

SECRETARY'S CERTIFICATE OF FILING

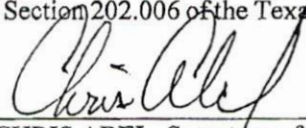
I, CHRIS ABEL, certify that:

I am the duly qualified and acting Secretary of ASSOCIATION OF GREEN TRAILS PHASE II HOMEOWNERS, INC., a duly organized and existing Texas non-profit corporation.

The attached instruments are true copies of unrecorded Dedicatory Instruments, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to ASSOCIATION OF GREEN TRAILS PHASE II HOMEOWNERS, INC..

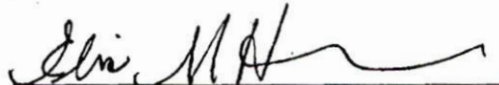
The attached instruments are being presented for recording in the Official Public Records of Real Property of Harris County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: 10/4/17

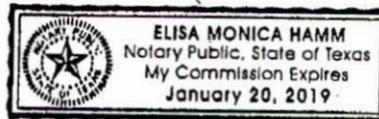

CHRIS ABEL, Secretary of
ASSOCIATION OF GREEN TRAILS
PHASE II HOMEOWNERS, INC.

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 4th day of October, 2017 by Chris Abel, Secretary of ASSOCIATION OF GREEN TRAILS PHASE II HOMEOWNERS, INC., a Texas non-profit corporation, on behalf of said Corporation.


Notary Public in and for the State of Texas

Record and Return to:
Bartley & Spears, P.C.
14811 St. Mary's Lane, Suite 270
Houston, Texas 77079



**ASSOCIATION OF GREEN TRAILS
PHASE II HOMEOWNERS, INC.
(*the "Association"*)**

**AMENDED AND RESTATED
ARCHITECTURAL GUIDELINES
(INCLUDING FENCE GUIDELINES)**

SEPTEMBER 2017

**Note: This document amends, restates and replaces the
Association's December 2011 Amended and Restated
Architectural Guidelines (including Fence Guidelines)**

INDEX

NOTE – PLEASE REVIEW BOTH SECTION 1 AND ANY SECTION(S) THAT ARE OR MAY BE APPLICABLE TO ANY MODIFICATION OR CHANGE THAT YOU ARE CONSIDERING OR PLANNING.

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THESE ARC GUIDELINES GOVERN HOMES AND RELATED IMPROVEMENTS AND PROPERTY WITHIN THE BOUNDARIES OF THE ASSOCIATION. ANY EXTERIOR OR PUBLICLY-VISIBLE IMPROVEMENT OR OTHER CHANGE TO YOUR HOME OR RELATED PROPERTY REQUIRES PRIOR ARC APPROVAL. THIS INCLUDES ANY CHANGE TO THE BACKYARD AND ANY REPLACEMENT OR REPAIR INVOLVING THE USE OF THE SAME OR SIMILAR COLORS OR MATERIALS.

SEE SECTION 1.K IN PARTICULAR IF YOU WANT TO MAKE ANY SIGNIFICANT CHANGES.

1. DEFINITIONS/GENERAL

- a. *Definitions.* In addition to the terms defined elsewhere in this document, the following terms used herein shall have the indicated meanings:
- “ARC” means the Board, the Committee or the Association’s management company considering or acting with respect to any matter under the Deed Restrictions or these ARC Guidelines.
 - “ARC Guidelines” means this document, together with any subsequent amendments or supplements to it.
 - “Association” means the Association of Green Trails Phase II Homeowners, Inc.
 - “Board” means the Board of Directors of the Association.
 - “Committee” means the person(s)/body acting as the Modifications Committee, as such term is defined in the Association’s Declaration of Covenants, Conditions and Restrictions.
 - “Dedicator Instrument” shall have the meaning given to such term under Section 202.001 of the Texas Property Code or any successor statute.
 - “Deed Restrictions” means collectively (a) the “Declaration of Covenants, Conditions and Restrictions for Green Trails, Phase II” (Harris County Recordation No. 185-61-0323), (b) the First Amendment to item (a) (Harris County Recordation No. 097-70-0202), and (c) the various supplemental restrictions for each of the sections that are part of the Association.
- b. *Effective Date.* These ARC Guidelines shall become effective when they are recorded in the real property records of Harris County, Texas.
- c. *Nature of Document.* These ARC Guidelines amend, restate and replace the Association’s December 2011 Amended and Restated Architectural Guidelines (including Fence Guidelines). Any form of ARC application adopted by the Board or the Committee from time to time is hereby incorporated herein.
- d. *Inconsistent Provisions.* In the event that any provision in any of the Deed Restrictions is inconsistent with these ARC Guidelines, the Deed Restrictions provision shall govern. In the event that any applicable law, regulation, rule or ordinance is inconsistent with any provision of the Deed Restrictions and/or these ARC Guidelines, such law, regulation, rule or ordinance shall govern.
- e. *Grandfather Provision.* Any original construction or any modifications or improvements undertaken pursuant to and in compliance with an ARC application approved by the ARC prior to the effective date of these ARC Guidelines shall not be adversely affected by these ARC Guidelines; *provided that*

any such modifications or improvements must be brought into compliance with these ARC Guidelines at the time they are modified, improved or replaced.

- f. *Maintenance Requirement.* All improvements, modifications or changes approved under the Deed Restrictions or these ARC Guidelines shall be maintained as required by Article VIII, Section 1, and any other applicable provisions, of the Deed Restrictions.
- g. *Management Company Authority.* The Board or the Committee is authorized to delegate to the Association's management company the power to review such types of ARC applications as shall be determined by the Board or the Committee, including the power to approve, conditionally approve or disapprove such applications, in each case upon such terms and conditions as shall be established by the Board or the Committee from time to time.
- h. *Fees; Deposit.* The Association shall be entitled to charge such fees and charges for review or processing of ARC applications as shall be determined by the Board or the Committee from time to time. The Association shall also be entitled to require a deposit (an amount determined by the Board from time to time) for ARC applications involving access over Association property.
- i. *Waivers; Additional Conditions.* The ARC may grant waivers with respect to any of the matters set forth in these ARC Guidelines or any of the Deed Restrictions under appropriate circumstances. Such waivers will be considered in a case-by-case basis. In determining whether or not to approve an ARC application, the ARC shall be entitled to consider the potential effect of an improvement (or any related use of or in respect of the improvement), modification or change on the neighborhood or neighboring residences. In addition to the requirements and conditions set forth in these ARC Guidelines and the Deed Restrictions, the ARC may impose additional limitations, requirements and conditions under appropriate circumstances, including the approval of residents that would be affected by a modification or improvement.
- j. *Compliance with Laws.* In addition to the requirements and conditions set forth under the Deed Restrictions and these ARC Guidelines, each improvement, modification or change to any lot or any structure or equipment on a lot shall comply with (i) all other Association Dedicatory Instruments, and (ii) all applicable laws, regulations, rules and ordinances.
 - In addition, any structure, equipment, improvement, modification, or other item installed or placed in an easement shall be subject to all of the rights and privileges of utility providers and other relevant parties (notwithstanding approval of the ARC application).
- k. *Significant Planned Changes.* If you would like to undertake a significant improvement or modification, such as the addition of a room, pool, deck or gazebo, the Association recommends that you submit a "preliminary" ARC application with sketches of the change(s) that can be reviewed by the ARC in order to determine if the proposed change(s) would be eligible for "final" approval. This will help eliminate unnecessary expense and effort if the ARC determines that the change(s) do not comply with the Deed Restrictions and/or these ARC Guidelines.

2. SWIMMING POOLS/SPAS

- a. Above and in-ground pools/spas may be allowed with ARC approval. The edge of the pool/spa must be a minimum of five feet (5') from the side lot line and eight feet (8') from the rear lot line.
- b. All applications for the construction of a swimming pool/spa must include a plot plan showing the proposed location of the pool/spa in relation to the property lines, easements, building lines, existing

structures and existing fences. The application should also include construction drawings and a timetable for construction.

- c. No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Pool/spa decking which extends into any easement also requires such a written consent. Consents must be received prior to approval and included with the application.
- d. Pools and spas must be completely enclosed by a lot perimeter fence that meets these guidelines (which may consist of an existing fence). Any other fences around the pool must be at least four feet (4') high with no openings, holes or gaps larger than four inches (4") measured in any direction. Lot perimeter fences with gates opening directly into the pool area must swing outward and be equipped with self-closing and self-latching devices designed to keep, and capable of keeping, such gates securely closed at all times when not in actual use. Such latching devices shall be attached to the upper quarter of such gates or doors. The door of any permanent structure that provides access to the pool area need not be so equipped.
- e. During construction, the construction area must be barricaded, and equipment and supplies are not permitted in the street.
- f. Pool pumps and equipment must be screened behind a solid fence and not be visible from a fronting or side street. The equipment shall also not be placed in a location that could be expected to result in an unreasonable amount of noise being experienced by one or more nearby residents.
- g. Pools and spas must be maintained and useable at all times.

3. 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. Colors will be approved on a case-by-case basis.
- b. Fiberglass, aluminum and fabric-type patio covers will be reviewed on a case-by-case basis.
- c. In the event the selected roof material is corrugated, clear fiberglass or roof material other than standard shingles, the unfinished edges of the roof material must be framed to create a finished border.
- d. The structure must be positioned on a lot behind the primary dwelling. Other locations will be considered on a case-by-case basis.
- f. A patio cover (a) shall not interfere with the natural drainage of the lot or neighboring lots (unless adequate compensating drainage measures are being implemented, as approved by the ARC), and (b) comply with such other conditions as the ARC shall require

3A. PATIO ENCLOSURES AND SUNROOMS

Patio enclosures and sunrooms shall be treated as room additions – see Section 27.

4. **BIRDHOUSES**

- a. Birdhouses shall not be visible from the street in front of the lot nor may they be attached to any perimeter fence.
- b. Maximum dimensions for birdhouses shall be two feet (2') in width, two feet (2') in length and two feet (2') in height.
- c. No birdhouse shall be mounted on a pole exceeding twelve feet (12') in height.
- d. The materials, color and construction of the birdhouse must be harmonious with the home and other improvements on the lot.
- e. Only one birdhouse is permitted per lot.

5. **SOLAR PANELS**

- a. The term "Solar Energy Device" shall have the meaning set forth in Section 171.107 of the Texas Tax Code.
- b. Solar Energy Devices may be installed, subject to (i) prior ARC approval, and (ii) the other requirements set forth in this section.
- c. Solar Energy Devices shall only be permitted (i) on the roof of the home or another structure approved under a Dedicatory Instrument, or (ii) in a fenced yard or patio owned and maintained by the property owner.
- d. All Solar Energy Devices shall (i) shall be located entirely on the owner's property, and (ii) as installed, comply with all material warranties.
- e. In addition to the above requirements, roof-mounted Solar Energy Devices shall (i) not extend higher than or beyond the roof line, (ii) be located to the rear of the roof ridge line and/or gable of any such structure so as to not be visible from the public street in front of the home (except as otherwise approved by the ARC or permitted by Section 202.010(d)(5)(B) of the Texas Property Code), (iii) conform to the slope of the roof, (iv) have a top edge that is parallel to the roofline, and (v) have a frame, a support bracket, or visible piping and wiring that is in a silver, bronze or black tone commonly available in the marketplace.
- f. In addition to the above requirements, Solar Energy Devices located in a fenced yard or patio may not be taller than the fence line.
- g. The ARC may disapprove any placement of Solar Energy Devices that the ARC determines constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. Such a determination may be rebutted by the applicant as provided in the last sentence of Section 202.010(e) of the Texas Property Code.

6. **BASKETBALL GOALS**

- a. A net shall be maintained on the rim at all times. The net shall be replaced in the event that it becomes frayed or torn. Chain nets are not allowed.

- b. An orange/red or black steel or metal rim shall be affixed to the backboard at all times. The rim shall be repaired or, if necessary, replaced in the event that it becomes broken, bent or otherwise requires maintenance.
- c. The backboard must be clear acrylic, fiberglass painted gray or white or weatherproofed wood painted white or gray, with the exception of an orange/black/blue/red square outline above the rim and/or around the edge of the rim. The backboard shall be repainted, repaired or replaced in the event that the surface of the backboard becomes chipped or cracked or the backboard becomes warped or unaligned or otherwise requires maintenance.
- d. All mounting supports must be metal and painted black and/or similar dark tone. The pole and all mounting supports must be maintained in an attractive condition.
- e. With the exception of maintenance and repair, a basketball goal shall not be modified in any respect nor shall the location be changed from what was originally approved without a new ARC approval.
- f. Garage mounted basketball goals may be approved, subject to the above requirements, as applicable, and such other conditions as the ARC shall specify.
- g. Pole-mounted basketball goals must be behind the building set back line of the lot and not closer to the street than half the distance from the front of the garage to the street. In the case of an attached garage, the pole-mounted basketball goal must not be closer to the street than half the distance from the front of the garage to the street; this also applies to detached garages on corner lots.
- h. Portable basketball goals must also conform to the above requirements, as applicable. A portable basketball goal may not be permanently placed in or adjacent to a street.

7. **FENCES**

- a. All fences must be level and plumb without the aid of ropes and/or supports. Fence panels must be securely attached to fence posts and fence pickets must be securely attached to fence rails. Any portion of a fence that faces a street or is otherwise visible to the public must have the fence pickets facing outward (on the side of the fence visible to the public).
 - The only exception to this requirement is fences along the retention channels that are within 300 feet of a public street and do not currently face outward. When the fence is replaced, the ARC may require the configuration of the fence pickets to be changed to face outward depending on factors such as the predominant configuration (inward or outward) of other fence pickets in the area.
- b. Broken, rotted or damaged fence pickets must be replaced with new pickets substantially identical in material and style to the existing pickets. Wooden fence and gate material must be kept in its natural state and may not be stained or painted (see 7(f) below). Gates must have functional hinges and a latch and remain closed when not in use.
- c. No walls or fences shall be erected or maintained nearer to the front lot line than the front building line on such lot, or on corner lots nearer to the side lot line than the building setback line parallel to the side street as shown on the recorded plat. Fences must not interfere with the general harmony and external design of the neighborhood.

- d. All new or replacement walls and fencing shall be made of wood, ornamental metal, or brick, except as set forth herein. The use of brick shall generally only be to replace brick where it currently exists. The use of chain link fencing is prohibited.
- e. Several of the supplemental Deed Restrictions for individual sections of the Association mandate a specific height and or location for fences. These supplemental Deed Restrictions shall remain in force and unaltered by these ARC Guidelines. In all other locations, all new or replacement wooden fences and gates shall be approximately 6 feet, 6-inches (6'-6") in height (the term "replacement" shall include replacement of all or substantially all of the fence pickets in a run of fence). The 6-foot portion will be comprised of a standard 6-inch (6") wide, "dog-eared" wooden cedar picket of a nominal 6-foot (6') height. The 6-inch (6") height will be a horizontal treated rot board at the base. The treated rot board shall be a nominal 6-inch (6") width, except that up to twelve-inch (12") rot boards may, with ARC approval, be used in certain instances (such as a rot board that tapers from 6" to 12" in order to maintain a level fence line). No other base materials shall be allowed (e.g. treated or untreated pine pickets or untreated rot boards).
- f. No paint or stain finish is permitted on wooden fences. Only an approved clear (without color or tint) preservative sealer or other approved clear finish is permitted to be applied to the wood pickets or any other portion of a wooden fence.
- g. Any gate and/or fence that does not comply with these ARC Guidelines and is being replaced, whether or not the current fence was approved by the ARC, must be brought into compliance with these ARC Guidelines at the time of replacement.
- h. A new or replacement wooden fence height of up to 8 feet (8') will be considered on an individual basis with respect to side lot lines. Both neighbors must be in concurrence prior to submittal to the ARC. The written agreement between the neighbors shall be included with the submittal. The ARC will review these requests on a case-by-case basis.
- i. The height of all fences must be tapered over the last 5 feet (5') at the front and rear corners to match the most dominant or most public fence height (or as otherwise specified by the ARC).
- j. A new or replacement fence extending along a breezeway between a house and a detached garage must comply with any applicable provisions of this Section 7, including the materials provisions of Section 7.d (ornamental metal/wrought iron fences will generally be permitted). The height of such fences will be reviewed on a case-by-case basis by the ARC. No rot board is required on a wooden breezeway fence so long as the pickets are at least ½-inch above the ground.
- k. The fence must be capped if that is the style currently in place (e.g. on fences that abut Association reserves).
- l. Rear fence gates are permitted in order to access parks, retention channels and under other appropriate circumstances, *provided that* prior ARC approval is received. Any such gates that are adjacent to a park or that open to an area with a pool must be equipped with self-closing and self-latching devices designed to keep, and capable of keeping, such gates securely closed at all times when not in actual use. Bridges or walkways to such gates may not interfere with the natural drainage (such as with respect to the retention channels). The pickets on the gate must be placed on the same side of the fence as is the case for the adjoining fence.
- m. New or replacement gates and fences crossing a driveway shall not (while in the closed position) be any closer to the street than the front corner of the house or the neighbor's house; whichever is furthest from the street. Only ornamental metal may be used for fencing and gates in these locations.

- n. Unless the gate and/or fence is being located in the exact same location as an existing gate and/or fence, a copy of the property survey must be furnished showing where the new or replacement gate and/or fence will be located.
- o. ARC approval must be obtained prior to attaching any vines or other vegetation to a fence, or planting any vegetation designed to grow on a fence, or attaching a trellis or other apparatus to a fence. Fences covered by vines or to which other vegetation is attached must nonetheless be maintained in good condition.
- p. The ARC may require alteration, modification **or removal** of all or portion of fencing that does not comply with these ARC Guidelines or the ARC application, as approved. Such modifications include substitution of compliant pickets or rot boards for non-compliant ones, turning or removal of painted or stained pickets, replacement of non-tapered pickets, the replacement of non-cedar pickets, and installation of a rot board, either by moving or sawing off a portion of the newly-installed pickets.

8. PAINTED CONCRETE

- a. No concrete that is visible from any street, whether a driveway, sidewalk, patio or other improvement, shall be painted or stained any color, except that decorative stamped concrete with a stained finish that simulates masonry or stone pavers may be submitted for ARC approval, which will be determined on a case-by-case basis.
- b. Concrete that is not visible from any street may be painted or stained only with ARC approval, which will be determined on a case-by-case basis.

9. SCREEN DOORS/SOLAR SCREENS/WINDOW COVERINGS

- a. Screen doors and solar screens must be compatible with the home's exterior and must be submitted for ARC approval, which will be determined on a case-by-case basis.
- b. Mirrored or silver reflective window coverings will not be allowed. All others will be reviewed on a case-by-case basis.

10. STORM DOORS/WINDOWS

- a. Storm doors/windows will generally be permitted, *provided that* they are compatible with the color of the exterior of the house.
- b. The frames of storm doors/windows must be the same color as the existing wood trim on which it is mounted.

11. YARD DECORATIONS

- a. All decorative accessories, modifications and additions, such as sculptures, birdbaths, birdhouses, fountains, benches, and swings placed on the lot, whether or not visible from the street, require ARC approval, which will be determined on a case-by-case basis.
- b. Holiday decorations are permitted without ARC approval, but must be removed in a timely manner following the conclusion of the applicable holiday or holiday season.

12. BURGLAR BARS

- a. To receive ARC approval, burglar bars must at a minimum be on the inside of windows and match the color of the window pane decorator strips.
- b. Burglar bars will be reviewed on a case-by-case basis depending on their visibility, location and other relevant factors.

13. OUTDOOR CARPETING

- a. Outdoor carpeting can only be installed on a backyard patio or similar area; it is not allowed on walkways or other areas that are visible from a street.
- b. Only earth tone colors will be permitted for outdoor carpeting.
- c. ARC approval will be determined on a case-by-case basis.

14. OUTDOOR PLAY EQUIPMENT

- a. Outdoor play equipment may not exceed 12 feet (12') in height, with the deck height not to exceed 6 feet (6'). Play structures that exceed these height restrictions will be reviewed on a case-by-case basis, and the approval of adjacent neighbors may be required as a condition of ARC approval.
- b. Outdoor play equipment must be made of metal or treated/weather-resistant wood. If the material is painted, the color must be submitted for ARC approval.
- c. Playhouses shall have roofs of a single color that is harmonious with the main residence and other structures on the lot.
- d. Outdoor play equipment shall be at least five feet (5') away from any structure, fence, equipment or similar potential hazard.
- e. The equipment must be maintained within a fenced perimeter.

15. AWNINGS

Awnings that are visible from the street in front of the lot shall not be permitted. Awnings on the rear portion of a lot must be one (1) color and harmonious with the color of the house. ARC approval will be determined on a case-by-case basis.

16. ANTENNAE

Satellite dish and other antennae shall be permitted, *provided that* they are screened from public view, and comply with the Deed Restrictions and any other conditions imposed by the ARC.

17. MAILBOXES (Forest and Enclave)

Only the Forest and Enclave sections currently have individual home mailboxes. Forest and Enclave mailboxes must be replaced with the same type, style, color, etc. of current mailboxes.

18. DRIVEWAYS

- a. Driveways shall not be wider than two car widths in front of the building line (or narrower under appropriate circumstances).
- b. Driveways shall be no wider behind the front building line than is needed to provide adequate, straight-in access to the garage door(s) except for original construction or under other appropriate circumstances.
- c. Widening of existing driveways will be considered on a case-by-case basis. The driveway width should be tapered at the street to match the existing curb cut width. Also, if new concrete paving is added, the existing concrete should be power washed so that the existing areas will better match the new concrete finish.
- d. Circular (or semicircular) driveways may be permitted in appropriate circumstances, subject to proper placement, complementary landscaping modifications and other relevant conditions. Circular driveways will not be permitted for the purpose of additional resident parking.
- e. The cracks between cement driveway sections shall be kept free of significant vegetation.
- f. Only brushed concrete or exposed aggregate concrete driveways are permitted. Stained or painted concrete of any color is not permitted, except that decorative stamped concrete with a stained finish that simulates masonry or stone pavers may be submitted for ARC approval, which will be determined on a case-by-case basis.

19. LANDSCAPING

- a. The portion of a lot's yard that is visible to the public must be predominately natural grass, except that alternatives (e.g. larger planting beds or xeriscaping – see Section 19A) will be considered on a case-by-case basis.
- b. Artificial grass may be permitted in that portion of the lot's yard that is not visible to the public, subject to satisfaction of appropriate quality, color and other conditions. A sample of the proposed artificial grass must be furnished with the ARC application.
- c. Landscaping must complement the style and architecture of the home and be proportionate in scale and height to the structure. All landscaping, including trees, shrubs, flowers, plants and lawns, must be maintained and appropriately trimmed on a regular basis.
- d. Landscaping shall not interfere with the natural drainage of the lot or neighboring lots (unless adequate compensating drainage measures are being implemented, as approved by the ARC).
- e. All standard lots must have a minimum of two trees with trunks that are at least 4" in diameter and all corner lots must have a minimum of three, 4" diameter trees, subject to any Deed Restriction requiring a greater or lesser number of trees. Requests for a variance from these requirements will be considered on a case-by-case basis (e.g. on smaller-than-average lots).

19A. XERISCAPING

- a. The ARC will consider, on a case by case basis, requests to install water-conserving natural turf and plans for drought-resistant landscaping or xeriscaping.

- b. A homeowner wishing to install water conserving natural turf and/or implement a plan for drought-resistant landscaping or xeriscaping shall submit appropriately detailed information to the ARC.
- c. Among the factors the ARC will consider in determining whether to approve a plan for drought-resistant landscaping or xeriscaping are (i) whether the plan is aesthetically compatible with the existing landscaping on the lot and in the neighborhood, (ii) the type and amount of materials used (e.g. rock, gravel, and cacti), and (iii) the appropriateness of the materials to the local climate. The ARC will also consider the provisions of Section 202.007 or other applicable provisions of the Texas Property Code as they now exist or may hereafter be modified.

20. OUTDOOR KITCHENS

Outdoor kitchens shall be permitted so long as they (a) are within an enclosed, fenced back yard (or under appropriate circumstances, a side yard), (b) are located at least five feet (5') from any wooden fence and any property line, (c) do not interfere with the natural drainage of the lot or neighboring lots (unless adequate compensating drainage measures are being implemented, as approved by the ARC), and (d) comply with such other conditions as the ARC shall require.

21. OPEN AIR CABANAS

Open air cabanas shall be permitted so long as they (a) are within an enclosed, fenced back yard (or under appropriate circumstances, a side yard), (b) for those with flat tops, are no higher than the garage eave (or the house eave if the garage is not separate from the main residence), (c) for those with sloped roofs, are no higher than the roof of the garage (or 14 feet (14') if the garage is not separate from the main residence), (d) are no larger than 150 square feet, (e) are at least five feet (5') from the side property line and ten feet (10') from the rear property line, (f) do not interfere with the natural drainage of the lot or neighboring lots (unless adequate compensating drainage measures are being implemented, as approved by the ARC), and (g) comply with such other conditions as the ARC shall require (including, if the cabana will be a permanent structure, the type of conditions under Section 24, "Other Outbuildings" and Section 27, "Room Additions"). Lower or smaller dimensions other than those noted above may be required in appropriate circumstances; applications for higher or larger dimensions will be reviewed on a case-by-case basis.

22. GAZEBOS

Free-standing gazebos shall be permitted so long as they (a) are within an enclosed, fenced back yard (or under appropriate circumstances, a side yard), (b) for those with flat tops, are no higher than the garage eave (or the house eave if the garage is not separate from the main residence), (c) for those with sloped roofs, are no higher than the roof of the garage (or 14 feet (14') if the garage is not separate from the main residence), (d) are no larger than 150 square feet, (e) are constructed with materials that are harmonious with the main residence, (f) are at least five feet (5') from the side property line and ten feet (10') from the rear property line, (g) do not interfere with the natural drainage of the lot or neighboring lots (unless adequate compensating drainage measures are being implemented, as approved by the ARC), and (h) comply with such other conditions as the ARC shall require. Lower or smaller dimensions than those noted above may be required in appropriate circumstances; applications for higher or larger dimensions will be reviewed on a case-by-case basis.

23. ARBORS/PERGOLAS

Free-standing arbors/pergolas shall be permitted so long as they (a) are within an enclosed, fenced back yard (or under appropriate circumstances, a side yard), (b) for those with flat tops, are no higher than the garage eave (or the house eave if the garage is not separate from the main residence), (c) are of a square

footage appropriate to the size of yard, surrounding amenities and other relevant factors, (d) for those with sloped roofs, are no higher than the roof of the garage (or 14 feet (14') if the garage is not separate from the main residence), (e) are constructed with materials that are harmonious with the main residence, (f) are at least five feet (5') from the side property line and ten feet (10') from the rear property line, (g) do not interfere with the natural drainage of the lot or neighboring lots (unless adequate compensating drainage measures are being implemented, as approved by the ARC), and (g) comply with such other conditions as the ARC shall require. Lower or smaller dimensions other than those noted above may be required in appropriate circumstances; applications for higher or larger dimensions will be reviewed on a case-by-case basis.

24. OTHER OUTBUILDINGS

- a. An "Other Outbuilding" is any structure not attached to the main house structure that is not otherwise covered by other provisions of these ARC Guidelines. For instance, a storage shed or greenhouse is considered to be an "Other Outbuilding."
- b. The standard, type, quality and color of the materials used in construction shall be harmonious with the standard, type, quality and color of the materials used in construction of the main residence on the lot; *provided that* shingles and paint shall match that of the residence. Small, prefabricated metal storage buildings are allowed subject to compatibility with the main residence and other appropriate conditions.
- c. Outbuildings shall not exceed an eight feet (8') eave height, with a roof pitch that is similar to a detached garage. Any outbuilding shall have a maximum floor space of 150 square feet, except as approved on a case-by-case basis.
- d. All outbuildings must be within an enclosed, fenced back yard (or under appropriate circumstances, a side yard).
- e. Outbuildings shall be placed on the lot so as not to be visible from the street in front of the lot and may not be closer to the rear lot line than eight feet (8'), nor to the side lot line than five feet (5') or aligned with the side wall of residence structure, whichever is greater.
- f. The roofline and roof shingle color of an outbuilding shall also conform to the roofline/color of the garage or residential structure (as appropriate), except as otherwise permitted under appropriate circumstances.
- g. Outbuildings shall not interfere with the natural drainage of the lot or neighboring lots (unless adequate compensating drainage measures are being implemented, as approved by the ARC).

25. DECKS/PATIOS/SIDEWALKS

- a. Decks, patios and sidewalks shall be constructed of materials that are harmonious with the main residence and related improvements and accessories.
- b. Patios and sidewalks visible to the public may be constructed of brick, concrete pavers, natural stone or stamped concrete, subject to satisfaction of appropriate quality, color and other conditions. A sample of the materials to be used must be furnished with the ARC application. Stained or painted concrete may not be used for patios or sidewalks visible to the public.

- c. Decks, patios and sidewalks shall not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment, and a copy of said consent is attached to the application.
- d. Decks, patios and sidewalks shall not be situated on the lot so that they interfere with the natural drainage of the lot or neighboring lots (unless adequate compensating drainage measures are being implemented, as approved by the ARC).
- e. Decks, patios and sidewalks relating to above-ground pools shall not be higher than 18" above grade, except as approved on a case-by-case basis.
- f. Any cracks in decks, patios and sidewalks shall be kept free of significant vegetation.

26. EXTERIOR LIGHTING

- a. Any additions or modifications to exterior lighting require ARC approval.
- b. Exterior lighting shall be white light, and shall not be of an intensity or direction that is annoying to neighboring homes or pedestrian or vehicular traffic. Mercury vapor lighting shall not be permitted.
- c. Directional lights or floodlights must be aimed so as not to shine directly into the windows of neighboring homes.
- d. Yard lights may be gas, electric or solar. If electric, the bulb may not exceed 100 watts, and must be of clear glass type. The maximum acceptable height is six feet (6'), and the pole must be black, brown or white, depending on its harmony with the existing residence, as determined by the ARC.
- e. Other types of decorative string and/or rope lighting will considered on a case-by-case basis, taking into account the number and intensity of the bulbs, the location of the lights, the proposed height and visibility of the lighting (in relationship to nearby streets and adjoining properties).
- f. Holiday lights are permitted without ARC approval, but must be removed in a timely manner following the conclusion of the applicable holiday or holiday season.

27. ROOM ADDITIONS

- a. See Section 1.k as to submitting a "preliminary" ARC application if you would like to undertake such a project.
- b. In order to obtain final ARC approval, all proposed room additions require detailed design and construction plans to include lot survey showing the exact location of the proposed addition, floor plans and elevation drawings.
- c. The type, quality and color of materials used in construction shall be harmonious with the type, quality and color of the materials used in construction of the main residence on the lot. Shingles, siding, bricks and paint being utilized shall match (or be harmonious with) that of the existing residence. All such improvements must be to building code standards, and must be architecturally compatible with the original and neighboring homes.
- d. Room additions shall not be placed within existing easements or encroach over any building line, nor shall they interfere with the natural drainage of the lot or neighboring lots (unless adequate compensating drainage measures are being implemented, as approved by the ARC).

28. EXTERIOR PAINT

- a. ARC approval is required before any exterior painting may be done, including when the existing color(s) will be re-used.
- b. A color sample, paint chip or paint manufacturer and color name/number of the proposed exterior color of any addition or improvement must be attached to each application submitted to the ARC. Further, the existing exterior color of a house, garage or other improvement on a lot shall not be changed without first submitting an application with a color sample, paint chip or paint manufacturer and color name/number to the ARC for approval.
- c. Paint colors shall be generally earth tone and shall not be brilliant or bright colors. The ARC will compare the color sample, paint chip or paint manufacturer and color name/number to assure that the color is harmonious with the colors generally found within the Association.
- d. The doors of a garage on a lot shall always be painted either the principal color or the trim color of the residential dwelling.

29. SIDING/GUTTERS

- a. The standard, type, color and quality of siding/gutter materials used shall be harmonious with the standard, type, color and quality of the materials of the main residence on the lot throughout the subdivision.
- b. Siding must be painted to match the existing siding of the residence on the lot.
- c. Gutters must be painted to match the existing color of the residence and must be installed to prevent water from being shed across or onto any other lot.

30. ROOFING/SKY LIGHTS

- a. A sample of the proposed shingle or shingle manufacturer and name/number to be placed on any existing roof or any new improvement must be attached to the ARC application.
- b. Shingle colors must be similar to weathered wood, gray or dark brown. Shingle type and quality must comply with this section and otherwise meet the standards established by the ARC from time to time.
- c. All composition asphalt shingles used on the roof of a home must have at least a 20-year manufacturer's warranty. The style of shingle to be installed should be designated as "Architectural" or "Dimensional," which resemble the look of wood shake shingles.
- d. No skylights or similar types of additions shall be permitted on the front of the roof ridge line and/or gable of a structure.
- e. Shingles that are designed primarily to (i) be wind and hail resistant, (ii) provide heating and cooling efficiencies greater than those provided by customary composite shingles, or (iii) provide solar generating capabilities shall be permitted; *provided that* they (A) resemble shingles that are otherwise authorized by the ARC, (B) are more durable than and are of equal or superior quality to the shingles described in (A), and (C) match the aesthetics of the surrounding property.

- f. Any repairs to damaged or missing shingles must be done using materials that match as nearly as practicable the existing shingles.

31. STANDBY ELECTRIC GENERATORS

- a. Standby electrical generators or SEGs are permitted to the extent required by Section 202.019 of the Texas Property Code, subject to the following provisions, which shall be reasonably applied and enforced. The term "standby electrical generator or SEGs" means any of the devices described in Section 202.019(a) of the Texas Property Code that is permanently installed and used for the purpose of providing electrical power to the residence when utility-generated power is not available or is intermittent due to causes other than nonpayment for utility service to the residence.
- b. ARC approval must be obtained prior to installation of any SEG. All applications for installation of an SEG must include a plot plan showing the proposed location of the SEG in relation to the property lines, easements, building lines, existing structures and existing fences. The application should also include appropriate drawings and specifications and such other information as the ARC shall require.
- c. The SEG must be installed and maintained in compliance with manufacturer's specifications and applicable governmental health, safety, electrical and building codes. The SEG and its electrical and fuel lines shall be maintained in good condition. The SEG shall be periodically tested in accordance with manufacturer recommendations.
- d. All electrical, plumbing and fuel line connections for the SEG shall be installed only by licensed contractors.
- e. All electrical, natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections shall be installed and maintained in accordance applicable governmental health, safety, electrical and building codes. If a component of an SEG, including electrical or fuel lines, is deteriorated or unsafe then that component shall be promptly repaired, replaced or removed as appropriate.
- f. All liquid petroleum gas fuel line connections shall be installed and maintained in accordance with rules and standards promulgated and adopted the Texas Railroad Commission and other applicable governmental health, safety, electrical and building codes.
- g. All non-integral standby electrical generator fuel tanks shall be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical and building codes.
- h. The SEG must be installed behind a solid fence and not be visible from a fronting or side street and otherwise be in a location approved by the ARC. The location approved by the ARC may not increase the cost of installing the SEG by more than 10% or increase the cost of installing and connecting the electrical and fuel lines for the SEG by more than 20%, unless no other alternative is available that addresses the ARC's reasonable safety and noise concerns (including the potential effect on adjacent neighbors).
- i. The ARC may impose such other safety and aesthetic conditions as it believes are reasonably advisable under the particular circumstances.

32. FLAGS AND FLAGPOLES

- a. As used in this section, the term "Governmental Flags" means (i) the flag of the United States of America, (ii) the flag of the State of Texas, or (iii) official or replica flags of any branch of the United

States armed forces. As used in this section, the term "Decorative Flags" means flags representing or commemorating (v) an elementary or secondary school or an institution of higher learning, (w) a national, state or religious holiday, (x) a holiday or other season, (y) a sports team, or (z) such other matters as may be approved by the ARC from time to time. As used in this section, the term "Permitted Flags" shall mean Governmental Flags and Decorative Flags.

- b. Flags may be displayed subject to the guidelines in this section. Advance written approval of the ARC is required for any flagpole, whether attached to a structure or free-standing, and any related illumination.
- c. Permitted Flags must be displayed in a respectful manner in accordance with all relevant federal, state or military laws, regulations, rules or other requirements.
- d. Permitted Flags must be displayed from a pole attached to a structure or from a free-standing pole. Flagpoles that not free-standing shall only be attached to permanent structures (i.e. the residence or garage) and not trees, fences, temporary buildings or similar items. Flags may not be draped over or directly attached to structures, fences, trees, etc.
- e. Up to two flagpoles are permitted per lot, one of which may be a free-standing; *provided that* (i) free-standing flagpoles may only fly Governmental Flags, and (ii) only one flagpole is permitted on the portion(s) of the lot that face(s) a street and only one flagpole is permitted on the rear or backyard portion of a lot.
- f. Poles attached to a structure may not be longer than 6 feet (6'), including any ornamental cap, and free-standing poles may not be higher than twenty feet (20'), including any ornamental cap.
- g. Permitted Flags shall be of a size appropriate to the flag pole on which they will be flown and the placement of the flagpole, but shall in no case be larger than five feet by three feet (5' x 3') in size.
- h. Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Governmental Flags may be displayed on an approved free-standing flagpole; *provided that* the flags being flown are appropriate to the length of the flag pole. Decorative Flags may not be flown on free-standing flagpoles.
- i. A flagpole attached to a structure must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical, and the bracket must be at least five feet (5') above ground level. Brackets which accommodate multiple flagpoles are not allowed.
- j. Flagpoles must be constructed of long-lasting materials with an appropriate finish that is harmonious with the main residence.
- k. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. Free-standing flagpoles may not be installed (i) in any location other than on the lot, (ii) in violation of any setback or similar requirement, or (iii) within any ground utility, aerial or other easement.
- l. Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing lighting does not provide proper illumination. Flag lighting must (i) be ground mounted in the vicinity of the flag, (ii) utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover, (iii) point towards the flag(s) and face the main structure on the lot, and (iv) provide illumination not to exceed the equivalent of a 60-watt incandescent bulb.

- m. Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.
- n. Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a regular basis, it must be removed.
- o. All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.

33. GARAGES

- a. Garages must be capable of housing a minimum of two (2) full size vehicles at all times.
- b. All overhead garage doors must be constructed of real wood or metal. No Masonite, plywood or glass shall be permitted in overhead garage doors.
- c. Improvements with respect to a garage may be approved under appropriate circumstances such as compatibility with nearby structures and the neighborhood. No improvement or overhang may encroach over a building line or within any utility easement.

34. PORTE COCHERES AND CARPORTS

Porte cocheres and carports shall be treated as room additions – see Section 27

35. WATER FILTRATION SYSTEMS

Water systems such as soft water or treatment systems must be installed behind a solid fence and not be visible from a fronting or side street and otherwise be in a location approved by the ARC.

36. TREE REMOVAL

- a. No tree shall be removed from any lot without ARC approval, except as may be required on an emergency basis in connection with storm damage or other extraordinary event.
- b. The ARC will generally require the replacement of any required tree that has been removed (see Section 19.e). ARC approval shall be required of the type, size and location of the replacement tree.
- c. The tree stump shall be ground down or otherwise removed to at least ground level. Any holes or indentations resulting from this removal (or later decay of the stump and/or root system) shall be filled in to ground level.

37. RAINWATER RECOVERY SYSTEMS

- a. Rainwater recovery systems may be installed on a lot, subject to these ARC Guidelines and approval of the ARC.
- b. Any such system must be installed solely on land owned by the property owner. No portion of the systems may encroach on adjacent properties or common areas.

- c. Such systems may only be installed in rear or side yards that are screened from public view except as otherwise provided by Section 202.007(d)(7)(a) and (b) of the Texas Property Code. Other than gutters and downspouts conventionally attached to a residence or appurtenant structure, all components of the system – such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses – must be screened from public view. Screening may be accomplished by (i) placement behind a solid fence, a structure or vegetation, (ii) burying the tanks or barrels, or (iii) placing the equipment in an outbuilding otherwise approved by the ARC.
- d. The type, quality and color of such system and its components shall be harmonious with the type, quality and color of the materials used in construction of the main residence on the lot. No language may be displayed on such system or any of its components that is not typically displayed on such system or component as it is manufactured.
- e. Overflow lines must not be directed onto or adversely affect adjacent properties or common areas.
- f. Inlets, ports, vents and other openings must be sealed or protected with secured mesh so as to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed.
- g. Harvested water must be used and not allowed to become stagnant or a threat to health. Unused systems shall be drained and disconnected from the gutters.

38. RELIGIOUS DISPLAYS

- a. One or more religious items may be attached to each entry to a main residence, *provided that* (i) prior ARC approval is obtained, (ii) the item(s) to be displayed are motivated by the owner's or resident's sincere religious belief, and (iii) compliance with the other guidelines set forth in this section.
- b. Either individually, or in combination with each other, the item(s) at any entry may not exceed at total size of 25 square inches.
- c. The item(s) may only be displayed on or attached to the entry door or frame and may not extend beyond the outside edge of the door frame.
- d. The type, quality and color of such religious items shall be harmonious with the type, quality and color of the materials used in construction of the main residence on the lot.
- e. Any such displayed or attached religious items may not (i) threaten public health or safety, (ii) violate any law, or (iii) contain language, graphics or any display that is patently offensive to a passerby.
- f. The Association may require a property owner to remove a religious item that violates this section.

THE BOARD OF DIRECTORS OF THE ASSOCIATION
OF GREEN TRAILS PHASE II HOMEOWNERS, INC.