

The Reserve at Lake Tyler Homeowners Association Architectural Control Committee

15302 Reserve Blvd.
Tyler, Texas 75707

Design Guidelines

General Notes:

All documents referenced in this document are available online at www.thereserveatlaketyler.com or can be emailed to a property owner or builder upon request.

Where Architectural Control Committee approval is required, an **ACC Project Application** must be submitted and approved prior to the commencement of any portion of a project. Where Board approval is required, an **ACC Variance Request** must be submitted and approved prior to the commencement of any portion of a project.

The **Design Guidelines** shall be used in conjunction with the **Declaration of Covenants, Conditions, and Restrictions for The Reserve (TRALT Deed Restrictions)**, as recorded in the Public Records of Smith County. Approvals for projects are also subject to any and all clarifications included on the **ACC Project Application, ACC Approval to Begin Project or ACC Variance Request**.

Each project may be subject to certain City of Tyler, Smith County or State of Texas laws, ordinances, regulations, and permits. It is the sole responsibility of the property owner to determine compliance with City of Tyler, Smith County and State of Texas laws, ordinances, regulations, and permits. The ACC will not make any determination as to this compliance unless specifically noted.

As stated in the **TRALT Deed Restrictions, Section 11.3(b)**, the ACC has thirty (30) days to review and approve a completed application. Please allow for this time in your project schedule. Incomplete applications or requests for additional information will delay the thirty (30) day cycle until the application is completed or information is received.

Upon ACC approval of any project, an on-site meeting must be held with the property owner, builder, and one or more ACC members prior to commencing the project. The purpose of this meeting is to go over the plans, the project approval, coordinate the activities of the builder, and answer any questions the property owner or builder may have.

1.0 Additions: ACC approval is required for any additions to an originally approved dwelling as well as other exterior alterations or changes. These additions or modifications must be constructed with the same type materials and color schemes found in the existing dwelling unit. These considerations include, but are not limited to, exterior masonry, siding, windows, doors, roofing, and trim materials. Design elements must be duplicated so that any new addition or section matches the existing structure. (See also **New Construction**)

2.0 Alteration in Grade / Drainage: ACC approval is required for alterations in grade, excavations, changes to existing drainage, installation of drains, retaining walls, culverts and swales. Property owners are responsible for dealing with drainage and runoff as it existed following initial construction of roads, culverts, and bar ditches. Efforts to drain lots must not include alterations or excavations which direct water onto adjacent properties. The **ACC Project Application** must include a plot drawn to scale, showing both existing drainage and the drainage after the alteration is completed. The applicant is responsible for installing silt fences to control erosion during the project as set forth in the **TRALT Deed Restrictions**.

Retaining walls shall be constructed of the following materials:

- 2.1 Interlocking stacked concrete block (Keystone type)
- 2.2 Dry stack flagstone (limited to two (2) feet in height)
- 2.3 Mortared stack stone (requires poured concrete foundation or properly compacted aggregate base)
- 2.4 Decorative concrete block (requires poured concrete foundation and mortared joints)
- 2.5 Standard concrete block (requires a poured concrete foundation and must be veneered with brick, stucco, or stone)
- 2.6 Solid brick (requires a poured concrete foundation)
- 2.7 Solid concrete with stamped surface

The use of stacked rubble stone, railroad ties, or landscape timbers for retaining walls is not permitted.

3.0 Antennas / Satellite Dishes: In accordance with FCC Regulations, no ACC approval is required for the installation of an antenna or satellite dish that does not exceed thirty-nine (39) inches in size.

Antennas and satellite dishes must conform to all FCC requirements under the Telecommunications Act of 1996 and the homeowner is responsible for doing so. It is recommended that satellite dishes be located at the rear area of a dwelling unit and a wall-mounted dish is preferred to a remote placement on a lot.

FCC rules allow for the erection of an antenna for use by a licensed Ham radio operator. While ACC approval is not needed to erect a Ham Radio antenna, ACC approval is required for its location. It is recommended that the antenna be located in an unobtrusive area to blend in with the environment as much as possible. VHF/UHF 'Yagi' type antennas or wire shortwave antennas must be mounted in the attic of the dwelling or on the back of the structure where they cannot be seen from the street.

Reference **Article 12.28** of the **TRALT Deed Restrictions**.

4.0 Basketball Goals: ACC approval is not required for mobile basketball goals. However, they should be situated in an area which makes them as unobtrusive as possible. Placing the goal in the street or closer to the street than the front of the main structure is prohibited. ACC approval is required for the installation of a fixed goal and / or playing court.

5.0 Clothes Lines: According to the **TRALT Deed Restrictions**, the installation of a clothesline structure is not permitted that may be seen outside the lot on which it is located.

Reference **Article 12.13** of the **TRALT Deed Restrictions**.

6.0 Composters: ACC approval is required. Composters shall meet the following criteria and be detailed on the **ACC Project Application**:

- 6.1 Must be screened from neighboring properties by landscaping or approved screening
- 6.2 Material to be used shall be treated wood, rust-resistant metals, or fiberglass (corrugated tin is not acceptable)
- 6.3 Purchased composters are acceptable as long as they do not violate other criteria.
- 6.4 Maximum dimensions are four (4) feet high by four (4) feet wide by eight (8) feet long.

7.0 Construction Debris & Trash Removal: A commercial dumpster is required on all lots during construction. Contractors may burn trees on site that are removed to prepare the build site providing there is no official burn ban in place at that time. Burning of downed trees and underbrush may be performed subject to compliance with **Article 12.32** of the **TRALT Deed Restrictions**. Owners and Builders shall clean up all trash and debris on the construction site daily. Construction material scraps may be burned in a metal container. No open fires of construction materials will be allowed. The trash and debris shall be removed from the construction site at least twice a month to a legally established dumping site outside the community. 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. All concrete trucks will wash out at designated areas on the lot that the concrete has been delivered. On a regular basis, the builder or owner will have the excess material moved to a site outside the community. Upon completion of the project and before the owner takes occupancy, all remaining construction materials and debris must be removed from the lot or stored out of sight from the street and adjacent neighbors. The ACC shall strictly enforce this regulation.

8.0 Construction Materials (see also New Construction): ACC approval is required for all dwelling units, detached garages and other structures. Structures must be built on a slab, solid concrete beam foundation, or a pier and beam foundation. Exceptions are not permitted. A minimum of fifty (50) percent of the total square footage of the exterior walls facing any street shall consist of natural stone masonry in conjunction with brick, stucco (traditional or synthetic), or fiber cement siding (Hardiplank type), which shall be used in any percentage to complete the remaining exterior walls. Exceptions are generally not permitted. Man-made stone will be considered as a substitute for natural stone. Although every application will be reviewed on a case by case basis, the following materials are generally approved for the construction of dwelling units and garages:

- 8.0 Siding, Fascia, Soffits, and Millwork (subject to requirements stated above):
 - 8.0.1 Wood (hardwoods, redwood, cedar, Douglas fir, spruce, pine, and other conifers)
 - 8.0.2 Fiber cement siding (Hardiplank type), panels, shingles, and trim
 - 8.0.3 Synthetic siding and trim (styrene, PVC, cellular PVC composites)
 - 8.0.4 Stone or brick veneer (synthetic or natural)
 - 8.0.5 Stucco

8.1 Windows and Doors:

- 8.1.1 Wood (solid, clad in vinyl or aluminum)
- 8.1.2 Aluminum
- 8.1.3 Steel (must be painted)
- 8.1.4 Vinyl
- 8.1.5 Composite
- 8.1.6 Fiberglass

8.3 Grates, Vents, and Covers:

- 8.3.1 Wood
- 8.3.2 PVC
- 8.3.3 Aluminum
- 8.3.4 Copper or bronze
- 8.3.5 Galvanized steel (must be painted)
- 8.3.6 Composite
- 8.3.7 Fiberglass
- 8.3.8 Vinyl

Reference **Article 12.27** of the **TRALT Deed Restrictions**.

9.0 Decks, Arbors, Pergolas and Piers: ACC approval is required. These structures shall meet or exceed industry standards. However, since structural integrity of these items is critical, no opinion will be given as to the structural integrity of the submitted plans. The review will only determine if the project meets the criteria for setbacks, location, materials, conformity to design and compliance with the **Deed Restrictions** and these guidelines. The design should be compatible with the architectural design of the dwelling unit and blend in with the vegetation and topography of the lot. Plans will be reviewed on a case by case basis.

9.1 Decks should be constructed as follows:

- 9.1.1 Should not be located in front yards.
- 9.1.2 Should not be located in side yards if a suitable location exists in back yard area.
- 9.1.3 Must meet setback requirements for side property lines.
- 9.1.4 Must meet all setback requirements pursuant to the **TRALT Deed Restrictions** for side and street lines and front street lines. (Does not need to meet rear property line setback for interior lots)
- 9.1.5 Skirting may be installed to improve aesthetics. May skirt with:
 - Lattice (wood, fiberglass, or composite)
 - Wood planking
 - Composite planking
 - Wrought iron (paint, stain, or rust finish)
- 9.1.6 Compatible railings should be installed to meet or exceed industry standards.
- 9.1.7 Approved materials include, but are not limited to, the following:
 - Cedar planks
 - Redwood planks
 - Treated pine planks
 - Weather resistant hardwood planks
 - Composites made to resemble wood
 - Tile, stone, or brick pavers properly attached to sub floor
 - Poured concrete decking applied to proper sub floor

9.2 Arbors and Pergolas should be constructed as follows:

- 9.2.1 Ideally should be located in back yard or side yard areas.
- 9.2.2 Must meet all setback requirements pursuant to the **TRALT Deed Restrictions**, as applicable.
- 9.2.3 Must meet setback requirements for side street lines and front street lines. (Does not need to meet rear property line setback on interior lots)
- 9.2.4 If elements are painted, colors must be submitted to and approved by ACC.
- 9.2.5 Structural elements should be attached to the ground in a manner which meets or exceeds industry standards.
- 9.2.6 Shade apparatus should be attached to structural elements in a manner which meets or exceeds industry standards.
- 9.2.7 Approved materials for structural elements include, but are not limited to, the following:
 - Solid or laminated wood (cedar, redwood, hardwood, fir, spruce, or pine)
 - Painted wrought iron, steel, or aluminum (color must be approved)
 - Stone (real or synthetic)
 - Concrete
 - Fiber cement siding (Hardiplank type)
 - Composite or fiberglass
- 9.2.8 Approved materials for shade apparatus include, but are not limited to the following:
 - Solid or laminated wood (cedar, redwood, hardwood, fir, or pine)
 - Painted wrought iron, steel, or aluminum (color must be approved)
 - Composite planking
 - Fabric or mesh material shading material will be evaluated on a case by case basis

10.0 Driveways / Parking Pads: ACC approval is required. They must be constructed of reinforced poured concrete at least three and one half (3 ½) inches thick, asphalt with proper base, or interlocking concrete pavers placed on an aggregate base. These materials must meet or exceed industry standards. Designs must meet setback requirements and not redirect drainage or runoff in such a manner as to cause erosion on adjacent property. Alterations or additions to existing driveways / parking pads must match the materials, color, and detailing as the original structures.

Reference **Article 12.17** of the **TRALT Deed Restrictions**.

11.0 Exterior Lighting: ACC approval is required for one hundred-ten (110) volt installations.

Lighting style and configuration must be compatible with the architectural style of the house and the units should be located so as to minimize the impact on adjacent property. Fixture design, wattage, and orientation are additional factors the ACC will consider. High intensity mercury and sodium vapor lighting is generally prohibited. Low voltage lighting utilized along walks and drives does not require ACC approval. Seasonal / holiday lighting does not require ACC approval; however it should be removed promptly at the end of the season.

12.0 Fences (See also Screening and Hedges): ACC approval is required. Fencing is generally permitted; however, the guidelines are strict and each fence application will be evaluated in light of these requirements on an individual case by case basis.

- 12.1 “Back yard”, for these guidelines, is defined as that part of the property that is on the opposite side of the house from the driveway access to the street except on corner lots with side access driveways. The fence may extend from the rear corner of the house to the side property line, then back to the rear property line, along the rear property line, then back to the other rear corner of the house in the same configuration.
- 12.2 Fencing material should be black chain link or ornamental black metal. Other fencing material shall be evaluated on a case by case basis. The fencing material should accomplish the task for which it was constructed (contain pets, secure playgrounds for children, secure pool area, etc.) but at the same time, be as unobtrusive as possible. A wood privacy fence or any other type of solid fencing that obstructs the view is generally not permitted, except as described in **Screening and Hedges**. All fencing must meet or exceed industry standards and consist of new components. Antique or old/used architectural details may be utilized if clearly defined on the application.
- 12.3 Gates must be compatible with the type of fencing utilized and meet all of the requirements of such fencing.
- 12.4 The purpose of the fencing should be clearly stated on the **ACC Project Application**. Fence height is generally limited to four (4) feet or less. Taller fences will be considered on an individual case by case basis.
- 12.5 Fencing is generally not permitted in front yard areas. Exceptions can be made for perimeter fencing for security reasons. This exception is detailed in ACC Design Guidelines, **30.0 Security Measures and Perimeter Fencing**. The front yard is defined as the portion of the lot between the main entry door of the dwelling unit and the road easement. The purpose of any proposed fencing must be clearly stated on the ACC Project Application.
- 12.6 Fences of any kind shall not be installed on lots without dwelling units without prior written approval of a Variance Request by the Board.

Reference **Article 12.26** of the **TRALT Deed Restrictions**.

13.0 Fire Pits: ACC approval is required. Fire pits may be in-ground or portable, but must be constructed of materials such as steel, copper, bronze, clay, granite, enamel, stone, brick or concrete. Care should be taken to locate the fire pit away from overhanging roofs and trees, and a spark guard should be used when burning wood to minimize sparks igniting surrounding trees and grass. A burning fire pit shall never be left unattended. Fire pits shall not be used for burning leaves.

Reference **Article 12.44** of the **TRALT Deed Restrictions**.

14.0 Flag Display: The display of the American flag, any official state military, school or decorative flag is permitted. Flags displayed in or on windows, balconies, walls, or poles shorter than six (6) feet do not require ACC approval. Larger flagpoles installed in the ground require ACC approval, as does any exterior lighting (see **Exterior Lighting**) associated with them. Ground mounted flagpoles must not exceed the height of the dwelling unit or twenty (20) feet, whichever is shorter.

An **ACC Project Application** for ground-mounted flagpoles should include the following:

- 14.1 A plot plan to scale for the lot showing:
 - Property lines, setbacks, and easements
 - Location of dwelling unit
 - Location of proposed flagpole
 - Measurements between all of the above
 - Location and description of any lighting
- 14.2 Specifications for the proposed flagpole

No flag shall display vulgar or offensive material, or contain language, graphics, or any display that is patently offensive to a passerby.

Reference **Article 12.22** of the **TRALT Deed Restrictions**.

15.0 Garages, Workshops: ACC approval is required. All dwelling units shall have a private garage which may be detached. A detached garage (or workshop) may also be constructed on a lot which has a dwelling unit with an attached garage. In other words, the dwelling unit could have a total of two (2) garages. All garages (or workshops) must be enclosed and the entrances must be covered with functioning doors that meet or exceed applicable industry standards.

The exterior siding of a detached garage / workshop must match the main structure and has the same requirement for 50% natural stone on the side facing the street.

Garage doors on all garages and workshops (attached or detached) cannot face the street. This applies to all doors larger than personnel doors. No exceptions to these rules are generally permitted.

16.0 Greenhouses: ACC approval is required. Greenhouses are generally allowed; however, the requirements are very stringent as to both the construction materials permitted and placement on the lot. The following criteria must be met:

- 16.1 All structural components, doors, and windows shall match and must be pressure treated, cedar, redwood or anodized aluminum in colors of dark brown or gray.
- 16.2 Structural components must be securely bolted to a poured concrete foundation or a solid masonry sidewall built on a poured concrete foundation.
- 16.3 Glazing shall be tempered glass or high quality polycarbonate and must be kept free of dirt and mildew.
- 16.4 No fiberglass, vinyl, metal or composite panels or plastic sheeting may be utilized.
- 16.5 If utilized, mesh shade apparatus must be installed on the inside of the structure and be white, black, green or gray in color.
- 16.6 Greenhouses must be located in back or side yard areas and must be as unobtrusive as possible. Screening may be required to help achieve this objective.
- 16.7 Equipment, tools, or other similar implements must not be stored in the greenhouse if they are visible from the outside.
- 16.8 Greenhouses should generally be no wider than twelve (12) feet or longer than sixteen (16) feet but will be evaluated on an individual case by case basis.
- 16.9 Setbacks detailed in the **TRALT Deed Restrictions** must be followed.

17.0 Hours of Construction Activities: 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. No construction activity that involves high noise levels shall be permitted prior to 7:00 AM or after 6:00 PM. The ACC may, in special circumstances (such as concrete pours), provide variances to these hours so long as it can be shown the variance shall not create a disturbance to neighbors. Exceptions will be handled on a case by case basis.

18.0 Landscaping: Major landscaping projects require ACC approval. The plans should show approximate size and location of proposed foundation, island and perimeter beds on a plot of the lot drawn to scale. If traditional plants native or appropriate to East Texas are to be used in the landscape, they do not need to be specified in detail. Landscape designs, which do not blend into the native flora, are discouraged. Examples of designs, which may not be approved, include but are not limited to the following:

- 18.1 Large cactus and succulent gardens usually associated with Southwest design
- 18.2 Extensive boulder, gravel, and/or rock gardens featuring minimal plantings
- 18.3 Highly manicured and very formal 'parterres' gardens
- 18.4 Gardens which consist primarily of hardscape
- 18.5 Gardens which feature synthetic turf and/or trees, shrubs, or plants
- 18.6 Theme gardens featuring extensive collections of ceramic, wooden, or metal figurines

Garden art or sculpture should not be stark, obtrusive, inappropriate, offensive, or project a cluttered appearance.

Landscape changes: Routine maintenance and landscape modifications to previously planted areas do not require ACC approval. Neither does planting of individual trees and shrubs. Major landscape projects require ACC approval. These include, but are not limited to, retaining walls (see **Alteration in Grade / Drainage**), planters, hedges (see **Screening and Hedges**) and hardscape (detailed elsewhere).

19.0 Mailboxes: ACC approval is required. Mailboxes shall be masonry structures supported by poured concrete foundations. The design shall be compatible with the architectural elements of the dwelling unit at the same address. The mailbox must meet current Post Office specifications and be at least six (6) inches but no more than eight (8) inches from the edge of the road pavement.

Reference **Article 12.18** of the **TRALT Deed Restrictions**.

20.0 New Construction (see also Construction Materials): ACC approval is required. Below is a brief summary.

- 20.0 Only single-family dwelling units are allowed. Dwelling units may not be used for commercial, business or professional purposes.
- 20.1 Dwelling height may not exceed three (3) stories, with a maximum thirty-six (36) feet in height.
- 20.2 Minimum living area (HVAC - air conditioned space, exclusive of porches, patios, garage, terraces or driveways) shall not be less than:
 - Forested lots: 2200 square feet HVAC for a single-story residence, 2,600 square feet HVAC for a two-story residence

- Lots on the private lakes: 2600 square feet HVAC for a single-story residence, 3,200 square feet HVAC for a two-story residence

On all two-story residences, the first floor must have a minimum of 60% of all HVAC square footage up to a maximum of 75% of HVAC square footage.

- 20.3 Permanent improvements shall be located within the established setbacks as detailed on the approved and recorded subdivision plats on file with Smith County. A copy of these plats may be found on our website, www.thereserveatlaketyler.com.
- 20.4 All roofs should be sloped with a pitch between 8 / 12 and 12 / 12 for primary roof elements. Secondary roof elements including entries, porches, breezeways and dormers, may be a minimum pitch of 3 / 12, subject to approval by the ACC. Only gable and hipped configurations are permitted for primary roof elements. Attached shed configurations may be permitted for secondary roof elements.
- 20.5 Driveways shall be entirely of concrete, asphalt, or other material approved by the ARC and shall be paved before any dwelling unit may be occupied. Driveways may not be nearer than seven and one-half (7 ½) feet to any adjacent lot line unless the width of the lot, at the location of the driveway, is less than twenty-seven (27) feet and the proposed location of the driveway is approved by the ACC. Any exception to the setback lines and/or building across lot lines must be submitted as an **ACC Variance Request** and approved by the ACC and the Board.
- 20.6 Under no circumstance shall any used building or mobile home be moved onto any lot.
- 20.7 Construction shall be completed within twelve (12) months. Any extension must be submitted as an **ACC Proposed Project Modification Request**.
- 20.8 Approved septic systems, underground electrical service, and water meter are required.

Reference **Article 12.6** of the **TRALT Deed Restrictions**.

21.0 Outbuildings: The construction or utilization of typical sheds or storage buildings is generally not permitted. This includes, but is not limited to, prefabricated buildings, composite lockers, deck boxes, metal buildings, and buildings constructed on permanent foundations. The construction of detached garages (see **Garages, Workshops**) is allowed provided they maintain the architectural style of the dwelling unit located on the same lot. Also, they must meet the strict requirements set forth in the **TRALT Deed Restrictions** and these guidelines. Prefabricated doghouses and playhouses of modest size and traditional design are generally permitted; however, when these structures are to be constructed in place on the lot, ACC approval is required. Such construction is considered to be a permanent structure; therefore, standard setbacks must be observed. Efforts shall be made to situate prefabricated doghouses, playhouses, and play equipment in locations designed to minimize their visibility from the road.

22.0 Outdoor Equipment and Machinery: ACC and/or Board approval is required by the **TRALT Deed Restrictions**. Installation of residential HVAC equipment, septic system equipment and pool equipment requires ACC approval. All other types of machinery, fixtures, emergency generators and equipment require ACC and Board approval.

22.1 Window or Wall HVAC Units:

- Installation of traditional window AC units is not permitted.
- Installation of wall mounted ("through the wall") HVAC units will be considered on a case by case basis.

Reference **Article 12.31** of the **TRALT Deed Restrictions**.

23.0 Painting / Repainting: All dwelling units, garages, and associated structures must feature muted color pallets, which blend in with the natural environment and neighboring homes. Color samples must be submitted to the ACC in applications for new construction. Examples of colors not permitted include, but are not limited to, purple, pink, lime green, orange, and all fluorescents. Bright or deep shades of red, blue, and yellow should be used for accents only. Repainting does not require ACC approval if the color is similar to the original color.

24.0 Playground Equipment: No ACC approval is required. Playground equipment (including trampolines) shall be located in the rear yard and screened to effectively reduce the visual impact from neighboring properties or the street.

25.0 Pools, Spas, and Hot Tubs: ARC approval is required. Pools, spas, and hot tubs are all considered to be permanent structures and must be situated according to the setbacks specified in the **TRALT Deed Restrictions**.

25.1 Pools shall be constructed as follows:

- 25.1.1 All installations shall be of an 'in-ground' variety. No above-ground pools are permitted with the exception of exposed or elevated edges associated with 'vanishing-edge' pools.
- 25.1.2 All pools are to be constructed of solid injected gunite or poured concrete.
- 25.1.3 Size of the pool is to be proportionate to the size and configuration of the dwelling unit and the style should be compatible with the design elements of existing structures on the lot.
- 25.1.4 Associated features and components, including but not limited to, diving boards, slides, game nets, arbors, fountains, water falls, fireplaces, decking, hardscape, planters, and pots should be clearly specified and detailed in the application.
- 25.1.5 The placement of pool equipment must be shown on the site plans. Efforts should be taken to make the pool equipment as visually unobtrusive as possible and to reduce noise levels associated with operation. Screening shall be required to facilitate these objectives.
- 25.1.6 Placement of pools in front yards is not permitted. Placement in side yards is discouraged and not permitted if a suitable location exists in the back yard.
- 25.1.7 Physical barriers are not required around pools; however, homeowners may elect to secure the pool area with appropriate fencing and/or screening as covered elsewhere in this document.

25.2 Spas and Hot Tubs shall be constructed as follows:

- 25.2.1 Both spas and hot tubs may be of an 'in-ground' or 'above-ground' variety; however, both are considered to be permanent structures and require the submission of an **ACC Project Application**. This is also true of self-contained, prefabricated units, which only require the unit to be connected to an electrical circuit.
- 25.2.2 The **ACC Project Application** must clearly identify and describe associated features including, but not limited to, decking, hardscape, seating, planters, fountains, fencing and screening.
- 25.2.3 Spas and hot tubs may be either free standing or integrated into the design of a pool.
- 25.2.4 Spas shall be constructed of concrete, fiberglass, or composite materials. Hot tubs

may be constructed of wood or composite designed to look like wood and may have a fiberglass or composite shell.

- 25.2.5 The placement of remote support equipment must be shown on the site plans. Efforts shall be taken to make the equipment as visually unobtrusive as possible and to reduce noise levels associated with operation. Screening shall be required to facilitate these objectives.
- 25.2.6 Placement of spas and hot tubs are confined to back yard areas.
- 25.2.7 Physical barriers are not required around spas or hot tubs; however, homeowners may elect to secure the area with appropriate fencing or screening as covered elsewhere in this document.

26.0 Propane Tanks: ACC and Board approval is required. Above ground propane tanks are not permitted unless high water tables on a specific lot create environmental issues. For such an installation to be considered, an **ACC Variance Request** must accompany an **ACC Project Application**.

27.0 Rain Water Collection: ACC approval is required. Rain water collectors are generally permitted with the following restrictions:

- 27.1** All collectors shall be located in the rear of the owner's dwelling in an area that could not be deemed to be unsightly. Above ground collectors shall be of a color consistent with the color scheme of the property and be screened from neighboring properties by landscaping or approved screening.
- 27.2** Above ground collectors are limited to two (2) in quantity with a maximum capacity of sixty-five (65) gallons each. The shape and size should not be deemed to be unsightly.
- 27.3** Below ground collectors are restricted to the rear of the property as well and shall be no larger than one thousand (1000) gallons.
- 27.4** All collectors shall be placed in compliance with the setback requirements of the **TRALT Deed Restrictions**.
- 27.5** All piping, ducting and above ground devices will be screened from neighboring properties by landscaping or approved screening and limited to the rear of the dwelling.
- 27.6** Texas Health and Safety Code Section 341.042 generally states that rain water is NOT to be comingled or have any access to a public water supply.

Reference **Articles 12.23 & 12.43** of the **TRALT Deed Restrictions**.

28.0 Roofing: New roofs require ACC approval. Acceptable roofing materials are as follows:

- 28.1 Composition shingles with at least a twenty-five (25) year rating. Three (3) tab composition shingles are not permitted
- 28.2 Baked enamel metal panels (no galvanized corrugated panels permitted)
- 28.3 Baked enamel aluminum shingle or shake
- 28.4 Slate or synthetic slate
- 28.5 Standing seam copper or baked enamel metal
- 28.6 Similar materials that are more energy efficient or storm worthy (The Texas property code 202.011 states that ANY type of a more energy efficient or storm resistant material must be considered)
- 28.7 Wood shingles or shakes are not permitted.
- 28.8 Re-roofing does not require ACC approval provided the following criteria are met:

- The same type of roofing material is being used
- The quality of the new roofing material is equal to or superior to the product being replaced
- The preparation of the decking is equal to or superior to that being removed
- The color of the new roof is essentially the same as the material being removed

If these criteria are not met, an **ACC Project Application** shall be filed containing a detailed description of the roofing materials to be used.

29.0 Screening and Hedges: ACC approval is required. Conservative screening structures to obscure small utility areas or enhance privacy are generally permitted provided they do not block views of neighbors and meet critical design criteria. The most important criteria is that the screen be appropriate to the architecture of the house, the character of the neighborhood, and be as unobtrusive as possible.

Screening generally should not be used in the front (road side) of houses unless very small and inconspicuous. This screening should be attached to a dwelling unit or detached garage and follow the outside wall. The size of the associated building is a primary consideration in establishing the permissible length of a screen; however, the maximum length should not exceed thirty (30) feet. Utility items, which may be screened, include, but are not limited to, electrical boxes, HVAC units, trash cans, firewood, compost piles, BBQ grills, playground equipment, garden implements, elevated decking, staircases, spas, hot tubs, and pool equipment. Screening not attached to a structure will be evaluated on a case by case basis.

Types of screening are as follows:

- 29.1 Masonry posts, columns, and walls – Dry stack materials are generally not permitted. A poured concrete foundation must be constructed sufficient to carry weight of the wall or column. Standard concrete block is not permitted unless covered by a veneer of brick or stone. Decorative block may be permitted on a case-by-case basis. Brick and stone posts, columns, and walls must match existing siding materials on adjacent structures or be highly compatible with them. Walls shall be no higher than necessary to accomplish specific task and should not be taller than six (6) feet. Landscaping may be required to soften the presence.
- 29.2 Solid Wood Screening – Wood must be cedar, redwood, pressure treated conifers, or weather stable hardwoods. Planking must be firmly attached to support structures equal to or greater than industry standards. Height shall be no greater than necessary to accomplish specific task and should not be taller than six (6) feet. Lattice may be incorporated into the structure but may not increase the height above the maximum. Staining may be required to improve aesthetics and landscaping should be incorporated to soften the presence.
- 29.3 Vegetative Screening and Hedges – Shrubs, grasses, perennials, and ornamental trees may be utilized for screening provided they are appropriate with respect to the existing landscape and do not unduly block views. Care must be taken to insure that the mature size of the vegetation does not compromise these considerations. Proper selection of plant materials is essential to keeping the hedge an appropriate height and width. Hedges may require pruning to restrict size and maintain health.

29.4 Composite, Plastic, Fabric, and Metal Panel Screening – The use of these materials is generally not permitted.

30.0 Security Measures and Perimeter Fencing: ACC approval is required. Pursuant to TPC Section 202.023, Members have the right to install security cameras or motion detectors on their property in accordance with the following requirements.

- 30.1 Any pole, column, or structure erected for the purpose of installing a security device requires ACC approval. Members are responsible for utilizing security cameras so as not to violate federal, state, or county privacy laws. The Association will bear no responsibility if a member is criminally cited for violations of said laws or is sued for civil damages because of the usage of said cameras.
- 30.2 Perimeter fencing for security reasons is permitted and requires ACC approval. The regulations are more stringent than that for decorative fencing or fencing designed to contain pets or restrict wildlife from a property.
- Said fencing shall consist of black wrought iron components between masonry columns on centers between twenty (20) and thirty (30) feet in length. The columns must be at least twelve (12) inches by twelve (12) inches square and match or very closely resemble the masonry on the dwelling unit. Footers of any height between columns are not allowed.
 - All gates shall have integrated locking systems utilizing either keys, keypads, and/or wireless remote controllers. Any gate that crosses a driveway shall have a control box which opens and closes the gate by a keypad or wireless remote. Gate materials shall match fencing. The placement of gates entrances across driveways must allow a normal size vehicle (without a trailer) to pull to a full stop safely off the road.
 - Said fencing shall be of a design that is not climbable and shall not exceed six (6) feet in height. All components are to be constructed to meet or exceed industry standards.
 - Security Perimeter Fencing in Front Yard areas must be located within ten (10) feet of road easements. Security Perimeter Fencing may be placed on the side and back property line.
 - With regard to new home construction that includes Front Yard Security Perimeter fencing, the design of Back Yard or Side yard fencing on the property must conform to the same design as the Front Yard Security fencing.
 - Where Front Yard Security Perimeter fencing is added to a property with pre-existing Backyard or Side fencing, said Back Yard and Side fencing must be modified to match the design of the Front Yard Security Perimeter fencing.

Reference **Article 12.26** of the **TRALT Deed Restrictions**.

31.0 Septic Tanks and Sewage Disposal: ACC approval is required. The type and location of septic tanks or sewage disposal shall be shown on the site plan and specified with the **ACC Project Application**.

Each owner or builder shall be responsible for providing adequate sanitary facilities for construction workers on site. Portable toilets or temporary toilet facilities shall be located on the site, not on or next to the street. These temporary facilities shall be maintained regularly to

prevent obnoxious odors or unsightly appearance.

Reference **Article 12.34** of the **TRALT Deed Restrictions**.

32.0 Signs: Except for those applications specifically exempted in **Article 12.9** of the **TRALT Deed Restrictions**, exterior signs are not permitted. An **ACC Variance Request** is required for Board approval of a sign other than those allowed by the **TRALT Deed Restrictions**.

The location of signs not specifically exempted in **Article 12.9** and approved by Board Variance may be placed as follows:

- Religious items shall be placed behind the front building setback of the property.
- Non-religious signs shall be placed within 5' of the front of the house and be limited to 2 signs.

33.0 Solar Collectors (panels): ACC approval is required. Solar collectors shall be selected, located and installed so as to minimize their appearance on the house and visibility from neighboring properties and the street. They shall have a low profile and be mounted on the rear sloping roof, parallel with the roof ridge and edges. The size and number of collectors should be in proportion to the area where they are to be installed. All framing, piping, control devices and wiring must be painted a dark color or the color of the roof. Ground mounted solar collectors should be as small as possible, located in rear yard and screened from neighboring properties by landscaping or approved screening. Current city, county, state, and federal laws apply. These installations shall be reviewed on a case-by-case basis.

Reference **Article 12.20** of the **TRALT Deed Restrictions**.

34.0 Subdivision (division or consolidation of lots): The division or consolidation of any lot or lots is generally not permitted. An **ACC Variance Request** is required for Board approval prior to any division or consolidation of lots.

Reference **Article 12.7** of the **TRALT Deed Restrictions**.

35.0 Tree Removal: Removal of living, healthy trees having a trunk diameter larger than six (6) inches at three (3) feet above the ground must have ACC approval. Removal of dead or unhealthy trees, which pose a danger to persons or structures do not require ACC approval. However, it is strongly suggested that residents obtain the written opinion of a tree expert prior to removal to avoid any misunderstandings.

With new construction, trees having a trunk diameter larger than six (6) inches at three (3) feet above the ground may be removed within 15' of the house and / or driveway perimeter subject to the **ACC Approval to Begin Project**. Understandably, some pine trees outside that perimeter may be leaning towards the house, and those will be considered on a case by case basis. All other trees outside the 15' perimeter cannot be removed unless they are under 6" diameter, diseased, or dead.

Removal of underbrush, vines, and trees under six (6) inches in diameter may be removed at any time without ACC approval.

Burning of downed trees and underbrush may be performed subject to compliance with **Article 12.32** of the **TRALT Deed Restrictions**.

36.0 Vehicle Parking During Construction: 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 ACC and in such a manner that is not damaging to existing vegetation on or adjacent to the lot. No parking is allowed on community roads. Care will be taken by the owner and builder to supervise the loading, ingress and egress of equipment to be careful and avoid damage to the street. Any damage to the street immediately adjacent to the construction site of an owner will be repaired by the Board and assessed to the owner.

37.0 Window Replacement: Provided the appearance (frame color, grid pattern, etc.) of new windows is similar to the windows being replaced, no ACC approval is required.

38.0 Water Wells: ACC and Board approval is required. Water wells may be drilled **ONLY** after meeting all state, county, and local regulations **AND** after obtaining approval through an **ACC Project Application** and an **ACC Variance Request**.

The Texas Commission of Environmental Quality strictly regulates the location, drilling, and completion of water wells. These regulations include the proposed well's proximity to property lines, septic systems, septic system spray fields. Additionally, the ACC closely regulates the completion of wells, the location of pressure tanks and methods of concealing and/or screening of water wells and well equipment.

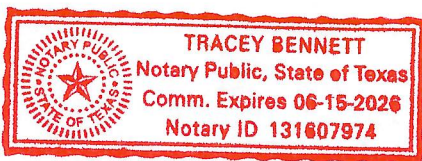
IN WITNESS WHEREOF, the undersigned President of The Reserve at Lake Tyler Home Owners Association, Inc., has executed this Declaration this 11 day of July 2023.

July 11, 2023
Date

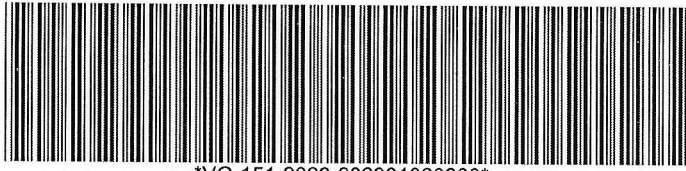
W. Trent Richardson
President of The Reserve at Lake Tyler Home Owners Association, Inc.

STATE OF TEXAS §
 §
COUNTY OF SMITH §

BEFORE ME, the undersigned authority, on the 11 day of July, 2023, personally appeared, W. Trent Richardson, to me known to be the President of The Reserve at Lake Tyler Home Owners Association, Inc., and he/she acknowledged before me the he/she executed the same for the purposes therein expressed.



Tracey Bennett
Notary Public, State of Texas
My Commission Expires: 6/15/2026



VG-151-2023-202301020808

Smith County
Karen Phillips
Smith County Clerk

Document Number: 202301020808

Real Property Recordings
RESTRICTION

Recorded On: July 14, 2023 09:25 AM

Number of Pages: 16

Billable Pages: 15

" Examined and Charged as Follows: "

Total Recording: \$82.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 202301020808
Receipt Number: 20230714000021
Recorded Date/Time: July 14, 2023 09:25 AM
User: Tammy P

STATE OF TEXAS
Smith County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Smith County, Texas

Karen Phillips
Smith County Clerk
Smith County, TX

