

SCANNED



P12-20140141578-21

Summerglen POA Guidelines & Rules for Construction

Effective 15 August 2014, the Summerglen Architectural Control Committee (ACC) issued and adopted these Guidelines and Rules for Construction, Nos. 1 through 31. The Rules for Construction are issued and adopted pursuant to Section 6.6 of the Summerglen POA Declarations of Covenants, Conditions and Restrictions ("DCC&Rs"). These Guidelines & Rules for Construction supplement and add project construction clarification governed by the DCC&Rs applicable for the unit in which the lot lies, and apply to all construction projects approved on or after 15 August 2014. Nothing in the Guidelines & Rules for Construction limits, supersedes or waives the DCC&Rs or the ACC's right to take any other action consistent with the DCC&Rs.

Copies of these Guidelines & Rules for Construction can be obtained from the Summerglen POA website at SummerglenPOA.com.

Book 16825 Page 1099 21pgs

ACC Rules Nos. 1 through 32

1. The Guidelines and Rules for Construction apply to all improvements and construction projects done by a Summerglen Property Owners Association member (i.e., the Owner, the Owner's agent, employee or any third party who contracts to act on behalf of the Owner) and all builders, contractors, and subcontractors performing work in Summerglen. **The Owner and Builder shall have joint responsibility for providing a copy of the Guidelines and Rules for Construction and the Summerglen Towing Policy to each person or entity that conducts any work on or provides services to the construction project and for enforcing compliance. The failure of any individual or entity to comply with the Guidelines and Rules for Construction shall be considered a violation by the Owner and Builder.**

2. The Owner and/or Builder shall not commence work on any construction project or improvement, including excavation, **without first obtaining written approval from the ACC.** A violation of this rule shall be an immediate default of the Guidelines and Rules for Construction and Owner and Builder shall be subject to applicable penalties, including but not limited to, fines, injunctive relief, and enforcement of penalties set forth in the Texas Property Code.

"Improvement" shall mean every structure and all appurtenances thereto of every type and kind located on the lot, including but not limited to, buildings, outbuildings, patios, tennis courts, basketball goals, swimming pools, garages, storage buildings, fences, trash enclosures, screening walls, retaining walls, stairs, decks, landscaping, poles, signs, exterior air conditioning, water softener fixtures or equipment and poles, pumps, wells, tanks, reservoirs, pipes, lines, meters, antennas, towers and other facilities used in connection with water, sewer, gas, electric, telephone, regular or cable television, or other utilities.

3. Approval for a construction project or improvement shall not be deemed given until approval is granted by the ACC through the Association Management Service (AMS) company. Further, ACC approval for a construction project or improvement is granted

only to the extent noted as being approved in the submitted plans which need to be submitted via e-mail with scanned or PDF File detailed, legible plans and diagram attachments outlining all necessary information required for the ACC to make an informed decision. It is the duty and obligation of Owner and Builder, as applicable, to resubmit to the ACC any submittal item change or modification that is not specifically noted as "Approved" for construction in the original plans submitted and approved by the ACC.

4. The ACC shall have no duty whatsoever in determining whether a construction project or improvement is in compliance with any applicable code, law, regulation, ordinance or restriction.
5. Application for Construction or Improvement, Deposit and Return of Deposit:

The ACC generally meets via e-mail with each other and with the management company as required and will meet in person (forming a quorum of at least three members) as required to review Applications with the plans and specifications. Applications, plans and specifications that are denied by the ACC will be available for pickup by the Owner and Builder, through the management company.

(a) New Home Construction Projects.

For new home construction projects (including construction of a new home, the DCC&R required landscaping and flatwork, and any additional construction such as a fence, pool, sport court, summer kitchen, decking, etc.) that are to be constructed in connection with the new home:

- 1) Prior to commencement of work:
 - (i) A \$2,500.00 Deposit must be paid by or on behalf of a Summer Glen POA resident.
 - (ii) An Acknowledgement of Receipt and Acceptance of the Summer Glen Rules for Construction and Application for Construction must be completed, signed by the Owner and Builder, and submitted to the management company for ACC approval.
 - (iii) One (1) set of plans and specifications for the improvements must be submitted (via e-mail and in accordance with para 3 above), which must include the site plan with complete dimensions and locations for all improvements, plans with dimensions and elevations for all sides of structures, plans with dimensions, locations, composition and color for all flat work, square footage calculations, color and composition of the exterior walls, color and composition of the roof, etc.
- 2) The exterior of the new home must be completed within nine (9) months from the Commencement Date. Completion of the exterior shall be strictly in accordance with the approved plans and specifications and shall include,

among other items, all exterior doors, trim, hardware, windows, screens and lighting fixtures. For all purposes in these Guidelines and Rules for Construction, the Commencement Date shall be the date Owner and/or Builder commences site preparation of the lot for construction. Owner and/or Builder shall notify the ACC, through the management company of commencement of site preparation within twenty-four (24) hours of commencing site preparation.

- 3) All flatwork shall be completed within twelve (12) months from the Commencement Date.
- 4) DCC&R required landscaping plans must be submitted to the ACC for approval and when approved, installed strictly in accordance with terms of the written Approval. DCC&R required landscaping must be completed within three (3) months of closing on the house or occupancy, or a total of sixteen (16) months after the new home construction commencement date.
- 5) The above stated completion dates shall be strictly adhered to and enforced unless the ACC issues a written variance or extension on an item by item basis. **Failure to complete the stages of construction on a timely basis will result in forfeiture of the Deposit.**
- 6) Any additional improvements or construction (such as a fence, swimming pool, sport court, summer kitchen, etc.) which were not included in the original plans and specifications submitted to the ACC, but are to be commenced or installed prior to the release of the Deposit, must receive ACC written approval prior to the commencement of the additional improvement or construction or installation. For such additional improvements, Owner shall submit another Application, one (1) set of plans, submitted in accordance with para 3 above, including the site map with exact locations of the improvements, **including measurements of requested construction in relation to each side and rear boundary / property line, dimensions, elevations and composition for all sides, and a detailed description or picture/drawing of the improvements.** For a building, the submittal must include the square footage, color and composition of the exterior walls, and color and composition of the roof. For fencing, in addition to the above requirements for the submittal for new construction, the submittal shall additionally include details for the location, height and composition of any existing fencing material and posts on the Owner's lot and adjacent lots.
- 7) In any instance where an improvement or construction is commenced or installed **without ACC written approval**, such action **shall be at Owner's risk**. **At the sole discretion of the ACC, the ACC may elect to cause the Owner to remove the unapproved improvement or elect to cause Owner and Builder to make changes deemed necessary by the ACC to be in harmony with and of a standard comparable to the neighborhood development for Summer Glen. All costs associated with any required**

removal or changes shall be the responsibility of the Owner and Builder.

- 8) The Deposit balance must be maintained at \$2,500.00 at all times during the term of the project. Upon being sent notice that funds have been withdrawn (whether for additional cleanup costs, repairs, fines or other assessments), the Owner shall make a deposit to replenish the balance to \$2,500.00. **If the balance is not replenished within ten (10) days of the request, all work must immediately cease and desist.**
- 9) **\$525.00 of the \$2,500.00 Deposit is non-refundable**, said money to be placed in the Summerglen POA general funds for general maintenance and road repairs, The \$525.00 does not cover any street cleaning, cleanup, fines, other assessments, etc. assessed against an Owner or Builder due to a violation of the Rules for Construction. **\$25.00 of the \$525 is paid as a processing fee, paid to the management company, upon plan submittal to ACC.**
- 10) To request a return of the Deposit, the Owner must give written notice to the ACC, via through correspondence through the management company, that construction by all trades has been completed within the time limits set forth herein. Before the ACC will consider the request, all conditions precedent for the return of the Deposit shall have been completed and all required items have been approved by the ACC and constructed or installed. The ACC will then view the lot and surrounding areas to determine if a Release of Deposit can be approved. Provided there are no withdrawals needed for additional cleanup charges, repairs needed for damage to the curbs, streets or other surrounding property, and no outstanding fines, then the Deposit, **less the non-refundable portion of the Deposit**, will be returned to the Owner.

During any phase of the project, the Owner's sale of the home to a subsequent purchaser does not result in the Deposit being returned until all conditions precedent for the return of the Deposit shall have been completed and all required items have been approved by the ACC. However, in the event the subsequent purchaser pays a second \$2,500.00 Deposit to the ACC and delivers an Acknowledgement of Receipt and Acceptance of the Summerglen Rules for Construction signed by the subsequent purchaser and Builder, then \$2,475.00, less any assessed expenses or fines, of the first Deposit will be returned to the Owner who began the new home construction project, and the subsequent purchaser becomes the Owner for the remainder of the project.

When all conditions precedent has been met for the return of the Deposit, the Deposit will be returned to the Owner after the ACC approves the Release of Deposit, subject to any applicable withdrawals. **Note: the ACC shall not be under the duty to return the Deposit to any party other than the Owner listed on the Application for Construction. Any issues**

related to which party has the right to receive the Deposit shall be between the Owner and the Builder. The ACC shall not engage in any determination of which party is entitled to receive the Deposit or consider contract obligations or terms as they may exist between Owner and Builder.

(b) Subsequent Improvements.

For all subsequent improvements to be done after the new home Deposit has been returned (i.e., subsequent construction of a fence, any additions, deletions, alterations or modifications to the landscaping, swimming pool, sport court, playscape, summer kitchen, home addition, building addition, or any other improvement), the Owner and Builder shall comply with all of the terms and conditions of paragraph 5(a) save and except (i) the Deposit shall be based on type of construction equipment necessary for project completion (Heavy, Major, and Minor) (ii) the completion of the subsequent improvements shall be completed within three (3) months of approval of ACC approved plans and specifications and (iii) provided all conditions of these Rules for Construction have been met without default, the Deposit shall be fully refunded, minus the management company \$25.00 processing fee which is paid to management company upon submittal of improvement plan request to ACC for consideration. The \$25 dollar processing fee is paid to the AMS regardless of whether the plan is approved or disapproved by the ACC. The refund procedure shall be in accordance with Section 5 (a) (10) above.

6. Heavy, Major, and Minor project categories and deposit amounts for subsequent Improvements:

a. **Heavy:** \$750.00 deposit required. Heavy equipment required to complete the project on project site. Any equipment bigger/heavier than a Bobcat is considered heavy. Normal projects that fall into this category are: Swimming Pools/hot tubs, Summer Kitchens, Sports Courts, driveway expansions, Home / Building / Wall / Structure additions, modifications and alterations.

b. **Major:** \$ 300.00 deposit required. Transportation vehicles, such as Dump trucks and all types of vehicles with trailers required to bring construction material to project site, but will not be used on project site. Normal projects that fall into this category are: Solar Panels, major landscape modifications (i.e. more than 50 % of either the front or back yard is being changed / modified from original condition, rock / block landscape bordering, grass irrigation system instillation, total re-sodding, more than 7 yards of dirt or rock being used to modify/enhance existing landscaping, replacing trees that require vehicle auger tooling to be utilized in planting process and back yard fencing projects). Re-mulching and planting flowers and shrubs do not require ACC approval. Any landscaping project that has the potential to adversely divert water or debris into neighboring property, once project is complete must have ACC approval prior to commencing the project and would be considered a Major project.

c. **Minor:** \$ 100.00 deposit required. Pick-up or small delivery truck utilized for project delivery. Normal projects that fall into this category are: Antennas, flagpoles,

Playscapes, water harvesting devices, fencing repair, and external painting where scaffolding is utilized on site.

d. The ACC reserves the right to make final determination of subsequent improvement type of project and total amount of deposit to be assigned to submitted project plan submissions that do not fall into any of the above mentioned / annotated project examples in para 6 a-c.

7. Unless otherwise specified in the DCC&Rs or the recorded plat for the unit in which the lot lies, the minimum setbacks for a home are **40 feet from the front property line, 10 feet from the side property line, and 20 feet from the back property line.**

The minimum setbacks for a pool, sport court, patio or other improvement are **40 feet from the front property line, 10 feet from the side property line, and 20 feet from the back property line.** Further, such improvement shall not be setback less than the setback of the house as constructed from the front and/or side property line. Any variation from the required minimum setbacks must be approved in writing by the ACC. **Owners and Builders are advised that a variance of the minimum setback may not be granted for violation of this rule if construction has commenced before obtaining ACC written approval granting such variance.**

8. Summerglen is located in the extra-territorial jurisdiction of the City of San Antonio and is also in the Canyon Springs/Summerglen proposed annexation area. If and when annexed, the Owner and Builder shall comply with any and all applicable building codes, regulations and requirements of the City of San Antonio. If there are any conflicts between the City Codes, regulations, requirements or zoning and the Summerglen DCC&Rs or the Rules For Construction, the more restrictive provision shall apply.

9. Before excavation or construction for a new home, home addition, building addition, other structure or pool begins, the Owner and Builder shall first have:

a. **Written Approval** from the ACC

b. **A Port-o-Potty and a Commercial Dumpster** on the lot; and

c. **A Construction Fence** shall be in place. **The required construction fence shall be at least 4 feet in height, with 2" x 4" welded wire or cyclone fencing attached to metal posts.** This construction fence shall be installed along the entire length of both sides, beginning at the front property line, go beyond the construction area in the back and across the entire back of the construction area. Fencing and posts must be maintained, kept intact, and upright and the wire kept taut, until the landscaping required by the DCC&Rs commences.

10. NOTICE: STORM WATER DISCHARGE IS REGULATED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) PURSUANT TO TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES) CONSTRUCTION GENERAL PERMIT TXR150000. All construction activities on the subject lot of Owner are subject to the rules and regulations of TPDES TXR150000. Builder and all other

"operators" as therein defined, which perform construction activities on the lot shall provide evidence of compliance with all applicable rules and regulations including, but not limited to, providing the ACC with a copy of the required Storm Water Prevention Pollution Plan, a copy of any required notice of intent (NOI) and all permits required by TXR150000. Alternatively, the Builder may provide acceptable evidence to the ACC that the Builder has retained an environmental management professional to assure the construction activities are in compliance with TXR150000.

11. The permissible hours of any and all construction approved by ACC is as follows:

Monday - Friday	7:00AM - 6:00 PM
Saturday	9:00 AM - 4:00 PM

The prohibited hours of construction are:

Monday-Friday	Any time other than 7:00AM - 6:00PM
Saturday	Any time other than SAT hours listed above
Sunday	All day
Holidays	Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas and New Year's Day

In the event any of the specified holidays fall on a weekend, the day for prohibition of work will include the actual holiday and the day observed by the U.S. federal government.

To obtain a variance from the prohibited hours of construction, the Owner and Builder are required to submit a written request to the ACC, through the management company, specifying the special circumstances, the day and time for which a variation is being sought and, if there are Owners living adjacent to the lot, the Owner or Builder must also obtain written consent from each adjacent owner.

No request for a variance is valid unless the Owner and Builder submit this information and obtain written approval from the ACC. If a variance is granted, it is only valid for the day and time specified in the written approval.

12. At all times, lots must be kept clean, including but not limited to:

- a. ALL MATERIAL that will be used for construction shall be stored, staged or placed only on the Owner's lot in a neat manner and shall be kept off of all other property and streets.
- b. ALL CONSTRUCTION DEBRIS, TRASH AND GARBAGE for all trades must be deposited immediately into a commercial dumpster, or hauled away from Summer Glen immediately, and cannot be allowed to remain or accumulate on the lot. By the end of the construction hours for each day, the lot shall be clean of construction debris, trash and garbage.
- c. The DUMPSTER must be located on the Owner's lot. ALL DUMPSTERS MUST BE IN GOOD CONDITION AND GRAFFITI FREE. The determination of the condition of any dumpster placed on Owner's lot shall be in the sole discretion of

the ACC. The dumpster must be hauled off immediately upon becoming full and replaced with an acceptable empty dumpster. A dumpster is deemed full when items can be seen extending above the top of the dumpster sides and/or debris, trash or garbage is on the ground and cannot be placed in the dumpster. Further, a dumpster cannot emit foul or offensive smells. **By the execution of these Rules for Construction, Owner and Builder expressly grant authority to the Summerglen Property Owners Association Board of Directors, after a failure of Owner and/or Builder to comply with a 10 day notice to cure, to order the removal and its suitable replacement directly with the supplier of the dumpster service at Owner's and/or Builder's expense.**

- d. The PORT-A-POTTY must be located on the Owner's lot within the back yard portion of the property, being unobtrusive as possible to the neighborhood. The port-o-potty must be cleaned regularly and cannot emit foul or offensive smells. **By the execution of these Rules for Construction, Owner and Builder expressly grant authority to the Summerglen Property Owners Association Board of Directors, after a failure of Owner and/or Builder to comply with a 10 day notice to cure, to order immediate servicing by the supplier of the port-a-potty at Owner's and/or Builder's expense.**
 - e. EXCAVATION MATERIAL, ROCKS AND CUT TREES must be hauled away from the lot and Summerglen during the same week that it is created, except for rocks that will be used in landscaping that lot.
 - f. BATTER BOARDS, FORMING BOARDS AND UNUSED REBAR must be hauled away from the lot and Summerglen during the same week the batter boards are removed from the foundation.
 - g. CONCRETE WASTE shall be dumped only on the Owner's lot and cleaned up and removed the same week. **At the option of the ACC, any concrete waste deposited on any other lot or on Summerglen property shall be removed by the ACC at Owner's and Builder's expense.**
 - h. WOODEN PALLETS shall be immediately either placed in the dumpster or hauled away from Summerglen after the wooden pallet is unloaded.
13. At all times, the streets must be kept clean and all debris removed, including but not limited to:
- a. Trash, rocks, gravel, cement, building materials, dirt and/or mud.
 - b. **Wash-off from concrete pours and driveways shall not be allowed to migrate down any street and proper damming must be used to prevent such migration.**
 - c. Topsoil, grass and any other material shall not be dumped on any street - not even temporarily.

d. Curb ramps must be constructed of building materials that will not be subject to run-off (i.e. base material, rock, sand, topsoil) and must be temporary and removable. **In the event a curb ramp is constructed at Owner's lot which violates this Rule, the Summerglen Property Owners Association Board of Directors may cause the material to be removed at the expense of Owner and/or Builder.**

14. Driving across, parking on, placing building material, or having debris, concrete or excavation material on another property owner's lot is strictly prohibited and deemed to be without permission, **unless the Owner and Builder have the written permission of the other property owner and a copy is provided to the ACC.**

15. Driving across, parking on, placing building material, or having debris, concrete or excavation material on Summerglen POA greenbelt property is strictly prohibited and deemed to be without permission, **unless the Owner and Builder have the written permission of the Summerglen Board and a copy is provided to the ACC.**

16. No vehicle, trailer or equipment shall be parked on the street or on Owner's lot **within 10 ft. of the curb, front or side as applicable**, during the prohibited hours of construction. **Owner specifically authorizes the Summerglen Property Owners Association Board of Directors access to the property without trespass to remove any vehicles, trailers or equipment in violation of this Rule.**

17. One sign no larger than 18" x 24", with the Builder's name and phone number, shall be placed on the lot. Such sign must be removed immediately upon the builder completing his scope of construction.

No additional signs shall be placed on the property, i.e. real estate, banking/lending, landscaping, plumbing, pool company, etc., without obtaining the written approval of the ACC. Any sign erected in violation of this Rule is subject to being removed without prior notice to the person/business who erected such sign. Political signs that comply with the provisions of Section 202.009, Texas Property Code, are exempt from the foregoing.

18. All visitors and/or contractors must enter the neighborhood thru the visitor's gate at the main entry and be logged in with the guard during the permitted hours of construction.

19. Construction workers shall not harass any Summerglen resident or guest, and shall not use profane or offensive language or gestures and shall not wear any clothing displaying obscenity.

20. There shall be no alcoholic beverages or drugs at job site.

21. There shall be no loud radios on construction sites. The determination of "loud" is in the sole discretion of the ACC, based on receiving neighbor complaints in and around the work site.

22. There shall be no fires at any time at the job site.

23. The house address for the construction site shall be visible from the street during construction.
24. Antennas are improvements and must be submitted to the ACC.
25. There shall be no obstruction of any common properties or easements that may be used for pedestrian or vehicular traffic, such as streets, sidewalks, or other similar structures.
26. Any damage done to Summerglen POA property (including streets, curbs, lights, street signs, gates, utilities, greenbelt areas, etc.), by the Owner, Builder or subcontractors, shall be repaired and/or replaced immediately by the Owner and Builder. **If the repairs and/or replacement are not done within ten (10) days of written notice by the ACC to the Owner, then the Summerglen POA may commence to make the repairs and/or replacement. In such event, all expenses incurred by the Summerglen POA for the repair or replacement will be charged against the Deposit and, in the event the Deposit is insufficient to cover the expenses incurred, the Owner and Builder shall remain jointly responsible for the deficiency.**
27. Builders are responsible for their subcontractors and suppliers compliance/non-compliance with these Guidelines and Rules for Construction.
28. **The Owner and Builder agree that any conduct of Owner, Builder, subcontractors, suppliers, employees or invitees that violates these Rules for Construction will cease and desist immediately upon receipt of notice from the Summerglen Property Owners Association Board of Directors.** Without waiving any of the rights and remedies contained herein or the Texas Property Code, for any violation of these Rules for Construction, the Summerglen Property Owners Association shall have and do have the right and standing to enjoin any person and/or entity violating these Rules for Construction or any person or entity that has announced an intention to violate these Rules for Construction or who has failed to desist from any violation hereof after reasonable notice. **All reasonable attorneys' fees, costs and expenses incurred by the Summerglen Property Owners Association in enforcing the Summerglen DCC&Rs, these Guidelines & Rules for Construction, these rights to injunctive relief, or any other applicable regulation or law, shall be the liability of Owner and Builder. In addition to seeking the recovery of attorney's fees through litigation, the Board of Directors may assess reasonable attorney's fees, costs and expenses against the Deposit.**
29. In addition to the above stated Guidelines and Rules for Construction and DCC&Rs, the ACC and the Owner shall comply with and have available the rights and remedies as set forth in the Texas Property Code, as applicable.
30. **Any lot owner violating the foregoing rules may be fined \$50.00 per day for each violation.** If it is determined that a violation has been committed, then the Association or its agents will give written notice of the violation and intent to impose a fine. The notice will describe the violation and state the amount due. The person to be fined will be given a reasonable opportunity to cure the violation and avoid the fine unless they were previously given notice and reasonable opportunity to cure a similar violation within the

preceding six months. Any person receiving notice of a fine may request a hearing in writing up to thirty days after the date they receive the notice. Further, the Board of Directors, at its discretion, may review disputes, attempt a resolution, or refer the matter to the POA attorney. Any action to assess fines or suspend any rights of Owner shall be done in accordance with the statutory requirements of Tex. Prop. Code Sect. 209.006.

31. **Summerglen is a Planned Unit Development with private streets and common areas owned by the Summerglen Property Owners Association. Summerglen has adopted a Towing Policy to govern and restrict unauthorized parking in or on these areas. Owner and Builder acknowledge receipt of a copy of the applicable Towing Policy along with these Rules for Construction. Builders are responsible for providing their subcontractors, suppliers and invitees with notice of the current Towing Policy of Summerglen. The rules and regulations contained in the Towing Policy are strictly enforced.**

32. Based on new Texas Legislation the following guidelines and rules apply to new and subsequent construction improvements within Summerglen:

a. Energy Generating and Energy Saving Devices:

1. The Summerglen Architectural Control Committee (ACC) recognizes the economic and environmental benefits of its homeowners using alternative sources of energy, such as wind and solar power and energy saving devices such as shade structures. At the same time, the ACC must also protect the aesthetics and quality of life of all homeowners from conditions that can be created by any structures on Summerglen lots, as provided in the Summerglen Declaration of Covenants, Conditions and Restrictions. These guidelines are intended to help homeowners design, build and operate energy generating and energy saving systems consistent with the Texas Legislation H.B. No. 362, the intent of the Declarations of Covenants, Conditions and Restrictions and the objectives of the Summerglen Architectural Standards.

2. "Energy efficiency facilities" means a device, apparatus, mechanism or structure that more efficiently generates or reduces the amount of energy derived from fossil fuels that is consumed by a Summerglen homeowners' residence, including without limitation, solar panel (including Solar photovoltaic modules and solar thermal collectors), wind turbine, shutters, retractable clothes lines, and energy-saving exterior lighting device(s). Installation of any energy efficiency facilities to any lot must be approved by the ACC prior to commencement of any construction or installation. In addition to the ordinary permit application requirements of the ACC, applications for energy efficiency facilities shall include at a minimum:

a. Plot plan for property showing:

1. Location of existing dwelling
2. Location of property lines and easements
3. Location of proposed addition or improvement location
4. Measurements between all of the above

b. Engineering plans, drawings and specifications of proposed additions as reasonably necessary to evaluate the addition or improvement, showing at a minimum all

finished dimensions and elevations (front, back and sides) with materials and colors indicated or supplied.

c. Any available information or data describing the cost of the energy efficiency facility, the calculated energy saved or the energy to be saved and costs saved, and any impact on the total energy efficiency obtained by the addition or installation.

d. Any information from the manufacturer or contractor providing or installing the energy efficiency facility, which describes its benefits, features and functions.

e. Photos of the current structure and proximity to surrounding lots and residences.

f. A statement that the energy efficiency facilities are not expected by the owner to cause a nuisance to other Summerglen homeowners or neighboring residents due to glare, noise or other problems once installed and in operation.

g. A statement that all local and state building codes and permit requirements have been met and will be adhered to in the installation and operation of the energy efficiency facility. The construction of energy efficiency facilities is subject to the general provisions of the Declarations of Covenants, Conditions and Restrictions, applicable provisions of the Architectural Standards, and all requirements of County, the State of Texas and any other approval authority.

3. Any exterior additions or modifications to any dwelling or other improvement or structure should be constructed of like materials and colors of the dwelling to the greatest extent possible. Any additions or modifications shall be within the approved building area as prescribed by the Declaration of Covenants, Conditions and Restrictions for the residence in question. Alternative energy facilities, including without limitation, solar and wind turbines, should not cause a nuisance to neighbors and surrounding Summerglen residents, Summerglen Common use areas, aviation or wildlife.

4. Solar power nuisance conditions and/or bases of denial may include but are not limited to in accordance to H.B. No. 362 effective 6/17/2011:

a. As adjudicated by a court:

(1) Threatens the public health or safety; or

(2) Violates a law;

b. Is located on property owned or maintained by the property owners' association.

c. Is located on property owned in common by the members of the property owners' association.

d. Is located in an area on the property owner's property other than:

1. On the roof of the home or of another structure allowed under a dedicatory instrument; or

2. In a fenced yard or patio owned and maintained by the property owner.

e. If mounted on the roof of the home:

1. Extends higher than or beyond the roofline.

2. Is located in an area other than an area designated by the property owners' association (**Summerglen's property owner's association designated area is resident's backyard roofing surface**), unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the device if located in an area designated by the property owners' association.

3. Does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or

4. Has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace.

5. If located in a fenced yard or patio, is taller than the fence line; as installed, voids material warranties; or

6. Was installed without prior approval by the property owners' association or by a committee created in a dedicatory instrument for such purposes that provides decisions within a reasonable period or within a period specified in the dedicatory instrument.

5. Wind power generation nuisance conditions and/or bases of denial may include but are not be limited to:

a. Excessive noise due to normal or damaged operating conditions (65 decibels).

b. Visual intrusion into scenic views (**including resident's front yard property, front street view, after constructed in backyard and Summerglen's Greenbelt property**).

c. Damage to wildlife or foliage residing on neighbors' property or Summerglen POA owned property.

d. Risk of property damage or risk to human health due to falling towers or supports.

e. Excessive height (**the physical top most measurement of any part of the wind power devise can not be over 35 feet**)

f. Overall design incompatible with the harmony and design of the residence or surrounding area.

g. Excessive support or guy wire installation incompatible with the harmony and design of the residence or surrounding area.

h. Improper setback from the property boundary line, easements or improvements on the lot.

b. Rainwater Harvesting:

1. The Summerglen Architectural Control Committee (ACC) recognizes the economic and environmental benefits of its homeowners using rain-harvesting systems, such as rain barrels. At the same time, the ACC must also protect the aesthetics and quality of life of all homeowners from conditions that can be created by any structures on Summerglen lots, as provided in the Summerglen Declaration of Covenants, Conditions and Restrictions. These guidelines are intended to help homeowners design, install and operate rain-harvesting systems consistent with the Texas Legislation H.B. No. 3391, the intent of the Declaration of Covenants, Conditions and Restrictions and the objectives of the Summerglen Architectural Standards.

2. "Rain-harvesting Systems" means a device, apparatus, mechanism or structure that catches, retains and utilizes rain water on a Summerglen homeowners' residence, including without limitation, rain barrels. Installation of any rain-harvesting system must be approved by the ACC prior to commencement of any construction or installation. In addition to the ordinary permit application requirements of the ACC, applications for rain-harvesting systems shall include at a minimum:

a. Plot plan for property showing:

1. Location of existing dwelling
2. Location of property lines and easements
3. Location of proposed rain-harvesting system(s)
4. Measurements between rain-harvesting system(s) and property lines

b. Engineering plans, drawings and specifications of proposed rain-harvesting system(s) as reasonably necessary to evaluate the addition or improvement, showing at a minimum all finished dimensions and elevations (front, back and sides) with materials and colors indicated or supplied.

c. Any available information or data describing the rain-harvesting system's holding capacity, structure material type and expected life-span, features, function and insect resistance capabilities.

d. A statement that the rain-harvesting system(s) are not expected by the owner to cause a nuisance to other Summerglen homeowners or neighboring residents due to mosquito manifestation, noise or other problems once installed and in operation.

3. The rain-harvesting system(s) should be constructed of like materials and colors of the dwelling to the greatest extent possible (esthetically pleasing). Any additions or modifications

shall be within the approved building area as prescribed by the Declaration of Covenants, Conditions and Restrictions for the residence in question.

4. The following requirements and conditions apply to installation and operation of rain-harvesting system(s) within Summerglen, that are in accordance H.B. No. 3391 conditions and will be basis of ACC denial, include but are not limited to:

a. Rain-harvesting systems are not allowed in the front yards. If located in side yards, they must be screened from view from the street in an esthetically pleasing manner. For corner lots, Rain Barrels located in side yards must be screened from view from the street in an esthetically pleasing manner; provided, that there is reasonably sufficient area on the lot in which to install the device.

b. It is recommended that rain water diverters be used so as to minimize alteration of existing downspouts. Alteration of the downspouts shall be esthetically pleasing and be constructed of like materials and colors of the dwelling to the greatest extent possible.

c. Color of rain-harvesting systems shall be natural or match dwelling, so as to blend in with the environment in an esthetically pleasing manner.

d. Location, mounting height, and shape shall not present an eyesore, shall be aesthetically pleasing, and shall blend in with the surrounding environment.

e. If made of a material that can rust, they must be kept in a condition that is esthetically pleasing and match dwelling material and color and close as possible.

f. If pumps are added, they shall be screened (esthetically pleasing) so as to not be visible by or create a noise level as to disturb the surrounding neighbors.

c. Display of Flags:

1. The Summerglen Architectural Control Committee (ACC) recognizes a homeowner's right to display the flag of the United States; the flag of the State of Texas; or an official or replica flag of any branch of the United States armed forces in accordance with Texas Legislation H.B. No 2779. At the same time, the ACC must also protect the aesthetics and quality of life of all homeowners from conditions that can be created by any structures on Summerglen lots, as provided in the Summerglen Declaration of Covenants, Conditions and Restrictions. These guidelines are intended to help homeowners design, install and display the three mentioned flags outlined in H.B. 2779 within the intent of the Declarations of Covenants, Conditions and Restrictions and the objectives of the Summerglen Architectural Standards.

2. General Provisions:

a. The only flags allowed to be displayed are the flag of the United States; the flag of the State of Texas; and an official or replica flag of any branch of the United States armed forces. The dimensions of the flags may either be three feet by five feet (3' x 5') for house mounted flagpoles or four feet by six feet (4' x 6') for 15-20 foot freestanding flagpoles.

b. All flags and flagpoles must be properly maintained at all times, including, but not limited to, replacement of faded, frayed or torn flags; and replacement of poles that are bent, rusted or damaged in any way. If the flagpole becomes scratched, dented, leaning; or if the paint is chipped or faded, it must be replaced or repaired immediately. All proper flag etiquette must be followed.

c. Flags must be flown on either house-mounted poles (maximum of two either on left and right of dwelling front or back door or garage door) and/or one flagpole on owner's property (**within the specified requirements outlined in the Permanent Free standing flagpole paragraph below**). Flags cannot be mounted to pergolas, play sets, basketball standards, trees & landscaping, or other exterior equipment. All flags installed and displayed must be mounted on flagpoles.

d. All flag installations shall be made in a manner so as to not create a noise nuisance to surrounding neighbors.

e. Freestanding flagpoles require ACC approval prior to installation.

f. Flags must be maintained properly and replaced when they become torn or faded. Maximize size of any flag is 4' x 6' and must be made of fabric (non-plastic) and suitable for outdoor use.

g. If evening display of the flag is desired the flag must be lit from the base of the flagpole (maximum of two light fixtures) with a total of no more than 150 watts. **The light must shine directly up at the flag, and cannot cause any type of light spillage onto adjoining properties.**

h. House-mounted flagpoles must be removed from view when no flag is displayed.

3. Displaying USA, Military and Texas State Flags

a. The official flag of the United States of America must be displayed in accordance with 4 U.S.C., Chapter 1, Sections 1-10.

b. The official flag of the State of Texas must be displayed in accordance with Chapter 3100, Government Code.

c. The display of the three allowed flags must be displayed / flown in accordance with the Official USA Flag Code (USC Title 36, Chapter 10).

d. The following regulations set forth the existing rules, customs and etiquette pertaining to the display and use of the flag of the United States of America in accordance with the 4 U.S.C:

1. It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

2. The flag should be hoisted briskly and lowered ceremoniously.

3. The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

4. Permanent Freestanding Flagpole Requirements:

a. One permanent freestanding flagpole placement is allowed in either the front yard or backyard areas only. Permanent in-ground flagpoles are defined as those that are installed in an appropriate footing (concrete) and are not meant to be removed unless the flagpole is being replaced. Flagpole placements must be well within pre-established property setback DCC&R rules. No placements are allowed on easements. Front yard flagpole shall be located no closer than 20' from front yard curbs, preferably centered and for backyard flagpole no closer to 20 foot from rear property line, again preferably centered. Artificial lighting must not shine toward any neighboring homes or be too bright to cause a visual disturbance. Light fixtures must be recessed in holders so lighting only illuminates the flags and flagpole (maximum of two with total of 150 watts strength).

b. The tops of permanent **flagpoles may not be lower than fifteen (15) feet, or taller than twenty (20) feet**, when measured from ground level (including the pole ornamentation). Poles shall be permanently installed, non-painted aluminum, silver, bronze or brass in coloring only. Toppers shall be of standard ball shape or eagle shape and made of brass.

c. Efforts should be made to minimize noise impact of clips. Flagpole shall be installed and maintained so as to not be a noise nuisance to surrounding neighbors. Flagpole halyards must be of a type, which does not make noise under any wind conditions. Halyards must be securely fastened. Flagpole shall be installed in a professional manner. The preferred location for placement of the pole is within a landscaped bed; however under all circumstances, flagpoles may not be placed more than ten (10) feet from the foundation of the house (residential structure, not from the front of an attached garage). Poles must not be installed in a manner that prevents a view obstruction to neighbors.

d. Poles must be mounted on an appropriate footing and if this footing is visible, it must be screened with adequate landscaping. All flagpoles must be installed per the manufacturer's guidelines.

e. Freestanding flagpole installations shall be submitted for ACC approval prior to installation. Submittal shall include a plat of survey showing location in proximity to house, existing landscaping, sidewalks and street. Details of design of flagpole including materials of construction shall be provided. Manufacturer's literature would be helpful. Design and location of lighting shall be included. The submittal shall include the number, size and type of flags to be displayed.

5. Placement of House Mounted Flags

a. Pole mounts shall be put directly on the front or back fascia of the house, adjacent to front or back door. All flags must be mounted with proper hardware. Wood, plastic or metal poles are permitted and should not be more than 6 foot long. Flagpoles must be maintained in good condition.

b. Flags cannot be draped across any portion of the front of the residence such as garage doors or front porch railings. Flags installed in the front of the residence must be properly mounted on poles with standard toppers of either ball or eagle shape.

d. Affixing / Display of Religious Items on dwelling entry in accordance with H.B.1278:

1. The Summerglen Architectural Control Committee (ACC) recognizes a homeowner's right to affix / display religious item(s) on the entry to dwelling in accordance with Texas Legislation H.B. No 1278. At the same time, the ACC must also protect the aesthetics and quality of life of all homeowners from conditions that can be created by any structures on Summerglen lots, as provided in the Summerglen Declarations of Covenants, Conditions and Restrictions. These guidelines are intended to help homeowners affix and display religious item(s) in the dwelling entry as outlined in H.B. 1278 within the intent of the Declarations of Covenants, Conditions and Restrictions and the objectives of the Summerglen Architectural Standards.

2. Summerglen prohibits the display or affixing of religious item on the entry to the resident's dwelling that:

a. Threatens the public health or safety;

b. Violates a law;

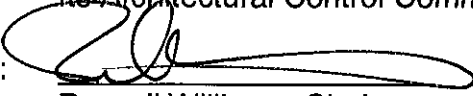
c. Contains language, graphics, or any display that is patently offensive to a passerby;

d. Is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the owner's or resident's dwelling; or

e. Individually or in combination with each other religious item displayed or affixed on the entry door or doorframe has a total size of greater than 25 square inches.

Effective 15 August 2014, the Summerglen Architectural Control Committee adopted and issued the above Summerglen Guidelines and Rules for Construction Nos. 1 through 32.

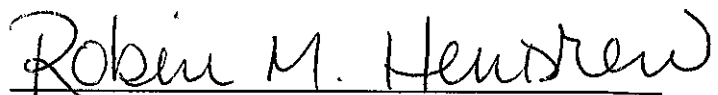
SUMMERGLEN PROPERTY OWNERS
ASSOCIATION, acting by and through
Its Architectural Control Committee

By: 
Russell Williams, Chairman

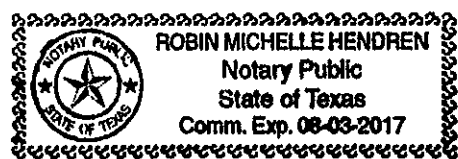
STATE OF TEXAS §
 §
COUNTY OF BEXAR §

Before me, the undersigned notary public, on this day personally appeared Russell Williams, known to me or proved to me by presentation to me of a governmentally-issued identification card to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed it for the purposes and consideration expressed in it.

Given under my hand and seal of office the 14 day of August, 2014.


Notary Public, State of Texas

AFTER RECORDING RETURN TO:
Summerglen Property Owners Association
1600 N.E. Loop 410, Suite 202
San Antonio, TX 78209



Acknowledgement of Receipt and Acceptance of the Summerglen Rules for Construction, Application and Towing Policy

By signing below, the said parties acknowledge receipt of the Summerglen POA Rules for Construction and Towing Policy, agree that during the entire construction project to comply with the Summerglen POA Rules of Construction, and agree said parties can be sent notice of a violation at the address, telephone number or e-mail address listed below. **DO NOT SIGN THIS FORM WITHOUT FIRST READING THE Summerglen POA ACC RULES OF CONSTRUCTION.**

Unit ___ **Lot** ___; **Summerglen lot address** _____

Initial each area for which this Application is being submitted. Any approval granted by the ACC is limited to this Application and the plans submitted with this Application. If subsequently, more areas become applicable, the owner and builder must submit another Application to the ACC for approval. As specified in ROC #13 and #14, if applicable, a permission letter from either the POA or any adjoining property owner whose property is to be used in any manner must be attached.

Deposit paid in accordance with Summerglen POA ROC rule 5 (a) or 6 (a-c):

\$2,500 New Construction:

New Home ___ Declaration Landscaping _____

\$750 Heavy Construction;

Sport Court ___ Summer Kitchen ___ Pool/hot tub ___ Home Addition ___ Driveway Expansion _____

\$300 Major Construction;

Add'l landscaping ___ Initial Fence ___ Solar Panels _____

\$100 Minor Construction:

Painting ___ Antennas/Flag Poles ___ Playscape ___ Water Harvesting Devices ___ Fence Repair

Lot owner's information:

Owner's Name _____
Owner's signature _____ date signed _____
Mailing address _____
City, State, Zip _____
Telephone - day _____
Telephone - night _____
e-mail address _____

Builder's information:

Builder's name _____
Builder's signature _____ date signed _____
Contact person _____
Mailing Address _____
City, State, Zip _____
Telephone -day _____
Telephone - night _____
E-mail address _____

TPDES Permit Number or Environmental Management Company to be used _____