

**RESIDENTIAL ARCHITECTURAL GUIDELINES  
FOR VILLAGE CREEK COMMUNITY ASSOCIATION, INC.**

**A. DEFINITIONS:**

Terms used in this document have the following meanings:

Association	Village Creek Community Association, Inc.
Board	Board of Directors of the Association
ARC	Architectural Review Committee appointed by the Board
Management Company	Professional community management company in the employ of the Association
Declaration	Declaration of Covenants, Conditions and Restrictions for Village Creek Section One, recorded under Clerk's File No. T730470 of the Real Property of Harris County, Texas, as supplemented and amended from time to time.
Village Creek	All existing and future sections of Village Creek to which the Declaration applies or becomes applicable and any other subdivisions which may be or become subject to the jurisdiction of the Association.
Declarant	Lennar Homes of Texas Land and Construction, Ltd., d/b/a Friendswood Development Company the creator of the Declaration and owner of the land comprising Village Creek at the time of the Declaration was recorded.
Guidelines	Rules, standards and procedures established by the Board pertaining to building additions, or other improvements in Village Creek as set forth herein
Application	Application for Approval for exterior changes, additions, or improvements. Forms and names vary by Management Company.
Day(s)	Day when used as a measure of time is defined as Business Day (excluding weekends and Holidays).

**B. PURPOSE OF GUIDELINES:**

These Guidelines are promulgated by the Board pursuant to Article VI, Section 4 of the Declaration. They are intended to provide all homeowners information about the type, color, quality and grade of material which may be used in construction of various kinds of improvements; the size and location of such improvements; and the procedure followed by the ARC for reviewing applications for proposed improvements. They are intended to further ensure consistency in decisions and assist in expediting the decision process. These Guidelines are intended to augment the Declaration and not replace or override them. These Guidelines may be amended by addition, deletion, or alteration at any time via recommendation by the ARC with approval from the Board. While the ARC will make every reasonable attempt to be fair and equitable, the ARC and the Board will not necessarily be bound by past decisions. These procedures and Guidelines may be amended by the Board from time to time as it deems necessary and appropriate.

Anything governed by the Guidelines or Deed Restrictions/Covenants which was installed or built without home-owner evidence of ARC or Board approval and does not comply with the most recent guidelines/covenants shall be removed or the problem solved to the Board's satisfaction with a letter of approval prior to transferring the title from one owner to another.

**c. PURPOSE OF COMMITTEE:**

The purpose of the ARC is to review and evaluate applications for improvements to homes, structures, and properties (lots) within the Village Creek in accordance with the Declaration and these Guidelines, and to centralize architectural control in order to enhance, insure 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 ARC will also make recommendations to the Board regarding changes or clarifications to these Guidelines.

**D. ARCHITECTURAL REVIEW PROCEDURES:**

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

**1. General:**

An item can come before the ARC as follows:

- a. An owner of property in Village Creek ("Owner") (or his/her representative) shall submit an Application to the Management Company.
- b. An unapproved improvement may come to the attention of the Board, ARC or the Management Company. The Management Company will send a letter to the Owner 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 Owner will be a registered letter.

2. Applications for Approval:

All Applications to make any exterior changes, additions, or improvements must be submitted to the Management Company in writing by completing the Application form currently in use by the ARC. Exhibit "A" is a copy of the current Application. The Management Company shall coordinate Application processing on behalf of the ARC.

Plans and specifications for any exterior change, addition, or improvement should be attached to the Application. For room additions and sunrooms, applications must be accompanied by a detailed scale drawing or blueprint showing the three-dimensional relationship of the room addition or sunroom to the existing structure. Applications must also include a plot plan showing the location of the improvement in relation to all lot boundary lines, the residence, 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 ARC reserves the right to require certified architectural and/or engineering drawings. All Applications, additional information, or requests for appeal shall be mailed, emailed, or delivered to the office of the Management Company, not to members of the Board or ARC. If the management company maintains an on-line portal for submission of ARC applications, the homeowner is encouraged to use this system as it will streamline the reply. As with the mailed, emailed or delivered applications, the same information is required for submission.

The ARC reserves the right to request any additional information it deems necessary to properly evaluate any Application. In the event that the ARC requests additional information, the Application shall be considered incomplete until such information is submitted to the ARC and the sixty (60) day requirement for approval of the Application, as described in the Declaration, shall not begin until such information is received. In the event that the ARC 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 deemed to have been denied. However, the applicant may thereafter submit a new Application with the requested information to the ARC for its review.

3. ARC Decisions:

ARC committee 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 ARC. ARC 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.

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 approved, provided, however, that (1) any such approval shall extend only to the architectural guidelines and not to any of the use restrictions set forth in the Declaration; and (2) in no event shall non-action be deemed to constitute approval- of an Application for any change, addition, improvement, or any other item that would violate the Declaration. Unless otherwise stated in the ARC'S written response, all approved exterior changes, additions, or improvements shall be completed within forty-five (45) days of the date construction, installation, or erection is commenced.

4. Board Appeals:

In the event the ARC disapproves an Application, 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; however, the Board reserves the right to revise their decision should additional facts become known or the decision is found to be contrary to law.

5. Status of Applications During Appeal:

During the appeal period, the decision of the ARC on the original Application shall remain in effect. Further, an appeal of a decision Of the ARC shall not be considered a new Application resulting in approval of the original Application if a response to request for reconsideration is not submitted by the ARC or the Board within sixty (60) days of the date of its receipt.

E. RESTRICTIONS OF USE:

The following Restrictions of Use are excerpts from the Article IX of Declaration and have been condensed or summarized. Owners should have received copies of the Declaration at closing. Additional copies are available, at cost, from the Management Company. The ARC may recommend to the Board, and the Board may, by the vote or written consent of a majority of the members thereof, allow reasonable variances as to the Article Sections 13, 14, 15, 19, 20 and 22. Variances for all other Restrictions of Use in the Declaration may obtained only by vote representing not less than 2/3 of the votes in the Association.

1. Single Family Residential Construction: Article Section 1

Limits construction on each lot to single family residential purposes.

2. Prohibition of Offensive or Commercial Uses: Article IXI Section 2

No activity which may become an annoyance or nuisance to the neighborhood or which shall in any way unreasonably interfere with the quiet enjoyment of each Owner of such Owner's lot or which shall degrade property values or distract from the aesthetic beauty of the Property, shall be conducted thereon. No repair work, dismantling, or assembling of boats, motor vehicles or other machinery shall be

done in any driveway or adjoining street. No part of the Property shall ever be used or caused to be used or allowed or authorized in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing, vending, or other such nonresidential purposes. This is not meant to infer that home offices, on-line or unobtrusive home-based businesses operated solely within the confines of the residence structure are not allowed. It is intended to prevent commercial operations within a residential neighborhood and the associated vehicle and foot traffic they would cause.

3. Minimum Square Footage: Article IX, Section 3

Specifies minimum square footage for the living area of the main residential structure on lots.

4. Building Materials: Article IX, Section 4

The predominant exterior materials of the main residential structure, garage, ancillary buildings, or other structures, whether attached or detached, shall be masonry, stucco, stone, wood or HardiPlank<sup>®</sup>. Synthetic or composite wood may be considered on a case by case basis and sample data should be submitted with the application. No single-family construction, private garage, or any other structure located on the Property shall be permitted to have a heating or cooling device located in a window or any other opening which can be viewed from adjacent public or private properties. An example would be a standalone window air conditioner unit mounted in a window or exterior wall opening.

5. Location of Improvements: Article Section 5

No building shall be located on any lot nearer to the front line, nor nearer to the side street line than the minimum building setback lines shown on the recorded plats. No building or other improvement on a lot shall be located nearer than the minimum interior lot line; except that a garage located sixty (60) feet or more from the front lot line may be a distance of three (3) feet from an interior lot line. Each recorded deed mandates that each common side lot line is the centerline of a 6-foot-wide drainage easement to each adjacent lot. Neither the ARC nor Board can grant variances to the location of improvements.

6. Composite Building Sites: Article IX, Section 7

Allows one or more adjoining lots to be consolidated into one building site.

7. Utility Easements: Article Section 8

Easements for installation and maintenance of utilities are reserved as shown on the recorded plat, and/or on the owner's title policy. No structure shall be erected on any of such easements. Neither Declarant nor any utility company using the easements shall be liable for any damage done by either of them or their assigns, their agents, employees, or contractors to shrubbery, trees, flowers or improvements located on the land covered by such easements of record.

8. Electrical Distribution Service: Article IX, Section 9

This section details the electrical easements on the lots and the ownership of various components of the electrical distribution system.

9. Audio and Video Communication Service: Article 'X, Section 10

This section provides the cable company with an easement from the utility easement to the residence.

11. Temporary Structures and Outbuildings: Article 'X, Section 1 1

No structures of a temporary character, nor any recreational vehicle, mobile home, trailer, basement, tent, shack, garage, barn, play house or other outbuilding shall be constructed, erected, altered, placed or permitted to remain on any lot at any time as a residence.

Outbuildings or structures, whether temporary or permanent, used for accessory, playhouse, storage or other purposes shall be limited to eight (8) feet in height and one hundred (100) square feet in area and must be approved in accordance with Article VI, Section 1 of the Declaration. The standard, type, quality, and color of materials used in the construction of gazebos, play houses, storage structures, shade and other structures shall be harmonious with those of the main residence. Outbuildings or structures may not be placed within ten feet (10') of the rear property line or five feet (5') of the side property lines. Metal siding or roofing shall not be permitted.

12. Animal Husbandry: Article IX, Section 12

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except dogs, cats or other common household pets (not to exceed two of each category) provided they are not kept, bred or maintained for commercial purposes. Notwithstanding the foregoing, no animals or fowl may be kept on the Property which result in an annoyance or are obnoxious to residents in the vicinity. Animals are not permitted to roam the Property and must be controlled on a leash if they are not on a lot.

13. Walls, Fences and Hedges: Article IX, Section 13

The Village Creek Board of Directors has expressed their preference for a uniform fence height throughout the community. As shown by the fence applications over the past 2 years, a majority of the homeowners have indicated that they prefer a six-foot six-inch (6'6") standard fence which is six (6) foot pickets with a six (6) inch rot board running parallel to the ground. To this end, the Board has granted a standing approval variance for this and is on record as preferring this fence height as the standard height for the community. Please consider this when requesting a replacement or new fence.

All walls, fences, planters, and hedges shall be controlled strictly for compliance with the Declaration and architectural standards established by the Declarant or the ARC.

No wall, fence, planter or hedge in excess of two (2) feet in height shall be erected or maintained on a side lot line beyond a point located three (3) feet back from the front exterior wall of the main residential structure located on a lot to the front lot line. For the purpose of this provision the front wall of the main residential structure excludes bay or box windows, chimney structures or any other similar appendage.

No wall, fence, or hedge shall in excess of six (6) feet in height (see below) be erected or maintained on a side lot line from a point located three (3) feet back from the front exterior corner of the main residential structure, back to the rear property line on a lot. No rear fence, wall or hedge shall be more than six (6) feet high with the following exceptions:

- If a rot board is to be installed at the bottom of the fence, the allowable height of the fence may be increased to a maximum of six feet six inches (6'6") to accommodate a six (6) inch rot board mounted horizontally and parallel to the ground.
- If the fence section is bordering a public space or roadway a four-inch nominal (3" actual) horizontal header is required. With this header and a Six-inch nominal (5.5" actual) rot board the allowable height of the fence is increased to six feet eight- and one-half inches (6'-8.5" Actual height)."
- The Community's goal is to have a standard fence height of 6'-8.5" actual height facing streets or public areas. On corner lots, side yard fences must be set back from the side property line a minimum of five (5) feet or 1/2 of the side building line setback shown on the plat for the applicable recorded section of Village Creek.

Perimeter fencing on all lots shall be maintained to a fence standard equivalent to original construction and all fencing must be consistent with the Declaration and architectural standards established by Declarant or the ARC.

Fences of wire or chain link construction are prohibited, and the design and materials of all fences shall be approved by the ARC prior to construction.

Advertising signs are not allowed on any fence section. Article IX, Section 19

14. Antennae: Article IX, Section 14

Satellite dish antennas which are thirty-nine (39) inches or smaller in diameter and antennas designed to receive television broadcast signals may be installed, provided that they are installed in conformance with the Architectural Guidelines adopted by the Board. Satellite dish antennas which are greater than thirty-nine (39) inches in diameter and other antennas are prohibited.

15. Visual Screening: Article Section 15

All clotheslines, equipment, garbage cans, service yards, woodpiles, refuse containers, or storage piles and household projects such as equipment repair and construction projects shall be screened by adequate planting or fencing so as to conceal them from view of neighboring lots, streets, parks and public areas. All

rubbish, trash, and garbage shall be kept in sanitary refuse containers with tightly fitting lids and shall be regularly removed from the lots and not allowed to accumulate thereon.

16. Visual Obstructions at the Intersections of Public Streets: Article EX, Section 16 No object or thing which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways within the triangular area formed by the junction of street curb lines and a line connecting them at points twenty-five (25) feet from the junction of the street curb lines (or extensions thereof) shall be placed, planted or permitted to remain on any corner lots.

17. Lot Maintenance: Article 'X, Section 17

All lots shall be kept at all times in a sanitary, healthful and attractive condition, and the Owner or occupant of all lots shall keep all weeds and grass thereon cut and neatly maintained and shall in no event use any lot for storage of material and equipment except for normal residential purposes or incident to construction of improvements thereon as herein permitted, or permit the accumulation of garbage, trash or rubbish of any kind thereon, and shall not burn any garbage, trash or rubbish.

18. Storage of Automobiles, Boats, Trailers, Other Vehicles and Equipment: Article 'X, Section 18

Except as otherwise specifically provided in this Declaration, no Owner, lessee, tenant or occupant of a Lot, including all persons who reside with such Owner, lessee or occupant on the Lot, shall park, keep or store any vehicle on any Lot which is visible from any street in the Subdivision or any neighboring Lot other than a passenger vehicle or pick-up truck and then only if parked on the driveway for a period not exceeding forty-eight' (48) consecutive hours. For purposes of these Restrictions, the term "passenger vehicle" is limited to any vehicle which displays a passenger vehicle license plate issued by the State of Texas or which, if displaying a license plate issued by another state, would be eligible to obtain a passenger vehicle license . plate from the State of Texas, and the term "pick-up truck" is limited to a one (1) ton capacity pick-up truck which has not been adapted or modified for commercial use. No passenger vehicle or pick-up truck owned or used by the residents of a Lot shall be permitted to be parked overnight on any street in the Subdivision. No guest of an Owner, lessee or other occupant of a Lot shall be entitled to park on any street in the Subdivision overnight or on the driveway of a Lot for a period longer than forty-eight (48) consecutive hours.

19. Signs, Advertisements and Billboards: Article IX, Section 19

No sign, advertisement, billboard or advertising structure of any kind shall be displayed to the public view on any portion of a lot except for one sign for each lot of not more than twenty-eight (28) inches by thirty-eight (38) inches solely advertising the lot for sale or rent. The Association shall have the right to remove any signs, advertisement or billboard or structure which is placed . on said lot in



violation of this section and in so doing shall not be subject to any liability for trespass or other tort in connection therewith or arising from such removal.

20. Removal of Soil and Trees: Article IX, Section 20

The digging of soil or the removal of soil from any lot is expressly prohibited except as necessary in conjunction with the landscaping of or construction on said lots. No trees shall be cut except to provide room for construction of improvements or to remove dead or unsightly trees and then only following the obtaining of written approval for such cutting by the ARC, given in their sole discretion.

21. Roofing Materials: Article Section 21

Roofing materials may include composition shingles having a minimum warranty period of 20 years. Composition shingle roofs shall be comparable in color to weathered wood shingles and comparable in surface textural appearance to wood shingles. Colors for slate, clay or concrete tile roofs shall be approved individually by the Declarant or its assignee. Any other type roofing material shall be permitted only at the sole discretion of the ARC upon written request.

22. Landscaping: Article IX, Section 22

- a. The landscaping plan for each Lot and any major landscaping revisions, changes, or upgrades shall be submitted to the ARC for approval,
- b. All front and side yards of each Lot shall, unless otherwise approved by the ARC, be sodded with grass.
- c. All landscaping for a Lot shall be completed in accordance with the landscaping plan approved by the ARC no later than thirty (30) days following the issuance of a certificate of occupancy for the residential dwelling situated thereon.
- d. No hedge or shrubbery planting which obstructs sightlines of streets, roadways or road signs shall be placed or permitted to remain on any Lot where such hedge or shrubbery interferes with traffic sight-lines for roadways within the subdivision. The determination of whether any such obstruction exists shall be made by the ARC, whose determination shall be final, conclusive, and binding on all Owners.
- e. No rocks, rock walls or other substances shall be placed on any Lot as a front or side yard border or to prevent vehicles from parking on or pedestrians from walking on any portion of such Lot or to otherwise impede or limit access to the same. Rocks, pavers, and accent stones may be used as accent or border arrangements when incorporated in the overall landscaping plan. Bird baths, fountains, lawn sculptures, and other fixtures or accessories may be used as a part of the overall landscaping plan. Any fixture or accessory included in the front or side yard landscape plan must be approved by the ARC. The fixture/accessory must be kept in a condition that is attractive and does not harbor/promote pests or disease (i.e. no standing water, not overgrown with vegetation, etc.), The fixture/accessory must be removed if the Board decides that it has become an issue of any sort.

- e. No vegetable or similar gardens or plants shall be planted or maintained in the front or side yards of any Lot or in the rear (back) yard of any Lot if visible from any street.
- f. The Board may from time to time promulgate rules and regulations adopting an approved list of trees or plant life which may be utilized on any Lot, which rules and regulations may prescribe that a minimum dollar amount be established and utilized as the landscaping budget for each Lot.
- g. No Owner shall allow the grass on this Lot to grow to a height in excess of six (6) inches, measured from the surface of the ground.
- i. Exterior Seasonal or holiday decorations (e.g., Christmas trees and lights, pumpkins, Easter decorations) are detailed in Article section 22(9) of the Declaration. Holiday decorations are permitted and will not require approval of the ARC. Decorations may be installed no sooner than 45 days prior to the holiday and must be removed within 15 days after the holiday for which they are intended. The ARC reserves the right to require the removal of decorations that either generate complaints or are deemed offensive.
- j. Each Owner shall be responsible for maintaining and replacing, if needed, the front yard and street trees, in accordance with the Village Creek Architectural Guidelines.

23. Enforcement: Article IX, Section 23

In the event of default on the part of the Owner or occupant of any lot in observing any or all of the requirements herein set forth, such default continuing after ten (10) days' written notice thereof, the Association may, without liability to the Owner or occupant, in trespass or otherwise, enter upon said lot, cut, or cause to be cut, such weeds and grass, and remove or cause to be removed, such garbage, trash and rubbish or do any other thing necessary to secure compliance with these restrictions, so as to place said lot in a neat, attractive healthful and sanitary condition, and may charge the Owner or occupant of such lot for the cost of such work.

F. ARCHITECTURAL GUIDELINES:

1. General:

- a. Precedents: While the ARC will make every reasonable attempt to be fair and equitable, the ARC will not necessarily be bound by past decisions. The ARC reserves the right to disapprove Applications for improvements that require a variance from the established Covenants if it believes that such changes are not in the best interest of the future of Village Creek, even if a precedent was set by an earlier decision of the ARC. From time to time, the ARC will make a decision that, in retrospect, is not in the best interests of the community. The ARC 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 ARC 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 and of the same type.

While there is no specific requirement for the Owner to apply to the ARC for such in-kind repairs, the quality of such work may come under the scope of the ARC'S responsibilities if the repair is done in such a way as to detract from the appearance of the neighborhood.

- c. Easement Encroachments: It is not the responsibility of either the ARC or the Board to police encroachment into utility easement areas. If possible, the ARC will advise the Owner of a possible encroachment and recommend that the Owner seek approval or waiver from the appropriate utility. However, the ARC will not be liable for any expense incurred by an Owner as a result of action by a utility if such encroachment occurs, even if the ARC approved the change or addition without comment.
- d. Maintenance of Improvements and Landscaping. All lots and the improvements and landscaping thereon must be maintained by the Owner in a neat and attractive condition.

2. Building Materials and Roofing Materials:

Use Restrictions relative to Building Materials are covered in Article IX, Section 4 of the Declaration. The following Guidelines supplement the Use Restrictions.

- a. Brick Stone and Cultured Stone: Brick, 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 ARC 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). If all exterior siding is being replaced at one time, the type of siding may be changed to any of the following acceptable materials: wood, vinyl-coated aluminum, vinyl-coated steel, or fiber cement (e.g. "HardiPlank"), provided it is approved by the ARC. Synthetic or composite wood may be considered on a case by case basis and sample data should be submitted with the application. Bare or painted Aluminum, steel, or other metal siding shall not be acceptable. 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 ARC 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; each application must include at least two (2) color samples of the proposed siding color; .
- (iv) must be installed and maintained to avoid sagging, waving, warping or irregular coloration; the ARC may require the homeowner (at homeowner's sole responsibility and expense) to repair or replace siding that fails to adhere to these Guidelines.

Use Restrictions relative to Roofing Materials are covered in Article IX, Section 21 of the Declaration. The following Guidelines supplement the Use Restrictions.

c. Roofing Materials:

(i) All roofing materials must have a minimum 20-year warranty. 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 ARC. Corrugated metal, acrylics and such materials are not acceptable for roofing.

(ii) The ARC may maintain a chart depicting examples of the acceptable type, quality, and color of roofing materials for homes and other improvements within the subdivision. Each shingle shall be compared to the samples set forth on the roofing materials chart to assure that the proposed shingle is of an acceptable type and quality and that its color is harmonious with the color scheme established for the subdivision.

(iii). The color of each roofing material must not only be an earthtone, but also an acceptable shade of an earthtone color.

<b>Manufacture</b>	<b>Type</b>	<b>Color</b>
CertainTeed	Landmark	Max Def Weathered Wood
CertainTeed	Landmark	Moire Black
CertainTeed	Landmark	Max Def Moire Black
GAF	Timberline High Definition	Weathered Wood
GAF	Timberline High Definition	Charcoal
GAF	Timberline High Definition	Pewter Gray
Owens Corning	Duration (TruDefinition)	Driftwood
Owens Corning	Duration (TruDefinition)	Estate Gray
Owens Corning	Oakridge (TruDefinition)	Driftwood
Owens Corning	Oakridge (TruDefinition)	Estate Gray
Owens Corning	WeatherGuard HP (TruDefinition)	Driftwood
Owens Corning	WeatherGuard HP (TruDefinition)	Estate Gray
Tamko	Heritage Premium	Weathered Wood
Tamko	Heritage Premium	Rustic Black
Tamko	Heritage	Weathered Wood
Tamko	Heritage	Rustic Black

iv) Felt for all composition roofs must have a weight of at least 30 lbs. or 15 lbs. synthetic felt.

- d. To the extent required by 202.011 of the Texas Property Code, Owners are entitled to install roof shingles designed primarily to be wind and/or hail resistant; shingles that provide heating and cooling efficiencies greater than those provided by customary composite shingles; and shingles that provide solar generation capabilities (collectively referred to as "Alternative Shingles"), subject to the following regulations:

An Owner must obtain prior written authorization of the Architectural Review Committee ("ARC"), to place or install any type of shingle or roofing material on the exterior of any improvement located on a Lot within the Subdivision. Roof Shingles will be approved upon the submission of a proper application to the ARC proposing an installation of roof shingles that is within the parameters set forth in Chapter 202.011 of the Texas Property Code and any other permissible criteria required by the ARC

Roof shingles that satisfy all of the criteria of each subparagraph one through four below will be approved for installation.

1. shingles are either designed primarily to
    - a. be wind and hail resistant.
    - b. provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
    - c. provide solar generation capabilities.
  2. the shingles resemble the shingles used on property in the subdivision.
  3. the shingles are more durable than and are of equal or greater quality to the shingles used on property in the subdivision.
  4. the shingles match the aesthetics of the property surrounding the owner's property.
3. Painting:
- a. The homeowner may repaint the main body or trim of the house, garage, or other improvement on a lot so long as the same color as the original is used.
  - b. The existing exterior color of the main body or trim of a home, garage, or other improvement on a lot shall not be changed without prior written approval of the ARC.
  - c. Applications to paint an area that has not been previously painted or to change the color, must include at least two (2) color samples or paint chips and a photograph of the brick color. If, in the opinion of the ARC, the new color is compatible with both the individual home and the neighborhood, the color change will be granted.
  - d. Colors approved for accents including trim, shutters, doors, windows and gutters of homes and garages will be limited. Accents colors may be earthtones, colors that blend with the brick, or are compatible with the neighborhood. Accent colors are not intended to "outline" the structure and any color that does so will not be approved.
  - e. Any outbuilding or storage building which has a covered roof shall also be subject to these painting guidelines and shall be painted in a color to match the overall color of the principal dwelling.
4. Landscaping:
- a. In general, the addition or movement of trees, shrubs, and other live items of landscaping is acceptable without a formal review by the ARC. ARC approval is required when installing landscaping that is, or will act as, a non-compliant fence, items that obstruct access to a vital community service (such as 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 to items that are non-compliant at the time of installation, and to items that can reasonably expected to grow to create non-compliant situations.”
  - b. Removal of individual trees is discouraged unless the tree is diseased, dead, severely damaged, large for the location, exposes the house foundation to damage, or poses a hazard and requires ARC approval. Any front yard trees

removed must be replaced with a minimum five (5) gallon container grown tree. Lots in Village Creek require a minimum of two front yard trees. If the Owner has a compelling reason for only one tree such as a small cul-de-sac frontage or other reasons for variances including the tree placement of neighbor's trees which could result in further crowding to meet the two (2) large tree requirement, a request for a variance shall be submitted to the ARC for consideration.

- c. Street trees located on the side portion of any lot adjacent to a street must be maintained. If a street tree dies, it shall be replaced by the Owner with a minimum five (5) gallon tree of a species approved by the ARC. Since the original three (3) tree requirement created some unattractive tree placements the ARC will be mindful of this and the maturing tree growth when considering variance requests. Reasonable requests for a deviation from this rule should be submitted to the ARC for consideration.
- d. All parts of trees growing over the street shall be pruned to maintain a minimum clear vertical height of 14 feet above the street surface from curb to curb. Trees growing over sidewalks shall be pruned to keep a minimum clear height of eight (8) feet above the sidewalk surface. Stop signs shall be visible from vehicles at 200 feet.
- e. Landscape timbers or railroad ties are not permissible within the portion of the yard visible from any street.
- f. Landscaping may not be installed in such a manner as to change the topography or drainage of the lot which may cause water to spread across any other lot (rear or side).
- g. To increase diversity and loss of our entire urban forest due to specific species disease (such Live Oak Decline), new Live Oaks should be avoided. Many trees may be acceptable but shall be subject to review and acceptance by the Board and the ARC. Make sure that you research the tree size and habits before making your selection. This list is a suggestion of trees for our area. Many other trees can be found on the internet.

American Holly*	Anacua (Knockaway, Sandpaper Tree)*
Chinese Fringetree	Chinese Pistache (Does not like wet areas)
Chinkapin Oak	Crape myrtle (Basham) (Purple)
Crape Myrtle (Choctaw) (Pink)	Crape myrtle (Natchez) (White)
Drake Elm	Eastern Hophornbeam (Ironwood)*
Japanese Blueberry	Lacebark Elm (Chinese Elm)
Meadow Holly (Possum Haw, Possumhaw)*	Mexican Plum*
Persimmon, Common*	River Birch, Red birch*
Texas Red Oak*	White Fringetree or Grancy Gray-beard*
Wild Olive, Mexican Olive, Anacahui	Eastern Hophornbeam (Ironwood)*
Winged Elm/Corky Winged Elm (Randy Lemon)	

5. 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, lights shall be located no more than the height of the first-floor soffit. Residents are encouraged to be mindful of affected neighbors and passersby prior to installing or changing exterior lighting. Luminance of exterior lighting shall be kept to a minimum because excessive brightness can create a nuisance. All spot and flood lighting shall be positioned to provide no significant light beyond the owner's property line. No flood or spotlight source (bulb) shall be visible beyond the resident's property line. All exterior lighting colors shall be 3000 degrees Kelvin or lower.

- 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 ARC may be replaced with a new fixture provided that the lumen rating remains the same.
- b. Security Lighting: Any perimeter security lighting must be mounted to or along the first floor eaves of the home and must be unobtrusive, the fixture must be a color that is harmonious with the structure and care is taken to shine the light only onto the owner's property. No pole mounted lights will be permitted. Mercury vapor/sodium vapor lights, which are considered incompatible with the neighborhood, are not permitted.
- c. Landscape Lighting: 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. Mercury vapor/sodium vapor lights are not permitted as landscaping lighting.
- d. Gas Lighting: Two (2) gas lights per lot shall be permitted with the ARC'S approval. The gas lighting color must be white light.
- e. Annoyances: All new or existing lighting that becomes an annoyance shall be reported to the Management company who will investigate and assist in getting the issue resolved.

6. Fencing:

Use Restrictions relative to Fencing are covered in Article IX, Section 13 of the Declaration. The following Guidelines supplement the Use Restrictions.

- (a) All perimeter fences shall be maintained in the color, location, and materials identical to the original fencing. Fencing may not be altered without ARC approval. Wood perimeter fences may not be painted. Wood fencing may be stained upon approval of an ARC application noting the approved stain. The



approved colors of stains or sealers may be clear, transparent, semi-transparent, or opaque and must be harmonious with the house. The Owner is responsible for power washing or bleaching the wood fence prior to applying the approved stain.

- (b) Brick or stone columns may be constructed and used as fence posts. These must be of a material to match the exterior of the home and not exceed 8 feet in height. The face of such columns constructed in the front of the home must be on, or behind, the platted front-lot building line. .
- (c) Tubular metal or "wrought iron" fencing must be approved by the ARC, be painted black and not exceed six (6) feet in height.
- (d) Chain Link and Wire Fences are prohibited.
- (e) Approved fences will be installed picket side out where visible from any street.
- (f) Fencing shall be uniform throughout the development. Wrought iron or other formed metal may be used in area of decorative use in sections across driveways or where used across a building line so long as there are no items (storage or otherwise) visible from a fronting street, be painted black and not exceeding six (6) feet in height
- (g) The requirements set forth above shall also apply to gates.
- (h) Additional gates added to existing fences or added during repair or replacements must be shown on the application drawing and approved. Gates that which open to property not owned by the resident, County or MUD District property, undeveloped community property or to neighboring properties are prohibited. Gates opening into developed community property (i.e. green belts and lake front are permitted.
- (i) Vehicle or 'drive-through' vehicle gates are prohibited.

7. Decks:

All decks must be approved by the ARC with respect to location and the standard, type, color, and quality of materials used in construction. No deck shall impede drainage on the lot or cause water to flow on an adjacent lot. No deck shall be constructed more than two feet (2') above the ground or within any easement.

8. Patio Covers:

Arbors, sunshades, patio coverings and similar structures must be approved by the ARC but are generally acceptable so long as they are either less than eight (8) feet in height or permanently attached to the home along one full side of the new structure. The standard, type, quality, and color of materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of materials used in the construction of the main residence. Corrugated roofs shall not be permitted under any circumstances. If attached to a single-story house, the patio cover must be integrated into existing roofline (flush with eaves)If attached to a

multi-story house, the patio cover must be attached at the first story floor line. If it is to be shingled, shingles must match the roof. Entire patio cover and posts should be trimmed out to match house. Support must be painted wooden, treated wood or metal columns. No pipe is allowed. Patio covers must be situated on the lot to provide drainage solely into the Owner's lot. If a proposed solid patio cover location is less than five feet (5') away from the side lot line, the ARC will require that it be guttered with downspouts.

9. Pools:

An application for the construction of a swimming pool, water feature, spa or Jacuzzi (collectively referred to as "the pool"), must include a plot plan showing the proposed location of the pool in relation to the property lines, building lines, existing structures and existing or proposed fences. The application shall also indicate the direction for construction access. No pool shall be constructed in a manner to impede drainage on a lot or to cause water to flow on an adjacent lot. Above ground swimming pools are not permitted. The pool mechanical equipment may not be placed in such a way as to impede the three foot (3') wide side yard drainage easement. All pools must be enclosed within a fenced area. Pool pumps and other equipment must be screened within the fenced perimeter and not visible from the fronting street. Construction access to work area may only be by the resident's owned property and not be via community owned property or the property of Harris County or MUD district. Access via a neighboring property will only be approved with the written consent of the property owner submitted with the application. Remediation of access routes and work areas to their original state must be completed within 30 days of the completion of construction.

Prior to pool construction a \$1000 deposit is required to be surrendered by the Homeowner and held in escrow by the HOA Management company to cover any damage to Community property during construction. The deposit will be returned within 10 days of notice of completion, after it is confirmed by the Management Company that no damage to community property has occurred -or- corrective actions have been completed. If damage is not corrected the deposit will be forfeited and applied to the remediation of the damages.

10. Outbuildings:

Use Restriction relative to Outbuildings are covered in Article IX, Section 11 of the Declaration. The following Guidelines supplement the Use Restrictions.

- a. Storage Buildings. Only one (1) outbuilding not exceeding one hundred (100) square feet and eight feet (8') in height 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. No exterior portion of an outbuilding shall be made of metal. An outbuilding shall be located in the rear portion of the lot but may not be located on a utility easement. Outbuildings must also conform to the building front and side setback restrictions. No outbuilding shall impede drainage from the lot or cause water to flow onto an adjacent lot.

- b. Gazebos. For the purpose of these Guidelines, a gazebo shall be defined as a free-standing, open-framed structure with or without lattice-type walls, whose purpose shall not be for any type of storage. These typically are circular or octagonal shaped structures. All gazebos must have a permanent roof. The quality and color of the roofing shall match that of the main residence. Louvered or trellis-style gazebo roofs may be allowed as long as the quality of materials is approved. Pressure treated wood may age naturally, be stained with an ARC approved stain, or painted to match the residence. Gazebos must be located in the rear or side yard and a minimum of five feet (5) from side property lines and ten feet (10') from the rear property line. Gazebos cannot exceed eight feet (8') in height..

11. Garages.

All residents of Village Creek have attached or detached garages for not less than two vehicles. Because parking in the street by Village Creek residents is not encouraged for both safety and aesthetic reasons, no alteration or modification of a garage shall be permitted that would preclude the parking of two vehicles within the garage. The conversion of a garage to a family room, or similar modification, is not permitted.

12. Driveways and sidewalks:

- a. Replacement and additions to driveways must be to the same quality, grade and location as the original driveway for the residence.
- b. Replacement and additional sidewalks are subject to ARC approval.
- c. 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 be permitted with the ARC'S approval.
- d. The maximum driveway width for homes with attached garages is seventeen feet (17') at the front property line. The maximum driveway width for homes with detached garages is twelve feet (12') at the front property line.

13. Basketball Goals & Hoops:

Basketball Goal Guidelines (As Approved by the Board of Directors on August 5, 2015)

Permanent Mounting: No basketball goals may be mounted on the garage or home structure. Goals may be placed in rear (back) yards subject to setback and easement restrictions.

Portable Basketball goals: A portable goal placed in the front of the home may be located on or adjacent to the driveway surface, at a distance from the front of the garage that is no further than half the length of the driveway.

A portable goal that has remained unused for a period exceeding thirty consecutive days must be stored in the garage or rear (back) yards subject to setback and easement restrictions.

Provisions that apply to both permanent and portable basketball goals: All basketball goals, backboard, net, poles, and bases, whether permanently mounted or portable, must be maintained in good condition at all times. Rims must be no more than ten feet (10') in height. Backboard must be regulation size and white, gray, or transparent in color. Any basketball goal that exhibits signs of rust, or has a cracked backboard, rims not mounted properly, bases that are cracked or broken, or nets that are dirty and discolored, will be required to be stored out of sight, repaired immediately or disposed of.

To the greatest extent possible, basketball goals, posts, backboards, nets, and hoops will be colors that are not offensive to the landscaping of the neighborhood. Bright, fluorescent, colors (particularly for nets) will not be allowed. Consideration should be given to the neighbors to prevent property damage.

If a neighbor submits a complaint or the Basketball goal becomes an annoyance, the owner may be required to re-position the basketball goal or remove it if damage and annoyance is excessive and continues unabated.

No lighting fixture will be mounted to either permanent or portable goals.

#### 14. Play Structures:

Use Restriction relative to Play Structures are covered in Article IX, Section 11 of the Declaration. The following Guidelines supplement the Use Restrictions.

- a. For the purpose of these guidelines, a children's 'play structure' shall mean any type of play set, climbing structure, play fort, playhouse, slide, trampoline, or swing set and shall be restricted to the fenced portion of the lot.
- b. The play structure (including the roof) shall not exceed twelve feet (12') in height and shall not be located closer than five feet (5') to any property line. Accessories for the play structure (i.e. slides, bars swings, etc.) shall not exceed eight feet (8') in height. No play structure shall be located on a utility easement, impede the drainage on the lot, or cause water to flow to an adjacent lot. The maximum height of any place that the user of the play structure can stand, or sit shall not exceed four (4') feet in height and any play structure must be located approximately in the center of the back yard to protect the neighbors' privacy. It shall also be placed so as not to be visible to the fronting street.
- c. Multi-Color Tarps, windsock, or streamers attached to the play structure are not allowed.
- d. The roof of the play structure must be a single color. Wood slat roofs are acceptable. Metal or plastic roofs of any kind are not acceptable.

- e. Play structures must be kept in good condition.
- f. Play structures shall never be used as storage or as a residence.
- g. Should privacy issues arise due to the height, location on the property, platform structures or use of the structure, the complaint shall be handled under the Section E. RESTRICTION OF USE, Part 2.

15. Antennae:

Use Restrictions relative to Antennae are covered in Article Section 14 of the Declaration. The following Guidelines supplement the Use Restrictions.

- a. Dish-Type Devices in Excess of One Meter (39 inches). No direct broadcast satellite dishes, multichannel multipoint distribution type devices, and microwave broadband transmitters and receivers (referred to herein collectively as "Dish-Type Devices") which exceeds one meter (39 inches) in diameter are permitted on any lot.
- b. Dish-Type Devices of One Meter (39 inches) or Less. Antennas and Related Masts. A Dish Type Device of one meter (39 inches) or less, television broadcast antennas ("Antennas") and related masts, are permitted to be placed on a lot provided any such item complies with all of the below set forth minimum conditions. Further, the Association must receive written notification at its then current address from the Owner of the applicable lot, on or before the installation of any Dish-Type Device, Antenna or related mast provided for in this subsection b. Such notification must include the type and color of the Dish-Type Device, Antenna, and any related mast to be installed, and the method, manner, and site of installation. The site must be shown in a plot plan.
- c. Minimum Conditions: In addition to the foregoing requirements, no Dish-Type Device, Antenna, or any related mast shall be erected, constructed, placed, or permitted to remain on any lot unless such installation strictly complies with the following minimum conditions (however, each Minimum Condition shall not apply if it unreasonably delays installation of the applicable Dish-Type Device, Antenna, and any related mast, or unreasonably increases the cost of such items or their installation, or precludes reception of an acceptable quality signal
- d. To the extent feasible, the Dish-Type Device, Antenna and any mast must be located to the rear one-half (h) of the lot and must serve only improvements on the particular lot in which it is located.
- e. To the extent feasible, the Dish-Type Device, Antenna and any mast, including its base and anchoring structure, shall not extend above the roofline of the house located on the lot and shall not be visible from any other lot or from the frontage street or any adjoining street. If placement at such location

precludes reception of an acceptable quality signal, the Dish-Type Device, Antenna, and any mast shall be placed in the least visible location where reception of an acceptable quality signal is still possible.

- f. To the extent feasible, no Dish-Type Device, Antenna or mast shall be constructed or placed or permitted to remain on any utility easement or other easement or right-of-way located on any lot.
- g. The Dish-Type Device, Antenna and any mast must be securely mounted to a base, so as to be able to withstand the effects of high winds or other extraordinary weather conditions; however, no guy wires or similar mounting apparatus will be allowed. No mast may exceed the height of 12' above the center ridge of the roofline.
- h. No advertising banners or signs whatsoever shall be attached to the Dish-Type Device, Antenna, or mast. Further, no advertising slogan, logo, printing or illustration shall be permitted upon the Dish-Type Device, Antenna or mast, other than the standard logo, printing or illustration which may be included by the applicable manufacturer for that Dish-Type Device, Antenna or mast.
- i. No Dish-Type Device or Antenna shall ever be used to send or receive any ham radio signal.
- j. No Dish-Type Device or Antenna shall be permitted to cause any distortion or interference whatsoever with respect to any other electronic device in the subdivision.
- k. The color of the Dish-Type Device, Antenna and any mast must be one of the applicable manufacturer's standard colors for that Dish-Type Device, Antenna, or mast.
- l. Any Dish-Type Device, Antenna or related mast installed hereunder shall be installed in a manner that complies with all applicable laws and regulations and manufacturer's instructions.
- m. If any provision of this Section 15 of these Guidelines is ruled invalid, the remainder of this Section 15 shall remain in full force and effect.

16. Signs

Use Restrictions on Signs, Advertisements and Billboards are detailed in Article X, Section 19 of the Declaration. The following Guidelines supplement and/or provide variances the Use Restrictions, as permitted under Article VI, Section 5 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 feet (2') from the ground level when installed and must be no further than three feet (3) away from the house or garage. Signs must be of an acceptable color which is harmonious with the surrounding structure and landscaping.

b. Other Types:

1. Open house. One (1) temporary open house sign is allowed in front of residence on the day before and on the day of the open house only. Size: no more than six square feet (6') overall.
2. School Organization. Temporary school signs are allowed no farther than three feet (3) from the outside wall of the house, unless otherwise noted and approved by the ARC.
3. Yard of the Month. One (1) yard of the month sign supplied by the Association is allowed in the planting bed or lawn in a location selected by the Landscape Committee.

17. Room Additions:

Detailed plans must be submitted to the ARC and exterior materials and colors should match the house as much as possible. Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.

Approval shall be on an individual basis. Size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. Addition of a storage area will not qualify as a room addition and will not be permitted. Plans for the room addition must show a room of reasonable size to constitute a legitimate request for a room addition. The roof of the addition must integrate with the existing roof line so as to appear to have been part of the original home. The addition must be opened to the main structure and be serviced by central heat/air conditioning and electricity. All such improvements must be designed to applicable building code standards. Room additions may be denied for other reasons (i.e., structural integrity, architectural suitability, etc.).

Building permits if required by the applicable municipality (city, county, etc.) must be submitted with the "Request for Home Improvement Approval" form. In some instances, the ARC will grant approval with the provision that a copy of the permit must be received by the ARC within thirty (30) days of the approval letter.

18. Miscellaneous:

Use Restrictions on Birdhouses, Flagpoles and Weathervanes are detailed in Article [X, Section 22(5.) of the Declaration. The following Guidelines supplement and/or provide variances the Use Restrictions, as permitted under Article VI, Section 5 of the Declaration.

- a. Birdhouses. Birdhouses shall be permitted subject to the prior approval of the ARC. No birdhouse shall be situated higher than ten feet (10') above the ground and no more than two (2) birdhouses 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. Weathervanes. Weathervanes shall be permitted subject to the prior approval of the ARC. Weathervanes may be black metal, stationary, and mounted on the roof of detached garages only. Although most weathervanes have a standard staff, unusual height may be cause for rejection.
- c. Rain Gutters. Rain gutters may be plastic or aluminum items and must be painted a color compatible with the home on which it is installed. Application should be made showing the extent of guttering and location of downspouts. Approval is not required for the exact replacement of existing guttering.
- d. Awnings/Solar Screens. 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 ARC. Solar screens are restricted to black, dark brown, or dark gray and must be constructed and installed to professional standards. Solar screens may be permitted in the front of the home if they are constructed with mullions that match the mullions of the windows being covered, so as to not distract from the architectural harmony of the home. Solar screens without mullions may be located on the sides or rear of homes only. All solar screens must be approved by the ARC.
- 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 6 months during reconstruction) will be acceptable under such a condition. Reconstruction in the form that existed before the disaster will be acceptable without approval by the ARC.  

Temporary protective action in the event of certain weather conditions, such as hurricane warnings, will not require approval of the ARC. All such installations must be completely removed, and the property restored to its original condition within 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. Burglar bars are permitted on the inside of the windows.
- g. Trash Pickup. Garbage cans, trash bags, tree limbs, lawn clippings etc. may not be placed along the street curbside for trash pickup before 5:00 p.m. on the day prior to the scheduled day for trash pickup for such lot.



h. Wind Ventilation Turbines. The wind turbines for attic ventilation shall either be a color which will blend with the shingle color instead of unfinished aluminum or be painted to match the shingle color and positioned on the rear slope of the roof structure so as not to be visible from the fronting street. Ridge vents should be of a color which will blend with the shingle color.

i. Electronic Devices. No electronic devices shall be permitted to cause any distortion or interference whatsoever with respect to any other electronic device in the subdivision.

J. Solar panels are permitted to the extent required by 202.010 of the Texas Property Code, subject to the following regulations:

- 1) The owner shall first apply to and receive written approval from the ARC prior to installation of any solar panels or other solar items (collectively "Solar Panels") permitted by 202.010.
- 2) Solar Panels shall be located in a fenced-in yard or patio, OR on the roof of the house or other approved structure, not visible from the front of the structure, and in a location approved by the ARC (subject to any limitation imposed by 202.010).
- 3) Solar Panels shall be located entirely on the property of the owner erecting the Solar Panels and shall not be located on any other lot, property, or common area.
- 4) When mounted on a structure, no Solar Panel may be higher or wider than the roofline of the structure it is mounted on.
- 5) When mounted on a structure, the top edge of all Solar Panels shall be parallel with the roofline and shall conform to the slope of the roofline.
- 6) If located in a fenced-in yard or patio, the Solar Panels shall be lower than the fence line of the yard or patio.
- 7) Solar Panel frames, brackets, wires, and pipes shall be a shade of silver, bronze or black.
- 8) An Owner wishing to obtain approval of the installation of a solar panel or device that does not comply with any single criteria above must demonstrate that an alternative location will enable the panel or device to generate more than 10% greater production in the alternative location.

K. To the extent required by 202.012 of the Texas Property Code, Owners are entitled to display a United States Flag, a Texas State Flag, or a replica flag of any branch of the United States Armed Forces ("Permitted Flags"), and to install a flag pole on their property for the purpose of displaying the Permitted Flags; subject to the following regulations:

- 1) The Owner shall first apply to and receive written approval from the ARC prior to installation of any flagpole.
- 2) United States Flags must be displayed in accordance with 4 U.S.C. Sections 5-10.
- 3) The Texas Flag must be displayed in accordance with Chapter 3100 of the Texas Government Code.

- 4) Only Permitted Flags may be displayed within the Association.
- 5) Permitted Flags shall be displayed from a pole attached to a structure OR from a freestanding pole. Except for flags that are mounted in accordance with 4 U.S.C. Sections 5-10, Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage or entry door.
- 6) A flagpole attached to a structure shall be limited to one per lot, shall be no more than 6 feet in length and shall be securely attached by a bracket with an angle of 30 to 45 degrees down from vertical. The flagpole shall be attached in such a manner as to not damage the structure. One attached flagpole is allowed on the front portion of a structure facing the street in a location approved by the ARC. Brackets which accommodate multiple flag poles are prohibited.
- 7) A flagpole, whether attached to a dwelling or freestanding, shall be constructed of permanent, long-lasting materials with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling. Flag poles shall be commercially produced and not home-made, they shall not be constructed of wood or plastic.
- 8) Only one Permitted Flag may be displayed on a flagpole attached to a structure; up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least 14 feet tall.
- 9) The flag display and flagpole shall conform to all setbacks, easements, and zoning ordinances.
- 10) Flags and flag poles must be maintained in good condition; flags and poles that are deteriorating or represent an unsafe condition shall be repaired, replaced, or removed.
- 11) Free-standing flag poles are limited to one per lot, in a location approved by the ARC in writing and shall not exceed 20 feet in height (including any ornamental cap) and 9 inches in diameter. Free-standing flag poles shall be permanently installed in the ground according to the manufacturer's instructions.
- 12) Permitted Flags are limited in size to 3 feet tall by 5 feet wide.
- 13) Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting shall be:
  - a) approved in writing by the ARC prior to installation, and
  - b) shall be ground mounted in the vicinity of the flag, and
  - c) shall utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover, and

d) shall point towards the center of the flag and face the main structure on the property or to the center of the property if there is no structure, and

e) shall not provide illumination exceeding the equivalent of a 60-watt incandescent bulb.

14) Flag poles shall not generate unreasonable noise levels which would disturb the surrounding residents. In order to minimize noise all flag poles shall utilize vinyl or plastic snap hooks, shall utilize snap hook covers and may secure a rope around the flagpole with a flag pole clasp, or do whatever else is necessary to comply.

15) An owner can only place a flagpole or flag on his own property and no other lot, property, or common area.

16) Flag poles are permitted solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis it, shall be removed by the Owner.

L. Rainwater Recovery Barrels or Systems ("Barrels/System") shall be permitted to the extent required by 202.007(d), subject to the following regulations:

1) The Owner shall first apply to and receive written approval from the ARC prior to installation of any Barrels/System.

2) The Barrels/System must be of a color that is consistent with the color scheme of the owner's home.

3) The Barrels/System cannot be located between the front of the owner's home and an adjoining or adjacent street. (the front yard)

4) The Barrels/System must not display any language or other content that is not typically included on the item when it is manufactured.

5) The Association may regulate the size, type, materials, and manner of screening for Barrels/System that are visible from the street, another lot, or common area.

6) There must be sufficient area on the owner's property to install the Barrels/System, no Barrels/ System shall be located on or extend onto any property other than the owner's lot.

7) Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Barrels/ System, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common are.

8) Screening may be accomplished by an approved solid fence, structure, or vegetation; by burying the tanks/barrels; or by placing the equipment in an outbuilding approved by the ARC.

- 9) A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above, so long as:
- a) the barrel does not exceed 55 gallons, and
  - b) the barrel is installed in close proximity to the structure on a level base with the glittering downspout leading directly to the barrel inlet at a substantially vertical angle, and
  - c) the barrel is fully painted in a single color to blend with the adjacent home or vegetation, and
  - d) any hoses attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible location when not in use.
- 10) Overflow lines from a System must not be directed onto or adversely affect adjacent properties or common areas.
- 11) Inlets, ports, vents, and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are prohibited, however, where space allows and where appropriate as determined by the Association, ARC approved ponds may be used for water storage.
- 12) Harvested water must be used and is not allowed to become stagnant or a threat to health.
- 13) All systems shall be maintained in good repair. Unused systems should be drained and disconnected from the gutters. Any unused Systems in public view must be removed from public view of any street or common area.

M. Drought-Resistant Landscaping and Natural Turf Guidelines

1. In order to comply with Section 202.007 of the Texas Property Code, the Board of Directors of the Association adopts the following guidelines for the use of drought-resistant landscaping or water conserving natural turf:
- a. The Architectural Review Committee (ARC) will allow variances for xeriscaping as long as 25% of publicly visible area is covered with natural turf and all other guidelines below are met.
  - b. Homeowners must submit an Architectural Review Committee request or a request for a variance to the Architectural Review Committee (as applicable). The request must include details of the project and a design plan. Installation of the new xeriscaping cannot begin until the request has been approved.
  - c. Non-turf planted areas must be bordered to define the Xeriscaped areas clearly from turfed areas. d. Xeriscaped areas must be kept maintained

- at all times to ensure an attractive appearance. This includes trimming plants, keeping the area weed-free, and edging along borders.
- e. No boulders or large rocks exceeding six inches (6") may be used on the narrow strips between sidewalks and the street curb.
  - f. No plants may encroach onto or over public sidewalks.
  - g. No plants with thorns, spines, or sharp edges can be used within six feet (6') of the sidewalks.
  - h. Urns, pots, and other manmade ornamentation cannot exceed four (4) items in public view.
  - i. No plants greater than twelve inches (12") in height may be planted in the sidewalk strip area.
  - j. Sickly and dying plants must be removed and replaced.
  - k. Perennials and ornamental grasses that die back in winter must be cut back to remove dead material.
2. Xeriscaping Xeriscaping means using native and adapted plants that grow and sustain themselves with low water requirements, and that can tolerate heat and drought conditions.
  3. Ground Cover - If a request is granted, non-turf areas can contain decomposed granite, ground hardwood mulch, crushed limestone, flagstone, or other loose stone material for a ground cover. The ground cover must be maintained to prevent weed growth, preferably without using toxic or environmentally harmful chemicals. Paver stones may be used to create walkways. Concrete surfaces are limited to driveways and sidewalks only.
  4. Plants - Use plants adapted to the pH soil conditions created by the non-turf materials used. For example, don't use acid-loving plants along with alkaline crushed limestone. Acid-loving plants would do well with ground hardwood mulch. Native plants would do well with limestone or crushed granite. For public safety, no plants with thorns, spines, or sharp edges can be used within six feet (6') of the sidewalks. Also, no plants higher than twelve inches (12") may be planted in the sidewalk strip, as this constitutes a visual safety hazard to pedestrians and drivers.
  5. Borders - Xeriscaped areas must be surrounded by a border to clearly define the xeriscaped areas from turfed areas. Borders can consist of metal edging or mortared masonry units. Masonry products include stone, clay brick pavers, or concrete masonry units manufactured as edging shapes. Any proposed masonry edging must receive approval of the Architectural Review Committee. All masonry products must be properly mortared in place to avoid displacement and weed encroachment or growth between masonry units. Brick masonry must be approved for color and type; if brick units are to be used, they must be solid units, not those with holes. No "common" concrete blocks are permitted. If iron

edging is used, it must be properly staked and set with top edge not more than two inches (2") above grade. Borders must be maintained as part of the landscaping, must be kept in attractive condition, and must be edged.

6. Turf Grasses - Homeowners should consider replacing "thirsty" turf grasses such as St. Augustine with turf that has lower water requirements. Good turf grasses for our area include Buffalo grass, Zoysia, and Bermuda. However, no one turf grass is ideal for all situations, so carefully consider the amount of sunlight your lawn receives before choosing a new turf grass.
7. Hardscapes - Hardscapes can include large boulders or other natural materials that are used as part of xeriscape landscaping design. Urns, pots, and other man-made ornamentation can add variety, but are not to exceed four (4) items in public view. Any proposed landscape "decorative items" such as birdbaths, statuary, or other similar non-vegetative items must be approved in advance. No boulders or large rocks exceeding six inches (6") may be used on the easement strips between the sidewalks and the street curb.
8. Landscape Maintenance Xeriscaped areas are subject to the same maintenance requirements as other landscaping and must be maintained at all times to ensure an attractive appearance. Plants must be trimmed, beds must be kept weed-free, and borders must be edged. No plants may encroach on sidewalks. Sickly and dying plants must be removed and replaced. Perennials that die back during winter must be cut back to remove dead material. This includes most ornamental grasses and other flowering perennials that go dormant to the ground in winter. Xeriscaped areas are subject to the same maintenance requirements as other landscaping and must always be maintained to ensure an attractive appearance. Plants must be trimmed, beds must be kept weed-free, and borders must be edged. No plants may encroach on sidewalks. Sickly and dying plants must be removed and replaced. Perennials that die back during winter must be cut back to remove dead material. This includes most ornamental grasses and other flowering perennials that go dormant to the ground in winter.
9. To the extent these guidelines contradict with any previous guidelines, rules, covenants, or restrictions, these guidelines shall control. These guidelines are supplementary and are in addition to all other covenants, conditions, restrictions, rules, and guidelines in effect for the Association.