

High Intensity Plantings:

A. High Intensity Plantings include manicured lawns and other irrigated ground covers, flower beds, intense shrub beds and deciduous and evergreen trees. This area would be typically irrigated with permanent underground sprinkler systems and would represent the highest irrigation water consumption on a Stonegate lot. These plantings should be utilized in areas where they will have the greatest visual and environmental impact upon the residents of a lot. High Intensity Plantings would be appropriate in close proximity to the residence and other high use areas of the site (patios, pool areas) whether adjacent to the residence or at a removed location. A node of High Intensity Plantings may also be used in association with the driveway entry treatment.

Tyler Stonegate Property Owners Association, Inc.

Natural Plantings:

B. Areas of Natural Plantings, whether existing or introduced, are those areas, which will receive no irrigation water following the initial establishment period. Ideally, with the guidance of the ARC, Natural Planting Areas introduced on a lot will blend into other Natural Areas on neighboring lots and Common Areas to create a cohesive pattern of vegetation without the unnatural reflection of property boundaries. Some lots will have areas of existing vegetation that will be classified as Natural Planting Areas. To minimize fire hazard, under brush in these natural areas should be kept to a minimum and maintained as such. In some cases, these existing areas may require some remedial planting efforts to restore a healthy and diverse stand of native plants. Representatives of the ARC may provide some guidance in the restoration of existing areas of native vegetation.

5.6 INSTALLATION AND MAINTENANCE

A. Performance:

1. Each lot shall be fully landscaped in compliance with plans approved by the ARC within 60 days of the issuance of the certificate of occupancy of the residence. Areas intended to be landscaped shall be maintained as such. Natural areas shall comply with the requirements of 5.2.A.
2. The ARC may approve extensions of the performance period due to weather conditions that are not conducive to the survival of the plantings.

B. Maintenance:

The lot owner shall diligently maintain the landscape plantings in a manner that is consistent with the normal character of the plants.

C. Maintenance Practices Restricted:

1. Fertilization:

Only natural organic based fertilizers shall be used on home lawns and gardens. A list of suggested fertilizers will be available at the offices of the ARC.

2. Pesticides and Herbicides:

- a. A list of allowed products or chemical formulas will be available from the ARC. Guidelines for the warranting of use and application methods will also be available.
- b. These shall be applied no more than twice annually and only when justified by the actual existence of or a professionally verified future threat to the health of the plants on a lot.
- c. All chemicals shall be prohibited from areas within 20 feet of the normal high water line of the lake or other water body on the lot, or Common Areas. The ARC may require more stringent limitations on some lots depending on a lot's drainage patterns and vegetational conditions. Under no circumstances will any owner be allowed to use any chemicals in the lake. The Lake on Stonegate has remained pristine for 75 years and any alteration of plants or treatment will be administered by the ARC with the advice of professional consultants. For control of lily pads, please contact the ARC.

D. Association Authority to Remedy:

1. The Association has the authority to, upon the recommendation of the ARC, enter upon a lot and undertake such maintenance measures as may be required for the landscaping to meet the minimum quality of appearance and health that is consistent with the character of Stonegate.
2. The Association may then levy a Reimbursement Assessment against such lot owner for all costs and expenses incurred by the Association in completing such landscape maintenance work, including any costs and expenses of collection and attorney's fees.
3. The Association may exercise its rights according to 6.1 below.

6. CONSTRUCTION REGULATIONS

Tyler Stonegate Property Owners Association, Inc.

The following Construction Regulations are established to assure the preservation of the natural landscape, to minimize the impacts on the waterways of Stonegate site and to avoid undue disturbance to other residences of Stonegate. All owners and builders shall be bound by these regulations and any violation by a builder shall be deemed to be a violation by the owner of the lot.

6.1 BUILDER'S BOND

Each builder, prior to beginning any construction, shall post a cash bond in the amount of \$5,000.00 with the Association. In the event of action by the Association or the ARC to remedy any violation of these regulations, the cost of such remedy shall be first charged against the bond. Any cost in excess of this \$5,000.00 shall be the obligation of the builder. Following issuance by the City of Tyler of a Notice of Satisfactory Completion of Improvements to Property, or Notice of Conditional Satisfactory Completion of Improvements to Property, any funds held by the Association shall be released to builder within fourteen (14) days of issuance of Notice of Satisfactory Completion or Notice of Conditional Satisfactory Completion.

6.2 PRE-CONSTRUCTION CONFERENCE

A. Prior to commencing construction, the builder shall meet the ARC to review construction procedures and to coordinate the activities of the Builder in Stonegate.

B. The Stonegate construction Permit Sign must have been issued and posted at the site adjacent to the City of Tyler Building Permit before any construction activity can take place on the site.

6.3 TEMPORARY STRUCTURES

Any owner or Builder who desires to bring a construction trailer, field office or the like to Stonegate shall first apply for and obtain written approval of the ARC. To obtain such approval, he/she shall submit a copy of the site plan with proposed location of the construction trailer or field office, temporary electrical service, the portable toilet, trash receptacle or other construction related structures or equipment. Such temporary structures shall be removed within five (5) days upon completion of construction. Post-construction, no temporary structures are permitted without advance approval by the ARC.

6.4 FENCING

A. Any natural vegetation located on the lot and not approved for removal by the ARC shall be fenced in a manner that will prevent construction equipment and other vehicles from damaging the plant material in any way.

C. Construction sites adjacent to the Lake at Stonegate shall install sediment control fencing as necessary to avoid any sediment to be eroded onto streets or into the Lake on Stonegate. Failure to protect sediment erosion will result in the ARC installing screening and assessing the owner for any necessary clean up.

6.5 DEBRIS AND TRASH REMOVAL

Owners and Builders shall clean up all trash and debris on the construction site daily. The trash and debris shall be removed from the construction site at least twice a month to a legally established dumping site off the Stonegate site. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site. Owner and builders are prohibited from dumping, burying or burning trash anywhere on the lot. During the construction period, the construction site and routes to the construction site shall be kept neat and clean and policed so as not to become an undue visual distraction. No concrete trucks will be permitted to wash out on the Lot or on any area within Stonegate. On a regular basis, the builder or owner will have the excess material moved to a reuse site outside the

Tyler Stonegate Property Owners Association, Inc.

Community. The ARC shall strictly enforce this regulation.

6.6 SANITARY FACILITIES

Each Owner or Builder shall be responsible for providing adequate sanitary facilities for the construction workers on the site. Portable toilets or temporary toilet facilities shall be located on the site as approved by the ARC. These temporary facilities shall be maintained regularly to prevent obnoxious odors or unsightly appearance. Such temporary facilities shall be removed within five (5) days upon completion of construction.

6.7 VEHICLES AND PARKING AREAS

Construction crews will not park on, or otherwise use, any part of other lots. Private vehicles, construction vehicles and machinery shall be parked only in such areas designated by the ARC and in such a manner that is not damaging to existing vegetation on or adjacent to the lot. Parking is allowed only on one side of subdivision access roads and permitted only if adequate care is given to not block traffic and safety. Care will be taken by the owner and builder to supervise parking and the loading, ingress and egress of equipment to be careful and avoid damage to the landscaping, sidewalks, street or curbs. Any damage to the street immediately adjacent to the construction site will be repaired by the owner or by the ARC and assessed to the owner.

6.8 EXCAVATION MATERIALS

Excess excavation not utilized in the site grading shall be hauled away from Stonegate.

6.9 RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGES

Damage and scarring to any property, open space or other lot, including, but not limited to roads, driveways, concrete curbs, gutters, utilities, vegetation and/or other improvements, resulting from construction operations, will not be permitted. If any damage occurs, it must be repaired and/or restored promptly and any expenses are those of the Builder, and in the event of default by the Builder in meeting these obligations, the Lot Owner who has retained the builder shall be responsible.

6.10 CONSTRUCTION ACCESS

The only approved construction access during the time a residence or other improvements are being built will be over the approved driveway for the residence.

6.11 MISCELLANEOUS PRACTICES

All Owners will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors, and subcontractors in Stonegate. The following practices are prohibited in Stonegate.

- A. Changing oil on any vehicle or equipment on the site itself.
- B. Allowing concrete suppliers and contractors to clean their trucks or equipment on the Lot or within Stonegate.
- C. Removing any rocks, plant material, topsoil, or similar items from any property of others within Stonegate, including construction sites, except in accordance with ARC approvals.
- D.
 - D. Dumping or disposal of waste or construction materials into the gutters or sewer system. Using disposal methods or units other than those approved by the ARC.
- E. Careless disposition of cigarettes and other flammable material. At least one 10-pound ABD-rated dry chemical fire extinguisher shall be available in a conspicuous place on the construction site at all times. No fires are permitted on the Lot for any reason.

Tyler Stonegate Property Owners Association, Inc.

F. Careless treatment or removal of any plant materials not approved for removal by the ARC.

G. Allowing excessive dust, trash or noise on the construction site. Radios and other audio equipment will not be allowed to play at levels that are disruptive to the neighbors.

H. No pets, particularly dogs, may be brought into Stonegate by construction personnel. In the event hereof, the Association, the ARC or the Developer shall have the right to contact the authorities to impound the pet, to refuse to permit the Builder or subcontractor involved to continue work on the project, or to take such other action as may be permitted by law, the Declaration of Covenants, Conditions and Restrictions, or Architectural Guidelines.

6.12 HOURS OF CONSTRUCTION OPERATION

Daily working hours for each construction site shall be 7:00 AM to 7:00 PM Monday through Saturday. No construction work shall be permitted on Sunday. And no construction that involves high noise levels shall be permitted prior to 8:00 AM or after 6:00 PM. The ARC may in special circumstances provide variances to these hours; if it can be shown the variance shall not create a disturbance to neighbors. Exceptions may be requested and will be handled in advance on a case-by-case basis by the ARC.