

Hide-A-Way Lake Club, Inc.

## **BUILDING CODE**

This document presents various construction standards for buildings, roads, and drainage. It also lists building restrictions as defined in the original Deed Restrictions for Hide-A-Way Lake and for new deed restrictions for the several new additions or subdivisions as part of Hide-A-Way Lake.

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## **PART I**

### **GENERAL RULES AND ADMINISTRATION**

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## **PART I      GENERAL RULES**

### **A.      PURPOSE**

The purpose of this Building Code, hereinafter referred to as “Code,” is to promote the safety, health, and comfort of the members of Hide-A-Way Lake Club, Inc., hereinafter referred to as “Club”, to protect and enhance the environment by requiring adherence to accepted construction standards, and to provide a system of controls to insure compliance. It is not the intent of this code to require retroactive compliance by demolition, reconstruction, or revamping of any structure.

### **B.      AUTHORITY**

The authority for this Code is Article V, Section Sixteen of the bylaws of Hide-A-Way Lake Club, Inc., which requires that the Board of Directors, hereinafter referred to as “Board”, adopt and enforce appropriate construction standards. The building codes adopted by the State of Texas are adopted by the Club and shall be used for regulating and controlling the design, construction, erection, installation, alteration, repair, replacement or addition to all buildings under the auspices of the Club. The current State of Texas codes are:

- Flammable and Combustible Liquids Code NFPA 30
- Automotive and Marine Service Station Code NFPA 30A
- International Fire Code (ICC)
- International Fuel Gas Code (ICC)
- Life Safety Code NFPA 101
- Liquefied Petroleum Gas Code NFPA 58
- National Electrical Code NFPA 70
- Fire Code NFPA 1
- International Energy Conservation Code (ICC)
- International Mechanical Code (ICC)
- International Plumbing Code (ICC)
- International Building Code (ICC)
- International Existing Building Code (ICC)
- International Residential Code for One – and Two- Family Dwellings (ICC)
- International Pool and Spa Code (ICC)
- NFPA – National Fire Protection Association
- ICC – International Code Council

These codes are available for review on line at [www.nfpa.org](http://www.nfpa.org) and [www.iccsafe.org](http://www.iccsafe.org).

### **C.      GRANDFATHER CLAUSE**

Structures in existence or being constructed under permit at the time of the adoption of this Code are hereby granted exemption from new provisions contained in this Code, except as otherwise provided herein. When any such structure is destroyed, damaged beyond repair, or undergoes major modification as defined herein, any new construction or major modification shall then be subject to the provisions of the Code.<sup>1</sup>

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<sup>1</sup> Added March 1995

## **D. CONTROLS, APPROVAL AND VARIANCES**

### **1. Original Hide-A-Way Subdivision**

Provisions, standards, rules, and regulations for construction Building Codes is the responsibility of the Hide-A-Way Board of Directors. The General Manager recommends appropriate Board action on deviations or variances from the Building Code.

### **2. East Side Addition**

The 1994 agreement between the developer, Fair Interests, and Hide-A-Way Lake Club, Inc. provides for additional building restrictions and standards not specified in the original Deed Restrictions for Hide-A-Way Lake. Each unit subdivision developed in the East Side addition has its own Declaration of Covenants and Restrictions using the same covenants for the original Hide-A-Way subdivision as the basis and adding restrictions applicable to the new architectural standards desired for neighborhood aesthetics and continuity. An abstract of these restrictions are listed under Part III. Contractors are bound by the Declaration of Covenants and Restrictions for each developing unit. Copies of the entire documents are available at the Club office.

Additionally, an Architectural Control Committee was set up by the developer for each developing unit to set architectural standards for the construction of residential homes and peculiar limitations based on topography. After development, each unit Architectural Control Committee will be partially staffed with property owners living within the respective unit and other members to be determined. They will be appointed by the developer for an unspecified term. Committee members will monitor exterior modifications, alterations, and additions to properties within their respective units for compliance with the restrictions set forth for each unit. Upon approval, an appropriate permit is obtained from Hide-A-Way Club.

#### **a) Architectural Control Committee (for each developing unit)**

- i) Architectural Control prior to formation of the Committee.  
The Developer shall perform the duties and functions of the committee.
- ii) Review by Committee  
No structure, whether residence, accessory building, tennis court, swimming pool, antennae (on a structure or on a lot), flag poles, fences, walls, exterior lighting, or other improvements, shall be constructed or maintained upon any lot and no alteration or re-painting to the exterior of a structure shall be made and no landscaping performed unless complete plans, specifications, and lot plans thereof, showing the exterior design, height, building material and color scheme thereof, the location of the structure plotted

horizontally and vertically, the location and size of driveways, the general plan for landscaping, fencing, walls and windbreaks, and the grading plan shall have been submitted to and approved in writing by the Architectural Control Committee, and a copy of such plans, specifications, and lot plans as finally approved deposited with the Architectural Control Committee.

- iii) The Architectural Control Committee shall exercise its best judgment to see that all improvements, construction, landscaping, and alterations on lands within the property conform to and harmonize with existing surroundings and structures.
- iv) Procedures  
The Architectural Control Committee shall approve or disapprove all plans and requests within thirty (30) days after they are received. In the event the Architectural Control Committee fails to take any action within thirty (30) days after such plans and requests have been received, approval will not be required, and this article will be deemed to have been fully complied with.
- v) A majority of the Architectural Control Committee is required for approval or disapproval of proposed improvements.
- vi) The Architectural Control Committee shall not be liable in damage to any person submitting requests for approval or to any Owner within the property by reason of any action, failure to act, approval, disapproval, or failure to approve or disapprove with regard to such requests.

The Committee will continue to function after development is complete to approve plans for remodeling, adding new structures, etc. The Committee authority is limited to lots or units of lots in the Deed Restrictions for each unit. In some cases, reference is made to the Hide-A-Way Code for standards compliance.

## **E. ADMINISTRATION**

### **1. General Manager**

HAWL'S General Manager is hereby charged by the Board of Directors with the overall administration of this code. The General Manager is authorized to appoint a qualified HAWL employee to act as Building Inspector or, at his/her discretion, to contract with a qualified person or persons to conduct inspections in lieu of using the services of a Club employee as Building Inspector. The General Manager may draft contract(s) with a consulting civil engineer to design new or replacement drainage components to be submitted to the Board for their consideration.

## 2. Building Inspector

A Building Inspector appointed by or under contract to Club shall conduct inspections whenever this Code requires that a building permit be issued. The Building Inspector may approve all building permit applications which meet the requirements of this Code, except for those whose completion would require invasion of setbacks adjacent to Club property, including but not limited to lakes, golf course, roadways, parks, building lots whose title is held by the Club, and any Club-owned buildings or the land they occupy. The Building Inspector may initiate building code change proposals through the General Manager for consideration by the Board of Directors.

## 3. Violation of Code and Enforcement

If the property owner or contractor refuses to make the requested corrections(s), the General Manager will insure that work is stopped until corrective action is taken.

**Non-member contractors with past due fines, penalties, or unresolved compliance issues can be barred from Hideaway Lake. Any member contractor with a history of repeated violations shall be referred to the Community Compliance Committee for appropriate review and action.<sup>2</sup> Any non-member contractor with a history of repeated violations shall be referred to the General Manager.**

In the event of non-compliance on residential construction, if damage to property of others is a fact or impending, Club shall have the right to immediately suspend the building permit until the damage to the other property is corrected and appropriate steps are taken to prevent damage to any other property. Any costs incurred by Club in correcting such damages shall be borne by the property owner. Notice of such action by Club shall be given in writing to the General Contractor and property owner. Club shall also have the right to levy a fine on contractors who are members of Hide-A-Way Lake Club through the Community Compliance Committee action. In the event of repeated violations, non-member contractors may be refused access to HAWL property.

No building permit shall be issued for subsequent projects when the contractor and/or property owner has been determined to be responsible for a violation which is still unresolved at time of application.

In the event of an emergency occurring on private property that threatens imminent harm to human life or damage to property, the General Manager, after an attempt has been made to contact the property owner, may have an employee or representative of Hide-A-Way Lake Club, Inc., contractors or subcontractor enter the property to conduct maintenance, repair or replacement work without prior

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<sup>2</sup> Revised 11/15/04

notice to the home owner. Hide-A-Way Lake Club, Inc. shall further have the right to charge reasonable costs back to the property owner for such expenses incurred.

Violations of the Building Code shall be subject to fines of \$50 for the first offense, \$100 for the second offense, and \$200 for the third offense. Each day may be deemed a separate offense and subject to an additional fine for each separate offense.<sup>3</sup>

#### **4. Arbitration Panel**

The General Manager shall appoint an Arbitration Panel (AP) consisting of two builders and one each plumber, electrician, mechanical contractor, septic installer and engineer. Builders and contractors may appeal rulings by the Building Inspector to the AP who will render a second opinion. Should a disagreement still exist after the AP has rendered its opinion the General Manager will decide the issue. Any member of the AP who has a conflict of interest on a particular issue will abstain from offering an opinion. The Arbitration Panel should render its opinion as soon as possible but not later than seven (7) calendar days after the appeal is filed.

### **F. OUTBUILDINGS**

#### **1. Definitions**

- a. *Bath houses or cabanas* are closed or semi-enclosed accessory structures – designed for use in conjunction with swimming pools or lakes and designed for resting, changing clothes, and/or showering.
- b. *Boat houses* are enclosed structures, located on the water, designed to shelter boats and boating accessories.
- c. *Carports* are semi-enclosed structures designed to shelter motor vehicles or boats.
- d. *Garages* are enclosed structures designed to shelter motor vehicles or boats.
- e. *Garden houses* are roofed structures with open, screened, or glass sides designed for enjoyment of yard and garden areas; garden houses include gazebos, teahouses, summer houses, picnic shelters, garden pavilions, and similar structures.
- f. *Garden sheds and greenhouses* are structures designed for growing or potting plants.

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<sup>3</sup> Revised 11/15/04

- g. *Guest cottages or guest houses* are structures designed to provide additional temporary sleeping quarters to accommodate short-term guests of the dwelling occupants.

*Outbuildings* are structures constructed or placed as accessory uses to single family dwellings; outbuildings are designed for occupancy and use only in conjunction with the primary dwelling unit.

## **2. Permitted Outbuildings**

The following types of outbuildings are permitted by this code, provided that they are constructed in compliance with any special conditions set forth below.

- a. Bath houses and cabanas
- b. Boat houses
- c. Carports and garages
- d. Garden houses
- e. Garden sheds and greenhouses
- f. Guest cottages and guest houses
- g. Storage buildings and workshops
- h. Temporary Storage Units, e.g. PODS<sup>4</sup>

## **3. Special Conditions**

- a. Carports and garages shall be architecturally consistent with the primary dwelling unit; the number of carport or garage bays shall not exceed the number of bedrooms in the primary dwelling unit.
- b. Guest cottages and guest houses: (1) may include bedrooms, bathrooms, seating areas, and porches, but may not include kitchen or dining areas; (2) are permitted only where the dwelling unit and its accessory uses or being placed on two or more adjoining, building-eligible lots being utilized as a single lot; (3) may not exceed 500 square feet of floor space; (4) shall be architecturally consistent with the primary dwelling unit.
- c. Boat houses, including enclosed space, boat slips, and decks, shall not exceed 500 square feet in size. [Building Code II.E.1]
- d. Storage buildings and workshops may not exceed 240 square feet in size. Only one storage building or workshop is permitted per residence. [see also Construction Standards]
- e. No bath house, cabana, garden house, garden shed, or greenhouse shall exceed 240 square feet in size.<sup>5</sup>

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<sup>4</sup> Added January 1/21/08

<sup>5</sup> Added March 2003

## G. CONSTRUCTION REQUIRING PERMITS AND PERMIT FEE SCHEDULE

1. Building Permits are required for construction of a new residence or outbuilding, additions and major modifications as defined in Part IV, Section A, plus certain other actions as set forth below. Minor modifications within an existing residence which do not involve rerouting or addition of electrical wiring or plumbing do not require a building permit. All Building Permits shall be posted on site of construction and shall be visible from the street, if possible.

The property owner is responsible for obtaining any required building permit, and the person or company performing the work shall not perform work until the permit is issued and posted.<sup>6</sup>

2. Lot clearing site preparation and machine clearing for any purpose shall require a permit. Hand clearing for survey purposes shall not require a permit. Silt fencing shall be provided prior to site preparation as required by State law. Silt fencing shall be maintained as required by State law.
3. Fees for building permits shall be assessed and charged to the member's account according to the following schedule:

<b>a. New Dwellings</b> (based on area under roof, excluding overhangs)	\$ .60 sq. ft.
<b>b. Addition or Modification to Dwelling</b>	
1) 1-100 sf (minimum)	\$60.00 flat
2) Over 100 sf (additional)	\$ .60 sq.ft.
<b>c. Other Structures</b>	
1) Boat houses, carports, garages <sup>7</sup>	\$ .60 sq.ft.
2) Bath houses, cabanas, garden houses, garden sheds, and greenhouses <sup>8</sup>	\$ .60 sq.ft.
3) Guest cottages, guest houses	\$ .60 sq.ft.
4) Storage buildings, workshops <sup>9</sup>	\$ .60 sq.ft.
<b>d. Miscellaneous</b>	
1) Fence	\$ 25.00
2) Lake pier or dock	\$ 25.00
3) Bulkhead, seawall or retaining wall	\$ 25.00

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<sup>6</sup> Revised 11/15/04

<sup>7</sup> Revised 11/15/04

<sup>8</sup> Revised 11/15/04

<sup>9</sup> Revised March 2003

4) Swimming pool	\$100.00 <sup>10</sup>
5) Lawn sprinkler system	\$ 25.00 <sup>11</sup>
6) Septic system installation and modification	\$ 25.00 <sup>12</sup>
7) Driveway (new or replacement)	\$ 50.00 <sup>13</sup>
8) Deck or patio	\$ 25.00
9) Installation of propane tank	\$ 25.00
10) Parkway construction	\$ 25.00
[Reference to Re-roofing deleted]	
11) Lot clearing, site preparation, and machine clearing <sup>14</sup>	\$ 50.00
12) Removal of individual living trees with a diameter greater than four inches at height of one foot above grade	\$ 25.00 ea <sup>15</sup>
13) Any work that potentially affects the weatherproofing or structural integrity of a structure (including but not limited to roof support changes, roof penetrations, and roof attachments), except re-shingling. <sup>16</sup>	\$ 25.00
14) Pergola / Roofed patio	\$ 25.00
15) POD (portable on demand storage unit, 30 day limit)	\$ 25.00
16) Dumpster (60 day time limit)	\$ 25.00
17) Dumpster – time extension for each 60 days after initial	\$ 25.00

**e. The following shall require a permit at no charge**

Dead, diseased, or damaged trees, and trees smaller than 4 inches diameter.<sup>17</sup>

4. If construction requiring a permit is started without *obtaining* the required permit, the permit fee shall be doubled as a penalty for failure to obtain a permit. The minimum penalty for failure to obtain a permit shall be \$25. If a person or company *performs* work without evidence that a permit has been issued, the person or company shall be subject to fines of \$25 for the first offense, \$200 after the second offense, and \$300 after the third offense. Non-members may also be barred from Hideaway Lake for performing work without a permit.<sup>18</sup>
5. If an owner or builder calls for an inspection and the inspector finds either (a) that the work is not ready for inspection at the time requested or (b) that a good faith

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<sup>10</sup> Revised 11/15/04  
<sup>11</sup> Revised 12/20/04  
<sup>12</sup> Revised 12/20/04  
<sup>13</sup> Revised 11/15/04  
<sup>14</sup> Revised 11/15/04  
<sup>15</sup> Revised 11/15/04  
<sup>16</sup> Revised 11/15/04  
<sup>17</sup> Revised 11/15/04  
<sup>18</sup> Revised 11/15/04

effort has not been made to perform the work in accordance with the Building Code, a re-inspection fee of \$25 shall be charged.<sup>19</sup>

## **H. APPLICATION FOR AND ISSUANCE OF BUILDING PERMITS**

### **1. Documents to accompany application for building permit**

- a. Every application for a building permit which involves construction of a new residence shall be accompanied by
  - 1) either a verification of the location of four corner lot location posts by a registered surveyor or a copy of a survey made by a registered public surveyor within 90 days prior to date of application.
  - or-
  - 2) a plot map showing the proposed location of the building(s) on the lot and all setback lines.
  - 3) For all other types of construction, the application must be accompanied by a survey or plot plan drawn to scale and showing the location on the lot of the new structure and all existing structures and set back lines. The Club reserves the right to require a new survey in all cases where a building permit is required and circumstances warrant.
- b. A "Permit to Construct a Sewage Disposal System," obtained from the designated agent of the Texas Natural Resources Conservation Commission (TNRCC) for Smith County.
- c. One (1) complete set of drawings or blueprints with a scaled plot plan showing floor plan, finished grades, four (4) elevations, location of waste water system, and a framing detail drawing with specifications. The plot plan shall be at a scale of not less than 1/8" = 1 ft. scale. The floor plan and elevation drawings shall be at a scale of 1/4" - 1 ft. or greater scale.
- d. For new residences or other construction with at least 1,000 square feet of impermeable surface, a lot Grading and Drainage plan shall be submitted and approved by the Building Inspector prior to the issuance of a building permit and any work performed on the lot(s). The Grading and Drainage plan shall be prepared, signed, sealed, and dated by a Registered Professional Civil Engineer, Registered State Land Surveyor, or Registered Landscape Architect licensed to practice in the State of Texas and include at a minimum the following:
  - 1) Existing labeled contours with elevations\* extending a

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<sup>19</sup> Revised 11/15/04

- minimum of 20'-0" from the property lines.
- 2) Proposed labeled contours with elevations and/or spot elevations.
  - 3) Flow arrows indicating proposed direction of flow for all areas with specific attention paid to the provisions of Section II, Drainage, Paragraph B, General, sub-paragraph 2, Residential Lots.
  - 4) Size, location, and type of all easements clearly labeled.
  - 5) Location of proposed and existing buildings, structures, pools, retaining walls, fences, and other improvements dimensioned from two (2) nearest property lines.
  - 6) Finished pad or floor elevations of all proposed and existing buildings. All proposed residential structures shall have a finished floor elevation no lower than six (6) inches above the lowest contoured elevations measured at the edge of the finished slab.
  - 7) Retaining walls shall be dimensioned from property line, indicate length and top of wall elevations at beginning, end, and corners as a minimum.

\* All elevations to be based on mean sea level NAD 83 elevation (not assumed to be 100)

In developing the Grading and Drainage Plan, the Registered Professional Civil Engineer, Registered State Land Surveyor, or Registered Landscape Architect shall make every effort to ensure that the post-development storm water runoff rates do not exceed the pre-development storm water runoff rates with respect to impact on adjacent properties. The use of swales between properties and roof gutter collection systems discharging into underground pipes constructed to outfall into roadside ditches or underground storm water inlets shall be employed to accomplish this operational requirement.

Upon completion of the proposed project, the Registered Professional Civil Engineer, Registered State Land Surveyor, or Registered Landscape Architect shall field inspect and prepare a signed, sealed and dated Certification Statement to the Club's Building Inspector stating that the final construction on the lot complies and is in accordance with the approved lot Grading and Drainage Plan and, furthermore, complies with all provisions required and contained in the Hideaway Club Building Code, Section II, Drainage.<sup>20</sup>

- e. Subcontractors requiring a license: HVAC, plumbing, electrical, septic, pest control, lawn sprinkler irrigation, and backflow testing. shall submit a copy

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<sup>20</sup> Revised 05/20/13

of their license and proof of insurance prior to permit approval. If the subcontractor is changed, then the new subcontractor will provide same prior to commencing work.

- f. Architectural Control Committee approval is required by deed restrictions or covenants, acceptable evidence that such approval has been issued by an authorized person is required. The property owner is responsible for identifying and complying with deed restrictions or covenants relating to their subdivision and for submitting building permit applications that are not inconsistent with such provisions. The issuance of a building permit shall not imply compliance with deed restrictions, and building permits may be revoked at any time if it is determined that the construction activity is contrary to-or inconsistent with any applicable deed restrictions or covenants.<sup>21</sup>

## **2. New dwelling shall require two (2) permits**

- a. First permit shall be for clearing of the site only, to allow for a soil evaluation and layout of the building plan prior to issuance of the sewage disposal permit by the TNRCC's agent for Smith County. Prior to the issuance of a clearing of site permit, as applicable, a tree clearing plan must be submitted to the Building Inspector. Living trees with a diameter greater than four (4) inches that are located outside a distance of 15 ft. of the layout of the building plan and sewage disposal area shall not be removed without written approval by the Building Inspector.
- b. Second permit shall be for construction of the residence, including foundation, plumbing, framing, electrical, and lot drainage plan, including driveway culverts or drains and catch basins. Culverts shall be concrete or polyethylene pipe. No metal culverts shall be used either as replacement or new installation.

## **3. Commencement of Construction**

No construction shall be started prior to issuance of the appropriate building permit(s).

## **4. Permit Refusal**

The Club reserves the right to refuse to issue a permit, or to require a "release from liability" from the lot owner under certain circumstances, including but not limited to, the following:

- a. When a residence is to be constructed in a location where it would be endangered by rising of lake water or by flowing water from natural causes.

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<sup>21</sup> Revised 11/15/04

- b. When construction of a residence would alter the flow of water runoff in such a way that adjoining or nearby property, either private or owned by the Club, would be endangered or subject to damage.
- c. When the dwelling and other appurtenances are of such a size in comparison to the lot that "clear cutting" would be required.
- d. When residence is designed for multi-family occupation.

## **5. Permit Notice**

After an application for permit is approved by the Building Inspector, a permit notice of a size and type approved by the Club shall be posted on the work site so as to be clearly visible from the street, if possible. The permit notice shall remain in place until the final inspection.

## **6. Building Permit Application**

Application for building permit shall be signed by the property owner and the general contractor.

## **7. Building Permit Terms**

- 1) Building permits for new dwellings shall be issued for a term of 12 months, and other required building permits shall be issued for a term of six months. Work under all building permits shall begin within 90 days and must be pursued continuously with a lapse of no more than 30 days. Building permits shall expire (a) at the end of the permit term, (b) after completion of construction, (c) at the expiration of any required contractor liability policy, (d) if not begun within 90 days, and/or (e) if work is not pursued continuously. The building inspector may extend building permits for up to two additional periods of 90 days each for good cause (such as bad weather, the scale of the project, or significant unforeseen circumstances); further extensions beyond that time may be approved by the general manager for good cause. An expired permit may be renewed upon payment of a 10 percent renewal fee.<sup>22</sup>

## **8. Abandoned Work**

Property owners who fail to complete permitted lot clearing work shall insure that the property is restored with stable grades and ground cover and that the lot does not contain unsightly conditions. Property owners who fail to complete permitted construction work shall restore the property to its pre-construction condition. If a property owner fails to restore the property, he/she shall be subject to penalties for

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<sup>22</sup> Revised 11/15/04

violation of the Building Code and the Club may restore the property and charge the expenses for same to the owner.<sup>23</sup>

**I. Certificate of Occupancy**

A certificate of occupancy must be issued by the building inspector, prior to any occupancy of the structure, for new dwelling construction, major dwelling additions, significant remodeling, and outbuildings. The builder or other person performing the work is required to apply for a final inspection and certificate of occupancy prior to any human occupancy of the dwelling, area covered under the permit, or outbuilding. Occupancy of the permitted structures is prohibited and installation or storage of furnishings (except storage in completed garages) is prohibited prior to issuance of a certificate of occupancy. Electric meters shall not be set for the structure prior to issuance of a certificate of occupancy. Occupancy of structures prior to issuance of a certificate of occupancy shall result in a penalty of \$100 per day.<sup>24</sup>

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<sup>23</sup> Revised 11/15/04

<sup>24</sup> Revised 11/15/04

**PART II**  
**RULES AND REGULATIONS**  
**ORIGINAL HIDE-A-WAY SUBDIVISION**

## **PART II. RULES AND REGULATIONS - ORIGINAL HAWL**

### **A. SETBACK DISTANCES**

#### **1. Residential Lots**

No structure, except landscaping boxes and retainer walls, less than 6 inches above grade is permitted in the area between the set back lines and the lot lines.

Driveways, walkways, and picnic pads are permissible within the setback. Steps, eaves (up to four feet in width), and open porches and decks which are uncovered and not enclosed by other than handrails (three feet or less in height) shall not be considered as part of a building.

##### **a) Corner Lots**

Building Setbacks from all roadside lot lines shall be twenty-five (25') feet for all lot. Setback from rear lot line shall be 25 feet. Side setback shall be 15'. All houses that are presently in violation are hereby grandfathered.<sup>25</sup>

##### **b) Lake Lots**

Front and side setbacks shall be 15 feet. Setback from any lot line which parallels or intersects the shoreline shall be 25 feet, except that when such a lot line is more than 25 feet from the lake shore, setback shall be 5 feet inside the lot line.

##### **c) All Other Lots**

Front and rear setbacks shall be 25 feet. Side setbacks shall be 15 feet.

### **B. THE FISHING LAKE**

One pier or dock may be constructed per lot in a rectangular configuration not to exceed 120 square feet in size. The structure may not extend more than 15 feet beyond the normal shoreline at any point and must be totally contained in the area described by extension of the property boundaries (side lot lines) into the lake. Boat houses and boat slips are prohibited.

### **C. LAKE SHORE PROPERTY**

#### **1. General**

The Club owns and controls the area beyond the platted lot lines on all lake shore lots. These lot lines are sometimes in the water, sometimes on the land, and sometimes a combination of both for individual lots. No structure

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<sup>25</sup> 10/21/02

may be built on or adjacent to such Club property without a building permit from the Club.

**a) Seawalls, Bulkheads, or Retaining Walls**

May be constructed on the property owner's property at the lot line common with the Club property. A permit is required. Wooden seawalls, bulkheads, or retaining walls shall be maintained by the property owner to ensure a safe and useable condition. Any questions concerning the condition of seawalls, bulkheads and retaining walls will be determined by the HAWL Building Inspector.

**b) Plumbing**

There shall be no plumbing other than a hand pump for cleaning fish on or in any pier, boat house or boat slip. Electrical service is permitted.

**c) Damage**

When a structure is destroyed or severely damaged by any cause, any replacement structure shall conform to this code and require a building permit.

**d) Living, Sleeping, or Recreational Rooms**

No living, sleeping or recreational rooms are permitted on Club property on any lake. Existing structures currently not conforming shall not be replaced if destroyed or severely damaged by any cause.

**D. MINIMUM DWELLING SIZE**

The minimum dwelling size for dwellings constructed under this code shall be 1500 square feet of heated/air conditioned living area, excluding garages for property in the original HAWL subdivision.

**E. RESERVOIRS 1 AND 2 (MIDDLE AND THIRD LAKES)**

One pier, boat house, dock, boat slip or combination thereof may be constructed on these lakes with limitations as follows:

- 1) Structure shall be rectangular or square in configuration and shall not exceed 500 square feet in area (including boat house and open space in boat slip).
- 2) Structure shall not extend more than 25 feet past the common lot line onto Club property, or in the event that the lot line at point of construction is not

coincident with the shoreline, more than 25 feet past the normal shoreline at spillway level.

- 3) Structure shall be centered between the side lot lines or extensions thereof, or adjacent to a side lot line or extension thereof with written permission from the owner of the lot adjacent to the structure's location.
- 4) Appropriate drawings or plans showing size, type, and location of structure must accompany the application for building permit.
- 5) Boat houses, piers, and docks must be maintained by each individual property owner concerned to ensure a safe and useable condition. Any questions concerning a safe and useable condition will be determined by the HAWL Building Inspector.

## **F. VARIANCE FROM SETBACK REQUIREMENTS**

A variance from the above setback requirements may be granted in some cases, except for front setbacks which are specified in the deed restrictions.

- 1) A written request for variance with full explanation must accompany the application for a building permit. The request shall include a “hold harmless agreement in favor of the Hide-A-Way Lake Club, Inc. required by all lot owners and appropriately notarized. The General Manager shall investigate the request for variance and submit the matter to the Property Stewardship Committee<sup>26</sup> for consideration and submission to the Board when necessary.

### **2) Privately Owned Property**

When the property adjoining the lot line is privately owned, written permission to invade the setback may be given by the owner(s) of the adjacent property and attached to the building permit application. If such permission is not provided by the adjoining property owner, the applicant for the variance may appeal to the Board of Directors to approve a variance. To qualify for a Board-approved variance, the applicant must demonstrate that compliance with the setback requirement would constitute an unreasonable hardship.

In order to grant a variance, the Board must first make the following findings:

- a) The variance is necessary because special circumstances exist related to the size, shape, topography, or surroundings of the subject property and

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<sup>26</sup> Revised 11/15/04

such special circumstances are not applicable to other lands or improvements in similar use; and

- b) The literal interpretation and application of the rule would result in unreasonable hardship to the owners of the property and would deprive them of rights commonly enjoyed by other property owners; and
- c) Granting the variance would not confer any special privilege denied to other property owners, would not be materially detrimental to community welfare, and would not be injurious to property or improvements in the immediate vicinity; and
- d) The special conditions or circumstances, which create the need for the variance, are not the result of the actions of the applicant.<sup>27</sup>

3) **Club Owned Property**

When the property adjoining the lot line is owned by the Club or is adjacent to a street, permission or a variance of the side or rear yard setback may be granted only by majority vote of the Club Board of Directors.<sup>28</sup>

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<sup>27</sup> Revised 11/15/04

<sup>28</sup> Revised 11/15/04

**PART III**

**ABSTRACT OF LOT RULE AND REGULATIONS**

**FOR ADDITIONS TO HIDE-A-WAY PER THE**

**1994 AGREEMENT:**

**OAKRIDGE ADDITION**

**EAST SIDE ADDITION**

**PART III AN ABSTRACT OF BUILDING RESTRICTIONS FOR THE UNITS IN THE EAST SIDE ADDITION**

**LEGEND**

**Unit No. 43**

Street addresses: 2500-2509 Oakridge

**NOTE:** Unit No. 43, residences built on Oakridge Drive are under a peculiar set of Declarations of Covenants and Restrictions. In essence, the zero lot lines, special easements, maintenance and sewage disposal systems are controlled by a separate home owners association (different from other associations within HAWL) and by a separate architectural control committee.

**Unit No. 44**

Street addresses 113 through 139 Clubview Drive

**Unit No. 45**

Street addresses 100 through 121 St. Andrews Circle

**Unit No. 46**

Street addresses 122 through 132 (including 133 & 135) St. Andrews Circle

**Unit No. 47**

Street Addresses 138,140,141 Cypress Point; 201 through 211 Bayhills Drive  
Lots 3045,3070,3071 & 3072 require 2700 sq. ft. house

**Unit No. 48**

Street addresses 201-223 (odd numbers only) Clubview Drive  
Lots 3055-3066

**Unit No. 49**

Street Addresses 213 through 225 Bayhills Drive

FOR THE FULL DESCRIPTION OF THE FOLLOWING, PLEASE REFER TO THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE APPROPRIATE UNIT NUMBER. COPIES MAY BE OBTAINED FROM THE CLUB OFFICE.

<b>1. Building size</b>	<b>Units applicable</b>
*1800 square feet excluding garage, porch, basement *	45,46, 47,48,49
*No temporary buildings	
* Exception Unit 47 Lots 3045,3070,3077 & 3072 2700 sq. ft.	47

<b>2.</b>	<b>Building restrictions</b>	
	*No building located closer than 95 feet of the west line of each lot	44
<b>3.</b>	<b>Building setbacks</b>	
	*Between lots, on one side, 7'6", on the other side 15'	45,46, 47,48,49
	*Between lots, each side, 7'6", except for lots 3003, 3004, 3005, 3008 and 3009; if these lots desire additional structures, the setback applies	44
	*Special Consideration on Lots 3046 - Lot 3072 East Setback 3' West Setback 15'	47
<b>4.</b>	<b>Building material</b>	
	*The exterior facade must be 70% brick masonry. Changes must be reviewed by the Architectural Control Committee	44,45,46, 47,48,49
<b>5.</b>	<b>Curb cuts</b>	
	*Any additional cuts in the curb and gutter for driveways must be reviewed by the Architectural Control Committee.	44,45,46,47,48,49
<b>6.</b>	<b>Driveways</b>	
	*Concrete or decorative stone over concrete, width, no less than 12 feet	44,45,46,47,48,49
	Lot 3066 - See Deed Restrictions	48
<b>7.</b>	<b>Easements - Maintenance</b>	
	*A three ft. (3 ft.) easement for servicing utilities	44
	*No exterior wall may extend into the easement.	44
	15' waterline between 3062 - 3063 (7 1/2' on 3062 - 7 1/2' on 3063)	48
<b>8.</b>	<b>Easement - Rear</b>	

\*A 40 ft. easement exists for future utilities collection (if any) possible, use for golf course roughs, berms, etc., or as a last resort, location of a member's sewage field lines. 44,45,46,47, 48,49

**9. Easement - Front**

\*Utility easement 80 ft. deep from western line. 44  
 \*No trees, shrubs, or concrete slabs in this area. 44  
 Under 60' easement: 48  
     additional 20' in front of 60' easement on lots 3055-3063 48  
 60' Easement Lots 3055 - 3063 48  
     & South 98.96' front portion of lot 3064  
 60' Radius Cul-de-sac lots 3065 & 3066 48  
 12' easement on lots 3045,3070,3071,3072 47

**10. Easement - Drainage - Utility**

\*An easement that lies outside the property lot line. 46  
 \*10 ft. easement between lots nos. 3030 45  
     and 3031 for placement and maintenance of storm water pipe  
 20' Easement between lots 3071 & 3072 47  
     (10' lot 3071 & 10' lot 3072)

**11. Fences**

\*Fences visible from the street must be constructed of wood, brick, stone, wrought iron, or combinations thereof to a height of 4 ft. No galvanized chain link. 44,45,46,47,48,49  
 \*Fences backing to the golf course are subject to the Hide-A-Way fence policy. See part IV, Section C, 3b. 44,45,46,47,48,49

**NOTE:** Pending amendments to the Declaration of Covenants and Restrictions for Units 43, 44, 45, and 46 to reflect the Hide-A-Way golf course fence policy. This Building Code is to be the official policy for golf course fencing.

**12. Garages**

\*Access by side or rear only, keep door closed when not in use. 44,45,46,47,48,49  
 \*Install automatic open/closer. 44,45,46,47,48,49

	*RV's, trailers, boat trailers must be housed in full or partially enclosed structure 20 feet from the front/east property line.	44,45,46,47,48,49
<b>13.</b>	<b>Landscaping</b>	
	*All open, unpaved space within any lot including, but not limited to, front, side, and rear setback areas, shall be either sodded or hydro-mulch planted, or landscaped, and shall be properly maintained by the owner.	44,45,46,47,48,49
	*Sodded only front and sides.	46,47,48,49
<b>14.</b>	<b>Mailboxes</b>	
	*Must be enclosed in a brick/masonry structure consistent in size and placement within the neighborhood.	45,46,47,48,49
<b>15.</b>	<b>Roofing</b>	
	*Heavy-duty (25 year) composition shingles.	44,45,46,47
	*Minimum roof pitch 8'/12'.	44,45,46
	*Minimum roof pitch 9'/12'.	48,49
<b>16.</b>	<b>Waste Disposal System</b>	
	*Must meet all local, state and federal regulations.	44,45,46,47,48,49
	*Equipment and lines must be placed outside 40 feet rear easement, but may intrude if no other space options available .	44,45,46,48
	*Sprayed effluents must not reach within 10 feet of street easement or of potable water supply.	44,45,46,48
	*To be maintained by owner	44,45,46
	*Sprayers in 40' easement - 9:00 am - 5:00 p.m.	47,48,49
<b>17.</b>	<b>Sprinkler System - Lawn Irrigation</b>	
	*Must cover front, both sides, and rear.	44,45,46
	*Approval of installation by Architectural Control Committee.	44,45,46

**18. Storage Buildings**

\*See Part IV: Paragraph C10

**19. Utility Equipment (Outside)**

\*No aerial utility facilities permitted except meters, risers, etc. to service underground utilities. 44,45,46,47,48,49

\*All air-condition compressors and meters must be visually screened. 44,45,46

**20. Framing**

Minimum height of any plate line front elevation is 9'0". 49

## **PART IV**

### **CONSTRUCTION STANDARDS FOR ALL ADDITIONS**

#### **CONTENTS**

<b>SECTION A</b>	<b>GLOSSARY</b>
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	2 CONCRETE TRUCKS
	3 INSPECTIONS
	4 PARKING OF VEHICLES
	5 TRASH AND BUILDING MATERIALS
	6 WORK HOURS
<b>SECTION C</b>	<b>CONSTRUCTION STANDARDS</b>
	1 CONCRETE SLABS
	2 ELECTRICAL
	3 FENCES
	4 FIREPLACES
	5 LAWN AND SPRINKLER SYSTEMS
	6 PLUMBING STANDARDS - CONSTRUCTION
	7 PLUMBING STANDARDS - POTABLE WATER
	8 PROPANE TANK
	9 ROOFING MATERIAL
	10 STORAGE BUILDINGS and WORKSHOPS
	11 OTHER ACCESSORY STRUCTURES/OUTBUILDINGS
	12 SWIMMING POOLS AND SPAS
	13 TERMITE DAMAGE PREVENTION
	14 WASTE WATER TREATMENT SYSTEMS
	15 WATER CONTROL (LOT DRAINAGE)

## **PART IV. CONSTRUCTION STANDARDS**

### **SECTION A GLOSSARY OF TERMS:**

- 1. Structure**  
Any residence, garage, carport, storage shed, outbuilding, deck, boat house, pier, fence and/or other appurtenance which rises 6 inches or more above grade, whether built on-site or pre-fabricated and moved on site.
- 2. Addition**  
The creation of new floor space under roof which did not exist before construction began, either attached to, or detached from, any previously existing structure.
- 3. Major Modification**  
Construction or alteration which includes the addition or re-routing of any electrical or plumbing components of a building without adding to the pre-existing floor space under roof.
- 4. Repair**  
Construction limited to the replacement of damaged components of a structure without addition or major modification as defined in paragraphs 2 and 3 above.
- 5. Clearing of land**  
The clearing of any building lot by hand or machine other than the minimum clearing necessary to permit a survey.
- 6. Setback Lines**  
Imaginary lines running parallel to platted or surveyed lot lines and lying entirely within the boundaries of the lot. A "roadside" lot line can be located by measuring 30 feet from the center of the platted center of the street and then adding the setback. (Example: If setback is 25 feet, the setback line is 55 feet from the center of the street.)

### **SECTION B CONTRACTOR AND PROPERTY OWNER RESPONSIBILITIES**

#### **1. Conduct**

Contractors shall be responsible for the conduct of their employees on the building site and on Club streets and other property. Contractor shall be responsible for providing sanitation facilities for their subcontractors and/or employees.

A contractor that is a member of Hide-A-Way Lake Club shall not have any additional advantage(s) than that of a non-member contractor.

**2. Concrete Trucks**

Concrete loads shall be limited to six (6) cubic yards on Club streets. Trucks shall "wash out" only on the lot where concrete has been poured. No washing out on Club property!

**3. Inspections**

When inspections are required under a building permit, the builder or owner shall notify the Club office before noon of the previous day for morning inspections and by 3:00 p.m. the previous day for afternoon inspections. If builders or owners fail to provide the required minimum notice and the inspector is still able to carry out the inspection, the person requesting the inspection shall be charged a \$25 "rush" fee for the inspection.<sup>29</sup>

No further construction shall be allowed until the inspection has been made and tagged with green tags. If a correction notice and/or red tag has been issued, no further construction shall take place until re-inspected and a green tag is issued. Tags shall be attached to the building permit and/or the electrical panel.

**4. Parking Of Vehicles**

Vehicles belonging to contractors or employees shall be parked as far as possible off the street at work sites, and never on or partially on the hard surface of Club streets and roadways. Vehicles shall not be left parked at edge of street in hours of darkness without adequate warning lights.

**5. Trash And Building Materials**

The contractor shall provide receptacle(s) for proper disposal of trash on the building site. Trash may not be disposed of in the Club's compost area, but must be removed from the building site at reasonable intervals. If accumulation of trash is excessive, the contractor may be directed by the Building Inspector or by Security to dispose of it. Storage of building materials shall be entirely on the building site. It is the contractor's responsibility to insure that trash and/or building materials are not washed or blown onto Club property or onto adjacent lots.

**6. Work Hours<sup>30</sup>**

- a. Normal construction hours shall be from 7:00 a.m. to 7:00 p.m. Monday through Saturday.

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<sup>29</sup> Revised 11/15/04

<sup>30</sup> Board Meeting 4/19/04

- b. Commercial construction activity or commercial work is not normally permitted in Hide-A-Way Lake on Sundays. Exceptions may be granted by the general manager or his/her designee, who may, if he/she deems desirable, require evidence of consent by adjoining property owners. Examples of circumstances for which exceptions may be granted include:
  - (1) Construction work for the general benefit of the membership;
  - (2) Urgent work required to prevent or repair property damage or cope with an emergency;
  - (3) Work conducted entirely within a building which does not generate a noise nuisance;
  - (4) Work needed to prevent a practical difficulty or undue hardship to a property owner.

## **SECTION C CONSTRUCTION STANDARDS**

These standards apply to new construction, repair, and remodeling for the original HAWL subdivision and each subsequent addition. The standard for all construction governed herein shall be The Standard Building Codes in effect on the date of application for a building permit plus additional requirements delineated in this code. A copy of all codes shall be kept at Club offices.

### **1. Concrete Slabs**

Oakridge Addition and East Side Addition foundation elevations shall be 12” minimum above curb elevation.

### **2. Electrical**

All electrical wiring shall be installed so as to conform with the National Electric Code (NEC) without exception. In addition:

- a. If a contractor is hired to install or repair electrical systems, work shall be done by a licensed electrician.
- b. Floodlights and yard lights must be shielded to prevent reflection off of lake water or when they would hinder driving safety on streets.
- c. All electrical conductors shall be copper.

### **3. Fences**

Fences are any artificially (man-made) constructed barrier erected to enclose or screen areas of land. A building permit is required for all fences erected within 10 feet of the property boundary and for any fence

otherwise required by this code. In addition, the following provisions apply to the placement and construction of fences:<sup>31</sup>

a. Non-Golf Course

- 1) The maximum height of any fence, which requires a building permit, shall be six (6) feet above grade. The maximum height of all other fences shall be eight (8) feet above grade.<sup>32</sup>
- 2) Fencing shall not be erected so as to block the view of another member of any scenic area.
- 3) Where a lot line parallels or approximately parallels any street, no fencing may be constructed closer than 25 feet to the edge of the pavement.
- 4) In the event that Hide-A-Way Lake Club, Inc. intends to build a security fence on any Club boundary line, the Club shall obtain an easement for a six (6) inch strip of land underlying the proposed fence from each property owner whose lot line is contiguous with the boundary line. The appropriate form to be used is available in the club office for inspection. The Club shall not require a building permit.
- 5) Swimming pools shall be fenced.

b. Golf Course Backing Lots

Fences are not recommended on property lines bordering a golf course. Exceptions are granted but do not include the use of galvanized chain link, barbed wire, wood, or wire mesh fencing. The exceptions are:

- 1) Decorative wrought iron with or without brick or stone columns or base on the property lines.
- 2) Swimming pools shall be fenced.
- 3) Pet control fences may be built that extend no more than 10 feet from the house-garage toward the golf course.
- 4) Lots exposed to an aerial corridor of golf balls may erect a black or green vinyl coated chain link fence.

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<sup>31</sup> Revised 11/15/04

<sup>32</sup> Revised 11/15/04

FENCE REQUESTS under 3b above must be reviewed by the Golf Committee for lots backing the unit central and west courses and by the respective unit architectural control committee for lots backing the east course. These approvals are required before a building permit is granted.

**4. Fireplaces**

A wire mesh must cover each flue opening as protection against the exit of sparks and the entrance of birds and/or squirrels. Wire mesh must have maximum openings of one-half (1/2) inch on a side. There shall not be any dry stacking of bricks on fireplace and/or chimney.

**5. Lawn Sprinkler Systems**

- a. Application for a building permit to construct a lawn sprinkler system shall specify the proposed source of water for the system.
- b. Every sprinkler system shall contain a back flow device to insure against contamination of the connected water supply. Application for permit must describe this device in detail.
- c. Application for a building permit must include a drawing showing clearly where conduit will run and location of control valves with reference to an established reference point with licensed inspection seal.
- d. An unlicensed designer and/or installer may not be employed to install a lawn sprinkler system.
- e. Sprinkler heads shall not be installed within eight (8) feet from the street. Heads shall not spray on the street. No cross-connections between potable and non-potable source of irrigation water.

**6. Plumbing Standards - Construction**

- a. All outside hose bibs (faucets), dishwashers, and laundry tubs shall include an air gap or anti-siphon device.
- b. Air admittance Valves shall be used only where venting through the roof is impractical.
- c. There shall be a minimum one (1) three (3) inch sewer vent penetrating the roof.

**7. Plumbing - potable water systems**

- a. Water lines buried under or in concrete slab shall be continuous lengths of soft copper with no inaccessible joints and with suitable sleeve.
- b. Water lines encased in wall partitions shall be copper or cross-linked polyethylene (PEX).
- c. No bib faucet may be installed closer than 25 feet to any lake.

**8. Propane Tanks**

The installation and use of propane tanks is permitted within Club boundaries, provided that they are either buried or tastefully screened by fencing or shrubbery.

**9. Roofing Materials**

Wood or shake shingle roofs are prohibited.

**10. Storage Buildings/Workshops**

- a. Dimensions. The minimum size for storage buildings and/or workshops is 80 square feet (8x10) and the maximum size is 240 square feet (12x20).
- b. Materials. Storage buildings and/or workshops up to 120 square feet may be prefabricated or portable, and buildings of 121-240 square feet must be constructed on site, have a reinforced concrete foundation, and have electrical service.

Golf course lot storage buildings must be built on site on a poured concrete slab. Metal buildings, including additions, are prohibited on all residential lots.

- c. Styles and Facades. Storage buildings and workshops must be of a typically accepted architectural style. Exterior facades in the East Side Addition shall be at least 70% brick masonry unless otherwise approved by the Architectural Control Committee, per the building restrictions applicable to each Unit; changes must be reviewed by the Architectural Control Committee and the Building Inspector.
- d. Setbacks. All storage/workshop buildings must meet setback requirements of the Building Code, except for overhangs.

- e. Permits. Permits are required to transport a portable building through the gate.<sup>33</sup>

## **11. Other Accessory Structures/Outbuildings**

- a. Garages and Guest Houses. Garages and guest houses shall meet the construction requirements of the *International One- and Two-Family Dwelling Code*, published by the International Code Council.
- b. Other Permitted Outbuildings. Other permitted outbuildings shall be constructed using sturdy wood or metal framing, shall be designed to withstand sustained winds of 70 miles per hour, and shall meet the construction standards of the *International One- and Two-Family Dwelling Code*.
- c. Setbacks. All outbuildings must meet the setback requirements of the Building Code, except for overhangs.<sup>34</sup>

## **12. Swimming Pools And Spas**

A building permit is required for installation of a swimming pool or spa, whether below or above ground level. Swimming pools and spas must comply with the specifications of the International Pool and Spa Code.

## **13. Termite Damage Prevention**

The foundation area shall be pretreated by a licensed pest control operator. The posted warning sign is exempt from Club signage rules.

## **14. On-Site Sewage Facilities (OSSF) (See special restrictions for Units 44, 45, 46 in East Side Addition)**

- a. All aspects of the planning, installation, construction, alteration, extension, repair, operation, and maintenance of OSSF's are governed by the Texas Health and Safety Code, Chapters 341 and 366. The Code gives the Texas Natural Resource Conservation Commission (TNRCC) the responsibility of implementing and enforcing its provisions. Smith County is the "Authorized Agent" of the TNRCC and exercises its authority through a "Designated Representative".
- b. No OSSF shall be constructed or modified until a "License to Modify or Construct" has been obtained from the Smith County

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<sup>33</sup> Added March 2003

<sup>34</sup> Added March 2003

agent of the TNRCC. This license must be presented to Club's administrative office with an application for a building permit.

- c. When a "License to Operate" the sewage system has been received from the Smith County agent of the TNRCC, the license must be registered with Club's administrative office. If ownership of the lot is later transferred, the license must be transferred to the new owner and registered with Club's office.

## **15. Water Control (Lot Drainage)**

When feasible and practical, lots shall be designed or graded to direct storm water into abutting roadside ditches, storm water inlets, or natural or constructed drainage channels that are part of an overall community drainage system.<sup>35</sup> In new development area, if storm water drainage is provided along the rear of any lots other than in a natural drainage way, storm water from a given lot shall not be directed across more than two adjoining lots before it is directed to an inlet.

During lot preparation and during construction, contractors and property owners are responsible for ensuring that:

- a. The provisions of state law (Texas Water Code, Section 11.086) concerning diversion of water are not violated.
- b. Soil, trash, and/or building materials are not transported by storm water from the construction site onto other properties, onto streets or Club common property, or into drainage ways.
- c. Appropriate physical barriers are employed and maintained to prevent silt, sediment, or other materials from being transported off the property.<sup>36</sup>

For additional drainage information, refer to Part V, Section II.

## **16. Driveways**

- a. A permit is required for concrete, asphalt, brick, and other impermeable surface driveways.
- b. The minimum thickness for concrete driveways supported directly on soil shall be 3.5 inches, and the minimum reinforcement for concrete driveways shall be 1/8-inch wire mesh.
- c. The minimum thickness for asphalt driveways shall be two inches (compacted), supported on adequate base materials.
- d. All driveways or impermeable parking surfaces which slope toward the roadway shall have a grated drop inlet or a similar suitable design which intercepts storm water runoff and which routes such runoff into an

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<sup>35</sup> Revised 11/15/04

<sup>36</sup> Revised 11/15/04

appropriate roadside drainage route. Similar storm water interception devices, together with a means to route storm water away from structures, are required for all driveways which slope downward from street surfaces in a manner that might receive storm water.

- e. Driveway pipes shall be reinforced concrete pipe (RCP) or polyethylene pipe (PEP) with corrugated exterior, smooth interior, and adequate cover. Galvanized pipe shall not be used.<sup>37</sup>

## **17. Street Address Numbers.**

Each property on which a residence is constructed, remodeled, or reconstructed shall have installed and shall continuously display address numbers that correspond to the correct street address for that property. Such house numbers shall be three to six inches high, shall be reflective or contrast with their background, and shall be placed in a readily visible location within 20 feet of the roadway surface. Such house numbers shall be mounted on a structure no larger than twenty-four (24) inches high x twenty-four (24) inches wide with an opaque area not exceeding two (2) square feet. Lot numbers or other numbers which do not constitute the correct street address shall not be displayed in a manner which is readily visible from the street. The installation and display of street address numbers on masonry pillars or other substantial structures within 10 feet of the roadway surface is prohibited, unless such structures are located behind a street curb; unless the structure already existed on the date this rule was adopted; or unless written permission is granted by the general manager or his designee. Address numbers located on such structures must comply with the other requirements of this section.<sup>38 39</sup>

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<sup>37</sup> Revised 11/15/04

<sup>38</sup> Revised 11/21/05

<sup>39</sup> Revised 11/19/07

## **PART V: ROADS AND DRAINAGE**

### **SECTION I: ROADWAYS**

- A. GENERAL
- B. NEW ROADWAYS
- C. REPAVING EXISTING ROADS

### **SECTION II: DRAINAGE**

- A. GLOSSARY
- B. GENERAL
- C. MASTER DRAINAGE PLAN
  - DESIGN FREQUENCY
  - EAST SIDE ADDITION
- D. ROAD CULVERTS
  - HEADWALLS
  - MAINTENANCE
  - MATERIALS
  - MINIMUM PIPE SIZE
  - OUTLET PIPE ELEVATIONS
- E. PARKWAY DITCHES
  - BERMS
  - CONSTRUCTION
  - EASEMENTS
  - MAINTENANCE
- F. PARKWAY USES - OTHER
  - LANDSCAPING
  - MAILBOXES
  - PARKING VEHICLES
  - SWALES

## SECTION I ROADWAYS

### A. General

1. Hide-A-Way Lake Club, Inc., hereinafter referred to as the "Club.", roadway easement as prescribed on each lot plat plan is a nominal 60 feet in width, of which approximately 20 feet is asphalt paved surface. The portion of the street between the surfaced area and the property lot line (right-of-way) is referred to as the parkway.
2. No overloaded truck, trailer, or other type of vehicle shall be permitted onto the streets of Club.

### B. NEW ROADWAYS The following provisions apply to new roadways and are not intended to impose any new requirements relative to existing roadways.

#### 1. General

Construction of new roadways within Hide-A-Way Lake shall meet or exceed the regulations for Class I roadways as adopted by Smith County Commissioners Court of Smith County, Texas on November 24, 1986, and as such regulations may from time to time be amended (the "regulations"). This will include installation and compaction of base material to a minimum depth of six (6) inches as required by the regulations. Surface treatment will exceed the requirements of the subdivision regulations and will consist of a minimum of one and one-half (1-1/2) inches of compacted asphaltic concrete.

If curb and gutter is installed on both sides of the street, the total width (back side of curbs) shall be 27'0".

#### 2. Materials

Materials to be used in surface treatment of new roadways will meet or exceed those requirements of the Texas Highway Department 1972 Standard Specification for Construction of Highways, Streets and Bridges, Item Number 300, as outlined as those technical specifications of the Road Contract let by Hide-A-Way Lake Club in August, 1987.

#### 3. Construction

The areas to be paved will be true to line and grade and will be performed in a professional manner as outlined in the aforementioned technical specifications for the 1987 Road Contract.

Drainage ditches and structures will meet the requirements of the regulations.

### C. RE-PAVING EXISTING ROADS

1. From time to time, Club will contract for resurfacing of roadways and reconstruction of drainage systems to preserve the life and service of the roadway. It may be necessary to install culvert pipes in some locations to assure adequate drainage.
2. Installed mailboxes will be removed, if necessary, and reinstalled by Club to accommodate resurfacing of roadways.

- D. No person shall erect or install structures, install landscaping, conduct excavation, or place materials in parkway areas in a manner that creates a significant hazard for traffic or pedestrians, which obstructs sight distances for drivers, which obstructs or interferes with drainage systems, or which unreasonably interferes with common use of parkway areas. All persons who wish to place structures and conduct excavations in parkway areas shall obtain the written permission of the General Manager.<sup>40</sup>

## SECTION II DRAINAGE

### A. GLOSSARY

1. **Hide-A-Way Lake Club, Inc.** – Sometimes referenced as “The Club”.
2. **Property Owner** - Owner of a residential lot owned by a member, other proprietors within Hide-A-Way Lake Club, Inc.
3. **Berm** - A curb-like facility of sod, wood, asphalt, concrete, stone, or other material positioned typically parallel to the roadway that acts as a small levee to keep storm water from flowing in to protected areas.
4. **Channel** - The bed of a stream, with well defined banks, cut through the turf and unto the soil by the flowing water.
5. **Conduit** - Any open or closed device for conveying flowing water.
6. **Culvert** - Pipe or other conduit through which a storm water flows under a road or street.
7. **Curb and Gutter** - A vertical or sloping rim along the edge of a roadway, normally constructed integrally with the gutter, which strengthens and protects the pavement edge and clearly defines the pavement edge to vehicle operators.
8. **Design Storm or Flood** - The storm of flood which is used as the basis for design, i.e., against which the structure is designed to provide a stated degree of protection or other specified result; i.e., 100-year flood or storm.

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<sup>40</sup> Revised 11/15/04

9. **Ditch (or bar ditch)** - A natural or man-made depression located adjacent and parallel to a roadway to prevent erosion of the roadway and to convey storm water above ground.
10. **Drainage System** - Drainage systems shall include streets, alleys, storm drains, drainage channels, culverts, bridges, overflow swales, and any other facility through which or over which storm water flows.
11. **Drop Inlet or Catch Basin** - A storm drain intake structure typically located in unpaved areas. The inlet may extend above the ground level with openings on one or more sides or it may be flush with the ground with a grated cover.
12. **Easement** - A dedicated portion of a member's land in which Club shall have the right to use for construction and maintenance of drainage systems and certain utilities.
13. **Flood Plain** - Geographically the entire area subject to flooding.
14. **Frequency (of storms, floods)** - Average recurrence interval of a given rainfall or flood event over long periods of time. Mathematically, frequency is the reciprocal of the exceedance probability (e.g. a 100-year event has a 1/100 chance of being equaled or exceeded in any given year).
15. **Grade** -
  - (a) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface, usually expressed in terms of the percentage of number of units of vertical rise (or fall) per unit of horizontal distance.
  - (b) The elevation of the bottom of a conduit, canal, culvert, sewer, etc.
  - (c) The finished surface of a canal bed, road bed, top of an embankment, or bottom of excavation.
16. **Grate Inlet** - An opening in the gutter covered by one or more grates through which storm water falls. Grated inlets may be located either on a continuous grade, in a sump, or at the base of a driveway.
16. **Inlet** -
  - (a) An opening into a storm sewer system for the entrance of surface storm runoff, more completely described as storm sewer inlet;
  - (b) A structure at the diversion end of a conduit; the upstream connection between the surface of the ground and a drain or sewer, for the admission of surface or storm water.
18. **Lining** - Impervious material such as concrete, clay, grass, plastic, etc., placed on the sides and bottom of a ditch, channel, and reservoir to prevent or reduce seepage of water through the side and bottom and/or to prevent erosion.
19. **Master Drainage Plan** - (Plan) The design specifications and maps schematics delineating the Club's plan for drainage modifications and improvements.
20. **Natural Channel** - Depressions in the soil where storm water traverses by gravity to a lower level termination, such as streams and

lakes. The natural channel existed before and after essential development unless the storm water was diverted by man-made channels.

21. **Parkway** - The easement on both sides of a roadway reserved by the Club for the purpose of constructing drainage ditches and certain utilities.
22. **Ravine** - A deep gully or gorge; a natural drain way for surface water.
23. **Riprap** - Forms of bank channel protection, usually using rock or concrete. Riprap is a term sometime applied to stone which is dumped rather than placed more carefully.
24. **Roadway** - The Hide-A-Way Lake Club, Inc. right-of-ways for paved streets and parkways for necessary utilities and drainage. The paved street portion is approximately 20 feet on center. The portion between the paved area and the platted lot lines is 20 feet on each side of the paving - known as the parkway.
25. **Runoff** - That part of the precipitation that exceeds from infiltration, evaporation, etc. and reaches a stream or storm drain.
26. **Sediment** - Material of soil and rock origin transported, carried, or deposited by flowing water.
27. **Street** - See Roadway, paragraph 30 - paved surface.
28. **Sump** - A depression or low point in a roadway or the ground surface into which storm water accumulates.
29. **Swale** - A natural or man-made channel that conveys storm water above ground.
30. **Watershed** - The area contributing storm runoff to a stream or drainage system. Other terms are drainage area, drainage basin, and catchment area.

## **B. GENERAL**

### **1. Drainage Devises**

Hide-A-Way Lake Club, Inc. installs and maintains drainage devises (culverts, drop inlets, etc.) under all roadways as conveyed by the developer to Hide-A-Way Lake Club, Inc. including new additions to Hide-A-Way under subsequent conveyances. The Club also controls drainage on properties owned by the Club.

### **2. Residential Lots**

The design, size, type, and location of all property owners' drainage facilities shall be subject to the review of the Club's Building Inspector. Owners desiring to develop lots within Hide-A-Way shall submit drainage plans according to the Club's Building Codes for approval.

Generally, lots shall be designed or graded to direct storm water into abutting roadside ditches, channel, or inlet. In new development areas, if storm water drainage is provided along the rear of any lots other than in a natural drainage way, storm water from a given lot shall not be directed across more than two adjoining lots before it is directed to an inlet.

### **3. Natural Drainage Ways**

Ravines, draws, slopes, channels, or other locations where storm water drains shall be maintained by the respective property owners of lots in which the drainage channels are located. Hide-A-Way Lake Club, Inc.'s may assume such maintenance responsibilities if the property owner enters into a proper legal agreement with Hide-A-Way Lake Club, Inc.

No person shall erect or install structures, install landscaping, grade land, or place or cause to be placed any materials in a natural drainage way or in a Club-constructed drainage way in a manner which diminishes the capacity of the drainage way to carry storm water.<sup>41</sup>

### **4. By-Passing Drainage Ditches**

Property owners are not permitted to divert storm water from their property directly into the street (by passing the parkway ditches). For other restrictions, see Paragraph F - Parkway Uses - Other.

## **C. MASTER DRAINAGE PLAN - ORIGINAL HIDE-A-WAY**

1. In 1996, the Club (then known as "Hide-A-Way Lake Home Owners, Inc.") adopted a Master Drainage Plan prepared by an engineering firm. The study analyzed about 57 natural drainage areas within Hide-A-Way and surrounding lands that contribute storm water runoff into the three lakes, and in some cases, to streams outside Hide-A-Way.

### **2. Design Frequency**

The basis of determining the proper sizes of the 151 road culverts and Hide-A-Way streets was based on standard engineering calculations from the contributing drainage areas and rainfall peak frequencies. Design frequencies for Hide-A-Way are:  
-100 year frequency for roads (7.58 inches per hour)

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<sup>41</sup> Revised 11/15/04

-10 year frequency for parkway ditches (5.68 inches per hour)

As culvert replacements are needed, the replacement size will be as prescribed in the Master Drainage Plan of 1996.

### **3. East Side Addition**

The East Side Addition, under the 1994 agreement, has in place an engineered drainage system based on curb and gutter surface drainage collected by roadside drop inlets and conveyed by culverts through drainage easements to the nine hole golf course for external runoff.

## **D. Road Culverts**

### **1. Roadways**

Roadways were generally laid in a concentric pattern around the lake, typically perpendicular to the natural ravines. Culverts were constructed at the locations where these roadways cross the natural ravines (generally at low points in the roadway) to facilitate the natural flow path of the storm water.

### **2. Headwalls - Culverts**

Concrete headwalls and wingwalls are required for all culverts crossing roadways and for driveways. In the parkway a mitered slope headwall is preferred for safety and ease of mowing grass. Wingwall type headwalls are acceptable in certain conditions.

### **3. Maintenance**

Hide-A-Way Lake Club, Inc. maintains all culverts crossing roadways and attendant drop inlets, if any, with respect to proper size. Undersized and/or damaged culverts may be replaced with larger, more durable culvert materials.

### **4. Materials**

Galvanized metal pipe will not be used by the Club in new or replacement culverts. Replacement material will be polyethylene pipe (PEP) corrugated exterior, smooth interior or reinforced concrete pipe (RCP).

**5. Minimum Pipe Diameter**

The minimum drainage system pipe diameter shall be fifteen inches, except for driveway culverts, which may be fifteen inches in diameter or larger. Pipe diameters shall not normally decrease in the downstream direction unless approved by the Club Manager. Some existing 12 inch culverts may remain in place depending upon its location in the sloped parkway.

**6. Outlet Pipe Elevations**

Storm drain pipes discharging into lakes shall be set at an elevation such that the top of the pipe shall be below the normal pool level of the lake. Where storm drain pipes discharge into a natural ravine, the pipe shall be set at the same flow line grade as the natural ravine.

**E. Parkway Drainage Ditches**

**1. Roadside Ditches**

The purpose of the roadside ditches is to direct water from the properties to the natural drainage areas, usually at a low point in the roadways. The roadside drainage ditches are typically excavated in the parkway on the side of the roadway that slopes downhill away from the roadway. Local circumstances may require roadside ditches on each side of the roadway to channel storm water to a natural drainage way. It is the property owners responsibility to maintain the drainage ditch and culvert across the front of their property.

**2. Berms**

Berms at the edge of the paving may be constructed of any material at the property owner's expense, provided the berm is in compliance with the following requirements:

- a. The berm shall not cause storm water retention (ponding) in the parkway or adjacent to or on a roadway.
- b. The berm shall not exceed 4" in height and have angled sides and both ends not to exceed 45 degrees.
- c. The berm shall not divert storm water directly onto an adjacent property.
- d. If a properly located berm does not direct storm water directly into an existing parkway ditch, then the property owner must

provide an outlet for water to be conveyed across the property to the nearest parkway ditch, natural ravine, or lake.

- e. Deviations may be granted by the General Manager in those locations where extreme drainage problems occur.

### **3. Constructions**

Most parkway ditches shall be grass lined V-ditch with 3:1 sloped sides and a minimum depth of 12". New or reworked ditches will have at least 4" topsoil added to the bottom of the excavation overlaid with either (1) a re-vegetation mat (a web of bonded polypropylene monofilaments) to prevent erosion during grass seed or hydromulch growth process or (2) place and pin an established sod blanket.

The V-ditch design will be modified on an as needed basis when these conditions exist:

- a. The presence of existing retainer walls in the parkway or large trees
- b. Sloping terrain from the property lined to the edge of paving
- c. Excessive depth to the ditch on level or in heavily sloped areas
- d. The existence of member-installed hard lined ditches that meet the general flow criteria for its location

### **4. Easements**

Crystal Systems, Inc. and the Hide-A-Way Lake Club, Inc. have the right to use the roads, streets, and easements as shown on the recorded plats for the establishment and maintenance of water pipelines, gas pipelines, electric lines, and utility facilities and the further right to use of roads, streets, and easements as shown on said plat for the establishment of surface drainage as established by the Master Plan.

### **5. Maintenance**

Crystal Water Systems and Hide-A-Way Lake Club, Inc. do not own the property located within the easement area. This area is owned by the individual property owner(s). Maintenance of roadside ditches and culverts to insure adequate storm water conveyance is the responsibility of the individual property owner(s).

## **F. PARKWAY USES - OTHER**

### **1. Landscaping**

Individual landscaping of the parkways by property owners is appreciated and encouraged in parkways where the Master Drainage Plan does not specify a drainage facility (ditch, grass-lined or concrete, or drop inlets catch basins). Grass-lined ditches may be changed by the property owner to other hard materials at the property owner's expense and after a permit is secured.

The depth and shape of the parkway ditches must not be compromised by planting vegetation, constructing planter boxes, placing large stone or boulder (over 3" above grade), or any other types of landscaping between the ditch and the paving edge; or, in the absence of a ditch, a three (3 ft.) clearance of plants, planter boxes, boulders, etc. is required. Exception: grass lawn is permitted in this area. Temporary storing of fill dirt, mulch, or any construction material over an existing parkway ditch is prohibited.

In addition to reducing the storm water conveyance capacity of the parkway ditches, these objects are a potential hazard for motorists.

All property owner-provided landscaping within the parkway is subject to removal in the event of roadside ditch cleaning and reshaping. The replacement of other landscaping material, including hard ditch lining placed by the property owner, removed for maintenance purposes shall be the responsibility and at the expense of the member.

### **2. Mailboxes**

Mailboxes are to be installed according to the postal regulations (Lindale office). The Club may elect to standardize the location of all mailboxes due to traffic conditions and resulting damage to unpaved parkways by the postal delivery vehicles.

### **3. Parking Vehicles**

Parkway shall not be used for storing or permanently parking vehicles or materials. Provisions for permanent parking must be provided within an owner's property or on an authorized storage facility of Hide-A-Way Lake Club. Parking of vehicles on parkways for extended periods of time is prohibited.

#### **4. Swales**

Drainage swales are permitted in driveways in lieu of culverts and/or grates on flat terrain property or property at the peak of a hill. Swales in existence prior to the adoption of these policies may be required to be changed to a culvert if the property has a roadside ditch or if a new ditch has been planned for the property in conjunction with the Master Drainage Plan.