

## **SECOND AMENDMENT TO RESIDENTIAL DESIGN GUIDELINES**

**FOR**

**30, 40, 55, 65 FOOT AND ESTATES LOTS**

### **Second Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens (“CC&R”) in and for Lake Forest Addition**

Section 1(e) of the Residential Design Guidelines for 65 Foot Lots and Estates Lots, and Section 2(e) of the Residential Design Guidelines for 30 Foot Lots (The Park) and 40 Foot and 55 Foot Lots (The Glen), being Exhibits “A-5,” “A-3,” “A-6” and “A-4”, respectively, to that certain Certificate and Memorandum of Recording of Association Documents for The Lake Forest Community Association, Inc., filed on December 20, 1999, and recorded in Volume 99252, Page 3196, *et seq.* of the Deed Records of Dallas County, Texas, are amended by deleting in its entirety the second sentence thereof (relating to the Developer’s option to remove protected trees).

The Amendment to the Design Guidelines for 30, 40, 55, 65 Foot and Estates Lots, attached as Exhibit “A” to that certain Third Supplemental Certificate and Memorandum of Recording of Association Documents for The Lake Forest Community Association, Inc., filed on November 7, 2005, and November 9, 2005, and recorded as Instrument Numbers 200503571483 and 200503575526, respectively, in the Real Property Records of Dallas County, Texas, is hereby declared to be void and of no further effect and shall be replaced, in its entirety, by the new sections to the various Residential Design Guidelines as hereinafter set forth.

A new Section 22 has been added to the Residential Design Guidelines for Estates Lots, a new Section 23 has been added to the Residential Design Guidelines for 40 Foot and 55 Foot Lots (The Glen) and for 65 Foot Lots, and a new Section 24 has been added to the Residential Design Guidelines for 30 Foot Lots (The Park), such section to read in its entirety as follows:

#### **LAKE FOREST TREE MITIGATION REQUIREMENTS**

The meanings of certain terms used in this Section are subsequently defined herein under the caption “Defined Terms.”

Requirement to Undertake Mitigation. The owner of a residential lot (“Lot”) in the Lake Forest Addition (“Addition”) that causes the removal of or serious injury to a protected tree on a Lot is required to undertake mitigation thereof, by (i) planting replacement tree(s) on the Lot, and/or (ii) if and to the extent that it is determined to be impracticable or imprudent for the owner of such lot (the “Lot Owner”) to plant a replacement tree on the Lot, the Lot Owner is required to mitigate same by planting replacement tree(s) within common areas of the Addition.

The Lot Owner will plant healthy replacement tree(s), of species set forth under the caption “Approved Replacement Trees” below, with a combined caliper equal to or exceeding the combined caliper of the protected tree(s) that were removed or seriously injured. No one

species of tree may constitute more than 30% of the replacement trees so planted without the approval of the Board, and all replacement tree(s) must have a caliper of at least two inches. The Board may by resolution include additional species of trees as acceptable, either on an individual basis or under these Requirements.

The Lot Owner will coordinate with the Landscape and Grounds Committee of the Association to determine the location and species of replacement tree(s) to be planted. Replacement tree(s) shall be planted consistent with the Master Landscaping Plan of the Addition, in effect at the time as adopted and amended by the Board. The Lot Owner shall be responsible for all costs for the replacement tree(s) and the proper planting of the tree(s) in the designated locations in the common areas of the Addition. A replacement tree that dies within two years after the date on which it was planted must be replaced by the Lot Owner with another replacement tree that complies with these Requirements, at no cost to the Association.

A written recommendation from the Landscape and Grounds Committee as to the location of replacement tree(s) will be forwarded to the Board for final approval. The Association's Policy for Donated Materials will apply to replacement tree(s) planted pursuant to these Requirements. It is the responsibility of the Lot Owner to secure all written approvals of officials of the City of Dallas required by the Code.

The Requirements contained herein are in addition to any requirements under the Code, and supplement the CC&R. Compliance with the Code does not necessarily mean compliance with the Requirements contained herein. Similarly, compliance with these Requirements does not necessarily mean compliance under the Code.

Defined Terms. For the purposes of this Amendment to Residential Design Guidelines, the following terms shall have the indicated meanings:

“Association” means The Lake Forest Community Association, Inc. a Texas non-profit corporation.

“Board” means the Board of Directors of the Association.

“Caliper” means:

(A) for a single-stem tree, the diameter of the trunk measured twelve inches above the ground for a tree having a diameter up to and including eight inches, and measured at four and one-half feet above the ground for a tree having a diameter of more than eight inches.

(B) for multi-stem trees, the diameter of the trunk measured at the narrowest point below branching when branching occurs higher than twelve inches above the ground; when branching occurs at or lower than twelve inches above the ground, caliper means the diameter of the largest stem plus the average diameter of the remaining stems, measured at four and one-half feet above the ground.

“Code” refers to the Dallas Development Code, Division 51A-10.130, *et seq.*, “Tree Preservation, Removal and Replacement” of the Code of Ordinances of the City of Dallas, as amended and in effect from time to time.

“Protected tree” means:

- (A) a tree that has a caliper of eight inches or more and is not one of the following trees:
  - (i) *Acer saccharinum* (Silver Maple);
  - (ii) *Ailanthus altissima* (Tree of Heaven);
  - (iii) *Albizzia julibrissen* (Mimosa or Silktree);
  - (iv) *Celtis occidentalis/ laevigata* (Hackberry or Sugarberry);
  - (v) *Fraxinus velutina* (Arizona Ash);
  - (vi) *Juniperus virginiana* (Eastern Red Cedar)[unless protected under subparagraph (B)];
  - (vii) *Maclura pomifera* [female only] (Bois d’Arc or Horseapple);
  - (viii) *Melia azedarach* (Chinaberry);
  - (ix) *Prosopis glandulosa* (Mesquite) [unless protected under subparagraph (B)];
  - (x) *Salix nigra* (Black Willow);
  - (xi) *Sabium sebiferum* (Chinese Tallow); or
  - (xii) *Ulmus pumila* (Siberian Elm);
- (B) a *Juniperus virginiana* (Eastern Red Cedar) or *Prosopis glandulosa* (Mesquite) tree that has a caliper of eight inches or more and the trunk is located:
  - (i) in, or within 120 feet of the boundary of: a floodplain (as defined in Article V of the Code); a wetland area (as defined in federal environmental regulations); or an escarpment zone (as defined in Article V of the Code); or
  - (ii) within 50 feet of a natural channel setback line (as defined in Article V of the Code);
- (C) a *Juniperus virginiana* (Eastern Red Cedar) or *Prosopis glandulosa* (Mesquite) tree that has a caliper of at least twelve inches; and
- (D) a tree that was planted as a replacement tree.

“Remove or seriously injure” (including terms derivative thereof) means an intentional or negligent action that will more likely than not cause a tree to decline and die within five years of the act. Actions that constitute removing or seriously injuring a tree include, without limitation: cutting down a tree; excessively pruning or topping a tree; compacting the soil above the root system of a tree; changing the natural grade above the root system of a tree; damaging the root

system or the trunk of a tree (such as by operating machinery near, or by clearing or grading the area around, the trunk of a tree); failing to repair an injury to a tree from fire or other causes, which results in or permits tree infections or pest infestations into or on the tree; applying herbicidal or other lethal chemicals; and placing nonpermeable pavement over the root system of a tree.

### **Approved Replacement Trees**

#### SCIENTIFIC NAME COMMON NAME

*Acer barbatum* var. Caddo Maple  
*Acer grandidentatum* Bigtooth Maple  
*Acer buergerianum* Trident Maple  
*Carya illinoensis* Pecan  
*Cercis canadensis* Redbud  
*Chilopsis linearis* Desert Willow  
*Diospyros texana* Texas Persimmon  
*Diospyros virginiana* [male only] Common or American Persimmon  
*Fraxinus americana* White Ash  
*Fraxinus texensis* Texas Ash  
*Gleditsia triacanthos* var. *inermis* Thornless Honeylocust  
*Juglans microcarpa* Texas Black Walnut  
*Juniperus ashei* Ashe Juniper  
*Lagerstroemia indica* Crepe Myrtle  
*Liquidambar styraciflua* Sweetgum  
*Magnolia grandiflora* Southern Magnolia  
*Pinus eldarica* Eldarica, Mondell, or Afghan Pine  
*Pinus nigra* Austrian or Black Pine  
*Pinus thunbergii* Japanese Black Pine  
*Pistacia chinensis* Chinese Pistachio  
*Prunus mexicana* Mexican Plum  
*Quercus buckleyi* Texas Red Oak  
*Quercus durandii* Durrand Oak  
*Quercus fusiformis* Escarpment Live Oak  
*Quercus macrocarpa* Bur Oak  
*Quercus muhlenbergii* Chinkapin Oak  
*Quercus shumardii* Shumard Oak  
*Quercus virginiana* Live Oak  
*Sapindus drummondii* Western Soapberry  
*Taxodium ascendens* Pond Cypress  
*Taxodium distichum* Bald Cypress  
*Ulmus crassifolia* Cedar Elm  
*Ulmus parvifolia* Lacebark Elm  
*Viburnum rufidulum* Rusty Blackhaw

Adopted: June 27, 2006