

## RESIDENTIAL ARCHITECTURAL GUIDELINES FOR LAKEMONT COMMUNITY ASSOCIATION

### A. DEFINITIONS:

Terms used in this document have the following meanings:

Association	Lakemont Community Association.
Board	Board of Directors of the Association.
ARC	Architectural Review Committee appointed by the Board
Management Company	Professional community management company in the employ of the Association.
Declaration	Lakemont Community Association, Inc., First Amended Declaration of Covenants, Conditions and Restrictions for Lakemont Sections Two, Three and Four under Clerk's File No. <u>1003032960</u> of the Real Property of Ft. Bend County, Texas, and all properties annexed into the Association.
Lakemont	All existing and future sections of Lakemont to which the Declaration applies or becomes applicable and any other subdivisions which may be or become subject to the jurisdiction of the Association.
Declarant	Ann Arundel Farms, Ltd., the creator of the Declaration and owner of the land comprising Lakemont at the time of the Declaration was recorded.
Guidelines	Rules, standards and procedures established by the ARC pertaining to building, additions, or other improvements in Lakemont.
Application	Application for Approval for exterior changes, additions, or improvements. Forms and names vary by Management Company.

### B. PURPOSE OF GUIDELINES:

These architectural guidelines and clarifications are established by the ARC with approval of the Board. They are intended to provide all homeowners information about the type, color, quality and grade of material which may be used in construction of various kinds of improvements; the size and location of such improvements; and the procedure followed by the ARC for reviewing Applications for proposed improvements. They are intended to further insure consistency in decisions and assist in expediting the decision process. The guidelines are intended to augment the Declaration and not replace or override it. These guidelines may be amended by addition, deletion, or alteration at any time via recommendation by the ARC with approval from the Board.

Ann Arundel Farms, Ltd. reviews and approves only original construction. The Association is responsible for reviewing and approving plans and specifications for all modifications to existing improvements and the Board appoints an ARC for that purpose. While the ARC will make every

reasonable attempt to be fair and equitable, the ARC and the Board will not necessarily be bound by past decisions.

These procedures and Guidelines may be amended by the Board from time to time as it deems necessary and appropriate. The Restrictions of Use in the Declaration may be revised only by a vote representing not less than 2/3 of the votes in the Association.

**C. PURPOSE OF COMMITTEE:**

The purpose of the ARC is to review and evaluate Applications for improvements to homes, structures, and properties (lots) within Lakemont, in accordance with the Declaration and these Guidelines. The ARC also functions as a central architectural control for Lakemont, in order to enhance, insure and protect the attractiveness, beauty, and desirability of the community as a whole while, at the same time, permitting compatible distinctiveness of homes within the community. The ARC will also make recommendations to the Board regarding changes or clarifications to these guidelines or the Declaration.

**D. ARCHITECTURAL REVIEW PROCEDURES:**

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

**1. General:**

An item can come before the ARC as follows:

- a. A property Owner (or his/her representative) shall submit any Application to the Management Company.
- b. An unapproved improvement may come to the attention of the Board, ARC or the Management Company. The Management Company will send a letter to the Owner requesting an Application be submitted. If no Application is received within 30 days, the Management Company will report this to the Board which will take appropriate action.
- c. If the unapproved improvement appears to be a violation of the Declaration, the initial notification/ request to the Owner will be a registered letter.

**2. Applications for Approval:**

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

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

The ARC reserves the right to request any additional information it deems necessary to properly evaluate any Application. In the event that the ARC requests additional information, the Application shall be considered incomplete until such information is submitted to the ARC and the sixty (60)

day requirement for approval of the Application, as described in the Declaration, shall not begin until such information is received. In the event that the ARC requests additional information and the information is not received within forty-five (45) days from the date of the request, the Application shall be denied. However, the applicant may thereafter submit a new Application with the requested information to the ARC for its review.

3. ARC Decisions:

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

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

In accordance with the Declaration, any Application that is not approved or disapproved within sixty (60) days of the date of its receipt shall be deemed to have been automatically approved provided, however, that (i) any such approval shall extend only to the architectural guidelines and not to any of the use restrictions set forth in the Declaration; and (ii) in no event shall non-action be deemed to constitute approval of an Application for any change, addition, improvement, or any other item that would violate the Declaration. Unless otherwise stated in the ARC's written response, all approved exterior changes, additions or improvements shall be completed within forty-five (45) days of the date construction, installation, or erection is commenced.

4. Board Appeals:

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

5. Status of Applications During Appeal:

During the appeal period, the decision of the ARC on the original Application shall remain in effect. Further, an appeal of a decision of the ARC shall not be considered a new Application resulting in approval of the original Application if a response to request for reconsideration is not submitted by the ARC or the Board within forty-five (45) days of the date of its receipt.

**E. RESTRICTIONS OF USE:**

The following Restrictions of Use are excerpts from the Article IX of Declaration and have been condensed or summarized. Homeowners should have received copies of the Declaration at closing. Additional copies are available, at cost, from the Management Company. The ARC may recommend to the Board, and the Board may, by the vote or written consent of a majority of the members thereof, allow reasonable variances as to the Article IX, Sections 15, 16, 17, 21, 22 and 24. Variances for all other Restrictions of Use in the Declaration may be obtained only by vote representing not less than 2/3 of the votes in the Association.

1. Single Family Residential Construction: **Article IX, Section 1**

Limits construction on each lot to single family residential purposes.

2. Prohibition of Offensive or Commercial Uses: **Article IX, Section 2**

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

machinery shall be done in any driveway or adjoining street. No part of the Property shall ever be used or caused to be used or allowed or authorized in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing, vending, or other such nonresidential purposes.

3. **Minimum Square Footage: Article IX, Section 3**

Specifies minimum square footage for the living area of the main residential structure on lots. Varies by development section.

4. **Building Materials: Article IX, Section 4**

The predominant exterior materials of the main residential structure, garage, ancillary buildings or other structures, whether attached or detached, shall be masonry, stucco, stone, wood or fiber cement. No single family construction, private garage, or any other structure located on the Property shall be permitted to have a heating or cooling device located in a window or any other opening which can be viewed from any portion of the Property.

5. **Location of Improvements: Article IX, Section 5**

No building shall be located on any lot nearer to the front lot line, nor nearer to the side street line than the minimum building setback lines shown on the recorded plats. Typically, the front building setback line is either twenty (20) or twenty-five (25) feet and the side street minimum setback line is ten (10) feet; however, the exact dimension must be confirmed.

No building or other improvement on a lot shall be located nearer than the minimum interior side lot line indicated in the Declaration or Supplementary Declaration; except that a garage located sixty (60) feet or more from the front lot line may be a distance of three (3) feet from an interior lot line. The minimum interior side lot setback is typically five (5) feet; however, the exact dimension must be confirmed. Each recorded original deed from Declarant mandates that a three-foot wide unobstructed easement along each common side lot line for utility and drainage purposes. Neither the ARC nor Board can grant variances to the location of improvements.

6. **Deviations: Article IX, Section 6**

Allows Declarant to approve limited deviations from these use restrictions. Those limited deviations are granted by the Declarant only on new home construction only.

7. **Composite Building Sites: Article IX, Section 7**

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

8. **Utility Easements: Article IX, Section 8**

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

9. **Electrical Distribution Service: Article IX, Section 9**

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

10. **Audio and Video Communication Service: Article IX, Section 10**

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

11. Temporary Structures: **Article IX, Section 11**

No structures of temporary character, nor any recreational vehicle, mobile home, trailer, basement, tent, shack, garage, barn, playhouse or other outbuilding shall be constructed, erected, altered, placed or permitted to remain on any Lot at any time as a residence. Notwithstanding the foregoing, Declarant reserves the exclusive right to erect, place and maintain, and permit builders to erect, place and maintain, such facilities in and upon the Property as in its sole discretion may be necessary or convenient during the period of and in connection with the sale of Lots, construction and sale of homes and construction of other improvements on the Property. Examples of such temporary structures would be sales trailers and builder construction trailers.

12. Outbuildings: **Article IX, Section 12**

Outbuildings, whether temporary or permanent, used for accessory, storage or other purposes shall be limited to eight (8) feet in height and one hundred (100) square feet in area and must be approved in accordance with Article VI, Section 1 of the Declaration. The standard, type, quality and color of materials used in the construction of gazebos, storage structures, shade and other structures shall be harmonious with those of the main residence. Metal siding or roofing shall not be permitted. Outbuildings may not be placed nearer than ten (10) feet to the rear property line, and shall meet the side lot setback criteria set forth in Article XI Section 5 of the Declaration, as modified for future land annexed into the Association and made subject to the Declaration.

13. Play Structures: **Article IX, Section 13**

Free-standing play structures such as playhouses, play forts and swing sets shall be permitted, subject to the area and height limitations of Section 12, and subject to approval by the ARC. Tents or awnings on play structures are subject to the same height restrictions. Multi-color awnings shall not be permitted.

14. Animal Husbandry: **Article IX, Section 14**

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

15. Walls, Fences and Hedges: **Article IX, Section 15**

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

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

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

On corner lots, side yard fences must be set back from the side property line a minimum of five (5) feet or 1/2 of the side building line setback shown on the plat for the applicable recorded section of Lakemont.

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

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

16. Antennae: **Article IX, Section 16**

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

17. Visual Screening: **Article IX, Section 17**

All clotheslines, equipment, garbage cans, service yards, woodpiles, refuse containers, or storage piles and household projects such as equipment repair and construction projects shall be screened by adequate planting or fencing, so as to conceal them from view of neighboring lots, streets, parks and public areas. All rubbish, trash, and garbage shall be kept in sanitary refuse containers with tightly fitting lids and shall be regularly removed from the lots and not allowed to accumulate thereon.

18. Visual Obstructions at the Intersections of Public Streets: **Article IX, Section 18**

No thing that obstructs sight lines between two (2) and six (6) feet tall can be placed or planted on the outside corner of a corner lot within a triangle formed by a distance of twenty-five (25) feet from the curb intersection.

19. Lot Maintenance: **Article IX, Section 19**

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

20. Storage of Automobiles, Boats, Trailers, Other Vehicles and Equipment: **Article IX, Section 20**

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

21. Signs, Advertisements and Billboards: **Article IX, Section 21**

No sign, advertisement, billboard or advertising structure of any kind shall be displayed to the public view on any portion of a lot except for one sign for each lot of not more than twenty-eight (28) inches by thirty-eight (38) inches solely advertising the lot for sale or rent. The Association shall have the right to remove any signs, advertisement or billboard or structure which is placed on said lot in violation of this section and in so doing shall not be subject to any liability for trespass or other tort in connection therewith or arising from such removal.

22. Removal of Soil and Trees: **Article IX, Section 22**

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

23. Roofing Materials: **Article IX, Section 23**

Roofing materials may include composition shingles, slate, clay or concrete tile. Composition shingles shall have a minimum warranty period of 25 years. Composition shingle roofs shall be comparable in color to weathered wood shingles and comparable in surface textural appearance to wood shingles. Colors for slate, clay or concrete tile roofs shall be submitted for individual approval. Any change of type or classification of roofing material after original construction shall be permitted only at the sole discretion of the ARC upon written request.

24. Landscaping: **Article IX, Section 24**

- a. The landscaping plan for each Lot shall be submitted to the ARC for approval,
- b. All front and side yards of each Lot shall, unless otherwise approved by the ARC, be sodded with grass.
- c. All landscaping for a Lot shall be completed in accordance with the landscaping plan approved by the ARC no later than thirty (30) days following the issuance of a certificate of occupancy for the residential dwelling situated thereon.
- d. No hedge or shrubbery planting which obstructs sight-lines of streets and roadways shall be placed or permitted to remain on any Lot where such hedge or shrubbery interferes with traffic sight-lines for roadways within the subdivision. The determination of whether any such obstruction exists shall be made by the ARC, whose determination shall be final, conclusive and binding on all Owners.
- e. No rocks, rock walls or other substances shall be placed on any Lot as a front or side yard border or to prevent vehicles from parking on or pedestrians from walking on any portion of such Lot or to otherwise impede or limit access to the same. No bird baths, foundations, reflectors, flag poles, statues, lawn sculptures, artificial plants, rock gardens, rock walls, free-standing bird houses or other fixtures and accessories shall be placed or installed within the front or side yards of any Lot.
- f. No vegetable, herb or similar gardens or plants shall be planted or maintained in the front or side yards of any Lot or in the rear (back) yard of any Lot if visible from any street.
- g. The ARC may from time to time promulgate rules and regulations adopting an approved list of plant life which may be utilized on any Lot, which rules and regulations may prescribe that a minimum dollar amount be established and utilized as the landscaping budget for each Lot.
- h. No Owner shall allow the grass on this Lot to grow to a height in excess of six (6) inches, measured from the surface of the ground.

- i. Seasonal or holiday decorations (e.g., Christmas trees and lights, pumpkins, Easter decorations) shall be removed from each Lot or residential dwelling within a reasonable period of time after such holiday passes. The ARC shall have the sole discretion to determine what is a reasonable period of time for seasonal or holiday decorations to exist after the holiday passes and its determination shall be final.
- j. Each Owner shall be responsible for maintaining and replacing, if needed, the front yard and street trees, in accordance with the Architectural Control Guidelines.

25. **Enforcement: Article IX, Section 25**

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

**F. ARCHITECTURAL GUIDELINES:**

1. **General:**

- a. **Precedents:** While the ARC will make every reasonable attempt to be fair and equitable, the ARC will not necessarily be bound by past decisions. The ARC reserves the right to disapprove Applications for improvements that require a variance from the established Covenants if it believes that such changes are not in the best interest of the future of Lakemont, even if a precedent was set by an earlier decision of the ARC. From time to time, the ARC will make a decision that, in retrospect, is not in the best interests of the community. The ARC and the Board reserve the right to recognize such a situation and no longer permit its use as a precedent. The same right applies if the ARC makes an error in allowing a change or addition to these Guidelines.
- b. **Quality of Repairs and Improvements:** Repairs and improvements are required to be of equal or better quality than original construction and of the same type. While there is no specific requirement for the Owner to apply to the ARC for such in-kind repairs, the quality of such work may come under the scope of the ARC's responsibilities if the repair is done in such a way as to detract from the appearance of the neighborhood.
- c. **Easement Encroachments:** It is not the responsibility of either the ARC or the Board to police encroachment into utility easement areas. If possible, the ARC will advise the Owner of a possible encroachment and recommend that the Owner seek approval or waiver from the appropriate utility. However, the ARC will not be liable for any expense incurred by an Owner as a result of action by a utility if such encroachment occurs, even if the ARC approved the change or addition without comment.

2. **Building Materials and Roofing Materials:**

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

- a. **Brick, Stone and Cultured Stone:** Brick, stone and cultured stone are the preferred building materials for siding the main residence or additions. The thickness, visible width, spacing and mortar of the brick, stone or cultured stone must be consistent with that of the original exterior and surrounding community. Each Application submitted to the ARC shall include a sample of the proposed material
- b. **Exterior Siding:** When exterior siding is to be added or replaced on any existing structure or new improvement on the Lot, it must be of the same type, quality, size, and color as the



existing siding on the main residence (unless all exterior siding is being replaced at one time). If all exterior siding is being replaced at one time, the type of siding may be changed to any of the following acceptable materials: wood, vinyl-coated aluminum, vinyl-coated steel, or fiber-cement (e.g. "hardie siding"), provided it is approved by the ARC. Aluminum, steel, or other metal siding shall not be acceptable. The following additional guidelines apply to replacement or additional exterior siding:

- (i) minimum of a 20-year warranty from a reputable manufacturer (warranty information should be submitted with the application);
- (ii) thickness, visible width, and spacing of siding must be consistent with that of the original exterior siding; each application submitted to the ARC shall specify the thickness, width and spacing of the existing and proposed siding, and shall include a sample of the proposed siding material;
- (iii) color of all siding (including siding that is not painted) must comply with the Guidelines for Painting as set forth herein; each application must include at least two (2) color samples of the proposed siding color;
- (iv) must be installed and maintained to avoid sagging, waving, warping or irregular coloration; the ARC may require the homeowner (at homeowner's sole responsibility and expense) to repair or replace siding that fails to adhere to these Guidelines.

*Use Restrictions for Roofing Materials are covered in Article IX, Section 23 of the Declaration. The following Guidelines supplement the Use Restrictions.*

c. Roofing Materials:

- (i). All roofing materials must have a minimum 25-year warranty and must be "dimensional" in appearance. A manufacturer's brochure or sample of the proposed shingle to be placed on any existing roof or any new improvement (including outbuildings) must be attached to each application submitted to the ARC. Flat, thin shingles are not approvable. Corrugated metal, corrugated aluminum, acrylics and such materials are not approvable for roofing.
- (ii) The ARC may maintain a chart depicting examples of the acceptable type, quality and color of roofing materials for homes and other improvements within the subdivision. Each shingle shall be compared to the samples set forth on the roofing materials chart to assure that the proposed shingle is of an acceptable type and quality and that its color is harmonious with the color scheme established for the subdivision.
- (iii) The color of each roofing material must not only be an earthtone, but also an acceptable shade of an earthtone color.
- (iv) Felt for all composition roofs must have a weight of at least 30 lbs.

3. Painting:

No exterior surface of any house, garage, or other structure or improvement on any lot shall be painted or repainted without prior approval of the ARC. This applies to existing, as well as new construction, and whether the proposed colors are the same or different from the existing colors. Color samples or "paint chips" of the proposed exterior color(s) must be attached to each Application submitted to the ARC.

- a. Harmonious Colors. The proposed colors must be harmonious with each other and with the colors of exterior brick and roofing materials. The ARC may maintain a chart depicting examples of the acceptable shades of earthtone colors (i.e. shades of beige, brown, gray and white). The color samples or paint chips shall be compared to the colors and shades of colors set forth on the color chart to assure that each approved color is harmonious with the color scheme established for the community.

- b. Trim. Soffit, fascia board, window and door trim and rain gutters must also be an earthtone color; however, the shades of trim color may be deeper than the principal color of the dwelling or garage.
- c. Accents. Shutters, window hoods, the side panels of doors and windows and the exterior surfaces of doors may be painted any acceptable earthtone color, including trim colors and certain acceptable shades of dark green, black, blue-gray, rust or dark blue. Window hoods may also be painted in a coppertone metallic based paint. Only one accent color is permitted per lot. Exterior doors may be stained a natural wood color or may be painted to match the other accents, trim, or main house color.

4. Decks:

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

5. Patio Covers:

- a. The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence; provided, however, that corrugated roofs for patio covers and aluminum patio covers shall not be permitted under any circumstances. If siding is used on patio covers, it must be of the same type, quality, and color as the siding on the main residence. Roofing materials on patio covers shall conform to the provisions relating to roofing materials set forth in the Declaration and these Guidelines. Louvered or trellis-style patio cover roofs may be allowed as long as the quality of materials is approved. Pressure treated wood may be stained or painted provided the color shall conform to the provisions relating to painting set forth in these Guidelines. Any patio cover which is not attached to the house shall be subject to the Guidelines set forth herein for gazebos.
- b. The location of a patio cover must not encroach on any utility or drainage easement, nor shall it violate the building set back lines applicable to the residential dwelling on any lot. Patio covers must not interfere with drainage or cause water to flow onto any adjacent lot.
- c. All patio covers must be adequately supported and constructed of sturdy materials so that the patio cover has no visible sagging or warping. This also applies to any lattice attached to the sides of the structure.
- d. Patio covers which are attached to the house shall be securely attached at a height not less than seven feet (7') nor more than twelve feet (12') from the ground. Patio covers which are attached to a detached garage or breezeway must be securely attached at a height below the eaves of each structure at a height of not less than seven feet (7') nor more than nine feet (9') from the ground. The top of the patio cover at its lowest point shall not be higher than eight feet (8') from the ground. The patio cover roof shall provide an attractive slope away from the house at an angle which does not exceed that of the roof on the house.
- e. The roof of all patio covers (other than arbor or trellis type) must be covered with shingles meeting the roofing Guidelines set forth herein. Where the patio cover is gabled, the roof pitch should match the roof pitch of the portion of the home where the cover is attached. If the patio cover is not gabled, it should have a 3:12 slope. Flat or trellis-roofed patio covers will be considered on a case-by-case basis

6. Patio Enclosures:

A "patio enclosure" is any patio cover which has exterior walls and/or screens (other than "sun rooms" as defined in these Guidelines).

- a. All structural components of patio enclosures, including roofing materials, shall be subject to the Guidelines set forth herein for "patio covers". This section describes additional requirements for walls, screens and frames used to enclose a covered patio or deck.
- b. The standard, type, quality and color of the materials used in the construction of a patio enclosure must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence. Exterior walls of a patio enclosure shall be constructed of brick or siding which is of the same type, quality, and color as those of the main dwelling on the lot. Aluminum siding is not allowed. No visible part of the enclosure may be made of metal other than screens, frames, and storm doors. Patio enclosure screens must be the same color as existing window screens on the main dwelling and must have adequate cross-member support to avoid sagging. The exterior color of doors, sills, beams, frames, or other visible supports must match the exterior colors of the main dwelling or the color of existing window frames.

7. Sunrooms:

A "sunroom" is any room with glass-enclosed walls or a glass ceiling. The ARC may reject any Application to construct a sunroom on a lot on the basis of its overall design and conformity with existing structures regardless of whether or not the proposed sunroom complies with the technical specifications set forth below.

- a. Applications must be accompanied by a detailed scale drawing or blueprint showing the three dimensional relationship of the sunroom to the existing structure. Applications must also include a plot plan showing the location of the sunroom in relation to all lot boundary lines, the residence, the easements and the building setback lines. Applications must also include a detailed material list and include the name, address, and business phone number of the contractor or installer. Applications may be rejected for failure to provide any of these required items.
- b. A sunroom may be added to the rear of the residence only. Applications for sunrooms on cul-de-sac lots and corner lots where the rear of the house faces a street or other community property will be considered on a case-by-case basis.
- c. Supporting structural members must be of a color and shade similar to and harmonious with the exterior color of the residence. Glass must be tinted in a shade compatible with the exterior of the residence. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Applicants may be required to submit actual samples of the glass with the proposed shading/tinting material applied for approval.
- d. The floor of the sunroom must be of reinforced concrete slab construction with 3" minimum thickness. No other flooring material will be permitted.
- e. Only safety glass will be permitted for the panes. No fiberglass, plexiglass, plastic, acrylic, mesh, or other materials will be allowed. Safety glass must be a minimum 3/16" thick if tempered glass or a minimum 1/4" thick if laminated glass. Maximum width of glass between support trusses will be 36" measured center-to-center.
- f. Support trusses (glazing bars) must be constructed of aluminum or aluminum alloys with electrostatically applied coloring/paint to withstand 100 m.p.h. wind and 25 lbs. per square foot. No natural aluminum oxidation coloring will be allowed. No wood, composite, steel, fiberglass, or plastic trusses will be allowed. Trusses must be of structural box or I-beam construction. Round, oval, or "T" shaped trusses will not be allowed.
- g. The roof of a sunroom must have a minimum pitch of 1" per 12" of projection. The sunroom may not project more than twenty feet (20') measured from the rear facing plane of the residence. The sunroom may not project beyond either side-facing plane of the residence. A sunroom may not encroach on any existing setbacks or easements.

- h. Sunrooms are only permitted as ground structures. The maximum height of the roof, measured from the concrete floor, may not exceed either twelve feet (12') or the height of the eaves of the wall that the sunroom projects from, whichever is lower.
- i. If ceiling lighting is installed, it must be downward-directed, focused, low-wattage track lighting. Any electrical plug outlet installed within the trusses/glazing supports must be of the UL approved Ground Fault Interrupt (GFI) type.
- j. Sunrooms may not have turbine-type or forced fan roof ventilators installed. Only natural draft/convection flow panels that open may be installed. Panels that open may not exceed 36" x 36" in size and must be at least 36" in any direction away from adjoining opening panels.
- k. Sunrooms may not have exposed air conditioning or heating ductwork installed on the exterior thereof. Vents must be attached to the main residence. No ductwork shall be visible.
- l. Window coverings are not required. However, only interior coverings will be permitted; there shall be no exterior covering of the sunroom glass allowed. The side of the window covering facing the exterior must be of a neutral, earth-tone color, which must also blend with the exterior color of the home. If there is covering on any one window, then all windows must be covered with the same treatment. Color and material samples of coverings may be required to be submitted for approval, at the discretion of the ARC.

8. Swimming Pools And Spas:

- a. The Application for the construction of a swimming pool or spa must include a plot plan showing the proposed location of the swimming pool or spa in relation to the property lines, building lines, easements, existing structures and existing or proposed fences. If any trees are to be removed or relocated, this must also be noted. The Application shall also include a timetable for the construction.
- b. No swimming pool or spa shall be approved unless the area in which the pool is to be located is either enclosed by a six foot (6') fence constructed of wood or of wrought iron as provided in these Guidelines or such a fence is proposed to be constructed in conjunction with the swimming pool.
- c. Swimming pools and spas must also have an adequate drainage system according to the requirements of any governmental agency having jurisdiction or, in the event there is no governmental agency having jurisdiction, as deemed appropriate of the ARC. Under no circumstances shall water from a swimming pool or spa be permitted to drain onto the surface of the lot on which the swimming pool or spa is situated or onto any adjacent lot.
- d. During construction, the pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists. If a portion of an existing fence is removed during construction, a temporary fence or barrier must be erected to fully enclose the area in which construction is taking place. Further, no building materials shall be kept or stored in the street overnight. Excavated material shall either be used on site or removed from the premises and legally disposed off-site by the pool contractor.
- e. The construction of all swimming pools must be in compliance with the National Electrical Code and include the installation of a ground fault circuit interrupter. No swimming pools may be enclosed with screens. No swimming pool or spa shall be approved for construction on utility or drainage easements or in a manner that causes water to flow on an adjacent lot.
- f. The pool mechanical equipment may be placed within the side yard setback, but must be located within the fenced area of the home. The pool equipment may not be placed in such a way as to impede the three foot (3') wide side yard drainage easement.
- g. Above-ground swimming pools are not permitted.

9. Outbuildings:

*Use Restrictions for Outbuildings are covered in Article IX, Section 11 of the Declaration. The following Guidelines supplement the Use Restrictions.*

- a. Only one (1) outbuilding not exceeding one-hundred (100) square feet and eight feet (8') in height shall be permitted on a lot. The standard, type, quality and color of the materials used in the construction of the outbuilding shall be harmonious with those of the main residence.
- b. Building materials, including siding and roofing must be consistent with these Guidelines. Metal or vinyl buildings are not approvable.
- c. Outbuildings must conform to the building front and side setback restrictions set forth in the Declaration. No outbuilding shall impede drainage from the lot or cause water to flow onto an adjacent lot.

10. Landscaping:

*Use Restrictions for landscaping and tree and soil removal are covered in Article IX, Sections 22 & 24 of the Declaration. The following Guidelines supplement the Use Restrictions.*

- a. In general, the addition or movement of trees, shrubs and other live items of landscaping is acceptable without a formal review by the ARC. Exceptions are landscaping that is, or will act as, a non-compliant fence, items that obstruct access to a vital community service (such as a fire hydrant), items that obstruct visibility causing a hazard to vehicular or pedestrian traffic, items that create a hazardous condition or any item that generates a complaint from a resident of the community. These Guidelines apply to items that create a non-acceptable condition upon installation, items that grow to become non-acceptable and items that require replacement (such as street trees and front yard trees).
- b. Removal of individual trees is discouraged unless the tree is diseased, dead, severely damaged or poses a hazard. Any dead or removed front yard trees must be replaced with a minimum 30 gallon container grown tree. Lots in Lakemont require a minimum of two front yard trees. It is the owners responsibility to maintain these trees. If a tree dies, it shall be replaced by the property owner with the same species. Removal of multiple live trees, without suitable immediate replacements from any single property, is not approvable.
- c. In addition to yard trees, street trees shall be located and maintained in the front right-of-way and side right-of-way of lots and on the collector streets in Lakemont. This right-of-way area is defined as the green space between the curb and the sidewalk. If a street tree dies, it shall be replaced by the property owner with the same species, a minimum 15 gallon size container grown specimen. Additional trees planted in the front yard, shall not be planted nearer than ten feet (10') to the line of street trees.
- d. Landscape timbers or railroad ties are not permissible within the portion of the yard visible from any street.

11. Fencing:

*Use Restrictions for Fencing are covered in Article IX, Section 15 of the Declaration. The following Guidelines supplement the Use Restrictions.* Front yard wall, fence and hedge locations and heights are strictly controlled and are low in height to create an attractive setting where homes and landscaping are visible and sight lines at intersections are not obstructed.

a. Wood Fence Construction.

- (i) Wooden fences facing the front street or along any side street, rear street property line or greenbelt shall be constructed with all pickets on the outside so that no posts or rails are visible from the street.
- (ii) All other wooden fences must be constructed in the manner described above or must be constructed in panels (each of which is 6 to 8 feet in length) erected in a "good neighbor"

fashion so that posts and rails are exposed only on alternate panels when viewed from either side of the fence.

- b. Gates: All gates shall be constructed with the same materials as the fence. The hinges and latches used on the gate should be of the same style and quality of those used throughout the subdivision.
- c. Color:
  - (i) Wood Fences: No portion of a wood fence on a lot which is visible from any street may be painted or stained. Portions of a fence which are not visible from any street may be stained in acceptable earthtone colors of brown, beige or gray. The ARC may maintain a chart depicting examples of earthtone colors and shades of earthtone colors for stains on wood fences. Each stain color sample submitted by a homeowner shall be compared to the colors and shades of colors set forth on the fence stain color chart to assure that each approved stain is harmonious with the color scheme established for the subdivision.
  - (ii) Tubular Steel or "Wrought Iron" Fences: Tubular steel or "wrought iron" fences must be black and no more than six feet (6') in height. Spacing bars must be no greater than four inches (4") on center. The location of all wrought iron fences must be approved the ARC. Picket tops shall be flat; no finials or objects on top of the pickets shall be permitted. Picket spacing and material size shall conform to the fence shown in Exhibit "B" attached.
- d. Columns: Brick or stone columns may be constructed and used as fence posts. These must be of a material to match the exterior of the home and not exceed six feet (6') in height. The face of such columns constructed in the front of the home must be a minimum of three feet (3') behind, the platted front-lot building line.

## 12. Exterior Lighting:

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

- a. Changes to Existing Lighting: Outside lighting which was installed at the time of original construction or which was installed after original construction with the approval of the ARC may be replaced with a new fixture provided that the wattage of the new fixture is comparable to the wattage of the existing fixture.
- b. Security Lighting: Security lighting shall be mounted behind the back plane of the home and below the eaves of the home. No pole mounted lights will be permitted. Mercury vapor/sodium vapor lights, which are considered incompatible with the neighborhood, are not permitted.
- c. Landscape Lighting: Landscape lighting is permitted as long as the lighting fixtures are located in flower beds, shrubs, and similar landscaping. Tree mounted landscape lighting will be permitted as long as the fixture is not mounted higher than eight (8) feet above ground level. Mercury vapor/sodium vapor lights are not permitted as landscaping lighting.
- d. Gas Lighting: Two (2) gas lights per lot shall be permitted with the ARC's approval. The gas lighting color must be white light.
- e. Annoyances: All new lighting which is approved by the ARC shall be subject to a 90 day trial period after installation to assure that the lighting is not objectionable to surrounding residents. The 90 day period will commence on the date of installation. If, at the end of the 90 day period, the ARC determines that the lighting is unreasonably offensive or an annoyance to surrounding neighbors, the lighting will be required to be modified or be removed in accordance with the ARC's decision.

13. Garages:

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

14. Driveways and sidewalks:

- a. Replacement driveways must be to the same quality, line, grade and location as the original driveway for the residence.
- b. Replacement sidewalks must be to the same quality, line, grade and location as the original sidewalks for the residence. Additional sidewalks are subject to ARC approval.
- c. Driveways and sidewalks may be paved with concrete or other masonry materials which relate to the architecture of the residence. The masonry material must be compatible, not only with the home, but with any other walkways or terraces on the lot. Materials such as textured concrete, stamped concrete, colored concrete, interlocking pavers, brick border pavers, and cut stone shall be permitted with the ARC's approval.
- c. The maximum driveway width for homes with attached garages is seventeen feet (17') at the front property line. The maximum driveway width for homes with detached garages is twelve feet (12') at the front property line.

15. Basketball Goals & Hoops:

A basketball goal may not be installed or erected on lot without the prior approval of the ARC and shall be subject to the following:

- a. Type and Quality: Basketball goals must be mounted on a rigid steel or aluminum pole. Goals on the garage or home structure are not permitted. The backboard material must be fiberglass or safety glass. The color must be clear (safety glass), gray or white with the exception of the white, black, orange or red manufacturer's outline markings. The rim should be of heavy gauge steel and white, black or orange in color. The net must be maintained in good condition as determined by the ARC. The pole must have a manufacturer's weather resistant finish or be painted black or white.
- b. Location: Basketball goals must be installed (i) behind the center-line of the main structure of the home, perpendicular to the street on the driveway, or (ii) in rear (back) yards subject to setback and easement restrictions.
- c. Restrictions: A pole-mounted goal must not be within ten (10') feet of an adjacent lot owner's amenities (air conditioning unit, shrubbery, gas meter, driveway, etc.) unless properly protected (i.e., by fence or shrubbery). No pole-mounted goals will be allowed along the neighbor's adjoining side of a driveway if a neighbor's first story house window(s) are exposed. Goals installed near a lot boundary line must include with the Application a letter stating that the owner will remove the goal if requested by the Board.
- f. Revocation: The Board may revoke its approval and require removal of any basketball goal which it reasonably determines to be a nuisance to the neighbors.
- e. Portable Basketball Goals: Portable basketball goals must be stored out of view from any street in the subdivision when not in use, and are not approvable for permanent installation. Portable basketball goals may not be utilized within any common area or public right of way (including streets or cul-de-sacs).

16. Play Structures:

*Use Restrictions for the height and size of children's play structures are detailed in Article IX, Section 13 of the Declaration. The following Guidelines supplement the Use Restrictions.*

- a. For the purpose of these Guidelines, a children's play structure shall mean any type of play set, climbing structure, play fort, slide, or swing set and shall be restricted to the fenced portion of the lot.
- b. The play structure shall not exceed ten feet (10') in height and shall not be located closer than five feet (5') to any property line. No play structure shall be located on a utility easement, impede the drainage on the lot, or cause water to flow to an adjacent lot.
- c. Solid color awnings of dark green or blue are permitted. Multi-color tarps, wind socks, or streamers attached to the play structure are not allowed.

17. Antennae:

*Use Restrictions for Antennae are covered in Article IX, Section 16 of the Declaration. The following Guidelines supplement the Use Restrictions.*

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

18. Signs:

*Use Restrictions for Signs, Advertisements and Billboards are detailed in Article IX, Section 21 of the Declaration. The following Guidelines supplement and/or provide variances the Use Restrictions, as permitted under Article VI, Section 5 of the Declaration.*

- a. Home Security Signs. No signs shall be permitted on any lot except for a limited number of small, inconspicuous, discretely placed signs for the purpose of warning of the presence of a home security system. Each sign shall be from a professional security company and should not exceed one (1) square foot in area. One (1) sign shall be allowed in the front yard and one (1) shall be allowed within the rear, fenced in portion of the lot. Each sign may be mounted on a stake or a wall of the house or garage. If stake mounted, the top of the sign shall not exceed two feet (2') from the ground level when installed and must be no further than three feet (3') away from the house or garage. Signs must be of an acceptable color which is harmonious with the surrounding structure and landscaping.
- b. Other Types:
  - (i) Open house. One (1) temporary open house sign is allowed in front of residence on the day of open house only. Size: no more than six square feet (6') overall.
  - (ii) School Organization. One (1) temporary (not exceeding 24 hours) school sign is allowed in the planting beds of a residence not farther than three feet (3') from the outside wall of the house, unless otherwise noted and approved by the ARC. Maximum Size Allowed: 42" in height and 18" in width.



- (iii) Yard of the Month. One (1) yard of the month sign supplied by the Association is allowed in the planting bed of the residence not farther than three feet (3') from outside wall of house.

19. Miscellaneous:

*Use Restrictions for Birdhouses, Flagpoles and Weathervanes are detailed in Article IX, Section 24(e.) of the Declaration. The following Guidelines supplement and/or provide variances the Use Restrictions, as permitted under Article VI, Section 5 of the Declaration.*

- a. Birdhouses. Birdhouses shall be permitted subject to the prior approval of the ARC. No birdhouse shall be situated higher than eight feet (8') above the ground and no more than two (2) birdhouses shall be permitted on a lot. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the home and other improvements on the lot. Any birdhouse must be within the fenced area of the lot.
- b. Flag poles. Flag poles shall be permitted subject to the prior approval of the ARC. Flag poles exceeding twelve feet (12') in height and permanently installed in the ground are prohibited. Flag poles must be located within twelve feet (12') of the main structure, and must be in a planting bed. A flag staff may be mounted on the home, garage, tree or other improvement structure so long as the length of the staff does not exceed six feet (6') and the top-most part of the staff does not extend to a point higher than the highest point of the specific structure (tree, home, garage, etc.) on which it is mounted.
- c. Weather vanes. Weather vanes shall be permitted subject to the prior approval of the ARC. Weather vanes may be black metal, stationary, and mounted on the roof of detached garages only. Although most weather vanes have a standard staff, unusual height may be cause for rejection.
- d. Rain Gutters. Rain gutters may be plastic or aluminum items, and must be painted a color compatible with the home on which it is installed. Application should be made showing the extent of guttering and location of downspouts.
- e. Awnings and Solar Screens. Awnings visible from the front street or side street shall not be permitted. Awnings on the rear portion of a lot must be approved by the ARC. Solar screens are restricted to black, dark brown, or dark gray and must be constructed and installed to professional standards. Solar screens may be permitted in the front of the home if they are constructed with mullions that match the mullions of the windows being covered, so as to not distract from the architectural harmony of the home. Solar screens without mullions may be located on the sides or rear of homes only. All solar screens must be approved by the ARC.
- f. Emergency and Disaster Reaction: Disasters such as fire and weather may cause significant construction and repair activity to take place. Temporary repairs or structures (those that are present for no longer than 6 months during reconstruction) will be acceptable under such a condition. Reconstruction in the form that existed before the disaster will be acceptable without approval by the ARC.

Temporary protective action in the event of certain weather conditions, such as hurricane warnings, will not require approval of the ARC. All such installations must be completely removed and the property restored to its original condition within 15 days of the passing of the emergency. This rule specifically applies to, but is not limited to, the boarding of windows and doors during a hurricane threat.

- g. Burglar Bars. The use of burglar bars on the exterior of any window or doors is prohibited. Burglar bars are permitted on the inside of the windows.

*Use Restrictions for Holiday Decorations are detailed in Article IX, Section 24(i.) of the Declaration. The following Guidelines supplement the Use Restrictions.*


- h. Holiday Decorations: Holiday decorations are permitted and will not require approval. Decorations may be installed no sooner than 30 days prior to the holiday and must be removed

within 15 days after the holiday for which they are intended. The ARC reserve the right to require the removal of decorations that either generate complaints or are deemed offensive.

ADOPTED on the date set forth opposite each name to become effective upon recording.

BOARD OF DIRECTORS  
Lakemont Community Association, Inc.

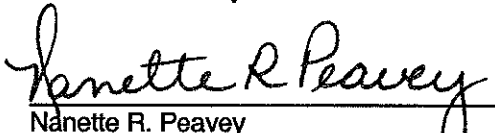
Date: 2/14/03

  
Liz B. Dantone

Date: 2/14/03

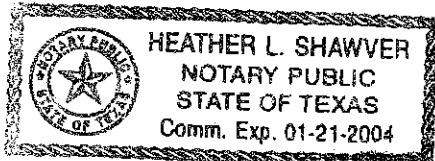
  
David C. Lowe

Date: 2/14/03

  
Nanette R. Peavey

STATE OF TEXAS           §  
                                     §  
COUNTY OF HARRIS       §

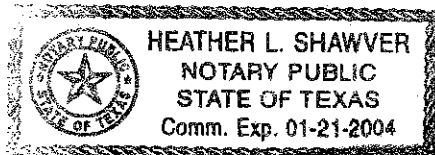
This instrument was acknowledged before me on February 14, 2003, by Liz B. Dantone, as Director of the Lakemont Community Association, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed, in the capacity stated.



*Heather L. Shawver*  
Notary Public, State of Texas

STATE OF TEXAS           §  
                                     §  
COUNTY OF HARRIS       §

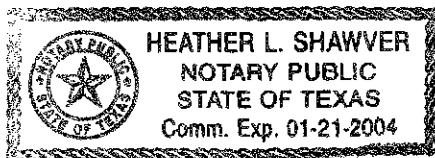
This instrument was acknowledged before me on February 14, 2003, by David C. Lowe, as Director of the Lakemont Community Association, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed, in the capacity stated.



*Heather L. Shawver*  
Notary Public, State of Texas

STATE OF TEXAS           §  
                                     §  
COUNTY OF HARRIS       §

This instrument was acknowledged before me on February 14, 2003, by Nanette R. Peavey, as Director of the Lakemont Community Association, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed, in the capacity stated.



*Heather L. Shawver*  
Notary Public, State of Texas

**RETURN TO:**

**Friendwood Development Company**  
Liz B. Dantone  
**550 Greens Parkway Suite 100**  
**Houston, Texas 77067-4526**