

AVALON

at **CYPRESS**

DESIGN GUIDELINES

UPDATED 5.17.22

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Introduction

The following Design Guidelines (“Guidelines”) are presented as a minimum set of development standards for the Avalon at Cypress community. They are not intended to limit the creativity of the Builders in their design and construction. Design diversity is encouraged in order to create a specific identity for each section within Avalon at Cypress. However, certain key design factors are required to ensure neighboring projects reinforce each other’s quality and the communities overall feel. The Guidelines are to provide the framework for illustrating these design objectives for an attractive and coordinated setting for the Builders, owners and tenants.

These Guidelines are specifically for the Architectural Review Committee (“ARC”) to ensure that each residence constructed meet the standards and aesthetic look that Avalon at Cypress has designed. This would include the theme, colors, placement, materials, fencing, repetition, drives, etc. and be the guide for Builders in planning the design and construction of improvements on property in the community. The ARC will review each single-family residential submittal prior to the construction phase. The ARC has the right to establish and enforce the Guidelines for Avalon at Cypress.

Furthermore, any member of the ARC, Board, Declarant or authorized representative shall have the right to enter upon and inspect a Lot and the exterior of the improvements for purposes of ascertaining whether or not the provisions in the CCR’s and Guidelines are being complied with. Such persons shall not be deemed guilty of trespassing.

General Responsibilities

The Guidelines provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage and lighting. In addition, the Guidelines establish a process for review of proposed construction to ensure that all sites within Avalon at Cypress are developed with the consistency and quality intended for the development.

To the extent that the City of Houston and/or Harris County ordinances, building code or regulation requires a more restrictive standard than the standards set forth in these Guidelines, the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Guidelines shall prevail. Builder shall comply with any and all applicable building codes, rules and regulations in effect within the jurisdiction of any governmental agency including but not limited to the City, County, State, and EPA, etc. or other agency with jurisdiction.

Enclosed living areas mean a total enclosed floor area by measuring each level from the outside of the slab to the outside of the slab excluding garages, terraces, non-air conditioned storage areas, decks and porches.

Each Builder is expected to improve and maintain its individual Lots in a neat and orderly fashion. Lot maintenance includes and is not limited to containment of debris, street cleaning, sand bags, and maintenance of silt fencing. Builders are required to comply with respect to building setbacks and the orientation and placement of improvements including but not limited to driveways, sidewalks, dwelling units, fencing and landscaping. Connections to utilities are the responsibility of the Builder. Failure to maintain Lots, construction debris, streets, inlets, sandbags, silt and construction fencing may result in Builders incurring fines by the Avalon at Cypress Community, Inc. or the ARC.

These Guidelines are supplemental to the Declaration of Covenants, Conditions and Restrictions (CCR's) for Avalon at Cypress and are to be used in the architectural review of Builder plans by the ARC. Non-compliance with these Guidelines is grounds for disapproval of plans by the ARC. The review and approval of plans constitutes conformance with the Guidelines and standards, and protective covenant and deed restrictions, but does not relieve the applicant from conformance to local, state and national codes, ordinances, and standards plus other design considerations not reviewed by the ARC. The Committee assumes no responsibility for structural integrity or for mechanical, electrical and civil design with review of the above. Pursuant to and in accordance with the Declaration, the ARC shall have the exclusive jurisdiction over the design, construction, modification, alteration, addition of all improvements in Avalon at Cypress with respect to their compliance with the architectural standards set forth in the Declaration, any dedicatory instrument or the Guidelines. The ARC has the right to amend the Guidelines from time to time at its sole discretion as stated in the CCR's.

Disclaimer

Neither the Avalon at Cypress Community, Inc. or the members of the Architectural Review Committee (ARC) or its representative, their successors or assigns, shall be liable for damages to anyone submitting plans to them for approval, or to any owner or lessee of any parcel affected by these restrictions, by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to Approve any plans submitted. Every person who submits plans to the ARC for approval agrees by submission of such plans, and every owner or lessee of any parcel within the property agrees, by acquiring title thereto or interest therein, that he will not bring any action or suit against the members of the ARC, or its representatives, to recover any damages.

I. Site Plan Guidelines

A. General

Prior to commencing construction on any Lot, the Builder must review the regulations required in this document and all corresponding Platting Standards for the specific Lot in order to verify all applicable requirements. Unless otherwise delineated on a recorded plat or stipulated in the City of Houston and/or Harris County Platting Standards.

B. Lot Widths

1. 40'
2. 50'
3. 60'
4. 70'

C. Lot Types

1. Typical
2. Lake/Drainage Channel
3. Reserve
4. Corner
5. Perimeter

D. Building Setbacks

1. Recorded Final Plat setbacks take precedence, refer to Plat for final determination.
2. It shall be the responsibility of the Builder to become familiar with the corresponding standards relating to building Setback requirements in effect at the time issuance of a building permit.

| Front Lot Setbacks | |
|------------------------------|------------|
| Typical | 25' |
| Cul-de-Sac | 20' |
| Lake/Drainage Channel | 25' |
| Reserve | 25' |

| Side Lot Setbacks | |
|---|---|
| Typical | 5' |
| Corner (Street side) | May vary 10' or 15'; Refer to Plat |
| Lake/Drainage Channel (Lake/Drainage Channel side) | 5' |
| Reserve | 5' |

| Rear Lot Setbacks: All Lots | |
|---|------------|
| Typical | 15' |
| Lake/Drainage Channel (Lake/Drainage Channel side) | 15' |
| Reserve | 15' |

E. Lot Consolidation

Prohibited

F. Garages

1. Required

a. All Lots shall have a garage that accommodates a minimum of two (2) full size cars parked side by side with a maximum of four (4) garage bays and a maximum of three (3) bays parallel with street.

b. Types

i. Front Facing: Attached garage bays facing the front right-of-way and have driveway access from the front of the Lot

ii. Swing-In: Garage bays in the center of a Lot, facing the side property line, and have driveway access from the front of the Lot

iii. Tandem: Garage bay located directly behind a two (2) bay garage

2. Garage Types

a. Front Facing

i. Allowed

a) One (1) Car

b) Two (2) Car

c) Three (3) Car

d) Tandem

b. Swing-in

i. Allowed Per Bay

a) One (1) car

b) Two (2) car

c) Tandem

c. Corner Lot Garage

Front loaded garages must be located on the interior side of the Lot.

G. Driveways

1. Widths

a. Minimum twelve feet (12') at right-of-way line

b. Maximum twenty-two feet (22') at right-of-way line

2. Materials Permitted

a. Concrete is required for all driveways

b. Driveways shall be installed according to the latest version of the City of Houston and/or Harris County Standard Details and Technical Specifications.

c. Decorative materials may include brick or colored concrete pavers and must have ARC approval.

d. All driveway aprons must be concrete

3. Materials Prohibited

a. Stamped concrete, asphalt paving, loose gravel, stone, timber borders

4. Prohibited Driveways

a. Dual driveways such as driveway through a porte-cochere and another driveway alongside the porte-cochere to access the rear-loaded garage are not permitted.

5. Driveway Radius

a. All driveways must have a five foot (5') radii on each side of driveway apron.

6. Driveway Side Setbacks

a. Driveways shall be located no closer than five feet (5') from side property line.

- i. Exceptions may be considered on Cul-de-Sac Lots or where conflicts occur, subject to ARC approval. In this situation driveways shall be located no closer than two and a half feet (2.5') from side property line.
 - b. On Corner Lots, driveways must be on side furthest from intersection.

H. Sidewalks

1. Public sidewalks must be a minimum of five feet (5') wide and located two feet (2') in the public rights-of-way. Sidewalks in utility easements should be avoided where possible.
 - a. Sidewalks shall be medium broom finish; no trowel edge
 - b. If mail clusters, meters, pedestals, etc. are within the path of a potential sidewalk and cannot be re-located, sidewalks must meander behind them. Abrupt curves or sharp angles are not allowed.
 - c. Where the sidewalk crosses decorative driveway or walkway, standard sidewalk design must carry through.
 - d. All sidewalks shall be constructed in accordance with the City of Houston and/or Harris County Standard Details, including through all driveways where required. The design and installation of such sidewalks shall comply with the Texas Accessibility Standards Architectural Barriers requirements.
 - e. Manholes and valve boxes must be flush with paving

I. Walkways to Homes

1. General

A four foot (4') walkway is allowed from the front door to the driveway or the street. Walkways may be up to five feet (5') in width with additional accent borders.

2. Material

Concrete required for all walkways. Decorative materials may include brick, colored concrete pavers, etc., and must have ARC approval.

J. Fencing

1. Refer to Developer Fencing Plan and Section Specific Fencing Plan

2. **Developer Masonry:** Developer may install masonry or concrete fence on or near the property line of Lots adjacent to common areas labeled as Landscape Reserves or public roads.

3. General Wood Fencing

The Builder must install fencing behind the front elevation, along the rear and side property lines of each Lot where Developer fence is not shown on the Fence Plan for each section. Fencing is not permitted in the front yard between the front elevation and right-of-way of any Lot.

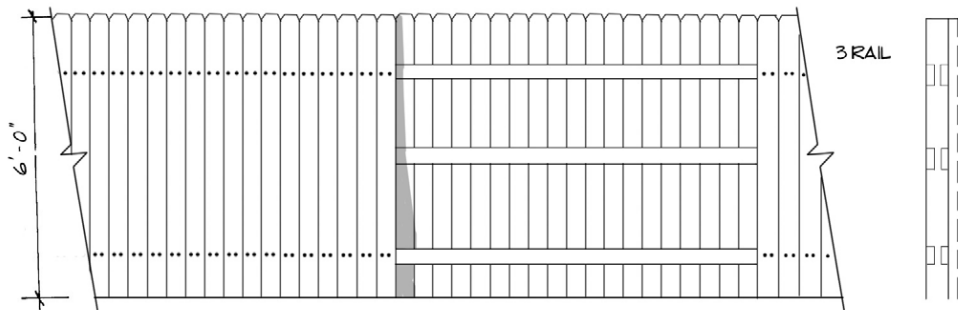
All Wood fencing must be constructed with #2 or better, six-foot (6') by six inch (6") REAL *cedar* pickets with four inch (4") by four inch (4") pressure treated vertical wood posts and a three (3) rail system. **All fencing facing the right-of-way must have cap rail and fascia with pickets on right-of-way side.**

a. Setback

- i. Front fence setback must be a minimum of ten feet (10')
- ii. Air Condition Units and pool mechanical equipment must be located behind the fence

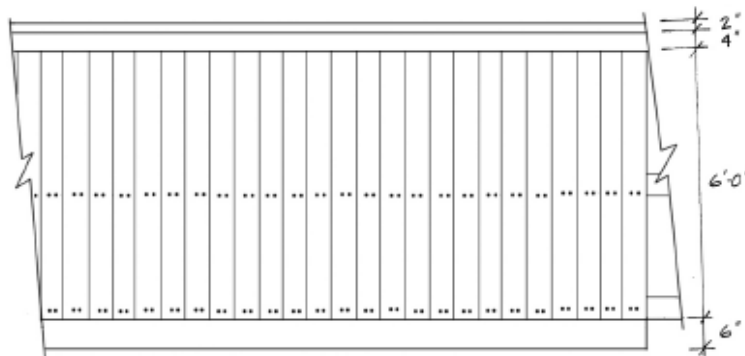
b. Good Neighbor

- i. **General:** All Typical Lot fencing that is not within public view and share a property line with adjacent lot must be six foot (6') Good Neighbor Wood Fence with *alternating* good side out panels.



c. Upgraded Good Side Wood

- i. All Typical Lot and Corner Lot fencing that is within public view and not Developer fence must be Upgraded Good Side Wood Fence with *all* good side pickets on the public view side of the three (3) rail system with two inch (2'') cap, four inch (4'') trim and six inch (6'') kickboard and back side of the fence with no good side pickets.
 - a) Builders may complete the back side of the fence with *all* good side pickets. No ARC approval required.



d. Wood Front Fencing

- i. All fencing facing the right-of-way or facing adjoining properties is considered Front Fencing.
- ii. All Front Fencing is to be Upgraded Good Side Wood unless otherwise stated on the Fence Plan.
- iii. Builder should attempt to align Front Fencing with adjacent house Front Fencing if possible.

e. Wood Corner Lot Fencing

- i. All Corner Lot Fencing must be Upgraded Good Side Wood unless otherwise stated on the Fence Plan.
- ii. Side fence must be set back ten feet (10') from the right-of-way to allow for Corner Lot landscaping.

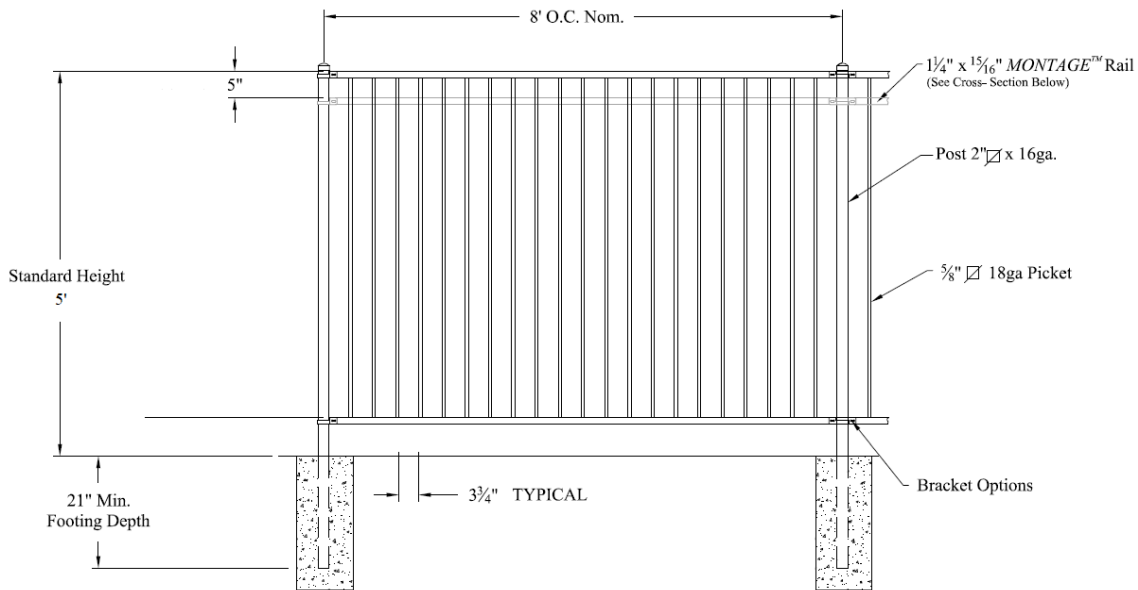
f. Reserve Lot

- i. All Lots adjacent to a Landscape Reserve must have Upgraded Good Side Wood facing the Reserve unless otherwise stated on the Fence Plan.

4. General: Steel Fencing

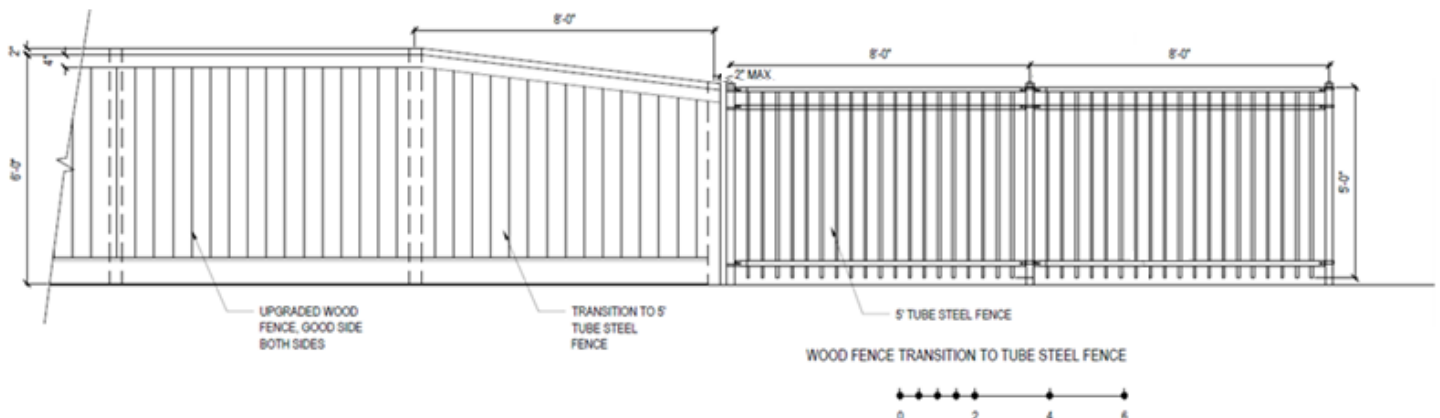
The Builder is responsible for installing a Steel Fence along the front, rear and side property lines of each Lot where steel fencing is required and shown on the Section Specific Fence Plan for each section. Fencing is not permitted in the front yard between the front elevation and right-of-way.

All Steel Fencing is to be Ameristar Majestic Montage Plus Classic three (3) rail design. Pre-galvanized steel, Zinc (hot-dip galvanized) phosphate, epoxy primer, black acrylic topcoat.

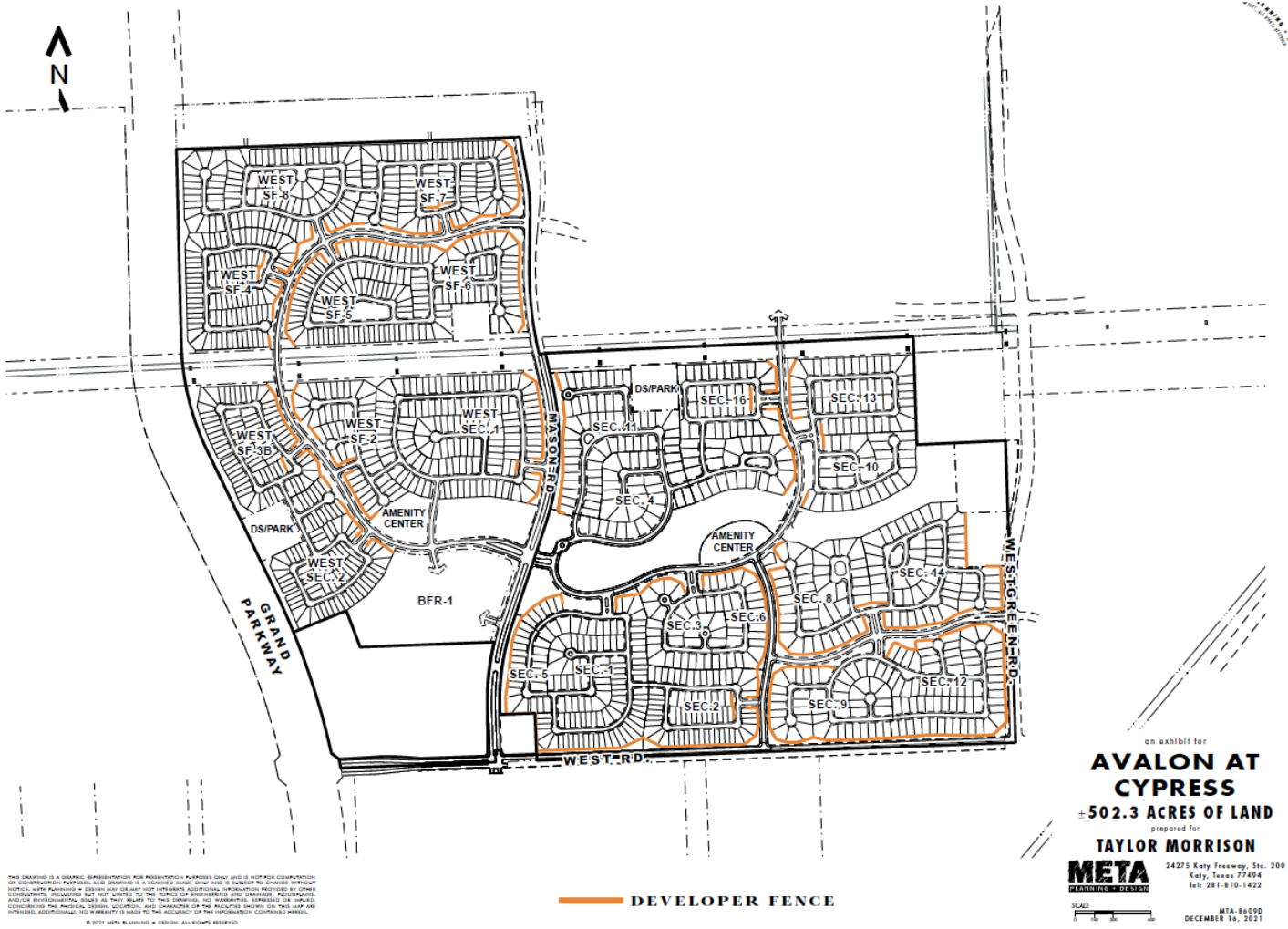


a. Lake/Drainage Channel and Corner Lot

- a) Front – Upgraded Wood
- b) Side – Upgraded Wood transition to five foot (5') steel sixteen feet (16') from the rear property line. Transition wood fence must meet five foot (5') steel within one (1) panel.
- c) Rear - Five foot (5') steel fence must extend across entire rear property line. Rear fence must be the exact community Ameristar Majestic Montage Plus.



5. Developer Fencing Plan



K. Gates

1. One six foot (6') tall by three foot (3') wide wood pedestrian gate may be placed on each side of the front fence facing the street. The gate materials must match adjacent fence.
2. Lake/Drainage Channel Lots: permitted one (1) rear gate is allowed if a rear fence is installed with ARC approval.
 - a. Decorative gates, arbors, etc. require ARC approval
 - b. All gates must be set to the same height as adjoining fence
3. **Driveway Gates**
 - a. Driveway Gates are prohibited

L. Grading and Drainage

1. **General:** Typically, Lots have been graded from rear to front with a slope or with a high point within the Lot that divides to partially drain to the front and partially to the rear. Each Lot shall drain to the front or rear per the Grading Plan and no Lot shall drain across adjacent property without express written consent of property owner. Berms used for screening or aesthetics should be limited in height and shall not block or redirect drainage to negatively impact adjacent property.

II. Architectural Guidelines

Architectural Guidelines are to establish basic criteria for the construction of residences, garages and other structures. All construction must be of the highest quality in order to insure well-crafted residences. These Guidelines allow for diversity while enforcing the architectural integrity of the whole community. Articulation in design of elevations including roofs is required. Designs lacking articulation are strongly discouraged and may not be Approved by the ARC. Equal priority is given to the rear and sides of a residence that may be within public view, Lake/Drainage Channels and common areas.

A. Lot Types

1. Lake/Drainage Channel Lot

Each Lot which is contiguous, in whole or in part, to the Lake/Drainage Channel.

2. Rear Yard with a View

Each Rear Yard that is enclosed in all or part with steel fencing

3. Typical Lot

Each Lot other than a Lake/Drainage Channel Lot, Rear Yard with a View, Perimeter or Corner Lot

4. Perimeter Lot

Each Lot that sides or backs the perimeter of the community or major road

5. Corner Lot

Lots which front and side a public street.

B. Maximum Height

1. Unless otherwise approved in advance by the ARC, no building or residential structure may exceed forty feet (40') in height (exclusive of chimneys and ventilators) as measured from any portion of the surface of the first floor foundation.

C. Plan Spacing and Repetition *(Revised 5.17.22)*

Location of house designs should be carefully reviewed to avoid excessive repetition in the street scene. The ARC may consider a variance to the plan spacing if the Owner, in the opinion of the ARC, significantly varies individual features of the home with the same floor plan.

40' Lots

| Elevation | Street Side | Number of Lots | Key |
|------------------|--------------------|-----------------------|------------|
| Same | Same | 2 | A |
| Different | Same | 0 | B |
| Same | Opposite | 2 | C |
| Different | Opposite | 0 | D |

50' Lots

| Elevation | Street Side | Number of Lots | Key |
|------------------|--------------------|-----------------------|------------|
| Same | Same | 2 | A |
| Different | Same | 1 | B |
| Same | Opposite | 2 | C |
| Different | Opposite | 1 | D |

60' & 70' Lots

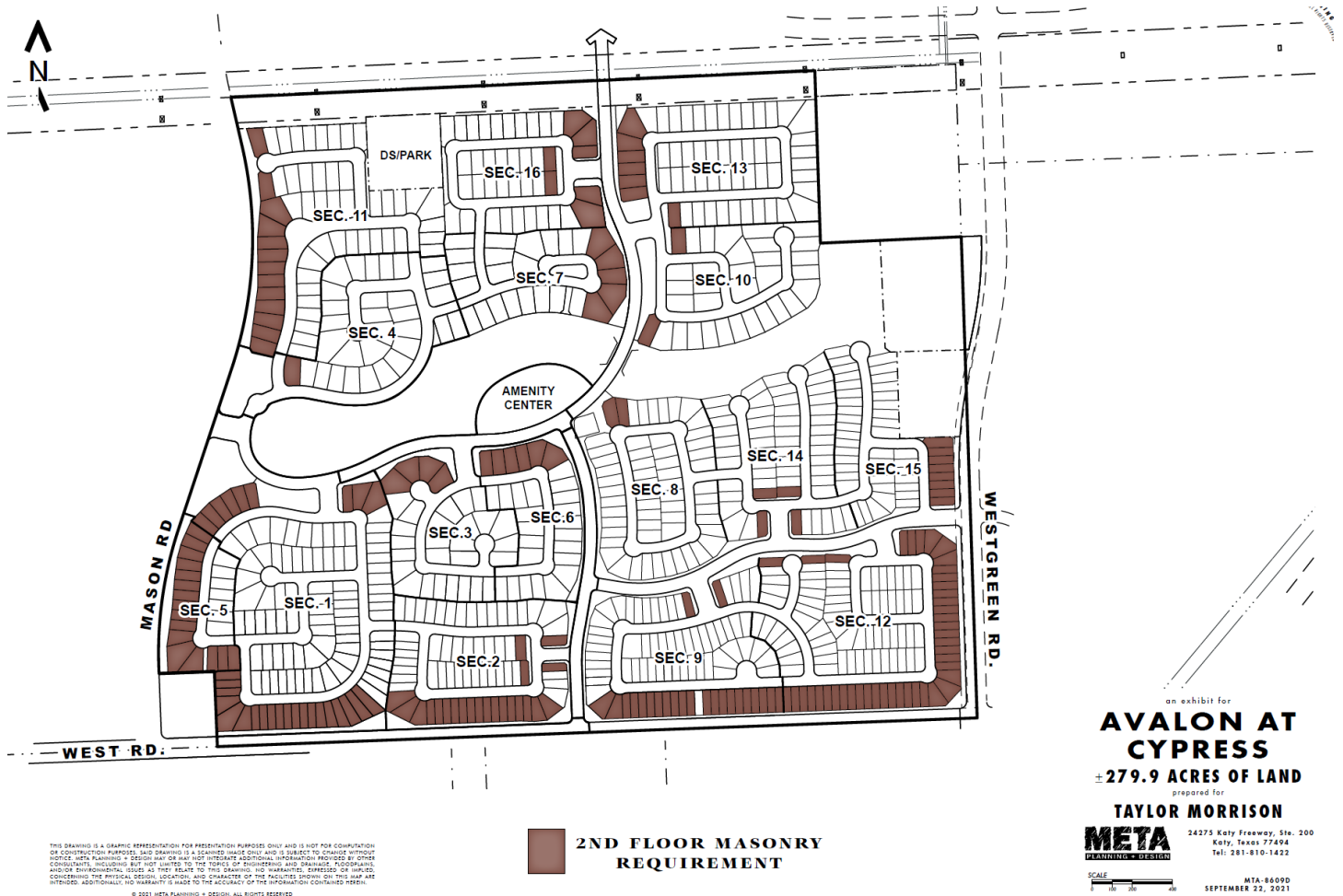
| Elevation | Street Side | Number of Lots | Key |
|------------------|--------------------|-----------------------|------------|
| Same | Same | 3 | A |
| Different | Same | 1 | B |
| Same | Opposite | 3 | C |
| Different | Opposite | 1 | D |

D. Masonry Requirements

| Lot Type | Lot Size | 1st Floor Masonry | 2nd Floor Masonry |
|---------------|----------------------------|-------------------|------------------------------|
| Interior Lots | Typical | 100% | 2' Wrap |
| Visible Lots | Corner Lots | 100% | See Masonry Exhibit; Page 14 |
| | Lake/Drainage Channel Lots | 100% | See Masonry Exhibit; Page 14 |
| | Perimeter Lots | 100% | See Masonry Exhibit; Page 14 |
| | Reserve Lots | 100% | See Masonry Exhibit; Page 14 |

1. 2nd Floor Masonry Requirement Exhibit

a. Shaded homes indicate 100% masonry required on 2nd Floor



E. Exterior Materials

1. Masonry

- a. Masonry is considered brick, stucco or stone
- b. Material changes shall not occur at a front outside corner of a home
 - i. This technique of "shirt fronting" masonry is PROHIBITED
 - ii. **Masonry Wrap:** Second floor masonry material must wrap a minimum of two feet (2') around to side elevations
- c. Must receive ARC approval

2. Brick

Must meet the standard specifications established by the Brick Institute of America

- a. Brick and stone must receive ARC approval for color and material selections.

3. Stucco

Cementitious-based or acrylic-based stucco is permitted. Quality and installation must meet cement and Plaster Institute minimum standards. EFIS and Dryvet are prohibited.

4. Stone

Natural quarried or cultured stone is acceptable. Must receive ARC approval.

5. Wood

All wood must be painted, stained or treated. Stained wood must be sealed. Natural weathered wood is prohibited. Must receive ARC approval.

6. Wood Trim

All wood trim must be high quality milled finish-grade stock, stained or painted. Must receive ARC approval. The use of MDO (Medium Density Overlay) will be allowed.

7. Siding

Where Siding is permitted on side and rear elevations. LP Smart Side or Hardie are preferred.

F. Masonry Repetition

1. Identical color group masonry, stone or stucco may not be immediately adjacent to or directly across the street from one another.

G. Exterior Colors

1. General

Maximum of five (5) colors per residence. Wood stain is considered a color. Must receive ARC approval.

- a. Paint colors must harmonize and complement the masonry material(s).
- b. Pastel and primary colors are prohibited
- c. Painted brick is allowed and requires ARC approval

H. Covered Porches and Balconies

1. General

Porch design must compliment the architectural style of the home and have ARC approval.

2. Balconies

Second floor balconies on Interior Lots, or facing the rear or side yard of another Lot are prohibited.

I. Windows

1. Materials

Metal or vinyl-clad, double paned windows or higher quality must be used. Metal window finishes must complement the architectural style and color of the home. Bronze, white, black, taupe, gray are acceptable. Clear anodized aluminum is prohibited.

2. Tinting

Must have ARC approval.

J. Chimneys

1. Materials

Chimneys must be constructed of materials that match and complement the architectural style of the home.

a. Chimney caps

Fireplaces using metal spark arrestor or other metal venting apparatus at top of chimney must have painted metal cowling surround installed atop the chimney.

- i.** All metal and other materials must be painted the same color as chimney

K. Roofs

1. Materials

- a.** Roof material must be shingles. Shingles must be Moire Black, 30 year fiberglass with 10 year algae discoloration protection. Metal Accents are encouraged.

2. Pitches

- a.** Flat roofs, mansard roofs are PROHIBITED

3. Roof Top Accessories

Antennas, satellite dishes or similar devices for receiving and/or sending signals are permitted. Placement must be in the least obtrusive location, no higher than the highest point of the rear of the building and must not be visible from the street. Must receive ARC approval for placement.

a. Skylights

- i.** Must be integrated with the roof design, parallel to the roof pitch
- ii.** Framing must match the roof color
- iii.** Must receive ARC approval for placement

b. Solar Collectors

- i.** Solar collectors are only allowed on the rear slope of the roof

- c.** Plumbing or heating vents, stacks, gutters, flashing, or other projections must be placed out of street or public view if at all possible and must be painted to match roof material.

L. Garages

- 1. General:** Minimum of two (2), maximum of four (4) car garages is required for every Lot

- 2. Front Loaded Two Car Garages**

- a.** Maximum five foot (5') storage extension is permitted

- 3. Swing In or Side Loaded Garages**

- a.** A two (2) car garage is required
- b.** A one (1) car garage is allowed if there is a two (2) car garage on the front of the house.
- c.** Swing-in or side loaded garage doors may not back the entry into a section, Cul-de-Sac or court or Lake/Drainage Channel.

M. Garage Doors

1. General

All garage doors must be metal or wood with paneled design that matches the architectural style of the home.

- a. Maximum height of nine feet (9') with a maximum double door width of eighteen feet (18'). Unless otherwise approved by ARC.

2. Front Loaded Garages

- a. **Three (3) Car Garages** may have one (1) double door and one (1) single door separated by a single column

3. Swing In or Side Load Garages

May have one (1) double door or two (2) single doors separated by a single column

N. Foundation

Exposed foundation must be screened with dense landscape. See Landscape Guidelines.

O. Plate Height

Eight foot (8') minimum exterior first floor Plate Height is required.

P. Railing

Railing may be approved stylized wrought iron, steel or painted decorative wood. Must match the architectural style of the home. Pressure treated railing is prohibited. Railing color must receive ARC approval.

Q. Lighting

1. General

Colored lighting, high intensity lighting such as Mercury vapor, "spill over" lighting (onto neighboring yards, other properties, streets or public spaces), exposed transformers and wiring are all prohibited. All exterior lighting must receive ARC approval.

R. Screening

All heating, A/C, mechanical and pool equipment, meters and pedestals must be screened with landscaping or fencing from Public and Lake/Drainage Channel View.

S. Address Marker

Front elevation must have a horizontal or vertical standard address to complement the Architectural Style of the home.

T. Builder Signage

1. **Model Identification sign:** Builders are permitted one (1) lighted sign and up to three (3) additional smaller signs per model home.
2. **Lot Identification sign:** For advertising and sale of a Lot, one sign per Lot, no more than six (6) square feet in size

U. Flag Poles

No more than two (2) flag poles per Builder will be allowed in front of model homes within Avalon at Cypress

1. May have two (2) thirty-five foot (35') flag poles
2. Must be removed after sale of model home

V. Mail Clusters

U.S. Post Office standard mail clusters will be installed at appropriate locations approved by the US Postal Service. No individual mail boxes are permitted.

W. Accessory Buildings and Play Structures

1. Must comply with Building Setbacks

III. Landscape Guidelines

A. General

Landscape Guidelines provide the minimum requirements for site improvements. Combination of Native Texas trees, shrubs, ground covers and grasses from the Preferred Plant list. Corner Lot landscaping will also follow the Preferred Plant List.

Plant proportions shall be those recognized and recommended by the American Standard for Nursery Stock. Installation of all plants must conform to the standards of the American Association of Nurserymen. A plant is considered dead if at least 50% of its growth is dead or fails to make new growth from a dormant stage. All replacements must conform to the original Landscape Guidelines. The ARC reserves the right to require the Builder to replace plants that do not meet these requirements.

B. Yard Type

1. Front Yard

Planting beds in the front of the home shall be curvilinear with the plants in massings. Groupings of shrubs of the same species provide a substantial look. See Front Yard Requirements per Lot Size.

- a. Minimum bed width of six feet (6')
- b. Minimum Landscape Requirements

| Front Yard Requirements | | | | |
|--|------------------------------------|------------------------------------|------------------------------------|-------------------------------------|
| Landscaping | 40' Typical | 50' Typical | 60' Typical | 70' Typical |
| Yard Trees | | | | |
| Measured twelve inches (12") above grade | One (1) – 3" caliper Approved Tree | One (1) – 3" caliper Approved Tree | One (1) – 3" caliper Approved Tree | One (1) – 3" caliper Approved Trees |
| 30 Gallon Ornamental Tree | | | | |
| | 1 | 1 | 1 | 2 |
| 15 Gallon Shrubs | | | | |
| | 2 | 2 | 2 | 3 |
| 5 Gallon Shrubs | | | | |
| | 10 | 10 | 10 | 15 |
| 1 Gallon Shrubs | | | | |
| | 20 | 20 | 30 | 40 |
| ARC may approve a Variance for less vegetation requirements if landscape space is limited. | | | | |
| ** Shade trees are encouraged to be planted in the outer third of the property to avoid blocking view of the elevation and front door. | | | | |

2. Rear Yard with a View

Planting beds must be planted along the rear of the home in tiers. See Rear Yard with View Landscape Requirements per Lot Size.

a. Minimum Landscape Requirements

| Rear Yard with a View | | | | |
|---------------------------------------|--------------------|--------------------|--------------------|--------------------|
| Landscaping | 40' Typical | 50' Typical | 60' Typical | 70' Typical |
| 15 Gallon Shrubs* | | | | |
| | 1 | 1 | 1 | 1 |
| 5 Gallon Shrubs* | | | | |
| | 8 | 8 | 8 | 10 |
| 1 Gallon Shrubs* | | | | |
| | 15 | 15 | 15 | 20 |
| *Shrubs must be located at rear fence | | | | |

3. Corner Lot

a. Lots whose side yards face a street must have Corner Lot Landscaping.

i. Minimum Landscape Requirement shall be selected from the following two (2) options.

ii. Spacing must begin at the front fence corner with adequate size mulch rings around the trees

| Corner Lot/Landscape Buffer | | |
|------------------------------------|----------------------------|-----------------------|
| Option A | 30 Gallon Ornamental Trees | Spaced every 12' O.C. |
| Option B | 45 Canopy/Evergreen Trees | Spaced every 15 O.C. |

4. Landscape Buffer

a. Non-Corner Lots with visible fencing that measures thirty feet (30') or more in length require a Landscape buffer with the same requirements as Corner Lot Landscape. Select one (1) from the two (2) options listed above.

b. Spacing must begin at the front fence corner with adequate size mulch rings around the trees

C. Sod

1. All lots must be sodded with Bermuda Grass

D. Planting Beds

1. General

Planting beds must extend an average of six feet (6') from front elevation. Mulch with shredded hardwood bark is required along with mandatory Landscape Requirements.

2. Edging

Ryerson steel edging (or similar), brick set in mortar or natural stone are permitted. Plastic, loose brick, concrete scallop, corrugated aluminum or plastic, wire wickets, railroad ties or timbers are prohibited edging. Wire or small picket fencing, continuous concrete bands are also prohibited. Shrubs between the sidewalk and street curb are strongly prohibited.

a. Rocks, rock walls or other similar substances may not be used as yard border on any front or side yard.

3. Mulch

All mulch must be hardwood. Colors other than black and brown must receive ARC approval. Gravel, rock, dyed and red mulch are prohibited.

E. Screening

1. Foundation

The front foundation visible within public view must be screened with evergreen shrubs and/or ornamental grasses.

2. Mechanical Equipment

All mechanical equipment such as air conditioning units, utility pedestals, meters, transformers, pool equipment, etc. must be screened from public view. Equipment not able to be placed out of public view must be screened with evergreen shrubs. See Preferred Plant List for screening options.

F. Irrigation

Installation of an irrigation system on all yards, Front and Rear by Builder is mandatory. Sprinkler heads should be located to effectively water areas intended with minimum overthrow onto pavement, walks, etc., and to effect 100% overlap insuring effective and even coverage. All appropriate governmental approvals shall be obtained prior to tie to the public works systems.

1. Head-to-Head coverage of system providing one hundred percent (100%) coverage
2. Swing joints on all heads should be used to avoid mechanical damaged
3. Use hi-pop risers in beds next to walks and driveways keeping rigid risers away from street and driveway curbs to prevent damage from traffic.
4. Backflow preventers should be placed out of sight in shrub mass when possible.
5. Utilize separate valved sections for shrub and lawn areas which have different water requirements
6. Automatic controllers must be placed in garage or hidden from public view and include a rain sensor
7. Choose best head type for particular application
8. Irrigation by bubblers, drip and leady pipe is appropriate for some situations

G. Preferred Plant List

CANOPY TREES

| <i>Botanical Name</i> | <i>Common Name</i> |
|---|--------------------|
| <i>Carya illinoisis</i> | Pecan |
| <i>Magnolia grandiflora</i> | Southern Magnolia |
| <i>Pistache chinensis</i> | Chinese Pistache |
| <i>Quercus macrocarpa</i> | Burr Oak |
| <i>Quercus shumardii</i> | Shurmard Oak |
| <i>Quercus texana</i> | Red Oak |
| <i>Quercus virginiana</i> | Live Oak |
| <i>Ulmus parvifolia</i> 'Drake' | Drake Elm |
| <i>Ulmus crassifolia</i> | Cedar Elm |
| <i>Acer rubrum</i> var. <i>drummondii</i> | Drummond Red Maple |
| <i>Quercus lyrata</i> | Overcup Oak |
| <i>Quercus michauxii</i> | Swamp Chestnut Oak |

EVERGREEN TREES

| <i>Botanical Name</i> | <i>Common Name</i> |
|-----------------------|--------------------|
| Ilex opaca | American Holly |
| Ilex opaca Savannah | Savannah Holly |
| Pinus taeda | Loblolly Pine |

30 GALLON ORNAMENTAL TREES

| <i>Botanical Name</i> | <i>Common Name</i> |
|---|-----------------------|
| Ilex vomitoria | Youpon Holly |
| Crateagus marshalli | Parsley Hawthorn |
| Cercis canadensis | Eastern Redbud |
| Illex x attenuate | East Palatka Holly |
| Illex x attenuate 'Eagleston' | Eagleston Holly |
| Illex x 'Nellie R. Stevens' | Nellie Stevens Holly |
| Koelruteria bipinnata | Golden Rain Tree |
| Lagerstroemia indica x fauriei 'Muskogee' | Muskogee Crape Myrtle |
| Lagerstroemia indica x fauriei 'Natchez' | Natches Crape Myrtle |
| Magnolia grandiflora 'Little Gem' | Little Gem Magnolia |
| Magnolia liliiflora | Lily Magnolia |
| Magnolia soulangeana | Saucer Magnolia |
| Magnolia stellata | Star Magnolia |
| Prunus Mexicana | Mexican Plum |

15 GALLON SHRUBS

| <i>Botanical Name</i> | <i>Common Name</i> |
|--|---------------------------|
| Abelia | Abelia |
| Anisacanthus wrightii | Flame Acanthus |
| Callistemon citrinus, 'Austraflora', 'Firebrand', 'Little John', and 'Splendens' | Dwarf Bottlebrush |
| Cortaderia selloana 'Pumila' | Dwarf Pampas Grass |
| Dietes iridioides | Butterfly Iris |
| Eryobotrya japonica | Loquat |
| Feijoa sellowiana | Feijoa |
| Fortunella | Kumquat |
| Ilex cornuta 'Burfordii compacta' | Dwarf Burford Holly |
| Ilex cornuta 'Rotunda' | Chinese Holly |
| Ilex vomitoria 'Nana' | Dwarf Yaupon |
| Iris louisiana | Louisiana Iris |
| Lagerstroemia indica 'Nana' | Dwarf Crape Myrtle |
| Ligustrum japonicum | Ligustrum |
| Ligustrum lucidum | Waxleaf Glossy Privet |
| Loropetalum chinense 'Monraz' | Fringe Flower Razzleberri |
| Meuhlenbergia lindheimeri | Muhly Grass |
| Miscanthus sinensis 'Morning Light' | Dwarf Maiden Grass |
| Miscanthus sinensis var. | Maiden Grass |
| Myrica pusilla | Dwarf Wax Myrtle |
| Nandina domestica | Nandina |
| Nerium oleander 'Petite Pink'/'Little Red' | Dwarf Oleander |
| Pittosporum tobika | Pittosporum |

| | |
|-------------------------------|------------------------|
| Pittosporum tobika variegated | Variegated Pittosporum |
| Plumbago auriculata | Plumbago |
| Punica granatum 'Nana' | Dwarf Pomegranate |
| Raphiolepis indica 'Clara' | Indian Hawthorn |
| Spiraea prunifolia | Bridal Wreath Spiraea |
| Ternstroemia gymnathera | Japanese Cleyera |
| Viburnum | Sweet Viburnum |

5 GALLON SHRUBS

| <i>Botanical Name</i> | <i>Common Name</i> |
|--|-------------------------|
| Anisacanthus wrightii | Hummingbird Bush |
| Aucuba japonica | Aucuba |
| Azalea indicum | Indica Azalea |
| Buddleia davidii | Butterfly Bush |
| Bulbine frutescens "orange" | African Bulbine |
| Buxus spp. | Boxwood |
| Callistemon citrinus 'Austraflora', 'Firebrand', 'Little John', 'Splendens' | Dwarf Bottlebrush |
| Callicarpa Americana | American Beauty Berry |
| Camellia spp. | Camellia |
| Cassia corymbosa | Flowery Senna |
| Chaenomeles japonica | Flowering Quince |
| Clyera japonica | Japanese Cleyera |
| Elaeagnus macrophylla | Elaeagnus Ebbeningei |
| Eleagnus fruitlandi | Silverberry |
| Eryobotrya japonica | Loquat |
| Gardenia spp. | Gradenia |
| Ilex cornuta 'Burfordii' compacta | Dwarf Burford Holly |
| Juniperus | Juniper species |
| Lagerstroemia indica "dwarf" | Dwarf Crape Myrtle |
| Ligustrum lucidum | Glossy Privet |
| Ligustrum japonicum | Wax Leaf Ligustrum |
| Lonicera fragrantissima | Winter Honeysuckle |
| Myrica pussila | Dwarf Wax Myrtle |
| Nandina domestica | Dwarf Nandina varieties |
| Pittosporum tobira 'Wheeleri' | Dwarf Pittosporum |
| Podocarpus macrophylla | Yew Podocarpus |
| Prunus Carolina | Cherry Laurel |
| Pyracantha crenato-serrata | Dwarf Pyracantha |
| Rhaphiolepis indica | Indian Hawthorn |
| Rhododendron indicum 'Formosa' | Formosa Azalea |
| Rosa x Rodrazz | Knock-out Rose |
| Spiraea prunifolia | Bridal Wreath |
| Spiraea bumalda or similar dwarf varieties | Spiraea |

1 GALLON GROUND COVER

| <i>Botanical Name</i> | <i>Common Name</i> |
|----------------------------------|-----------------------|
| Ajuga reptans | Carpet Bugle |
| Antigonon leptopus | Coralvine |
| Asparagus densiflorus 'Meyersii' | Foxtail Fern |
| Asparagus sprengeri | Sprengeri Fern |
| Bignonia capreolata | Crossvine |
| Campsis radicans | Trumpet Creeper |
| Carex morrowii | Japanese Sedge |
| Cuphea hyssopifolia | Mexican Heather |
| Dianella tasmanica "variegata" | Variegated Flax Lilly |

| | |
|--|---------------------|
| Dryopteris normalis | Wood Fern |
| Festuca cinerea | Fescue |
| Gelsimum sempervirens | Carolina Jasmine |
| Hedera helix | English Ivy |
| Hemerocallis species | Daylily |
| Lantana camara 'Radiation', 'New Gold', 'Purple' | Lantana |
| Liriope muscari | Liriope |
| Lonicera spp. | Honeysuckle |
| Millettia reticulata | Evergreen Wisteria |
| Ophiopogon jaburan | Giant Liriope |
| Ophiopogon japonicum | Monkey Grass |
| Osteopermum fruticosum | African Daisy |
| Parthenocissus quinquefolia | Virginia Creeper |
| Portulaca grandiflora | Moss Rose |
| Rosa banksiae | Lady Bank's Rose |
| Rosa Meidiland | Meidiland Roses |
| Santolina incana | Lavender |
| Sedum spp. | Sedum |
| Trachelosperum asiaticum | Asian Jasmine |
| Trachelosperum jasminoides | Confederate Jasmine |
| Veronica latifolia, scrophulariaceae and spicata | Veronica |

H. Prohibited Plant List

1. All Yucca plants, Banana plants, Bamboo, Cactus, Willow, known invasive plants and Palms in front yard.

IV. Construction Guidelines

The following Construction Guidelines (Guidelines) shall apply to any and all work performed on or within the Avalon at Cypress Development. All Builders shall be bound by any County building codes and all other applicable governing authority.

A. Builder's Compliance

The Builder shall comply with these Guidelines. Non-compliance will result in written notification from the ARC of any observed violation/s via Fax and/or Email to the Field Supervisor and Project Manager. The Builder will have seven (7) calendar days after such notice to correct the violation item/items. If non-compliance item/s are not corrected within the seven (7) days a second written notification will be sent. Failure to address violation notices could affect approval of future submittals.

B. Governing Authority

All Applicants shall comply with the regulations of any governing authority, as well as all applicable Occupational Safety and Health Act Regulations and Guidelines (OSHA).

C. Construction Trailers, Portable Field Offices, Sales Trailers Etc.

Any Applicant who desires to bring a sales trailer, construction trailer or field office into Avalon at Cypress must submit a written request for approval by the ARC. The location of such trailers or offices must also be requested in writing for approval by the Avalon at Cypress ARC. Requests must include a copy of the site plan with proposed location and description of trailer or office. All storage areas require fencing on all sides. All temporary structures must be removed upon completion of construction of the model home.

D. Debris and Trash Removal

During the construction period, each construction site shall be kept neat and clean and shall be properly policed to prevent it from becoming an eyesore or affecting other Lots or any open space. Each Builder is required to construct a trash containment area within the middle of the front of the Lot. Builders shall clean up all trash and debris on the construction site on a regular basis. Lightweight materials, packaging and other items shall be covered or weighted down to prevent being blown off the construction site. Builders are required to retrieve promptly all trash and debris blown onto streets and neighboring properties. Builders are *prohibited* from dumping, burying or burning trash anywhere within Avalon at Cypress.

Mud and dirt from the construction site on the paved streets, whether caused by the Builder or any of its subcontractors or suppliers shall be promptly removed and streets shall be cleaned by the Builder.

E. Sanitary Facilities

Adequate sanitary facilities for Builder's construction workers must be supplied by each Builder. Such facilities shall be located only within an area approved by the ARC.

F. Vehicles and Parking Areas

Construction crews shall not park on, or otherwise use, other Lots or any open space. Private and construction vehicles and machinery shall be parked only within areas designated by the ARC. All vehicles shall be parked so as not to inhibit traffic. At no time shall vehicles be allowed to park under existing trees and must stay off of and away from tree roots. Each Builder shall be responsible for assuring that the subcontractors and suppliers obey the speed limits posted within the Development. Adhering to the speed limits should be a condition included in the contract between the Builder and its subcontractors/suppliers. The Builder and its

subcontractors/suppliers shall use extreme caution around occupied properties. Resident complaints shall be courteously addressed and resolved quickly. Repeat offenders will be reported to the local County Law Enforcement office. Once occupied properties exist, the developer may restrict parking to one side of the street only.

G. Excavation Materials

Excess excavation materials shall be hauled away from Avalon at Cypress and properly disposed of. Failure to do so shall result in the ARC removing the material and charging the expense to the Builder. Excavation materials may not be deposited on any Reserves or Lots not belonging to that Builder.

H. Restoration or Repair of Other Property Damages

Damage or scarring of any property outside the construction Lot, including but not limited to roads, driveways, utilities, vegetation and/or other improvements that results from construction operations will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly and at the expense of the Builder. If the Builder fails to restore/repair the damaged area, the ARC may repair the area and impose the expense as a charge against the construction deposit. In the event of default by the Builder in meeting these obligations or the construction deposit is insufficient to meet the obligation, the Builder shall be responsible and a lien may be recorded against the Lot until paid.

I. Miscellaneous and General Practices

All Builders will be completely responsible for the conduct and behavior of their agents, representatives and subcontractors while in Avalon at Cypress. The following practices are *prohibited*:

1. Allowing concrete suppliers, plasterers, painters or any other subcontractors to clean their equipment anywhere other than designated location(s) approved by the ARC.
 - a. Such cleaning outside the designated area is strictly *prohibited*.
 - b. Violation of this provision will result in the repayment of expenses to the ARC for repairing the damage.
2. Removing any rocks, plant material, topsoil or similar items from any property or construction site within Avalon at Cypress.
3. Possession of any type of firearms or illegal weapons within Avalon at Cypress.
4. Use of residents' utilities without their written consent
5. Using disposal methods or equipment other than those approved by the ARC
6. Careless disposition of cigarettes or other flammable material
7. The use of illegal drugs or alcohol
8. Destruction or removal of protected plant materials or plants not previously approved by the ARC
9. Bringing any pets, including dogs, onto Avalon at Cypress by either Builders or construction personnel
10. In the event of a violation the ARC, Declarant, or the Association has the right to contact authorities to inspect/impound any pet, refuse to permit the Builder or subcontractor involved to continue on the project or to take such other action as permitted by law.
11. Radios and other audio equipment which can be heard outside the construction site
12. The use of horns not used for traffic safety by any catering trucks
13. Trash generated by the purchase of items from any catering truck shall be contained and disposed of properly.
 - a. Repeated problems with these requirements will result in the catering trucks being denied admittance to Avalon at Cypress.

J. Construction Access

The only approved construction access during the time a residence or other improvement is under construction will be over the approved driveway for the Lot unless the ARC approves an alternative access point.

K. Street Cleaning

All streets in front of a construction site are to be free from dirt, debris and spilled concrete. Each Builder shall be responsible for street cleaning. All streets must be cleaned weekly or as needed. All streets must be clean each Friday before weekend sales activity.

L. Construction Signage

Unless required by local governing authorities, no construction signs may be posted anywhere in Avalon at Cypress. The exception being, the ARC may authorize a Builder to post one construction sign per Lot. The sign must not exceed six (6) square feet.

M. Concrete Washout

One designated concrete “Washout” areas, for concrete trucks, will be allowed per Builder. “Washout” locations will be designated by Developer. ”Washout” area must be maintained by Builders at all times. When multiple Builders are building within a section and sharing a washout area, the cleanup of the “Washout” may be shared by all Builders on an altering monthly basis. The Builders must clean out the concrete wash-out at intervals of no less than thirty (30) days.

N. EPA – SWPPP

Each Builder shall comply with the Environmental Protection Agency’s Storm Water Pollution Prevention Program (SWPPP) or other governmental authorities on similar issues. As soon as possible after earthwork commences, sediment control methods shall be installed to filter all storm water runoff from the tract into the public street. Sediment control must be placed at all inlets. The sediment control system must remain in place and in good repair until construction is complete. It may be removed when landscaping is installed and lawns are established. Builders shall conform to all regulatory agencies' rules, regulating standards and criteria governing sediment control to include, but not limited to, EPA-NPDES and Pollution Prevention Plan. Builders shall be responsible for filing and securing all necessary permits.

Orange plastic fencing w/metal posts must be installed when adjacent to occupied home or Lake/Drainage Channel and common areas.

O. Sand Bags

Sandbags must be placed at the beginning and end of each construction site to contain construction dirt/debris. All inlets must have sandbags and sediment control at all times during construction. Builders shall conform to all regulatory agencies' rules, regulating standards and criteria governing sediment control to include, but not limited to, EPA-NPDES and Pollution Prevention Plan.

P. Lot Maintenance

Owners of all Lots shall at all times keep all weeds and grass cut in a low-laying and attractive manner. No Lot may be used for the storage of materials or equipment except for normal residential requirements or incident to construction of improvements is permitted. In such case, all materials and equipment shall be stored so as not to be visible from any street. Debris on all empty Lots must be removed weekly.

Q. Illegal Dumping

Dumping of any type onto an empty Lot or construction site is *prohibited*. Building materials that obviously belong to another Builder must be picked up by that Builder.

R. Daily Operation

Daily working hours for each construction site shall be thirty (30) minutes after sunrise to thirty (30) minutes after sunset. Construction hours are subject to change, and will be determined by ARC from time to time. Exceptions may be made for early concrete/foundation pours and delivery of materials.

V. Architectural Review Process

A. Introduction

The official submittal of plans and specifications to the ARC is to provide a review process for conformance to the CCR's and the Guidelines, adopted by the ARC. All new construction, subsequent construction, remodeling with exterior exposure, expansion and demolition of structures must be reviewed and Approved by the ARC prior to commencement of any on-site building or construction activity.

The site plan, architecture and landscape must be Approved in writing by the ARC before construction begins. A Final Review before closing of the property is also mandatory.

Master Plan and Plot Plan Submittals must be delivered to the attention of the ARC:

**Avalon at Cypress Architectural Review Committee
13711 Pristine Lake Lane
Cypress TX 77429**

Pre-Construction and Final Review requests may be requested via mail to the address above, fax or email listed below:

**tracy@mccauleyarc.com
281-516-3461 (fax)**

ARC will review all submittals within fourteen days (14) days of receipt. Submittals will receive either an Approval, Conditional Approval or a Disapproval. A copy of the signed submittal will be emailed/faxed within forty-eight (48) hours of ARC review. Construction may not begin without a signed Approved or Conditionally Approved Submittal.

1. **"Approved"** – The entire application is Approved as submitted.
2. **"Conditional Approval"** – The application is not Approved as submitted. A Conditional Approval is granted with the understanding that all conditions requested by the ARC will be met before, during or after construction. Failure to agree to the Conditions requested will deem the application Disapproved. The Builder may be required to resubmit prior to the construction or alteration in order to receive Approval.
3. **"Disapproved"** – The entire application as submitted is rejected. The ARC may provide comments but is not required to do so. If the ARC fails to respond within twenty-one (21) calendar days, the Builder shall give the ARC written notice of its failure to respond. Unless the ARC responds within an additional ten (10) days of receipt of such notice, approval shall be deemed automatically denied. However, unless the ARC has granted a variance in accordance with the Guidelines, no construction that is inconsistent with the Guidelines shall be deemed Disapproved.
4. Reasonable variances may be granted upon written request, as long as the variance is in conformance with the overall intent of the master plan for the improvement and development of the property. All applicants must comply with the conditions for approval that may be imposed on a variance. Each Builder must address the variance request in writing and the reason(s) why the request should be granted.

B. Submittal Requirements

Only complete submittals will be reviewed. Builder will have responsibility for compliance of all governing codes and ordinances.

C. Master Plan Submittal

Check for \$125.00 – Fee includes all elevations per Submittal

Full set of plans submitted as a PDF showing:

- All elevations including Porte Cocheres
- Living Square Footage
- All Floor Plans, including bonus options and options
- Roof pitches and plate heights
- All materials to be used on all elevations

D. Plot Plan Submittal

Check for \$150.00 per Submittal, per Lot. Includes first Final Review fee.

Plot plan showing:

- Square Footage
- Setbacks – Building Lines, Right-of-Way, Easements
- Drainage Plan
- Fencing – type and placement
- Drive – size, placement and radius
- Sidewalk & Walkway – size and placement
- Air Conditioner placement
- Exterior Selections – Manufacturer and color
 - Brick/Stucco/Stone
 - Garage, Trim and Shutter
 - Roofing material
- Driveway /Walkway Paving material

E. Final Review: Fee included in Plot Plan fee

Review of each completed home for compliance with the Design Guidelines and ARC requirements:

- Per Plot Plan approval
- Flatwork: Drive, Sidewalk and Walkway type, placement and condition
- Fencing: Type, placement and condition
- Landscape: Plant and tree count, size and condition

F. Additional Builder Fees:

- \$125.00 Master Plan New Elevation Submittal: Additional Elevations for previously Approved Plan
- \$75.00 Additional Changes: Changes to previously Approved Master Plan and Elevations
- \$75.00 Plot Plan Re-submittal: Changes to previously Approved Elevation or Plot
- \$75.00 for changes to site or plan.
- \$35.00 Exterior Re-Submittal: Changes to previously approved material and color selection
- \$75.00 Final Re-Review: As needed for each unapproved Final Review

G. Variances

Reasonable variances may be granted upon written request, as long as the variance is in conformance with the overall intent of the master plan for the improvement and development of the property. All applicants must comply with the conditions for approval that may be imposed

on a variance. Each Builder must address the variance request in writing and the reason(s) why the request should be granted.

H. Disclaimer

Neither the Avalon at Cypress Association, its Declarant or the members of the Architectural Review Committee or its representative, their successors or assigns, shall be liable in damages to anyone submitting plans to them for approval, or to any owner or lessee of any parcel affected by these restrictions, by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to Approve any plans submitted. Every person who submits plans to the Committee for approval agrees by submission of such plans, and every owner or lessee of any parcel within the property agrees, by acquiring title thereto or interest therein, that he will not bring any action or suit against Avalon at Cypress Development or the members of the ARC, or its representatives, to recover any damages.