



Architectural Control Committee
Stoney Creek Park Subdivision

Application to Begin Construction of a New Home, Landscaping and Pool

Before submitting plans, please consult your copy of the Design Guidelines and the Declaration of Covenants, Conditions and Restrictions for Magnolia Trail. It is the responsibility of the lot owner to provide the contractor with a copy. If the lot is builder owned, it is the responsibility of the builder to provide any prospective purchaser with a copy of the Declaration of Covenants, Conditions and Restrictions for Magnolia Trail.

Article Three

3.03 Prior Approval: Without limitation, no building, garage, storage building, fence, wall, sign, exterior lighting, pole, antenna, television or satellite disc or dish, driveway, sidewalk, other walkway, parking lot, mailbox, other Structure, equipment or apparatus or any nature whatsoever, wither permanent or temporary, landscaping or Permanent Improvements shall be commenced, erected, constructed, placed or maintained upon any part or portion of the Property, nor shall any exterior addition thereto, change therein or alteration, excavation, subdivision, or resubdivision thereof, including without limitation changes in or alteration of grade, landscaping, roadways, and walkways, be made until the plans and specifications showing the nature, kind, shape, height, materials, color, location and other material attributes of the same shall have been submitted to and approved in writing by Developer or by an ACC. The plans and specifications must contain the following:

(a) A complete set of construction plans and specifications reasonably satisfactory to the Architectural Control Committee;

(b) A site plan of the Property, showing, with regard to all Permanent Improvements, the nature, exterior color scheme, kind, shape, height, proposed construction and landscaping materials, location of all existing and proposed Improvements with respect to the particular part of the Lot (including all easements and any proposed front, rear, and side setbacks), location with respect to Improvements on adjoining Lots, and the location of driveways;

(c) A grading, clearing and drainage plan for the Lot

(d) A landscape plan

Article Four

4.02 (cc) Landscaping Requirements: Each owner of a Lot or representative thereof shall be required to submit a landscape plan per the Legacy Bend, Stoney Creek Park Design Guidelines to the Architectural Control Committee for approval. These Design Guidelines may be amended from time to time at the discretion of the Developer and/or the Architectural Control Committee. In the event of any conflict between the Legacy Bend, Stoney Creek Park Design Guidelines and the terms and provisions of this Declaration, this Declaration shall control. Specific requirements may be imposed on specific Lots as deemed necessary by the Architectural Control Committee. All planting and landscaping materials shall comply with approved plant and material list as maintained by the Architectural Control Committee.

Property Owner(s) Name(s): _____

Current Address: _____

Stoney Creek Park Address: _____

Lot # _____ Phone: _____

Email address: _____

General Contractor: _____

My Contractor is ☐ is not ☐ approved and is on the Legacy Bend Approved Builder's List

Email: _____

Phone: _____

Projected Start and Completion Dates: (start) _____ (finish) _____

REQUESTED APPROVAL: *(Please check the box that describes the plans you are submitting. If you are not able to submit a pool plan now, one may be submitted later with a \$50 fee)*

- ☐ HOME & LANDSCAPE (Landscape plan at a minimum must have a tree clearing plan) \$100
- ☐ HOME, LANDSCAPE & POOL \$150 (Landscape plan at a minimum must have a tree clearing plan)

FEE SCHEDULES:

(Make check payable to: Genecov West Mud Creek, LLC. In memo line, include Stoney Creek Park 630)

- HOME & LANDSCAPE **\$100.00**
- HOME, LANDSCAPE & POOL **\$150.00**

HOW TO SUBMIT YOUR PLANS IN 3 EASY STEPS:

1. Return application & questionnaire
 2. Pay application fee and \$5,000 Refundable Builder Deposit
 3. Email building plans in PDF format or deliver paper drawing set
- Email application/questionnaire, digital plans and proof of insurance to Ben@genecov.com
 - Mail check and any paper plans to Ben Moore at 1350 Dominion Plaza, Tyler, TX 75703

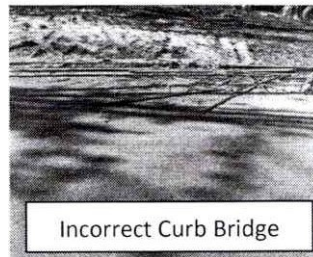
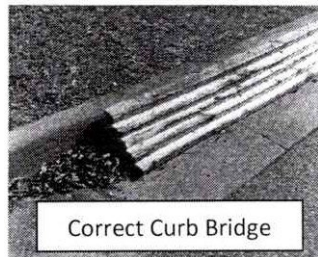
GENERAL INFORMATION

I understand that: The Architectural Control Committee (ACC) will approve or disapprove the application within 15 DAYS OF RECEIPT OF A COMPLETE APPLICATION AND ALL REQUIRED DOCUMENTATION. Incomplete applications will not be considered. If the completed application is disapproved, the reason for disapproval shall be given to the applicant so corrective measures can be taken and a new application can be submitted.

The ACC can only approve improvements that are in compliance with the applicable codes and the existing covenants and restrictions. An approval granted on improvements not meeting the requirements of the applicable codes and the existing covenants and restrictions will not act as a general waiver of the codes or the covenants and restrictions.

The Owner/General Contractor must agree to the following prior to any consideration by the ACC:

- A silt fence is required prior to starting construction and dirt work.
- Curbs should be spanned properly during all phases of improvement, including dirt work. Method of the proper spanning of the curb is to be determined by the Owner/General Contractor. Photos of correct and incorrect methods are shown below.



- During periods of heavy rainfall or other conditions causing mud to be created on the building site, Owner/General Contractor will cover the affected areas with hay or other suitable material to suppress the amount of mud and dirt carried onto the street and will be required to clean the street. Additional silt fence must be used to control silt if the initial silt fence is torn, ripped or compromised in any way. Please consider setting sandbags in the curbs on both sides of your construction entrance if mud and silt runoff. When mud or silt is found in the curb or on the street, a notice will go out with three (3) days to clean up. If the site is ignored, Genecov Development will clean the area and bill the buyers \$5,000 Refundable Building Deposit (more information is given below on the details of the Refundable Building Deposit).
- Owner/General Contractor is fully responsible for the conduct of all sub-contractors including and not limited to trash, littering, burning, loud music and unacceptable personal behavior.
- Subs are to park in the street and not in the lot to avoid unnecessary mud in the

streets.

- Appropriate methods of trash disposal will be provided, including dumpsters during construction.
- Contractor is fully responsible for following local, city, and state laws and ordinances.

\$5,000 REFUNDABLE BUILDING DEPOSIT:

This deposit will be used toward any remediation required to keep a clean and safe construction site and to ensure Design Guidelines and architectural restrictions are met, with an emphasis on trees and landscape requirements. Upon the City of Tyler issuing the final certificate of occupancy and the Building Checklist is complete and approved by the ACC, the remaining funds will be returned to the lot buyer.

Lot Owners, it is ultimately your responsibility to keep your builder committed to a clean and safe construction site since your deposit is subject toward paying bills in the event of the necessity of remediation. If this occurs, you will be notified in writing and given three (3) days to remediate the cause of the withdrawal. If no action is taken, developer will withdraw funds and receipt of work will be sent to the buyer.

Specific issues we have encountered in the past include keeping curbs and streets as clean as possible so existing residents are not impacted by mud and silt. Additional items that could be billed to the deposit include (but are not limited to) failing to adhere to the restrictions on sidewalks, column specifications, unapproved tree clearing, replanting trees, & erosion control. Buyers, it is your responsibility to ensure your builder will manage the construction on your lot in a way that avoids remediating issues.

INFORMATION ON TREE CLEARING PLAN FOR SITE CLEARING:

The Landscape Plan must include a tree clearing plan showing the location of all existing trees six (6) caliper inches or larger that are located outside the house pad site. The ACC wants to see what trees will be removed and which ones will remain. If you do not have a Landscape architect to map this out, simply chart all trees larger than 6 caliper inches around the house pad site and circle ones that will stay and "X" ones that will be removed. If smaller trees will remain on the lot, please indicate those as well.

We strongly discourage total clearing of the lot. Our desire is to preserve as many trees on site as possible, while providing enough room for trucks and machines to get in and build. Please do not totally clear your lot and consider putting orange netting around trees whose roots could get damaged by heavy machinery.

ADDITIONAL INFORMATION FOR ALL OWNERS AND BUILDERS:

- A. Homeowner(s) is responsible for obtaining all necessary permits for building.
- B. No construction activity shall take place prior to the approval of the ACC.
The ACC will take a minimum of eight (8) days and a maximum of fifteen (15) days to approve the project. If alterations are made prior to approval,

owner may be required to return the property to its former condition at their expense if this application is not approved wholly or in part, and owner may be required to pay all legal expenses incurred if legal action becomes necessary.

- C. Members of the Architectural Control Committee are permitted to enter on the property to make reasonable inspection of proposed construction locations.
- D. Owners and builders should read and understand the Design Guidelines for the neighborhood (found on legacybendtx.com) prior to submitting plans
- E. Roll off dumpsters and portable toilets should be placed on the lot (not in the street). *Note: if items are placed on the right of way, you may be asked to move them if necessary*
- F. Any approval is contingent upon construction or alterations being completed in a workman-like manner as per plans submitted.
- G. Installation or changes made prior to receiving proper approval is a violation of the Declaration and could result in penalties and/or fines.
- H. The approval by the ACC shall not be construed as a representation, warranty or assurance by the ACC or the Developer that the proposed improvements comply with applicable statutes, laws, ordinances, codes, rules, regulations, and requirements and shall not constitute the assumption of any liability on ACC or Developers part for their accuracy or compliance with such statutes, laws, ordinances, codes, rules, regulations and requirements.
- I. Legacy Bend POA, Inc. and its Board of Directors, Officers and Architectural Control Committee members hereby expressly disclaim any representation, liability, obligation, or duty in connection with the proposed construction described herein, including without limitation any warranty, either expressed or implied, of habitability, suitability, fitness for purpose, safety, compliance with applicable laws and restrictive covenants, or the effect of the proposed construction upon any surrounding property. By the execution and delivery of this application, the owner and/or applicant expressly covenants and agrees to indemnify and hold Legacy Bend POA, Inc., and it's officers, directors, committee members, employees, agents, successors and assigns harmless from any cost, loss, claim liability, damage, expense, or other obligation arising from, related to, or any way connected with the construction proposed herein or the effects thereof, including without limitation any claim by any person or entity that such construction (i) fails to meet the requirements of any applicable law or restrictive covenants (ii) is unsafe or unsound, or creates a nuisance or other dangerous condition, or (iii) inversely of improperly affect the drainage of the water on, across, or under the property in question or any surrounding property. I understand the construction applied for in this permit must be completed within a period of (12) months from DOA.

I certify that I personally have read the deed restrictions for Stoney Creek Park at Legacy Bend and understand the requirements mentioned above. To the best of my knowledge, these plans conform to the deed restrictions. In the event that I have failed to comply with said restrictions, I will take necessary measures to correct any nonconforming issues within thirty (30) days.

Date Submitted

Owner

Date Submitted

General Contractor

AFTER THIS APPLICATION HAS BEEN APPROVED OR REJECTED BY THE ARCHITECTURAL COMMITTEE YOU WILL RECEIVE A COPY OF THIS FORM SIGNED BY THE ACC.

Questionnaire for House Plan Submittals

Please answer all questions and submit all details. Submittals with incomplete information will be returned.

Home: (refer to 4.02 of Restrictions and appropriate supplement in Design Guidelines)

Style (check one): Traditional ☐ Contemporary ☐ Modern ☐ Foundation type: _____

Total Square Feet (total area under roof) _____ Living Area in Square Feet (area heated and cooled) _____ Does square footage meet minimum? (4.02 (c)) Yes ☐

Number of bedrooms: (total number of rooms) _____ Number of bathrooms: _____

Number of half baths: _____ Is the house drawn on site plan? Yes ☐

What is the scale? _____ Is the proposed house footprint and orientation with North pointer shown on site plan? Yes ☐ How many structures are shown on site plan? _____

Are proposed buildings to be built at this time? Yes ☐ No ☐ (the committee may not approve "future" improvements) Are all the building setbacks shown on site plan? Yes ☐

Indicate setbacks: Front: _____ Rear: _____ Left: _____ Right: _____

Is the primary structure placed behind the front building setback line & shown on site plan? Yes ☐

How far is the structure set back from the front property line? _____

Are all four elevations for the building included with this submittal? Yes ☐

Is scale shown on each sheet? Yes ☐

Tree Clearing: (refer to 4.02 (bb) and Design Guidelines, page 7)

Does a tree clearing plan show trees that will stay on all sides of the lot in order to begin construction? Yes ☐ **PLEASE USE COLOR TAPE TO MARK THESE TREES BEFORE CONSTRUCTION BEGINS**

With trees greater than 6" in diameter that are being cleared outside the house pad site, have you noted on the tree clearing plan an equivalent number of trees that must be replanted in their

place? Yes ☐ If so, did you select new trees from approved plant list with requirements meeting 10-12' tall with a minimum spread of 6 – 8' and at least 6" in diameter? Yes ☐ N/A ☐

Are tree "buffers" shown on plan? (Recommended if possible) Yes ☐ No ☐ Is any vegetation clearing going to be done in this buffer zone? Yes ☐ No ☐ N/A ☐ If yes, please describe and show on plan:

Driveway: (refer to 4.02 (m))

Is the path for driveway shown on plan? Yes ☐ What materials will be used? _____

What is the distance from edge of drive to property line? _____

What is the minimum width of driveway? _____

Exterior: (refer to 4.02 (g))

Percentage of Brick, including all exterior wall space. _____ %

Percentage of siding, including all exterior wall space. _____ %

Percentage of stone, including all exterior wall space. _____ %

Percentage of stucco, including all exterior wall space. _____ %

Does the site plan show drainage away from the primary structure? (**Refer to 4.02 (s)**) Yes ☐

Does the site plan note to connect gutters to underground drainage pipes? Yes ☐

Does the site plan indicate any retaining walls to be built? Yes ☐ N/A ☐

If yes, will a retaining wall need to be more than 4 feet tall? Yes ☐ No ☐ **If the wall is more than 4 feet tall**, a copy of the approved Permit must be provided to the **ACC PRIOR TO THE PLACEMENT OF FOUNDATION/SLAB**.

Are the retaining walls shown constructed out of the same material as the exterior of the home?

Yes ☐ No ☐ For lots whose retaining wall faces common area space along Hollytree Dr, is it noted on plan that the wall will be constructed with the Legacy Bend development stone?

Yes ☐

Is the proposed gas meter location on plan? Yes ☐

Is the proposed water connection at street shown on site plan? Yes ☐ N/A ☐

Are any existing street drains shown on site plan? Yes ☐ N/A ☐

Is there a chimney on the plan? Yes ☐ No ☐

List materials to be used on chimney: _____

List width, height, and depth of chimney? _____

What roofing materials are to be used? Shingle Type: _____

Are all gables that face the street at least 12/12 pitch? Yes ☐

How many Garage doors are shown? _____ (refer to 4.02 (b))

Sizes of garage doors? _____ In addition, will there be a detached garage? Yes ☐ No ☐

If detached, is it 80% Masonry? Yes ☐ Does the detached garage open away from the street, or face the street and covered by a porte-cochere? Yes ☐

Location of the *attached* garage- check one: Side ☐ Rear ☐

Does electrical plan show garage opener? Yes ☐

(refer to IX in Design Guidelines) Does plan show a designated and concealed spot for trash cans? Yes ☐

Colors:

Color of trim _____ Color of roofing materials _____

Color of brick _____ Color of mortar _____

Color of siding _____ Color of Stucco _____

Color of Garage Doors _____ Color of Chimney _____

Other exterior Colors _____

Are exterior color samples submitted with plan set? Yes ☐

Sidewalks: (refer to 4.02 (h) Design Guidelines, page 4)

Is the private walkway from the street to dwelling shown on site plan? Yes ☐

Does the private walkway include a curvilinear shape (preferred)? Yes ☐ No ☐

What is the width of the private walkway? _____ Does the site plan show a 4' community sidewalk? Yes ☐ If the lot is NOT in the curve of a cul-de-sac, does the 4' community walkway show an alternating curvilinear design? Yes ☐ N/A ☐ (lot is in the cul-de-sac)

Curvilinear Design: See Exhibit A in the Design Guidelines

Fences: (refer to 4.02 (e) and in Design Guidelines, section VIII)

Are proposed fence materials labeled on plan (i.e. Cedar, iron)? Yes ☐

Are proposed fences on property line? Yes ☐

If column is shown, what materials are to be used on the exterior columns for the fence?

Materials to be used for fencing? Front _____ sides _____ rear _____

*The portion of fence on the front of home, parallel to the street must be black ornamental iron

Pool: (Refer to 4.02 (ee) Drawing and complete plans of in-ground pool required)

Is there a proposed pool shown on plan? Yes ☐ No ☐

Are all easements and setbacks shown on the site plan? Yes ☐

Is proposed pool outside of all utility easements? Yes ☐ Do you show landscape to screen equipment on your site plan? Yes ☐ N/A ☐

Landscaping (refer to Design Guidelines, page 7):

Is there a landscaping plan turned in with the app? Yes ☐ Will turn in 4 weeks before install ☐

If yes, does plan show flower bed locations on site plan? Yes ☐ Does plan show 2 required trees in the front yard, either preserved trees or replanted? Yes ☐ Does site plan show landscape to screen A/C units? Yes ☐

Next 3 questions only for lots 48, 53 & 54 (refer to Design Guidelines): Does landscaping

plan show additional tree required in back or side yard? Yes ☐ Does plan show

additional required tree in front yard? Yes ☐ Does the landscaping plan show shrubbery

planted in natural patterns along the fence line that obscures visibility through fence? Yes ☐

Insurance:

Does builder have Builder's Risk Insurance coverage? Yes ☐ No ☐ If No, please explain:

The section below is for any additional comments you would like the committee to consider in the application review process:

(For office use only)

Is the landscaping plan consistent with the majesty of the residence?

Is the front exterior elevation consistent with the overall design of the community? _____

Is the house footprint and orientation, acceptable? _____

POSSIBLE REASONS FOR DENIAL

- ☐ Incomplete application: holding until more information is given
- ☐ Incomplete drawings, photos, unclear photos, lack of proper labeling.
- ☐ Proposed house too similar to NEIGHBORING house(s).
- ☐ Other _____

Approved: Yes _____ No _____

Date: _____
