

SITE PREPARATION, TREE REMOVAL AND LANDSCAPING RESOLUTION

This Resolution, in its entirety, shall be effective on September 23, 2014; shall be filed in the Official Public Records of Real Property of Montgomery County, Texas; and shall be enforced in conjunction with the Architectural Control Committee Building Guidelines and Schedule of Fines, as may be amended from time to time.

Site Preparation and Tree Removal

- 1) Property owners are responsible for ensuring a Site Preparation Permit has been obtained from the ACC prior to commencement of any Site Preparation activities on their property. A fine will be imposed based on fee schedule for site preparation without a permit.
- 2) No clear-cutting of trees on any property will be allowed.
- 3) No living tree greater than ten (10) inches in diameter, as measured at a point two (2) feet above natural grade, may be removed with the exception of the following conditions:
 - a. Is located up to twenty-five (25) feet from a house or other existing or proposed permanent structure (i.e. garage, swimming pool, pool decking or recreation area such as a playground or garden);
 - b. Can be demonstrated to pose a safety hazard to persons or property;
 - c. Is considered an invasive and hazardous tree or plant; or
 - d. Has been determined to be damaged, diseased or otherwise hazardous.

Landscape Criteria

- 1) Landscaping is an important part of a home's design because a good landscaping plan will greatly improve the look of a home and add value to both the home and the neighborhood. Landscaping is considered to be a part of the home construction process and must be installed within three (3) months of the completion of the home. Landscaping plans and a Landscaping Deposit in the amount of \$500 are required to be submitted with the application and plans for new home construction.
- 2) It shall be the responsibility of the Property Owner(s) to remit payment for the Landscaping Deposit noted above. Upon completion of the Landscaping Improvements, the Landscaping Deposit will be refunded to the Property Owner. Property Owners are allowed to install the landscaping improvements themselves or to contract these services directly with a responsible party or parties.
- 3) At a minimum, the landscaping plans should be sketched out on a copy of the site plan for the home and show the location and type(s) of trees, flowers, etc. The minimum requirements for landscaping are as follows:
 - a. AstroTurf, asphalt, concrete or other solid-surface pavement are not allowed as landscaping material. Crushed rock, gravel, flagstone and moss rock may be considered for landscaping use if used appropriately. Landscaping borders with incorporated rock or stone used to create a defined edge for landscaping beds are acceptable.

- b. Texas law, in conjunction with the Texas Water Code, requires that the Property Owner ensure that the placement of any improvements or landscaping does not halt or materially impede drainage flowing off of a neighboring tract and does not redirect the flow or significantly increase the amount of water flowing onto a neighboring tract. Enforcement of this requirement is by the affected property owner(s). The drainage from each lot should be directed to the street where possible.

- e. Yard structures must be in good taste, limited in number, compatible with and appropriate in scale, color and mass to the architectural character of the dwelling and the neighborhood. Yard structures include, but are not limited to:
 - i. Trellises
 - ii. Decorative accessories
 - iii. Fountains
 - iv. Seasonal displays
 - v. Rock formations
 - vi. Sculptures