

RP-2019-126165



COPPER BEND
AT INDIAN TRAILS

RESIDENTIAL MODIFICATION GUIDELINES

COPPER BEND AT INDIAN TRAILS COMMUNITY ASSOCIATION, INC.

RESIDENTIAL MODIFICATION GUIDELINES

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I. Introduction

The purpose of architectural review is to preserve the plan and scheme of development for the Community. The Declaration of Covenants, Conditions and Restrictions for Copper Bend at Indian Trails (the “**Declaration**”) authorizes the Architectural Review Committee (the “**ARC**”) to establish architectural guidelines for the Community and requires Owners to obtain the prior written approval of the ARC for any Improvement to be constructed, placed or modified on a Lot. The prior written approval of a proposed Improvement is required to ensure that the proposed Improvement complies with the provisions of the Declaration and these Residential Modification Guidelines and that it is compatible with existing Improvements and the external design of the Community. The ARC and the Board have established these Residential Modification Guidelines in accordance with the authority granted by the provisions of the Declaration and Chapter 204 of the Texas Property Code.

These Residential Modification Guidelines provide information about (1) the type, color, and grade of exterior materials which may be used in the construction of various types of Improvements; (2) the permissible size, height and location of Improvements; and (3) the procedures used by the ARC in reviewing applications for proposed Improvements after original construction on a Lot. For the Residential Dwelling and related Improvements to be initially constructed on a Lot, the Builder should refer to the Residential Design Guidelines for Copper Bend at Indian Trails (the “**Residential Design Guidelines**”).

The ARC reserves the authority to review and approve or disapprove Plans for a proposed Improvement not expressly addressed in these Residential Modification Guidelines and to consider additional guidelines in the review process, whether published or not. These Residential Modification Guidelines may be amended by the ARC as it deems necessary and appropriate, subject to the approval of the Board of Directors.

II. Definitions

Capitalized terms used in these Residential Modification Guidelines have the same meanings as that ascribed to them in the Declaration, unless otherwise indicated.

III. Application Procedure

A. Submission.

An application for approval of a proposed Improvement must be submitted to the ARC in writing by fully completing the application form then in use by the ARC, together with a check made payable to the Association in the amount of the applicable Submission Fee. The ARC reserves the right to request additional information deemed by it to be necessary to properly evaluate the application, including written specifications and samples reflecting the color, type and grade of materials proposed to be used in the construction of the Improvement. All applications must be mailed, emailed or delivered

to the ARC at the principal office of the Association as set forth in its recorded Management Certificate.

B. ARC Decisions.

The ARC will consider each application for compliance with the provisions of the Declaration and these Residential Modification Guidelines. Provided that, only a complete application will be considered. The decision of a majority of members of the ARC to approve or disapprove an application will be the decision of the ARC.

The decision of the ARC will be conveyed in writing by the ARC to the applicant and will include a statement of approval as submitted, a statement of the conditions under which the application is approved, if any, or a statement of the primary reason(s) for disapproving the application.

As provided in the Declaration, an application that is not formally approved or disapproved by the ARC within forty-five (45) days of the date of its actual receipt is deemed to be disapproved. If the ARC approves an application, the approval does not permit an Owner to construct an Improvement on a Lot that violates an express provision in the Declaration or these Residential Modification Guidelines, such as, by way of example and not in limitation, setbacks and height limitations.

C. Appeal of an ARC Decision.

During the Development Period, an applicant may not appeal the decision of the ARC to the Board of Directors. After the Development Period expires, an applicant may appeal to the Board of Directors a decision of the ARC disapproving an application or approving an application only with modifications. The Board of Directors will review the appeal at one of its next two (2) regular meetings following the date upon which the appeal is received and notify the applicant of the Board's decision. All decisions of the Board of Directors will be final.

D. Status of Application During Appeal.

During the pendency of an appeal to the Board of Directors, the decision of the ARC will remain in effect. The failure of the Board of Directors to respond to an appeal will not result in deemed approval of the application.

E. Commencement of Construction After Approval.

Construction of an approved Improvement must be commenced within ninety (90) days of the date of approval by the ARC. If no construction has commenced within ninety (90) days of the date the applicable Plans are approved, approval of the Plans will be automatically revoked and a new application, as required in these Residential Modification Guidelines, must be submitted to the ARC for review, together with a check for the applicable Submission Fee. As used herein, "commencement of construction" means clearing and grading, pouring a footing, delivering materials and/or equipment to the Lot, or commencing other construction activity, including staging activity.

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F. Inspection.

As provided in the Declaration, the ARC or its only authorized agent has the right to go onto a Lot during or after construction of an approved Improvement to inspect the Improvement to confirm that construction is in accordance with the approved Plans. Provided that, the failure of the ARC to inspect construction on a Lot either before or after construction has been completed will not be deemed to be a waiver of the right of the Association or the ARC to object to construction later determined to be non-compliant with the approved Plans, the Declaration, or these Residential Modification Guidelines, or to pursue action to remedy the non-compliance.

IV. General Guidelines

A. General Criteria.

The ARC will consider the following factors upon the review of each application for a proposed Improvement:

1. The exterior materials, colors, design (elevations), size (dimensions), location and appearance, all of which must be harmonious with existing Improvements and consistent with the plan and scheme of development for the Community.
2. Compliance with all applicable setbacks set forth in the Declaration, the Residential Design Guidelines and these Residential Modification Guidelines or shown on the Plat, as well as location in relation to utility, drainage or other easements.
3. Limitations set forth in the Declaration as to the number of Improvements which may be constructed on a Lot (with ARC approval).
4. Any other factors deemed by the ARC, in its sole discretion, to be appropriate.

B. Setbacks.

Building setbacks are set forth on the Plat. In addition, building setbacks are set forth in the Residential Design Guidelines. The front, side and rear setbacks set forth in the Residential Design Guidelines or shown on the Plat are applicable to all Improvements proposed to be constructed or placed on a Lot after the initial construction of the Residential Dwelling on the Lot. When determining compliance with setbacks, the eave of the roof of a Residential Dwelling or other Improvement will not be considered. However, a portion of the Residential Dwelling or other Improvement, such as a bay window, chimney or second story balcony, is deemed to be a part of the structure; thus, a bay window, chimney, second story balcony or similar part of a Residential Dwelling or other Improvement is required to comply with all applicable building setbacks.

C. Statutes, Ordinances and Building Codes; Disclaimer.

In addition to the provisions of the Declaration and these Residential Modification

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Guidelines, the ARC may consider any applicable statute, ordinance, or building code. However, approval of an application will not be construed as a warranty or representation by the ARC that the Improvement, as proposed or as constructed, complies with any or all applicable statutes, ordinances or building codes, nor will approval be construed as a warranty or representation by the ARC of the fitness, design or adequacy of the proposed Improvement. An Improvement must comply with any applicable statute, ordinance or building code, but it is the responsibility of the applicant and the applicant's Builder or contractor to assure that the Improvement, if approved by the ARC, complies with all applicable statutes, ordinances and building codes. If the provisions of these Residential Modification Guidelines are more restrictive than an applicable statute, ordinance or building code, the provisions of these Residential Modification Guidelines will be applicable.

D. Deviations from Approved Plans.

A deviation from approved Plans during construction requires ARC approval as provided in the Declaration and these Residential Modification Guidelines; a deviation without the prior written approval of the ARC constitutes a violation and correction, modification or removal of the deviation may be required.

V. Variances

As provided in the Declaration, the ARC has the authority to grant variances under certain circumstances. A request for a variance must be submitted in writing and must clearly identify the variance requested and set forth the basis of the request for a variance. The ARC may approve or disapprove a request for a variance as it deems appropriate, in its sole discretion.

VI. Perimeter Lots

As used herein, a "Perimeter Lot" is a Lot adjacent to property that is not within the Community ("non-Copper Bend property"). The ARC may consider in its review of a proposed Improvement to be constructed on a Perimeter Lot the absence of any need to preserve setbacks from the perspective of the adjacent non-Copper Bend property. Accordingly, the ARC is authorized to deviate, as it deems appropriate, from these Residential Modification Guidelines with respect to the location of a proposed Improvement along the property line that abuts non-Copper Bend property. No deviation of a setback along the property line between a Perimeter Lot and non-Copper Bend property will constitute a waiver of the setbacks applicable to any other property line on the Perimeter Lot or any other Lot in the Community.

VII. Adjacent Lots

Section 209.015 of the Texas Property Code allows an "Adjacent Lot", as defined therein, to be used for a residential purpose notwithstanding a provision in a dedicatory instrument that would otherwise prohibit such a use of an adjacent Lot. However, Section 209.015 of the Texas Property Code further provides that an Owner must obtain the approval of the ARC prior to placing or constructing an Improvement on an Adjacent Lot. Accordingly, Plans for Improvements proposed to be erected or placed on an Adjacent Lot must be submitted to and

approved by the ARC prior to erecting or placing such Improvements on the Adjacent Lot. Reasonable restrictions relating to the size, location, shielding, and aesthetics of Improvements proposed to be placed or constructed on an Adjacent Lot may be imposed by the ARC. The Lot next to the Adjacent Lot (the "Main Lot") must have a completed Residential Dwelling thereon, the two (2) Lots must be owned by the same person or entity, and the Adjacent Lot must be used by the Owner of the Main Lot for a "residential purpose", as defined in Section 209.015 of the Texas Property Code. If the Adjacent Lot and the Main Lot are not sold and conveyed together, the Adjacent Lot is then required to be restored to its original condition per Section 209.015 of the Texas Property Code.

VIII. Construction Review

A. Foundations.

For an Improvement that requires a poured foundation, a certified foundation form survey is required to be submitted three (3) days before the concrete is poured. The survey must confirm the placement of the Improvement in accordance with the Plans approved by the ARC and all applicable setbacks. A final written approval will be issued to the applicant acknowledging compliance with the location of the structure(s) depicted on the approved Plans.

B. Building Height.

Upon the completion of the framing of an Improvement, and prior to the application of any roofing material, a certification is required to be submitted to the ARC confirming the height of the Improvement. A final written approval will be issued by the ARC to the applicant acknowledging compliance with the approved Plans.

C. Pools.

For a swimming pool, a certified survey is required to be submitted three (3) days before any excavation work is initiated. The survey must confirm the location of the swimming pool in accordance with the Plans approved by the ARC and all applicable setbacks. A final written approval will be issued by the ARC to the applicant acknowledging compliance with the location of the pool depicted on the approved Plans. No part of the cavity of a swimming pool may be located nearer to a property line than the applicable building setback or encroach into an easement.

IX. Construction Guidelines

A. Vehicle Parking.

Construction vehicle parking is restricted to the side of the street on which the construction is taking place to allow for emergency vehicle access. Under no circumstances may vehicles be parked in the driveway of another Lot or in a manner that impedes or impairs access to driveways or sidewalks.

B. Construction Debris.

All construction debris and trash must be moved from the Lot at least once each week. No trash may be left exposed that may be windblown onto adjacent Lots. Under no circumstances may storm sewer inlets be used to discard any trash or debris. The street must be kept clean of mud, excess concrete (including spillage from concrete trucks) and other materials generated from the construction site.

C. Port-A-Cans.

If the scope of the work necessitates a port-a-can being temporarily placed on a Lot, the port-a-can must be maintained in a neat and proper working condition. The port-a-can must be located as far back from the street as possible while still enabling the port-a-can to be regularly serviced. A port-a-can must be screened from view from the street and neighboring Lots. A port-a-can must be removed from the Lot as soon as the Improvement is substantially complete.

D. Materials and Equipment.

Building materials, trucks and equipment may not be placed or parked in the area between the front property line and the street nor may building materials or equipment be placed in the street.

E. Hours of Construction.

Construction work may take place only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday; 8:00 a.m. to 6:00 p.m. on Saturdays; and 10:00 a.m. to 6:00 p.m. on Sundays and designated holidays. Provided that, special permission to proceed with construction at other times may be given in writing by the ARC. As used herein, "construction work" includes staging activities, clean-up, and loading equipment.

F. Tree Preservation.

Trees on a Lot, as well as trees on an adjacent Lot that may be affected by the construction work, must be protected from damage by the erection of temporary wood or plastic barricades around the drip line of each tree.

X. Exterior Colors

No exterior surface of a Residential Dwelling or other Improvement of a Lot may be painted, repainted or color impregnated without the prior written approval of the ARC. Provided that, if a Residential Dwelling or other Improvement on a Lot is repainted with the identical paint (meaning both the same color and paint manufacturer), and there is no change in the areas to which the particular paint is applied, the approval of the ARC is not required. Color samples or "paint chips" of the proposed exterior color(s) must be attached to each application submitted to the ARC. The ARC may, but is not required to, maintain a chart depicting examples of the acceptable colors tones and shades for the exteriors of Residential Dwellings and other Improvements on Lots within the

Community. Primary colors, pastel colors, iridescent colors or tones considered by the ARC to be brilliant or extremely bold are not permitted. The following additional guidelines also apply.

A. Harmonious Colors.

The proposed colors must be harmonious with each other and with the colors of exterior building materials and roofing materials.

B. Predominant Colors of Dwellings.

The predominant color of the Residential Dwelling or other Improvement on a Lot may not be the same color as the predominant color of the Residential Dwelling on an adjacent Lot or the Lot directly across the street. The ARC may approve similar paint colors on Residential Dwellings on neighboring Lots in cases where the brick or accent colors are substantially different.

C. Number.

The number of exterior colors on a Residential Dwelling is limited to three (3), inclusive of the brick or stone color.

D. Variety.

Even if the proposed color scheme for a Residential Dwelling complies with the requirements of these Residential Modification Guidelines, some or all of the colors may be disapproved if those colors already exist on the particular street, the objective being to provide variety and not allow a particular color to dominate a particular street scene.

XI. Exterior Materials

The Residential Design Guidelines address the acceptable types of exterior materials for Residential Dwellings constructed on Lots in Copper Bend at Indian Trails. In the event of a modification of or addition to the Residential Dwelling or other Improvement on a Lot, the exterior materials must comply with the Residential Design Guidelines and be harmonious with the standard, type, quality and color of the exterior materials used in the construction of the Residential Dwelling on the Lot. In all instances, the exterior materials proposed to be used in the construction of a modification of or addition to a Residential Dwelling or other Improvement on a Lot require the prior written approval of the ARC.

XII. Roofs and Roofing Materials

The Residential Design Guidelines specify the pitches for roofs for Residential Dwellings, porches and dormers, as well as the acceptable types of roofing materials for the original construction of Residential Dwellings and other Improvements on Lots. For any Improvement with a roof to be constructed on a Lot after the original construction of the Residential Dwelling on that Lot, the slope of the roof and roofing materials must comply with the Residential Design Guidelines. Similarly, the Improvement must comply with the provisions in the Residential Design Guidelines relating to metal roofs and roof top accessories. In all instances, the roof and

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roofing materials for an Improvement proposed to be constructed on a Lot after original construction of the Residential Dwelling requires the prior written approval of the ARC.

A. Storm and Energy Efficient Shingles.

Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property owner who is otherwise authorized to install shingles on the roof of the Owner's property from installing shingles that:

1. are designed to:
 - a. be wind and hail resistant;
 - b. provide heating and cooling efficiencies greater than those provided by customary composition shingles; or
 - c. provide solar generation capabilities; and
2. when installed:
 - a. resemble the shingles used or otherwise authorized for use on property in the subdivision;
 - b. are more durable than and are of equal or superior quality to the shingles described below; and
 - c. match the aesthetics of the property surrounding the Owner's Lot.
3. ARC Approval. In order to confirm the proposed shingles conform to the foregoing guidelines, Owners are encouraged to apply to the ARC for prior approval. The Association may require an Owner to remove shingles that do not comply with these Residential Modification Guidelines.
4. Regulations. When installed, storm and energy efficient shingles must resemble, be more durable than, and be of equal or superior quality to the types of shingles otherwise required or authorized for use in the Community. In addition, the storm or energy efficient shingles must match the aesthetics of the Lots surrounding the Lot in question.

XIII. Types of Improvements

A. Accessory Buildings.

An accessory building requires the written approval of the ARC prior to constructing or placing the accessory building on a Lot. An accessory building must be located in the rear yard of the Lot within the applicable building setbacks (unless a Perimeter Lot and the ARC approves in writing the location of the accessory building nearer to the Lot line adjacent to the non-Copper Bend property). An accessory building may not exceed eight (8) feet in

height, measured from the ground to the highest point of the accessory building, or have a ground floor area that exceeds one hundred (100) square feet.

The type, color and grade of the exterior materials used in the construction of an accessory building, including, without limitation, roofing materials, must be compatible with the type, color and grade of the exterior materials used in the construction of the Residential Dwelling on the Lot. No exterior portion of an accessory building may be plastic or metal.

An accessory building may not encroach into a utility or drainage easement or impede or impair drainage or cause surface water to flow onto an adjacent Lot.

Mechanical equipment, if any, relating to an accessory building must be screened from view from a street adjacent to the Lot.

Exterior lighting on an accessory building is prohibited.

B. Play Structures.

A play structure includes, by way of example, but not in limitation, a children's swing set, a play set, a climbing structure, a slide, and a play fort. No play structure may be constructed or placed on a Lot without the prior written approval of the ARC. A play structure must be located in the rear yard of a Lot within the applicable building setbacks (unless the Lot is a Perimeter Lot and the ARC approves in writing the location of the play structure nearer to the Lot line adjacent to the non-Copper Bend property). Provided that, the ARC may require a play structure to be located farther from the common property line between the Lot on which the play structure is to be located and an adjacent Lot than the building setback to minimize noise and visibility from the adjacent Lot. A play structure may not exceed twelve (12) feet in height, measured from the ground to the highest point of the play structure, or have a base area (being the area within the outer perimeters of the play structure) that exceeds one hundred (100) square feet.

Wind-socks and streamers attached to a play structure are prohibited. If a play structure has a tarp or canopy, the tarp or canopy must be one (1) solid earthtone color; multi-colored tarps and canopies are prohibited.

A play structure may not encroach into a utility or drainage easement or impede or impair drainage or cause surface water to flow onto an adjacent Lot.

Exterior lighting on a play structure is prohibited.

C. Patio Covers.

A patio cover on a Lot requires the written approval of the ARC prior to construction. The standard, type, quality and color of the exterior materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the exterior materials

used in the construction of the Residential Dwelling on the Lot. Corrugated roofs for patio covers and aluminum patio covers are prohibited. If a patio cover has a side wall, the siding must be compatible with the exterior of the Residential Dwelling. Roofing materials on a patio cover must conform to the provisions relating to roofing materials set forth in the Declaration and these Residential Modification Guidelines. Louvered or trellis style patio cover roofs may be allowed, as determined by the ARC. Pressure treated wood may be stained or painted provided the color is approved in writing by the ARC as to compatibility with the exterior color(s) used on the Residential Dwelling. A patio cover must be located within all applicable building setbacks. A patio cover may not encroach into a utility or drainage easement. A patio cover may not impede or impair drainage or cause surface water to flow onto an adjacent Lot. A patio cover must be adequately supported and constructed in a manner that prevents visible sagging or warping.

D. Patio Enclosures.

A patio enclosure on a Lot requires the written approval of the ARC prior to construction. The standard, type, quality and color of the exterior materials used in the construction of a patio enclosure must be harmonious with the standard, type, quality and color of the exterior materials used in the construction of the Residential Dwelling on the Lot. In addition, a patio enclosure must be architecturally compatible with the Residential Dwelling, as determined by the ARC. Exterior walls of a patio enclosure must be constructed of brick, stone or siding which is of the same type, grade and color as the exterior materials used in the construction of the Residential Dwelling on the Lot. Aluminum siding is prohibited. No visible part of the enclosure may be made of metal other than screens, frames, and doors. Screens on a patio enclosure must be compatible with the window screens on the Residential Dwelling. A patio enclosure must be located within all applicable setbacks and may not impede or impair drainage or cause surface waters to flow onto an adjacent Lot.

E. Sunrooms.

A sunroom is a room with glass-enclosed walls or a glass ceiling. The ARC may disapprove an application for a sunroom on a Lot on the basis of its overall design and/or lack of conformity with existing structures, regardless of whether or not the proposed sunroom otherwise complies with the provisions of these Residential Modification Guidelines. The following requirements are applicable to a proposed sunroom:

1. An application for a sunroom must include a detailed scale drawing showing the three dimensional relationship of the sunroom to the existing structure. An application must also include a plot plan showing the location of the sunroom in relation to all Lot lines, the Residential Dwelling, easements and building setbacks.
2. A sunroom may be added only at the rear of the Residential Dwelling.
3. A sunroom is only permitted as a ground structure. The maximum height of the roof, measured from the concrete floor to the highest point of the sunroom is twelve (12) feet.

4. Window coverings are not required. However, only interior coverings are permitted; exterior coverings of the sunroom glass are prohibited. The side of the window covering facing the exterior must be a solid, neutral color, such as beige or white.

F. Decks.

All decks must be approved in writing by the ARC with respect to location and the materials used in construction. A deck is permitted only in the rear yard of a Lot and it must be located within all applicable building setbacks. A deck may not encroach into a utility or drainage easement. The top surface of a deck may not extend more than two (2) feet above the ground.

G. Antennae.

An antenna on a Lot is only permitted as follows:

1. An outside satellite dish antenna which is greater than forty inches (40") in diameter is prohibited.
2. An outside antenna for the operation of an amateur radio station is prohibited.
3. An outside microwave antenna is prohibited.
4. An outside short/long wave antenna of any kind is prohibited.
5. A permitted antenna must be located on a Lot in the least obtrusive/visible location that allows reception of an acceptable quality signal.

H. Exterior Lighting.

A modification of the exterior lighting on a Residential Dwelling or other Improvement after original construction or the installation of additional exterior lighting requires the prior written approval of the ARC. The type, color, and quality of all exterior lighting on a Lot (or on a Residential Dwelling or other Improvement on a Lot) must be compatible with the exterior lighting generally used throughout the Community, as determined by the ARC. Incandescent-type lighting is standard for the Community. The following requirements are applicable to particular types of exterior lighting:

1. Floodlighting fixtures must be attached to the Residential Dwelling or other Improvement and may not illuminate an adjacent Lot or other adjacent property. Lights must be directed downward and shielded so that they do not create a "hot" glare spot visible to adjacent residents. The fixture color and any shielding must be compatible with the Improvement on which it is located. Conduits and wiring must be concealed. High-wattage, commercial-industrial-type fixtures, and sodium-vapor light sources are prohibited.
2. All exterior lighting fixtures visible from a street in the Community or Common Area must be of an understated design that compliments the architectural style of the

Residential Dwelling. Fixtures must be cast aluminum or brass, unless otherwise approved in writing by the ARC. High intensity area lighting such as mercury vapor or high-pressure sodium is prohibited.

3. Proposed walkway lighting must be inconspicuous and of a bollard or dome light design. The lamp may be incandescent (100w maximum), quartz (75w maximum), metal halide (75w maximum), or fluorescent (25 w maximum).
4. Exterior pathway and landscape lighting is encouraged so long as the lighting is inconspicuous and all of the wiring is concealed. All landscape lighting must be white in color. Exterior pathway and landscape lighting requires the prior written approval of the ARC.

The Board of Directors reserves the right to require the removal or modification of any exterior lighting which it reasonably determines to be an annoyance or nuisance to the occupants of an adjacent Lot, regardless of the prior approval of the lighting by the ARC.

I. Window Treatments.

The Residential Design Guidelines include detailed requirements for windows for the Residential Dwelling initially constructed on a Lot, including the types and styles of windows. Windows in an Improvement to be constructed on a Lot and replacement windows in the Residential Dwelling or other Improvement on a Lot must comply in all respects with the Residential Design Guidelines. In all instances, the windows to be installed in a new Improvement on a Lot and replacement windows in the Residential Dwelling or other Improvement on a Lot require the prior written approval of the ARC. Additional requirements relating to window treatments are as follows:

1. An awning on a window or door is prohibited. Security bars on the exterior of a window or door are prohibited.
2. Shutters must be appropriately scaled to relate to the window opening and appear authentic. Shutters must always occur in pairs. The color of a shutter must harmonize with the other colors used on the exterior of the Residential Dwelling. The color of a shutter will be included for purposes of determining compliance with the limitation on the number of colors set forth in Section X. of these Residential Modification Guidelines.
3. The color of a solar screen must be harmonious with the exterior materials used in the construction of the Residential Dwelling. The frames of the screens must either match the color of the window frames of the Residential Dwelling or match the color of the solar screen material. If any window is covered, all of the windows on the same side of the Residential Dwelling must also be covered. The width of the screen frames must match individual window size (i.e. double-width screens are not allowed). Frames should have appropriate cross-member support to prevent sagging.

Window tint must be harmonious, may not be reflective and must be maintained to prevent peeling, cracking, or irregular discoloration.

4. A “**lateral window**” is a transparent window situated in the side wall of a Residential Dwelling. No second story lateral window may be installed in the side wall of a Residential Dwelling that is located ten (10) feet or less from the side property line unless no portion of the lateral window, measured from the base of the window sill, is nearer than six (6) feet to the finished floor of the room in which it is located.

J. Heating, Air-Conditioning, Mechanical and Pool Equipment.

Heating, air-conditioning, other mechanical and pool equipment may not be located in the front of a Residential Dwelling or on the street side of a corner Lot. Heating, air-conditioning, other mechanical and pool equipment located along the interior side Lot lines must be screened from view from the street in front of the Lot and from view from an adjacent Lot either by a solid fence or wall or by evergreen landscaping, as determined and approved by the ARC. No such equipment may be located nearer to a side or rear property line than three (3) feet; provided that, no such equipment may be located on any utility or drainage easement or in a manner that causes water to flow onto an adjacent Lot.

K. Landscaping.

The Residential Design Guidelines include detailed requirements for the landscaping to be installed on a Lot at or about the time of substantial completion of the Residential Dwelling on the Lot, including requirements for sod, planting beds, trees and shrubs, and irrigation. The Residential Design Guidelines also include a Preferred Plant List. If new landscaping is proposed for a Lot or the existing landscaping on a Lot is proposed to be modified, the landscaping must comply in all respects with the Residential Design Guidelines. In all instances, new landscaping or the modification of the existing landscaping on a Lot (with the exception of the replacement of a dead or diseased shrub with the same type of shrub or annual color) requires the prior written approval of the ARC. The following guidelines are applicable to topiaries:

1. For the purposes of these Residential Modification Guidelines, a “**topiary**” means a plant or shrub that has been trimmed or formed into a fantastic shape and includes any ornamental structure composed of or covered with living plant material.
2. A topiary that will be visible from a street in the Community requires the prior written approval of the ARC.
3. An approved topiary must be maintained so that only living plant material of natural color is exposed. No mesh, substrate, or other non-living supporting structures may be visible at any time.
4. Lights on or within a topiary are prohibited.

5. A topiary must be planted in or placed on the ground; a topiary may not be suspended from a tree or other structure and may not be mounted on a pole or other structure.
6. The ARC may require the removal or relocation of a topiary, regardless of prior approval, which it reasonably determines to be incompatible with the appearance of the Community or which is not properly maintained.

L. Swimming Pools and Other Water Amenities.

An application for the construction of a swimming pool, spa, hot tub or other water amenity must include a plot plan showing the proposed location of the swimming pool, spa, hot tub or other water amenity in relation to the property lines, building setbacks, easements, existing structures and existing or proposed fences. The application must also identify any trees which are to be removed or relocated. The application must also include a timetable for the construction of the pool, spa, hot tub or other water amenity. No swimming pool, spa, hot tub or other water amenity will be approved unless it is located in the rear yard of the Lot and the area in which the pool, spa, hot tub or other water amenity is to be located is either enclosed by a fence or a fence is proposed to be constructed in conjunction with the pool, spa, hot tub or other water amenity. Under no circumstances is water from a swimming pool, spa, hot tub or other water amenity permitted to drain onto the surface of the Lot on which the swimming pool, spa, hot tub or other water amenity is located, or onto an adjacent Lot. During construction, the area must be enclosed with a temporary fence or barrier, unless a fence already exists. If a portion of an existing fence is removed during construction, a temporary fence or barrier must be erected to fully enclose the area in which construction is taking place. No building materials may be kept or stored in a street adjacent to the Lot for any length of time. Excavated material must either be used on site or removed from the Lot. The construction of a swimming pool, spa, hot tub or other water amenity must be in compliance with the National Electrical Code and include the installation of a ground fault circuit interrupter. No swimming pool, spa, hot tub or other water amenity may be enclosed with a screen. A swimming pool, spa, hot tub or other water amenity, including the cavity of the swimming pool, spa, hot tub or other water amenity, must be constructed within the applicable setbacks and may not encroach into any utility or drainage easement. Adequate space for landscaping must be provided. No above-ground swimming pool is permitted on a Lot. An above-ground spa, jacuzzi or hot tub is permitted so long as it is recessed in decking and does not extend more than two (2) feet above the ground. Swimming pool features other than an approved diving board or slide may not extend more than three (3) feet above the decking (i.e., concrete, pavers, flagstone, etc.) around the pool.

A fountain in the front yard of a Lot or, in the case of a corner Lot, the side yard adjacent to the side street, is prohibited.

M. Structures for Pets.

A structure for the care, housing or confinement of an animal or bird requires the prior written approval of the ARC. No structure for the care, housing or confinement of an animal or bird, except a permitted birdhouse as provided in Article XIII, Section N., below, may be visible from a street in the Community. All structures for pets must be located in the rear yard enclosed by a fence and may not extend above the fence enclosing the yard in which the structure is located. A structure for a pet may not be located nearer to the side and/or rear property line than three (3) feet. Provided that, the ARC has the authority to require a structure for a pet to be located farther from a side or the rear property line than three (3) feet if deemed necessary to minimize noise and/or odor for an adjacent Lot. The Board of Directors reserves the right to require the removal or relocation of a structure for the care, housing or confinement of an animal or bird which it reasonably determines to be a nuisance or annoyance to the occupants of an adjacent Lot, regardless of the prior approval of the structure by the ARC.

N. Birdhouses.

A birdhouse is permitted without the approval of the ARC, but only if the birdhouse complies with the following:

1. A birdhouse may be installed only in the rear yard of the Lot.
2. A birdhouse may not be larger than two (2) feet in width, two (2) feet in length and two (2) feet in height.
3. Not more than two (2) birdhouses are permitted on a Lot.
4. A birdhouse may not be situated higher than eight (8) feet above the ground.
5. The materials used in the construction of a birdhouse and the color of a birdhouse must be harmonious with the exterior materials on the Residential Dwelling and other Improvements on the Lot, as determined by the ARC.

O. Driveways.

A driveway on a Lot constructed in conjunction with the original construction of the Residential Dwelling on the Lot may not be replaced, modified or expanded without the prior written approval of the ARC. In addition, a new driveway may not be constructed on a Lot without the prior written approval of the ARC. A driveway must be paved concrete. Decorative materials, such as brick, stamped or stained concrete pavers, and flagstone require the prior written approval of the ARC. Asphalt paving and chert, gravel and loose stone driveways are prohibited. Timber borders adjacent to a driveway are prohibited.

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P. Walkways.

The Residential Design Guidelines provide that concrete is required for all walkways to be installed at or about the time of substantial completion of the Residential Dwelling on the Lot. The Residential Design Guidelines also set forth requirements as to the location of walkways and requirements for walkway landings. If a new walkway is proposed for a Lot or any existing walkway is to be modified, the new walkway or the modification of an existing walkway must be concrete and comply with the Residential Design Guidelines. In addition, a new walkway or the modification of an existing walkway must be approved in writing by the ARC prior to construction.

Q. Fences and Gates.

The Residential Design Guidelines include specifications for fences to be installed on Lots at or about the time of substantial completion of a Residential Dwelling on a Lot, including specifications as to types of fences, fence height, location, materials, and staining. The Residential Design Guidelines also include specifications for pedestrian and driveway gates. If a fence is proposed to be constructed on a Lot (to replace an existing fence or a new fence) or an existing fence on a Lot is proposed to be modified, the fence must comply in all respects with the Residential Design Guidelines. Likewise, if a pedestrian or driveway gate is proposed to be constructed on a Lot or an existing pedestrian or driveway gate is proposed to be replaced or modified, the gate must in all respects comply with the Residential Design Guidelines. In all instances, a replacement or new fence or gate or the modification of an existing fence or gate requires the prior written approval of the ARC.

The use of chain link or wire in the construction of a fence, in whole or in part, is prohibited.

R. Signs.

Home security signs and school organization signs are permitted if approved in writing by the ARC and in compliance with these Residential Modification Guidelines. Home security signs and school organization signs must comply with the following requirements:

1. A home security sign must be provided by a professional security company and may not exceed one (1) square foot in area. One (1) ground-mounted security sign is allowed in the front yard of a Lot, provided that the sign may not extend more than two (2) feet above the ground and may not be farther from the front wall of the Residential Dwelling than three (3) feet. If a corner Lot, one (1) ground-mounted security sign is also allowed in the side yard adjacent to the side street, but not extending above the ground more than two (2) feet or located farther from the side wall of the Residential Dwelling than three (3) feet. The color of the security sign may not be iridescent or brilliant, as determined by the ARC. The text and overall

appearance of the security sign must be acceptable to the ARC and primarily provide a security warning without prominent advertising of the security company. Each sign must be maintained in good condition; the ARC may require the removal of a security sign which it reasonably determines is substantially deteriorated. In addition to a ground-mounted security sign, home security decals may be displayed on first floor windows and doors, provided that each decal is not larger than three (3) inches by four (4) inches. Not more than three (3) decals may be displayed in windows and doors in the front elevation of a Residential Dwelling. In the case of a corner Lot, not more than two (2) decals may be displayed in windows and doors in the side elevation of the Residential Dwelling adjacent to the side street.

2. One (1) ground-mounted temporary school organization sign is allowed in the front yard of a Lot no farther than ten (10) feet from the front wall of the Residential Dwelling, unless otherwise restricted or permitted by the ARC. The sign may not extend above the ground more than four (4) feet or have a width greater than six (6) feet. The content and overall appearance of the sign must be acceptable to the ARC and primarily identify the school and organization within the school in which an occupant of the Residential Dwelling is a participant. The ARC has the authority to determine the appropriate period of time during which the sign may be displayed. The ARC may require the removal of a sign if the text of the sign is determined by the ARC to be unacceptable, if the display of the sign is determined by the ARC to be no longer appropriate, or if the condition of the sign deteriorates.

S. Plant Containers.

Decorative plant containers are permitted on the front porch of a Residential Dwelling. Provided that, not more than two (2) plant containers are permitted on the front porch of a Residential Dwelling and the plant(s) within each container must be properly watered and maintained. The ARC has the authority to require the removal of an excessive number of plant containers on the front porch of a Residential Dwelling, any plant container that is not reasonably considered by the ARC to be harmonious with the design of the Community, or any plant container in which there are no plants or in which the plants are dead or not being properly maintained. Plant containers are not permitted in front landscape beds.

T. Benches; Furniture.

One (1) wood or wrought iron bench is permitted on the front porch of the Residential Dwelling; provided that, the style of the bench must be approved in writing by the ARC. Gliders with A frames are prohibited. Other types of furniture, such as a rocking chair, are permitted on the front porch of a Residential Dwelling but only with the prior written approval of the ARC as to type, size and number. Plastic and stackable types of furniture are prohibited on the front porch of a Residential Dwelling.

U. Statuary.

Statuary in front landscape beds requires the prior written approval of the ARC. Only one (1) statue is permitted in the front landscape beds. The statue must be a neutral, earthtone color as determined by the ARC. No statue may extend above the ground more than three (3) feet.

V. Bird Baths.

A bird bath in the front landscape bed of a Lot requires the prior written approval of the ARC. Only one (1) bird bath is permitted in the front landscape bed of a Lot. The bird bath must be a neutral, earthtone color as determined by the ARC. No bird bath may extend above the ground more than three (3) feet.

W. Landscape Bed Edges.

Landscape bed edging is not required but if landscape bed edging is to be used to define the shape of a front landscape bed, the edging requires the prior written approval of the ARC. The edging material must be compatible with the exterior materials used on the Residential Dwelling. Ryerson steel edging (or similar), brick set in mortar or natural stone are acceptable types of edging. Railroad ties, builder brick, landscape timbers, scalloped concrete, plastic, corrugated aluminum or plastic, and wire wickets are not permitted as edging for front landscape beds.

X. Wind Chimes.

Wind chimes must be located in the rear yard of the Lot. Wind chimes are not permitted in the front yard of a Lot and on the front porch of a Residential Dwelling.

Y. Rain Barrels and Rain Harvesting Systems.

Section 202.007 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts an Owner from installing rain barrels or a rain harvesting system on the Owner's Lot. However, Section 202.007 of the Texas Property Code further provides that a property owners' association is not required to permit a rain barrel or rainwater harvesting system to be installed on a lot in particular circumstances or restricted from regulating rain barrels and rain harvesting devices in specified manners. The following provisions are applicable to rain barrels and rain harvesting systems in the Community:

1. Location. A rain barrel or rain harvesting system is not permitted on a Lot between the front of the Residential Dwelling on the Lot and an adjacent street.

2. Color and Display. A rain barrel or rain harvesting system is not permitted:
- a. unless the color of the rain barrel or rain harvesting system is consistent with the color scheme of the Residential Dwelling on the Owner's Lot; or
 - b. if the rain barrel or rain harvesting system displays any language or other content that is not typically displayed by the rain barrel or rain harvesting system as it is manufactured.
3. Regulations if Visible. If a rain barrel or rain harvesting system is located on the side of the Residential Dwelling on the Lot or at any other location on the Lot that is visible from a street, another Lot, or Common Area, the rain barrel or rain harvesting system must comply with the following regulations:
- a. Rain Barrel:
 - (i) Size: A maximum height of forty-two (42) inches and a maximum capacity of fifty (50) gallons.
 - (ii) Type: A rain barrel that has the appearance of an authentic barrel and is either entirely round or has a flat back to fit flush against a wall of the Residential Dwelling. A rain barrel must have a manufactured top or cap to prevent or deter the breeding of mosquitoes.
 - (iii) Materials: Wood, metal, polyethylene or plastic resin designed to look like an authentic barrel in brown or other neutral earth tone color.
 - (iv) Screening: The rain barrel must be screened with evergreen landscaping to minimize its visibility from a street, another Lot, and Common Area, unless otherwise approved in writing by the ARC.
 - (v) Downspout: The downspout which provides water to the rain barrel must be the same color and material as the gutters on the Residential Dwelling. Further, the downspout must be vertical and attached to the wall against which the rain barrel is located.
 - b. Rain Harvesting System: A rain harvesting system must collect and store the water underground. The portion of a rain harvesting system that is above-ground must appear to be a landscape or

water feature. The above-ground portion of the rain harvesting system may not extend above the surface of the ground by more than thirty-six (36) inches. The above-ground portion of the rain harvesting system must be screened with evergreen landscaping to minimize visibility from a street, another Lot, and Common Area, unless otherwise approved in writing by the ARC.

Provided that, the regulations in this Section Y., are applicable only to the extent that they do not prohibit the economic installation of the rain barrel or rain harvesting system on the Lot and there is a reasonably sufficient area on the Lot in which to install the rain barrel or rain harvesting system.

Z. Flags/Flagpoles.

Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits, restricts, or has the effect of prohibiting or restricting a flag of the United States of America, the flag of the State of Texas, or an official or replica flag of any branch of the United States armed forces, except as otherwise provided therein.

- a. The following provisions are applicable to flagpoles and the three (3) types of flags listed in Section 202.011 of the Texas Property Code:
 - (i) Architectural Review Committee Approval. Above-ground flagpoles, flagpole stands and/or footings and illumination proposed to be placed in front of the front building setback line for a Lot or outside of any other recorded setbacks must be approved by the Architectural Review Committee. In order to confirm a proposed flagpole conforms to the following standards, Owners are encouraged to apply to the Architectural Review Committee for prior approval for all other flagpoles (freestanding or attached). The Association may require an Owner to remove flagpoles, flagpole footings, or flags that do not comply with these requirements.
 - (ii) Flag of the United States. The flag of the United States must be displayed in accordance with applicable provisions of 4 U.S.C. Sections 5-10, which address, among other things, the time and occasions for display, the position and manner of display, and respect for the flag.
 - (iii) Flag of the State of Texas. The flag of the State of Texas must be displayed in accordance with applicable provisions of Chapter 3100 of the Texas Government Code, which

address, among other things, the orientation of the flag on a flagpole or flagstaff, the display of the flag with the flag of the United States, and the display of the flag outdoors.

b. Flagpoles.

- (i) Not more than one (1) freestanding flagpole or flagpole attached to the Residential Dwelling or garage (on a permanent or temporary basis) is permitted on a Lot.
- (ii) A freestanding flagpole may not exceed twenty (20) feet in height, measured from the ground to the highest point of the flagpole.
- (iii) A flagpole attached to the Residential Dwelling or garage may not exceed six (6) feet in length.
- (iv) A flagpole, whether freestanding or attached to the Residential Dwelling or garage, must be constructed of permanent, long-lasting materials with a finish appropriate to materials used in the construction of the flagpole and harmonious with the Residential Dwelling on the Lot on which it is located.
- (v) A flagpole may not be located in an easement or encroach into an easement.
- (vi) Without the prior approval of the Architectural Review Committee, a freestanding flagpole may not be located nearer to a property line of the Lot than the applicable setbacks as either shown on the Plat or as set forth in the Declaration.
- (vii) A flagpole must be maintained in good condition; a deteriorated or structurally unsafe flagpole must be repaired, replaced or removed.
- (viii) An Owner is prohibited from locating a flagpole on property owned or maintained by the Association.
- (ix) A freestanding flagpole must be installed in accordance with the manufacturer's guidelines and specifications.
- (x) If the footing and/or stand for a freestanding flagpole extends above the surface of the ground, the Architectural Review Committee may require the installation of landscaping to screen the stand and/or footing from view.
- (xi) A flagpole may not be attached to a tree.

c. **Flags.**

- (i) Only the three (3) types of flags addressed in this section may be displayed on a freestanding flagpole. Other types of flags may be displayed on a wall-mounted flagpole as otherwise permitted by the Association.
- (ii) Not more than two (2) of the permitted types of flags may be displayed on a flagpole at any given time.
- (iii) The maximum dimensions of a displayed flag on a freestanding flagpole that is less than fifteen (15) feet in height or on a flagpole attached to the Residential Dwelling or garage is three (3) feet by five (5) feet.
- (iv) The maximum dimensions of a displayed flag on a freestanding flagpole that is fifteen (15) feet in height or greater is four (4) feet by six (6) feet.
- (v) A displayed flag must be maintained in good condition; a deteriorated flag must be replaced or removed.
- (vi) A flag must be displayed on a flagpole. A flag may not be attached to the wall of the Residential Dwelling or other structure on a Lot or a tree, or be displayed in a window of the Residential Dwelling or other structure on a Lot.

d. **Illumination.** It is the customary tradition not to display the flag of the United States or the flag of the State of Texas before sunrise or after sundown. Thus, illumination of flags and flagpoles is prohibited.

e. **Noise.** An external halyard on a flagpole is required to be securely affixed to the flagpole so that it is not moved by the wind and thereby permitted to clang against the flagpole.

AA. Religious Items.

Section 202.018 of the Texas Property Code provides that a property owners' association may not enforce or adopt a restrictive covenant that prohibits a property Owner or resident from displaying or affixing on the entry to the Owner's or resident's dwelling one or more religious items, the display of which is motivated by the Owner's or resident's sincere religious belief, except as otherwise provided therein. Section 202.001(4) of the Texas Property Code defines "restrictive covenant" to mean any covenant, condition, or restriction contained in a Dedicatory Instrument. The following provisions are applicable to the display of religious items on a Lot:

- a. **Architectural Review Committee Approval.** As authorized by this Declaration and, therefore, allowed by Section 202.018(c) of the Texas Property Code, any alteration to the entry door or door

frame must first be approved by the Architectural Review Committee.

- b. **Location.** Except as otherwise provided in this section, a religious item is not permitted anywhere on a Lot except on the entry door or door frame of the Residential Dwelling. A religious item may not extend past the outer edge of the door frame.
- c. **Size.** The religious item(s), individually or in combination with each other religious item displayed or affixed on the entry door or door frame, may not have a total size of greater than twenty-five (25) square inches.
- d. **Content.** A religious item may not contain language, graphics, or any display that is patently offensive to persons of ordinary sensibilities.
- e. **Limitation.** A religious item may not be displayed or affixed on an entry door or door frame if it threatens the public health or safety or violates a law.
- f. **Color of Entry Door and Door Frame.** An Owner or resident is not permitted to use a color for an entry door or door frame of the Owner's or resident's Residential Dwelling or change the color of an entry door or door frame that is not authorized by the Board.
- g. **Other.** Notwithstanding the above provisions: (i) the Board has the authority to allow a religious statue, such as by way of example and not in limitation, a statue of St. Francis of Assisi or other religious item in a landscape bed or other portion of a Lot, and (ii) this section does not prohibit or apply to temporary seasonal decorations related to religious holidays.

BB. Standby Electric Generators.

- 1. **Definition.** A Standby Electric Generator is a device that converts mechanical energy to electrical energy and is:
 - a. powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
 - b. fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
 - c. connected to the main electrical panel of the Residential Dwelling by a manual or automatic transfer switch; and
 - d. rated for generating capacity of not less than seven (7) kilowatts.

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2. **ARC Approval.** The Declaration requires an Owner to submit an application for a proposed exterior improvement on the Owner's Lot and obtain the written approval of the application from the ARC prior to installation or construction. Accordingly, a Standby Electric Generator may not be installed on a Lot unless an application therefor is first submitted to and approved in writing by the ARC as to compliance with these Residential Modification Guidelines. The submission of plans must include a completed application for ARC review, a site plan showing the proposed location of the Standby Electric Generator, the type of screening to be used (if required as provided below), and a copy of the manufacturer's brochures. The ARC may not withhold approval of a Standby Electric Generator if the proposed installation meets or exceeds the provisions set forth below, and, if visible as provided below, the Standby Electric Generator is screened in the manner required by the ARC.

 3. **Requirements.** The installation and operation of a permanent Standby Electric Generator on a Lot is permitted, subject to the prior written approval of the ARC and compliance with the following requirements:
 - a. a Standby Electric Generator must be installed and maintained in compliance with the manufacturer's specifications and applicable governmental health, safety, electrical, and building codes;
 - b. all electrical, plumbing, and fuel line connections for a Standby Electric Generator must be installed by a licensed contractor;
 - c. all electrical connections for a Standby Electric Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
 - d. all natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for a Standby Electric Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
 - e. all liquefied petroleum gas fuel line connections for a Standby Electric Generator must be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes;
 - f. a non-integral Standby Electric Generator fuel tank must be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes;

- g. a Standby Electric Generator and all electrical lines and fuel lines relating to the Standby Electric Generator must be maintained in good condition;
- h. a deteriorated or unsafe component of a Standby Electric Generator, including electrical or fuel lines, must be repaired, replaced, or removed;
- i. periodic testing of a Standby Electric Generator must be in accordance with the manufacturer's recommendations, and may occur not more than once a week, on any day other than a Sunday, between the hours of 10:00 a.m. and 4:00 p.m.; and
- j. the preferred location of a Standby Electric Generator is:
 - (i) at the side or rear plane of the Residential Dwelling;
 - (ii) outside (not within) any easement applicable to the Lot; and
 - (iii) outside (not within) the side setback lines applicable to the Lot.

However, in the event the preferred location either (i) increases the cost of installing the Standby Electric Generator by more than ten percent (10%) or (ii) increases the cost of installing and connecting the electrical and fuel lines for the Standby Electric Generator by more than twenty percent (20%), the Standby Electric Generator may be located on the Lot in a position that complies as closely as possible with the preferred location without violating either (i) or (ii) herein.

4. Screening. If a Standby Electric Generator is:
- a. visible from the street in front of the Residential Dwelling on the Lot on which it is located,
 - b. located in an unfenced side or rear yard of the Lot and is visible either from an adjoining Lot or from adjoining property owned by the Association, or
 - c. located in a side or rear yard of the Lot that is fenced by a wrought iron fence or residential aluminum fence and is visible through the fence either from an adjoining Lot or from adjoining property owned by the Association,

- d. the Owner will be required to completely screen the Standby Electric Generator by evergreen landscaping or in another reasonable manner, as determined by the ARC.
5. Non-Payment for Utility Service. A Standby Electric Generator may not be used to generate all or substantially all of the electrical power to a Residential Dwelling, except when utility-generated electrical power to the Residential Dwelling is not available or is intermittent due to causes other than non-payment for utility service to the Residential Dwelling.
 6. Property Owned by the Association. The provisions in this Section do not apply to property that is owned or maintained by the Association. However, no Owner may install or place a Standby Electric Generator on property owned or maintained by the Association.
 7. Non-Compliance. The installation of a Standby Electric Generator that is not in compliance with the provisions of these Residential Modification Guidelines will be considered a violation of the dedicatory instruments governing the Community.

CC. Solar Energy Devices.

Section 202.010 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts an Owner from installing a solar energy device except as otherwise provided therein. As used in Section 202.010 of the Texas Property Code, "solar energy device" has the meaning assigned by Section 171.107 of the Tax Code, which defines the term as "a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar generated power". The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power. The following provisions are applicable to solar energy devices in the Community:

1. ARC Approval. The installation of a solar energy device requires the prior written approval of the ARC. Provided that, the ARC may not withhold approval if the provisions of this Section are met or exceeded, unless the ARC determines in writing that placement of the device as proposed constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the device by all Owners of Lots adjoining the Lot in question constitutes prima facie evidence that substantial interference does not exist.

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2. **Location.** A solar energy device is not permitted anywhere on a Lot except on the roof of the Residential Dwelling or other permitted Improvement on the Lot or in a fenced yard or patio within the Lot.
 3. **Devices Mounted on a Roof.** A solar energy device mounted on the roof of the Residential Dwelling or other permitted Improvement on a Lot:
 - a. may not extend higher than or beyond the roofline;
 - b. must conform to the slope of the roof and have a top edge that is parallel to the roofline;
 - c. must have frames, support brackets and/or visible piping or wiring that are silver, bronze or black tone, as commonly available in the marketplace; and
 - d. must be located on the roof as designated by the ARC unless an alternate location increases the estimated annual energy production of the device by more than ten percent (10%) above the energy production of the device if located in the area designated by the ARC. For determining estimated annual energy production, the parties must use a publicly available modeling tool provided by the National Renewable Energy Laboratory.
 4. **Visibility.** A solar energy device located within a fenced yard or patio may not be taller than eight (8) feet.
 5. **Warranties.** A solar energy device may not be installed on a Lot in a manner that voids material warranties.
 6. **Limitations.** A solar energy device is not permitted on a Lot if, as adjudicated by a court, it threatens the public health or safety or violates a law.

DD. Basketball Goals and Other Sports Structures.

Only portable basketball goals are permitted in the Community. Permanent, in-ground basketball goals and basketball goals attached to the roof of the Residential Dwelling or other Improvement on a Lot are prohibited. A portable basketball goal may not be placed or used nearer to the street in front of a Lot than the front plane of the Residential Dwelling. A portable basketball goal must be removed from view from a street in the Community when not in use.

A sports court on a Lot is prohibited. In addition, a skateboard ramp on a Lot is prohibited.

EE. Outdoor Fireplaces and Fire Pits.

Outdoor fireplaces and outdoor fire pits require the written approval of the ARC prior to

installation or construction and are subject to the requirements and limitations set forth below; provided that, in the case of both an outdoor fireplace and an outdoor fire pit, the ARC has the authority to impose more stringent requirements as to location and dimensions when deemed necessary on the basis of relevant factors, such as, by way of example and not in limitation, the type and/or location of another structure on the Lot, the visibility of the fire pit or outdoor fireplace from a street, another Lot or Common Area, or the obstruction of a view from an adjacent Lot.

1. Outdoor Fireplaces.

- a. An outdoor fireplace must be located in the rear yard of a Lot and the rear yard of the Lot must be fully enclosed by a fence.
- b. No part of the fireplace may be nearer to any other structure on the Lot than ten (10) feet.
- c. No part of the fireplace may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
- d. No part of the fireplace may be located on an easement.
- e. The fireplace may not exceed twelve (12) feet in height, measured from grade to the highest point of the fireplace.
- f. The fireplace may not exceed twelve (12) feet in width, measured from the exterior surfaces the outermost sides of the fireplace.
- g. The fireplace may not exceed four (4) feet in depth, measured from the exterior surfaces of the front and the back of the fireplace.
- h. The exterior of a fireplace must be a stone material.

2. Outdoor Fire Pits.

- a. An outdoor fire pit must be located in the rear yard of a Lot and the rear yard of the Lot must be fully enclosed by a fence.
- b. No part of the fire pit may be nearer to any other structure on the Lot than ten (10) feet.
- c. No part of the fire pit may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.

- d. No part of the fire pit may be located on an easement.
- e. If a round fire pit, the diameter of the fire pit, measured at each point at the exterior of the fire pit, may not exceed six (6) feet.
- f. If a square or rectangular fire pit, no side of the fire pit may exceed a width of more than six (6) feet.
- g. The fire pit may not exceed three (3) feet in height, measured from grade to the highest point of the fire pit.

[This space intentionally left blank]

CERTIFICATION

I, the undersigned, do hereby certify:

That I am the duly elected and acting Secretary of Copper Bend at Indian Trails Community Association, Inc., a Texas non-profit corporation;

That the foregoing Residential Modification Guidelines were adopted unanimously by the Board of Directors at a meeting of the Board duly called and held on the 25th day of March, 2019, at which a quorum was at all times present.

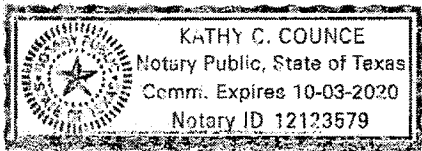
IN WITNESS WHEREOF, I have hereunto subscribed my name effective as of this 25th day of March, 2019.

COPPER BEND AT INDIAN TRAILS
COMMUNITY ASSOCIATION, INC.

By: Jennifer Symons
Jennifer Symons, Secretary

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 25th day of March, 2019 personally appeared Jennifer Symons, Secretary of Copper Bend at Indian Trails Community Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.



Kathy C. Counce
Notary Public in and for the State of Texas

RP-2019-126165

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Pages 49
03/29/2019 03:20 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
DIANE TRAUTMAN
COUNTY CLERK
Fees \$204.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Diane Trautman

COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2019-126165