

FLYING L RANCH PROPERTY OWNERS ASSOCIATION, INC
566A Flying L Drive ~ Bandera, TX 78003
ARCHITECTURAL CONTROL COMMITTEE (ACC)
INFORMATION PACKET & APPLICATION

ATTENTION: PROPERTY OWNER(S)

The Flying L Ranch Subdivision is a Restricted Building community. Your Flying L Ranch Property Owners Association (POA) Board has been directed by our Property Owners to ensure compliance with our current Deed Restrictions and to closely monitor construction practices in our community. An Architectural Control Committee (ACC) made up of two POA Board Members and three Property Owners have been assigned the responsibility of ensuring compliance with current Deed Restrictions on all new construction and additions. It is the Property Owners' responsibility to be familiar with the Flying L Ranch Subdivision's Restrictive Covenants and to use due diligence in designing a project that complies with current Restrictions. It is also the Property Owner's responsibility to submit the required information to the ACC in the format requested. The ACC reserves the right to request additional information or certified documentation during their review of plans. Failure by the applicant to submit any information requested by the ACC or non-compliance issues may be cause for the Committee to disapprove your application. The ACC will make a decision within 30 days from the submission of all required forms and supporting material. Disapproval may be appealed to the Flying L Ranch Board of Directors by contacting the Secretary in writing (at the above address) within ten (10) days of notice of disapproval. Appeals will be addressed as an Agenda Item at the next regularly scheduled POA Board Meeting. No construction or remodeling may begin during the appeal process.

THE BELOW INFORMATION (ITEMS 1-5) ARE TO BE SUBMITTED IN PDF FORMAT TO ACC CHAIRMAN AT: lwmensch@gmail.com FOR CONSIDERATION BY THE COMMITTEE:

(1) **Architectural Blueprints or architecturally correct draftsman quality plans** and elevations of project including a foundation plan and specifications. *(See Note) A Specification Sheet shall also be provided to the Committee which provides details of construction method and materials to be used along with certification from the Architect, Builder or Property Owner that the construction meets or exceeds existing Southern Building Code Standards, as published by Southern Building Code Congress International, Inc.

***(Note) - Architecturally correct draftsman quality plans shall include the same features found in an Architectural Blueprint and Plan; i.e., dimensions of all exterior and interior spaces such as bedrooms, kitchens, baths, halls, garages, carports, porches/decks, etc. If a draftsman quality type plan is submitted in place of an Architectural Blueprint, this plan must be accurately scaled to represent the finished product (including elevations) and a foundation plan. A Construction Method and Materials Specification Sheet for both the structure and foundation is also required.**

- (2) **Plot Plan** of location of home on building site. (Lot and house location are required to be to scale and accurately show set-backs from property lines on all sides.)
- (3) **Scaled Plan** showing material and measurements for fence if applicable.
- (4) **ACC General Specification Sheet** completed in full. (Pages 2-3)
- (5) **Acknowledgement Sheet** signed by Property Owner(s). (Page 4)
- (6) **Building Deposit** of \$1500 must be paid by online invoice thru the Treasurer of FLPOA upon submission of application. (Applies only to new home construction.) Deposit is 100% refundable upon final approval of construction project by the ACC committee. Deposit will cover any damage done to roads by heavy equipment, removal of building debris by POA, any damages caused by construction crews to other property and any violations incurred by property owner. Please contact the Treasurer at treasurerflyinglpoa@gmail.com to arrange payment of building deposit.

Date Submitted _____

Date Accepted _____

ACC GENERAL SPECIFICATION SHEET
(Please Type or Print Neatly All Information)

Name(s) _____ Section _____ Lot _____

EXTERIOR/INTERIOR FRAMING/FOUNDATION

Describe construction method & materials: (Applicant must submit specification sheet with blueprints or plans)

SQUARE FOOTAGE*:

Floor Area: (Living area, heated/air conditioned) Square Feet: _____ *(Not less than 2,000 sq ft heated area excluding garage and porches. If 2-story, at least 1,400 sq ft ground floor area.)

EXTERIOR: Percentage & Color – (Building must use 100% approved materials and be at least 25% Brick, Stone, or Stucco)

Wood (Type) _____ Percentage _____ Color: _____

Stone _____ Percentage _____ Color: _____

Brick _____ Percentage _____ Color: _____

Other _____ Percentage _____ Color: _____

FOUNDATION*:

*Please note that cement foundation is required. Attached reinforced pathway to Driveway required.

ROOF: Please indicate color of roof material. (All Roofing must be similar and fire retardant)

Metal _____ Wood _____ Fiberglass _____ Other _____

ATTACHED GARAGE/CARPORT*: (Please note location on house plan)

2-Car Garage: (Y)____(N)____ **OR** 2-Car Carport & Attached Storage: (Y)____(N)____

*(Materials must be same as used on house.)

PORCHES/DECKS: (Please note location on house plan)

Porches: _____ Sq. Ft. Decks: _____ Sq. Ft.

Type of Material: _____

LOCATION: Note footage of residence from property line - (Please note minimum setbacks)

Front Line (30 ft) _____ Rear Line (10 ft) _____ Both Sides (10 ft) _____

FENCE: A separate fence application must be presented for approval by the ACC if there are plans to build a fence on the property.

Date Submitted _____

Date Accepted _____

COMMENTS:

The POA assumes no responsibility for damage to construction or property due to damage by flooding in areas known to be subject to severe flooding during heavy and prolonged periods of rain or construction that does not provide proper drainage or elevation.

Work should commence within 90 days of this approval. Failure to commence work within this time limit shall cause builder/owner to resubmit plans to the Architectural Control Committee.

All work must be completed (inside and out) within one (1)-year from the date started including site clean-up, driveways and attached garages or carports.

Any changes to the approved plans must be submitted **in writing** for approval to the ACC prior to making any change. The ACC may request additional information if required on any changes.

Construction is to be in accordance with Building Guidelines and Restrictive Covenants of the Flying L Ranch Property Owners Association, Inc. and meet or exceed minimum existing Southern Conference Building Codes. On new construction, provisions must be made by the property owner to provide a portable toilet on site and a weekly cleaning service of portable toilet for duration of construction project.

Burning is prohibited except in an incinerator or an approved container and in compliance with local regulations. **Provisions shall be made by property owner to provide a dumpster/commercial-size refuse container (minimum 8 yd) during ALL new construction and/or major renovations.** It shall be the property owner's responsibility to ensure the job site is kept free of scrap construction materials and blowing debris.

Property owners must inform building contractors to take every precaution to prevent damage to existing roadways by the use of heavy equipment. If damage is done beyond normal wear and tear, the contractor and/or property owner may be liable for restitution.

MOBILE HOMES/TRAILERS, MANUFACTURED/MODULAR HOUSING OR COMPLETE UNITS, ie MAY NOT BE TRUCKED TO SITE.

Date Submitted _____

Date Accepted _____

REQUIREMENTS FOR CONSTRUCTION

The exterior/improvement construction shall not begin before 7:00 a.m. and excessive noise equipment or machinery shall not begin before 8:00 a.m. All exterior/improvement construction shall be discontinued by sunset or no later than 8:30 p.m., whichever occurs first.

To operate outside these parameters, approval must be obtained by all adjoining neighbors and must be provided to the Flying L POA's ACC Board Chair prior to any exterior/improvement construction.

Failure to comply with the above stated restrictions will be considered a violation of the Flying L POA Restrictive Covenants and will be subject to a \$500 fine and a 30-minute notice to cease all construction and vacate the job site. Multiple violations are possible.

Your signature below acknowledges awareness of this requirement:

PROPERTY OWNERS/HOMEOWNERS

Date Submitted _____

Date Accepted _____

**FLYING L RACH PROPERTY OWNERS ASSOCIATION, INC.
566A Flying L Drive
Bandera, TX 78003**

ACKNOWLEDGMENT SHEET

I, THE UNDERSIGNED, AM THE PROPERTY OWNER OF LOT ____, SECTION _____. I ACKNOWLEDGE RECEIPT OF THE FLYING L RANCH PROPERTY OWNERS ASSOCIATION'S INFORMATION PACKAGE, ARCHITECTURAL GUIDELINES AND RESTRICTIVE COVENANTS, ARCHITECTURAL CONTROL COMMITTEE (ACC) INFORMATION SHEET, ACC (GENERAL SPECIFICATION SHEET) AND ACC PLANS APPROVAL FORM. I HAVE READ, UNDERSTAND AND AGREE TO ABIDE BY THESE GUIDELINES. I ACKNOWLEDGE THE FLYING L RANCH ARCHITECTURAL CONTROL COMMITTEE AND FLYING L RANCH PROPERTY OWNERS ASSOCIATION BOARD OF DIRECTORS SHALL HAVE THE FINAL DECISION-MAKING AUTHORITY WITH RESPECT TO INTERPRETATION OF INTENT OF THE FLYING L RANCH PROPERTY OWNERS DECLARATION OF RESTRICTIVE COVENANTS. ADDITIONALLY, FOR THE PURPOSE OF VERIFYING COMPLIANCE, I HEREBY GRANT PERMISSION FOR THE FLYING L RANCH POA/ACC TO DO THE NECESSARY ON-SITE INSPECTIONS OF MY WORK IN PROGRESS.

NOTE: If property is Titled under more than one name, all parties (i.e., Husband & Wife) must sign Acknowledgment Sheet.

Property Owner/Homeowner

Print Name(s) _____

Signature(s) _____

Address _____ Telephone _____

E-mail Address _____ Date Submitted _____

Builder _____ Telephone _____

Date Submitted _____

Date Accepted _____

**ARCHITECTURAL CONTROL COMMITTEE
PLANS APPROVAL FORM**

Name(s) _____

Section _____

Lot(s) _____

Date ACC Materials & Forms Received: _____

Approved/Disapproved Date:

| <u>Member</u> | <u>Signature</u> | <u>Approved</u> | <u>Disapproved</u> | <u>Date</u> |
|-----------------|------------------|-----------------|--------------------|-------------|
| Lindsay Pichard | _____ | _____ | _____ | _____ |
| Brian Caldwell | _____ | _____ | _____ | _____ |
| Doug Stevens | _____ | _____ | _____ | _____ |
| Philip Jaeger | _____ | _____ | _____ | _____ |
| Eddie Prida | _____ | _____ | _____ | _____ |

FOR ACC USE ONLY:

Please check all that are included.

_____ **Blueprints/draftsman plans**

_____ **Plot Plan**

_____ **Scaled Plan**

_____ **Specification Sheet**

_____ **Property Owner's Acknowledgement Sheet**

_____ **Building Deposit of \$1500 (PLEASE NOTE: Paper checks are no longer accepted for payment of the building deposit. Please contact the Treasurer at treasurerflyinglpoa@gmail.com who will send an online invoice to be paid by bank draft. Please include section and lot number as well as the email address of where to send the online invoice when making request.**

PLEASE KEEP PAGES 7-12 FOR YOUR RECORDS.

FLYING L POA RESTRICTIVE COVENANTS

ARTICLE III. USE RESTRICTIONS

SECTION 1 All lots and all improvements located on the lots within the subdivision shall be exclusively used for single-family residential purposes and shall not include multi-family structures. Commercial and industrial uses are strictly prohibited.

- a. Each residence shall have, at a minimum:
 - i. a 2-car attached private garage; or
 - ii. a 2-car covered carport with attached, (as defined in Article I, Section 9) enclosed and covered storage capacity
- b. A guest house is permitted, provided it is attached to the residence by:
 - i. an attached private garage; or
 - ii. an attached covered carport, with attached enclosed and covered storage capacity; or
 - iii. an attached reinforced concrete walkway.

SECTION 2 The following are strictly prohibited within the Subdivision:

- a. trailer, mobile home, manufactured or modular housing, prefabricated structure, basement, tent, shack, unattached building or barn, any structure of a temporary or portable character; or any exterior construction, addition, structure or alteration not approved by the ACC;
- b. old or secondhand building
- c. outdoor toilet;
- d. keeping, raising, breeding, or boarding dogs, cats, or other household pets for any commercial purpose;
- e. poultry and all animals other than those listed in subsection “d” above;
- f. tall grass, weeds, trash, refuse or non-operational cars;
- g. recreation vehicles, including fifth wheel trailers, motor home, travel trailer, trailer, boat, parked for more than four (4) consecutive days and/or for no more than a cumulative thirty (30) days during any calendar year, except for recreation vehicles, trailers and boats kept in a permanent garage or 2-car carport, (as defined in Article I, Section 9.) Semi-truck, tractor or trailer parking within the Subdivision is strictly prohibited. A “day” is defined as a twenty-four (24) hour period.
- h. vines, plants, shrubs or trees dead for more than sixty (60) days;
- i. propane or butane tanks not conforming with all governmental regulations;
- j. propane or butane tanks visible from the street or adjoining lot;
- k. burning of trash, brush or other material except in strict compliance with local fire regulations;
- l. drilling or digging of any water, gas, oil or other well;
- m. garbage cans visible from the street or adjoining Lot, uncovered garbage cans and garbage cans with a capacity of less than thirty (30) gallons;
- n. sewage systems not connected to the Subdivision sewer system or a septic tank (where permitted);
- o. the division or subdivision of any Lot; and
- p. location of any structure or building within the setback lines provided for in Article XI of this Declaration.
- q. homeowner contracted trash pick-up by commercial waste management company trucks;
- r. pier and beam foundations.

ARTICLE V. OFF STREET PARKING, NON-LICENSED VEHICLES, AIRCRAFT

SECTION 1 Prior to and after occupancy of a residence on any Lot, the Owner thereof shall provide appropriate space for off-street parking of all vehicles, including temporary parking for boats, trailers and recreational vehicles.

SECTION 2 No all-terrain vehicle, dirt bike, go-cart or other non-street or non-licensable vehicle shall operate on any roadway, Easement or Common Area within the Subdivision. Golf carts are permitted and shall be operated by persons OVER the age of 16, unless supervised in the golf cart by an adult (person 21 years of age or older). Resort maintenance carts and equipment shall be allowed in the pursuance of their routine daily duties.

SECTION 3 With the exception of emergency medical aircraft, no helicopters or aircraft may land on any Lot or Common Area unless it is an aviation related emergency.

ARTICLE IX. ARCHITECTURAL CONTROL COMMITTEE (“ACC”)

SECTION 1 The Association shall, in accordance with the Bylaws of Flying L Ranch Property Owners’ Association, Inc., name an Architectural Control Committee (ACC). Members of the property owners’ association board of directors, and their spouses and household members, are restricted from serving on the architectural committee.

SECTION 2 An Owner shall notify the ACC concerning any proposed new construction, improvement or demolition on such Owner’s Lot. All new construction must submit an application as outlined in ARTICLE IX. The ACC will determine if Owner shall submit an application for ACC’s approval of the proposed improvement or demolition. Any proposed new construction, improvement or demolition shall not be approved by the ACC until or unless all Lot Assessments owed by the applicant Owner have been paid in full.

SECTION 3 Items requiring ACC approval shall be submitted to the ACC in writing. The ACC will approve or disapprove applications within thirty (30) days of its receipt of applications, plans or specifications which are adequate in its discretion to evaluate the application. Failure of the ACC to approve, disapprove or request additional information within the thirty (30) day period shall be deemed a waiver of the ACC’s right to approve or disapprove the application.

SECTION 4 Owners and occupants of a Lot may attach one (1) flagpole to their residence or garage without obtaining prior approval from the ACC that does not exceed 5 feet in length (flag may not exceed 3 feet by 5 feet). This flagpole will be known as an “attached flagpole”, and it may be permanent or removable with finishes that are harmonious with the dwelling. A freestanding flagpole may not be installed without prior written approval from the ACC and the flag may not exceed 4 feet by 6 feet. Only one freestanding flagpole may be approved per Lot. Roof mounted flag poles are prohibited. Location, height, diameter, proper display of flags, preservation of the appearance of the neighborhood and property values, method of installation and material will be taken into consideration when evaluation is given to applications submitted by owners or occupants who seek permission to install a freestanding flagpole. A freestanding pole shall be no more than 20 feet in height. Deteriorated flag or structurally unsafe flagpole shall be repaired, replaced or removed. Lanyards and fittings shall be constructed to minimize noise generated. Lighted flagpole shall not be visible from the windows of adjacent residences or to passing traffic. Only the flag of the United States of America, state of Texas, or an official or replica flag of any branch of the United States Armed Forces may be flown. An owner or occupant may not display or erect a flagpole on property that is owned or maintained by the Flying L Ranch Property Owners’ Association, Inc. or common areas owned by Flying L Ranch Property Owners’ Association, Inc.

SECTION 5 A property owner or resident may display or attach one or more religious items anywhere on the owner’s or resident’s dwelling or property. Such items may include any related to any faith that is motivated by

the resident's sincere religious beliefs or tradition. Individually or in combination with each other, the items at the entry may not exceed 120 square inches in total size. The displayed or affixed religious items may not threaten public health or safety, violate any law, or contain language, graphics or any display that is patently offensive to a passerby.

SECTION 6 Rainwater recovery systems may be installed with advance written approval of the ACC subject to these covenants. All systems shall be installed on land owned by the property owner; no portion of the system may encroach on adjacent properties or common areas. All components of the system shall be screened from the public view from any street or common area either behind a solid fence, structure or vegetation or burying the tanks or barrels. The barrel shall not exceed 55 gallons in close proximity to the structure. The barrel shall be fully painted in a single color to blend harmoniously with the adjacent home. Overflow lines from the system shall not be directed onto or adversely affect adjacent properties or common areas. Inlets, ports, vents and other openings shall be sealed to protect and prevent children, animals and debris from entering the storage devices. Harvested water shall be used and not allowed to become stagnant or a threat to health. All systems shall be maintained in good repair; unused systems shall be drained, removed from public view.

ARTICLE X. ARCHITECTURAL STANDARDS/ACC APPROVAL

SECTION 1 No exterior construction, addition, structure or alteration shall be made until requirements of Section 2 below are met. If directed by the ACC, an Owner shall submit plans and specifications, in writing, to the ACC and for review and approval. Construction shall commence within ninety (90) days of approval or the Owner will be required to re-submit the plans and specifications to the ACC.

SECTION 2 The following shall be submitted to the ACC for its review and approval prior to the commencement of any work or the delivery of any materials to a Lot:

- a. Architectural blueprints or architecturally correct draftsman quality plans and elevations of project including a foundation plan and a specification sheet for both the structure and foundation. Draftsman quality plans shall include the same features found in an Architectural Blueprint, i.e., dimensions of all exterior and interior spaces such as bedrooms, kitchens, baths, halls, garages, carports, porches, decks, etc. If a draftsman quality type plan is submitted in place of an architectural blueprint, this plan shall be accurately scaled to represent the finished product inside and out along with scaled elevations and a foundation plan. A Construction Method and Materials Specifications Sheet for both the structure and foundation is also required which shall show detail and materials along with "certification" from the architect, draftsman or Owner that the construction meets or exceeds existing Southern Building Code Standards as published by Southern Building Code Congress International, Inc. Any changes from approved plans shall be re-submitted to the ACC for approval prior to making a change in construction.
- b. Plot plan of location of residence on building site. (Lot and house location shall be to scale showing setbacks from property lines on all sides.)
- c. Plans showing materials and measurements for fence if applicable. (All measurements shall be to scale.)
- d. The color of any paint for proposed new construction and for all repainting not in existing or comparable color;
- e. No signs, advertisement, billboards, or advertising structure of any kind may be erected or maintained on any Lot without the consent in writing, of the ACC, except for:
 - i. one (1) professionally made sign not more than two-foot (2 ft.) by two-foot (2 ft.) advertising an Owner's Lot for sale or rent,
 - ii. one professionally made election/political sign not more than two-foot (2 ft.) by two-foot (2 ft.), which shall be removed promptly after the election to which it refers; and
 - iii. one (1) professionally made sign, not more than twelve inches (12") wide by twenty-four inches (24") long identifying the Lot Owner(s) name(s). Any member of the ACC shall have the right to remove such sign which is placed on any Lot in violation of this provision, and in doing so, shall not be liable, and is hereby expressly relieved from, any liability for trespass or other tort in connection therewith, or arising

from such removal.

SECTION 3 An Information Sheet, General Specification Sheet, plans Approval Form and Acknowledgment Sheet shall be provided by the ACC Chairman or designated ACC member on request. Request for ACC action/approval, required in Section 2 above, shall be submitted to the ACC Chairman or the designated ACC member for consideration by the ACC along with required plans, specifications and any other necessary or requested information or documentation.

SECTION 4 If the ACC Committee does not approve the plans submitted by the Owner, a written denial must be sent to the Owner by certified mail; hand-delivered; or email, and it must: (1) describe the basis for the denial in reasonable detail and changes, if any, to the application or improvements required as condition to approval; and (2) inform the Owner that the Owner may request a hearing with the board on or before the 30th day after the date the denial notice was mailed to the Owner.

The Board must hold a hearing no later than the 30th day after the date the Board receives the owner's request for a hearing. The Board must notify the owner of the date, time, and place of the hearing no later than the 10th day before the date of the hearing. The Board and the owner may each request one postponement of the hearing, and if requested, a postponement must be granted for a period of not more than 10 days. Additional postponements may be granted by the agreement of the parties.

During a hearing, the Board or the designated representative of the Association and the owner or the owner's designated representative are each to be provided the opportunity to discuss, verify facts, and resolve the denial of the owner's application or request for the construction of improvements and the changes, if any requested by the Architectural review authority in the denial notice provided to the owner. The Association or the owner may make an audio recording of the hearing.

SECTION 5 The granting of a variance from a restriction contained in this Declaration by the Board of Directors, **not the ACC**, shall not operate to waive any restrictions except as to the particular Lot and provisions covered by the variance. The granting of any variance does not negate any Owner's obligation to comply with the Declaration and By-Laws.

ARTICLE XI. CONSTRUCTION REQUIREMENTS

SECTION 1 All new construction, additions or alterations shall be performed according to the existing Southern Building Code, as published by Southern Building Code Congress International, Inc.

SECTION 2 ACC Construction Deposit Fee: Together with the submission of the plans, the owner will deposit \$1,500.00 with the Architectural Control Committee. The deposit will be used by the Committee to clean up debris and trash left by the Owner's builder and/or contractors, fix roads damaged by the Owner's builder and/or contractors, and to take such other action as is necessary to clean the area, repair damage to the subdivision or cure restriction violations caused by the Owner's builder and/or contractors or the Lot Owners. Any amounts remaining after the above uses will be refunded to owner. Any repair or violations restriction fees in excess of the Construction Deposit Fee will be the homeowner's responsibility.

SECTION 3 Material. All residences and attachments thereto, guest houses, steps, porches, decks and patios shall be constructed with new materials consisting of wood, stucco, brick or stone, hardi-plank and such other materials as are herein provided (except patios and steps which may be constructed of concrete) and harmonize with existing residences. A minimum of twenty-five (25%) percent of the exterior, excluding window and garage doors, must be stone, brick or stucco. Residences of "boxed", "sheet metal", "tile, cinder block or cement block", construction shall not be allowed unless the exterior is covered with wood, hardi-plank, stucco, brick or stone. Inasmuch as new or innovative construction materials and methods may develop other than those described in this Section, such construction shall be considered "only" with Certified Architectural or Engineering Documentation which verifies such construction meets or exceeds Southern Building Code Standards. It shall be the Owner's responsibility to provide requested documentation to the ACC. In all cases, any such construction shall harmonize with existing residences and meet with all other requirements. All porches, steps, decks and patios shall be attached to the residence.

SECTION 4 Roof and Roof Pitch. All roofing shall be of metal, fiberglass, tile or wood. All roofing shall be fire retardant. Each residence, its attachments and guest houses, shall be of one type of roofing material. Each residence erected on a Lot shall have a minimum roof pitch of 5/12. An exception may be sought from the ACC on the basis that a different roof pitch may enhance the architectural design of a particular residence and would not otherwise detract from the aesthetic value of adjoining properties or the Subdivision in general.

SECTION 5 Minimum Square Footage. Minimum floor area of the principal residence, exclusive of porches, decks, patios, steps, garage (or carport), and enclosed storage room, shall not be less than two thousand (2,000) square feet for a one-story residence. Two-story residences shall be no less than fourteen hundred (1,400) square feet on the ground floor and no less than two thousand (2,000) square feet in total.

SECTION 6 Construction Site. On new construction, provisions are to be made by the Owner to provide a portable toilet facility on-site. Burning is prohibited. Provisions shall be made by the Owner to provide a dumpster/commercial size refuse container on-site which is required. It shall be the Owner's responsibility to ensure the job site is kept clean and free of scrap construction materials and blowing debris at all times. However, construction debris shall be disposed of in a timely manner, off-site of the subdivision. Dumpsters are provided for use by Owners by the Flying L Ranch Public Utilities District (PUD) for disposal of household garbage only.

SECTION 7 Inspection of Work. The ACC or any one of its members or any designated agent shall have the right to inspect any new construction and/or improvement prior to, during, or after completion. Occupation of a new residence shall not be taken until final inspection and approval has been given. It is understood that the right of inspections shall terminate thirty (30) days after the ACC has received a Notice of Completion from the Property Owner. Inspection by the ACC is done only to satisfy the requirements of this Declaration. The Association strongly recommends that Owners retain qualified building inspectors to inspect the construction or modifications for fulfillment of building code requirements.

SECTION 8 Notice of Noncompliance. If, as a result of inspections or otherwise, the ACC finds that any improvement has been constructed or installed without the Owner thereof first obtaining the approval of the ACC or was not constructed or installed in substantial compliance with the approved plans, or other materials furnished to, and any conditions imposed by the ACC, or has not been accomplished as promptly and as diligently as possible, then the ACC shall notify the applicant, in writing, of the noncompliance. Notice of noncompliance shall be given within thirty (30) days after the ACC receives a Notice of Completion from the Owner. The notice shall specify the particulars of the noncompliance and shall require the Owner to take such action as may be necessary to remedy the noncompliance.

SECTION 9 Construction Requirements. The exterior/improvement construction shall not begin before 7:00 a.m. and excessive noise equipment or machinery shall not begin before 8:00 a.m. All exterior/improvement construction shall be discontinued by sunset or no later than 8:30 p.m., whichever occurs first. To operate outside these parameters, approval must be obtained by all adjoining neighbors and must be provided to the Flying L POA's ACC Board Chair prior to any exterior/improvement construction. Failure to comply with the above stated restrictions will be considered a violation of the Flying L POA's Restrictive Covenants and will be subject to a \$500 fine and a 30-minute notice to cease all construction and vacate the job site. Multiple violations are possible.

SECTION 10 Completion Period. All exterior and interior construction shall be completed within one (1) year from the date of approval by the ACC Committee and as noted on the approved ACC application, including garage or carport and driveway. Additions or alterations shall be completed within three (3) months. As outlined in ARTICLE IX, Section 1, Construction shall commence within ninety (90) days of approval or the Owner will be required to re-submit the plans and specifications to the ACC.

SECTION 11 Failure of the ACC to Act after an Owner's Completion. If, for any reason other than the Owner's act or neglect, the ACC fails to notify the Owner of any noncompliance within thirty (30) days after receipt by the ACC of written Notice of Completion from the Owner, the improvement shall be deemed in compliance, if the improvement was, in fact, completed as of the date of the Notice of Completion.

ARTICLE XII. SETBACKS AND EASEMENTS

SECTION 1 The front property line is that line facing the street which serves the Lot.

SECTION 2 There are ten-foot (10') utility easements on all property lines. No permanent structures may be built within these easements; however, all Owners are advised that the utility is under no obligation to replace anything within the utility easement.

SECTION 3 Owners, at their own risk, may build driveways past the front lot line to connect with the existing road.

SECTION 4 Setbacks are established as thirty feet (30') back from the front property line and ten feet (10') back from the side and rear property lines.

SECTION 5 Those who own adjoining Lots and plan to build across the common property line shall obtain and file of record in the Real Property Records of Bandera County, approval from the various utilities, i.e., electric, water, gas, etc., vacating the utility easement on the common property line prior to construction. A copy of the recorded approval vacating the utilities easements must be provided to the ACC Committee prior to construction.