

hereby certify that the information set forth in this Notice is true and correct and that the copies of the Dedicatory Instruments attached to this Notice are true and correct copies of the originals.

Executed on this 11th day of October, 2017.

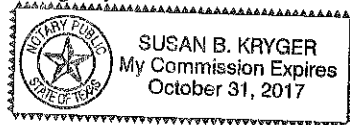
SIERRA VISTA AT CANYON GATE PROPERTY OWNERS ASSOCIATION

By: *Rick S. Butler*
Rick S. Butler, authorized representative

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 11th day of October, 2017 personally appeared Rick S. Butler, authorized representative of Sierra Vista at Canyon Gate Property Owners Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.

Susan B. Kryger
Notary Public in and for the State of Texas



FILED
In the Office of the
Secretary of State of Texas

MAR 27 2017

Corporations Section

CERTIFICATE OF FORMATION
of
SIERRA VISTA AT CANYON GATE PROPERTY OWNERS ASSOCIATION
(a TEXAS NONPROFIT CORPORATION)

I, the undersigned natural person of the age of eighteen (18) years or more, acting as organizer of a corporation under the Texas Business Organizations Code, do hereby adopt the following Certificate of Formation for such corporation.

ARTICLE ONE
NAME

The name of the corporation is SIERRA VISTA AT CANYON GATE PROPERTY OWNERS ASSOCIATION.

ARTICLE TWO
NON-PROFIT CORPORATION

The corporation is a non-profit corporation.

ARTICLE THREE
PURPOSES

The purposes for which the corporation is organized are as follows:

(1) The specific and primary purpose for which this corporation is organized is to govern the affairs of that certain real property commonly known as "Sierra Vista," a real estate development in Brazoria County, Texas, according to the "Declaration of Covenants, Conditions and Restrictions for Sierra Vista" and any subsequent "Supplemental Declarations" thereto (collectively the "Declaration") recorded or to be recorded in the Official Public Records of Real Property of Brazoria County, Texas. IT IS NOT ONE OF THE PURPOSES OF THE CORPORATION TO PROVIDE SECURITY TO THE RESIDENTS OF SIERRA VISTA OR THEIR GUESTS AND INVITEES. NEITHER THE DEVELOPER, LAND TEJAS STERLING LAKES SOUTH, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, ITS SUCCESSORS, ASSIGNS, BENEFICIARIES OR PARTNERS NOR ANY DECLARANT OF ADDITIONAL LAND BROUGHT WITHIN THE JURISDICTION OF THE CORPORATION, THE CORPORATION, ITS BOARD, NOR ITS OFFICERS, DIRECTORS OR ITS AGENTS, WILL EVER IN ANY WAY BE CONSIDERED INSURERS OR GUARANTORS OF SECURITY WITHIN SIERRA VISTA NOR WILL THEY BE LIABLE FOR ANY LOSS OR DAMAGE BY REASON OF ALLEGED FAILURE TO PROVIDE ADEQUATE SECURITY OR INEFFECTIVENESS OF SECURITY MEASURES UNDERTAKEN, IF ANY.

(2) The general powers of the corporation are:

(a) exercise all of the powers and privileges and to perform all of the duties and obligations of the corporation as set forth in the Declaration, as may be amended or supplemented from time to time, as well as the restrictive

covenants applicable to any other subdivisions brought within the jurisdiction of the corporation;

(b) fix, levy, collect, and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the corporation, including all licenses, taxes or governmental charges levied or imposed against the property of the corporation;

(c) acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the corporation;

(d) borrow money, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(e) dedicate, sell or transfer all or any part of the common area, if any (as identified and defined in the Declaration), to any public agency, authority, or utility;

(f) participate in mergers and consolidations with other nonprofit corporations organized for the same purposes or annex additional residential property and common area;

(g) have and exercise any and all powers, rights and privileges which a corporation organized under the Texas Business Organizations Code or any successor statute by law may now or hereafter have or exercise; and

(h) have and exercise any and all powers, rights and privileges which a property owners' association may now or hereafter have or exercise per the Texas Property Code.

(3) Notwithstanding any of the foregoing statements of purposes and powers, this corporation may not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the primary purpose of this corporation as set forth in paragraph (1) of this Article Three, and nothing set forth in the foregoing statement of purposes will be construed to authorize this corporation to carry on any activity for the profit of its members, or to distribute any gains, profits, or dividends to its members as such.

ARTICLE FOUR **MEMBERSHIP**

Each owner, whether one person or more, of a lot in Sierra Vista will, upon and by virtue of becoming such owner, automatically become a member of the corporation and remain a member of the corporation until ownership of the lot ceases for any reason, at which time the membership in the corporation will also automatically cease. Membership in the corporation is mandatory and

appurtenant to the ownership of a lot in Sierra Vista. Membership in the corporation may not be separated from ownership of a lot in Sierra Vista.

**ARTICLE FIVE
VOTING RIGHTS**

The corporation will have two (2) classes of voting membership:

- Class A. Class A members will be all owners, with the exception of Developer, and will be entitled to one (1) vote for each lot owned. When more than one (1) person holds an interest in a lot, all such persons will be members. The vote for such lot may be exercised as they determine, but in no event may more than one (1) vote be cast with respect to any lot. Holders of future interests not entitled to present possession are not owners for the purposes of voting hereunder.
- Class B. The Class B member will be Developer, or its successors or assigns so designated in writing by the Developer, and will be entitled to seven (7) votes for each lot owned. The Class B membership will cease and be converted to Class A membership at the end of the Developer Control Period, as set forth in the Declaration.

**ARTICLE SIX
INITIAL REGISTERED OFFICE AND AGENT**

The street address of the initial registered office of the corporation is 2800 Post Oak Boulevard, Suite 5777, Houston, Texas 77056 and the name of its initial registered agent at such address is Rick S. Butler.

**ARTICLE SEVEN
MANAGEMENT**

The affairs of the corporation will be managed by its Board of Directors, which will initially consist of three (3) Directors, who need not be members of the corporation until the expiration date of the Developer Control Period, as set forth in the Declaration. The Directors will be appointed and elected as set forth in the Bylaws of the corporation. The number of Directors may be increased as provided in the Bylaws of the corporation. The names and addresses of the initial Directors of the corporation are:

| <u>NAME</u> | <u>ADDRESS</u> |
|--------------|---|
| Rachel Gwin | 2450 Fondren, Suite 210 Houston, Texas 77056 |
| Jeff Sheehan | 2450 Fondren, Suite 210 Houston, Texas 77056 |
| Tim Johnson | 2450 Fondren, suite 210 Houston, Texas 77056 |

**ARTICLE EIGHT
ORGANIZER**

The names and street address of the organizer is:

NAME

ADDRESS

Al P. Brende

2450 Fondren, Suite 210
Houston, Texas 77056

**ARTICLE NINE
DISSOLUTION**

The corporation may be dissolved by the vote of the members representing not less than two-thirds (2/3rds) of the votes of both classes of the members (as long as there are Class B members) in the corporation, which vote will be taken at a meeting of the members. Upon dissolution of the corporation, other than incident to a merger or consolidation, the assets of the corporation must be dedicated to an appropriate public agency to be used for purposes similar to those for which this corporation was created. In the event that such dedication is refused acceptance, such assets will be granted, conveyed and assigned to any nonprofit corporation, association, trust or other organization to be devoted to such similar purposes.

**ARTICLE TEN
AMENDMENTS**

Amendment of this Certificate of Formation requires the assent of members representing two thirds (2/3rds) of the votes of both classes of the members of the corporation (as long as there are Class B members) that are in attendance (either in person or by proxy) and entitled to vote at a meeting of the members called for such purpose.

**ARTICLE ELEVEN
INDEMNIFICATION**

The corporation must indemnify each director or former director and each officer or former officer of the corporation to the fullest extent allowed by the Texas Business Organizations Code.

IN WITNESS WHEREOF, we have hereunto set our hand, on this 27 day of MARCH, 2017.

By: Al P. Brende
Al P. Brende



SIERRA VISTA

A Land Tejas Community

Design Guidelines

I. Review Process

1.1 Purpose

A. Purpose of Production Guidelines. These production guidelines (hereinafter, “**Design Guidelines**”) provide an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. These standards have been developed to assist in the site planning, residential dwelling construction, and landscaping of Lots within Sierra Vista, a residential community located in Brazoria County, Texas. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage and lighting. In addition, the Design Guidelines establish a process for review of proposed construction to ensure that sites within Sierra Vista are developed with the consistency and quality of the development. All references herein to “approval” means the prior written approval of the appropriate reviewer unless otherwise specifically stated to the contrary.

B. Governmental Regulations. If an applicable building code or regulation is more restrictive than the provisions of these Design Guidelines, the applicable building code or regulation will control. If an applicable building code or regulation is less restrictive than the provisions of these Design Guidelines, the provisions of these Design Guidelines will control.

C. Preparer. These initial Design Guidelines have been prepared and adopted by LAND TEJAS STERLING LAKES SOUTH, L.L.C., a Texas limited liability company (the “**Developer**”) and the Architectural Control Committee (“**Committee**”) for Sierra Vista at Canyon Gate Property Owners Association (the “**Association**”). The Design Guidelines may be supplemented and amended to serve the needs of an evolving community pursuant to the procedures set forth in these Design Guidelines.

D. Applicability of Design Review. These Design Guidelines govern all property which is subject to the Declaration of Covenants, Conditions and Restrictions for Sierra Vista, as same may be amended and supplemented from time to time (“**Declaration**”) and any additional property which may be subject to the jurisdiction of the Association and encumbered by the Declaration. All plans and materials for new construction on a Lot must be approved in writing by the Committee before any construction activity begins. Unless otherwise specifically provided in these Design Guidelines, no structure may be erected on a Lot and no improvement, including staking, clearing, excavation, grading and other site work, exterior alteration of an existing improvement, or planting or removal of landscaping materials may take place without receiving written approval of the

appropriate reviewer as provided below. When these Design Guidelines specifically allow a Builder to proceed without advance written approval, such allowance will only be effective so long as the Builder complies with the requirements of the stated guideline.

Builders are responsible for ensuring compliance with all standards and procedures within these Design Guidelines. Builders are also governed by the requirements and restrictions set forth in the Declaration and any applicable Supplement. Builders will receive the Declaration and any applicable Supplement at the time of engineer's substantial completion or when the Declaration is recorded, whichever occurs first. Builders are responsible for providing copies of the Declaration and any applicable Supplement to construction and sales teams prior to construction. In particular, Builders should systematically review and become familiar with the requirements applicable to Sierra Vista in this document.

E. Review Structure. Architectural control and design review for Sierra Vista is the responsibility of either the Committee or its designee. The term "**Reviewer,**" as used in these Design Guidelines, means the Committee.

The Committee has jurisdiction over all matters relating to architecture and landscaping of residential properties, as set forth in these Design Guidelines and the Declaration. The Committee will review plans and specifications for all construction and landscaping on a Lot, will have jurisdiction over all construction and landscaping on a Lot, will be the conclusive interpreter of these Design Guidelines, will monitor the administration of these Design Guidelines, and may promulgate additional design standards and review procedures consistent with these Design Guidelines.

F. Review Fees. When a Builder (the "**Applicant**") submits plans to the Reviewer for approval, the submission must include a "**Review Fee.**" Once a plan for a residential dwelling is approved, the Applicant is not required to resubmit for additional uses of that specific plan. However, plans must be submitted for any change to a previously approved plan. The Review Fee will be made payable to the Reviewer as follows:

1. **Review Fee - \$125** – The review of a Lot, taking the Lot from a vacant site to a single family residential dwelling or improvement. The Review Fee is per set (includes all elevations per submittal).
2. **Re-Submittal Review Fee - \$125** - For changes to plot, plan, elevation or re-submission of unapproved plans.

1.2 Design Review Process

A. General. The design review process for new construction has been developed to provide adequate checkpoints in an effort to minimize time spent on concepts which do not adhere to the Design Guidelines. An attempt has been made to streamline this process and eliminate excessive delays. Nevertheless, each Applicant is responsible for complying with the Design Guidelines, and all other rules and regulations of any governmental authority, in order to bring the design review process to a prompt and satisfactory conclusion.

B. Review Criteria. While the Design Guidelines are intended to provide a framework for construction and modifications, the Design Guidelines are not all-inclusive. In its review process, the Reviewer may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, and finish grade elevation, among other things. Reviewer decisions may be based on purely aesthetic considerations. However, no Reviewer will grant approval for proposed construction that is inconsistent with the Design Guidelines, unless such Reviewer/Committee grants a variance in writing.

C. Governing Authority. No residential dwelling may be occupied without compliance with all regulations and requirements of all applicable State, County, City and other authorities.

D. Procedures. The Reviewer will conduct reviews of proposed single family residential dwellings. The Reviewer will respond within thirty (30) calendar days after a complete submittal is received. Any responses an Applicant may desire to make in reference to issues set forth in the Reviewer's notice following review of a submittal must be addressed to the Reviewer in writing.

E. Review Submittal Process. Plans for new construction or modifications on a Lot must be submitted to the Reviewer. The review process is divided into two phases:

1. Design Plan Review – A one-time approval of an Applicant's particular master design plan. Design Plan Review Submittals must be received thirty (30) days or less after closing on Lot(s) with Developer.
2. Plot Plan Review – An approval of an Applicants design plan specific to an address. Plot Plan Review Submittals must be received thirty (30) days or more prior to commencement of governmental permitting process.

The following documents must be submitted to the Reviewer:

1. Master Design Plan Review Submittals:

Applicant's name and phone number must be indicated on the submittal. Set of construction documents on 11" x 17" paper. All cut sheet plans (handouts) and elevation specification sheets should be on 8-1/2" x 11" paper. Design Plans Submittals include the following information clearly noted:

1. Square footages
2. Floor plans
3. Elevations including detached garages
4. Roof pitch
5. Plate height
6. Exterior materials (include manufacturer and colors)
7. Accent materials (include manufacturer and colors)
8. Options & bonus options
9. Percentage of masonry for each plan

2. Plot Plan Review Submittals:

Applicant's name and phone number must be indicated on the submittal. Set of complete Plot Plans on 8-1/2" x 11" paper and include the following information clearly noted:

1. Property, Lot number, block number, section number, address
2. Plan number and elevation
3. All building setbacks
4. All right-of-ways ("R.O.W.")
5. All Easements
6. Drainage
7. Exterior materials selections (include manufacturer and color)
8. Roofing materials (include manufacturer and color)
9. Flatwork size and placement (driveway, walkway, sidewalk, patio)
10. Fencing type and placement
11. AC unit placement
12. Landscape Plan – A typical planting plan will tabulate the plant count for each plant type (species and common name), size and placement (Street, Front, Side, Rear yard). It must feature the required minimum number of trees as required by these Design Guidelines and shrubs, ground covers, vines and turf found in the Preferred Plant List in Section 5.7 of these Design Guidelines. Any changes are required to be submitted to the Committee for

review prior to installation. Review typical lot Exhibits “1.2”, “1.2-A”, and “1.2-B” which may be used in submittal process. A copy of Landscape Plan submittal will be provided to the Association for their records.

F. Review Period. Each application for Design Plan and Plot Plan Submittal will be approved or disapproved within thirty (30) calendar days of submission of all materials required by the Reviewer. The reviewed plans will be retained for the Reviewer's records. The Reviewer's decision will be rendered as follows:

1. **"Approved"** - The entire application is approved as submitted.
2. **"Approved with Conditions"** - The application is approved, provided the Reviewer's objectionable features or segments are corrected. The Applicant must correct the plan's objectionable features or segments, and the Applicant may be required (if requested by the Reviewer) to resubmit the application and receive approval prior to commencing the construction or alteration.
3. **"Not Approved"** - The entire application as submitted is rejected in total. The Reviewer may provide comments but is not required to do so.

If the Reviewer fails to respond within thirty (30) days, the applicant may give the Reviewer written notice of its failure to respond. In no event will the Committee's failure to approve or disapprove an application within thirty (30) days constitute approval to (a) violate a setback or encroach upon an easement set forth in the Declaration or on the applicable Plat, (b) violate an express provision of the Declaration or these Design Guidelines, or (c) violate any applicable law or regulations of the State, County, City and other governing authority having jurisdiction.

G. Implementation of Approved Plans. All work must conform to approved Design Plan and Plot Plan. If, on an on-site review, it is determined that work completed or in progress on a Lot is not in compliance with these Design Guidelines, the Reviewer will notify the Applicant of any of such noncompliance, specifying in reasonable detail the particulars of noncompliance and requiring the Applicant to remedy the same. If the Applicant fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance will be deemed to be in violation of these Design Guidelines. Once Applicant is notified by Reviewer, daily fines may be imposed on Lot Owner until noncompliance is deemed by Reviewer as remedied.

1. **Time to Commence.** If construction of an approved submittal does not commence on a project for which a plot plan has been approved within six (6) months from the date of such approval, such approval will be deemed withdrawn, and it will be necessary for the Applicant to resubmit the plans to the Committee for reconsideration.

2. **Time to Complete.** Construction of an approved submittal must be completed within one (1) year from the date of approval (the “**default period**”). The Applicant may request an extension of such maximum time period not less than thirty (30) days prior to the expiration of the maximum time period, which the Reviewer may approve or not approve, at its sole discretion.

If construction is not completed on a residential dwelling within the period set forth in the approval, within the one (1) year default period, if applicable, or within any extension approved by the Reviewer, the approval will be deemed withdrawn, and the incomplete construction will be deemed to be in violation of these Design Guidelines. In the event of such violation, the Reviewer may notify the Association of such failure and the Association, at its option, may either complete the exterior of the residential dwelling in accordance with the approved drawings, or remove the improvements and return the Lot to its natural state prior to the beginning of any work. The Applicant will reimburse the Association for all expenses incurred therewith.

H. Changes After Approval. All proposed changes to plans, including changes that affect the square footage, exterior of any building, colors, windows, grading, paving, utilities, landscaping or signage, made after the approval of plans must be submitted to and approved in writing by the Reviewer thirty (30) calendar days prior to implementation. Close cooperation and coordination between the Applicant and the Reviewer will ensure that changes are approved in a timely manner.

I. Variances. A variance may be granted in certain circumstances (including, but not limited to, natural obstructions, hardship, or environmental considerations) when a deviation may be required. The Committee has the discretion to grant a written variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Design Guidelines or the Declaration. No variance will be effective unless issued in writing by the Committee/Reviewer in the manner provided in the Declaration.

J. Governmental Approval. The review and approval of plans and specifications will not be a substitute for compliance with the permitting and

approval requirements of governmental authorities. It is the responsibility of Applicant to obtain all necessary permits and approvals.

If a governmental authority having jurisdiction requires that changes be made to final construction plans previously approved by the Reviewer, the Applicant must notify the Reviewer of such changes in writing and receive written approval from the Reviewer prior to implementing such change.

1.3 Construction Guidelines

The following construction regulations ("**Regulations**") will apply to any and all work performed on a Lot. Applicants are required to comply with building setbacks and the orientation and placement of improvements including, but not limited to, driveways, walkways, sidewalks, residential dwellings, detached garages, fencing and landscaping. Connections to utilities are the responsibility of the Applicant. To the extent that any local government standard is less restrictive, these Design Guidelines will prevail.

A. Builder's Compliance. The Applicant must comply with these regulations. Any violation observed by the Reviewer will result in written notification on non-compliance and may result in fines. The Association may also take the necessary action to correct the violation should the Applicant fail to do so. Any expense incurred by the Reviewer or Association to correct a violation will be invoiced to the Applicant and will be secured by the Association's lien created by the Declaration.

B. Governing Authority. All Applicants will comply with the regulations of any governing authority, as well as all applicable Occupational Safety and Health Act regulations and guidelines (OSHA).

C. EPA - SWPPP. Each Applicant will comply with the Environmental Protection Agency's Storm Water Pollution Prevention Program (SWPPP) or other governmental authorities on similar issues.

D. Excavated Earth and Debris. Excess earth excavation and debris must be hauled away from Sierra Vista and properly disposed of.

E. Utilities and Energy Efficiency. Builders agree to install, at a minimum, gas water heating and gas central heating to each dwelling on a Lot, or if the gas utilities for such Lot are not used, pay the gas company a gas non-utilization fee in the amount customary for the utility company providing service to the Subdivision in which the Lot is located. Such sum(s) are payable at closing on the Lot affected or when such gas non-utilization becomes apparent, whichever occurs earlier. Applicants are encouraged to be enrolled in an Energy Efficiency

Program at all times and adapt to evolving national standards as well as provide the highest level available for the home buyer.

F. Sales Trailers. A temporary sales trailer may be located on a specific Lot with the written approval of the Reviewer or Developer. To obtain such approval, Applicant must submit a copy of the site plan with proposed locations of the sales trailer. Such a temporary structure must be removed immediately upon completion of construction of the model home. Any Applicant who desires to bring a sales trailer to Sierra Vista must first apply for and obtain written approval from the Reviewer or Developer.

G. Construction Trailers. Builders may have a construction office in a garage but not in the garage of a model home garage or any room within a model home. A temporary construction trailer is preferred and may be located on a specific Lot with written approval from the Reviewer or Developer. To obtain such approval, Applicant must submit a copy of the site plan with the proposed location of the construction trailer. Such a temporary structure must be removed immediately upon completion of construction of the last home in that specific Section.

H. Construction Signage. Unless required by local governing authorities, no construction signs may be posted anywhere in Sierra Vista, excepting one (1) ground-mounted construction sign on a Lot if approved by Reviewer. Signage may not be, or become, unsightly. A sign must be approved by the Reviewer and placed at the location approved by the Reviewer.

I. Other Signage. Directional bandit signs are allowed for weekends only. Directional bandit signs may be placed no earlier than 4:00pm on Friday and must be completely removed by 8:00am on Monday. Failure to remove directional signage as noted may result in fines. There may not be more than one (1) for sale sign on a Lot and the sign may not exceed six (6) square feet. Unless required by local governing authorities, or as set forth in Section 3.14 of the Declaration, no other signs may be posted anywhere in Sierra Vista without Developer or Committee approval.

J. Construction Access. The only approved construction access during the time a residential dwelling or other improvement is under construction will be over the approved driveway for the Lot unless the Developer or Reviewer approves an alternative access point. The location of Sierra Vista's main construction entrances will be determined from time to time by the Developer or Reviewer and each Applicant is responsible for assuring that only that entrance is used by its employees, suppliers, subcontractors and agents.

K. Vehicles and Parking Areas. Construction crews may not park on, or otherwise use, other Lots or any open space for vehicle parking. Construction

vehicles are required to be parked on the same side (northerly or easterly, as applicable) of the road or street and within areas designated by the Reviewer. No vehicles may be parked in a manner that obstructs or impairs traffic flow. Each Applicant is responsible for assuring that subcontractors and suppliers comply with the speed limits and other traffic signs posted within Sierra Vista. Adhering to the speed limits should be a condition included in the contract between the Applicant and its subcontractors/suppliers. The Applicant and its subcontractors/suppliers must use extreme caution around occupied properties. Resident complaints must be courteously addressed and resolved quickly. Repeat offenders will be reported to the local sheriff's department.

L. Daily Operation. Daily working hours for each construction site will be as follows:

Monday - Friday.....6 a.m. to 7 p.m.

Saturday8 a.m. to 6 p.m.

Sunday.....9 a.m. to 6 p.m.

Designated Holidays.....9 a.m. to 6 p.m.

Construction hours are subject to change, as may be determined by Reviewer from time to time. It is important to be respectful of residents living in close proximity to the construction site. Resident complaints must be courteously addressed and resolved as quickly as possible.

M. Sanitary Facilities. Each Applicant will be responsible for providing adequate sanitary facilities for Applicant's construction workers. Portable toilets must remain clean at all times and located only at the construction trailer site or within an area approved by the Developer or Reviewer. The sanitary facilities are to be removed promptly upon completion of construction.

N. Dust, Mud, Noise and Silt Fences. Each Applicant is responsible for diligently controlling dust, mud and noise, including, without limitation, music from the construction site. Lot silt fences must remain in good condition during entire phase of construction. Additionally, Lot perimeter silt fencing must be removed by Builder when construction is complete.

O. Debris and Trash Removal. During the construction period, each construction site must be kept neat and clean and will be properly policed to prevent it from becoming an eyesore or affecting other Lots or any open space. Applicants must clean up all trash and debris on the construction site on a daily basis. Lightweight materials, packaging, and other construction debris must be removed from site weekly (preferably on Friday's) and between removals, items

must be covered or weighted down to prevent their being blown off the construction site at any time.

Applicants are prohibited from dumping, burying or burning trash anywhere within Sierra Vista. Temporary four foot (4') tall orange safety fencing between Lots is required during construction. Each Applicant is required to form a circular fenced area with a minimum diameter of ten feet (10') on each Lot on which a residential dwelling is under construction in which the Applicant will place for disposal, debris and trash generated by the construction on said Lot.

The Developer will designate an area in each Section of Sierra Vista where Applicants in that Section may conduct concrete wash-out. The Applicants must cooperate to keep the street and surrounding area free of debris and remove the concrete wash-out at intervals of no less than thirty (30) days.

Mud, dirt and construction debris from the construction site on the paved streets in Sierra Vista, whether caused by the Applicant or any of its subcontractors or suppliers, must be removed and cleaned by the Applicant daily. The Association's designated management company will monitor and send Violation Notice Letters to Owners with Lots in need of correction. Fines may be imposed on Owners with noncompliant Lots.

P. Restoration or Repair of Other Property Damages. Damage and scarring of any property outside the Lot, including but not limited to adjacent Lots, roads, curbs, driveways, utilities, vegetation and/or other improvements, resulting from construction operations, is not permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the Applicant. In the event Applicant fails to restore or repair the damaged area, the Association may repair the area and charge the expense on the Applicant. In the event of default by the Applicant in complying with these obligations, a lien may be recorded against the Lot until the expenses charged to the Applicant are paid in full.

Q. Miscellaneous and General Practices. All Applicants are responsible for the conduct and behavior of their agents, representatives and subcontractors while in Sierra Vista. The following activities are prohibited:

1. Changing oil or making repairs on any vehicle or equipment on the Lot itself or at any other location within Sierra Vista other than at a location, if any, designated for that purpose by the Reviewer.
2. Allowing concrete suppliers, plasterers, painters or any other subcontractors to clean their equipment anywhere but the location(s) specifically designated for that purpose by the Reviewer. Violation of this provision will result in charges to Builder(s)/Owner(s) for clean up or damage repairs. The Association must be reimbursed for the expense

incurred by the Builder(s)/Owner(s) within not less than thirty (30) days of invoice.

3. Removing any rocks, plant material, topsoil, or similar items from any property of others within Sierra Vista, including other construction sites.

4. Illegal possession of any type of firearms or other weapons within Sierra Vista.

5. The use of utilities from neighboring residents without their written consent. Repeat offenders will be reported to the local sheriff's department.

6. Using disposal methods or equipment other than those approved by the Reviewer.

7. Careless disposal of cigarettes and other flammable material. It is required that at least two (2) fully operational 10-pound ABC-rated dry chemical fire extinguishers be present and available in a conspicuous place on the construction site at all times.

8. The use of illegal drugs or alcohol.

9. Destruction or removal of protected plant materials or plants without approval of the Reviewer.

10. No pets, including dogs, may be brought into Sierra Vista by either Applicants or construction personnel. In the event of a violation, Reviewer or the Association will have the right to contact authorities to inspect/impound any pet, to refuse to permit the Applicant 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 by contractor, subcontractor or catering or food trucks to signal their arrival. Trash generated by the procurement of items must be contained and disposed of properly. Repeated problems with these requirements will result in the contractor, subcontractor or catering or food trucks being denied admittance to Sierra Vista.

1.4 Rights and Compliance

A. Enforcement. In the event of any violation of these Design Guidelines, the Developer or the Association may take any action set forth in the Bylaws, the Declaration or the Design Guidelines. The Developer or the Association may

remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Developer or the Association is entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Lot upon which such violation exists.

B. Non-Liability for Approval of Plans. These Design Guidelines include a disclaimer of liability or responsibility for the approval of plans and specifications contained in any request by an Applicant. **PRIOR TO SUBMITTING PLANS OR INFORMATION FOR REVIEW, APPLICANT SHOULD READ AND UNDERSTAND THIS DISCLAIMER. IF APPLICANT DOES NOT UNDERSTAND IT, THE APPLICANT SHOULD SEEK APPROPRIATE LEGAL ADVICE.**

NEITHER THE DEVELOPER, A DECLARANT, THE ASSOCIATION, THE COMMITTEE, THE BOARD, NOR ANY OF THE RESPECTIVE OFFICERS, AGENTS, MANAGERS, PARTNERS, DIRECTORS, SUCCESSORS OR ASSIGNS OF THE ABOVE, ARE LIABLE IN DAMAGES OR OTHERWISE TO ANYONE WHO SUBMITS MATTERS FOR APPROVAL TO THE COMMITTEE, OR TO ANY OWNER AFFECTED BY THESE DESIGN GUIDELINES BY REASON OF MISTAKE OF JUDGMENT, NEGLIGENCE, OR NONFEASANCE ARISING OUT OF OR IN CONNECTION WITH THE APPROVAL, DISAPPROVAL, OR FAILURE TO APPROVE OR DISAPPROVE ANY MATTERS REQUIRING APPROVAL HEREUNDER. APPROVAL BY THE COMMITTEE DOES NOT CONSTITUTE ANY KIND OF WARRANTY OR REPRESENTATION AS TO THE INTEGRITY OR SUITABILITY OF THE PLANS OR THE DESIGN OF THE IMPROVEMENT DEPCITED IN THE PLANS NOR THE COMPETENCY OF ANY CONTRACTORS USED.

C. Changes and Amendments to the Design Guidelines. These Design Guidelines may be amended by the Developer or Committee. Any amendment must be recorded in the Official Public Records of Real Property of Brazoria County, Texas.

1. All changes or amendments will be promptly issued to all Applicants in Sierra Vista.
2. All amendments will become effective upon adoption by Developer or the Committee and recordation in the Official Public Records of Real Property of Brazoria County, Texas, so long as Developer has the authority to amend these Design Guidelines or, if the Developer no longer has such authority, upon adoption by the Committee. Such amendments

will not be retroactive so as to apply to previous work or approved work in progress.

3. An amendment of or supplement to a provision in these Design Guidelines will not change, alter, or modify any provision in these Design Guidelines, or any supplement or annexation document, not expressly amended or supplemented.

D. Right of Waiver. The Reviewer reserves the right, without the obligation, to waive or vary any of the procedures or standards set forth at its discretion, for good cause shown, subject to compliance with the Declaration. However, any approval by the Reviewer of any drawings or specifications or work done or proposed, or in connection with any other matter requiring such approval under the Design Guidelines, including a waiver by the Reviewer, will not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval. For example, the Reviewer may disapprove an item shown in the Final Submittal even though it may have been evident and could have been, but was not, disapproved at the Preliminary Submittal.

Furthermore, should the Reviewer overlook or not be aware of any item of non-compliance at any time during the review process, construction process or during its Final Inspection, the Reviewer in no way relieves the Applicant from compliance with these Design Guidelines and all other applicable codes, ordinances and laws.

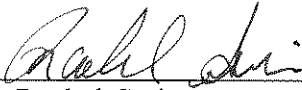
E. Severability. If any provisions of these Design Guidelines are held to be invalid, the same will not affect, in any respect, whatsoever, the validity of the remainder of these Design Guidelines to the extent that they can be reasonably understood without the invalid portion(s).

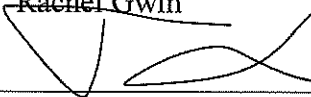
These Design Guidelines have been approved and adopted by the Committee this 29th day of September, 2017 and will remain in full force and effect until revised as provided herein.

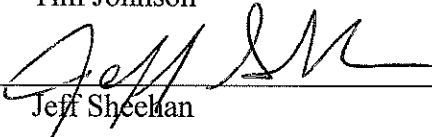
Approved and adopted:

By: **Sierra Vista at Canyon Gate Property Owners Association**

Architectural Control Committee Members

By: 
Rachel Gwin

By: 
Tim Johnson

By: 
Jeff Sheehan

II. SITE PLAN GUIDELINES

2.1 General

All residential dwellings within Sierra Vista must comply with the Master Plan established by these Design Guidelines.

Total square footage of a residential dwelling includes all air conditioned areas, but does not include garages, porches, quarters (if any) and non-air conditioned storage areas.

Applicant must develop and maintain its individual Lots in a manner prescribed by these Design Guidelines. Compliance with building setbacks, Lot layouts, driveways, walkways, sidewalks, garages, etc., is required. Costs and connections to utilities are the responsibility of the Applicant.

Applicant must comply with any and all rules and regulations in effect within the jurisdiction of any governmental agency including but not limited to City, County, State, MUD, and EPA. Applicant must also warrant compliance with applicable building codes. Governmental Agency codes and ordinances that are more restrictive than these Design Guidelines will control over these Design Guidelines.

2.2 Lot Drainage & Grading

In most cases, the Developer is delivering a non-wooded Lot to the Builder. In no event may the grade of a Lot deviate from or conflict with the approved grading plan included in the engineered drawings for the development. It is the responsibility of the Builder to assure compliance with the grading plan with respect to the grade of a Lot prior to setting forms for the slab of the residential dwelling. Caution should be used in establishing the foundation elevation so that slabs, driveways, retaining walls, walks, any other improvement or insufficient fall does not impair adequate drainage of the Lot in accordance with approved plans and specifications.

FHA TYPE “A” LOT GRADING – has a ridge along common rear Lot lines and each Lot is graded to drain storm water directly to the street. Type “A” lots may have offsite drainage that must be accepted and maintained from natural areas and/or adjacent Type “B” or Type “C” lots that abut the common rear Lot line.

FHA TYPE “B” LOT GRADING – has a ridge at the midpoint from the street from which the Lot is graded to drain storm water in the front half of the Lot directly to the street independent of other properties. The rest of the Lot will drain water runoff in the rear half of the Lot to the rear of the Lot. Type “B” lots may

abut a Type “A” lot along the common rear lot line, and under such conditions, the Type “A” lot must accept and maintain positive drainage from the Type “A” lot.

FHA TYPE “C” LOT GRADING – has a ridge along common front Lot lines and each Lot is graded to drain storm water directly to rear Lot line. Type “C” lots may abut a Type “A” lot along the common rear Lot line, and under such conditions, the Type “A” lot must accept and maintain positive drainage from the Type “A” lot.

The Builder is expected to provide final grading of each Lot that is consistent with the approved grading plan, and drainage will be directed as noted on the approved plans. Positive drainage away from the building will be provided for rainfall, gutter downspouts, irrigation, air conditioner condensate and all other types of water runoff.

If a concern arises regarding the grading of a Lot as delivered by the Developer to Builder, the Builder should immediately notify the Development Manager of Sierra Vista.

2.3 Building Setbacks and Easements

Building setbacks are established by the recorded Plat and the Declaration.

Utility easements are typically located at the rear of Lots in Sierra Vista but selected Lots may have utility easements along a side Lot line. Both the Plat and the Lot survey should be reviewed to determine the size and location of utility easements on the Lot.

Prior to the placement of any forms, the Applicant is required to review the setbacks and easements required by the City and County for each specific Lot to verify all applicable requirements. **Unless otherwise delineated on the recorded Plat or stipulated in the Declaration, City or County ordinance,** the setbacks and easements follow Exhibit “2.3” attached to these Design Guidelines.

2.4 Lot Coverage/Flatwork

2.4.1 Garages

A garage capable of housing at least two (2) vehicles is required for every Lot. No garage on a Lot with a residential dwelling may be altered or converted for use for any purpose other than housing two (2) vehicles at all times. **The conversion of all or any portion of a garage into livable area is prohibited.**

A minimum of four (4) parking spaces, including the garage, beyond the street R.O.W. is required for every Lot.

Third car garages are encouraged to have a one foot (1') minimum and three foot (3') maximum recess from the front face of the adjacent double or two-car garage. A five foot (5') to ten foot (10') garage extension is permitted.

Refer to Exhibits "2.4", and "2.4.1" attached to these Design Guidelines. Garage Doors are referenced in Section 3.11 of these Design Guidelines.

Attached garages:

Attached garage of any type: The garage must be located on the interior side of the Lot and must comply with applicable building setbacks.

Detached garages: A detached garage is not permitted on a Lot that abuts Common Area, a Reserve, a Lake, or Recreational Area. When the side of a Lot is exposed to Common Area, a Reserve, a Lake, or Recreational Area, a detached garage may be allowed but only if the garage is on the side of the Lot opposite to the Common Area, Reserve, Lake, or Recreational Area. Detached garages require breezeway fencing; see Section 4.10 in these Design Guidelines.

Detached front-loading garage: Must comply with applicable building setbacks. Detached garages loading on the side street with driveways extending to the front street are not permitted.

Detached side or rear-loading garage: Permitted at the rear of the Lot and must comply with applicable garage setbacks.

Corner Lot Garages:

The garage on a corner Lot must be located on the interior side of the Lot and must comply with applicable building setbacks unless otherwise permitted by a variance or as indicated on the applicable Plat.

2.4.2 Driveways

Driveways are to be a minimum four inch (4") thick concrete over a sand base. A number six (#6), six-inch (6") by six-inch (6") woven wire mesh or equivalent must be installed within the "drive-in" portion of the driveway between the curb and sidewalk. County or city specifications regarding driveway cuts and curb returns at driveway openings must be adhered to for all Lots. The driveway on a Lot may not be located closer than two feet (2') from the side property line. Review Exhibit "2.4" in these Design Guidelines.

1. The typical front load driveway width (16' min.) must accommodate no less than two (2) vehicles parked side-by-side.
2. The typical front load driveway width (24' min.) must accommodate no less than three (3) vehicles.

Driveways on Lots with attached or detached side or rear loaded garages must be a minimum of ten feet (10') in width at the street and may taper to a width not less than the total width of the garage measured at the doors. If approved in writing by the Committee, driveways on "swing" type Lots with side loading garages must be a minimum of twelve feet (12') in width at the street and taper outward to a width not less than the total of the garages measured at doors. Paving materials are never permitted to abut building foundation except at entry walk or garage approaches.

It is recommended that all driveways on the same side of the street remain in the same orientation as much as possible in order to increase the green space between driveways with the following exception:

1. All corner Lots should have the driveway on the opposite side of the corner.
2. All driveways should avoid being built over any culvert or manhole and avoid being too close to light poles.

If any of these conditions are present, the driveway should be flipped.

A circular driveway on a Lot is discouraged and will be permitted only if the width of the Lot is sufficient to accommodate a circular driveway and leave a significant amount of green space. The submittal for a circular driveway must clearly note all property lines, building lines and easements on the Lot. Under no circumstances may an entire front yard be paved as a driveway or a motor court. Driveway paving is to be flush with adjacent sidewalk (ADA compliant). Refer to Exhibit "2.4.1.A" attached to these Design Guidelines.

2.4.3 Sidewalks

Refined concrete sidewalk are to be constructed by the Applicant within all public street right-of-way frontages according to City and County standards. All sidewalk construction must meet or exceed ADA accessibility standards including connections to all Developer-installed ramps. All sidewalks are to be constructed in a consistent manner producing a uniform appearance. Typical sidewalk minimum is four foot (4') width; however, the Builder is expected to verify construction meets or exceeds municipal standards.

Locations of sidewalk should be generally parallel to the street curb following the right-of-way (R.O.W.) frontages and are not to be varied except where required to avoid specimen trees or fire hydrants, light poles, or other infrastructure. Gentle radii instead of abrupt curves and angles are required for transitions.

Sidewalks along a sixty foot (60') R.O.W. must have a five foot (5') setback from the back of the curb.

Sidewalks along a fifty foot (50') R.O.W. must have a five foot (5') setback from the back of the curb.

Expansion joints will occur every sixteen feet (16'). Construction joints scored one-third ($1/3^{\text{rd}}$) of the concrete thickness will occur every four feet (4'). Complete pours between expansion joints are required. No cold joints are permitted.

Drill dowels into concrete driveways and use expansion joints at connections of existing and new concrete. Dowels are to be stubbed out eighteen inches (18") where sidewalk is to be continued in the future.

Where sidewalks cross driveways with decorative paving, the standard sidewalk design does not carry through the driveway. Sidewalk is to be flush with adjacent driveway paving.

Builders on corner Lots must install a sidewalk both parallel to the front Lot line and parallel to the side street Lot line. Manhole and valve box adjustments may be required, and are the responsibility of the Applicant. The Applicant will coordinate any adjustments with the City.

Sidewalk at cul-de-sac Lots that are at the end of cul-de-sac street must meet sidewalk Lot to Lot as to avoid gaps in walkway. For Cul-de-sac Sidewalk also refer to Exhibit "4.6".

As provided in the Declaration, it is the responsibility of the Owner of a Lot to maintain, repair and replace all sidewalks within the Owners Lot and within the public R.O.W. adjacent to the Owner's Lot.

2.4.4 Cul-de-Sac Sidewalk

A typical Lot at the end of a cul-de-sac street will be configured so that the side property line of the Lot, nearest to the end of the cul-de-sac, will extend to the center of the cul-de-sac, thereby abutting the Lot on the opposite side of the cul-de-sac, which will be configured in the same manner. See recorded Plat for property lines.

The sidewalk on a typical Lot at the end of a cul-de-sac street is required to continue along the arc of the cul-de-sac until it connects to the sidewalk on the opposite side of the cul-de-sac street. The result being a sidewalk connected around the entirety of the cul-de-sac street. Refer to Exhibit "4.6" attached to these Design Guidelines.

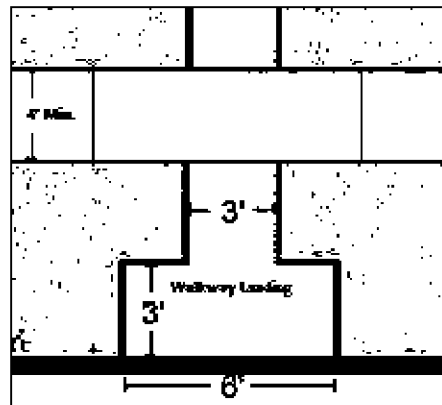
2.4.5 Walkways

Walkways may lead to the driveway and/or to curb fronting the residential dwelling. Walkways must have a five foot (5') landscape area between the walkway and the residential dwelling. Reinforced concrete is required, designed to standards. Typical walkways are to be a minimum of three foot (3') width.

Subject to Committee approval, decorative materials may include brick, stamped or colored concrete pavers, flagstone, etc. Decorative materials must terminate at the front sidewalk. Asphalt paving, loose gravel, loose stone, and timber borders on walkways are prohibited.

2.4.6 Walkway Landing

Walkways leading to the curb must have a three foot (3') by six foot (6') reinforced concrete walkway landing (see diagram below).



2.4.7 Patios

Concrete patios that extend from the rear of the residential dwelling are encouraged for design diversity. The location of a patio must comply with all applicable building setbacks.

Patios may be constructed of concrete, pavers or flagstone. The materials should relate to the architecture and create an interesting outdoor space. No patio will be approved for location on a utility or drainage easement without written authorization from each party having easement rights.

2.4.8 Covered Porches

Covered front porches are encouraged for design diversity.

Porch vertical posts are to be a minimum of 4" x 4"; 6" x 6" posts are preferred. Minimum slope on all covered porch roofs must be 6:12 pitch.

Roof material on the roof of porches must be the same as that on the roof of the residential dwelling. Roofing materials other than stated herein must be approved by the Reviewer.

2.4.9 Pools, Spas, Water Features

Pools, hot tubs, spas and appurtenances designs must be approved in writing by the Committee prior to construction. Spas, hot tubs and appurtenances must be screened from view from an adjacent Lot at ground level, a street and Common Area. Above ground pools, spas, and hot tubs are prohibited.

Pools must have overflow drain lines directing water to street with pop-up valves at curb. Locations will be clearly marked on plans.

Swimming pool appurtenances, such as rock waterfalls and slides, may not exceed six feet (6') in height measured from grade to the highest point of the appurtenance. Skimmer nets, long handle brushes, pool chemicals, filters, pumps, heaters, plumbing, etc. may not be visible from an adjacent Lot at ground level, a street or Common Area.

Pool walls may not encroach on utility easements. If pool plumbing is required in a utility easement, Applicant must contact all applicable utility companies before excavating. Wood or concrete pool decks may be placed on a utility easement only with the prior written permission of the utility company, but are subject to removal by utility companies.

Pool contractors are required to submit a written statement to the Committee describing the location of the intended ingress and egress to the Lot for pool construction. The written statement will include the location of the disposal site of the excavated soil. The Committee will not permit access across Common Area or private property. Dumping of excavated material within the community of Sierra Vista is not permitted. A \$1,000.00 cashier's check or money order deposit is required from the pool builder to ensure compliance with the Committee requirements. The deposit will be returned to the pool builder if inspection by the Reviewer confirms compliance with the Committee requirements; if the pool builder does not comply with all Committee requirements, the deposit will be forfeited.

2.4.10 Decks

The location of a deck must comply with all applicable building setbacks. Design of decks are to be architecturally compatible with the exterior of the residential dwelling. Second story decks require specific Reviewer approval. No deck will be approved for construction on a utility or drainage easement or in a manner that causes water to flow on an adjacent Lot. No deck may be more than two feet (2') above grade.

III. ARCHITECTURAL GUIDELINES

3.1 General Responsibilities

The following architectural guidelines provide a basis for design concepts, forms and materials to create a pleasant living environment. These Design Guidelines are not intended to limit the creativity of the Applicant in design or construction. The design of each residential dwelling should reflect each Applicant's choice of acceptable building materials, while fitting into the overall architectural scheme of the Sierra Vista community.

The Applicant is responsible for individual site development and maintenance including the area within the public street right-of-way (area between back of street curb and to property lines) and the surrounding Lots. Applicants on corner Lots are responsible for maintenance in these areas on both streets.

3.2 Lot Coverage and Square Footage

Total Lot coverage of buildings, walks and other structures may not exceed sixty percent (60%) of the total Lot area for standard single-family residential developments. Pools, spas, decks and driveways are not considered structures for the purpose of calculation the Lot coverage.

Square footage of a single family residential dwelling is considered to be the air conditioned living area of the structure, excluding porches, quarters, if any, and garages. The minimum and maximum square footage of single family residential dwellings, based on Lot width, are as listed in the Single Family Residential Dwelling Square Footage Table on Exhibit "3.2" attached to these Design Guidelines].

3.3 Building and Ceiling Height

All residential dwellings must include some variation of the ridgeline. Maximum building height of a residential dwelling is two and a half (2 1/2) stories or forty

feet (40'), whichever is less. A minimum ceiling height of eight feet (8') in all living areas is required on the ground floor of all residential dwellings.

3.4 Plan Spacing, Elevation and Repetition

Exterior elevations must be complementary in architectural design and materials, and compatible with neighboring structures.

Same floor plans and/or elevations within a particular section should be staggered throughout so as to create diversity within the community. The Committee may determine different elevations within a plan to be considered the "SAME AS" for repetition purposes. The Committee may also determine different elevations from different master plans to be considered the "SAME AS" for repetition purposes.

Varied elevation and placement on the site result in more interesting street scenes. More pleasing arrangements are achieved with a variety of plans. The requirements for plan spacing and repetition are set forth in Exhibit "3.4" attached to these Design Guidelines.

Priority should be given to those sides of the residential dwelling that are visible from public view including streets, walkways and Common Areas. The most articulated elevations should be those which are in public view. However, it should be assumed that the residential dwelling will be seen from all angles and that there will be a continuity of colors, materials and details on all elevations.

APPROVAL OF ALL PLAN LOCATIONS BY THE REVIEWER IS REQUIRED PRIOR TO COMMENCEMENT OF CONSTRUCTION.

3.5 Plan Width

Overall residential dwelling plan width may not be less than fifteen feet (15') of the Lot width. Lots one hundred feet (100') width or larger will be no less than twenty-five feet (25') of the Lot width. Refer to Exhibit "3.5" attached to these Design Guidelines.

3.6 Exterior Materials

1. Lots at a Section Entrance: The residential dwelling on a Lot in a Gated or Non-Gated Section that backs up to or sides a Primary Entrance Access Road, or sides an entry Monument, whether a one (1) story or two (2) story residential dwelling, must be one hundred percent (100%) brick,

rock, cultured stone, or real stucco (wire mesh, cement, lime based), unless otherwise approved in writing by the Reviewer/Designee.

2. Gated Section Lots: The residential dwelling on a Lot in a Gated Section must be at least sixty percent (60%) brick, rock, cultured stone, or real stucco (wire mesh, cement, lime based), with the remainder being either a continuation of the previous materials or Masonry Lap Siding/Hardi-Siding or Smartside Smart System, unless otherwise approved in writing by the Reviewer/Designee.
3. Non-Gated Section Lots: The residential dwelling on a Lot in a Non-Gated Section must be at least fifty percent (50%) brick, rock, cultured stone, or real stucco (wire mesh, cement, lime based), with the remainder being either a continuation of the previous materials or Masonry Lap Siding/Hardi-Siding or Smartside Smart System, unless otherwise approved in writing by the Reviewer/Designee.
4. Lake Lots in either a Gated or Non-Gated Section: The residential dwelling on a Lake Lot in a Gated or Non-Gated Section must be one hundred percent (100%) brick, rock, cultured stone, or real stucco for the ground floor. If a two (2) story residential dwelling, at least sixty percent (60%) of the entire residential dwelling must be brick, rock, cultured stone, or real stucco as follows: one hundred percent (100%) for the first (1st) story and ten percent (10%) minimum for the second (2nd) story for a total of sixty percent (60%) coverage. For a two (2) story residential dwelling, the remainder may be either a continuation of the previous materials or Masonry Lap Siding/Hardi-Siding or Smartside Smart System, unless otherwise approved in writing by the Reviewer/Designee.

Exposed metals must be anodized aluminum, bronze, copper, or painted galvanized steel. Copper, wrought iron, and steel ornamentation for decorative accent may be allowed only with the written approval of the Committee.

3.7 Masonry Color Repetition

High contrast trim or material variations should be avoided in favor of variations that are chosen to blend all elements into a single concept. A wide diversity of material types and colors is discouraged in favor of a more continuous theme creating a continuity of materials throughout the community.

When considering repetition of masonry types and colors, one (1) Lot skip is required in order to use the same masonry color on either side of the street.

3.8 Paint Colors

Colors will follow minimum masonry color skip rule. Neutral earth tones or forest tones are preferred. The exterior color must also be an acceptable shade of color. Bright, primary, brilliant, pastel, iridescent colors or tones considered by the Committee to be brilliant are not permitted.

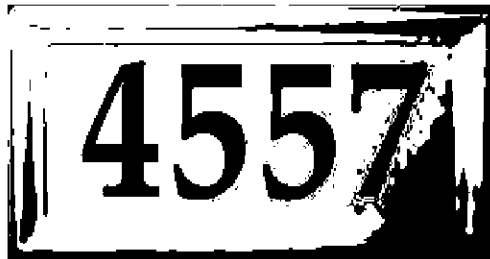
Soffit, fascia board, window and door trim and rain gutters must also be an earth tone or forest tone color; however, the shades of trim color may be deeper than the principal color of the residential dwelling. Extreme color differences or use of more than two (2) colors on a residential dwelling should be avoided.

The color scheme on the exterior of a residential dwelling may not be the same as the color scheme of a residential dwelling on an adjacent Lot or on a Lot across the street.

Unless otherwise approved in writing by the Committee, a paint color used on the exterior of a residential dwelling may not be the same as a paint color used on the exterior of a residential dwelling on an adjacent Lot or on a Lot across the street. Light, non-descript colors are less obvious adjacent to one another whereas darker colors may be obvious and disapproved for repetition on adjacent Lots.

3.9 Address Markers

Typical community Precast Stone required in location easily visible for emergency personnel to view from street (see diagram below).



3.10 Windows

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 residential dwelling. Bronze, white, black, and taupe are acceptable. Clear anodized aluminum is prohibited. Bathroom windows facing streets or within

public view or an adjacent Lot must have privacy glass block, frosted, tinted or similar privacy window treatment. Tinting is encouraged for energy conservation purposes. Bronze, reflective glass or mirrored glazing is prohibited. Burglar or security bars on the exterior of windows and doors are prohibited. Awnings are prohibited. Window HVAC equipment is prohibited.

3.11 Garage Doors

The dominant visual impact of garage doors should be carefully addressed in a variety of ways. Treatment of detail on garage doors will be consistent with the overall character of the residential dwelling. The color of the garage door should match the color of siding or trim.

Sixteen foot (16') double doors, if used, must be a metal four-panel design. Particleboard doors are not permitted. Single garage doors are encouraged but not required. A column of at least twelve inches (12") between two (2) single garage doors is required.

All garages must be pre-wired for automatic garage door openers.

3.12 Roofs

Roofs should be both practical and attractive. The Committee/Reviewer will determine at the time of plot plan approval the refinement for roofs.

The roofing materials on all residential dwellings, garages and other buildings in the community must be thirty (30) year architectural (dimensional) composition shingles with ten (10) year algae discoloration protection. Weathered Wood is the only shingle color allowed. Shingles are to be overlapped at valleys so that no valley flashing is exposed. Copper metal roofing is permitted as a limited accent, as approved in writing by the Committee.

Overhangs should be an integral part of the residential dwelling form and should not be thin planes extending past the mass of the residential dwelling.

Exposing the ends of rafters is prohibited. Minimum fascia width is six inches (6"). Eaves must be boxed in with horizontal soffit.

Minimum roof overhang is twelve inches (12") on exterior walls when the minimum 5:12 roof pitch is utilized. The roof of an attached porch may have a lesser pitch if approved in writing by the Committee. When roof pitch increases, less roof overhang will be considered.

3.13 Roof Top Accessories

The roof, as an expressive design element, should be kept as visually unobstructed as possible. As provided in the Declaration, only particular types and sizes of antennas and masts are permitted and each such antenna and mast is required to be located in the least visible location that allows reception of an acceptable quality signal.

Vent stacks and other necessary roof penetrations should be located out of view from the street in front of the Lot. Roof vents should be combined to reduce number of roof penetrations, when possible. All vent stacks and flashing must be painted to match the color of the shingles. Roof penetrations should be set no higher than the minimum height required by applicable zoning codes. Shingles are to be overlapped at valleys so that no valley flashing is exposed.

Rooftop HVAC equipment is prohibited.

Skylights, if any, must be installed on the rear portion of the roof of the residential dwelling, not visible from the street in front of the Lot, unless otherwise approved in writing by the Committee. Skylights proposed on the front or side roofing are not recommended and are, therefore, discouraged.

3.14 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 Sierra Vista:

Committee Approval:

- (i) Committee Approval. The installation of a solar energy device requires the prior written approval of the

Committee. Provided that, the Committee may not withhold approval if the provisions of this Section 3.14 are met or exceeded, unless the Committee 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.

- (ii) Location. A solar energy device is not permitted anywhere on a Lot except on the roof of the residential dwelling or other permitted structure on the Lot or in a fenced yard or patio within the Lot.
- (iii) Devices Mounted on a Roof. A solar energy device mounted on the roof of the residential dwelling or other permitted structure on a Lot:
 - (1) may not extend higher than or beyond the roofline;
 - (2) must conform to the slope of the roof and have a top edge that is parallel to the roofline;
 - (3) 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
 - (4) must be located on the roof as designated by the Committee 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 Committee. For determining estimated annual energy production, the parties must use a publicly available modeling tool provided by the National Renewable Energy Laboratory.
- (iv) Visibility. A solar energy device located within a fenced yard or patio may not be taller than eight (8) feet.

- (v) **Warranties.** A solar energy device may not be installed on a Lot in a manner that voids material warranties.
- (vi) **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.

3.15 Rain Gutter Drains

Although rain gutters are not required, roof design or the use of diverters should be used to keep dripping water off of patios, balconies, stairs, doorways, etc. Positive drainage away from the residential dwelling will be provided for rainfall, irrigation, air conditioner condensate and all other types of water runoff. Down spouts on front of the residential dwelling must be located to provide a clean, unobtrusive appearance.

Roof drainage that creates erosion or run across pedestrian walks and paths is prohibited.

Gutters and downspouts must be integrated with architectural design in color, shape, and location. Gutters and downspouts must be painted the same color as trim.

3.16 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 Sierra Vista:

- (a) **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.

- (b) **Color and Display.** A rain barrel or rain harvesting system is not permitted:
- (i) 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
 - (ii) 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.
- (c) **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:
- (i) **Rain Barrel:**
 - (1) **Size:** A maximum height of forty-two (42) inches and a maximum capacity of fifty (50) gallons.
 - (2) **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.
 - (3) **Materials:** Wood, metal, polyethylene or plastic resin designed to look like an authentic barrel in brown or other neutral earth tone color.
 - (4) **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 Committee.

- (5) 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.
- (ii) 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 Committee.

Provided that, the regulations in this Section 3.16 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.

3.17 Standby Electric Generators.

- (a) Definition. A Standby Electric Generator is a device that converts mechanical energy to electrical energy and is:
- (i) powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
 - (ii) fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
 - (iii) connected to the main electrical panel of the residential dwelling by a manual or automatic transfer switch; and
 - (iv) rated for generating capacity of not less than seven (7) kilowatts.
- (b) Committee 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 Committee 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 Committee as to compliance with these Design Guidelines. The submission of plans must include a completed application for Committee 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 Committee 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 Committee.

- (c) Requirements. The installation and operation of a permanent Standby Electric Generator on a Lot is permitted, subject to the prior written approval of the Committee and compliance with the following requirements:
- (i) 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;
 - (ii) all electrical, plumbing, and fuel line connections for a Standby Electric Generator must be installed by a licensed contractor;
 - (iii) all electrical connections for a Standby Electric Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
 - (iv) 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;
 - (v) 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;

- (vi) 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;
- (vii) a Standby Electric Generator and all electrical lines and fuel lines relating to the Standby Electric Generator must be maintained in good condition;
- (viii) a deteriorated or unsafe component of a Standby Electric Generator, including electrical or fuel lines, must be repaired, replaced, or removed;
- (ix) 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
- (x) the preferred location of a Standby Electric Generator is:
 - (1) at the side or rear plane of the residential dwelling;
 - (2) outside (not within) any easement applicable to the Lot;
 - (3) 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.

- (d) Screening. If a Standby Electric Generator is:
 - (i) visible from the street in front of the residential dwelling on the Lot on which it is located,

- (ii) 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
 - (iii) 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,
the Owner will be required to completely screen the Standby Electric Generator by evergreen landscaping or in another reasonable manner, as determined by the Committee.
- (e) **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.
 - (f) **Property Owned by the Association.** No Owner may install or place a Standby Electric Generator on property owned or maintained by the Association.
 - (g) **Non-Compliance.** The installation of a Standby Electric Generator that is not in compliance with the provisions of these Design Guidelines will be considered a violation of the dedicatory instruments governing Sierra Vista.
 - (h) **Property Owned or Maintained by the Association.** The provisions in this section do not apply to property that is owned or maintained by the Association.

3.18 Exterior Lighting

Exterior lighting must be installed in a manner that will not cause unnecessary light spill distraction, nuisance or unsightliness.

Exterior residential lighting should convey an inviting atmosphere and aid in providing nighttime illumination of the property without annoying others. Selection and placement of fixtures, and selection of light source types should be done with care. Exterior illumination of architectural features such as columns, entries, chimneys and landscape features are encouraged.

Lights should be directed to illuminate residential dwelling number graphics. Ground lighting or decorative light fixtures are permitted. Decorative fixtures should be of high quality materials and workmanship and should be in scale and style with the residential dwelling. High-pressure sodium vapor lights, except for subdivision streetlights, are prohibited. Mercury vapor lights that are visible from adjacent Lots, streets or Common Area are prohibited. Mercury vapor lights, when used for special landscape lighting affect (hung in trees as up and down lights) are permissible with the prior written approval of the Committee.

Colored lenses on low voltage lights, colored light bulbs, fluorescent and neon lighting are prohibited. Incandescent, low voltage incandescent, screw-in fluorescent, metal halide, quartz and natural gas lights are permitted.

3.19 Mechanical Equipment Screening

If a utility transformer or pedestal is located in the front yard of a Lot and/or in the side yard of a corner Lot adjacent to the side street, evergreen landscaping is required to screen the transformers or pedestal from view from the streets. Transformers and pedestals must be screened on three (3) sides – in front to screen each transformer or pedestal from view from a street adjacent to the Lot and on both sides. The plant materials must be evergreen and be large enough at the time the landscaping is installed to fully screen the transformers and pedestals from view.

Screening with plants is to be accomplished with initial installation, not assumed growth at maturity. Shrubs or vines must be placed in front of screens. Hedges may be used for screens if plants are mature enough and spaced close enough to provide adequate screening at the time of planting. Staggered spacing of shrubs for hedges makes a good screen.

All mechanical, meters, air conditioning units, pool equipment, and other similar devices are required to be placed away from view of streets, Reserves, Common Area, Lakes and adjacent Lots. The equipment must be placed behind the fence or wall of rear and side yards. If the fence is an ornamental fence, evergreen plantings must also be used to screen from view by either fences, walls, plantings, or a combination thereof.

On interior Lots where a residential dwelling has a detached garage, the driveway and detached garage must be placed on the opposite side of the gas and electric service so these services can be properly screened from public view.

On corner Lots, air conditioners, pool pumps, etc., must be placed in the rear yard or the interior side of the Lot.

In absence of complete rear yard fencing, meters, air conditioner, pool pumps, etc. must be screened from view with approved landscaping and wood fence. Where possible, design plans with niches or offsets to tuck in mechanical equipment is suggested. Extreme care should be taken in the location of the condensers to avoid noise infiltration of adjoining bedrooms and other "quiet" zones.

3.20 Flag Poles

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) **Committee Approval.** Proposed flagpoles, flagpole stands and/or footings must be approved in writing by the Committee. The Association may require an Owner to remove flagpoles, flagpole footings, or flags that do not comply with this Section 3.20.
 - (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.

- (iv) Flag of a Branch of the United States Armed Forces. An official or replica flag of any branch of the United States Armed Forces.
- (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 five (5) inches in diameter and 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) A freestanding flagpole may not be located nearer to a property line of the Lot than the applicable setbacks shown on the recorded Plat or set forth in the Declaration. Provided a freestanding flagpole may be located up to ten feet (10') in front of the front building setback line for a Lot, if any above-

ground stands and/or footings are approved in accordance with this section.

- (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.
 - (xiv) 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 Board may require the installation of landscaping to screen the stand and/or footing from view.
- (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 provided in architectural guidelines adopted by the Committee or 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.**
- (i) It is the universal custom to display the flag of the United States of America only from sunrise to sunset. Likewise, the flag of the State of Texas should not normally be displayed outdoors before sunrise or after sunset. Accordingly, illumination of a flagpole or flag is not permitted.

3.21 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 an Owner or resident from displaying or affixing on the entry to the Owner's or resident's residential 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 in Sierra Vista:

- (a) **Committee Approval.** As authorized by the 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 in writing by the 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.
- (f) **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.
- (g) **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 Committee.
- (h) **Other.** Notwithstanding the above provisions: (i) the Committee 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.

IV. FENCING

4.1 General

Fences must be constructed of cedar wood, decorative steel or masonry, as provided in the Declaration. All wood fences and gates visible to public must be stained with Sherwin Williams Superdeck solid color stain #3034 and maintained at all times by the Owner.

As provided in the Declaration, some areas require a specific type of fence determined by fence location. To ensure compatibility of fence design, material, color and placement throughout the community, all fences must be approved by the Reviewer prior to installation. The material, design, and fence specifications will be promulgated by the Committee. Association Walls may be located on the Lot line or boundary of a Lot and Common Area, easement, or private or public

street. Steel fences on Lots visible from a street or reserve must transition steel fence to height of Association Wall masonry wall. An Association Wall may not be altered in any manner, moved, or removed without the express written consent of the Association.

Diagonal or horizontal fencing is prohibited. Plastic, aluminum and chain link fences are prohibited.

All fences and gates on a Lot will pass with title to the Lot and it is the Owner's responsibility to maintain, repair and replace the fences and gates on the Lot.

4.2 Typical Fence Setbacks

With respect to a fence which faces the street in front of a Lot, the fence must be not less than ten feet (10') behind the front corner of the residential dwelling that is closest to the fence. With respect to a fence which faces the side street adjacent to a corner Lot, the fence may not be nearer to the side street than the side building setback for the Lot.

Review typical lots on Exhibit "4.2" and "4.2.A" attached to these Design Guidelines.

4.3 Front Fence

Each fence on a Lot that faces the street in front of the Lot must be of the "*Upgraded Wood Fence*" type and must be "Good Side Out" with all pickets finished side out. Review Exhibit "4.3" attached to these Design Guidelines for "*Upgraded Wood Fence*" type.

4.4 Corner Lot Side Fence

Each fence on a corner Lot that faces the side street must be of the "*Upgraded Wood Fence*" type and must be "Good Side Out" with all pickets finished side out. Review Exhibit "4.3" attached to these Design Guidelines for "*Upgraded Wood Fence*" type.

- (a) If the residential dwelling on a corner Lot is located on the side building setback, the fence may not extend beyond the rear corner of the residential dwelling.

- (b) If the residential dwelling on a corner Lot is *not* located on the side building setback, the fence may not extend farther than ten feet (10') from nearest front corner of the residential dwelling.

4.5 Interior Lot Side Fence

A fence on the interior side of a Lot must be located on the Lot line. The fence must be a "*Good-Neighbor Fence*" type fence with alternate eight-foot (8') panels of solid pickets and exposed rails to provide a uniform attractive fence to each adjacent Lot. Review Exhibit "4.5" attached to these Design Guidelines for "*Good-Neighbor Fence*" type.

Any "*Good-Neighbor Fence*" connecting to "*Steel Ornamental Fence*" must transition to the height of the steel fence. Review the Exhibit "4.5.A" for an illustration of the required transition. Lake Lots require 100% "*Steel Ornamental Fence*" review Section 4.8.

4.6 Cul-de-sac Side Fence

A side fence on a Lot located at the end of cul-de-sac circle must be located on the Lot line. The fence located on the side Lot line that is nearer to the end of the cul-de-sac must extend beyond the front elevation of the residential dwelling on the Lot to the front Lot line. See Exhibit "4.6" for typical cul-de-sac end Lots. The fence must be of the "*Upgraded Wood Fence*" type must be "Good Side Out" with all pickets finished side out to the street causing the two adjoining Lot fences to close the gap at the end of cul-de-sac street. When a cul-de-sac circle abuts to a Main Thoroughfare, Reserve, Lake or Common Area, the fence must be "Good Side Out" with all pickets finished side out to the Main Thoroughfare, Reserve, Lake or Common Area. Review Exhibit "4.3" attached to these Design Guidelines for "*Upgraded Wood Fence*" type.

4.7 Reserve/Street Area Fences

The fence on a Lot that is contiguous to a Reserve (excluding a Lake) must be "Good Side Out" with all pickets finished side out. Review Exhibit "4.3" attached to these Design Guidelines for "*Upgraded Wood Fence*" type.

4.8 Lake and Common Area Fences

A fence on a Lake Lot must enclose the rear yard of the Lot and side area of the Lot and be located on the Lot line. The entire Lot must have one hundred percent

(100%) “*Steel Ornamental Fence*” type. No wood gates or fences are permitted on a Lake Lot. Materials will be Ameristar Montage Plus, Majestic Style, hot dip galvanized, 2-rail, flush bottom panel, black powder coat finish and four-foot, two-inches (4’2”) in height along the rear property line adjacent to a Lake and extending along the adjacent side property lines, thirty feet (30’) from the rear property line graduating steel fence up to a maximum of six feet (6’) in height. Review Exhibits “4.8”, “4.8-A” and 4.8-B” attached to these Design Guidelines.

The fence on a Lot that is adjacent to Common Area must have steel fencing that is Ameristar Majestic Style, Montage Plus, hot dip galvanized, 3-rail, with ball cap on the corners of Lot posts, black powder coat finish and six-foot (6’) in height. Review Exhibit “4.8” attached to these Design Guidelines.

4.9 Fences Connecting to Association Walls

A steel fence on a Lot that connects to an Association Wall (masonry or wood) must transition to the height of the Association Wall. See Exhibit “4.9” for illustration of the required transition.

4.10 Detached Garage Breezeway Fences

A breezeway fence that is not less than four feet (4’) in height is required between the residential dwelling and a detached garage on a Lot. Breezeway fence materials may be wood, masonry, or ornamental steel. A breezeway fence made of brick, stone or ornamental steel fence between the residential dwelling and garage is encouraged. Fence color and finish must be harmonious to colors on the residential dwelling.

Cedar Wood Breezeway:

- Four foot (4’) or six foot (6’) high.
- Good Side Out real cedar wood must be stained with Sherwin Williams Deckscape Cedar Solid #3034.
- Wood Breezeway gates may have Sherwin Williams Superdeck solid color stain #3034 (also known as Sherwin Williams Deckscape Cedar Solid #3034) stained wood, black colored steel, or black colored wrought iron.

Masonry Breezeway:

- Four foot (4’) high.
- Masonry color to match the brick on the residential dwelling.
- Masonry Breezeway gates must have black colored steel or black colored wrought iron..

- Masonry fences must be constructed so that site drainage is unobstructed.

Steel or wrought iron Breezeway:

- Four foot (4') or six foot (6') high
- Steel or wrought iron breezeway gates must be black steel or black wrought iron.

4.11 Fence Gate and Driveway Gate

A gate in a rear or side fence of a perimeter Lot is generally prohibited. However, a gate in a rear or side fence of a perimeter Lot will be considered by the Committee on a case by case basis. Plans for such a gate must clearly indicate all Lot improvements, easements, setbacks, and right-of-ways.

A front yard (street view) fence gate is required. Review illustration in Exhibit "4.11" attached to these Design Guidelines.

A driveway gate must be ten feet (10') behind the nearest front corner of the residential dwelling on the Lot. The gate must be constructed with black steel and black steel posts. A wood driveway gate or steel panel driveway gate is prohibited. Review illustration in Exhibit "4.11.A" attached to these Design Guidelines.

V. LANDSCAPE GUIDELINES

5.1 Residential Landscaping

The general intent of the landscape guidelines is to provide requirements as a framework for site improvements through landscape plantings. The object is to create an orderly planned landscape utilizing the minimum standards set in these Design Guidelines.

The plant materials listed in the Preferred Plant List set forth in Section 5.7 of these Design Guidelines are permitted within Sierra Vista. These plant materials have been chosen for their natural or adaptable qualities and their function in the landscape.

Prior to planting in the yard of a Lot, the Builder or Owner is required to contact all utility providers to obtain information concerning the location of

the underground utility lines to avoid injury and/or damage to an underground utility line.

As used herein, "*Front yard of an interior Lot*" means the area between each side Lot line at the front of the residential dwelling and includes the area from front street curb extending to the residential fence facing the front street.

As used herein, "*Side yard of an interior Lot*" means the area between side Lot line and side of the residential dwelling; to include the area from rear Lot line extending to the residential fence facing the front street.

As used herein, "*Front yard of a corner Lot*" means the area between each side Lot line at the front of the residential dwelling and includes the area from front street curb extending to the front most dominant corner of the residential dwelling (excluding small projected porches and overhangs).

As used herein, "*Side yard of a corner Lot (street side)*" means the area between side Lot line and side of the residential dwelling; to include the area from rear Lot line extending to the front build line setback.

As used herein, "*Area along the street*" means the area at the front of a Lot (and at the side of a corner Lot) that is located between the curb and the edge of the street sidewalk that is nearest to the curb. If a street is fifty foot (50') in width, the distance between the curb and the sidewalk must be five feet (5'). If the streets is a sixty foot (60') in width the distance between the curb and the sidewalk must be six feet (6'). All plantings must be planted with the appropriate topsoil, additives and fertilizer mixtures. The use of on-site soil only is not permitted. Bare ground is prohibited. Weed barrier fabric underlayment is encouraged. All planting beds must be mulched with two inch (2") deep *natural* color shredded hardwood mulch. Painted or dyed hardwood mulch is prohibited (i.e., black or red mulch).

Gravel and rock may be used at the drip line of a residential dwelling, but is not permitted for use or substitution for shrubs, ground cover, mulch, or grass lawns. Specimen boulders are permitted upon written approval of Reviewer.

Large trees and shrubs may not be planted closer to the foundation of the residential dwelling than three (3) times the diameter of the root ball of the installed plant. Mature ultimate size of the plant should be considered when designing the planting plan.

The front yard of a Lot must be fully sodded upon completion of the residential dwelling with St. Augustine "Raleigh" solid sod. The rear yard of a Lot must also be fully sodded upon completion of the residential dwelling if the rear yard is visible from Common Area or a Lake. In all other instances, fully sodding the rear yard is strongly encouraged. However, sprigging of rear yards not visible from Common Area or a Lake is permissible. It is recommended that all yards be fully irrigated. Lawns may be "overseeded" with rye grass (maintained to 2 - 1/2" height) during October 15 and April 15.

5.2 Minimum Landscape Requirements

All yards must be landscaped with the minimum required combination of trees as set forth in the Declaration and these Design Guidelines. Listed below in the Preferred Plant List are minimum required combination of shrubs, ground covers, grass and street trees. When plantings are removed for any reason, the Owner must also remove the stump, and fill any resulting hole with appropriate landscape. Topiaries require the prior written approval of the Committee.

The landscaping requirements set forth must be properly maintained at all times on each Lot and replaced as necessary upon death or disease to the specifications set forth in these Design Guidelines. Typical Landscape Minimum Requirements must comply with these Design Guidelines. Review attached Exhibit "5" and Typical Lot Exhibits 1.2", "1.2.A", and "1.2.B" for landscape submittals.

Notice: Easements for utilities will be located on each Lot. Prior to planting, the Builder or Owner is required to contact all utility providers to obtain information concerning the location of the underground utility lines to avoid injury and/or damage to an underground utility line.

5.3 Street Trees

At least one (1) street tree is required in the front of each Lot between the curb and the sidewalk. Each tree along the street is required to be a Live Oak with two-inch (2") minimum caliper measured twelve inches (12") above grade at the time of planting. The trees are to be planted within street right of way, three feet (3') from the curb. The area between the curb and the sidewalk must be fully sodded with St. Augustine "Raleigh" solid sod. Trees along a street may not be changed without the prior written consent of the Reviewer.

5.4 Planting Beds

Width of planting beds must be at least six-feet (6') from the residential dwelling. Widths should vary and size of plantings at full maturity should be taken in consideration. A single row of planting along the foundation is discouraged.

Planting shrubs along the foundation in straight lines at a constant distance from the foundation is discouraged. All Lake Lots must screen the rear foundation of residential dwelling with evergreen shrub species. Smaller shrubs and ground cover must be placed in the front of the bed. Larger shrubs must be placed in the rear of the bed. Groupings of shrubs of the same species provide a substantial look.

Planting bed edging is not required, but is encouraged for maintenance purposes and to define the shape of planting beds. Edging that will be conducive to easy maintenance with line trimmers or powered edges should be considered. Planting beds will be curvilinear with the shrubs massed in tiers.

Railroad ties, vertical timbers, scalloped concrete borders, corrugated aluminum, wire picket, plastic edging, and loose brick are not permitted. Acceptable edging includes Ryerson steel, brick set in mortar, horizontal timbers (2"x4"; 2"x6"; 4"x4"; and 4"x6"), stone laid horizontally, and continuous concrete bands.

5.5 Irrigation

Although irrigation is not required, all proposed irrigation systems should provide proper amounts of water to landscaping within the entire yard. Applicant should instruct the Owner in the operation of the system so as to not over or under water the landscaping or allow excessive run off.

Sprinkler heads must be located to effectively water area intended with minimum overthrow onto pavement, walks, neighbor fencing, etc. No irrigation heads will be allowed to spray into the street and to effect one hundred percent (100%) overlap ensuring effective and even coverage. Systems must have a rain sensor over-ride switch. Irrigation controllers must be located inside the garage. If a sprinkler system is installed it is recommended that one zone be dedicated to the area around the perimeter of the slab.

5.6 Landscape Water Features

Water features such as ponds, cascade features, fountains, water gardens will be considered by the Committee on a case by case basis. Water features submittals must clearly note all property lines, building setbacks, and easements for the Lot.

5.7 Preferred Plant List

The plants listed in this section are the permitted plant materials for Sierra Vista. Other plant material may be used, but only with the prior written approval of the Reviewer. Aggressive invasive plantings are not permitted. The use of Golden Euonymus, Russian Olive, and Red Tip Photinia is discouraged because of growth characteristics and susceptibility to disease. Arborvitae, yucca, cactus, bamboo and junipers (other than columnar and ground cover varieties) are not in character with the plant palette and are prohibited. Consider planting size at maturity when spacing. The plants listed below are the permitted plant materials for Sierra Vista.

Trees:

| | |
|-------------------------|--|
| Nellie R. Stevens Holly | (Ilex x attenuata "Nellie R. Stevens") |
| Savannah Holly | (Ilex attenuata 'Savannah') |
| Southern Magnolia | (Magnolia grandiflora) |
| Water Oak | (Quercus nigra) |
| Willow Oak | (Quercus phellos) |
| Texas Oak | (Quercus texana) |
| Live Oak | (Quercus virginiana) |
| Lacebark Elm | (Ulmus parvifolia) |
| Drummond Red Maple | (Acer rubric var. drummondii) |
| Loblolly Pine | (Pinus taeda L.) |
| Slash Pine | (Pinus elliottii Engelm.) |

Small & Ornamental Trees:

| | |
|-----------------------|-------------------------------------|
| Foster Holly | (Ilex x attenuata 'Fosterie') |
| Yaupon Holly | (Ilex vomitoria) |
| Crape Myrtle | (Lagerstroemia indica) |
| Treeform | (multi-trunk) |
| Little Gem Magnolia | (Magnolia grandiflora 'Little Gem') |
| Tree Wax Myrtle | (Myrica cerifica) |
| Mexican Plum | (Prunus mexicana) |
| Texas Mountain Laurel | (Sophora secundiflora) |
| Italian Cypress | (Cupressus sempervirens) |

| | |
|------------|-------------------------------|
| Vitex | (<i>Vitex agnus-castus</i>) |
| Sago Palm | (<i>Cycas revolute</i>) |
| Sabal Palm | (<i>sabal Texana</i>) |

Trees Permitted Only in the Rear Yard of a Lot:

| | |
|---------------------|----------------------------------|
| Pindo Palm | (<i>Butia capitata</i>) |
| Fruit Tree | (Fruit Tree spp.) |
| Chinese Fan Palm | (<i>Livistona chinensis</i>) |
| Date Palm | (<i>Phoenix spp.</i>) |
| Florida Sabal Palm | (<i>Sabal palmetto</i>) |
| Texas Sabal Palm | (<i>Sabal texana</i>) |
| Windmill Palm | (<i>Trachycarpus fortune</i>) |
| Vitex or Chase Tree | (<i>Vitex agnus-castus</i>) |
| California Fan Palm | (<i>Washingtonia filifera</i>) |
| Mexican Fan Palm | (<i>Washingtonia robusta</i>) |

Shrubs:

| | |
|-----------------------------|---|
| Azalia | (<i>Azalea indica</i> var.) |
| Azurri Satin Rose-of-Sharon | (<i>Hibiscus syriacus</i> 'DVPazurri') |
| Bouganvillea | (<i>Bouganvillea</i> 'Barbara Karst') |
| Bridal Wreath Spirea | (<i>Spirea prunifolia</i>) |
| Chinese Holly | (<i>Ilex cornuta</i> 'Rotunda') |
| Coppertone Loquat | (<i>Eryobotrya japonica</i>) |
| Coralbean | (<i>Erythrina herbacea</i>) |
| Dwarf Bottlebrush | (<i>Callistemon citrinus</i> , 'Austraflora', 'Firebrand', 'Little John', and 'Splendens') |
| Dwarf Burford Holly | (<i>Ilex cornuta</i> 'Burfordii compacta') |
| Dwarf Crape Myrtle | (<i>Lagerstroemia indica</i> 'Nana') |
| Dwarf Gardenia | (<i>Gardenia jasminoides</i>) |
| Dwarf Oleander | (<i>Nerium oleander</i> 'Petite Pink' / 'Little Red') |
| Dwarf Wax Myrtle | (<i>Myrica pusilla</i>) |
| Dwarf Yaupon | (<i>Ilex vomitoria</i> var.) |
| Feijoa – Pineapple Guava | (<i>Feijoa sellowiana</i>) |
| Flame Acanthus | (<i>Anisacanthus wrightii</i>) |
| Fringe Flower Razzleberri | (<i>Loropetalum chinense</i> 'Monraz') |
| Glossy Abelia | (<i>Abelia grandiflora</i>) |
| Green Velvet Boxwood | (<i>Buxus sinica</i> var. <i>Insularis</i> x <i>B. Sempervirens</i>) |
| Indian Hawthorn | (<i>Raphiolepis indica</i> 'Clara') |
| Japanese Boxwood | (<i>Buxus microphylla</i>) |
| Japanese Cleyera | (<i>Ternstroemia gymnathera</i>) |

| | |
|---------------------------|---|
| Korean Boxwood | (<i>Buxus sinica</i> var. <i>insularis</i>) |
| Nandina | (<i>Nandina domestica</i> 'compacta') |
| Oleander | (<i>Nerium oleander</i>) |
| Pittosporum | (<i>Pittosporum tobira</i>) |
| Rosemary | (<i>Rosmarinus officinalis</i>) |
| Rose-of-Sharon | (<i>Hibiscus syriacus</i>) |
| Sago Palm | (<i>Cycas revolute</i>) |
| Sasanqua Camellia | (<i>Camellia sasanqua</i>) |
| 'Schilling's Dwarf' Holly | (<i>Ilex vomitoria</i>) |
| Summer Hydrangea | (<i>Hydrangea macrophylla</i>) |
| Sweetshrub | (<i>Calycanthus floridus</i>) |
| Sweet Viburnum | (<i>Viburnum</i> spp.) |
| Texas Sage, Ceniza | (<i>Leucophyllum</i> spp.) |

Ornamental Grasses and Accent Plants:

| | |
|----------------------|---|
| Black Mondo Grass | (<i>Ophiopogon planiscapus Nigrescens</i>) |
| Butterfly Iris | (<i>Dietes iridioides</i>) |
| Dwarf Maiden Grass | (<i>Miscanthus sinensis</i> 'Morning Light') |
| Dwarf Pampas Grass | (<i>Cortaderia selloana</i> 'Pumila') |
| Firebush | (<i>Hamelia patens</i>) |
| Foxtail Fern | (<i>Asparagus meyeri</i>) |
| Hinkley's Columbine | (<i>Aquilegia hinkleyana</i>) |
| Lemongrass | (<i>Cymbopogon citratus</i>) |
| Lily of the Nile | (<i>Agapanthus orientalis</i>) |
| Louisiana Iris | (<i>Iris louisiana</i>) |
| Maiden Grass | (<i>Miscanthus sinensis</i> var.) |
| Milk and Wine Lily | (<i>Crinum</i> hybrids) |
| Miscanthus 'adagio' | (Gramineae) |
| Monkey Grass | (<i>Ophiopogon japonica</i>) |
| Muhly Grass | (<i>Meuhlenbergia lindheimeri</i> var.) |
| Plumbago | (<i>Plumbago auriculata</i>) |
| Society Garlic | (<i>Tulbaghia violacea</i>) |
| White Fountain Grass | (<i>Pennisetum setaceum</i> 'Alba') |
| Yarrow | (<i>Achillea millefolium</i>) |

Groundcovers & Vines:

| | |
|---------------------|--|
| Algerian Ivy | (<i>Hedera canariensis</i>) |
| Asian Jasmine | (<i>Trachelospermum asiaticum</i>) |
| Big Blue Liriope | (<i>Liriope muscari</i>) |
| Carolina Jessmine | (Carolina Jessamine) |
| Confederate Jasmine | (<i>Tracholospormum jasminoides</i> var.) |

| | |
|-------------------------|---|
| Coral Honeysuckle | (Lonicera sempervirens) |
| Daylily | (Hemerocallis 'Evergreen Yellow Supreme') |
| Evergreen Wisteria | (Millettia reticulata) |
| Fig Ivy, Creeping Fig | (Ficus pumila) |
| Giant Liriope | (Ophiopogon jaburan) |
| Katie Ruellia | (Ruellia brittonia 'Katy') |
| Lantana | (Lantana sellowiana, montevidensis, camara) |
| Lily Turf Liriope | (Liriope spicata L. muscari) |
| Purpleleaf Honeysuckle | (Lonicera japonica) |
| Trumpet Vine | (Campsis radicans) |
| Variegated Liriope | (Liriope muscari variegata) |
| Verbena (Blue Princess) | (Verbena x hybrida 'Blue Princess') |

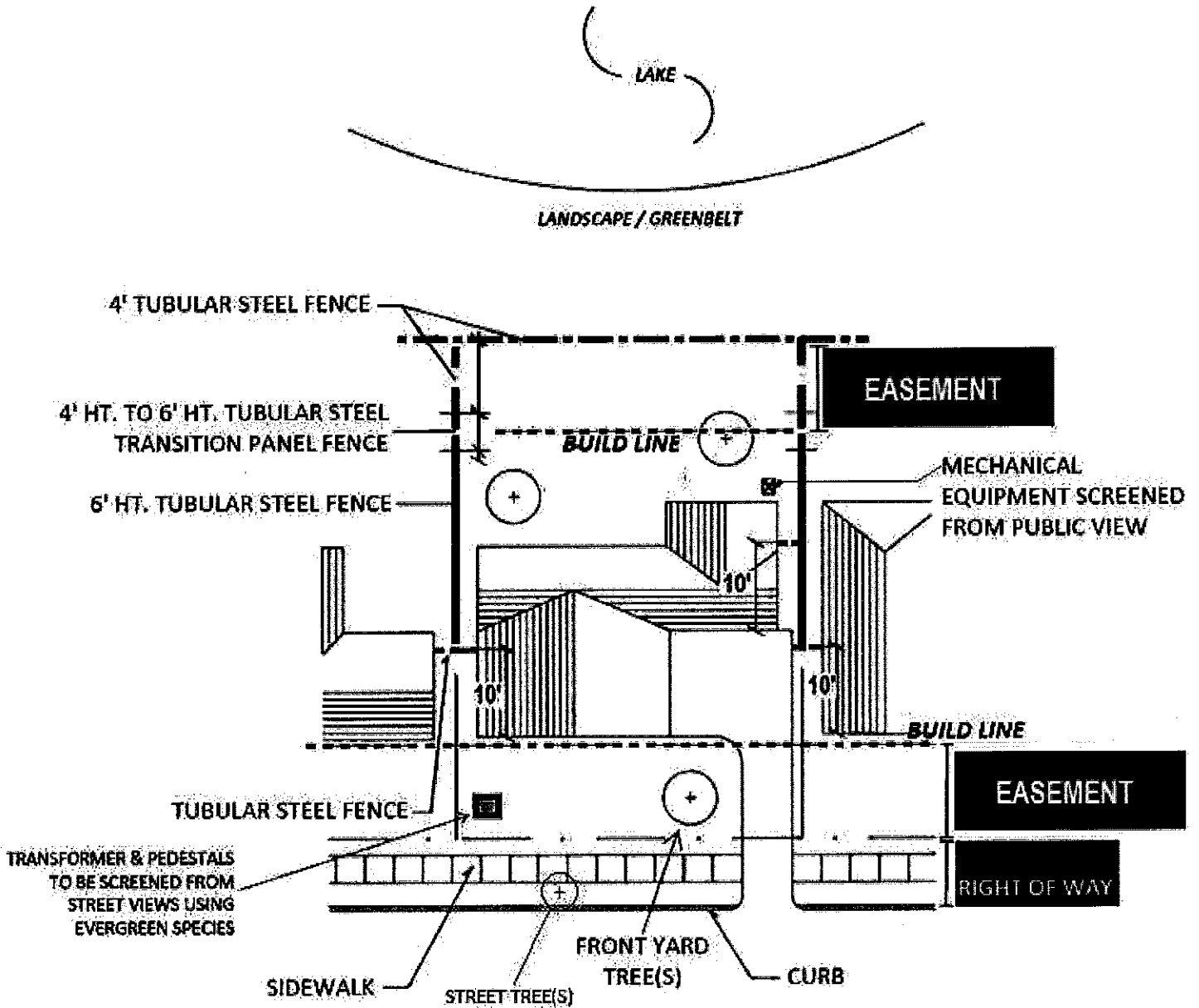
Turf:

Grass will be St. Augustine "Raleigh" solid sod on all front yards. Other areas may utilize St. Augustine "Raleigh" solid sod or Common Bermuda sod. Overseeding with annual Ryegrass is encouraged if installed between October 15 and April 15.

24 EXHIBITS ATTACHED:

EXHIBIT "1.2"
EXHIBIT "1.2.A"
EXHIBIT "1.2.B"
EXHIBIT "2.3"
EXHIBIT "2.4"
EXHIBIT "2.4.1"
EXHIBIT "2.4.1.A"
EXHIBIT "3.2"
EXHIBIT "3.4"
EXHIBIT "3.5"
EXHIBIT "3.6"
EXHIBIT "4.2"
EXHIBIT "4.2.A"
EXHIBIT "4.3"
EXHIBIT "4.5"
EXHIBIT "4.5.A"
EXHIBIT "4.6"
EXHIBIT "4.8"
EXHIBIT "4.8.A"
EXHIBIT "4.8.B"
EXHIBIT "4.9"
EXHIBIT "4.11"
EXHIBIT "4.11.A"
EXHIBIT "5"

EXHIBIT "1.2.B"



Typical Lake Lot

LANDSCAPE SUBMITTALS WILL BE FORWARDED TO THE ASSOCIATION FOR THEIR RECORDS.

| Location: | Quantity: | Name: | Size: |
|------------|-----------|-------|-------|
| Street | | | |
| Front Yard | | | |
| Rear Yard | | | |
| | | | |
| | | | |
| | | | |
| | | | |

EXHIBIT "2.3"

| <i>2.3 BUILDING SETBACKS AND EASEMENTS</i> | | | |
|---|---------------------------|---------------------|---------------------|
| LOT TYPE | FRONT LINE SETBACK | SIDE SETBACK | REAR SETBACK |
| Interior Lot | 20' & 25' | 5' | 8' & 16' |
| Corner Lot | 20' & 25' | 10' Side Yard | 16' |
| Reserve Lot | 20' & 25' | 5' | 16' |
| Lake Lot | 20' & 25' | 5' | 16' |
| *Verify with Recorded Plat Setbacks, Declaration, and Governmental Ordinances. | | | |

EXHIBIT “2.4”

| 2.4 LOT COVERAGE - Driveways | | |
|---|---|--|
| DRIVEWAYS | TWO CAR BAY | THREE CAR BAY |
| Front Load Garage | <u>16' Minimum & 18' Maximum</u> at Face of Garage all the way to curb | <u>28' Maximum</u> at Face of Garage all the way to curb |
| | <u>16' Minimum & 18' Maximum</u> at Front Property Line | <u>16' Minimum & 28' Maximum</u> at Front Property Line |
| Front Load Attached Swing Garage | <u>10' Minimum & 12' Maximum</u> Driveway Width | <u>10' Minimum & 12' Maximum</u> Driveway Width |
| | <u>16' Minimum & 18' Maximum</u> at Face of Garage | <u>28' Maximum</u> at Face of Garage |
| Detached Garage | <u>16' Minimum & 18' Maximum</u> at Face of Garage | <u>28' Maximum</u> at Face of Garage |
| | <u>10' Minimum & 12' Maximum</u> Driveway Width | <u>10' Minimum & 12' Maximum</u> Driveway Width |
| Detached Side Load Garage | <u>16' Minimum & 18' Maximum</u> at Face of Garage all the way to curb | <u>28' Maximum</u> at Face of Garage all the way to curb |
| | <u>16' Minimum & 18' Maximum</u> at Front Property Line | <u>16' Minimum & 18' Maximum</u> at Front Property Line |

EXHIBIT "2.4.1

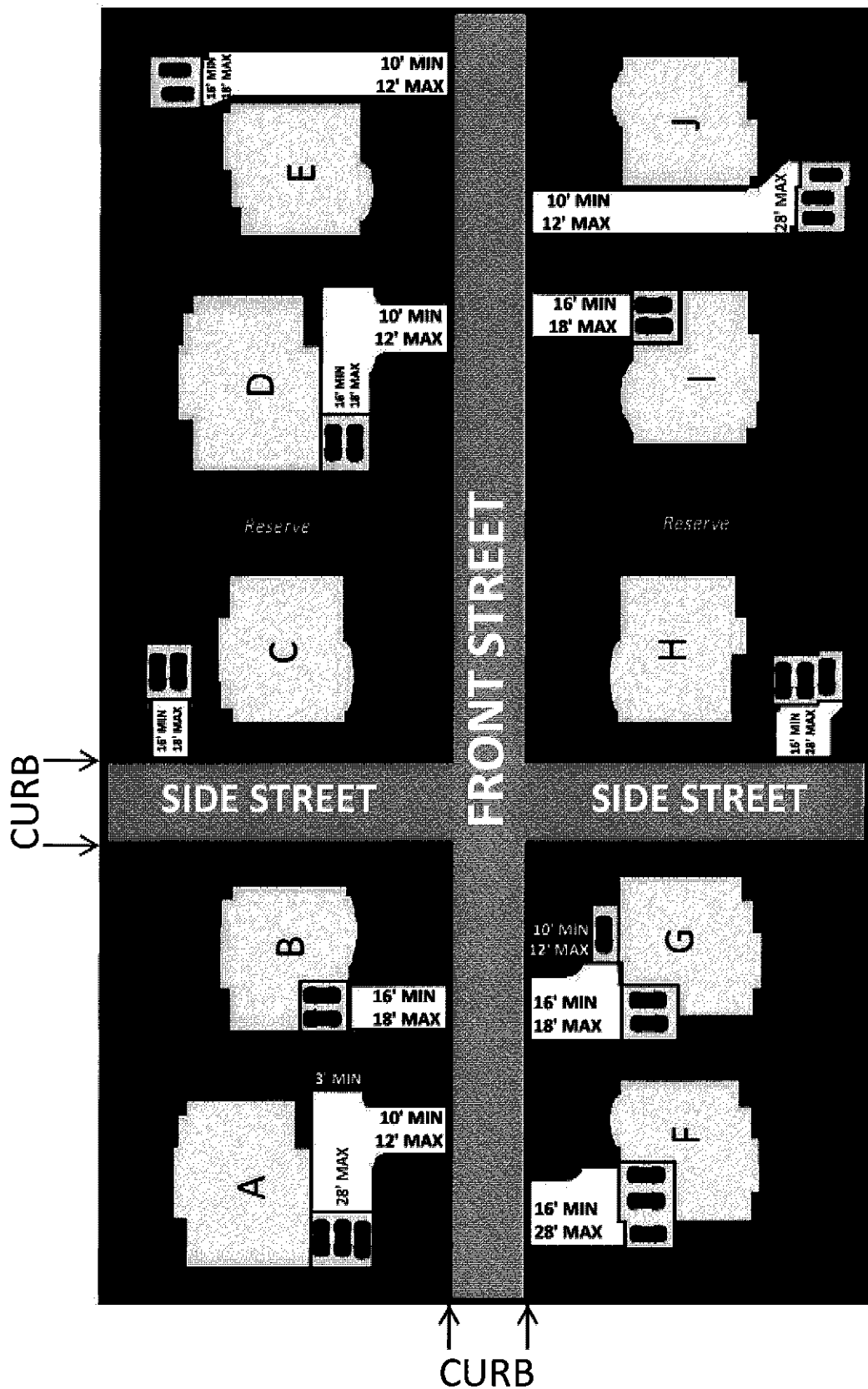


EXHIBIT "2.4.1.A"

Typical Circular Driveway

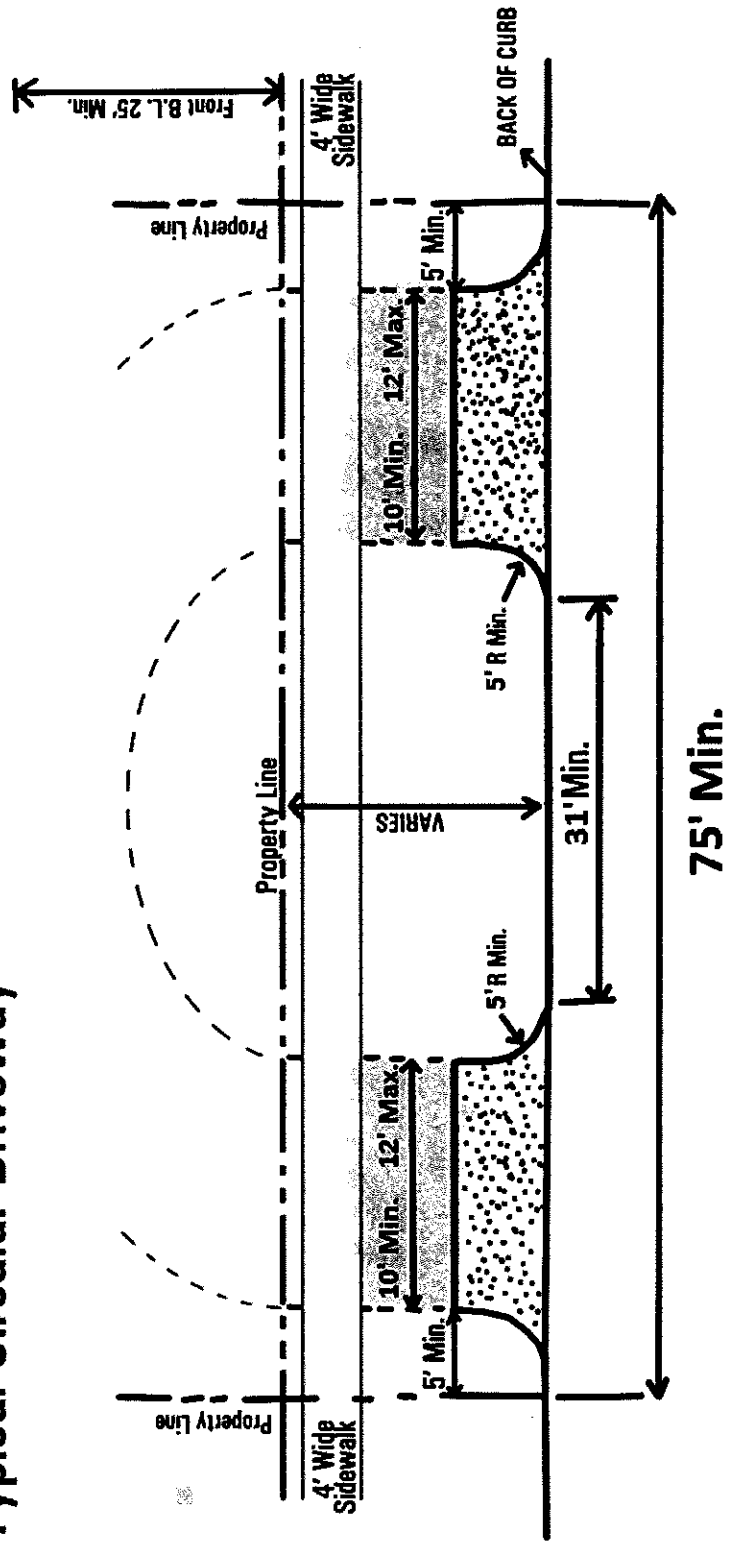


EXHIBIT "3.2"

| 3.2 LOT COVERAGE AND SQUARE FOOTAGE | | | | |
|--|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Lot Width | One (1) Story | | Two (2) Story | |
| | Minimum Sq. Feet | Maximum Sq. Feet | Minimum Sq. Feet | Maximum Sq. Feet |
| 45' | 1400 | 2400 | 1400 | 2600 |
| 50' | 1500 | 2800 | 1500 | 3200 |
| 55' | 1600 | 3400 | 1600 | 3600 |
| 60' | 1800 | 3600 | 1800 | 3800 |
| 65' | 2200 | 3800 | 2200 | 4000 |
| 70' | 2400 | No Limit | 2400 | No Limit |
| 75' (and up) | 2500 | No Limit | 2500 | No Limit |
| **Garage area excluded from calculations. | | | | |

EXHIBIT “3.4”

| 3.4 PLAN SPACING AND REPETITION | | | | | | | | |
|--|--------------------|--|------------|------------|------------|------------|------------|------------|
| ELEVATION | STREET SIDE | NUMBER OF FULL LOTS BETWEEN SAME FLOOR PLAN | | | | | | |
| | | 45' | 50' | 55' | 60' | 65' | 70' | 75' |
| Same | Same | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| Different | Same | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Same | Opposite | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Different | Opposite | 2 | 2 | 2 | 2 | 2 | 2 | 2 |

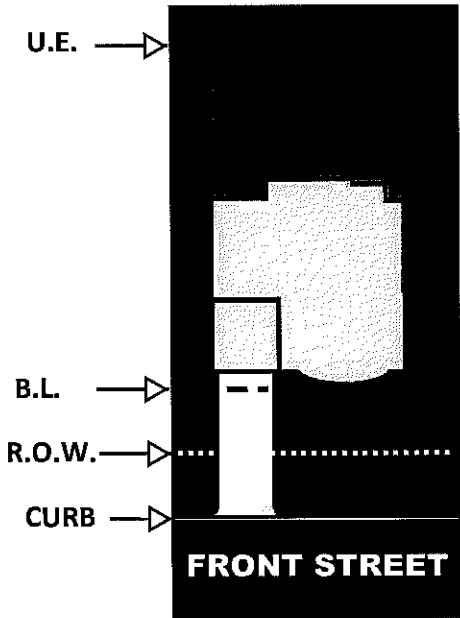
EXHIBIT “3.5”

| <i>3.5 PLAN WIDTH</i> | |
|------------------------------|-------------------------------|
| LOT | MINIMUM PLAN WIDTH |
| 45' | 30' |
| 50' | 35' |
| 55' | 40' |
| 60' | 45' |
| 65' | 50' |
| 70' | 55' |
| 75' | 60' |
| 100' | 75' |

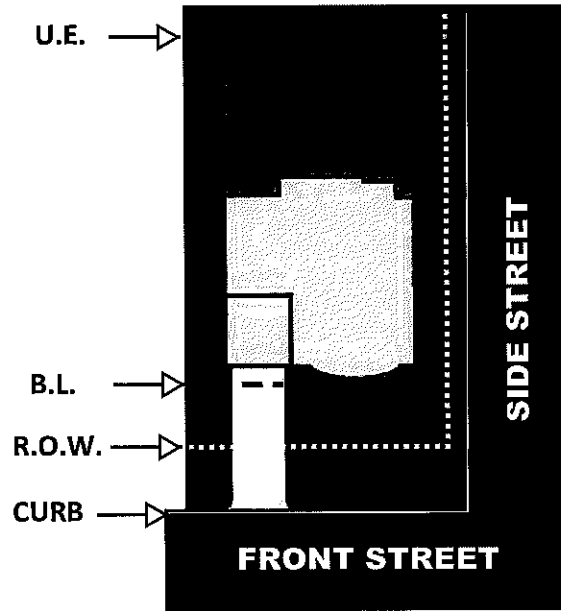
EXHIBIT “3.6”

| 3.6 EXTERIOR MATERIALS | | |
|--|------------------------------|--|
| Total Area (excluding eaves and facia) | | |
| | One Story Front/Side/Rear | Two Story Front/Side/Rear |
| Lots at A Section Entrance | 100% - Front/ Sides/Rear | 100% - Front/ Sides/Rear |
| Gated Section Lots | 60% - Front/Sides | 1st Floor - Front/ Sides 2nd Floor - Remaining balance of the 60% Total House |
| Non-Gated Section Lots | 50% Front/Sides | 1st Floor - Front/ Sides 2nd Floor - Remaining balance of the 50% Total House |
| Lake Lots - Gated or Non-Gated Sections | 100% Front/Side/ Rear | 1st Floor - Front/ Sides/Rear 2nd Floor - balance of the remaining 60% |

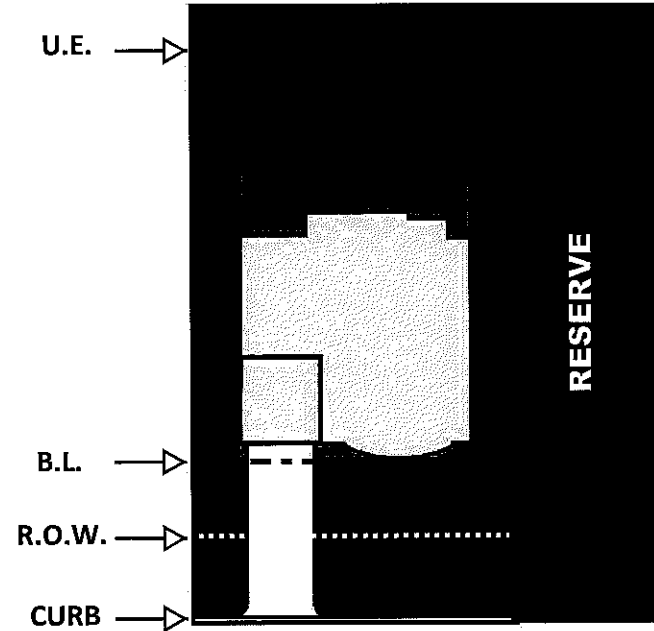
Typical Lot Interior



Typical Lot Corner

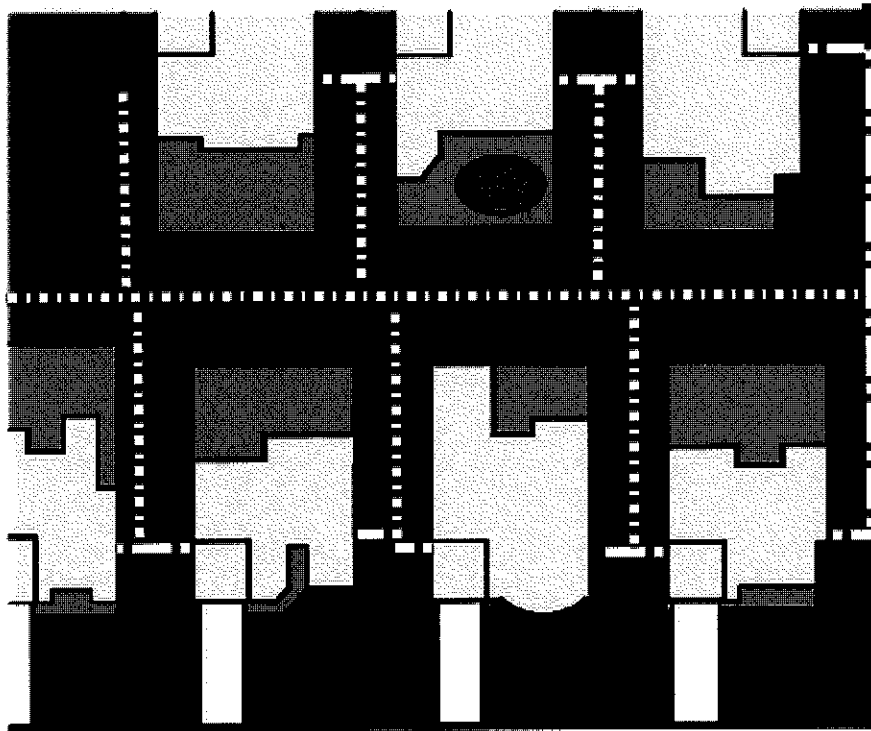


Typical Lot Reserve



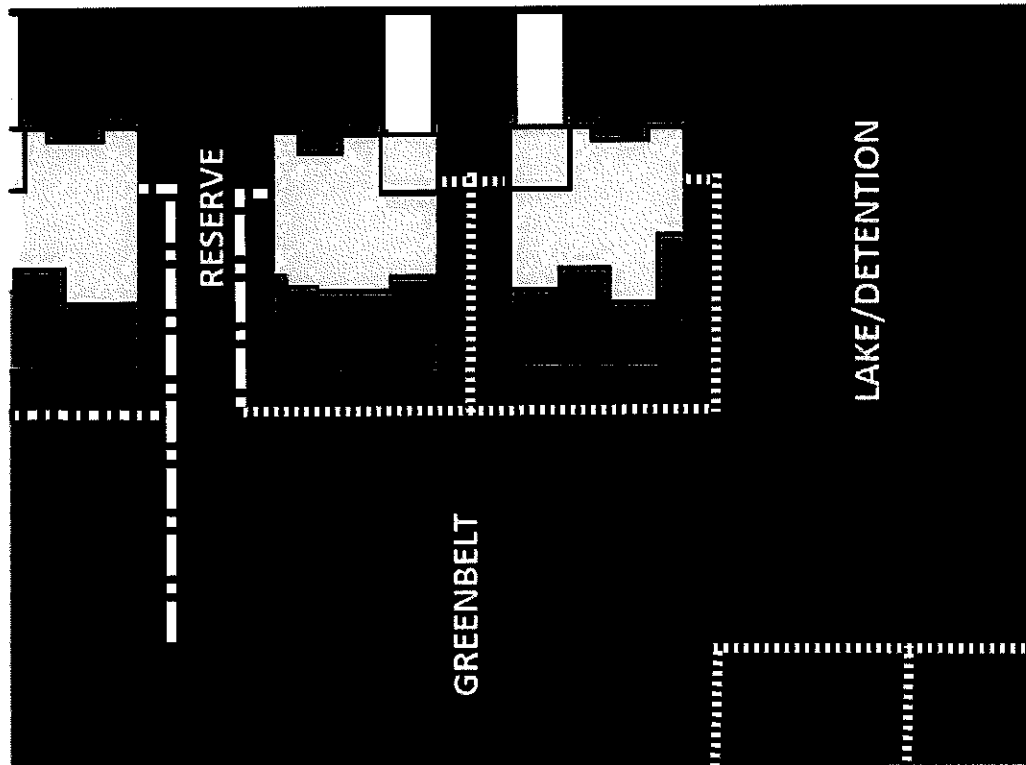
Verify all easements and setbacks with recorded plat.

EXHIBIT "4.2.A"



SIDE STREET

FRONT STREET



RESERVE

GREENBELT

LAKE/DETENTION

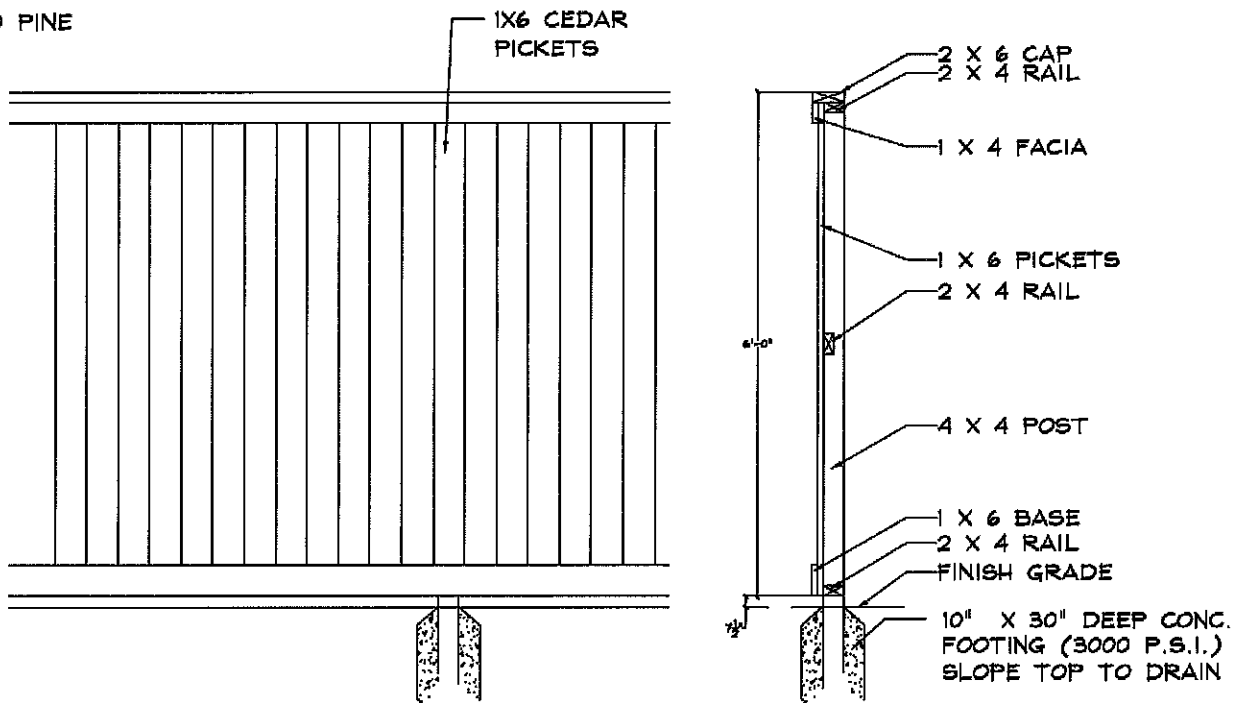
LEGEND

- Good Neighbor Fence
- Upgrade Wood Fence
- Tubular Steel Fence

EXHIBIT "4.3"

GENERAL NOTES:

1. 1" X 4" FACIA TO BE CEDAR
2. 4" X 4", AND 2" X 4" MEMBERS TO BE PRESSURE TREATED PINE
3. 1" X 6" PICKETS TO BE CEDAR
4. ALL NAILS TO BE GALVANIZED SCREW - SHANK NAILS.
5. 2 X 12 TRUE ROT BOARD TO BE PRESSURE TREATED PINE
6. 1 X 6 CAP TO BE PRESSURE TREATED PINE

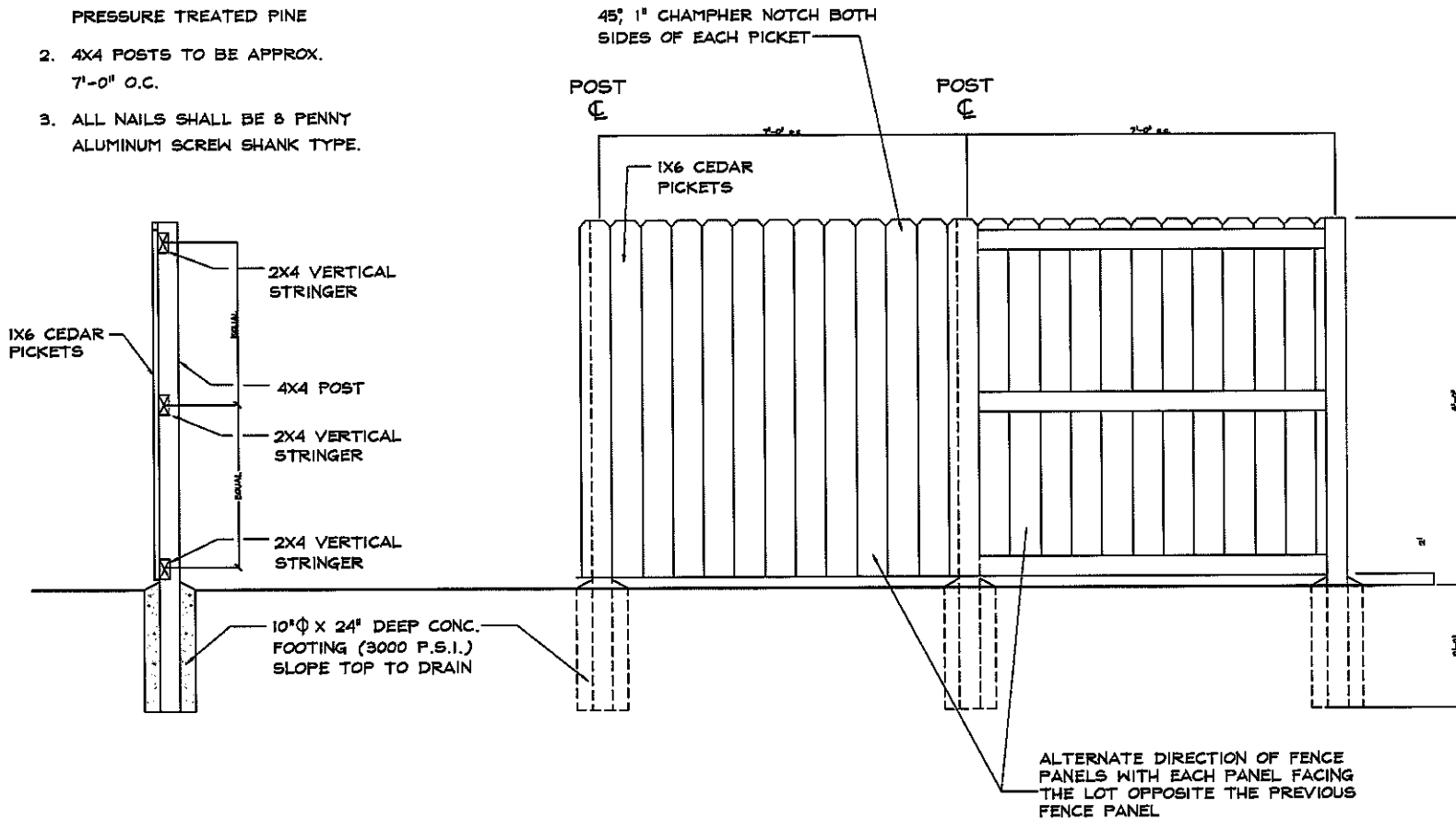


6' HT. UPGRADE WOOD FENCE

NTS

GENERAL NOTES:

1. VERTICAL PICKETS TO BE NO. 2-1X6 CEDAR (NO KNOTS) ALL OTHER WOOD TO BE #2 PRESSURE TREATED PINE
2. 4X4 POSTS TO BE APPROX. 7'-0" O.C.
3. ALL NAILS SHALL BE 8 PENNY ALUMINUM SCREW SHANK TYPE.

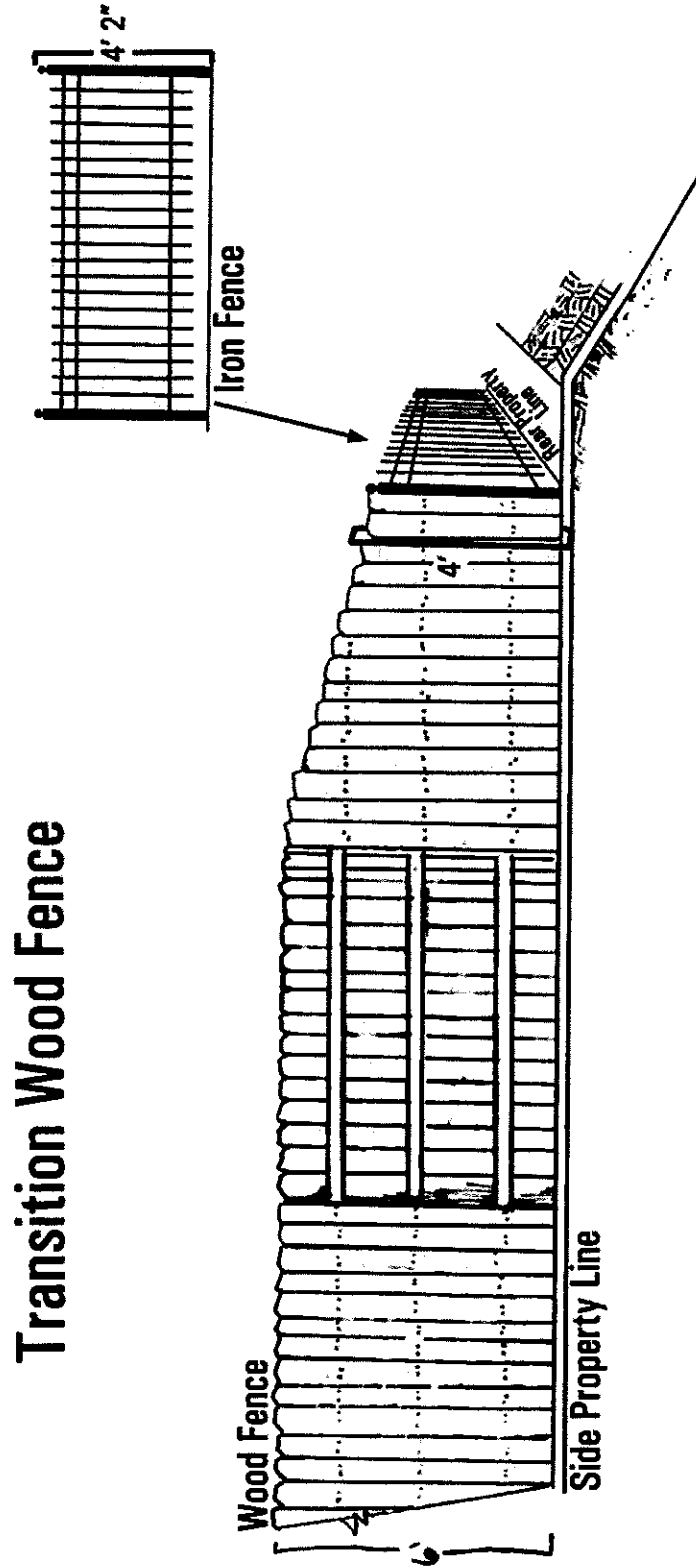


6' HT. GOOD NEIGHBOR FENCE

NTS

EXHIBIT "4.5"

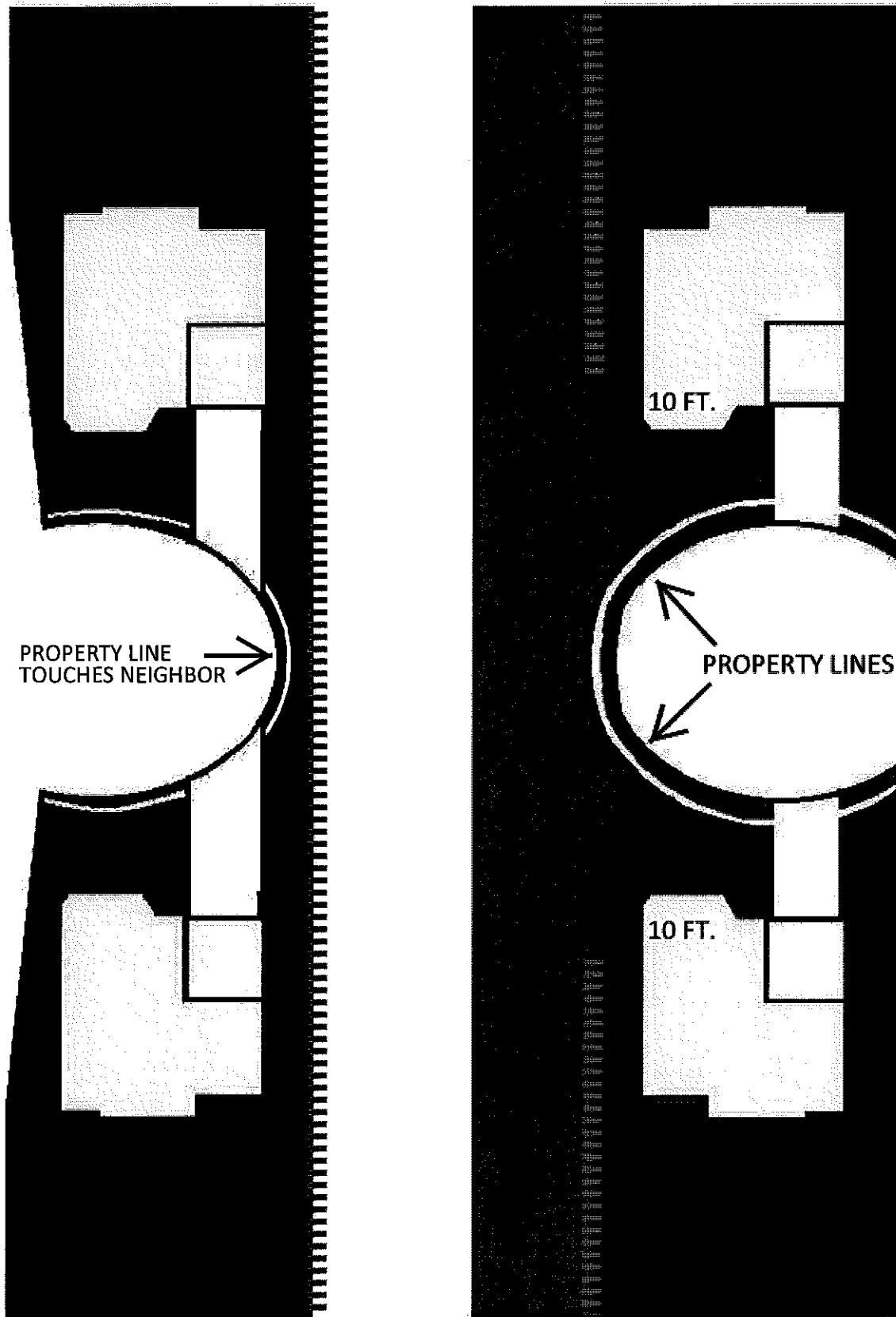
EXHIBIT "4.5.A"



Good-Nighbor Fence connection to Tubular Steel Fence

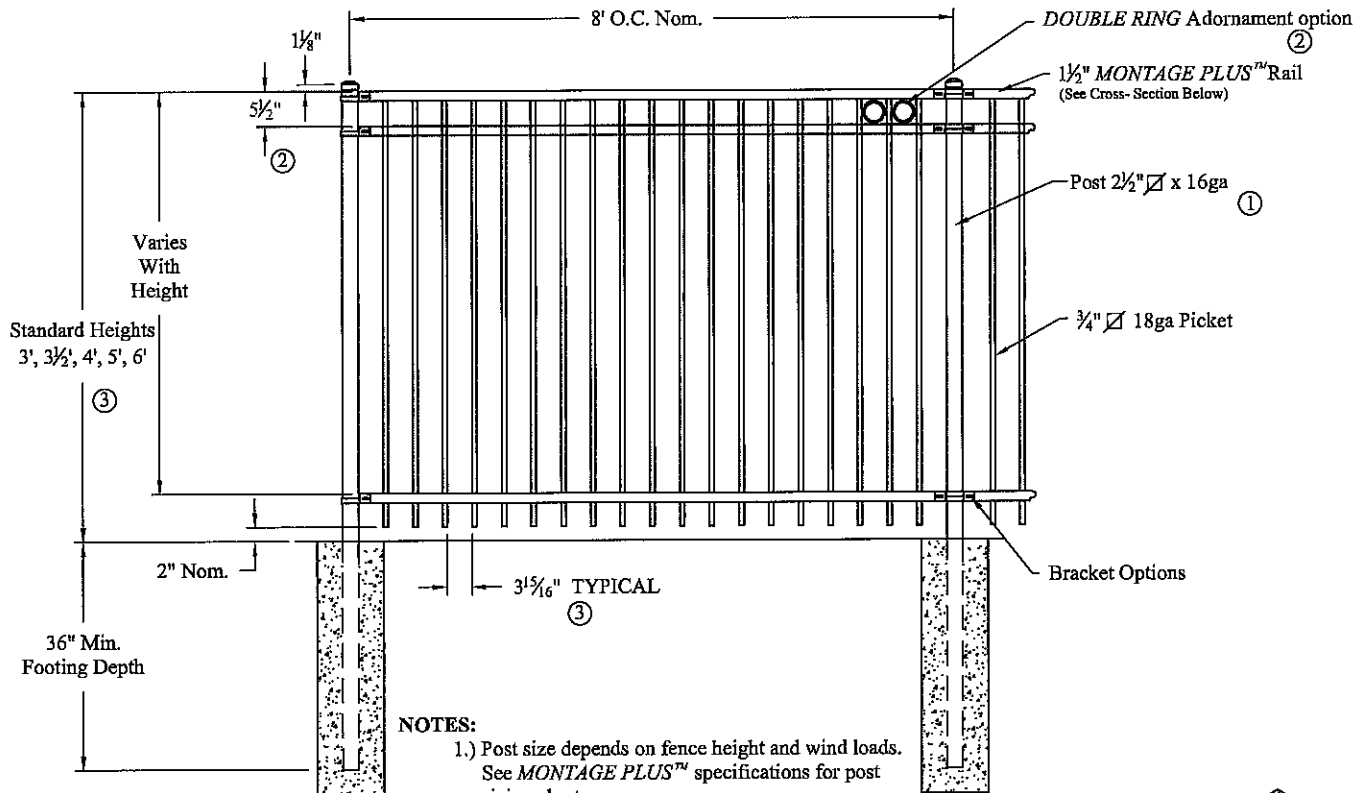
NTS

EXHIBIT "4.6"



"Upgraded Wood Fence" and Sidewalk at Cul-de-sac circle.

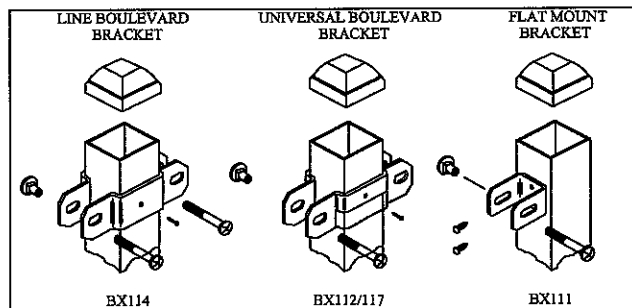
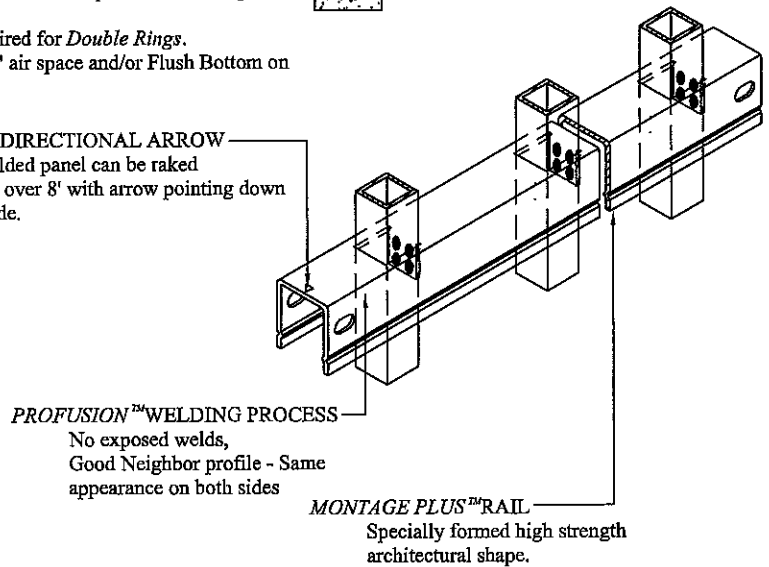
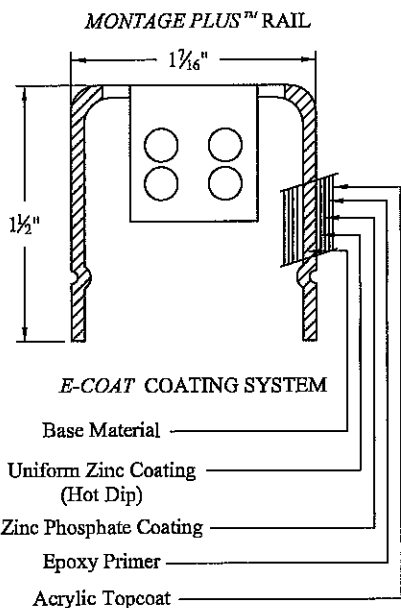
EXHIBIT "4.8"



NOTES:

- 1.) Post size depends on fence height and wind loads. See MONTAGE PLUS™ specifications for post sizing chart.
- 2.) Third rail required for Double Rings.
- 3.) Available in 3" air space and/or Flush Bottom on most heights.

RAKING DIRECTIONAL ARROW
 Welded panel can be raked 30" over 8' with arrow pointing down grade.



COMMERCIAL STRENGTH WELDED STEEL PANEL
PRE-ASSEMBLED

Values shown are nominal and not to be used for installation purposes. See product specification for installation requirements.

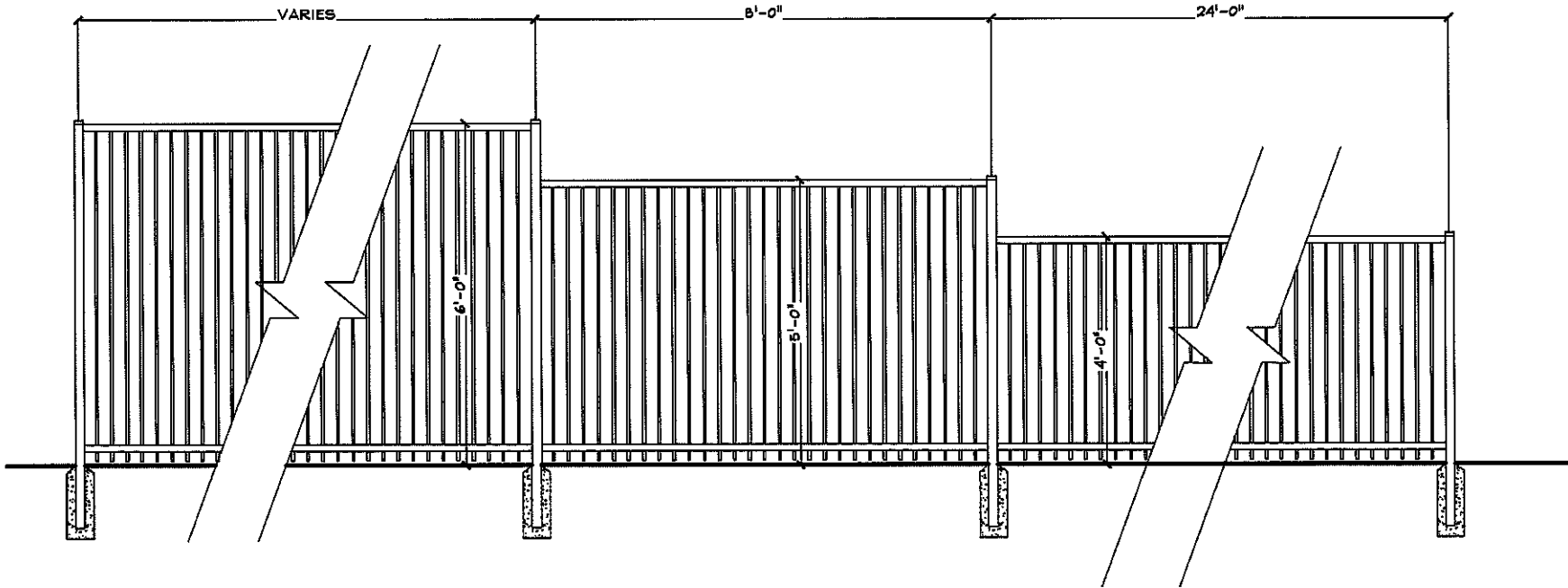
1RMISO

| | | | |
|--|--------------|---------------------|--|
| Title: MONTAGE PLUS MAJESTIC 2/3-RAIL | | | |
| DR: CI | SH. 1 of 1 | SCALE: DO NOT SCALE | |
| CK: ME | Date 6/28/10 | REV: e | |



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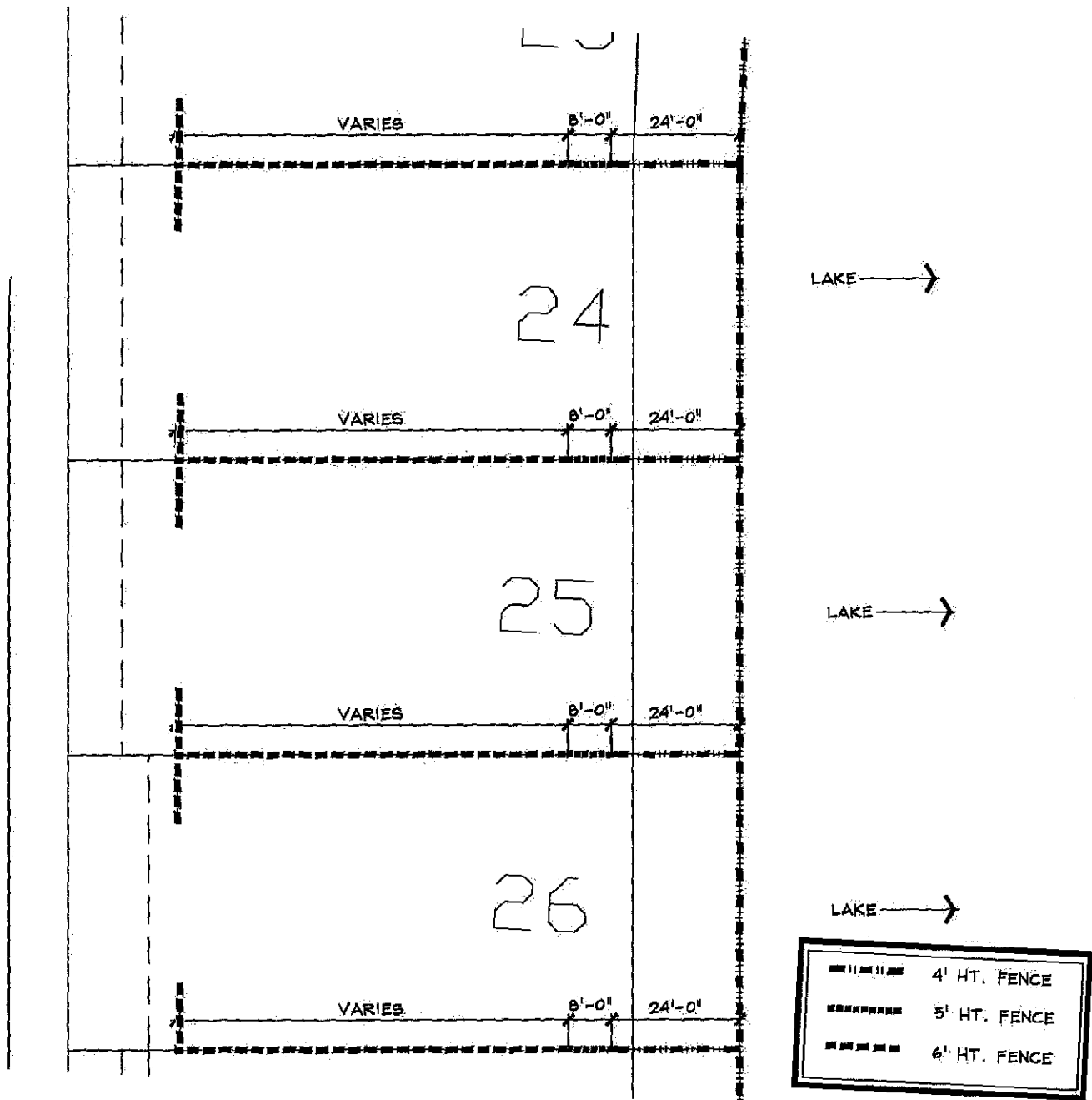
Builder Tubular Steel Fencing - Transitional Panels

Lake Lots require 100% tubular steel fencing.

SCALE: NTS

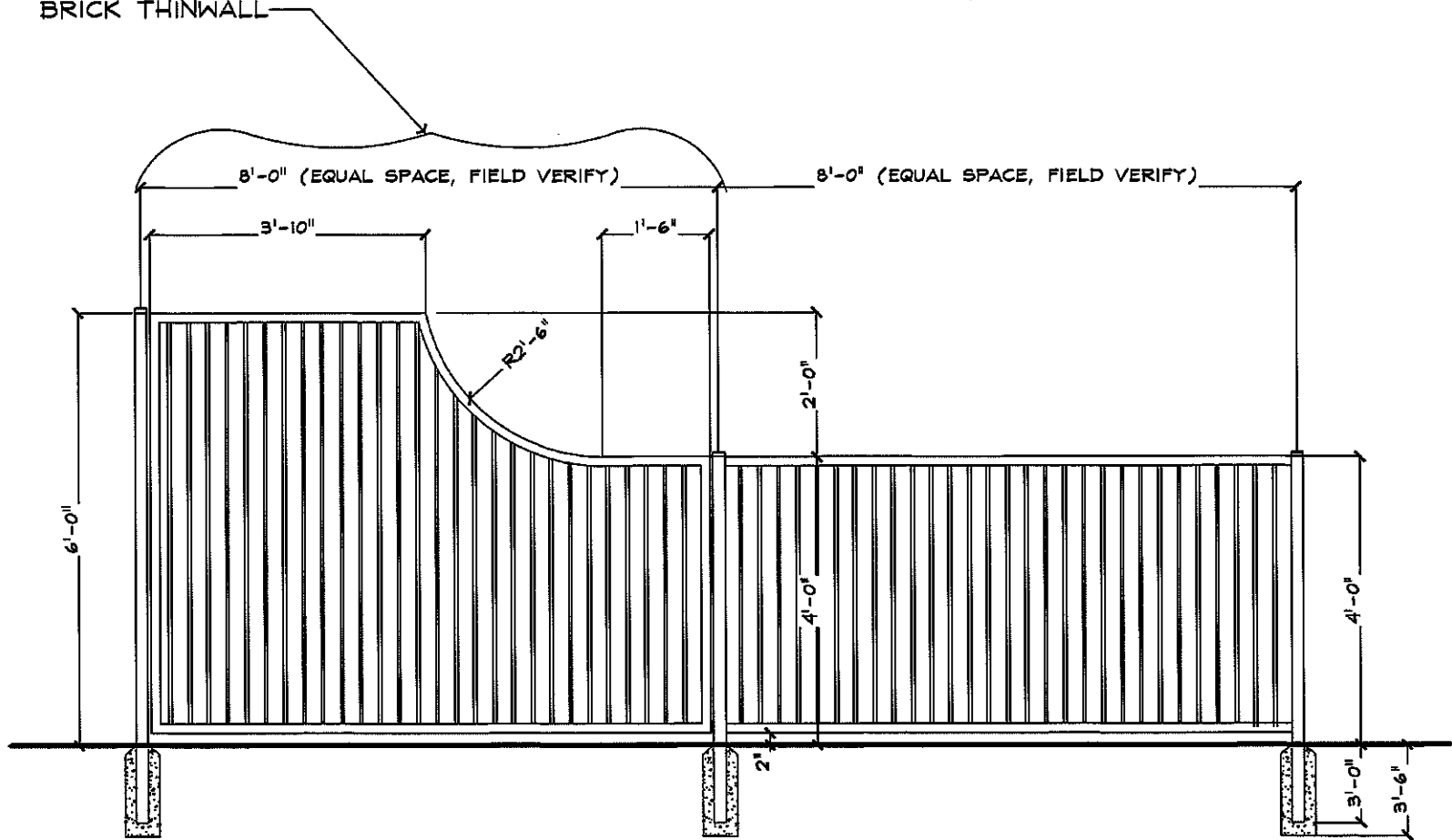
EXHIBIT "4.8.A"

EXHIBIT "4.8.B"



Builder Tubular Steel Fencing – Transitional Panel Plan View

TRANSITION PANEL
 BETWEEN 4' HT. TUBULAR
 STEEL FENCE AND 6' HT.
 BUILDERS FENCE/6' HT.
 BRICK THINWALL



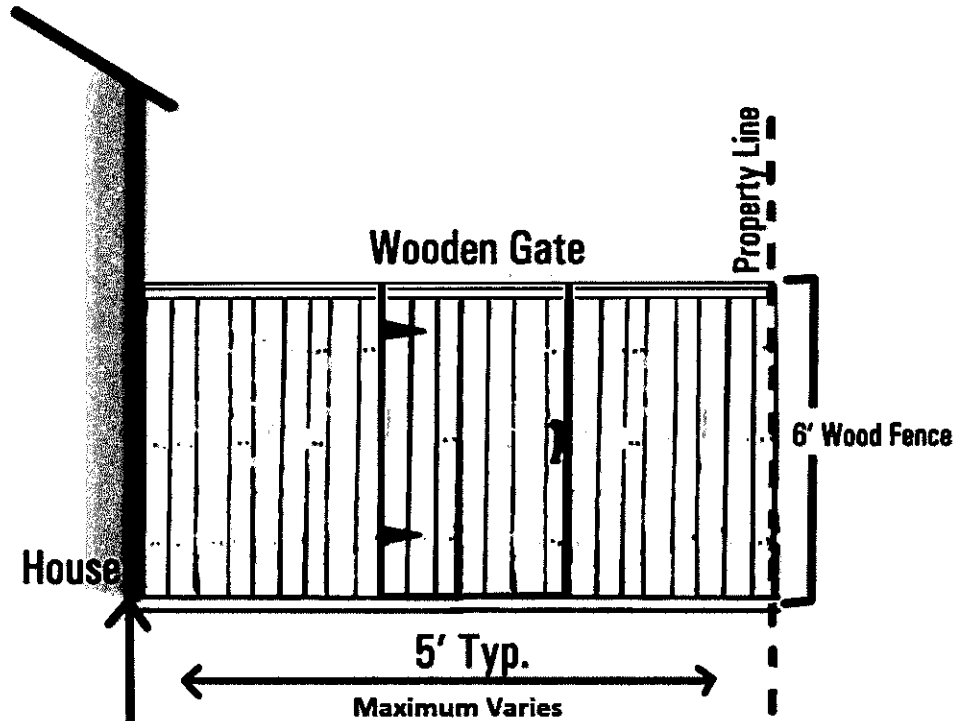
4'-0" HT. TUBULAR STEEL FENCE

NTS

EXHIBIT "4.9"

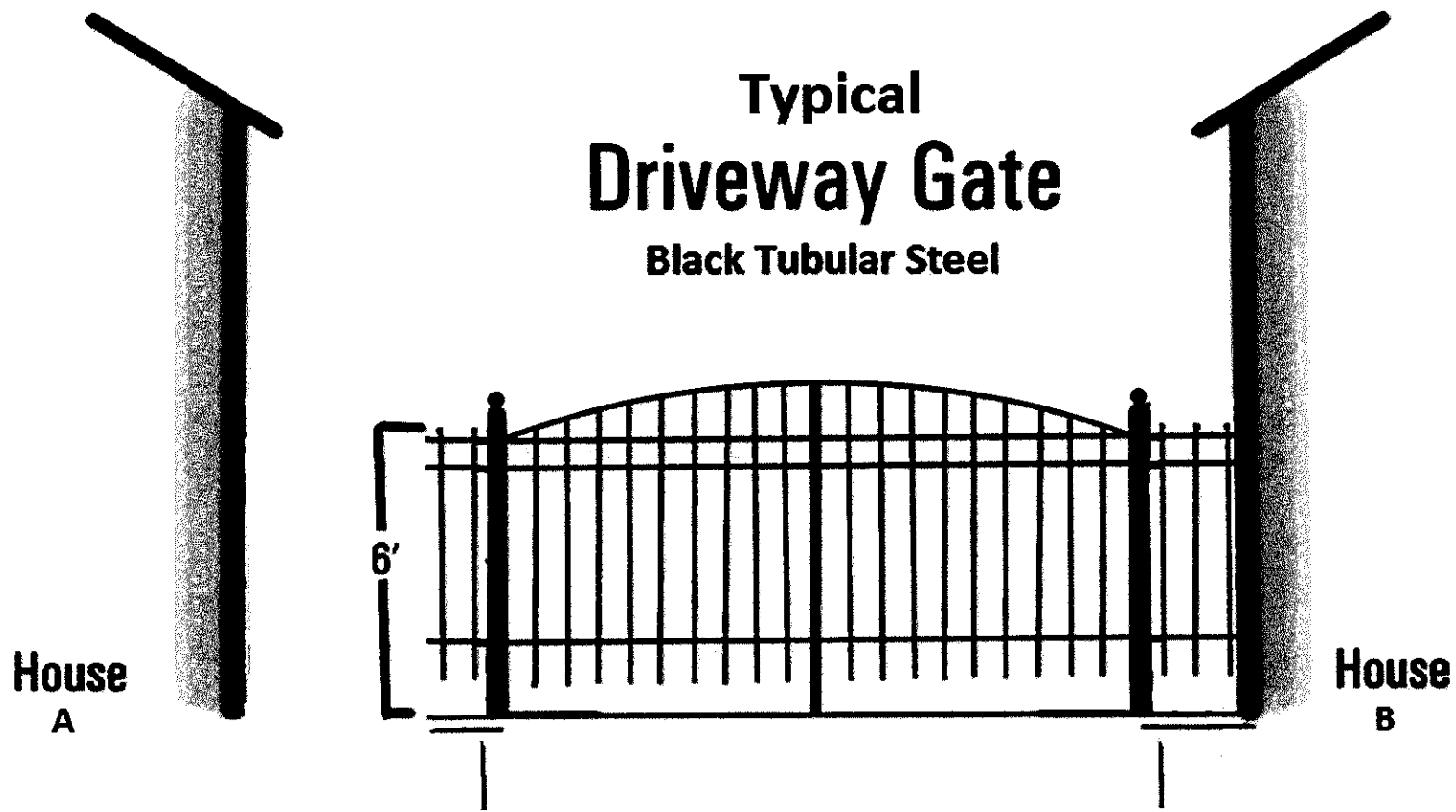
Front Fence Gate - "UPGRADED WOOD FENCE"

Only use permitted stain noted in Design Guidelines



A front fence must setback ten feet from closest front corner of residential structure.

All fencing facing the front of lot must have good side facing out to public view.



Driveway front fence gate will be 10 feet back from nearest front face of house A and B.

SIERRA VISTA

| 50' LOT & UNDER | |
|--|---|
| INTERIOR LOT | |
| <i>Street Tree</i> (3 ft. from Curb & Front ROW) | 1 Live Oak Tree - 2" caliper (Front ROW) |
| | 1 Tree - 6" caliper /15' tall |
| | 2 Shrub - 10 gallon |
| <i>Front Yard</i> | 7 Shrubs - 5 gallon |
| | 10 Plants - 1 gallon |
| | Plant bed - 5' min. |
| CORNER LOT | |
| <i>Street Tree</i> (3 ft. from Curb & Front ROW) | Same requirements as listed on INTERIOR LOT (see above) |
| <i>Front Yard</i> | Same requirements as listed on INTERIOR LOT (see above) |
| <i>Side Yard</i> (Between sidewalk & Corner Lot Side Fence) | 2 Trees - 4" caliper/ 10' tall (one tree must be pine) |
| LAKE LOT | |
| <i>Street Tree</i> (3 ft. from Curb & Front ROW) | Same requirements as listed on INTERIOR LOT (see above) |
| <i>Front Yard</i> | Same requirements as listed on INTERIOR LOT (see above) |
| <i>Rear Yard</i> | 2 Trees - 4" caliper 2 Shrubs - 15 gallon 15 Shrubs - 3 gallon (Foundation Screening) |

| 51' LOT - 64' LOT | |
|--|---|
| INTERIOR LOT | |
| <i>Street Tree</i> (3 ft. from Curb & Front ROW) | 1 Live Oak Tree - 2" caliper (Front ROW) |
| | 1 Tree - 6" caliper/15' tall |
| | 1 Tree - 4" caliper/10' tall |
| <i>Front Yard</i> | 2 Shrub - 15 gallon |
| | 10 Shrubs - 5 gallon |
| | 15 Plants - 1 gallon |
| | Plant bed - 5' min. |
| CORNER LOT | |
| <i>Street Tree</i> (3 ft. from Curb & Front ROW) | Same requirements as listed on INTERIOR LOT (see above) |
| <i>Front Yard</i> | Same requirements as listed on INTERIOR LOT (see above) |
| <i>Side Yard</i> (Between sidewalk & Corner Lot Side Fence) | 2 Trees - 4" caliper/ 10' tall (one tree must be pine) |
| LAKE LOT | |
| <i>Street Tree</i> (3 ft. from Curb & Front ROW) | Same requirements as listed on INTERIOR LOT (see above) |
| <i>Front Yard</i> | Same requirements as listed on INTERIOR LOT (see above) |
| <i>Rear Yard</i> | 2 Trees - 4" caliper 2 Shrubs - 15 gallon 15 Shrubs - 3 gallon (Foundation Screening) |

| 65' LOT & OVER | |
|--|---|
| INTERIOR LOT | |
| <i>Street Tree</i> (3 ft. from Curb & Front ROW) | 1 Live Oak Tree - 2" caliper (Front ROW) |
| | 1 Tree - 6" caliper /15' tall |
| | 2 Tree - 4" caliper/10' tall |
| <i>Front Yard</i> | 2 Shrub - 15 gallon |
| | 20 Shrubs - 5 gallon |
| | 25 Plants - 1 gallon |
| | Plant bed - 5' min. |
| CORNER LOT | |
| <i>Street Tree</i> (3 ft. from Curb & Front ROW) | Same requirements as listed on INTERIOR LOT (see above) |
| <i>Front Yard</i> | Same requirements as listed on INTERIOR LOT (see above) |
| <i>Side Yard</i> (Between sidewalk & Corner Lot Side Fence) | 2 Trees - 4" caliper/ 10' tall (one tree must be pine) |
| LAKE LOT | |
| <i>Street Tree</i> (3 ft. from Curb & Front ROW) | Same requirements as listed on INTERIOR LOT (see above) |
| <i>Front Yard</i> | Same requirements as listed on INTERIOR LOT (see above) |
| <i>Rear Yard</i> | 2 Trees - 4" caliper 2 Shrubs - 15 gallon 15 Shrubs - 3 gallon (Foundation Screening) |

FILED and RECORDED

Instrument Number: 2017050032

Filing and Recording Date: 10/11/2017 02:42:55 PM Pages: 83 Recording Fee: \$350.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

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cclerk-april