

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF LBV PROPERTY OWNERS' ASSOCIATION, INC.  
REGARDING LANDSCAPE GUIDELINES**

This Policy is intended to modify Article III, Section 7 of the Declaration of Covenants, Conditions, and Restrictions (CCR's) filed document number 264992 in the Official Public Records of Aransas County, Texas. The LBV Property Owners' Association, Inc. (LBV POA), acting through its Board of Directors, has adopted the following:

WHEREAS, in the best interest of the Association in light of frequent and persistent drought conditions in the area, the Association has adopted the following policy for the purpose of Water Conservation. Since the passage of TX SB198 in June 2013, HOA's must not unreasonably restrict homeowners who desire a landscape that saves water. Under this new law, the following xeriscape standards set guidelines for homeowners that decide to xeriscape within the LBV Property Owners' Association.

BE IT RESOLVED, that the Association's supplementary guidelines, effective August 9, 2017, for Owners and Members are as follows:

**Promote the use of Xeriscaping Practices**

Xeriscaping means using native and adapted plants that will grow and sustain themselves with low water requirements and that can tolerate heat and drought conditions.

To promote xeriscaping LBV POA will allow reasonable variances to the requirement for full green lawn (turf) areas. Up to 60% of available yard vegetative space may be Xeriscaped, and, at least 40% of the visible lawn area should contain a turf grass. Available yard vegetative space is defined as the area remaining on the lot after the home, driveways, pool and porches are established. Complete removal of grass/sod/turf will not be allowed. Property Owners must continue to maintain at least 40% of your front lawn as turf grass.

**Available Yard Vegetative Space**

Available yard vegetative space is defined as the area remaining on the lot after the home, garages and driveways, pool and porches are established.

**Approval for New Landscaping Design or Changes to Existing Landscaping**

Prior to landscaping upon completion of a new home or changing existing landscaping, homeowners must submit a request for variance to the Architectural Control Committee (ACC). The request must include an outline of the project and a design plan, as well as details on the types of plants, the ground covers, border materials, irrigation plan and hardscape materials to be used. Consideration of water flow and drainage issues must be addressed as part your submission. Installation of the new xeriscaping cannot begin until the variance has been approved. Once landscape installation has commenced, the project must be completed as approved. The project must commence within six months of approval date and must be completed within nine months from commencement.

**Ground Cover**

If a variance is granted, non-turf areas can contain decomposed granite, ground hardwood mulch, river rock, flagstone, crushed limestone, plants or other materials, as approved by the ACC, for a ground cover. The ground cover must be maintained to prevent weed growth. Paver stones and flagstone may be used to create walkways. Concrete surfaces are limited to driveways and sidewalks only.

**Borders**

Xeriscaped areas must be surrounded by a border to clearly define the Xeriscaped areas from the Turf areas. You may use plastic-based edging, vinyl composite edging or masonry products including stone, clay brick pavers, or concrete masonry units manufactured for landscaping. All masonry products must be properly secured to avoid displacement and weed encroachment or growth between masonry units.

Brick/masonry must be approved for color and type; if brick units are to be used they must be solid units, not those with holes. No "common" or CMU concrete blocks are permitted. You may not use wood materials like pressure treated 2x4's or railroad ties to enclose your Xeriscaped areas, due to potential toxicity. Borders must be maintained as part of the landscaping and kept in attractive condition.

### **Hardscapes**

Hardscapes can include large boulders and other natural materials that are used as part of the xeriscape design. Any proposed landscape "decorative items" such as birdbaths, statuary, or other similar items must be approved in advance. Urns, pots, and other man-made ornamentation can add variety, but may not exceed four (4) items in public view. Rain barrels, if used, must not be visible from the street.

### **Weed Barriers / Landscaping Fabric**

Any materials used to restrict weed growth in your Xeriscape must be hidden from view (covered by mulch or other acceptable substrate).

### **Landscape Maintenance**

Xeriscaped areas are subject to the same maintenance requirements as other landscaping and must be maintained at all times to ensure an attractive appearance. Plants must be trimmed, beds must be kept weed-free, and borders must be edged. Sickly and dying plants must be removed and replaced. Perennials that die back during winter must be cut back to remove dead material. This includes ornamental grasses and shrub-like flowering perennials that go dormant to the ground in winter. Mulched areas must have fresh mulch reapplied as needed, and you should plan to re-mulch at least once per year.

### **Turf Grasses**

Homeowners may wish to consider replacing "thirsty" turf grasses such as St. Augustine with turf that has lower requirements. Artificial turf is prohibited in the front of the home as seen from the street.

### **Plants / Trees**

A local plant nursery or landscaping professional can assist in making a determination of which plants to use in your design. Invasive plants, like invasive nandina, running varieties of bamboo, Chinese Tallow and Chinaberry trees are prohibited. Per the original restrictions, you are required to have at least six (6) palm trees with a minimum height of 10' and a minimum diameter of 4".

### **Irrigation**

Xeriscaped areas must have a drip irrigation system, not an active built-in irrigation system, unless it is a system that has been adapted to a drip system. A built-in irrigation system that is not adapted to drip defeats the purpose of Xeriscaping, and is unlikely to achieve water conservation.

To the extent these guidelines contradict with any previous guidelines, rules, covenants, or restrictions, these guidelines shall supersede. These guidelines are supplementary and are in addition to any and all other covenants, conditions, restrictions, rules, and guidelines in effect for the Association. **(THE 6 PALM TREE REQUIREMENT REMAINS IN EFFECT PER THE ORIGINAL RESTRICTIONS)**

This resolution was adopted by the Association to be effective August 9, 2017.

*(Certification on next page)*

CERTIFICATION

"I, the undersigned, being the President of LBV Property Owners Association, Inc. hereby certify that the foregoing Policy was adopted by The LBV Board of Directors."

Gayly G. Opem

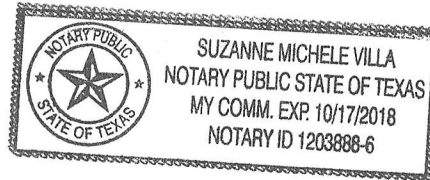
Gayly G. Opem  
President, LBV Property Owners' Association, Inc.

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF ARANSAS   §

This instrument was acknowledged before me on the 18<sup>th</sup> day of August, 2017, by Gayly G. Opem of LBV Property Owners' Association, Inc., on behalf of said Association.

Suzanne Michele Villa

Notary Public, State of Texas



✓ After Recording, RETURN TO:  
Jeanne Hunter, Secretary  
LBV Property Owners' Association, Inc.  
19 La Buena Vida Drive  
Aransas Pass, TX 78336

**FILED FOR RECORD IN  
OFFICIAL PUBLIC RECORDS**

AT 2:42 P. M.

②  
3/29<sup>00</sup>pd.

OCT 20 2017

STATE OF TEXAS—COUNTY OF ARANSAS  
I hereby certify that this Instrument was FILED on the date and at the time affixed hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of ARANSAS COUNTY, TEXAS, as stamped hereon by me.



Valerie K. Amason  
VALERIE K. AMASON, COUNTY CLERK,  
ARANSAS COUNTY, TEXAS