

THE LAKES AT HIGHLAND GLEN COMMUNITY ASSOCIATION INC.

ARCHITECTURAL AND LANDSCAPE DESIGN GUIDELINES

April, 2005

Due to the nature of the community documents, we felt it was important to converge pertinent information regarding architectural submittals into one document ARCHITECTURAL AND LANDSCAPE DESIGN GUIDELINES. These Architectural and Landscape Design Guidelines for The Lakes at Highland Glen will provide you with information relevant to improvements, which require approval from the Architectural Review Committee, pursuant to Article VII Section B ARC Approval Required of the CC&R's.

ARCHITECTURAL REVIEW COMMITTEE

In accordance with the CC&R's, an Architectural Review Committee shall be established and shall perform the duties set forth in the CC&R's. In addition to other duties outlined in the CC&R's, the Architectural Review Committee may adopt guidelines and procedures for the preparation, submission and determination of the application for any approvals required for the construction of any structures, landscaping, or other improvements within The Lakes at Highland Glen.

The Architectural and Landscape Design Guidelines, as set forth in this document, are intended to interpret the CC&R's and implement procedures for the Architectural Review Committee's review of, and the standards for the development of single family homes within The Lakes at Highland Glen in accordance with the CC&R's, including, but not limited to, architectural design, placement of buildings, landscaping, plant selection, color schemes, exterior finish and material, signage, wall design and similar matters.

These Architectural and Landscape Design Guidelines are not intended to modify the CC&R's. The Architectural Review Committee does not have the authority to grant a variance as to any provision of the CC&R's, unless the CC&R's expressly allow the Architectural Review Committee to grant such variance.

A. ANTENNAS AND SATELLITE DISHES

No exterior antennas, aerials, satellite dishes, or other apparatus for the reception of television, radio, satellite or other signals of any kind shall be placed, allowed, or maintained upon any portion of the property, including any Homesite, which is visible from any street, common area or other Lot unless it is impossible to receive signals from said location.

In that event, the receiving device may be placed in a visible location as approved by the ARC. The ARC may require as much screening as possible while not substantially interfering with reception. The Declarant and/or the Association shall have the right, without obligation, to erect or install an aerial, satellite dish, master antenna, cable system, or other apparatus for the transmission of television, radio, satellite or other signals for the benefit of all or a portion of the Property.

No satellite dishes shall be permitted which are larger than one (1) meter in diameter. No broadcast antenna mast may exceed the height of the center ridge of the roofline. No Multichannel Multipoint Distribution Service ("MMDS") antenna mast may exceed the height of twelve feet (12') above the center ridge of the roofline. No exterior antennas, aerials, satellite dishes, or other apparatus shall be permitted which transmit television, radio, satellite or other signals of any kind shall be placed, allowed or maintained upon any portion of the Property.

The Declarant by promulgating this Section is not attempting to violate the Telecommunication Act of 1996 ("The Act"), as may be amended from time to time. This Section shall be interpreted to be as restrictive as possible while not violating The Act.

In the event that it is impossible to receive a signal from a non-visible location, the installation of antennas shall be subject to Rules and Regulations, which may be promulgated by the Association setting out preferred alternate locations for antennas.

B. BASKETBALL EQUIPMENT

1. No basketball goal, net and/or backboard may be kept, placed or mounted upon any Lot or kept, placed, attached or mounted to any fence or Dwelling without prior approval by the ARC.
2. All basketball goals, net and/or backboards are subject to Builder Guidelines and Bulletins, and reasonable Rules and Regulations as to type, location and hours of use promulgated by the ARC.
3. All basketball goals, net and/or backboards shall at all times be maintained and kept in good condition.
4. If any basketball goal, net and/or backboard is placed with the subdivision in violation of the CC&R's, the Association or its agents shall be authorized to enter upon any lot or Homesite and remove and/or dispose of

any such basketball goal, net and/or backboard violation, and in doing so shall not be subject to any liability for trespass, other tort or damages in connection with or arising from such entry, removal and/or disposal nor in any way shall the Association or its agent be liable for any accounting or other claim for such action.

C. CHIMNEYS

1. Chimneys can be used to establish an ornamental or thematic direction. They may be built out of masonry, hardiplank or stucco.
2. If placed on an exterior wall, a complementary material – masonry, must be used for visual mass.
3. In the event of gas fireplaces, direct vents in place of chimney are allowed, provided the vents are located along the rear slope or rear half of the roof and painted to match the shingles.
4. The height of the chimney should be in proportion to the roofline and adhere to fire codes.
5. Broad massive chimneys will be encouraged and small, spindly shaped chimneys will not be approved.
6. Chimneys, which barely peak above or squat on the roof are not acceptable.
7. Exposed metal flues are not allowed. They may be used only when clad with material complementary to the house, such as masonry.

D. CLOTHES DRYING FACILITIES

Facilities and lines for hanging, drying, or airing clothing or household fabrics shall not be permitted.

E. DECORATIVE AND HOLIDAY ITEMS

Holiday decorative items, such as seasonal lighting, displays and holiday flags, do not require approval; however, such decorative items shall not be displayed more than 30 days in advance of that specific holiday and must be removed within 15 days after the date of the holiday.

1. Seasonal and Decorative Flags: Seasonal flags shall not be displayed more than 30 days prior to the actual holiday and must be removed within 15 days after the date of the holiday. Flags must be maintained in a good condition at all times. Torn, ripped, faded, etc... flags are not permitted.
2. No flags other than seasonal flags or the American flag are permitted.
3. Such display shall be maintained and kept in good condition at all times.
4. If any exterior holiday decorations are placed or remain within the subdivision within 15 days from the date of the holiday, the Association, or its agents shall be authorized to enter upon any lot or Homesite and remove and/or dispose of any such exterior holiday decoration, and in doing so shall not be subject to any liability for trespass, other tort or

damages in connection with or arising from such entry, removal and/or disposal nor in any way shall the Association or its agent be liable for any accounting or other claim for such action.

5. Flagpoles will not exceed six feet (6') in length and must be affixed to the home.
6. Freestanding flagpoles are not permitted.
7. All banners, flags and windsocks must be attached to the home or garage and must remain in a state of good repair.

F. DRIVEWAY EXTENSIONS AND SIDEWALKS

1. Driveway extensions (widening of the existing driveway) are discouraged and are prohibited without prior review and approval by the ARC.
2. The use of stamped and colored concrete, interlocking pavers, brick pavers and brick borders are encouraged on lots 75' or wider. Color, pattern and design will require the approval of the ARC prior to construction.
3. Asphalt paving, loose gravel and stone and timber borders are not permitted.
4. Turnaround or circular drives are not permitted.

Submittals for sidewalks will be reviewed on the following:

1. Additional sidewalks will be considered only if there is landscaping on each side.
2. Sidewalks upon individual lots shall not exceed 4 feet (4') in width.

G. EXTERIOR COLORS

1. ARC prior approval shall be required for repainting unless paint colors duplicate the original approved colors.
2. With the exception of item 1; the ARC must approve the exterior colors of all buildings and structures.
3. Plans and specifications submitted to the ARC must include details of the exterior color scheme, including all exterior surfaces, submitted with manufacturer's color chips.
4. Soft subdued earth tone paint colors should be used.
5. Bold, primary or unusual colors are prohibited.
6. All structures and other improvements designed to be painted, must be kept painted and the paint may not be allowed to become faded, cracked, flaked or damaged in any manner.

H. FENCES/WALLS/GATES

1. General: Fences are only to be constructed of wood, iron or masonry, and material is dependent on location within the community.
2. No chain link is permitted.
3. Fences on lakefront lots shall have a 4-foot high wrought iron fence along the rear property line.
4. The wrought iron fence shall then continue on each side lot property line to extend from the corner of the rear property line towards the front property line.
5. With prior ARC approval, if a privacy screen is desired, a six-foot (6') wood fence, or approved masonry wall will be permitted to extend parallel to the rear lot line at a distance of no less than fourteen feet (14') from the rear lot line of the lot. The wood fence must be an upgraded wood fence with cap rail.
6. All wood fences are to be constructed with #2 cedar 1x6 pickets, #2 treated southern yellow pine posts and rails.
7. Lakefront lots shall have a 4-foot high wrought iron fence, along the rear property line. The wrought iron fence shall then continue on each side lot property line to extend from the corner of the rear property line towards the front property line for a minimum of 24 feet then continue to the front property line with the standard 6 foot high good neighbor wood fence. When a steel or wrought iron fence meets a wood fence, the metal fence may not be attached to the wood fence. The metal fence is to be terminated with a 3" post adjacent to the wood post.
8. When transitioning from a wood fence to a wrought iron fence on the side property line, on a slope, the wrought iron fence will step down in 4-foot sections.
9. Fences are to be kept in good repair.

FENCE MAINTENANCE

- i. Only transparent stain is permitted.
- ii. Gray-Away Wood Seal (color: Super Cedar) or Behr's Natural Tone (color: cedar DP533) or another substantially similar color approved in advance by the Architectural Review Committee.
- iii. No solid stains will be approved.
- iv. All wood must be pressure treated pine.

Perimeter walls on lots bordering common areas may not be removed to allow access to rear yards. AN ASSESSMENT OF \$500.00 WILL BE CHARGED TO A LOT OWNER IN, WHICH A COMMON WALL HAS BEEN REMOVED WITHOUT ARC APPROVAL. Access must be gained through the front wall on the side of the home. Repairs to this wall must be completed in a timely fashion and include repairing the wall to match the texture and color of the remaining wall.

I. FINE GRADING AND MOUNDING

- Topography of each and every Homesite must be maintained with proper grading and drainage systems such that runoff of water (rain or other precipitation, or manmade irrigation) does not cause undue erosion of the subject Homesite itself or any other Homesites, whether adjacent to the subject Homesite or not.
- Owners causing (either directly or indirectly) erosion or other incidental damage to personal or real property due to inadequate or defective grading or drainage measures on their own Homesite, or because of excess runoff caused by their own irrigation system, shall be liable to all such damaged parties for the replacement, repair and/or restoration of such damaged real or personal property.
- Owner shall be responsible for ensuring that all local, state and federal rules and regulations regarding drainage and runoff are met.

J. GARAGES

- With the exception of periods when garages are used as Declarant's or a Builder's sales offices, all garages will be maintained for the storage of automobiles.
- No garage or outbuilding shall ever be used as a residence either temporary or permanently, but upon approval of the ARC, guest quarters or other living quarters may only be constructed as a second floor to a three car garage and the living quarters may not be a full height second story.
- No carports are permitted on a Lot.

K. GUTTERS & DOWNSPOUTS

Gutters and downspouts will be considered for approval if the finish matches the exterior body, trim or roof tile color of the home. The ARC encourages use of high quality seamless gutters that offer long life. The gutters must be maintained in good condition.

L. LANDSCAPING GUIDELINES

- a) All front yards must be sodded or grassed at the initial conveyance of a Lot with a dwelling thereon to an owner other than a builder.
- b) On all lots of seventy-five (75') or greater and patio home lots, an Gravel or rock mulch, plastic edging, loose brick edging, concrete scallop edging, corrugated metal edging, wire wickets, railroad ties or timbers, chick coop wire attached to stakes, small picket fencing, continuous concrete bands are not permitted.
- c) All hardscape for front yards must receive approval prior to installation. Hardscape includes but is not limited to walls, driveways,

walkway, lighting, fountains, and additional concrete or other hardscape additions.

- d) All plants that fail to make new growth from a dormant condition, decline or die shall be replaced.
- e) A plant is considered dead if at least 60% of its growth is dead.

TREE REMOVAL

- a) After initial construction of a residence, no trees greater than four (4) caliper inches to be measured at a point twelve (12") inches above grade, shall be removed, except for diseased or dead trees and trees needing to be removed to promote the growth of other trees or for safety reasons, unless approved by the ARC.

LANDSCAPE MAINTENANCE

- All landscaping is required to be maintained in a healthy and attractive appearance. Proper maintenance includes:
 - a. Mowing
 - b. Pruning and shaping
 - c. Weed control in lawns and planting beds
 - d. Adequate irrigation
 - e. Appropriate fertilization
 - f. Insect and disease control
 - g. Seasonal mulching of planting beds
 - h. Replacement of diseased or dead plant materials

M. LIGHTING

1. Cast metal, brass or wood fixtures are permitted.
2. Incandescent and metal halide lamps are permitted.
3. Plastic lighting fixtures, colored lenses on low voltage lights, colored light bulbs, fluorescent, neon lighting, mercury vapor (when the fixture is visible from public view or from other lots) and low and high sodium lamps are not permitted.
4. Other than seasonal decorative lighting, no outside lighting, other than indirect lighting, may be placed, allowed, or maintained on any lot without the ARC prior written approval.
5. Additional exterior lighting should not be of a wattage or lumen count, which will affect neighboring homes.
6. Directional lights or floodlights must be aimed so as not to shine in windows of neighboring homes.
7. Mercury vapor lights, when used for special landscape lighting affect (hung in trees as up and down lights) is permissible with prior ARC approval.

8. Low voltage landscape lighting to accent landscaping features, lights at entrance doors to structures, lights at entrances to any Lot, lights along paths or driveways and lights to illuminate permitted signs is acceptable pending ARC approval of proposed design, be as small in size as is reasonably practical and shall be placed or located as directed or approved in writing by the ARC.
9. Subject to ARC approval, security lighting must be attached to the front of the house, preferably the garage or the front of a detached garage.

N. MACHINERY & EQUIPMENT

1. No machinery, fixtures, or equipment of any type, including but not limited to heating, cooling, air conditioning and refrigeration equipment may be placed on any lot without the prior approval of the ARC. Approval shall be conditioned upon subsequent screening or concealment from view of neighboring or public property. The screening or concealment should be solid and integrated architecturally with the design of the building structure. It should not have the appearance of a separate piece of machinery, fixture or equipment. It should be structurally stable in accordance with sound engineering principles.
2. Air Conditioners: No window or wall type air conditioners shall be permitted to be used, erected, placed, or maintained on or in any building or on any Lot.

O. PATIO COVERS

1. Patio covers must be constructed of materials that match and complement the home and must be approved in writing by the ARC.
2. All roofs constructed upon the dwelling and/or other structures constructed, erected or located upon any lot shall be constructed with a minimum pitch of four (4) by twelve (12).
3. All roofing shall be constructed of architectural dimensional shingles of a quality equal to or exceeding 25-year warranty.
4. Patio columns must be of sufficient mass and scale relative to the roof they support and must be and painted to match the color of the home.

P. PARKING

1. As stated in the CC&R's Article VII Declaration of Covenants, Conditions & Restrictions Section C;
 - No motor vehicles or non-motorized vehicle, boat, trailer, marine craft, recreational vehicle, camper rig off of truck, hovercraft, aircraft, machinery or equipment of any kind may be parked or stored on any part of the Homesite, easement, right of way, unless such vehicle or object is completely concealed from public view inside a garage.

- Passenger automobiles, passenger vans, motorcycles or pick-up trucks that (a) are in operating condition (b) are qualified by current vehicle registration and inspection stickers (c) are in daily use as motor vehicles on the streets and highways of the State of Texas (d) do not exceed 6'9" in height or 8' in width and (e) have no commercial advertising located thereon, may be parked in the driveway on a lot.
- No vehicle shall be parked so as to obstruct or block a sidewalk or be parked on a grassy area.
- Overnight parking of any vehicles in the street is prohibited.
- Owners or occupants of lots may seek a temporary variance from this restriction for their guests; however, any such request for a variance must receive the prior written approval of the Board.
- No more than 4 vehicles (passenger cars or non-commercial trucks or vans consistent with the residential use of a Homesite) may be parked on the driveway or a Homesite at any time.
- Such vehicles to be parked on a Homesite must meet the restrictions of this Declaration and at all times be operable, have current license tags, state inspection stickers and comply with current mandatory insurance under the laws of the State of Texas, unless otherwise concealed in an enclosed garage.
- All vehicles parked within the Lakes at Highland Glen, shall also be maintained in a manner such that the appearance of the vehicle does not detract from the marketability and appearance of the Lakes at Highland Glen.
- No vehicle that cannot physically fit within the designed garage of the dwelling with the door closed will be construed as a vehicle incident to residential use of a Homesite.
- Recreational vehicles, such as motor homes, campers, and boats are not considered vehicles incident to the residential use of a Homesite and therefore are not permitted to be stored on Homesites for a period of time.
- A recreational vehicle with not more than two axles may be parked in front of or on the Homesite for up to 24 hours for loading and unloading only.
- Parking of any vehicle other than in a driveway of a Homesite or other paved area provided for parking for more than 24 hours is expressly prohibited.
- recreational vehicles, or other machinery or equipment will be

Q. STORAGE SHEDS, PLAYHOUSES, OTHER OUT BUILDINGS & TRAMPOLINE SAFETY NETS

All playground equipment, including, but not limited to play houses, trampolines and safety nets, forts, or swing sets, out building and/or accessory building (including but not limited to sheds, greenhouses, gazebos, shade trellis) shall be constructed or placed within the Lakes at Highland Glen without the prior written approval of the ARC.

PLAYGROUND EQUIPMENT

1. All such equipment will require a minimum five (5) foot set back from all neighboring walls.
2. All structures are limited to a maximum overall height of eight (8) feet.
3. Color and type of building material is subject to the ARC review and approval.
4. Canvas covers shall be of a solid color.

TRAMPOLINES & SAFETY NETS

5. Trampolines do not require the written approval of the ARC.
6. Safety nets are encouraged and color of structure must be of solid color of earth tone, blue or black.
7. Safety nets shall be well maintained.

R. POOL AND SPAS (*all pools must be in-ground*)

Pools and spas require the prior approval of the ARC.

- All pools must be in-ground.
- Smaller prefabricated, installed above the ground spas or hot tubs are acceptable.
- Above ground spas or hot tubs, visible from public view or from other lots must be skirted, decked, screened or landscaped to hide all plumbing, heaters, pumps, filters etc.
- Swimming pool appurtenances such as rock waterfalls and sliding boards must not be over six feet (6') in height.
- Skimmer nets, long handle brushes, pool chemicals, filters, pumps, heaters, plumbing etc. must not be visible from public view.
- Pool walls shall not encroach on utility easements.
- Pools must meet the requirements of the City of Pearland.
- All pool equipment must be located in the least obtrusive location of the rear yard and may not be visible from the street, neighboring lots or common areas. If necessary, pool equipment may be screened with an evergreen hedge.
- Any above ground lights shall not be directed toward neighbor's property, public streets, common areas or thoroughfare.
- Backwash must drain to sanitary sewers. No pools may drain onto neighboring property or common areas.
- Any surface damage done to community property or neighbor's property shall be restored to ARC or neighbor's satisfaction.
- Perimeter walls on lots bordering common areas may not be demolished or removed to allow access to rear yards for the purpose of pool, spa or other construction.

AN ASSESSMENT OF \$500.00 WILL BE APPLIED TO A LOT OWNER IN WHICH A COMMON WALL HAS BEEN REMOVED WITHOUT ARC APPROVAL. In the event the ARC approves wall removal, the Committee may require a deposit to secure replacement of removed walls. Access must be gained through the front wall on the side of the home, repairs to this wall must be completed in a timely fashion and include repairing the wall to match the texture and color of the remaining wall.

S. SIGNS

1. No sign or emblem of any kind may be kept or placed upon any lot or mounted, painted or attached to any dwelling, fence or other improvement upon such lot so as to be visible from public view except for the following:
 - a) For Sale Signs: An owner may erect one (1) sign on his lot, not exceeding 2' x 3' in area, fastened only to a stake in the ground and extending not more than three feet (3') above the surface of such lot advertising the property for sale.
 - b) Political Signs: Not more than two political signs, not exceeding 2'x3' in area, may be erected upon any lot by the owner of such lot advocating the election of one or more political candidates or the sponsorship of a political party, issue or proposal, provided that such signs shall not be erected more than thirty (30) days in advance of the election to which they pertain and shall be removed within three (3) days after such election.
 - c) School Spirit Signs: Signs containing information about one or more children residing in the dwelling and the school they attend shall be permitted so long as the sign is not more than 36"x36" and is fastened only to a stake in the ground. There shall be no more than one sign for each child under the age of eighteen (18) residing in the dwelling and said signs may not be displayed more than ten (10) days in any calendar month, for more than three (3) months in a calendar year.
 - d) Security Signs/Stickers: Signs or stickers provided to an owner by a commercial security or alarm company providing service to the dwelling shall be permitted so long as the sign is not more than 8"x8" or the sticker is no more than 4"x4". There shall be no more than one sign and no more than six (6) stickers located on the windows

or doors. Stickers shall also be permitted upon windows and doors for the "Child Find" program or a similar program sponsored by a local police and/or local fire department.

If any sign is placed with the Lakes at Highland Glen in violation of this Declaration, this Association or its agents shall be authorized to enter upon any lot or Homesite and remove and/or dispose of any such sign violation, and in doing so shall not be subject to any liability for trespass, other tort or damages in connection with or arising from such entry, removal and/or disposal nor in any way shall the Association or its agent be liable for any accounting or other claim for such action.

T. STORAGE SHEDS

1. Storage sheds will be permitted with prior written approval of the ARC.
2. Storage sheds are limited to a maximum overall height of eight (8) feet.
3. Storage sheds will require a minimum five (5) foot set back from all neighboring walls.
4. Color and type of building material is subject to the ARC's review and approval.

U. OIL BOARDS

Oil pans, boards, carpet or any other object used to collect oil spills from driveway must be removed when the vehicle is not parked over them.

V. SOLAR SCREENS/SECURITY DOORS/SCREEN DOORS

SOLAR SCREENS - Solar screens shall be permitted with prior written approval of the ARC. Color samples must be provided to the Committee for consideration. Solar screens must be maintained in good condition, free from dirt, torn screen material and bent frames.

SCREEN DOORS - Brown, tan, charcoal, black or white screen doors do not need to be submitted providing they match the color scheme of the house, all other colors must be submitted for approval. Silver-colored aluminum screen/security doors and/or wire screen mesh doors are strictly prohibited. Screen doors must be maintained in good condition, free from dirt, torn screen material and bent frames.

SECURITY DOORS - Brown, tan, charcoal, black or white security doors may be installed without prior ARC approval, providing they match the color scheme of the house. All other colors must be submitted for approval. Security doors must be maintained in good condition, free from dirt, torn screen material and bent frames.

W. WATER FEATURES AND STATUARY

Items such as fountains, statuary, etc., are permissible with prior written approval by the ARC.

1. The ARC must approve fountains for installation in front yards and back yards with view facing.
2. Fountains cannot exceed four (4) feet in height and natural in color and must be maintained in new condition. Painted or brightly colored fountains are prohibited.
3. Fountains may not be located in front of the front building line.
4. It is recommended that water features be chlorinated.

X. WINDOW TREATMENTS

- Within three (3) months of occupying a Dwelling on any Homesite, an Owner shall install appropriate window treatments in keeping with the aesthetics of the Lakes at Highland Glen.
- Appropriate window treatments would include, by way of illustration, curtains and draperies with backing of material of white, light beige, cream, tan, or light gray); blinds or mini-blinds of the same colors or natural stained wood; and/or shutters of the same colors or natural stained wood.
- No other window treatment color may be visible from the exterior of the Dwelling.
- *Expressly prohibited* before and after the initial three (3) months of occupancy are any temporary or disposable coverings not consistent with the aesthetics of the Lakes at Highland Glen, such as reflective materials, newspapers, shower curtains, sheets, fabric not sewn into finished curtains or draperies, other paper, plastic, cardboard or other materials not expressly made for or commonly used by the general public for window coverings in a residential subdivision of the same caliber as the Lakes at Highland Glen.

Y. LAKES, PONDS AND OTHER WATER BODIES

- Swimming, wading, boating or otherwise entering the lakes, ponds or other bodies of water within the Lakes at Highland Glen shall be prohibited.
- The use of the lakes, ponds or other bodies of water shall be subject to rules and regulations promulgated by the Board of Directors.
- The Association shall not be responsible for any loss, damage, or injury to any person or property arising out of the authorized or unauthorized use of lakes, ponds or other bodies of water within the Lakes at Highland Glen.
- Owners whose lots abuts any lake, pond or other bodies of water, or whose lot abuts a common area that abuts a lake, pond or other body of water, shall take care and shall not permit any erosion of the bank, and trash, fertilizers, chemicals, petroleum products, environmental hazards or

any other foreign matters to infiltrate the lake, pond or other bodies of water.

Z. DOCKS

- No owner may construct a dock, pier or other structure on or over any body of water within the Lakes at Highland Glen.