



## Covenants, Conditions, Restrictions and Easements

### *Abbreviated Summary*

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***Disclaimer:*** This summary is provided for convenience and general reference only. It is not intended to replace, modify, or serve as a substitute for the full text of the recorded Deed Restrictions. In the event of any conflict or discrepancy, the provisions of the full-length document shall control. Homeowners and interested parties are encouraged to review the complete Deed Restrictions to fully understand all rights, obligations, and limitations.

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### Governance

- The developer has chosen to establish an HOA to assist in the ownership, management, use and care of the common areas within The Gates neighborhood and to assist in the administration and enforcement of the covenants, conditions, restrictions, easements, charges and liens.
- This HOA is governed by a Board of Directors (Article 3, Section 4)
  - During the development period, the HOA will be governed by a Board of three members assigned by the developer. This Board will serve as the Architectural Review Committee (ARC) during the development period.
  - At the end of the development period, the Board will increase to five members, elected by the property owners.
- Following the development period, all voting rights will be granted to property owners. Each lot will be allowed one vote regardless of size of the lot. (Article 3, Sections 1-2)
- At any time, the Board can appoint others to serve on the ARC. All improvements within the community must be approved by this committee.
- In addition to the cost of the lot, a \$7,500 initial capital contribution to the Association will be due at the time of purchase. This one-time fee, also known as a capital contribution, will be due at closing and is intended to provide the Association with initial funds to support its reserve accounts and operational needs until the commencement of annual assessments. (Article 5, Section 1d)
- Annual Assessments will be set by the Board based on the annual budget. These assessments are due in advance on the first day of each fiscal year, and will commence once the common areas are 90% complete as determined by the Board. (Article 5, Section 1a)
- The Board may levy in any fiscal year a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, unexpected repair or replacement of capital improvements related to or for any unusual or emergency purpose. (Article 5, Section 1b)

# Conditions, Restrictions & Easements

- Utilities & Services:
  - **Water** – The City of Lubbock will provide water for the neighborhood. Each lot owner may, at their discretion, choose to install a water well for landscape irrigation purposes. The location of this well requires ARC approval.
  - **Sewer** – Each home will be serviced by individual septic systems installed and maintained by each owner. All septic tanks, leach lines and drain fields must be serviced and/or maintained from the street. Each septic system location is subject to ARC approval. (Article 8, Section 6l)
  - **Gas** – Natural gas will be provided by Atmos Energy.
  - **Electricity** – Electric service will be delivered by LP&L, while homeowners may select from various retail electricity providers within the ERCOT power grid.
  - **Waste Management** – There are no public dumpsters with The Gates community. Each lot owner will be responsible for contracting with a trash collection service authorized to act for that purpose, whether private or public.
  - **Mail Delivery** – mail will be delivered to cluster mailboxes located just inside the main front gate entrance on Spring Place.
- No building, structure, fence, wall, dwelling unit, or improvement of any kind or nature shall be erected, placed or altered on any lot until all plans and specifications have been submitted to and approved in writing by the ARC. (Article 7, Section 2)
- Home construction must begin within 12 months of lot purchase, and must be completed within 24 months from the date the building permit was issued by the City of Lubbock (Article 7, Section 7)
- Minimum square footage of air-conditioned space of the main house is 3500 square feet. The ground floor minimum is 3000 square feet.
- There is a two-car garage minimum. No garage door may face the street. Side or rear entry is acceptable. (Article 8, Sections 2&3)
- The front setback is generally 40 feet, with the following exceptions for a few lots that have a little less depth:
  - Lots 4, 5, 7, 8 and 11 have a minimum front setback of 25 feet
- The side setback on all lots is 10 feet from property line. The rear setback on all lots is 15 feet from rear property line. Lots that back up to 114<sup>th</sup> Street, 111<sup>th</sup> Street, or Memphis Ave, may require the planting of trees along the rear fence to obscure the view of structures from those streets. This will be at the discretion of the ARC based on appearance and location of improvements on these lots. The intent is to maintain a beautiful view of The Gates from the adjacent streets.
- Fencing shall be 7 feet in height, and built of stone or stucco. Side or rear facing fence may be painted cinderblock, and may contain wood panels above a masonry knee wall. No r-panel metal fencing will be allowed. (Article 8, Section 5)
- Exterior walls should have a plate height of no less than 9 feet, and shall be at least 80% stucco, stone or other masonry materials approved by the ARC. The use of brick will only be allowed as an accent. (Article 8, Section 6a)
- Flat roofs, mansard roofs and other “exotic” roof forms shall not be permitted. Standing seam metal roof may be allowed as accents, subject to ARC approval. All roofing materials utilized on any structure on a lot must be approved by the ARC. The ARC will not approve of a roof of crushed stone, marble or gravel, it being intended that each roof shall be constructed only of standing seam metal, composition or wood shingles rated for a minimum of 30 years (provided that any composition shingles must be at least 300-pound shingles), tile, slate, or other materials approved by the ARC taking into account harmony, conformity, color, appearance, quality and similar considerations. In no event shall a roof constructed of corrugated steel be permitted. Functional roof-affixed appurtenances, such as exposed flashing, plumbing stacks, roof vents, and downspouts, must be painted to match, blend with or complement the

color of adjacent materials. The same roof pitch must be used for the dwelling unit and attached garage portions of the house. The minimum roof pitch must be 8 feet of rise for each 12 feet of run (8/12 pitch); however, other pitches or ratios may be approved by the ARC for an entire roof, or for portions of a roof, on a case-by-case basis. (Article 8, Section 6b)

- All accessory buildings will be newly constructed on the lot with exteriors of the same materials as the main dwelling, and will have a maximum height of 16 feet. As an exception, one small pre-fabricated accessory shed or playhouse will be allowed, provided it is no greater than 100 square feet in size and 8 feet in height. (Article 8, Section 6o)
- All lots shall have a minimum landscaping within the front yard on each lot of at least 4 trees planted and maintained alive, including at least 2 canopy-type trees. Each tree, at the time it is planted, which will be within a reasonable time not to exceed 6 months from the date of original occupancy of the dwelling unit, shall be at least 4 inches in caliper as measured 6 inches from the ground level of each tree. Unless otherwise approved by the ARC, all trees within the front facing yard shall be of the following varieties: Cedar Elm, Red Oak, Live Oak, Evergreen, Pistache, Lacebark Elm, Chinquapin Oak, Dessert Willow, Eastern Red Cedar, Afghan Pine. Multi-trunk trees must have a minimum combined 7-inch diameter trunk. Damaged or dead trees and plant material must be replaced within 60 days, weather permitting, with trees and plant materials of a similar type.
- No animals of any kind shall be raised, bred, or kept on any lot except:
  - Not more than 4 dogs, cats or other similar domesticated household pets. No dangerous pets such as Pit Bulls will be allowed.
  - Not more than 4 chickens. Restrictions regarding chickens and chicken coops can be found in Article 8, Section 1c.
- Flagpoles are permitted. Approved flags are limited to the official flag of the United States of America, the State of Texas, or a replica flag of any branch of the United States armed forces. (Article 8, Section 1g)
- One small ground-mounted political sign may be displayed on each lot not more than 90 days before an election and removed not more than 10 days following the election.
- In order to promote the health and safety of owners and residents within The Gates neighborhood, it will be the policy of the Association that any unlawful use of an "All-Terrain Vehicle," "Golf Cart," "Moped," "Motor Vehicle," "Recreational Off-Highway Vehicle" or other self-propelled vehicle under the Texas Transportation Code Section 502.001 et. seq., or as further established and applicable by the City of Lubbock or Lubbock County, Texas within the neighborhood shall also be a violation of the protective covenants set forth. (Article 8, Section 1j)
- A driveway, street or unfenced portion of a lot may not be used for repair, maintenance, restoration, or storage of vehicles, except for emergency repairs, and then only to the extent necessary to enable movement of the vehicle to a repair facility. (Article 8, Section 1j)
- All trailers, RVs, ATVs, campers, boats, etc. must be kept out of sight in an accessory garage. (Article 8, Section 1j)
- Any dwelling unit that is leased shall be leased only in its entirety; separate rooms, floors, or other areas within a dwelling unit may not be separately leased. It is expressly forbidden to rent or lease and occupy an owner's lot or dwelling unit to more than one family, and at least one tenant of the single family must be over the age of 25 and must occupy the property. (Article 8, Section 1m)