

2024032391
ELECTRONICALLY RECORDED
Official Public Records
4/9/2024 10:44 AM



Laura Richard
Laura Richard, County Clerk
Fort Bend County Texas
Pages: 29 Fee: \$ 127.00

REPLACEMENT INSTRUMENT TO RECORD DEDICATORY INSTRUMENTS

This Replacement Instrument is being recorded by the Walnut Creek Community Association, Inc. a Texas nonprofit corporation (the "Association") pursuant to Section 202.006 of the Texas Property Code. It replaces that one certain Instrument recorded under Fort Bend County Clerk's File No. 2018074801.

Section 202.006 of the Texas Property Code requires a property owners' association to record each dedicatory instrument in the real property records of the County in which the property to which the dedicatory instrument relates is located, if such instrument has not previously been recorded; and

Restrictive covenants and other matters concerning the Subdivision are set forth in the Declaration of Covenants, Conditions and Restrictions for Walnut Creek recorded under Fort Bend County Clerk's File No. 2007020558 in the Official Public Records of Fort Bend County, Texas, (the "Declaration").

The Association is currently subject to the following additional dedicatory instruments which have not previously been recorded, attached hereto and made a part hereof, to-wit:

Residential Improvement Guidelines - Homeowners

Pursuant to Section 202.006 of the Texas Property Code, the Declarant for the Association does hereby record such additional dedicatory instruments, a copy of which is attached hereto.

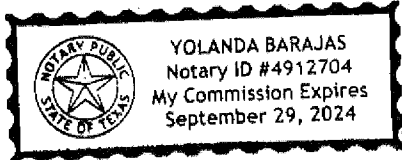
Executed on the 8th day of April, 2024.

Walnut Creek Community Association, Inc.
a Texas non-profit corporation

By: *Kim Stewart*
Name: Kim Stewart
Title: President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on April 8, 2024,
by Kim Stewart, the President of Walnut Creek Community
Association, Inc. on behalf of said entity.



Yolanda Barajas
Notary Public, State of Texas

WALNUT CREEK COMMUNITY ASSOCIATION, INC.

**RESTATED AND AMENDED RESIDENTIAL IMPROVEMENT GUIDELINES
FOR HOMEOWNERS**

DATED AS OF: MARCH 21, 2004

A. DEFINITIONS.

Terms used in this document have the following meanings:

"Application" or "Applications"	Application for approval for exterior changes, additions, or improvements. Forms and names vary by Management Company.
"Applicant"	Owner or agent of the Owner making an application to the ARA for the purpose of making Improvements on a Lot.
"Association"	<i>Walnut Creek Community Association, Inc.</i>
"ARA"	Architectural Review Authority appointed by the Board.
"Board"	Board of Directors of the Association.
"Community"	Areas of <i>Walnut Creek</i> Development that have been brought under the jurisdiction of the Association.
"Declarant"	Friendswood Development Company, LLC., a Texas limited partnership
"Declaration"	Declaration of Covenants, Conditions and Restrictions for <i>Walnut Creek Community Association</i> recorded under Clerk's File 2007020558 in the Official Records of Real Property in Fort Bend County, Texas ("Official Records"), as amended.
"Improvement Guidelines" or "Guidelines"	These Residential Improvement Guidelines for Homeowners which set forth standards and procedures established by the ARA pertaining to Improvements on any Lot within the Community.
"Improvements"	Exterior changes, additions, or improvements on a Lot or residence after the initial construction of the homebuilder, pursuant to these Guidelines.
"Lot" or "Lots"	Platted property on any recorded subdivision map of the Community upon which there has been or may be constructed a single-family residence.
"Management Company"	Professional community management company in the employ of the Association.
"Owner" or "Homeowner"	The person(s) or entity(ies) who hold the record title to the Lot.
"Supplementary Declarations"	Supplementary Declarations that apply specifically to other properties within <i>Walnut Creek Community</i> that have been or will be annexed into the Association and made subject to the Declaration.

B. PURPOSE OF IMPROVEMENT GUIDELINES.

These Guidelines are limited to the review and approval of Improvements on Lots in the Community. Declarant has reserved and does reserve its exclusive right to approve all initial construction during the Declarant Control Period. After the Declarant Control Period, the ARA shall have the exclusive right to approve all new construction and modifications of Improvements on Lots in the Community. Additionally, these Guidelines do not address any commercial properties within *Walnut Creek Community Association* as such commercial architectural review authority is also reserved by the Declarant.

These Guidelines are intended to provide all Homeowners information about the type, color, quality, and grade of material that may be used in the construction of various kinds of Improvements; the size and location of such Improvements; and the procedure followed by the ARA for reviewing Applications for proposed Improvements.

These Guidelines are intended to ensure consistency in decisions by the ARA and assist in expediting the decision process. The Guidelines are intended to augment and clarify the Declaration but not replace or override it. In cases where the Guidelines and the Declaration conflict, the Declaration shall govern. The restrictions or use set forth in the Declaration may be revised only by the criteria outlined in the Declaration.

These Guidelines may be amended by addition, deletion, or re-issuance at any time by the Board.

C. PURPOSE OF AUTHORITY.

The purpose of the ARA is to review and evaluate Applications for Improvements on Lots within the Community, in accordance with the Declaration and these Guidelines. The ARA also functions as a central architectural control for the Community, in order to enhance, ensure, and protect the attractiveness, beauty, and desirability of the Community as a whole while, at the same time, permitting compatible distinctiveness of homes within the Community. The ARA may also make recommendations to the Board regarding changes or clarifications to these Guidelines or the Declaration.

D. ARCHITECTURAL REVIEW PROCEDURES.

Plans and specifications for Improvements are to be approved in advance in writing by the ARA. No special consideration will be given in those instances when post-construction approval is requested.

1. General.

An item can come before the ARA as follows:

- a. A Homeowner(or his/her representative) shall submit an Application for Improvement to the Management Company.
- b. When an unapproved Improvement comes to the attention of the Board, ARA or the Management Company, the Management Company will send a letter to the Homeowner requesting an Application be submitted. If no Application is received within 30 days, the Management Company will report this to the Board, which will take appropriate action.
- c. If the unapproved Improvement appears to be a violation of the Declaration, the initial notification/request to the Homeowner may be a letter sent by certified mail.

2. Applications for Approval.

All Applications to make any Improvements must be submitted to the Management Company in writing by completing the Application form(s) currently in use by the ARA, copies of which are attached herewith as *Exhibits "A" and "B"*. The Management Company shall coordinate Application processing on behalf of the ARA.

Plans and specifications for any Improvement must be attached to the Application. For room additions, sunrooms, patio enclosures, and patio covers, Applications must be accompanied by a detailed to-scale drawing or plans showing the three-dimensional relationship of the Improvement to the existing structures. Applications must also include a plot plan showing the location of the Improvement in relation to all lot boundary lines, the residence, other structures on the Lot, the easements, and the building setback lines. Applications must also include a detailed material list and include the name, address, and business phone number of the contractor or installer, if applicable. Applications may be rejected for failure to provide any of these required items. The ARA reserves the right to require certified architectural and/or engineering drawings. All Applications, additional information, or requests for appeal shall be mailed or delivered to the office of the Management Company, not to members of the Board or ARA.

The ARA reserves the right to request any additional information it deems necessary to properly evaluate any Application. In the event that the ARA requests additional information, the Application shall be considered incomplete until such information is submitted to the ARA and the sixty (60) day review process of the Application, as described in the Declaration, shall not begin until such information is received. In the event that the ARA requests additional information and the information is not received within forty-five (45) days from the date of the request, the Application shall automatically be denied. However, the Applicant may thereafter submit a new Application with the requested information to the ARA for its review.

3. ARA Decisions.

ARA members shall consider each Application for compliance with the Declaration and these Guidelines. The decision of a majority of members to approve or disapprove an Application shall be considered the decision of the ARA.

ARA decisions shall be conveyed in writing by the Management Company to the Applicant and shall include a statement of the conditions under which the Application is approved, if any, or the primary reason(s) for disapproving the Application.

Subject to Section 2 above, in accordance with the Declaration, any Application that is not approved or disapproved within sixty (60) days of the date of its receipt shall be deemed to have been automatically denied.

4. Board Appeals.

In the event the ARA disapproves an Application or an Application is automatically deemed to be disapproved, the Applicant may submit a written appeal to the Management Company for review by the Board. The Board shall review the appeal at its next meeting following the date upon which the request for appeal is received, and notify the Applicant of the Board's decision. All decisions of the Board shall be final.

5. Status of Applications During Appeal.

In the event of an appeal, the decision of the ARA on the original Application shall remain in effect until and unless the Board rules otherwise in writing.

6. Permits.

- a. After ARA or Board approval, as the case may be, and before construction, Applicant must obtain the appropriate building permit(s) for the Improvement on a Lot. ARA and the Board do not monitor the permit process nor do they guarantee that the permitting agencies will grant a permit for an Improvement that is approved by the ARA or Board, as the case may be. Accordingly, all ARA and Board approvals are contingent on permitting approval.
- b. Applicant is advised to obtain ARA approval before submitting for the permit. The permitting agencies are separate from the ARA, and their approval does not equate to ARA or Board approval, as the case may be.

E. ARCHITECTURAL CONTROLS AND RESTRICTIONS ON USE.

Architectural Controls are addressed in Article VI of the Declaration. Restrictions on Use are addressed in Article IX of the Declaration. The following Guidelines supplement and clarify the restrictions on use set forth in the Declaration, but may not override the Declaration. In cases where the Guidelines and the Declaration conflict, the Declaration shall govern.

1. General.

- a. **Precedents.** While the ARA will make every reasonable attempt to be fair and equitable, the ARA will not necessarily be bound by past decisions. The ARA reserves the right to disapprove Applications for Improvements that require a variance from the established Guidelines or Declaration if it believes that such changes are not in the best interest of the future of the Community, even if a precedent was set by an earlier decision of the ARA. From time to time, the ARA may make a decision that, in retrospect, is not in the best interests of the Community. The ARA and the Board reserve the right to recognize such a situation and no longer permit its use as a precedent. The same right applies if the ARA makes an error in allowing a change or addition to these Guidelines.
- b. **Quality of Repairs and Improvements.** Repairs and Improvements are required to be of equal or better quality than original construction.
- c. **Easement Encroachments.** It is not the responsibility of either the ARA or the Board to monitor encroachment into utility easement areas. The ARA may advise the Homeowner of a possible encroachment and recommend that the Homeowner seek approval or waiver from the appropriate utility company. However, the ARA, Board, and the Association will not be liable for any expense incurred by a Homeowner as a result of action by a utility company if such encroachment occurs, even if the ARA approved the change or addition without comment.

2. Building Materials.

Restrictions on use relative to building materials and roofing materials are covered in Article IX, Sections 4, and Section 23, respectively of the Declaration. The following guidelines supplement and clarify the restrictions on use relative to these items.

- a. **Brick, Stucco, Stone, and Cultured Stone.** Brick, stucco, stone, and cultured stone are the preferred building materials for siding the main residence or additions. The thickness, visible width, spacing, and mortar of the brick, stone, or cultured stone must be consistent with that of the original exterior and surrounding Community. Each Application submitted to the ARA shall include a sample of the proposed material.
- b. **Exterior Siding.** When exterior siding is to be added or replaced on any existing structure or new Improvement on the Lot, it must be of the same type, quality, size, and color as the existing siding on the main residence (unless all exterior siding is being replaced at one time). Where siding is used, it can be fiber-cement, horizontal lap, LP Smartside siding®, or staggered edge shake siding, (*HardiPlank® Select Cedarmill or HardiShingle® Staggered Edge*, or equivalent). Diagonal siding is prohibited. Vinyl, metal, and particleboard are prohibited siding materials.

The following additional guidelines apply to replacement or additional exterior siding:

- (i) Minimum of a 20-year warranty from a reputable manufacturer (warranty information should be submitted with the Application);
- (ii) Thickness, visible width, and spacing of siding must be consistent with that of the original exterior siding; each Application submitted to the ARA shall specify the thickness, width and spacing of the existing and proposed siding, and shall include a sample of the proposed siding material;
- (iii) Color of all siding (including siding that is not painted) must comply with the guidelines for Painting as set forth herein in Section E.4.; each Application must include at least two (2)

color samples of the proposed siding color. Siding with impregnated permanent color (*JamesHardie ColorPlus®* or similar) must be approved for color in the same manner as paint samples.

- (iv) Must be installed and maintained to avoid sagging, waving, warping or irregular coloration; the ARA may require the Homeowner (at Homeowner's sole responsibility and expense) to repair or replace siding that fails to adhere to these Guidelines.
- (v) Siding shall be installed over a high-density polyethylene moisture barrier (*DuPont Tyvek®* or equivalent) to match the original construction.

3. Roofing Shingles.

Restrictions on use relative to roofing materials are covered in Article IX, Section 23 of the Declaration. The following guidelines supplement and clarify the restrictions on use relative to roofing materials.

- a. All roofing shingles must be dimensional (architectural) shingles having a minimum 25-year warranty and be equal in appearance and quality to the existing roofing. A sample of the proposed shingle to be placed on any existing roof, or any new Improvement (Including outbuildings) must be attached to each Application submitted to the ARA. Corrugated metal, corrugated aluminum, acrylics, and such materials are not approvable for roofing.
- b. The ARA may maintain a chart depicting examples of the acceptable type, quality, and color of roofing materials for homes and other Improvements within the Community. Each shingle shall be compared to the samples set forth on the roofing materials chart to ensure that the proposed shingle is of an acceptable type and quality and that its color is harmonious with the color scheme established for the Community.
- c. Composition shingle roofs shall be comparable in color to weathered wood shingles and comparable in surface textural appearance to wood shingles. Underlayment material shall be a minimum Type 30 felt for all composition roofs.

4. Painting.

- a. Approval. No exterior surface of any house, garage, or other structure or Improvement on any Lot shall be painted or repainted without prior approval of the ARA. This applies to existing, as well as new construction, and whether the proposed colors are the same or different from the existing colors. Color samples or "paint chips" of the proposed exterior color(s) must be attached to each Application submitted to the ARA.
- b. Harmonious Colors. The proposed colors must be harmonious with each other and with the colors of exterior brick and roofing materials. The ARA may maintain a chart depicting examples of the acceptable shades of earthtone colors (i.e. shades of beige, brown, gray, and white). The color samples or paint chips shall be compared to the colors and shades of colors set forth on the color chart to ensure that each approved color is harmonious with the color scheme established for the Community.
- c. Trim. Soffit, fascia board, window and door trim, and rain gutters must also be an earthtone color; however, the shades of trim color may be deeper than the principal color of the dwelling or garage.
- d. Accents. Shutters, window hoods, the side panels of doors and windows, and the exterior surfaces of doors may be painted any acceptable earthtone color, including trim colors and certain acceptable shades of dark green, black, blue-gray, rust, or dark blue. Window hoods may also be painted in a copper-tone metallic-based paint. Only one (1) accent color is permitted for any single residence. Exterior doors may be stained a natural wood color or may be painted to match the other accents, trim, or main house color.
- e. Storm doors. Storm doors shall be permitted with the following guidelines:
 - (i) Must be full view – all glass.
 - (ii) Screening or decorative scrollwork is not permitted
 - (iii) Door trim must match the exterior colors of the homes.

- (iv) Unfinished aluminum or wood screen doors are not permitted
- (v) Installation must be in accordance with the plans and specifications submitted with the Application.

5. Decks and Patios.

- a. Decks are typically constructed from treated pine joists, beams and posts, and decking planks of treated pine, cedar, or synthetic wood material such as *Trex*®. The overall height of the deck, exclusive of the railing, may not exceed two (2') feet in height, although the ARA may grant variances to this limitation on a case-by-case basis. Where the railing is installed, it must meet local codes and may not be greater than forty-two inches (42") above the decking planks. Benches and tables may be incorporated into the deck itself. Patios may be constructed of slab-on-grade concrete, brick, stone, or other masonry material.
- d. While there is no maximum or minimum size for a deck or patio, no deck or patio shall impede drainage on the Lot or cause water to flow on an adjacent lot.

6. Patio Covers.

- a. The standard, type, quality, and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality, and color of the materials used in the construction of the main residence; provided, however, that corrugated roofs for patio covers and aluminum patio covers shall not be permitted under any circumstances. If the siding is used on patio covers, it must be of the same type, quality, and color as the siding on the main residence. Roofing materials on patio covers shall conform to the provisions relating to roofing materials outlined in the Declaration and these Guidelines. Louvered or trellis-style patio cover roofs may be allowed as long as the quality of materials is approved. Pressure-treated wood may be stained or painted provided the color shall conform to the provisions relating to painting outlined in these Guidelines. Any patio cover, that is not attached to the house, shall be subject to the Guidelines set forth for gazebos and restricted to twelve (12') feet.
- b. The location of a patio cover must not encroach on any easement, nor shall it violate the building setback lines applicable to the residential dwelling on any Lot. Patio covers must not interfere with drainage or cause water to flow onto any adjacent Lot.
- c. All patio covers must be adequately supported and constructed of sturdy materials so that the patio cover has no visible sagging or warping. This also applies to any lattice attached to the sides of the structure.
- d. Patio covers which are attached to the house shall be securely attached at a height not less than seven (7') feet nor more than twelve (12') feet from the ground. Patio covers which are attached to a detached garage or breezeway must be securely attached at a height below the eaves of each structure at a height of not less than seven (7') feet nor more than nine (9') feet from the ground. The patio cover roof shall provide an attractive slope away from the house at an angle that does not exceed that of the roof on the house.
- e. The roof of all patio covers (other than arbor or trellis type) must be covered with shingles meeting the roofing guidelines set forth herein. Where the patio cover is gabled, the roof pitch should match the roof pitch of the portion of the home where the cover is attached. If the patio cover is not gabled, it should have a 3:12 slope.
- f. Second-story decks will only be allowed as part of the original overall design of the home. The addition of a second-story deck after the original home plan has been designed and approved by the Architectural Review Authority (new construction) will not be allowed.
- g. If a fireplace is proposed for a covered patio area (associated with structures that are attached to the house), the fireplace requires written approval of the ARA prior to installation or construction, as well as compliance with the requirements and limitations set forth below. Among other reasons, the ARA may disapprove a proposed fireplace in a covered patio area on the basis of the proximity of the open area of the fireplace and the chimney to other structures and improvements on the Lot

on which the covered patio area is located, including the patio cover itself, and structures and improvements on an adjacent Lot. Fireplaces shall be constructed in a manner required by all applicable building codes.

- i. A fireplace is only permitted in a covered patio area that is located in the rear yard of a Lot and the rear yard of the Lot must be fully enclosed by a fence.
- ii. No part of the fireplace may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
- iii. No part of the fireplace may be located on an easement.
- iv. The exterior of a fireplace must be a stone or masonry material.

7. Patio Enclosures.

- a. A "patio enclosure" is any patio cover that has exterior walls and/or screens (other than "sunrooms" as defined in Section E. ii above).
- b. All structural components of patio enclosures, including roofing materials, shall be subject to the Guidelines set forth herein for "patio covers". This section describes additional requirements for walls, screens, and frames used to enclose a covered patio or deck.
- c. The standard, type, quality, and color of the materials used in the construction of a patio enclosure must be harmonious with the standard, type, quality, and color of the materials used in the construction of the main residence. Exterior walls of a patio enclosure shall be constructed of brick or siding which is of the same type, quality, and color as those of the main residence on the Lot, and in accordance with Section E.2 above. No visible part of the enclosure may be made of metal other than screens, frames, and storm doors. Patio enclosure screens must be the same color as existing window screens on the main dwelling and must have adequate cross-member support to avoid sagging. The exterior color of doors, sills, beams, frames, or other visible supports must match the exterior colors of the main dwelling or the color of existing window frames.
- d. If a fireplace is proposed for an enclosed patio, the fireplace requires the written approval of the ARA prior to installation or construction, as well as compliance with the requirements and limitations set forth below. Among other reasons, the ARA may disapprove a proposed fireplace in an enclosed patio based on the proximity of the fireplace to other structures and improvements on the Lot on which the enclosed patio is located and structures and improvements on an adjacent Lot. Fireplaces shall be constructed in a manner required by all applicable building codes.
 - i. A fireplace is only permitted in an enclosed patio that is located at the rear of the home on the Lot.
 - ii. No part of the fireplace may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
 - iii. No part of the fireplace may be located on an easement.
 - iv. The exterior of a fireplace must be a stone or masonry material.

8. Sunrooms.

- a. A "sunroom" is any room with glass-enclosed walls or a glass ceiling. The ARA may reject any Application to construct a sunroom on a Lot based on its overall design and conformity with existing

structures regardless of whether or not the proposed sunroom complies with the technical specifications set forth below.

- b. Applications must be accompanied by a detailed scale drawing or blueprint showing the three-dimensional relationship of the sunroom to the existing structures. Applications must also include a plot plan showing the location of the sunroom in relation to all lot boundary lines, the residence, other structures on the Lot, the easements, and the building setback lines. Applications must also include a detailed material list and include the name, address, and business phone number of the contractor or installer. Applications may be rejected for failure to provide any of these required items.
- c. A sunroom may be added to the rear of the residence only. Applications for sunrooms on corner Lots or Lots where the rear of the house faces a street or other Community property will be considered on a case-by-case basis.
- d. Supporting structural members must be of a color and shade similar to and harmonious with the exterior color of the residence. Glass must be tinted in a shade compatible with the exterior of the residence. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Applicants may be required to submit actual samples of the glass with the proposed shading/tinting material applied for approval.
- e. The floor of the sunroom must be of reinforced concrete slab construction with three (3") inch minimum thickness. No other flooring material will be permitted.
- f. Only safety glass will be permitted for the panes. No fiberglass, plexiglass, plastic, acrylic, mesh, or other materials will be allowed. Safety glass must be a minimum of 3/16" thick if tempered glass or a minimum of 1/4" thick if laminated glass. The maximum width of glass between support trusses will be thirty-six (36") inches measured center-to-center.
- g. Support trusses (glazing bars) must be constructed of aluminum or aluminum alloys with electrostatically applied coloring/paint to withstand a minimum of 100 M.P.H. wind and 25 lbs. per square foot or as dictated by Fort Bend County, Texas. No natural aluminum oxidation coloring will be allowed. No wood, composite, steel, fiberglass, or plastic trusses will be allowed. Trusses must be of structural box or I-beam construction. Round, oval, or "T" shaped trusses will not be allowed.
- h. The roof of a sunroom must have a minimum pitch of one (1") inch per twelve (12") inch of projection. The sunroom may not project more than twenty (20') feet measured from the rear-facing plane of the residence. The sunroom may not project beyond either side-facing plane of the residence. A sunroom may not encroach on any existing setbacks or easements.
- i. Sunrooms are only permitted as ground structures. The maximum height of the roof, measured from the concrete floor, may not exceed either twelve (12') feet or the height of the eaves of the wall that the sunroom projects from, whichever is lower.
- j. All electrical installations (lights, ceiling fans, electrical outlets, and low voltage speakers and controllers) shall be in accordance with the applicable version of the National Electric Code. If ceiling lighting is installed, it must be downward-directed, focused, low-wattage track lighting.
- k. Sunrooms may not have turbine-type or forced fan roof ventilators installed. Only natural draft/convection flow panels that open may be installed. Panels that open may not exceed thirty-six (36") inches x thirty-six (36") inches in size and must be at least thirty-six (36") inches in any direction away from adjoining opening panels.
- l. Sunrooms may not have exposed air conditioning or heating ductwork installed on the exterior thereof. Vents must be attached to the main residence. No ductwork shall be visible.
- m. Window-coverings are not required. However, only interior coverings will be permitted; there shall be no exterior covering of the sunroom glass allowed. The side of the window-covering facing the exterior must be of a neutral, earth-tone color, which must also blend with the exterior color of the home. If there is covering on any one window, then all windows must be covered with the same treatment. Color and material samples of coverings may be required to be submitted for approval,

at the discretion of the ARA. All temporary or disposable coverings not consistent with the aesthetics of the Subdivisions, such as reflective materials, sheets, newspaper, aluminum foil, plastic, cardboard, etc. are prohibited.

9. Gazebos.

- a. Gazebos require the written approval of the ARA prior to installation or construction and are subject to the requirements and limitations set forth below; provided that, in the case of a gazebo, the ARA has the authority to impose more stringent requirements as to location and dimensions when deemed necessary on the basis of relevant factors, such as by way of example and not in limitation, the type and/or location of another structure on the Lot, the visibility of the gazebos from a street, another Lot or Association common area, builders model home or the obstruction of a view from an adjacent lot.
- b. A "gazebo" is a free-standing, open-framed structure. Gazebos are typically circular or octagonal-shaped structures but may be irregularly shaped. Pergolas, arbors, and similar freestanding structures are considered gazebos for all purposes in these Guidelines. The Application for the construction of a gazebo must include a plot plan showing the location of the structure in relation to the property lines, building lines, easements, existing structures, and existing or proposed fences. The gazebo must be a minimum of ten (10') feet from any other structures and improvements in the backyard.
- c. Gazebos must be predominately open but may have a railing or half walls not to exceed forty-two inches (42") in height. Any open columns must be painted or stained. If the gazebo is painted it shall match or complement the structure of the home. The ceiling of the gazebo may be open to the rafters or closed-in and finished. All materials must be consistent in quality and appearance to the structure of the home.
- d. The overall size of the gazebo shall not exceed two-hundred and fifty (250) square feet. The maximum overall height (including the flooring or decking) is limited to twelve (12') feet when measured from natural ground to the highest peak of the structure.
- e. Flooring may be concrete slab-on-grade or raised decking of wood or synthetic wood material such as Trex®. Flooring may be painted, stained, or tiled. If raised decking is used, it may not exceed eighteen inches (18") in height.
- f. All gazebos must have a permanent roof, the quality and color of which shall match the home on the Lot. A double roof is permitted and encouraged.
- g. All pipes and cables must be underground. Any electrical installation (lights, ceiling fans, electrical outlets, and low-voltage speakers and controllers) shall be in accordance with the applicable version of the National Electric Code.
- h. Gazebos must be located in the rear or side yard. Gazebos shall not be located in any rear or side lot building line. Regardless of whether any building line exists, gazebos may NOT be located within ten (10') feet of a property line. No gazebo shall be located on a utility easement, impede drainage on the Lot, or cause water to flow onto an adjacent Lot. Gazebos will not be approved if proposed to be installed in a location to limit the adjacent property owner's view of amenities.
- i. The ARA reserves the right to review the location of the gazebo and further has the right to require that portions of gazebos be altered to include walls, screening, or similar features to limit exposure (sound, smoke from grills, outdoor televisions, noise, etc...) to adjacent property owners during pre-approval of the structure or at any time the gazebo has been completed.

10. Swimming Pools and Spas.

- a. A swimming pool is an in-ground structure which may or may not include a spa, diving board, slide, or water features. These Guidelines do not limit the size or layout of the pool. However, any above-ground pool is prohibited and any pool installation must be professionally designed and is subject to all permitting ordinances of Fort Bend County.

- b. The Application for the construction of a swimming pool or spa must include a plot plan showing the proposed location of the swimming pool or spa in relation to the property lines, building lines, easements, existing structures, and existing or proposed fences. Any trees that are to be removed or relocated must be noted. The Application shall also include a timetable for the construction.
- c. The pool and pool decking may not extend past any platted building line. The minimum side lot setback criteria for the pool and pool decking shall be consistent with Article 10, Section 10.25 of the Declaration. Minimum back lot setbacks shall be governed by the width of any back lot easements.
- d. The pool, pool decking, waterfalls, or any features associated with the pool may not encroach on any back lot or side lot easement including, without limitation, any easements on the subdivision plat, any easements granted by separate easement, or easements granted by deed.
- e. Construction of the pool, decking, waterfalls, or other features may not change the Lot drainage in such a way as to direct water onto any other residential Lot or open space.
- f. No swimming pool or spa shall be approved unless the area in which the pool is to be located is either enclosed by a barrier or fence that is compliant with Fort Bend County.
- g. Swimming pools and spas must also have an adequate drainage system according to the requirements of any governmental agency having jurisdiction or, in the event there is no governmental agency having jurisdiction, as deemed appropriate of the ARA. Under no circumstances shall water from a swimming pool or spa be permitted to drain onto the surface of the Lot on which the swimming pool or spa is situated or onto any adjacent Lot.
- h. During construction, the pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists. If a portion of an existing fence is removed during construction, a temporary fence or barrier must be erected to fully enclose the area in which construction is taking place. Further, no building materials shall be kept or stored in the street overnight. Any dirt in the streets generated by construction traffic shall be cleaned at the end of the day on a daily basis. Excavated material shall either be used on-site or removed from the premises and legally disposed off-site by the pool contractor. The homeowner is responsible to the Association on this matter. A one thousand dollar (\$1000) fine will be imposed if the pool contractor has been discovered illegally dumping excess material within the Community.
- i. The pool mechanical equipment may be placed within the side yard setback but must be located within the fenced area of the home. The pool equipment may not be placed in such a way as to impede the three (3') foot wide side yard drainage easement or be within three (3') feet of a side property line and at least twenty (20') feet away from any adjacent property owner windows. The ARA reserves the right to require that pool equipment be located in a manner to not distract or be a nuisance to any Lot.
- j. Features such as rock waterfalls shall not exceed six (6') feet in height and should not allow for an "over-look" into a neighboring lot/home. All above-ground features like waterfalls or walls on Lake Lots must be finished on the back side and screened with landscaping from public view.
- k. A one thousand dollar (\$1,000) returnable deposit will be required for any pool construction in the Community. A written notification of completion shall be submitted to the ARA for a final inspection of the construction areas in public view. The deposit will be returned after the inspection provided that all areas impacted by construction have been returned to their original condition.
- l. No pool, pool bowl, pool decking, spa, diving board, slide, water features, or anything associated with swimming pool amenities (horizontal or vertical) shall be located within any easement including, without limitation, any easements on the subdivision plat, any easements granted by separate easement, or easements granted by deed. If no easement exists then no pool or amenity as previously mentioned in document shall be located within five (5') feet of any property line.
- m. Pool contractors are not permitted to use reserves, easements, or any other Lot to access the Lot while installing pools.
- n. Any violation of these Guidelines could result in forfeiture of deposit.

11. Outbuildings.

Restrictions on use relative to outbuildings are covered in Article IX, Section 12 of the Declaration. The following Guidelines supplement and clarify the restrictions on use relative to outbuildings.

- a. Outbuildings, whether temporary or permanent, used for accessory, storage, or other purposes are limited to only one (1). Outbuildings shall not exceed one hundred (100) square feet and eight (8') feet in height measured from grade shall be permitted on a Lot. The standard, type, quality, and color of the materials used in the construction of the outbuilding shall be harmonious with those of the main residence.
- b. Building materials, including siding and roofing must be consistent with these Guidelines. Metal or vinyl buildings (except as noted below) are not approvable.
- c. Outbuildings must conform to the building front and side setback restrictions outlined in the Declaration or the plat. No outbuilding shall impede drainage from the Lot or cause water to flow onto an adjacent Lot.
- d. The use of small, manufactured outbuildings of less than twenty (20) square feet and six (6') feet in height are approvable, provided they are not visible from any public exposure. Examples of such buildings are those manufactured by Rubbermaid®.
- e. Outbuildings or storage sheds are not permitted on non-fenced lots, or lots with wrought iron fencing. All outbuildings must be installed in the backyard, not installed within any easements, and can't be seen from any public area. Example: If homesites backup to a public street then the shed shall be lower than the fence in order to screen it from public view or on a lake Lot then a storage shed will not be allowed on that home site. There will be no variances approved.
- f. The ARA reserves the right to require that outbuildings be located in a manner to not distract or be a nuisance to any Lot.

12. Landscaping.

Restrictions on use relative to tree and soil removal and landscaping are covered in Article IX, Section 24 of the Declaration. The following Guidelines supplement and clarify the restrictions on use relative to these items. Additionally, the Supplementary Declarations (herein so-called) and Builder Guidelines (herein so-called) for a subdivision section may contain specific landscape requirements that are applicable to certain Lots.

- a. Front Yard Trees. All Lots and homes, by the Declaration and Builder Guidelines, shall require Two Front Yard Trees (herein so called), the number and location are outlined in the Declaration, Supplementary Declarations, or Builder Guidelines. If a Front Yard Tree dies, it shall be replaced by the Homeowner. Front Yard Trees are to be hardwood trees, pine trees, or evergreen trees with trees having a minimum of three inches (3") in caliper for hardwoods measured twelve inches (12") above grade. Additionally, Front Yard Trees must have a minimum height of ten (10') feet and a minimum spread of eight (8') to ten (10') feet.
- b. Accent Trees. The supplemental planting of additional trees in the front and back yards is encouraged. The supplemental or "Accent Trees" (herein so called) include a wide variety of trees including Bottlebrush, Crape Myrtle, Holly, Little Gem Magnolia, Mexican Plum, and Texas Mountain Laurel. Accent Trees must be common nursery stock with a minimum of fifteen (15) gallon containers. While the location of the Accent Trees is not specified, they may not be planted in such a way as to impose on an adjacent residence. The planting of trees within the side setback is discouraged. Accent Trees may not be used to replace the required Front Yard Trees or Street Trees.
- d. Palm Trees. Palm trees are very common along the Texas Gulf Coast and a wide variety of indigenous and imported species are approvable for landscape in yards, subject to ARA approval. Queen Palms and Mexican Fan Palms are not approvable for front yards and are not recommended for back yards. Palm trees should be incorporated into landscaping as an accent

to the overall landscape plan and should complement, rather than dominate the landscaping on the Lot. Palm trees must be kept trimmed and neat, and free from dead fronds and dried seed pods. Palm trees may not be used to replace the required Front Yard Trees or Street Trees.

- e. Trash Trees. The planting and/or propagation of "trash trees" (herein so-called) is discouraged. Trash Trees are trees that are weak-wooded, weak-branched, disease and insect-prone, and/or messy. Common Trash Trees are the Chinese tallow, Mimosa, Blackjack Willow, Cottonwood, and Hackberry.
- f. Other Landscape Additions. The addition of shrubs, decorative grasses, ground cover, and flowering plants is encouraged. In general, such plantings are acceptable without a formal review by the ARA. Exceptions are landscaping that is or will, act as a non-compliant fence, items that obstruct access to a vital community service (such as a fire hydrant), items that obstruct visibility causing a hazard to vehicular or pedestrian traffic, items that create a hazardous condition or any item that generates a complaint from a resident of the Community. These Guidelines apply both to items that create a non-acceptable condition upon installation and items that grow to become non-acceptable.
- g. Irrigation Systems. Any irrigation system (sprinkler system) that is connected to a public or private potable water supply must be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality ("TCEQ"). Where required by local municipalities the design and installation of any irrigation system must be by a licensed irrigator. Any installation must comply with Chapter 344 of the Texas Administrative Code. Irrigation systems must be placed entirely within the Lot and not encroach upon any Community open area or neighboring Lot. Care must be taken to prevent overspray onto neighboring Lots. The location of any improvement within an easement or street right-of-way is at the Homeowner's risk and subject to removal.
- h. Hardscape and Edging. Landscape timbers or railroad ties are **not** permissible within the portion of the yard visible from any street. The use of rock, stone, colored concrete, and *Windsor Stone*[®] as edging or retaining walls for planting beds is permissible, however, the location and color of the edging is subject to ARA approval. Standard brick similar to what is used for home construction will **not** be allowed as edging for planter beds. No edging or retaining walls may exceed eighteen inches (18") in height, unless in the case of replacing the retaining wall from the original construction. Tree wells and bed edging must match.
- i. Back Yard Landscaping. Backyard landscaping does not need to be submitted to the ARA for approval, provided each Homeowner follows the general guidelines set forth as follows. Decks, patio covers, pools, spas, and other such backyard fixtures will still require ARA review and approval as provided elsewhere in this document.
 - (i) No plantings may intrude into neighboring yards. An example would be trees planted on the property line that overhang adjacent properties or the installation of a plant species that may spread onto neighboring yards.
 - (ii) The backyard may not be graded or planted in such way as to impede drainage on the Lot or cause water to flow on an adjacent Lot.
 - (iii) No planting shall impede any existing views of amenities.
- j. Mulch. Only brown or black mulch will be allowed. All other colors are prohibited.
- k. Benches; Furniture. One (1) wood or wrought iron bench is permitted either on the front porch of the residential dwelling or within a front landscape bed; provided that the style and location of the bench must be approved in writing by the ARA prior to placement. Gliders with "A" frames are prohibited. Other types of furniture, such as a rocking chair, are permitted on the front porch of a residential dwelling, but only with the prior written approval of the ARA as to type, size, and number. Plastic and stackable types of furniture are prohibited on the front porch of a residential dwelling.

- l. Statuary. Statuary, sculptures, birdbaths, bird houses, fountains (excluding home builder model homes) or any other decorative pieces of any kind unless such specific item has been approved in writing by the ARA as part of the landscaping plan in front landscaping beds is prohibited.
- m. Planters, Clay Pots, Barrels, Etc. Planters, clay pots, barrels, etc. are allowed provided that the plants are well-maintained and thriving. If the planters do not contain flowers, they must be removed. Colors must be compatible with the color of the house.

13. Fencing.

Restrictions on use relative to fencing are covered in Article IX, Section 15 of the Declaration. Additionally, the Supplementary Declarations for a subdivision section may contain specific landscape requirements that are applicable to certain Lots. The following Guidelines supplement and clarify the restrictions on the use of fencing.

a. Location.

- (i) All Lots shall have a privacy fence in the front, rear, and side of the Lot.
- (ii) On interior Lots, fences should be set back approximately fifteen (15') feet from the front of the home and no further than the middle of the home. Air condition units and public utility meters should be in front of the fence. In no case may a fence be constructed closer than five (5') feet from the front of the home.
- (iii) On corner Lots, side yard fences must be set back from the side property line a minimum of one-half ($\frac{1}{2}$) of the side building line setback shown on the plat. The side Lot fence should conceal any air conditioning units located on the street side of the lot. In no case may a fence be constructed closer than five (5') feet from the front of the home.

b. Materials.

Fencing may be either wood or steel ornamental (i.e. tubular steel or "wrought iron"), based on the Application. Notwithstanding, the breezeway fence of a detached garage may be either wood or tubular steel. Fences of wire or chain link are prohibited.

c. Wood Fence Construction.

- (i) Pickets must be cedar to match the original construction. Pressure-treated pine is not an acceptable material for pickets. All pickets must be 1" x 6" nominal. In cases where the original fence material is capped, any replacement fence must also be capped. Fence pickets shall be secured to the fence posts and rails with hot-dipped galvanized nails or other non-corrodible method.
- (ii) Structural materials (rails and posts) may be either cedar or pressure treated pine. Rot boards of cedar or pressure treated pine may be used provided the overall height of the fence matches original construction. Posts must be buried a minimum of two (2') feet in the ground with a minimum of five (5') feet exposure, plumbed vertical and anchored in a concrete pack.
- (iii) Wooden fences facing the front street, along any side street, rear street property line, detention pond (where iron is not required) or greenbelt or any public view shall be constructed with all pickets on the outside so that no posts or rails are visible from the street.
- (iv) All wooden fences must be constructed in panels (each of which is six (6') feet to eight (8') feet in length) erected in a "good neighbor" fashion in between adjoining lots.
- (v) The use of a "rot board" (typically a 1" x 6" pressure-treated board) below the pickets is approved and encouraged.

d. Steel Ornamental Fence Construction.

- (i) Where steel ornamental fencing is part of the original construction for the home, any replacement fence must match the size, type, quality, and location of the original construction.
- (ii) Where steel ornamental fencing is used to replace existing wood fencing of a detached garage, fencing may be of varying heights, colors, and styles. Fencing must be durable, and pickets must be at least one-half inch ($\frac{1}{2}$ ") in diameter and spaced no greater than four and one-half inches ($4\frac{1}{2}$ ") on center. Posts must be at least one and one-half inches ($1\frac{1}{2}$ ") square. Three rails are required. The fence shall be **Ameristar® Montage ATF™ Welded Ornamental Steel Majestic™**. For 5' tall, the specification is 3R EXT 5'T 8'W, Black. It shall be installed in accordance with the manufacturer's specifications for the fence series.

e. Gates.

All gates shall be constructed with the same materials as the fence. The hinges and latches used on the gate should be of the same style and quality of those used throughout the Community. The ARA shall consider driveway gates on homes with detached garages on a case-by-case basis. Pedestrian gates are allowed, but not required on all lake and greenbelt lots. The gates shall not exceed forty-two inches (42") in width, inclusive of gate hardware.

f. Color.

(i) Wood Fences.

All wood fencing may be left in its natural color to ensure that as it ages and weathers, all fencing will maintain a uniform color and appearance. No colored stain or paint of any kind is acceptable or permitted except that fencing may be stained with Wood Defender color Coronado semi-transparent fence stain, or with a product which in the opinion of the ARA is an equivalent stain. Prior to staining any fence, the Homeowner must present the ARA with an Application that includes a sample of the proposed stain and must obtain the prior written approval of the ARA.

(ii) Steel Ornamental Fences:

Steel ornamental fences, with the exception of breezeway fences, must be painted flat black. Breezeway fences on detached garages may be flat black or an acceptable shade of earthtone, as described in the previous paragraph.

g. Height.

Fences are generally limited to six (6') feet in height unless special considerations warrant taller fences which must be approved by the ARA. The use of a rot board will increase the overall height of an approvable fence by approximately six (6") inches.

14. Exterior Lighting.

The addition of exterior lighting, including ground-level lighting, stand-alone lamp posts, and lighting mounted on a home or approved structure must be compatible with the general tone and design of the neighborhood and be located inconspicuously. In all cases, lighting fixtures must adhere to the "eight (8') foot maximum height" rule. Residents are encouraged to consult with affected neighbors prior to installing or changing exterior lighting. The wattage of exterior light should be kept to a minimum.

- a. Changes to Existing Lighting. Outside lighting which was installed at the time of original construction or which was installed after original construction with the approval of the ARA may be replaced with a new fixture provided that the wattage of the new fixture is comparable to the wattage of the existing fixture and is in the same location.
- b. Security Lighting. Security lighting shall be mounted behind the back plane of the home and below the eaves of the home. No pole mounted lights will be permitted. Mercury vapor/sodium vapor lights, which are considered incompatible with the neighborhood, are not permitted. The security lighting shall have a shade to block the light rays from traveling upwards or sideways, and the

light's rays should be pointed towards the ground. The ARA shall have the right to determine the placement of lighting, including, but not limited to, an alternative location that achieves a similar purpose.

- c. Low Voltage Lighting. Low-voltage Landscape lighting is permitted as long as the lighting fixtures are located in flower beds, shrubs, and similar landscaping. Tree-mounted landscape lighting will be permitted as long as the fixture is not mounted higher than eight (8') feet above ground level. Floodlighting (except for seasonal decorations) is not allowed in landscape beds or trees.
- d. Post Lamps. No more than one (1) post lamp shall be permitted in any front yard, subject to ARA approval. The post lamp may be on a switch, timer, or photocell and must be a minimum of five (5') feet behind the front property line. The lamps must have tops to prevent light pollution and must be dark bronze or black in color. The use of gas post lamps is permitted subject to these Guidelines.
- e. Multi-Use Permanent Lighting. Professionally installed, Multi-Use Permanent Architectural lighting that can be used for holiday lighting, security lighting, and exterior lighting that is of high-quality workmanship and design, encased in an aluminum track or similar device, of approvable color and material, for long term use shall be permitted, subject to ARC approval. While installation of Multi-Use Permanent Lighting may be approved by the ARC, holiday lighting may only be illuminated no sooner than 30 days prior to the holiday and must be turned off within 15 days after the holiday for which it was intended. Multi-use Permanent Architectural Lighting that is illuminated for security or general exterior architectural lighting must adhere to this Section of the Guidelines, including only using soft white color lights, keeping wattage/lumens to a minimum, and not adding lighting to adjoining properties or becoming an annoyance or nuisance to neighbors. Any illumination of string or similar type of holiday lighting is not considered Multi-Use Permanent Lighting and can only be installed and displayed pursuant to Holiday Decorations provided in section 24.g. of these Guidelines.

15. Garages.

- a. A tandem garage is a garage constructed so that one car parks in front of the other. For purposes of this section, if a tandem garage scenario exists, it is considered a two-car garage.
- b. All residences in the Community must have attached or detached garages for not less than two (2) midsize or full-size vehicles.
- c. The conversion of a garage to a family room, or similar modification, is not permitted, even if the appearance of a garage is maintained from the street (i.e. the garage doors are still intact).
- d. Two (2) car garages are to have two (2) side-by-side doors or one double garage door. Three (3) car garages may be detached, split hook, or front load. Front-load three-car garages are to be constructed with one (1) double door and one (1) single door. Side-out garages (from the side street of the corner lot) are not permitted.

16. Driveways and sidewalks.

- a. Replacement driveways and sidewalks must be of the same quality, line, grade, and location as the original driveway for the residence. No expansion of these improvements is permitted without prior ARA approval. Additional sidewalks are subject to ARA approval.
- b. Driveways and sidewalks may be paved with concrete or other masonry materials which relate to the architecture of the residence. The masonry material must be compatible, not only with the home but with any other walkways or terraces on the Lot. Materials such as textured concrete, stamped concrete, colored concrete, interlocking pavers, brick border pavers, and cut stone shall not be permitted on driveways or front sidewalks leading to the street (except as a border to driveways as outlined below or in custom sections as defined by ARA). Materials in Section 16.b. are allowed on sidewalks located on the side of the home leading to the backyard only and ARA's approval is required.

- c. The maximum driveway width for homes with attached garages is seventeen (17') feet at the front property line. The maximum driveway width for homes with detached garages is twelve (12') feet at the front property line, extending to the building line. The ARA may consider driveway borders of patterned concrete or interlocking pavers on a case-by-case basis. Driveway extensions will be reviewed on a case-by-case basis. Driveways must be a minimum of three (3') feet from the side property line.
- d. Each Homeowner shall maintain, repair, and replace, when necessary, the sidewalk along the front of their Lot, the driveway, as well as the sidewalk on the side of corner Lots, including, but not limited to, removing stains, rust, oil or otherwise, and mold and mildew.

17. Basketball Goals & Hoops.

Restrictions on use relative to basketball goals are detailed in Article IX, Section 13 of the Declaration. The following Guidelines supplement and clarify the restrictions on use relative to basketball goals.

- a. Approval Required. A basketball goal is an improvement or addition that affects the appearance of the exterior of a Lot. Therefore, no permanent basketball goal may be installed on a Lot without the prior written approval of the ARA.
- b. Approval/Rejection. The ARA is responsible for reviewing and either approving or disapproving each Application and, upon approval or disapproval, documenting its decision in the applicable property file maintained by the Association.
- c. Type and Quality. Basketball goals must be mounted on a rigid steel or aluminum pole. Goals on the garage or home structure are not permitted. The poles/post shall be black or gray. White poles are not permitted. The backboard material must be fiberglass or safety glass. The backboard color must be clear (safety glass) with the exception of the white, black, orange, or red manufacturer's outline markings. The rim should be of heavy gauge steel and white, black, or orange in color. The net must be maintained in good condition as determined by the ARA, in its sole discretion. The pole must have a manufacturer's weather-resistant finish or be painted black.
- d. One Per Lot. Only one (1) basketball goal is permitted on a Lot.
- e. Location. Permanent/pole-mounted basketball goals may be located in the rear yard or in the front yard. Front yard permanent basketball goals must be located at least halfway up the driveway measured from the edge of the sidewalk nearest to the house. A permanent/pole-mounted goal must not be within ten (10') feet of an adjacent Lot owner's amenities (air conditioning unit, shrubbery, gas meter, driveway, etc.). No permanent/pole-mounted goals will be allowed along the neighbor's adjoining side of a driveway if the neighbors' first-story windows are exposed.
- f. Portable Basketball Goals. Portable basketball goals must be stored out of view from any street in the Community when not in use (if used during the day they are to be stored away at night) and are not approvable for permanent installation. Portable basketball goals should be located at least half the way up the driveway measured from the edge of the sidewalk nearest to the house when in use. Portable basketball goals may not be utilized within any Association common area or public right of way (including greenbelts, sidewalks, streets, or cul-de-sacs).
- g. Impact. Front-yard and rear-yard basketball goals must be located to minimize the visual and functional impact on the adjoining properties. The ARA or its designee may consider alternate locations to limit the impact of adjacent properties. Additional screening and or fencing may be required.

- h. Repair and Maintenance. Basketball goals, poles, rims, nets, supports, etc. must at all times be properly maintained, painted, and in good repair as determined by the ARA, in its sole discretion. A basketball goal may not have a torn net, a bent rim, bent or broken supports, a deteriorated or discolored backboard, a rusted or discolored pole, or a leaning pole. A basketball goal that does not comply with these maintenance requirements may be required to be removed by the direction of the ARA.
- i. Appeal. If an Application for a basketball goal is disapproved by the ARA, the Homeowner has the right to appeal the decision of the ARA to the Board as set forth herein.

18. Play Structures.

Restrictions on use relative to the height and size of children's play structures are detailed in Article IX Section 13 of the Declaration. The following Guidelines supplement and clarify the restrictions on use relative to these items.

- a. For the purpose of these Guidelines, a children's play structure shall mean (including but not limited to) any type of play set, climbing structure, play fort, slide, swing set, or trampoline and shall be restricted to the fenced portion of the Lot.
- b. The play structure shall not exceed ten (10') feet in height and shall not be located closer than five (5') feet to any property line. No play structure shall be located on a utility easement, impede the drainage on the Lot, or cause water to flow to any adjacent Lot.
- c. Multi-color tarps, windsocks, or streamers attached to the play structure are not allowed.
- d. Play structures shall properly be maintained and not fall into a state of disrepair and become an eyesore to any passerby.

19. Sport Courts.

Sports courts, including but not limited to tennis courts, pickle ball courts, basketball courts, and other areas that will be primarily used for playing of a sport (collectively, "Sport Courts") require written approval of the ARA prior to installation or construction and are subject to the requirements and limitations set forth below; provided that, the ARA has the authority to impose more stringent requirements as to location and dimensions when deemed necessary on the basis of relevant factors, such as, by way of example and not in limitation, the type and/or location of another structure on the Lot and adjacent Lots, the visibility of the Sport Court from a street, another Lot or Association common area, or the obstruction of a view from an adjacent Lot. Sports Courts must be located to minimize the visual and functional impact on the adjoining properties. Additional screening and/or fencing, including landscape shielding, may be required for approval. The lighting of a sports court is prohibited. Tree lights, landscape lighting, and security lighting may not be angled to illuminate a sports court.

- A Sport Court must be located in the rear yard of a Lot and the rear yard of the Lot must be fully enclosed by a fence.
- No part of the Sport Court may be nearer to any other structure on the Lot than ten (10') feet.
- No part of the Sport Court may be nearer to the rear or side property line of the Lot than twenty (20') feet or the building setback or the interior boundary of an easement, whichever distance is greater.
- No part of the Sport Court may be located on an easement.
- Sports Courts shall be maintained by the owner of the Lot upon which it is located so as to present a good and well-maintained appearance and not fall into a state of disrepair and become an eyesore.
- Sports Courts may not impede the drainage on the Lot or cause water to flow onto an adjacent Lot or Association common area.

- Only one (1) Sport Court per Lot.

20. Antennas.

Restrictions on use relative to antennas are covered in Article IX, Section 16 of the Declaration. The following Guidelines supplement and clarify the restrictions on use relative to antennas.

- a. Direct Broadcast Satellite (DBS) Dishes (e.g. "Direct TV," "Dish Network") for digital TV or satellite internet, are permissible for roof mount or direct mount on the side of homes within the Community, subject to the following installation guidelines:
 - (i) Dishes cannot exceed forty inches (40") in diameter or width.
 - (ii) The location must be approved by the ARA. Preferable mounting locations are on the back of the home below the roof peak, so as to not be readily visible from the street.
 - (iii) The dish must be kept in good repair, and removed if no longer in use.
- b. Satellite dish antennas greater than forty inches (40") in diameter, as well as an outside antenna for television reception, amateur radio operation, microwave transmission or reception, and short/long wave transmission or reception are prohibited.

21. Signs.

Restrictions on use of signs, advertisements, and billboards are detailed in Article IX, Section 22 of the Declaration.

- a. Home Security Signs. No signs shall be permitted on any Lot except for a limited number of small, inconspicuous, discretely placed signs for the purpose of warning of the presence of a home security system. Each sign shall be from a professional security company and should not exceed one (1) square foot in area. One (1) sign shall be allowed in the front yard and one (1) shall be allowed within the rear, fenced-in portion of the lot. Each sign may be mounted on a stake or a wall of the house or garage. If stake mounted, the top of the sign shall not exceed two (2') feet from the ground level when installed and must be no further than three (3') feet away from the house or garage. Signs must be of an acceptable color that is harmonious with the surrounding structure and landscaping. Unless otherwise noted, Maximum Size Allowed: twenty-eight (28") inches by thirty-eight (38") inches.
- b. Other Types.
 - (i) Open house. One (1) temporary open house sign is allowed in front of the residence on the day of open house only. Size: no more than six (6) square feet overall.
 - (ii) School Organization. One (1) temporary school activity sign is allowed in the planting beds of a residence not farther than three (3') feet from the outside wall of the house unless otherwise noted and approved by the ARA.
 - (iii) Yard of the Month. One (1) yard of the month sign supplied by the Association is allowed in the planting bed of the residence not farther than three (3') feet from the outside wall of house.
 - (iv) Political Signs. One political sign for each candidate or measure may be displayed in the front yard of each residence no more than 90 days before the date of the election to which the sign relates and shall be removed before the 10th day after the election date.

22. Address Treatments.

Each Lot shall have a house number identifying its address made of materials and a color harmonious with the *restrictions on use relative to building materials covered in Article IX, Section 4 of the Declaration.* House numbers shall be kept free and clear from all trees, shrubbery, etc. House numbers may need to be painted or maintained from time to time and shall be visible from the street at all times. No peel-and-stick numbers.

23. Generators. As used in this Section, "Standby Electric Generator" means a device that converts mechanical energy to electrical energy and is: (i) powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen; (ii) fully enclosed in an integral manufacturer-supplied sound attenuating enclosure; (iii) connected to the main electrical panel of a residence by a manual or automatic transfer switch; and (iv) rated for a generating capacity of not less than seven kilowatts. Standby Electric Generators are only allowed in backyards and must be installed behind the fence and screened from view with shrubs if the fence is iron fencing. Standby Electric Generators must be a minimum of ten feet (10') from the side property line. Standby Electric Generators should not be located within twenty feet (20') from an adjacent property owner's windows.

Standby Electric Generators must be installed and maintained in compliance with the manufacturer's specifications and applicable governmental health, safety, electrical, and building codes, laws, and regulations.

All electrical, plumbing, and fuel line connections must be installed only by licensed contractors.

All electrical connections must be installed in accordance with applicable governmental health, safety, electrical, and building codes, laws, and regulations.

All natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections must be installed in accordance with applicable governmental health, safety, electrical, and building codes, laws, and regulations.

All liquefied petroleum gas fuel line connections must be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes, laws, and regulations.

Nonintegral Standby Electric Generator fuel tanks must be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes, laws, and regulations.

Standby Electric Generators and all electrical, plumbing, and fuel lines shall be maintained in good condition by the owner of the lot upon which it is located.

Any deteriorated or unsafe component of a Standby Electric Generator, including electrical, plumbing, or fuel lines, shall promptly be repaired, replaced, or removed by the owner of the lot upon which it is located.

The Standby Electric Generator and related electrical, plumbing, and fuel lines must serve only improvements on the particular lot in which they are located.

Periodic testing of a Standby Electric Generator consistent with the manufacturer's recommendation may only take place between the hours of 9:00 am to 7:00 pm.

Standby Electric Generators must be screened. The size, type, and materials to be used must be submitted to the Association's Architectural Review Authority for approval if the Standby Electric Generator is:

- a. Visible from the street faced by the dwelling;
- b. Located in an unfenced side or rear yard of a residence and is visible either from an adjoining residence or from adjoining property owned by the Association; or
- c. Located in a side or rear yard fenced by a wrought iron or residential aluminum fence and is visible through the fence either from an adjoining residence or from adjoining property owned by the Association.

The use of a Standby Electric Generator to generate all or substantially all of the electrical power to a residence, except when utility-generated electrical power to the residence is not available or is intermittent due to causes other than nonpayment for utility service to the residence is prohibited.

Standby Electric Generators and any related electrical, plumbing, and fuel lines shall not be constructed or placed or permitted to remain on any property owned by the Association.

In addition to the foregoing requirements, no Standby Electric Generator and related electrical, plumbing, and fuel lines shall be erected, constructed, placed, or permitted to remain on any lot unless such installation strictly complies with the following location requirements (however, each location requirements shall not apply if it increases the cost of installation of the Standby Electric Generator by more than ten (10%) percent or increases the cost of installing and connecting the electric and fuel lines for the Standby Electric Generator by more than twenty (20%) percent):

- a. To the extent feasible, the Standby Electric Generator and related electrical, plumbing, and fuel lines shall be located in the backyard of the lot, behind the main dwelling, and at least ten feet (10') from all property lines.
- b. To the extent feasible, no Standby Electric Generator and related electrical, plumbing, and fuel lines shall be constructed or placed or permitted to remain on any utility easement or other easement or right-of-way located on any lot.

If any provision of this section is determined by a Court to be invalid, the remainder of the provisions in this section shall remain in full force and effect.

24. Window Units. No window or wall-type air conditioners shall be permitted to be used, erected, placed, or maintained on or in any single-family residence, outbuilding, patio, or anywhere that can be seen from public view.

25. Miscellaneous.

- a. Birdhouses. Birdhouses shall be permitted subject to the prior approval of the ARC. No birdhouse shall be situated higher than four (4') feet above the ground or any portion of it exceed the height of the fence and no more than one (1) birdhouse shall be permitted on a Lot. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the home and other improvements on the Lot. Any birdhouse must be within the fenced area of the Lot.
- b. Rain Gutters. Rain gutters may be plastic or aluminum items, and must be painted a color compatible with the home on which they are installed. Application should be made showing the extent of guttering and location of downspouts. Downspouts may not be directed toward any adjacent Lot or open space.
- c. Awnings.
Awnings visible from the front street or side street shall not be permitted. Awnings on the rear portion of a Lot must be approved by the ARA.
- d. Solar Screens.
 - (i) All solar screens must be approved by the ARA.
 - (ii) Solar screens are restricted to black, dark brown, or dark gray and must be constructed and installed to professional standards.
 - (iii) Solar screens may be permitted in the front of the home if they are constructed with grids that match the window lights of the windows being covered, so as to not distract from the architectural harmony of the home. If solar screens are installed on the front of the home, all windows on the front must have solar screens. Screens on the front of the home are required to have upgraded frames to simulate window panes.
- e. Emergency and Disaster Reaction. Disasters such as fire and weather may cause significant construction and repair activity to take place. Temporary repairs or structures (those that are present for no longer than six (6) months during reconstruction) will be acceptable under such a condition.

Temporary protective action in the event of certain weather conditions, such as hurricane warnings, will not require the approval of the ARA. All such installations must be completely removed and

the property restored to its original condition within fifteen (15) days of the passing of the emergency. This rule specifically applies to but is not limited to, the boarding of windows and doors during a hurricane threat.

- f. Burglar Bars. The use of burglar bars on the exterior of any window or doors is prohibited.
- g. Holiday Decorations. Holiday decorations are permitted and will not require approval. Decorations may be installed no sooner than thirty (30) days prior to the holiday and must be removed within fifteen (15) days after the holiday for which they are intended. The ARA or Board reserves the right to require the removal of decorations that are deemed offensive or materially out of place with decorations in the Community.
- h. Chimneys. A chimney attached to a home is deemed to be a part of the home. Thus, a chimney is required to comply with all applicable building setbacks.
- i. Outdoor Fire Pits and Fireplaces (not associated with structures that are attached to the house). Outdoor fire pits and outdoor fireplaces require the written approval of the ARA prior to installation or construction and are subject to the requirements and limitations set forth below; provided that, in the case of both a fire pit and an outdoor fireplace, the ARA has the authority to impose more stringent requirements as to location and dimensions when deemed necessary on the basis of relevant factors, such as by way of example and not in limitation, the type and/or location of another structure on the Lot and adjacent Lots, the visibility of the fire pit or outdoor fireplace from a street, another Lot or Association common area, or the obstruction of a view from an adjacent Lot.

(i) Outdoor Fireplaces.

- An outdoor fireplace must be located in the rear yard of a Lot and the rear yard of the Lot must be fully enclosed by a fence.
- No part of the fireplace may be nearer to any other structure on the Lot than ten (10') feet.
- No part of the fireplace may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
- No part of the fireplace may be located on an easement.
- The fireplace may not exceed twelve (12') feet in height measured from grade to the highest point of the fireplace.
- The fireplace may not exceed twelve (12') feet in width up to a distance of six (6') feet measured from grade and may not exceed five (5') feet in width above six (6') feet from grade.
- The fireplace may not exceed four (4') feet in depth, measured from the exterior surfaces of the front and the back of the fireplace.
- The exterior of a fireplace must be a masonry or stone material or cinder block with stucco that meets at least the minimum fire-resistance rating requirements established by Texas laws, codes, and ordinances.
- Only (1) outdoor fireplace per Lot.

(ii) Outdoor Fire Pits.

- An outdoor fire pit must be located in the rear yard of a Lot and the rear yard of a Lot must be fully enclosed by a fence.
 - No part of the fire pit may be nearer to any other structure on the Lot than ten (10') feet.
 - No part of the fire pit may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
 - No part of the fire pit may be located on an easement.
 - If a round fire pit, the diameter of the fire pit, measured at each point at the exterior of the fire pit, may not exceed four (4') feet.
 - If a square or rectangular fire pit, no side of the fire pit may exceed a width of more than four (4') feet.
 - The fire pit may not exceed two (2') feet in height, measured from grade to the highest point of the fire pit.
 - Only one (1) outdoor fire pit per Lot.
- j. Barbecue/Gas Grills/Outdoor Kitchens/Smokers. All portable barbecue grills, smokers, etc. must be maintained in the rear yard, not be visible from adjacent streets, Lots, or Association common areas, not exceed ten (10') feet in height measured from grade, and not be located closer than five (5') feet to any property line. Installations of permanent outdoor barbecue grills, smokers, etc., or outdoor kitchen areas (collectively, "Outdoor Kitchen") must be approved in writing by the ARA prior to installation or construction and are subject to the requirements and limitations set forth below; provided that the ARA has the authority to impose more, stringent requirements as to location and dimension when deemed necessary on the basis of relevant factors, such as, by way of example and not in limitation, the type and/or location of another structure on the Lot and adjacent Lots, the visibility of the Outdoor Kitchen from a street, another Lot or Association common area, or the obstruction of a view from an adjacent Lot. The ARA, in its sole discretion, shall determine what is portable and what is installed or constructed in a permanent manner.
- An Outdoor Kitchen must be located in the rear yard of a Lot and the rear yard of the Lot must be fully enclosed by a fence.
 - No part of the Outdoor Kitchen may be nearer to any other structure on the Lot than ten (10') feet.
 - No part of the Outdoor Kitchen may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
 - No part of the Outdoor Kitchen may be located on an easement.
 - The Outdoor Kitchen may not exceed twelve (12') feet in height, measured from grade to the highest point of the Outdoor Kitchen.
 - The Outdoor Kitchen may not exceed twelve (12') feet by twelve (12') feet, measured from the exterior surfaces on the front and the back of the Outdoor Kitchen.

- Outdoor Kitchens shall be maintained by the owner of the Lot upon which it is located so as to present a good and well-maintained appearance and not fall into a state of disrepair and become an eyesore.
 - Outdoor Kitchens may not impede the drainage on the Lot or cause water to flow onto an adjacent Lot or Association common area.
 - Only one (1) Outdoor Kitchen per Lot.
- k. Damages. Any damage caused to the Association common area, rights-of-way, or any other Lot, caused by a Homeowner or their contractors shall be charged back to the Homeowner's account and shall be the responsibility of the Homeowner to pay.

These Guidelines are effective upon recordation in the Official Records and supersede any Guidelines regarding Improvements which may have previously been in effect for the Community.

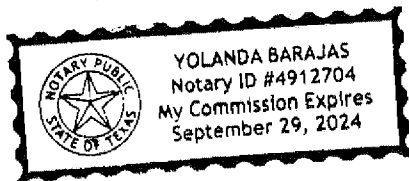
Approved and adopted by the Board on **March 26, 2024.**

Walnut Creek Community Association, Inc. a Texas non-profit corporation

By: *Kim Stewart*
Kim Stewart, President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on April 8, 2024, by Kim Stewart, President of *Walnut Creek Community Association, Inc.* a Texas non-profit corporation, on behalf of said corporation.



Wendy Taylor
Notary Public, State of Texas

WHEN RECORDED, RETURN TO:
Friendswood Development Company
681 Greens Parkway, Suite 220
Houston, TX 77007
Attn: Yolanda Barajas

EXHIBIT A

[Community Association Name] _____
REQUEST FOR HOME IMPROVEMENT APPROVAL

In an effort to provide and protect each individual Homeowner's rights and values, it is required that any Homeowner or group of owners considering improvements, additions and/or changes to their home or property, submit a REQUEST FOR HOME IMPROVEMENT APPROVAL to the Architectural Review Authority for planned improvements and/or changes. A **\$25 administrative fee (made payable to First Service Residential) is required and your application will not be processed until the check has been received.** If any change is made that has not been approved, the Association has the right to ask the Homeowner to remove the improvement(s) and/or change(s) from the property at the Homeowner's expense.

Please fill out this form in COMPLETE detail. DATE: _____

Name of Owner _____

Current Mailing Address: _____

Address Where Construction is to be performed: _____

Community Name: _____ Email: _____

Home Telephone: _____ Business Telephone: _____

Type of improvement/change proposed: _____

- I. Painting:
Color of Brick _____
Color to be used for: (include samples for each area)
- Main portion of house _____
(Including Garage Doors)
- Trim _____
(Soffit, Fascia Boards, Window Trim)
- Accents _____
(Shutters, Window Hoods, Doors)

- II. Basketball Goal:
Must submit:
1. Lot survey with location of the basketball goal indicated
2. Description
a. Color of net, pole/base and backboard

- III. Structures:
*****IF YOU ARE BUILDING A STRUCTURE WITH WALLS AND A ROOF, YOU MUST INCLUDE AN ELEVATION DRAWING SHOWING THE DIMENSIONS OF THE STRUCTURE, ESPECIALLY THE HEIGHT.*****

Must submit:

1. Lot survey with the location of the structure indicated
2. Type of materials to be used
3. Dimensions of structure, i.e., height, width and length
4. Samples of roofing material and paint

IV. Other:

1. Include brochure/photos
2. Lot survey if being installed in your yard (sprinkler system/lighting)
3. Material sample

Please sign:

I understand that the Association's Architectural Review Authority will act on this request as quickly as possible and contact me regarding their decision. I agree not to begin property improvements/changes until the Architectural Review Authority notifies me of their approval in writing.

I understand and agree that it is the duty of the Owner and any contractor or consultant employed by the Owner to determine that the proposed improvement is structurally, mechanically, and otherwise safe, and that it is designed and will be constructed in accordance with the covenants and restrictions applicable to the Lot. I agree that neither the Association, or any Director, Officer, Committee, Managing Agent, or member or employee thereof (the "Indemnified Parties"), shall be liable for damages or otherwise because of the approval or non-approval of this application or any facet thereof. I hereby release, indemnify and hold harmless the Indemnified Parties harmless from any claim, liability, damage, suit and attorney's fees arising out of any action or omission of any of the Indemnified Parties with regard to this application and in regard to the design plan review, construction or inspection of the proposed improvements, including any claims, liability, damages, suits and attorney's fees resulting from the negligent acts of one or more of the Indemnified Parties.

Signature of Homeowner

Proposed Construction Start Date

Proposed Completion Date

PLEASE NOTE: THE ARCHITECTURAL REVIEW AUTHORITY HAS THIRTY (30) DAYS FROM THE DATE THE APPLICATION IS RECEIVED TO REVIEW APPLICATIONS. IF YOU RECEIVE A DENIAL OF YOUR APPLICATION, YOU HAVE THIRTY (30) DAYS FROM THE DATE OF RECEIPT OF SUCH DENIAL TO REQUEST, IN WRITING, AN APPEAL HEARING BEFORE THE BOARD OF DIRECTORS. UPON RECEIPT OF A TIMELY REQUEST, YOU WILL BE PROVIDED NOTICE OF THE DATE, TIME AND LOCATION OF THE HEARING.

EXHIBIT B

[Community Association Name] _____ **ARCHITECTURAL APPROVAL**
SWIMMING POOL

Please complete and submit with Request for Home Improvement Approval form

DETAILS MUST BE SPECIFIED ON A SITE SURVEY AND ATTACHED TO THIS APPLICATION. THE SITE SURVEY MUST INDICATE THE LOCATION OF ALL EQUIPMENT, LOCATION OF THE SWIMMING POOL, LOCATION OF ALL DRAIN LINES, LOCATION OF SEWERS AND BACKWASH, AND THE AREA WHERE YOUR CONTRACTOR WILL ACCESS YOUR PROPERTY. **A \$1000.00 DEPOSIT IS REQUIRED AND YOUR APPLICATION WILL NOT BE PROCESSED UNTIL THE DEPOSIT IS RECEIVED. THE CHECK WILL BE DEPOSITED** PENDING INSPECTION OF THE SURROUNDING COMMON AREAS AFTER COMPLETION OF THE POOL. THE COST OF ANY DAMAGE TO THE COMMON AREAS OR PROPERTY OF OTHERS WILL BE DEDUCTED FROM THE DEPOSIT. ANY DAMAGE CAUSED IN EXCESS OF THE DEPOSIT SHALL BE CHARGED TO THE OWNER OF THE LOT ON WHICH THE POOL IS BEING INSTALLED AND SHALL BE HIS/HER RESPONSIBILITY. CONSTRUCTION THAT IS NOT IN TANDEM WITH THE APPROVED PLAN MAY CAUSE FORFEITURE OF THE DEPOSIT. **IF YOU RECEIVE A DENIAL OF YOUR APPLICATION, YOU HAVE THIRTY (30) DAYS FROM THE DATE OF RECEIPT OF SUCH DENIAL TO REQUEST, IN WRITING, AN APPEAL HEARING BEFORE THE BOARD OF DIRECTORS. UPON RECEIPT OF A TIMELY REQUEST, YOU WILL BE PROVIDED NOTICE OF THE DATE, TIME AND LOCATION OF THE HEARING.**

- A. Name, phone number and address of pool contractor: _____

- B. Equipment Location (Pump, filter, etc.) _____
- C. Backwash to Sewer _____
- D. Easement Lines _____
- E. Will Any Trees be Removed? ____ Yes ____ No
- F. Existing 6' Fence with Self-Latching Gate? ____ Yes ____ No
- G. Material and Color of Deck _____
- H. Pool Drain - Recirculates Back to Pool? ____ Yes ____ No
- I. Area Drains to Street? ____ Yes ____ No (This will drain rainwater only.)
- J. Access (cannot be through or across common area and **MUST** be indicated on site plan) _____
- K. Distance from edge of pool to each lot line or easement _____
- L. Type of coping _____
- M. Type of Filter _____
- N. Fence Work to be Done _____
- O. All Equipment, Deck, Coping and Pool is Below 6' Fence That Surrounds Backyard.
Yes ____ No ____
- P. Height of Slide/Waterfountain/Waterfall/Sheer Decent: _____

Q. Location of Backwash _____

R. Location of Sewer _____