

ARTICLE II ARCHITECTURAL CONTROL

Section 1. Architectural Control. No buildings, landscaping, improvements or fences of any character shall be erected or placed or the erection thereof begun, or changes made in the design, color, materials, size or additions, remodeling, renovation or redecoration of any portion of the exterior of any improvement on a Lot before or after original construction, until the construction plans and detailed specifications and survey showing the location of the structure or improvements have been submitted to and approved in writing by the Architectural Control Committee, or its duly authorized representative. Such written approval must be given for compliance with this Declaration, quality, type, and color of material, harmony of external design with existing and proposed structures and for location with respect to topography, setbacks, and finish grade elevation. All new construction shall be in accordance with CANYON GATE AT CINCO RANCH design guidelines, Section design guidelines, and these Declarations. In the event the Committee fails to indicate its approval or disapproval within forty-five (45) days after the receipt of the required documents the application will be automatically denied. Approval by committee non-response shall not apply to any request which would (1) violate any setback or easement set out in the Declarations or recorded Plat, or (2) violate any express provision of these Restrictions. Such requests shall be deemed to be automatically disapproved.

The Architectural Control Committee shall be comprised of three (3) members. The initial members of the Architectural Control Committee shall be appointed by LAND TEJAS DEVELOPMENT, LLC. If there exists at any time one (1) or more vacancies in the Architectural Control Committee, the remaining member or members of such Committee may designate successor member(s) to fill such vacancy or vacancies provided that LAND TEJAS DEVELOPMENT, LLC may from time to time, without liability of any character for so doing, remove and replace any such members of the Architectural Control Committee as it may in its sole discretion determine. LAND TEJAS DEVELOPMENT, LLC, Architectural Control Committee and the individual members thereof shall not be liable for any act or omission in performing or purporting to perform the functions delegated hereunder. The Association shall indemnify and hold the members of the Architectural Committee harmless for any claims and shall insure them under the Association Directors' and Officers' Liability insurance policy.

LAND TEJAS DEVELOPMENT, LLC hereby retains its rights to assign all or part of the duties, powers and responsibilities of the Architectural Control Committee to CANYON GATE AT CINCO RANCH OWNERS ASSOCIATION, INC., the managing agent for the Association or the Board of Directors, and the term "Committee" herein shall include the Association, its agent, or the Board of Directors as such assignee. Anything contained in this Paragraph or elsewhere in this Declaration to the contrary notwithstanding, the Committee, and its duly authorized representatives, is hereby authorized and empowered, at its sole and absolute discretion, to make and permit reasonable modifications of and deviations from any of the requirements of this Declaration relating to the type, kind, quantity or quality of the building materials to be used in the construction of any building or improvement on any Subdivision Lot and of the size and location of any such building or improvement when, in the sole and final judgment and opinion of the Committee, or its duly authorized representative, such modifications and deviations in such improvements will be in harmony with existing structures and will not materially detract from the aesthetic appearance of the Subdivision and its improvements as a whole.

In connection with its consideration of a request for an approval, modification, or a variance, the Committee may require the submission to it of such documents and items, including as examples, but without limitation, written request for and description of the construction modification or variance requested, (plans, specifications, plot plans surveys, and samples of materials). If the Committee shall approve such request, the Committee may evidence such approval, and grant its permission, only by written instrument, addressed the Owner of the Lot(s), expressing the decision of the Committee describing (when applicable) the conditions on which the application has been approved (including as examples, but without limitation, the type of alternate materials to be permitted, and alternate fence height approved or specifying the location, plans and specifications applicable to an approved out building), and signed by a majority of the then members of the Committee (or by the Committee's duly authorized representative).

Any request for a variance from the express provisions of these Declarations shall be deemed to have been disapproved for the purposes hereof in the event of either (a) written notice of disapproval from the Committee; or (b) failure by the Committee to respond to the request for variance. In the event the Committee or any successor to the authority thereof shall not then be functioning and/or the term of the Committee shall have expired and the Association shall not have succeeded to the authority thereof as herein provided, no variances from the covenants of this Declaration shall be permitted because of LAND TEJAS DEVELOPMENT, LLC's intention that no variances be available except at the discretion of the

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Committee, or if it shall have succeeded to the authority of the Committee in the manner provided herein, the Association. The Committee shall have no authority to approve any variance except as expressly provided in this Declaration. The Committee, the Association, or the managing agent may charge a reasonable fee for review of all Architectural Control Applications (“Applications”).

Section 2. Minimum Construction Standards. The Committee may from time to time promulgate an outline of minimum acceptable construction standards, provided, however, that such outline will serve as a minimum guideline and the committee shall not be bound thereby.

Section 3. No Liability. Neither the Committee nor the Association or the respective agents, employees and architects of each shall be liable to any Owner or any other party for any loss, claim or demand asserted on account of the administration of this Declaration or the performance of the duties hereunder, or any failure or defect in such administration and performance. This Declaration can be altered or amended only as provided herein and no person is authorized to grant exceptions or make representations contrary to the intent of this Declaration. No approval of plans and specifications and no publication of minimum construction standards shall ever be construed as representing such plans, specifications or standards will, if followed, result in a properly designed residential structure. Such approvals and standards shall in no event be construed as representing or guaranteeing any residence will be built in a good, workmanlike manner. The approval or lack of disapproval by the Committee shall not be deemed to constitute any warranty or representation by such Committee including, without limitation, any warranty or representation relating to fitness, design or adequacy of the proposed construction or compliance with applicable statutes, codes and regulations. The acceptance of a deed to a residential Lot by the Owner in the Subdivision shall be deemed a covenant and agreement on the part of the Owner, and the Owner’s heirs, successors and assigns, that the Committee and the Association, as well as their agents, employees and architects, shall have no liability under this Declaration except for willful misdeeds.

Section 4. Single Family Residential Construction. No building shall be erected, altered or permitted to remain on any Lot other than one detached single-family residential dwelling not to exceed two and one-half (2 ½) stories in height, a private garage for not more than three (3) cars and bona find servants’ quarters, which structures shall not exceed the main dwelling in height and which may be occupied only by a member of the family occupying the main residence on the building site or by domestic servants employed on the premises. No room(s) in the dwelling and no space in any other structure shall be let or rented. This shall not preclude the main residential structure from being leased or rented in its entirety as a single residence to one (1) family or person. This provision shall not apply to recreation areas, Common Area, any unrestricted Reserves or Reserves, or Property designated for commercial development as shown on any plat or map of the Property, or any amendment thereto.

Section 5. Minimum Square Footage Within Improvements. The total living area on the ground floor of the main residential structure (exclusive of porches, garages and servants’ quarters) shall be not less than twelve hundred (1,200) square feet for one-story dwellings. The total living area for a multi-story dwelling shall be not less than fourteen hundred (1,400) square feet. The Architectural Control Committee, at its sole discretion, is hereby permitted to approve deviations in any building area herein prescribed in instances which in its sole judgment such deviation would result in a more common beneficial use. Such approvals must be granted in writing and when given will become part of these restrictions to the extent of the particular Lot involved.

*****Section 6. Exterior Materials.** The exterior materials of residential structures and any attached garage and servants’ quarters shall be not less than sixty percent (60%) brick on the ground floor, with the remainder being either brick or masonry siding or “hardiplank,” unless otherwise approved by the Committee.

Section 7. New Construction Only. No building of any kind with the exception of lawn storage or children’s playhouses, (which shall require Committee approval as provided in Article III, Section 2) shall ever be moved onto any Lot within said Subdivision, it being the Developer’s intention that only new construction shall be placed and erected thereon, except with the prior written consent of the Committee.

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*****Section 8. Roofs and Roofing Materials.** The roofs of all buildings on the Property shall be constructed or covered with asphalt dimensional composition shingles or fiberglass composition shingles with a minimum manufacturer guarantee of twenty (20) years. The color of any composition shingles shall be subject to written approval by the Committee prior to installation. The roofs of all buildings shall contain a roof pitch of not less than five inches (5") per each vertical twelve inches (12") of roof. Roofs on attached porches may have a lesser pitch as may be determined by the Committee.

*****Section 9. Location of the Improvements Upon the Lot: Lot Coverage.** No building, structure, or other improvements shall be located on any Lot nearer to the front Lot line or nearer to the street sideline than the minimum building setback line shown on the recorded plat. No building, structure, or other improvement shall be located on any Lot nearer than ten feet (10') to any side street line. No building shall be located nearer than five feet (5') to any interior Lot line except detached garages which may be located three feet (3') from any side Lot line. No Reserve Lot shall have any improvements within twenty feet (20') of the Property line adjacent to a Reserve. For the purposes of this covenant or restriction, steps and unroofed terraces shall not be considered as part of a building; provided, however, that this shall not be construed to permit any portion of the construction on a Lot to encroach upon another Lot, a Landscape area, or any Common Area. Total Lot-coverage of buildings, driveways, walks and other structures shall not exceed sixty percent (60%) of the total Lot area for standard single-family residential developments. Pools, spas and decks are not considered structures for the purpose of calculating the Lot coverage.

Section 10. Composite Building Site. Any Owner of one or more adjoining Lots (or portions thereof) may consolidate such Lots or portions into one single-family residence building site, with the privilege of placing or constructing improvements on such site, in which case setback lines shall be measured from the resulting side property lines rather than from the Lot lines shown on the recorded plat. Any such proposed composite building site(s) must be approved by the Committee.

No Lot shall be subdivided or its boundary lines changed except with the prior written approval of the Board of Directors of the Association. Declarant, however, hereby expressly reserves the right to replat any Lot(s) owned by Declarant without the consent of the Association or any Owner. Any such division, boundary line change, or replatting shall not be in violation of the applicable subdivision and zoning regulations.

No Lot shall be made subject to any type of timesharing, fraction-sharing or similar program whereby the right to exclusive use of the Lot rotates among members of the program on a fixed or floating time schedule over a period of years.

Section 11. Utility Easements. Easements for installation and maintenance of utilities are reserved as shown and provided for on the recorded plat or by separately recorded instrument, and no structure of any kind shall be erected upon any of said easements. Utility easements are for the distribution of electrical, telephone, gas and cable television service. In some instances, sanitary sewer lines are also placed within the utility easement. Utility easements are typically located along the rear Lot line, although, selected Lots may contain a side Lot utility easement for the purpose of completing circuits or distribution systems. Both the recorded Subdivision plat and the individual Lot survey should be consulted to determine the size and location of utility easements on a specified Lot.

Generally, interior Lots contain a utility easement along the rear line. Perimeter Lots or Lots that back up to drainage facilities, pipeline easements, property boundaries and non-residential tracts typically contain a utility easement. Encroachment of structures upon the utility easement is prohibited.

Neither LAND TEJAS DEVELOPMENT, LLC 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 servants to shrubbery, trees, flowers or improvements of the Owner located on the land within or affected by said easements.

Section 12. Reservation of Easements. Declarant expressly reserves for the benefit of all of the Property reciprocal easements for access, ingress and egress for all Owners to and from their respective Lots, for installation and repair of utility services; for encroachments of improvements constructed by Declarant and participating builders or authorized by the Committee over the Property; and for drainage of water over, across and upon adjacent Lots, Common Areas and the Property resulting from the normal use

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of adjoining Lots, Common Areas or Property, and for necessary maintenance and repair of any improvement. Such easements may be used by Declarant, its successors, purchasers, the Association, and all Owners, their guests, tenants and invitees residing on or temporarily visiting the Property, for pedestrian walkways, vehicular access and such other purposes reasonably necessary for the use and enjoyment of a Lot, Common area or the Property.

*****Section 13. Garages.** No garage on a Lot with a residential dwelling shall ever be changed, altered or otherwise converted for any purpose inconsistent with the housing of a minimum of two (2) and a maximum of three (3) automobiles at all times. All Owners, their families, tenants and contract purchasers shall, to the greatest extent practicable, utilize such garages for the garaging of vehicles belonging to them.

When a Lot sides onto a neighborhood entry street or collector/loop street, driveways and garages are to be placed near the property line farthest from the entry street.

Detached garages are not permitted on Lots that back onto a greenbelt (Reserve).

When the side of a Lot is exposed to a greenbelt, a detached garage may be allowed provided that the garage is on the side of the Lot opposite the greenbelt.

Lots that back onto or have a side exposed to a greenbelt may have detached garages positioned on either side of the Lot.

On corner Lots, detached and attached garages may not face the side street and must be placed on the opposite Lot side from the side street.

Section 14. Landscape Areas. The Association shall have the right to conduct landscaping activities upon and within the Landscape Areas. Lot Owners shall maintain the easement between their Lot and all street or road right-of-ways. The Association shall have the right, but not the obligation, to install, operate, maintain, repair and/or replace public street lighting, hike and bike trails, jogging paths, walkways and other similar improvements, provided such lighting, trails, paths, walkways and other improvements are constructed within the right-of-way of thoroughfares. The Association may assign such maintenance and operation.

Section 15. Sidewalks. Before the dwelling house is completed and occupied, the Lot Builder shall construct a concrete sidewalk four feet (4') in width parallel to the street curb two inches (2") back from the property lines of the Lot into the street right-of-way and/or to street curbs in the case of corner Lots. Builders on corner Lots shall install such a sidewalk both parallel to the front Lot line and Parallel to the side street Lot line. Such sidewalks shall comply with all federal, state and county laws, ordinances, or regulations respecting construction and/or specifications, if any. Locations of sidewalks are not to be varied except when required to avoid existing trees. Upon the sale of any Lot, the sidewalks on said Lot will become the property and maintenance responsibility of the new owner.

*****Section 16. Street Trees.** Street Trees shall be planted and maintained in the green space located between the back of the street curb and the sidewalk on all Lots. Street trees shall be only Oak variety and shall be planted within a minimum four inch (4") trunk caliper.

One (1) street tree per sidewalk shall be planted on Lots having street frontage of sixty-five feet (65') or less and two (2) street trees per side adjacent to any street or road shall be planted on Lots having frontage more than sixty-five feet (65'). Lots shall have street trees on all sides with sidewalks. Street trees shall be situated so as not to obstruct vision at street corners and intersections.

The street trees requirements shall be in addition to, and not substitute for, yard tree requirements set out elsewhere in the Restrictions.

Street trees shall be planted by the builder before any house is sold to an Owner and thereafter shall be maintained by the Owner of the Lot.

Section 17. Housing Plan and Elevation Repetition. The following three (3) scenarios represent CANYON GATE AT CINCO RANCH's guidelines for determining when a plan and elevation can be repeated within a subdivision:

- (1) When building the same plan, different elevation, on the same side of the street, two (2) Lots must be skipped;
- (2) When building the same plan, different elevation, on both sides of the street, two (2) Lots must be skipped;

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- (3) When building the same plan, same elevation, on the same side of the street or on both sides of the street, four (4) full Lots must be skipped.

*****Section 18. Landscaping.** The residential Lot builder is responsible for landscaping all front yards, including the portion of the street right-of-way between the property line and the street curb and the rear yards of Lots adjacent to Green Belts or Recreational Areas. Installation of all landscaping must occur immediately upon occupancy of the house or within thirty (30) days after completion of construction, whichever occurs first. Installation of landscaping, including materials and workmanship, must be in conformance with acceptable industry standards.

FRONT YARDS – ALL LOTS

Minimum planting bed specifications include:

- a. Minimum planting bed width of five (5) feet from the house foundation. Curvilinear planting beds are encouraged;
- b. Shrubs are to be planted in a pleasing, organized design; and
- c. The number of plants utilized shall be appropriate for the size of the planting bed. A maximum of seven (7) different species of planting may be utilized within a front yard.

Planting bed edging is not required, but is encouraged for maintenance purposes and to define the shape of planting beds. Loose brick, plastic concrete scallop, corrugated aluminum, wire wicket, vertical timbers, railroad ties are not in character with the desired landscape effect and are prohibited. Acceptable edging is Ryerson steel, brick set in mortar, horizontal timber (2 inches by 4 inches, 2 inches by 6 inches, 4 inches by 4 inches and 4 inches by 6 inches), stone laid horizontally and continuous and concrete bands.

All planting beds are to be mulched with shredded pine bark, or shredded hardwood.

The use of gravel or rock in front yard planting beds is prohibited, except as a border when set in and laid horizontally as quarried or utilized for drainage purposes. Specimen boulders are permitted.

Tree stakes must be made of wood, two (2) inches in diameter by six feet (6') long.

The front lawn of each completed residence shall be completely sodded with St. Augustine grass or a hybrid thereof. Seeding, and/or sprigging is prohibited.

All landscaping is required to be maintained in a healthy and attractive appearance. Proper maintenance includes:

- a. Adequate irrigation, automatic irrigation systems are encouraged;
- b. Appropriate fertilization;
- c. Pruning;
- d. Mowing;
- e. Weed control in lawns and planting beds;
- f. Seasonal mulching of planting beds;
- g. Insect and disease control;
- h. Replacement of diseased or dead plant materials; and,
- i. In addition to the street trees and standard front yard landscaping requirements, the Lot types listed below require the following minimum landscape material and trees. (Lots shall be measured from their widest point.)

LOTS 65' WIDE AND UNDER

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A minimum of two (2) trees must be planted in the front yards. One tree must have a minimum six (6) inch caliper when measured six (6) inches above grade and the other tree must have a minimum four (4) inch caliper. Minimum tree height for the six (6) inch caliper tree is fifteen (15) feet and ten (10) feet for the four (4) inch caliper tree.

Trees must be planted in an informal manner. The same number of tree species and the tree planting plan should not be repeated on adjacent Lots.

Shrubs shall include a minimum of ten (10) larger species (minimum five (5) gallon), fifteen (15) small species (minimum one (1) gallon) and two (2) fifteen (15) gallon specimens.

LOTS 65' – 75' WIDE

A minimum of three (3) trees must be planted in the front yards. One (1) of the three trees must be a pine. One (1) tree must be a minimum six (6) inch caliper when measured six (6) inches above grade and the remaining two (2) trees must be four (4) inches in caliper. Minimum tree height for the six (6) inches caliper tree is fifteen (15) feet and ten (10) feet for the four (4) inch caliper trees.

Trees must be planted in an informal manner, although one (1) tree (either pine or hardwood) must be located within ten (10) feet of the back of curb to promote a street tree program. The same number of tree species and the tree planting plan should not be repeated on adjacent Lots.

Front yard planting shall consist of a minimum of 20 larger species (five gallon), 25 smaller (one gallon), and two (2) fifteen gallon specimens.

LOTS OVER 75' WIDE

A minimum of four (4) trees must be planted in the front yards. Two (2) of the four (4) trees must be pines with one being a minimum six (6) inch caliper when measured six (6) inches above grade and the other a minimum four (4) inch caliper. Of the remaining two (2) trees, one must be six (6) inches and the other four (4) inches in caliper. Minimum tree height for the six (6) inch caliper trees is fifteen (15) feet and ten (10) feet for the four (4) inch caliper trees.

Trees must be planted in an informal manner, with every Lot having one (1) tree located within ten (10) feet of the back of curb to promote an informal street tree program and every other Lot having two (2) trees located within ten (10) feet of the back of curb. The same number of tree species and the tree planting plan should not be repeated on adjacent Lots.

Shrubs shall include a minimum of 40 five (5) gallon, 20 one (1) gallon, and 4 fifteen (15) gallon species.

CORNER LOTS

Supplemental landscaping specifications for all corner Lots include the following:

Five (5) trees selected from the Front Yard Trees are to be planted along the side street portion of corner Lots.

Two (2) of the trees must be a minimum of six (6) inches in caliper and the remaining three (3) trees must be a minimum four (4) inch caliper, measured as noted above.

A minimum of two (2) pines is required with no more than three (3) pine trees permitted.

The five (5) trees are to be planted informally and not aligned in a straight row.

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GREENBELT LOTS

Supplemental landscaping specifications for all greenbelt Lots include the following:

The rear lawn of each greenbelt Lot shall be completely sodded with St. Augustine grass (or a hybrid);

The rear yard of each greenbelt shall be planted with a sufficient amount of shrubs so as to completely screen all housing foundations; and,
Two (2) trees, with a minimum tree height of ten (10) feet and four (4) inches in caliper, must be planted in the rear yard of all greenbelt Lots.

REAR YARDS – 70’ AND WIDER

Supplemental rear yard landscaping specifications for Lots seventy (70) feet side and greater include the following:

The rear lawn of each Lot shall be completely sodded with St. Augustine (or hybrid) grass;

One (1) tree is to be planted in the rear yard. The tree is to be a minimum of four (4) inches in caliper with a minimum tree height of ten (10) feet.

MASTER PLANT LIST

A Master Plant List to be used by builder and owners is attached hereto as Exhibit “C.”

Section 19. Landscape Plan. A plot plan showing all fence locations, all required trees and shrubs with size, location, and species noted shall be submitted to the Committee before installation by all Owners (other than builders, as defined in Article I, Section 2).

Section 20. Underground Electric Service. An underground electric distribution system will be installed in that part of CANYON GATE AT CINCO RANCH, designated Underground Residential Subdivision, which underground service area shall embrace all Lots in CANYON GATE AT CINCO RANCH. The Owner of each Lot in the Underground Residential Subdivision shall, at his own cost, furnish, install, own and maintain (all in accordance with the requirement of local governing authorities and the National Electrical Code) the underground service cable and appurtenances from the point of the electric company’s metering on customer’s structure to the point of attachment at such company’s installed transformers or energized secondary junction boxes. Such point of attachment to be made available by the electric company at a point designated by such company at the property line of each Lot. The electric company furnishing service shall make the necessary connections at said point of attachment and at the meter. In addition the Owner of each such Lot shall, at his own cost, furnish, install, own and maintain a meter loop (in accordance with then current standards and specifications of the electric company furnishing service) for the location and installation of the meter of such electric company for the residence constructed on such Owner’s Lot. For so long as underground service is maintained in the Underground Residential Subdivision, the electric service to each Lot therein shall be underground, uniform in character and exclusively of the type known as single phase, 110/220 volt, three wire, 60 cycle, alternating current.

The electric company has installed the underground electric distribution system in the Underground Residential Subdivision at no cost to Developer (except for certain conduits, where applicable) upon Developer’s representation that the Underground Residential Subdivision is being developed for single-family dwellings of the usual and customary type, constructed upon the premises, designed to be permanently located upon the Lot where originally constructed and built for sale to bona fide purchasers (such category of dwelling expressly excludes, without limitations, mobile homes and duplexes). Therefore, should the plans of Lot Owners in the Underground Residential Subdivision be changed so that dwellings of a different type will be permitted in such Subdivision, the electric company shall not be obligated to provide electric service to a Lot where a dwelling of a different type is located unless (a) Developer has paid to the company an amount representing the excess in cost, for the entire

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Underground Residential Subdivision, of the underground distribution system over the cost of equivalent overhead facilities to serve such Subdivision, of (b) the Owner of such Lot, or the applicant for service, shall pay to the electric company for the additional service, it having been agreed that such amount reasonably represents the excess in cost of the underground distribution system to serve such Lot, plus (c) the cost or rearranging and adding any electric facilities serving such Lot, which rearrangement and/or addition is determined by the company to be necessary.

Section 21. Structured In-House Wiring. Each house built in the Subdivision shall include among its components structured in-house wiring and cabling to support multiple telephone lines, internet/modem connections, satellite and cable TV service and in-house local area networks. In each home, a central location or Main Distribution Facility (“MDF”) must be identified to which ALL wiring must be run. The MDF is the location where all wiring is terminated and interconnected, and where the electrical controllers will be mounted.

The MDF will be the central location for all wiring of all types including security, data, video, and telephone wiring. The wiring room must be a clean interior space, preferably temperature controlled and secure. The components must be installed only in a dry location. The following are acceptable locations:

- a. A dedicated wiring closet (ideal installation);
- b. A storage closet (if appropriate space is available); or
- c. A utility room that is considered dry as described in the N.E.C.

The components SHALL NOT be installed in a garage, crawls space, exterior enclosure, or fire rated wall, as these are not approved installation locations. The volume and ventilation characteristics of the MDF must allow for 70W heat dissipation without exceeding the ambient temperature and humidity requirements. The specific requirements, specifications, and locations for each MDF shall be subject to Committee approval in each case. The Committee may promulgate rules and/or rules and/or specifications for the MDF's.

Section 22. Bulk Communication Services. IN THE SOLE DISCRETION OF THE DEVELOPER, AS LONG AS DEVELOPER IS IN CONTROL OF THE SUBDIVISION, AND THEREAFTER, IN THE SOLE DISCRETION OF THE ASSOCIATION, THE ASSOCIATION SHALL HAVE THE EXCLUSIVE RIGHT AND OPTION TO PROVIDE AND BILL EACH LOT OWNER FOR THE FOLLOWING COMMUNICATION SERVICES EITHER INDIVIDUALLY OR BUNDLED PACKAGES:

- a. TELEPHONE SERVICES (LOCAL AND LONG DISTANCE)
- b. CLOSED CIRCUIT TELEVISION
- c. CABLE TELEVISION
- d. SATELLITE TELEVISION
- e. INTERNET CONNECTION
- f. COMMUNITY INTERNET
- g. FIRE OR BURGLAR ALARM MONITORING
- h. ON DEMAND VIDEO
- i. VOICE MAIL

THESE SERVICES SHALL BE BILLED IN ACCORDANCE WITH ARTICLE VI, SECTION 12.

Section 23. Bulk Power Services. IN THE SOLE DISCRETION OF THE DEVELOPER AS LONG AS THE DEVELOPER IS IN CONTROL OF THE SUBDIVISION, AND THEREAFTER, IN THE SOLE DISCRETION OF THE ASSOCIATION, THE ASSOCIATION SHALL HAVE THE EXCLUSIVE RIGHT AND OPTION TO PROVIDE AND BILL EACH LOT OWNER FOR THE FOLLOWING POWER SERVICES FROM THE ASSOCIATION EITHER INDIVIDUALLY OR IN BUNDLED PACKAGES:

- a. ELECTRICAL POWER
- b. NATURAL GAS

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Section 24. Grading and Drainage. Each Lot shall be graded so that storm water will drain to the abutting street(s) and not across adjacent Lots. Minimum grade shall be 1.0 percent. Exceptions will be made in those instances where existing topography dictates an alternate Lot grading plan. The Architectural Control Committee must approve all exceptions.

***Section 25. Driveways. The builder is required to build driveways into the street right-of-way. All driveway locations must be approved by the Committee. To the extent possible, driveways are to be de-emphasized, highlighting instead the landscape and pedestrian environment.

Concrete driveways are to be a minimum for (4) inches over a sand base. A #6, six inch (6") by six inch (6") woven wire mesh shall be installed within the "approach" portion of the driveway between the curb and sidewalk. County or city specifications regarding driveway cuts, curb returns and approaches at driveway openings shall be adhered to for all Lots.

Driveways may be paved with concrete or unit masonry although use of materials should be consistent with the architectural character of the entire neighborhood. The use of stamped or colored concrete, interlocking pavers, brick pavers and brick borders are encouraged, but must be approved by the Committee. Asphalt paving is prohibited.

Driveways should not be constructed over inlets or manholes. In instances where this is unavoidable, compliance with county or city regulations, which may require inlet adjustment and/or relocation, will be necessary.

Driveways shall be located no closer than two feet (2') from the side property line.

Driveways serving residences with attached side or rear loaded garages and/or detached garages shall be a minimum of ten feet (10') in width at the street and may taper to a width not less than the total width of the garage as measured at the vehicle doors.

Driveways serving attached two (2) car garages facing the street shall be eighteen feet (18') in width.

Driveway slopes should be uniform with smooth transitions between areas of varying pitch.

The use of circular drives is discouraged and will be allowed by the Architectural Control Committee only in instances where the width of the Lot is sufficient to accommodate such driveways while leaving a significant amount of green space. Under no circumstances may an entire front yard be paved as a driveway.

Section 26. Outdoor Lighting.

All outdoor lighting must conform to the following standard and be approved by the Architectural Control Committee:

- a. Floodlighting fixtures shall be attached to the house or an architectural extension.
- b. Floodlighting shall not illuminate areas beyond the limits of the property line.
- c. Ornamental or accent lighting is allowed but should be used in moderation and compliment the associated architectural elements.
- d. Moonlighting or plighting of trees is allowed, but the light source must be hidden.
- e. Colored lenses on low voltage lights, colored light bulbs, fluorescent and neon lighting is prohibited, and
- f. Mercury vapor security lights, when the fixture is visible from public view or from other Lots, is prohibited. Mercury vapor lights, when used for special landscape lighting affect (such as hung in trees as up and down lights) is permissible.

Section 27. Screening. Mechanical and electrical devices, garbage containers and other similar objects visible from a public street, Reserves, or Common Areas, or located on Property boundaries, must be screened from view by either fences, walls, plantings, or a combination thereof. Screening with plants is to be accomplished with initial installation, not assumed growth at maturity.

Section 28. Walls, Fences and Hedges. No wall, fence or hedge shall be erected or maintained nearer to the front Lot line than ten feet (10') behind the front building line on such Lot, nor on corner Lots nearer to the side Lot line than the building line parallel to the side street. No side or rear fence, wall or hedge shall be more than six feet (6') in height from the grading plan for the Lot, except for street and

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perimeter fences erected by the Developer or the Association, which fences may be eight feet (8') in height from the grading plan for the Lot, except for street and perimeter fences erected by the Developer or the Association, which fences may be ten (10') in height. All fences must be constructed of ornamental iron, cedar, wood, brick, concrete or masonry. Changes to any of these requirements must be applied for through the Architectural Control Committee. No chain link fence type construction will be permitted on any Lot. Any wall, fence or hedge, except for Subdivision perimeter walls, and boulevard walls erected on a Lot by LAND TEJAS DEVELOPMENT, LLC or its assigns, shall pass ownership with title to the Lot and it shall be owner's responsibility to maintain said wall, fence or hedge thereafter.

All fences and walls adjacent to any divided street shall be entirely of Association designated masonry/brick/wood/wrought iron construction. The brick or masonry color, wood color, wrought iron color and design, manufacturer, type, column design, and fence specifications shall be promulgated by rules set by the Committee. Association owned fences may be sited on the Lot line or boundary of a Lot and the Common Area, easement, or public street and such fence shall be maintained by the Association.

Section 29. Fences on Reserve Lots. All fences must have the prior written approval of the Committee as to location, design, material, color, paint and stain requirements.

Section 30. Lot Privacy Fences. Six foot (6') high wood fences shall be installed between all Lots and enclosing the rear yard on all Lots except where Association fences have been constructed, except as provided in Section 29, and except where alternative materials have been herein specified. Wood fences shall be constructed "good neighbor style" (alternating panels) using six inch (6") notched cedar pickets with a minimum of two (2) rails of two inch (2") by four inch (4") treated wood and four inch (4") by four inch (4") treated wood posts at a maximum spacing of eight feet (8') on center. All wood fences shall be constructed using galvanized nails, four (4) per picket minimum. Wood fences that face any street shall have all pickets facing the street. The Committee may specify that wood fences facing a street be stained a particular color. All wood fences shall be subject to Committee approval prior to construction.

Section 31. Fence Maintenance. All fences, except boulevard masonry/brick/wood/wrought iron fences adjacent to streets and erected by the Developer and as specifically required elsewhere herein to be maintained by the Association, shall be maintained in good condition at all times by the Owner of the Lot. The Association is granted an easement over and across any lot upon which a fence or wall owned by the Developer or the Association is constructed for the purpose of maintenance or replacement.

*****Section 32. Other Requirements.** The deed restrictions of the various sections of the Property may contain more restricted provisions or additional requirements (such as by way of illustration, require larger building sizes, more brick or masonry siding or different types of building materials). In such case the Section Declaration of each shall apply.