

Emerald Bay

Design Guidelines

Published: December 3, 2024

Owner/Developer/Applicant:

821 Investments, LLC

6850 TPC Dr. Ste 104

McKinney, Texas 75070

(972) 529-1371

Table of Contents

Introduction.....	4
Architectural Design Guidelines for Residential Structures	5
1 Area Requirements	5
2 Site Work	5
3 Elevations	5
a. Occurrence	5
b. Masonry	5
c. Windows	5
d. Roof.....	6
e. Chimney.....	6
f. Front Door.....	6
g. Floor Plate.....	7
h. Garage Door.....	7
i. Exterior Paint Colors.....	7
j. Security Doors and Windows.....	7
4 Driveways	7
5 Landscape	7
6 Irrigation	8
7 Mailboxes	8
Address Plaques	8
8 Fencing	8
a. Interior Lot Fences	8
b. Open Spaces.....	9
9 Walls and Landscape Borders	9
10..... Accessory Structures	9
11 Decks and Balconies.....	10

12	Patios/Shade Structures	10
13	Free standing structures or Patio Extensions	
a.	Conceptual Plan Submittal.....	10
b.	Final Plan Submittal	11
c.	Plan Approval Procedure	11
d.	Review Fee	11
	ADDENDUM “E-1”	12
	ADDENDUM “E-2”	29

Introduction

The vision for Emerald Bay is to create a unique Planned Community that artfully blends historical design elegance with current design practices and materials. Through intentional and thoughtful planning, Emerald Bay has endeavored to seamlessly enhance Cedar Creek Lake access, landscape material and architecture to create an extraordinary outdoor environment enriching the lives of all Emerald Bay residents and visitors.

Creating a Planned Community requires a set of unified and cohesive standards for the benefit of all. These Design Guidelines have been prepared and adopted by the Declarant pursuant to the Declaration. They have been developed to support and accentuate the natural terrain and amenities developed for Emerald Bay. The integrity and design philosophy are intended to ensure the creation of a pleasant physical environment both during and after construction. They have been established to explain design requirements and the design review process for development in Emerald Bay. The Design Guidelines provide a framework that ensures a well-designed community while allowing for creative site design and diverse architectural solutions.

These Design Guidelines establish standards that are consistent with the special character and quality intended for Emerald Bay. These standards are intended to assist design professionals, builders and homeowners in the planning, design and implementation of site elements and improvements.

These Design Guidelines govern all Property subject to the Declaration (CC&Rs). Unless otherwise specifically stated in these Design Guidelines, all plans and materials for construction projects or design issues on a Lot must be approved before construction activity begins. Unless otherwise specifically stated in these Design Guidelines, no structure may be erected upon any Lot and no improvements (including staking, clearing, excavation, grading and other site work, exterior alteration of existing improvements, and planting or removal of landscaping materials) shall take place without receiving the prior written approval of the Reviewer or Architectural Review Committee (ARC) as described below.

While any Owner may remodel, paint, or redecorate the interior of his or her dwelling without approval, any exterior alteration, decoration, or construction visible from adjoining properties, the public right of way, or community open space (such as, without limitation, screened porches, and patios) requires approval. Where these Design Guidelines specifically allow an Owner to proceed without advance approval, such allowance shall only be effective so long as the Owner complies with the requirements of the stated guideline.

Owners are responsible for ensuring compliance with all requirements stated herein, and with those set forth in the Declaration and any subsequently adopted Declarations. Owners should review and become familiar with these documents, particularly the Use Restrictions promulgated in accordance with Article XI of the Declaration.

The Reviewer/ARC will determine if a violation to these Design Guidelines has occurred. In the event of any violation of these Design Guidelines, the Declarant or the Reviewer/ARC may take any action set forth in the Declaration.

Because of the wide variety of construction techniques, materials, and colors available, it is not possible to address every potential issue that may arise. Therefore, any details provided in an application for review, or which arise on the Lot during construction or modification may be approved or disapproved by the Reviewer/ARC, as defined herein, at its sole discretion.

The provisions of these Design Guidelines shall be held to be the minimum requirements for the promotion of the health, safety, welfare, order, and prosperity of the present and future residents of Emerald Bay, where

the conditions imposed by any provision of these Design Guidelines are less restrictive than comparable conditions imposed by a Caney City or Henderson County permit requirement or building code or regulation, the more restrictive provision shall govern.

These Design Guidelines have not been developed for the purpose of approving construction permits. Any necessary construction permits are to be submitted to Caney City. Likewise, permits required by the Caney City or overlapping governmental authority do not supersede the requirement for Reviewer/ARC approval prior to construction. In the event these Design Guidelines impose more conditions than those required for the issuance of a permit, the conditions of the Design Guidelines shall govern.

These Design Guidelines are intended to be in harmony with the requirements of the Caney City and Henderson County on the Property. Owners and Builders are encouraged to review any applicable zoning on the Property including, but not limited to the City Zoning Ordinances and the regulations imposed by Henderson County (collectively, the “Overlapping Regulations”). Where the conditions imposed by any provision of these Design Guidelines conflict with the conditions imposed by any provision of the Overlapping Regulations, the more restrictive provision shall govern.

Architectural Design Guidelines for Residential Structures

1. Site Work

Finish grades shall not direct or concentrate storm water flow onto adjacent Lots and should follow the City approved grading plans within the construction documents for each phase. Anytime a builder alters the grading of the aforementioned grading plans and a slope greater than 4:1 is created by such changes it is the builder’s responsibility to provide retainage; retaining walls shall be constructed with stone, and the stone utilized shall be uniform throughout. If side yard retaining walls are not desired, a 4:1 slope must be achieved between the foundation and the side property line by other measures, such as a drop foundation beam or stem walls; however, in no case shall an exposed foundation exceed one (1) foot. If the exposed beam exceeds one (1) foot, then the builder shall drop the brick ledge as required to limit the exposed beam.

2. Elevation

To promote diversity of traditional Architectural styles these guidelines do not define a specific architectural style, such as “old world” etc. Instead, it will focus on the architectural design elements such as scale, proportion, 3-dimensional massing, and appropriate detailing for any architectural style proposed. As such, the review of homes will be subjective in nature and approvals will be at the sole discretion of the Reviewer/ARC

a. Masonry

Lots facing a street shall be fifty (50) percent masonry exclusive of doors, windows and other architectural elements in the second story not supported by a vertical exterior wall plane such as dormers etc. (these elements may be cementitious siding, stucco or approved equal), and the side and rear elevations not facing a public street shall be a minimum of fifty (50) percent masonry each; In addition, the same masonry facades utilized across the front elevation must wrap and continue along each side elevation a minimum of two (2) feet for interior Lots and four (4) feet for corner Lots. Exterior elevations of accessory structures shall complement exterior material utilized on the primary residence. All accessory structures shall be reviewed and approved by the Reviewer/ARC.

b. Windows

Windows may be wood or vinyl and shall be of clear or divided light glass. The use of reflective glass or tinting is prohibited. In General, all window coverings facing public open-space, streets, amenities, or

common areas shall be white, light beige, black or natural wood tones. White curtain lining is acceptable. The use of colored solar screens is permitted subject to Reviewer/ARC approval. Solar screens must have divided light frames. .

c. Roof

- i. Pitch: Lots, the roof pitch shall be 8:12 or greater for traditional style homes. Lower roof pitches may be approved on a case-by-case basis or architectural style/design, such as Contemporary or Mediterranean. A minimum 30-year architectural dimensional composition shingle, man-made slate, metal, concrete tile, or equal is required; no three-tab shingles are permitted. All roofing material and color must be approved by the Reviewer/ARC.
- ii. Penetrations: No plumbing stacks, venting stacks, skylights, or attic ventilators shall penetrate the roof surfaces facing a street or common/open space areas or be visually dominant from the street or common/open space areas; all roof penetrations shall be painted to blend with the roof material. It is understood that some Lots may have limited capabilities to comply with this requirement and in these special situation's variances will be granted on a case-by-case basis.
- iii. Gutters: Gutter are required and shall be an integral part of the architecture and disperses drainage to either the street or greenbelt areas. Gutters shall not drain across Lot lines without the benefit of an easement.
- iv. Solar Energy Panels: For purposes of the Association, the term "Solar Energy Panel" or "Panel" means a panel device or system designed primarily to collect solar energy and subsequently use the solar energy as a thermal, mechanical, or electrical energy source specifically for the home on which it is installed. Solar energy panels may not be installed without the prior written approval of the Architectural Review Committee (ARC). The solar energy panel or system must not extend beyond the roof line and all support brackets or wiring must be black or bronze only. The intent of this section is to allow the installation of Solar Energy Panels but to maintain, to the greatest extent possible, the aesthetics of the community and the harmony established by the plan of development for the Association. Solar Energy Panel submittals shall include a site plan of the lot showing the home, accessory structures, shade trees, property lines, and the proposed solar energy panels. In additions, pictures of the proposed roof locations, drawings of system, specifications of system, efficiency diagrams, and cut sheets of all components including dimensions, colors, materials. ARC exceptions to the requirements above may be granted on a case-by-case basis but only to comply with state law; exceptions will require the planting of additional trees in an effort to screen the solar energy panel or system and meet the stated intent above.

d. Chimney

Chimneys on the front elevation or that are visible from a street or common/open space area shall be 100 percent brick or masonry materials.

e. Front Door

All front doors shall be a minimum eight (8) feet in height and three (3) feet in width. The front door shall be wood, metal with glass or an approved equal; fiber glass front doors are not permitted.

f. Floor Plate

The minimum Plate height for the first floor shall be nine (9) feet. Eight (8') floor plate along a side elevation that are disguised across the front elevation and that "pop-up" to 9-feet within the residence may be approved on a case-by-case basis. Eight (8) feet across the front elevation is not permitted.

In addition, the minimum combined plate height for two story elevations shall not be less than eighteen (18) feet, unless otherwise approved by the ARC.

g. Garage Door

All garage doors shall be a minimum of eight (8) feet in height. Each garage door shall be equipped with an automatic garage door opener. The following garage door restrictions shall apply: (1) garage doors that face the street shall be a minimum of twelve (12) inches behind the front building line, (2) no more than three (3) garage doors may face the street without individual Reviewer/ARC approval.

h. Exterior Brick and Paint Colors

Brick color (or paint color if exterior is painted) is allowed. The trim colors of each home will be limited to a specific color family, complementary of the brick/stone/stucco selection. All exposed exterior flashing, gutters and downspouts shall be painted a color to match. Garage doors, if painted, shall be a subtle variation of the primary house color and must be painted one color. Two-toned garage doors are not permitted without ARC approval.

i. Security Doors and Windows

Requests for security treatments for doors, storm doors, and windows must be approved by the Reviewer/ARC prior to installation; however, the use of "burglar bars," steel or wrought iron bars, or similar fixtures on the exterior of any windows is strictly prohibited. Reviewer/ARC approval is not required for the addition of full glass residential style doors to a home or an accessory building so long as the trim of the full glass window matches the home.

3. Driveways

Driveway designs, colors, or finishes and pavers are encouraged but must be approved by the Reviewer/ARC. No driveway shall exceed eighteen (18) feet in width at the right-of-way line and for a distance of five (5) feet outside the right-of-way without advance approval by the Reviewer/ARC. In no case shall all 3 garage doors have a driveway that directly connects to the street creating a driveway wider than the maximum width, driveways wider than 18-feet that connect to the street may be permitted on a case-by-case basis. Driveways outside of garage more than 2 feet requires Reviewer/ARC approval. In no case shall the drive be closer than three (3) feet to the side lot line.

4. Landscape

All landscape plans shall be approved by the Reviewer/ARC. All landscape material shall be installed within sixty (60) days of substantial completion.

a. Turf

All areas outside of the beds shall be fully sodded. In the rear yard, decomposed granite, pavers, or similar non-turf ground covers can be used as a decorative element. In the side yard, behind the fence and between the house and the side yard fence, decomposed granite, pavers, or similar non-turf ground covers can be used in place of sod. The installation of any non-turf ground cover shall not alter established drainage patterns on the Lot which it is installed or neighboring Lots, common areas or easements. Artificial turf will be considered case-by-case.

Under no circumstances shall any permanent structure be placed or constructed closer than seven and one-half (7.5) feet from any property line except for Lots 4,5,9,13,14, 28, and 37 which can be five (5) feet. Furthermore, if the fence is not directly on any property line because a retaining wall is present, the structure must be at least Seven and one-half (7.5) feet from the fence except for the Lots listed above. Any permanent structure in the rear yard, including but not limited to playscapes, covered patios, arbors, etc. that is taller than six (6) feet in height must be placed at a minimum ten (10) feet from the fence for corner lots on the street

side or from any interior property line or provide landscape screening for the structure which shall be maintained in perpetuity; when accessories, such as pool slides and play equipment, provide direct views into a neighbor's home screening is required, this typically occurs rear yard to rear yard.

5. Irrigation

Each Lot shall be equipped with a fully automatic sprinkler system which covers the rear, side, and front yards as well as associated parkways. All irrigation should be designed to have overlapping coverage. Controller devices must be located inside the garage.

6. Mailboxes

The U.S. Postal Service requirements dictate the installation of cluster boxes and thus no other mailboxes shall be allowed, including but not limited to, double mailboxes on a single post, wrought iron or cast alloy posts, brick mailboxes or other types of individual mailboxes. The method of mail delivery is dictated by the U.S. Postal Service.

7. Address Plaques

Address plaques/blocks are to be made of cast stone with painted or 6-inch pinned numbers. The plaque shall be mounted on a conspicuous vertical surface clearly visible from the street.

8. Fencing

On all Lot types, fencing shall be six (6) feet in height as measured from the finished grade or top of retaining wall, the top of all fences shall be horizontally level and stepped down at the post with grade changes after a maximum of twelve (12) or a minimum of three (3) inches of vertical change. The "fence return" between the side yard fence and the home shall be a minimum of six (6) feet in front of the rear elevation, excluding a covered patio, and a minimum of six (6) feet behind the front elevation. All wood fences shall be constructed with western red cedar (#1 or "standard and better"); the fence shall be comprised of 1 x 6 pickets with a 1 x 4 trim rail flush with the top of the fence, and a 2 x 6 cap. Pine and spruce are not permitted fencing material. All wood fencing must be stained with Ready Seal os- 015B Pecan. Posts shall be steel or galvanized metal pipe and in no case shall metal poles be permanently visible to a street or common area. All fences on top of a retaining wall shall place the "good side" of the fence towards the lower Lot, meaning that the poles are visible from the up-hill side. "Double fences" are not permitted. Where masonry columns exist, side yard fences should tie to the center of the column.

a. Interior Lot Fences

On all other Lots, the minimum standard shall be a board-to-board privacy fence.

b. Open Spaces

All Lots with side or rear Lot lines contiguous to open space areas or floodplain, unless otherwise specified by the Enhanced Screening and Paving Plan, shall have an open appearance, with ornamental metal fencing and adhere to the design specifications of “Metal Fence Detail”.

9. Walls and Landscape Borders

The installation of walls requires Reviewer/ARC approval. Walls should appear as extensions of the home’s architecture and be complementary to the main structure. Walls may be used to enclose and define courtyards, extend, and relate the building forms to the landscape, and provide security and privacy. In no case should they block community views to public open space. Freestanding walls shall not exceed six (6) feet in height. Low decorative walls that are part of the landscape design will be considered. The Owner/Builder of the “high side” property shall be responsible for installation of side property line retaining walls. Pursuant to the Declaration, the foregoing standards are intended as an aesthetic guide only. Neither the Declarant nor the Reviewer/ARC ensures the soundness, structural integrity, or effectiveness of retaining walls constructed in conformity with this section. Neither the Declarant nor the Reviewer/ARC shall be responsible for ensuring the structural integrity or soundness of any approved retaining wall. Reviewer/ARC approval is required prior to installing borders around landscape beds.

10. Accessory Structures

Reviewer/ARC approval is required prior to construction of any accessory structure, including but not limited to sheds and permanently installed playhouses. Accessory structures should serve as functional elements and enhance the aesthetic qualities and visual theme of Emerald Bay. The aforementioned accessory structures shall be located in the rear yard or in a location not prominently visible from the street and shall adhere to the standards herein. Storage sheds will not be permitted on homes along the Common Area or public open space Lots. Storage sheds shall be architecturally compatible with the home. If approved, accessory structures shall meet the following criteria:

- Enclosed accessory conditioned structures shall be of the same color, material, and architectural style as the main residence or of color, material, and style that is generally recognized as complementary to that of the main residence. The dimensions and location of the proposed structure will be reviewed on a case-by-case basis.
- An accessory structure’s roofing materials shall match those of the main residence or be a material generally accepted as complimentary to the residence.
- Utilities servicing accessory structures shall be installed underground.
- Accessory structures shall conform to the side and rear yard setbacks.

11. Decks and Balconies

Reviewer/ARC approval is required prior to the installation of a deck or balcony. Decks and balconies shall be constructed of wood or composite types of material similar to that of the residence and, if painted, shall be painted the same color or generally accepted as complementary to the residence. Decks and balconies shall be installed as an integral part of the residence. Any such decks or balconies shall be located so as not to obstruct or diminish view from or create a nuisance for adjacent property owners. Construction shall not occur over easements and shall comply with applicable Design Review procedures.

12. Patios/Shade Structures

- Reviewer/ARC approval is required prior to the construction of patio covers, open patios, and enclosed patios. Freestanding patio covers and roof extensions (loggias) are acceptable but must be submitted for review by the Reviewer/ARC. Patio cover (without a solid composition or metal roof), headers, and posts shall be constructed of wood (cedar) or masonry and of a material generally recognized as complementary to the residence and shall be similar to or generally recognized as complementary in color to the exterior color of the residence. Wooden (cedar) patio support posts shall be a minimum of 6"x6" in size; masonry columns are also permitted and shall be a minimum of 12"x12" in size. Patio covers and enclosed patio roofing must match the main roofing material and color or be a material generally accepted as complementary to the residence. Enclosed patios shall be constructed of materials that are similar to or generally accepted as complementary to those of the residence. Open patios should be an integral part of the landscape or plot plan and shall not be located closer than five (5) feet from any property line. Free standing structures may not be located closer than ten (10) feet from any property line or fence without additional landscape screening. For covered patio extensions, the maximum plate height or bottom of the beam shall match the plate height of home. For free standing structures, the maximum height to the bottom of the beam is 9-feet. The maximum height of a freestanding structure is 14-feet. The minimum roof pitch is 3:12.
- Open air structures with a roof shall be constructed with wood (cedar). Walls, beams or post/columns may be masonry or wood (cedar) similar to the residence. Structures shall be stained earth tone colors. Any approved variation to these requirements may require a living screen.

13. Free standing structures or Patio extensions with a composition or metal roof may utilize non-cedar rafters, fascia and soffits provided they are clad. Cementous products along the fascia and soffit are permitted. Post, columns, and walls may be wood (cedar) or masonry. Visible headers, beams, ceilings and ornamentation spanning between post shall be cedar or clad with cedar. Cedar shall be stained earth tones colors. Any approved variation may require a living screen. Special Plan Submittal/Approval Procedure

a. Conceptual Plan Submittal (with Conceptual Plan Application and Checklist – Addendum “E-1”)

The owner/builder shall submit the Conceptual Plans electronically, together with the completed Conceptual Plan Application and Checklist, the form of which is attached hereto as Addendum “E-1” (and which may be amended or supplemented by the Reviewer/ARC from time to time), to include:

1. Conceptual Site Plan showing, at a minimum, house location, square footage, any outdoor structure(s), including fencing, pools, pool cabanas, arbors, etc., and shall indicate materials, dimensions, and elevations.
2. Conceptual Architectural Plan for all structures to be built on the Lot showing, at a minimum, the floor plan, square footage, all elevations with materials, height, roof pitch, color, and any other information necessary so as to give a conceptual description of the architecture of the residence and

other structures to be built on the Lot.

b. Final Plan Submittal (with Final Plan Application and Checklist – Addendum “E-2”)

Upon initial approval of the Conceptual Plans, the owner/builder shall submit the final Site Plan (herein so called) and final working architectural drawings and specifications (the “Architectural Plans”) electronically for all improvements to be built on the Lot, together with the completed Final Plan Application and Checklist, the form of which is attached hereto as Addendum “E-2” (and which may be amended or supplemented by the Reviewer/ARC from time to time) to include all elements required in the Conceptual Plans.

Finally, the owner/builder shall submit the landscape plan (the “Landscape Plan”) electronically to the Reviewer/ARC no later than one hundred twenty (120) days after receipt of approval of the Final Plan Submittal. No flatwork is to be done prior to landscape plan approval. The Landscape Plan must show existing trees (and any trees to be removed) and landscaping and specify all materials by common name, plant spacing and size at time of planting. Landscape Plans shall be prepared by a landscape architect or designer and shall detail all proposed trees, fence (type and locations), walls, planting structures, sidewalks, patios, driveways, pools, drainage improvements, sprinklers, lighting locations, etc.

c. Plan Approval Procedure

The Reviewer/ARC shall, within twenty-one (21) days after receipt of each required submission of plans (i.e., the Conceptual Plans, the Architectural Plans, the Site Plan, the Landscape Plan, etc., herein referred to individually as a “Plan” or collectively as “Plans”) advise the party submitting the same, in writing, at an address specified by such party on the application to be submitted with any submission of Plans, of (i) the approval of Plans or (ii) the disapproval of Plans, specifying the segments or features of the Plans which are objectionable and suggestions, if any, for the curing of such objections. In the event the Reviewer/ARC fails to advise the submitting party by written notice within the time set forth above of either the approval or disapproval of the Plans, the applicant may give the Reviewer/ARC written notice of such failure to respond, stating that, unless the Reviewer/ARC responds within ten (10) days of receipt of such notice, approval shall be deemed granted. However, no Plans, whether expressly approved or deemed approved pursuant to the foregoing, shall be inconsistent with the Design Guidelines unless a variance has been granted in writing by the ARC.

Upon approval and completion of the Architectural Plans, two (2) full sets of the Architectural Plans (including color samples and exterior materials samples, as applicable) and two (2) copies of the Site Plan shall be submitted to the Reviewer/ARC before construction begins. The Reviewer/ARC will review again, sign and return one copy of each thereof to the submitting party.

Upon approval and completion of the Landscape Plan, two (2) full sets thereof (including color samples, as applicable) shall be submitted to the Reviewer/ARC before any flatwork begins. The Reviewer/ARC will review again, sign and return one copy thereof to the submitting party.

d. Review Fee

A \$50 review fee for each residence is required at time of Conceptual Plan submittal to cover the cost of the review/approval process. The review fee is non-refundable under any circumstances. Until the review fee is paid, no time periods described under this Plan Submittal section for approval of any Plans shall begin to run.

ADDENDUM “E-1”

Conceptual Plans Application and Check List

Address: _____

Builder Name: _____

Homeowner: _____

Homeowner Address: _____

City, State, Zip: _____

Preferred Phone No.: _____

Circle One: Cell Home Work

Alternate Phone No.: _____

Circle One: Cell Home Work

- \$50 HOA Review Fee (Due on submittal of Conceptual Plans)
- Two Digital sets Conceptual Architectural Plans of Home, Pool Cabana, etc.
- Two Digital sets of the Conceptual Site Plan
- Site Plan must include Driveways, Walks, Pool, Sport Courts, Fence, Cabana, etc.
- All proposed Stone/Brick Materials

NOTES: _____

ADDENDUM “E-2”

Final Plans Application and Check List

Address: _____

Builder Name: _____

Homeowner: _____

Homeowner Address: _____

City, State, Zip: _____

Preferred Phone No.: _____

Circle One: Cell Home Work

Alternate Phone No.: _____

Circle One: Cell Home Work

_____ Two (2) digital sets of Final Architectural/Design Plans of Home, Pool Cabana, etc.

_____ Two (2) digital sets of the Final Site Plan
Site Plan must include Driveways, Walks, Pool, Sport Courts, Fence, Cabana, etc.

_____ Driveway and Walkway Finish

_____ All Exterior Structures Stone/Brick Selection – Sample, Name, Source Phone
Number to be included

_____ Exterior Color Chip Samples

_____ Roofing Material Type and Color/Selection

_____ Windows – Manufacturer Style and Color

_____ Two (2) digital sets of Final Landscape Plans (within 120 days of Approval of Final
Plans)