

NOTICE

## AFFIDAVIT REGARDING AUTHENTICITY OF DOCUMENTS

STATE OF TEXAS } KNOW ALL MEN BY THESE PRESENTS:  
284 COUNTY OF HARRIS }

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THAT the foregoing and attached documents, entitled "Clear Lake City Community Association, Inc. Bylaws" and "FDC Commercial Development Guidelines" are photocopies of original documents which were adopted in connection with the operation and administration of the Clear Lake City subdivision of Harris County, Texas, including: Clear Lake City Core A (Oakbrook); Clear Lake City Core B (Oakbrook West); Clear Lake City Core C (Meadowgreen); Clear Lake City Core D (Camino South); the Commercial/Industrial Areas of Clear Lake City; Clear Lake City Community Association, Inc.; and all of the properties governed by Clear Lake City Community Association, Inc. Such documents constitute a supplement to the "dedicatory instrument" governing such properties, as such term is defined within Section 202.001(1) of the Texas Property Code. The foregoing and attached documents are hereby filed/recorded in compliance with the mandate of Section 202.006 of the Texas Property Code.

All facts recited and statements made herein are true, correct and in all respects accurate."



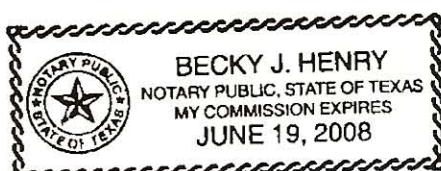
Michael J. Treece, Attorney for  
Clear Lake City Community  
Association, Inc.

SUBSCRIBED AND SWORN TO BEFORE ME on this 26<sup>th</sup> day of  
FEBRUARY, 2006.

After Filing  
Please Return to:

✓  
Treece Law Firm  
1020 Bay Area Blvd., Suite 200  
Houston, Texas 77058

Becky J. Henry  
NOTARY PUBLIC - STATE OF TEXAS



**SUPPLEMENTS TO GOVERNING DOCUMENTS  
FOR  
CLEAR LAKE CITY COMMUNITY ASSOCIATION, INC.**

COUNTY OF HARRIS }

DOCUMENTS GOVERNING THE FOLLOWING SUBDIVISIONS:

CLEAR LAKE CITY CORE A (OAKBROOK), CLEAR LAKE CITY CORE B (OAKBROOK WEST), CLEAR LAKE CITY CORE C (MEADOWGREEN), CLEAR LAKE CITY CORE D (CAMINO SOUTH), AND THE COMMERCIAL/INDUSTRIAL AREAS OF CLEAR LAKE CITY, SUBDIVISIONS IN HARRIS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDS OF HARRIS COUNTY, TEXAS.

FILED OF RECORD IN COMPLIANCE WITH SECTION 202.006 OF THE TEXAS  
PROPERTY CODE, AS PART OF THE DEDICATORY INSTRUMENT GOVERNING THE  
ABOVE-DESCRIBED SUBDIVISIONS

2021-2022 学年

BY-LAWS OF  
CLEAR LAKE CITY COMMUNITY ASSOCIATION, INC.  
A TEXAS NON-PROFIT CORPORATION

**CLEAR LAKE CITY COMMUNITY ASSOCIATION, INC.  
BYLAWS**

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**CLEAR LAKE CITY COMMUNITY ASSOCIATION, INC.  
BYLAWS**

**ARTICLE I NAMES, PURPOSES AND OFFICES**

- 1.1 The name of this corporation is CLEAR LAKE CITY COMMUNITY ASSOCIATION, INC.
- 1.2 This corporation is organized for exclusively civic, educational, and recreational purposes, to wit:
  - (a) To provide for maintenance, preservation and architectural control of properties within the boundaries of Clear Lake City Community Association's jurisdiction, and to promote the health, recreation and wellbeing of the residents and of the community. The purpose of the corporation shall not be the protection, promotion or stimulation of any business organized for profit;
  - (b) To promote and provide educational and public recreational facilities for the residents of Clear Lake City and surrounding areas; and
  - (c) To maintain, and conduct buildings and properties for educational and recreational facilities.
- Neither any donations made to this corporation nor any fund or property arising therefrom, in whatever form it may take, shall be diverted from the purposes here set out.
- 1.3 The principal office shall be 16511 Diana Lane, Houston, Texas 77062, or such other place as may be determined by the Board of Trustees.
- 1.4 The corporation may also have offices at such other places both within and without the State of Texas as may be determined by the Board of Trustees.
- 1.5 The corporation shall have no members.

**ARTICLE II FORM OF MANAGEMENT**

- 2.1 This corporation shall take a "Board-Manager" form. All powers of the corporation shall be vested in the Board of Trustees except as otherwise provided in these Bylaws. The Board shall employ a general manager, who shall execute the bylaws and administer the business of the corporation in accordance with the policies and budget adopted by the Board of Trustees.

**ARTICLE III TRUSTEES**

- 3.1 The number of Trustees is fixed at 9.
  - 2 elected from Core A (Oakbrook) of Clear Lake City, Harris County, Texas
  - 2 elected from Core B (Oakbrook West) of Clear Lake City, Harris County, Texas
  - 2 elected from Core C (Meadowgreen) of Clear Lake City, Harris County, Texas
  - 2 elected from Core D (Camino South) of Clear Lake City, Harris County, Texas
  - 1 elected from Commercial/Industrial Areas of Clear Lake City, Harris County, Texas
- 3.2 Tenure of office for each elected Trustee shall be three years provided that, in order to create continuity of management, the Trustees will have their terms staggered. Members of the Board of Trustees shall be seated as the first order of new business and commence their term of office on the second Tuesday of June of any given year. Unless an elected Trustee resigns, or this term of office otherwise expires prematurely, he shall continue to serve for the period of time which he/she was elected, that is, one year, two years, or three years, depending whether the elected Trustee is filling an unexpired term or an expired term.

#### ARTICLE IV ELECTIONS

4.1 Elections of Trustees shall be conducted by secret ballot. Ballots shall be paper ballots with the name of the position being voted upon, the names of each qualified candidate for that position printed on the ballot and a place for the voter to record the vote. No other information regarding the candidate/s shall be on the ballot. Write in candidate is not permitted. Qualified voters shall be given a paper ballot, a place to record their vote in reasonable privacy and their ballot shall be placed in a sealed metal container that will remain sealed until opened by the election judge at the time for counting the vote.

4.2 Elections for Trustees shall be held on the first Saturday of May in any given year. Early voting will begin after the closing date established for candidate filing time. Voters must appear in person at the place of voting which shall be the Clear Lake Recreation Center, 16511 Diana Lane, Houston, Texas 77062-5796.

4.3 Qualification for voting for a residential Candidate shall be 1) ownership and occupancy of a residence in the Core for which the election is held; 2) in full compliance with all applicable deed restrictions at time of voting; 3) current in all Clear Lake City Community Association assessments and fees. The records of ownership maintained by the CLCCA office will provide the basis for voter qualification. A maximum of two (2) votes per household is permitted in the event of more than two owners. Any records identifying those who voted shall be kept confidential, protecting the privacy of the owner.

4.4 Qualification for voting for a commercial/industrial candidate shall be each voter must be 1) the owner/proprietor of a commercial/ industrial establishment within the boundaries of the Clear Lake City Community Association, Inc.; 2) in full compliance with all applicable deed restrictions at time of voting; 3) current in all Clear Lake City Community Association assessments and fees. The records of ownership maintained by the CLCCA office will provide the basis for voter qualification. A maximum of one (1) vote per commercial/industrial establishment is permitted regardless of the number of owners of that establishment.

4.5 Qualifications of candidates for election as Core Trustee shall be (1) ownership and occupancy of a residence in the Core for six months prior to the beginning of the filing period, (2) in full compliance with all applicable deed restrictions at time of filing and remain in compliance throughout the election process, (3) current in all Clear Lake City Community Association assessments and fees, (4) filing as a candidate prior to the closing date as established by the Board of Trustees, (5) has not been convicted of any felony, theft or crime involving moral turpitude, (6) if having served previously as Trustee, that the candidate complies with section 5.5 of these By-Laws. The records of ownership maintained by the CLCCA office will provide the basis for candidate qualification.

4.6 Qualifications of candidates for election as a commercial/industrial Trustee shall be (1) ownership/proprietorship of a commercial/industrial establishment within the Clear Lake City Community Association for six months prior to the beginning of the filing period, (2) in full compliance with all applicable deed restrictions at time of filing and remain in compliance throughout the election process, (3) current in all Clear Lake City Community Association assessments and fees, (4) filing as a candidate prior to the closing date as established by the Board of Trustees, d (5) has not been convicted of any felony, theft or crime involving moral turpitude, (6) if having served previously as a Trustee, that the candidate complies with section 5.5 of these By-Laws. The records of ownership maintained by the CLCCA office will provide the basis for candidate qualification.

4.7 The election judges shall count the votes after the close of the poll. If desired, candidates or their representative only may be present during their vote count. The judge will hold the ballot for all to view. The judge may ask the security officer to remove a candidate if they interfere with the vote count. The election judges will post the election results at the polling place after the vote count is made and seal all documents. The General Manager will become custodian of the sealed election documents which will be retained for six (6) months and will then be destroyed. Any challenges to the vote count may be made in writing at the CLCCA office no later than ten (10) business days after the election. The election judges will make a requested recount in the presence of one representative from each party in the contested election, a CLCCA Board representative, and a security officer. The total cost of the judge and security officer will be paid by the challenger at the time the recount is requested. All other requests to unseal the ballots must be presented in writing to the Board stating a proper purpose within ten (10) business days of the election. A two thirds recorded vote of the Board is required to unseal the ballots. Unsealing the ballots will be done in the presence of an election judge and a security officer. The costs for this procedure will be borne by the requesting party. The Board, upon granting approval, will determine the conditions of access, any allocation of cost, and any additional action to be taken.

Any other challenge to the Election must be made in writing at the CLCCA office no later than 10 business days after the Election. The challenge will be reviewed by the duly seated Board of Trustees and their majority decision shall decide the issue.

4.8 In the event of a tie vote, the board will select one of the tied candidates who will serve until the next election.

4.9 A recall election shall be called by the Board of Trustees upon the receipt of a recall petition signed by 100 resident property owners of the concerned Trustee's core or commercial/industrial area. The petition shall have the printed name, signature, address and date of the resident-homeowners' signature and the signature of the person who collected it who shall be a resident of that subdivision and shall attest to that fact. The presenter of the petition must sign and have notarized an affidavit that swears to the authenticity of the signatures on the petition. The original completed petition must be submitted to the Secretary of the Board within 90 days of the first dated signature. A recall petition shall state one or more of the following three reasons for the recall: 1) breach of public confidence that is offensive to the community or public peace; 2) A mandate that the judgment or actions of the Trustee are not in the best interest of the subdivision or commercial entity; 3) An absence of responsibilities relating to the Charter, Policies and By-laws of the Association. The recall election must be held within sixty (60) days from receipt of a valid recall petition unless the date of recall election falls within sixty (60), but not less than 30 days, of the first Saturday in May, which is the regular election day for the Core and Commercial/Industrial.

In order for recall of the trustee, there must be approval of 2/3 of the property owners voting from the Trustee's core or commercial/industrial area.

The voting is to be carried out in the same manner as regular elections. No newly elected, re-elected or appointed Trustee may be recalled by election for a period of three months after assuming the office of Trustee.

## ARTICLE V VACANCY

5.1 A vacancy occurs when (a) a Trustee is absent from four meetings during the one year period of July to June or (b) delinquent in paying the Association fees by more than one year or (c) no longer is a resident-homeowner in the Core. The vacancy exists for the Commercial Trustee occurs when conditions (a), (b) or he/she no longer is an owner/proprietor of a commercial/industrial establishment

5.2 The office held by any member of the Board of Trustees shall be deemed vacant upon the death of the trustee or upon the receipt of the letter of resignation by the Trustee. No oral statement of resignation shall be accepted. Within five (5) days of receipt of notice of such death or resignation, the President shall notify the Board of Trustees that a vacancy has occurred and provide them with a copy of the letter of resignation, if applicable.

5.3 Any vacancy or vacancies occurring on the Board of Trustees may be filled by the affirmative vote of a majority of the remaining trustees at a regularly scheduled meeting and shall serve until the next scheduled election. After the names are submitted to the Board of Trustees for nomination, each nominee shall be qualified before a vote is taken. If the first vote fails to appoint a Trustee, the two candidates receiving the most votes shall remain in nomination, all others being withdrawn and another vote taken. This appointed Trustee shall serve until a successor is elected at the next occurrence of the election date specified in Section 4.2 of these By-Laws. The newly appointed Trustee begins the term of office in accordance with Section 3.2 of these By-Laws and is seated immediately following the appointment. The Trustee will have equal status and rights as if elected.

5.4 A request for action to remove a Trustee from office may be made by any group of at least four then sitting Trustees provided that the request is submitted no less than 40 days before a meeting that would consider such action. The removal of a Trustee may be considered only for (a) violation of fiduciary responsibilities; (b) unresolved violation of deed restrictions; (c) unresolved conflict of interest and (d) conviction of any felony. The Trustee against whom the removal action is pending shall be notified of the pending action and its causes by registered mail no less than 30 days before the vote.

The Trustee shall have the opportunity to defend against the removal action in closed meeting and may call any person/ persons to speak in his/her defense. Two thirds vote by the Trustees will be required to remove the Trustee.

Any six (6) or more, not related, residential or commercial qualified voters who wish to question the performance or qualification of a Trustee elected from their area may request appearance before a group of four Trustees, that they select, in order to present their position in a confidential meeting with those Trustees. Reasons a resident or commercial voter may call this meeting: 1) A breach of public confidence that is offensive to the community or public peace; 2) A mandate that the judgment or actions of the Trustee are not in the best interest of the subdivision or commercial entity; 3) Absence of responsibilities relating to the Charter, Policies and Be-laws of the Association. Those Trustees may then decide on a course of action supporting or rejecting the concerns or action requests expressed in the meeting.

5.5 Any Trustee, whether elected at a regular election or appointed to fill a vacancy who is removed from the Board as provided in sections 4.9 or 5.4 or resigns from the Board prior to the expiration of the Trustee's term or who vacates Trustee position according to 5.1 a or b, shall be ineligible to serve as Trustee for a period of three (3) years following the date the Trustee's term would have expired.; provided, however, that this rule of ineligibility shall not apply to a resignation accepted by the Board as being on the grounds of the condition of the Trustee's health or the health of the Trustee's immediate family or circumstances require a prolonged absence from the Clear Lake area. The Board may vote to waive the ineligibility of a resigning Trustee at the time of resignation.

5.6 Any sitting or former Trustee who divulges "privileged" or closed session information to unauthorized sources or individuals that results in harm, discredit or slander to the organization (CLCCA) or its officers, shall be ineligible to hold office. A sitting Trustee who divulges "privileged" or closed session information to unauthorized sources or individuals shall be removed from the board.

5.7 Any Trustee or Trustees who takes legal action against the Board must first resign his/her position.

## **ARTICLE VI MEETINGS**

6.1 The Board of Trustees shall conduct regular meetings during the year and such meetings will be held on the second Tuesday of each month. The Board can vote to change the date when holidays or special occasions will interfere with the second Tuesday.

6.2 At the June meeting, the Board of Trustees shall receive the results of the Core and Commercial/Industrial election and at that time, seat the newly elected Trustees. The Board of Trustees shall receive a list of all names of the Trustees, addresses, telephone numbers and date of expiration of the terms of the Trustees.

6.3 Special meetings of the Trustees may be called by the President, or by two of the Trustees acting jointly, for a purpose or purposes, which will be stated in the written notice of the meeting being called. The stated purpose of the meeting will constitute the Agenda and will be the sole matter(s) under deliberation by the Board of Trustees at the Special meeting. The written notice of a Special meeting being called will be transmitted to the Secretary or in the case of the Secretary being unavailable, the Vice President. The receiver of the notice of Special meeting will then assure by some manner that at least ten (10) calendar day written notice is given to all Trustees. By agreement of at least eight (8) of the Trustees, the ten (10) day written notice may be waived. The caller(s) of a Special meeting seeking a waiver is responsible for making a good faith effort to notify all Trustees. In no case may the Special meeting be held the same calendar day upon which eight (8) Trustees agree to it. The names of those consenting to the waiver with their initials or signature will be affixed to a document detailing the purpose or purposes for the Special meeting before it is called to order. This document will as above constitute the Agenda and the items to be considered. A quorum at a Special meeting that has been called with waiver of the ten (10) calendar day written requirement will consist of at least eight (8) Trustees. Special meetings will be considered as open meetings. The sole exception is if the content is of substance which would normally be conducted in the regular closed meeting of the Board of Trustees. Minutes will be kept of the Special meeting. At the next regularly scheduled meeting of the Board of Trustees, the President will present the minutes from the Special meeting for approval in either closed or open session as appropriate.

6.4 Under no circumstances will a committee meeting conduct business as the Board of Trustees.

6.5 In an emergency, the Board of Trustees may without a meeting take action by collecting signatures of two-thirds of then sitting Trustees on a document that describes the action to be taken. Such consent shall have the same force and effect as a unanimous vote during a meeting of the Trustees. An emergency is a situation that

has occurred unexpectedly and is not a pre-existing condition. For instance, an air conditioning system breaks in July, playground equipment is vandalized in a manner that threatens safety of children playing on it, a storm topples a tree, an underground water pipe breaks, or a power transformer malfunctions.

If the emergency is such that without immediate action the Association would be exposed to new legal liability, severe loss to capital equipment or condition of land, or loss of normal operations, then three-fourths of the then sitting Trustees may orally assent in a telephone poll that is conducted by the General Manager or Board President. Such consent shall have the same force and effect as a unanimous vote during a meeting of the Trustees.

For any Board action outside a regular meeting, the circumstances of the emergency and the outcome of the decision process shall be attested and recorded at the next full meeting of the Trustees following the action.

- 6.6 Committee meetings shall be called by the chairman and a sufficient notice shall be set at five days. If a chairman fails to call a meeting, the committee must meet on the call of two of its members. Quorum in a committee is a majority of its membership. The committee chairman usually serves as secretary and may keep brief notes of the meeting. Any committee member who is absent shall be informed by the chairman as to the actions of the committee at the meeting.
- 6.7 A majority of the duly elected or appointed and qualified Trustees shall constitute a quorum for the transaction of business at any meeting and an affirmative vote of a majority of the Trustees thus present, provided at least a majority of the duly elected or appointed and qualified Trustees shall vote affirmatively, shall be necessary for the transaction of ordinary business of the corporation, except as otherwise provided by the Articles of Incorporation and these Bylaws.
- 6.8 All meetings shall be conducted in accordance with Robert's Rules of Order unless specifically modified herein after.

## ARTICLE VII OFFICERS

- 7.1 The officers of the corporation shall consist of a president, a vice president, a secretary, a treasurer and such other officers as the Board of Trustees may, from time to time, determine. The officers shall be Trustees. The Trustees at the June meeting after the seating of newly elected Trustees shall nominate and elect all officers of the corporation for the ensuing year, to serve starting with their election and to hold office at the pleasure of the Board.
- 7.2 Any two or more offices may be held by the same person except for the offices of Secretary and President.
- 7.3 There shall be no salaries for the Trustees or officers.
- 7.4 The officers of the corporation shall hold office until their successors are elected or appointed and qualify, or until their death, or until their resignation or removal from office. Any officer elected or appointed by the Board of Trustees may be removed at any time by the affirmative vote of a majority of the elected and appointed Trustees, but such removal shall be without prejudice to the contract rights, if any, of the persons so removed. Election or appointment of an officer or agent shall not of itself create contract rights. Any vacancy occurring in any office of the corporation by death, resignation, removal or otherwise shall be filled by the Board of Trustees.
- 7.5 The president shall be the chief executive officer of the corporation and shall see that all orders and resolutions of the Board of Trustees are carried into effect. He shall preside at all meetings of the Board of Trustees.
- 7.6 The vice presidents, in the order of their seniority unless otherwise determined by the Board of Trustees, shall, in the absence or disability of the president, perform the duties and will have the authority to exercise the powers of the president. They shall perform such other duties and have such other authority and powers as the Board of Trustees may from time to time prescribe or as the president may from time to time delegate.
- 7.7 The secretary shall affix the seal of the Corporation to any instrument requiring it following authorization by the Board. The Secretary is responsible for the minutes of all meetings of the Board of Trustees and all communication from the Board of Trustees to the Association homeowners. The secretary shall attest and

certify such Board minutes and documents as may be required from time to time. The secretary shall perform other duties and have such powers as delegated by the Board.

7.8 The Treasurer shall present statements of the financial condition of the corporation at the August meeting and as otherwise requested by the Board. The Treasurer shall perform other duties and have such other powers as delegated by the Board.

7.9 The Board of Trustees may create standing and special committees of no less than two (2) nor more than four (4) members with powers and duties as the Board of Trustees may determine. Committee and chairperson appointments are made by the President and confirmed by the Board. The President may attend any and all committee meetings and may vote. The President's attendance is not required and does not contribute to or detract from the quorum. Non-trustees may attend only by invitation by the chairman of the committee.

7.10 In order to provide continuity of action, the newly elected President shall appoint and the Board approve an interim Architectural Review Committee.

7.11 Each standing committee of the board shall draft and have approved by the entire Board a charter for that committee setting forth the duties, responsibilities and composition of said committee. No committee shall function in a manner representing the CLCCA without setting forth their charter, except as may be established on a special temporary or ad hoc basis, by vote of the majority of the Board, and for a limited purpose and a limited time, not to exceed a maximum of six (6) calendar months. All standing rules of the board of Trustees of the CLCCA shall be equally applicable to any standing or special committees.

7.12 Upon the recommendation of the chair of a committee of the Board, or if there is no chair, upon recommendation of the President of the Board of Trustees, a standing or special committee may be dissolved, subject to approval by a vote of the majority of the Board.

#### **ARTICLE VIII BYLAWS**

8.1 The Bylaws may contain any provisions for the regulation and management of the affairs of the Clear Lake City Community Association, Inc. in accordance with the Texas Non-Profit Corporation Act, the Articles of Incorporation and the Deed Restrictions.

8.2 The power to alter, amend or repeal the Bylaws or to adopt new Bylaws shall be vested in the Board of Trustees. This action may be taken at any regular or special meeting of the Board of Trustees, provided that notice of the proposed amendments is given in writing to all of the Trustees ten (10) days before such meeting.

8.3 The Board may adopt policy statements and other resolutions not inconsistent with these Bylaws, the Articles of Incorporation and the Deed Restrictions.

#### **ARTICLE IX GENERAL PROVISIONS**

9.1 A certified audit of the financial records of the corporation shall be performed and a statement of financial condition shall be issued within 120 days of the end of the fiscal year by an independent auditor hired by the Board of Trustees.

9.2 All checks or demands for money and notes of the corporation shall be signed by such officer or officers or such other person or persons as the Board of Trustees may from time to time designate.

9.3 The fiscal year of the corporation shall be fixed by resolution of the Board of Trustees.

9.4 The corporate seal shall be in such form as may be prescribed by the Board of Trustees. The seal may be used by causing it, or a facsimile thereof, to be impressed on, affixed to, or in any manner reproduced upon, instruments of any nature to be executed by officers of the corporation.

9.5 The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its Board of Trustees. These books and records shall be at its registered office or principal place of business.

- 9.6 Assessments are due and payable on July 1 of each year. If assessments are not paid on or before July 31 of each year, a late payment fee of the maximum allowed by Texas statutes will be incurred on August 1 of each year hereafter until paid in full.
- 9.7 Funding for the day to day operation, and maintenance of the activities of the Clear Lake City Community Association shall be referred to as OPERATIONAL FUNDS, and these shall be derived normally from mill assessments, fees for services, and with Board approval, interest from Reserve Fund Investments. As such, the planning, programming and budgeting for expenditure of these funds shall be absolutely restricted to that amount of anticipated income in any fiscal year. Likewise, capital improvements from Operational Funds shall be prohibited.
- 9.8 Whenever a property is sold or refinanced, a transfer fee shall be charged to the buyer. The amount of the fee will be established by the Board of Trustees.
- 9.9 Capital outlays for equipment or improvements shall be made only with the approval of the Board of Trustees for amounts greater than that which the Board determines from time to time to be within the purview of the General Manager.
- 9.10 The Board of Trustees or the General Manager will not purchase goods or services from a member of the Board of Trustees.
- 9.11 Competitive bids shall be solicited whenever the Board of Trustees decides to do so based upon cost, state of the technology or other factor. When such bids are received they shall be separated into several parts, i.e.: bidder understanding of and intent to comply with technical specifications; bidder location (perhaps indicative of prompt response during contingencies); prior proven performance of bidder (track record), as indicated by recorded experience and close adherence to schedules; and, proposed cost. Each consideration, or such others as may be decided, shall be evaluated on a fair, competitive basis.
- 9.12 Proxy Voting is not allowed for matters of the Board.
- 9.13 The Board of Trustees may adopt policy statements to clarify the deed restrictions and operational procedures.

and expense, including attorneys fees, reasonably incurred by him in connection with any action, suit or proceeding to which he may be made a party by reason of his being or having been a Trustee or officer of the Association, except in matters of gross negligence or willful misconduct. In the event of a settlement, indemnification shall be provided only in connection with such matters in which the Association is advised by counsel that the person to be indemnified has not been guilty of gross negligence or willful misconduct in the performance of his duty as such Trustee or officer in relation to the matter involved. The foregoing rights shall not be exclusive of other rights to which such Trustee or officer may be entitled. All liability, loss, damage, cost and expense incurred or suffered by the Association in connection with the foregoing indemnification provision shall be treated and handled by the Association as Common Expenses; provided, however, nothing contained in the Article X shall be deemed to obligate the Association to indemnify any Owner of a Lot or Commercial Unit who is or has been a Trustee or officer of the Association with respect to any duties or obligations assumed or liabilities incurred by him under and by virtue of the Declaration of Covenants, Conditions and Restrictions for any subdivision in Clear Lake City as an Owner of a Lot or Commercial Unit covered thereby

I hereby certify that the foregoing is a true and correct copy of the By-laws of the CLEAR LAKE CITY COMMUNITY ASSOCIATION, INC., as revised at the meeting of the Board of Trustees of said corporation held February 14, 2006.

**COPY**

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**Dr. James Delwood, Secretary**

RE-200-010-010-010-010-010-010-010-010-010

COMMERCIAL DEVELOPMENT GUIDELINES OF  
CLEAR LAKE CITY COMMUNITY ASSOCIATION, INC.  
A TEXAS NON-PROFIT CORPORATION

3P 0100-61-2519

# FDC

## Commercial Development Guidelines

REF 010-61-2520

For Master-Planned Communities  
of  
Friendswood Development Company  
1994  
(revised August 2005)  
for the Clear Lake City Community Association)

## **I. Introduction and Philosophy**

Friendswood Development Company (FDC) communities are constantly evolving due to changing consumer expectations and public regulations. Typically, this evolution reflects changing market and regulatory conditions. Thus, it is important that each FDC community have an overall set of policies and standards to provide a framework for dealing with these changes. In an effort to protect and enhance property values by encouraging and guiding compatibility of site, building and signage design in new and existing development, FDC has created these Commercial Development Guidelines.

These Guidelines are designed to serve as a key mechanism by which FDC communities *guide* their commercial development. They give landowners considerable flexibility in developing their property as long as their projects conform to certain criteria designed to protect the integrity and value of the community. The basic purpose of these Guidelines is to encourage quality design and character while mitigating undesirable impacts before they develop. FDC strongly believes that these ideals can be accomplished through a creative effort between Friendswood Development Company and other private enterprises.

*The Commercial Development Guidelines are not intended to be an absolute design regulation nor presume to predict all possible site specific conditions.*

**IT IS ABSOLUTELY IMPERATIVE THAT THE ARC REVIEW ANY PROPOSED ADDITIONS OR MODIFICATIONS, EITHER IN APPEARANCE OR CONSTRUCTION, PRIOR TO THE INITIATION OF ANY PROJECT. IT IS NOT THE INTENT OF THESE GUIDELINES TO RESTRICT COMMERCIAL DEVELOPMENT BUT TO MAINTAIN AND PROTECT THE VALUE OF THE AREA. SINCE IT IS NOT POSSIBLE TO PREDICT THE SITUATIONS THAT MAY ENSUE, IT IS THE RIGHT OF ARC TO DETERMINE THE SUITABILITY OF ANY CHANGES PLANNED AND IS THE FINAL AUTHORITY IN ITS DECISIONS.**

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## A. General Commercial Information

FDC's commercial development classifications were established as a control mechanism. Commercial classification uses are defined as follows:

### 1. Retail and Commercial

Free-standing retail, retail shopping centers, service stations, cinemas, hotels, restaurants, banks, entertainment facilities, research and development facilities, service/distribution centers, showrooms, auto dealerships, and related retail uses.

### 2. Office

Professional office buildings freestanding or campus style.

### 3. Institutional

School and church sites, day care facilities, day care facilities, library, hospital, government or community buildings, etc.

### 4. Multi-Family Residential Attached Units

Multi-family residential development including apartments, townhouses and patio homes of medium (5 to 18 units per net acre) and high density (18 or more units per net acre).

**B. Architectural Review**

(for uses other than single-family residential construction)

To insure the integrity of the development concepts defined in these Guidelines and in accordance with applicable declarations, the following activities must be reviewed and approved by the appropriate Architectural Review Committee (ARC) prior to commencement:

**Clearing  
Demolition  
New construction  
Signage (temporary and permanent)**

This document provides general development guidelines to property owners in Friendswood Development Communities. However, the ARC will apply flexibility and latitude in its approval of plans and specifications. This flexibility can allow the ARC to accommodate individual project master-plan objectives. It is the responsibility of the builder/developer to provide substantiating information to the ARC on all special conditions or circumstances regarding a deviation from the guidelines.

It is the responsibility of the builder/developer to become thoroughly familiar with these Guidelines and to raise questions of interpretation at the earliest possible time.

**C. Approval Procedures**

The Architectural Review Committee (ARC) approval consists of a two-step process: Preliminary Plan Approval, and Final Construction Plan Approval. A pre-planning discussion with the ARC is recommended to highlight any specific sensitivities that may exist. The approval process may include referral to a qualified outside consultant.

Following review by the ARC at Step 1 and Step 2, a summary letter stating the results of the review will be mailed to the builder/developer within thirty (30) days of the submittal. The ARC will endeavor to expedite the review and response process.

Step 1: Preliminary Plans. The builder/developer is required to submit the following preliminary information when available.

**Floor plans**

**Exterior building elevations**

**Site plan**

- a. Site size (acreage)
- b. Existing improvements on site (utilities, fencing)
- c. Percentage of site devoted to open space
- d. Existing vegetation locations within proposed setbacks or reserves that may be impacted by land use, driveway or services access parking lots, or median cuts.
- e. Building(s) location and size (square footage)
- f. Building and parking setbacks/dimensions
- g. Parking lot(s) configuration, ration and capacity
- h. Service area(s), trash receptacle, and mechanical equipment locations (with screening method)
- i. Proposed fencing and/or screening walls
- j. Satellite/antenna dish location (with screening method)
- k. Proposed signage location(s)
- l. A note outlining the builder/developer's understanding of maintenance and irrigation boundaries for the site where site adjoins an existing maintained landscape setback.

Plans should be drawn in a format typically produced by a registered professional architect. The builder/developer may wish to submit a rendering or sketch of exterior building appearance as a supplement to this submittal.

ARC approval of preliminary plans does not constitute ARC acceptance of the final construction drawings or approval to begin construction. All information required in Step 2: Final Construction Plan Review must be submitted and approved in writing prior to any construction. The ARC may convene and act on special occasions in an effort to accommodate unusual situations where justified. These procedures are part of the overall effort to insure that an acceptable quality level is attained without the necessity of imposing undue, cumbersome regulation.

Step 2: Final Construction Plans. Upon completion and approval of Preliminary Plans (Step 1), the builder/developer may submit Final Construction Plans (Step 2). The submittal should include the following:

**Site Plan**

Utility layouts on site (approval(s) by appropriate agencies required)  
Landscape plans and tree preservation plan

Exterior lighting plans (including photo meters details)  
Signage plans and elevation(s) (temporary and permanent locations)  
Architectural elevations (all sides)  
Exterior material and color samples

Additionally, the Owner's construction contact and field superintendent's name and telephone number must be provided to the ARC.

It is recommended that the builder/developer engage a registered professional architect, landscape architect, and engineer for the preparation of the project plans, specifications, and construction administration services.

All components of building and site design must adhere to the local codes having jurisdiction. Projects in the city of Houston must adhere to the City of Houston Building Code, Development Ordinance, Landscape Ordinance, Parking Ordinance and/or any other applicable codes, statutes, regulations or ordinances. Where no local code is in effect, the Standard Building Code shall be used for the basis of construction. The builder/developer is responsible for obtaining all local county Flood Control and Utility District approvals. The builder/developer will also be responsible for determining the nature of restrictions associated with pipeline or utility easements which may be located on the site. The ARC will not be responsible for the interpretation of any building codes or ordinances. ARC approval of submitted plans does not constitute compliance with any governmental codes, ordinances or regulations, nor does ARC approval release the builder/developer from the responsibility of compliance with all codes, ordinances, or regulations in effect.

The builder/developer is responsible for abiding by all Non-Point Discharge Elimination System (NPDES) regulations as promulgated by EPA in September 1992. Additional Guidance has been issued by the City of Houston and Harris County. To this effort, the builder/developer must prepare a Pollution Prevention Plan (PPP) for the construction site, including an erosion and sedimentation control plan for the site which must be included in the construction drawings. The builder/developer is also responsible for submitting a Notice of Intent (NOI) to EPA for compliance with EPA's General Permit. Friendswood Development Company retains the right, but not the obligation, to request a copy of the builder/developer PPP and to make on-site inspection and reasonable changes to ensure adequate erosion protection.

No construction may commence until plans have been approved by the ARC. The ARC reserves the right to enforce compliance with the approved plans by legal means as necessary.

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**D. Variances**

The ARC will consider the potential negative impact and precedent that may be set within the community regarding a variance request. Variances may be granted in situations where the builder/developer can fully satisfy the ARC that adherence to the guidelines:

1. Presents a significant hardship to the project.
2. An alternate approach which exceeds the intent of these Guidelines is preferable; and/or
3. the Guidelines do not adequately address a specific condition;
4. a precedent within close proximity to the site has previously been set;
5. the variance does not set a negative precedent within the community.

The builder/developer should not plan or design any portion of a project on the assumption of receiving a variance to these guidelines. It is suggested that the builder/developer contact the ARC immediately should the adherence to the Guidelines propose a potential problem or as questions arise regarding the interpretation of these guidelines. Further, the ARC shall not be responsible for any re-design caused the builder/developer as a result of misinterpretations of the Guidelines.

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## II. General Development Guidelines

### A. Site Planning

Planning for site entrances, landscape design, pedestrian access, vehicular access and parking, building location and character, security, and site utilities must be executed to preserve existing site improvements and landscaping where possible. All site planning must meet the criteria listed below.

#### 1. Open Space Requirement

Open space is defined as land not covered by building structures or used for automobile circulation and/or parking. However, open space may include landscape reserves, swimming pools, tennis courts, and pedestrian sidewalks within a landscape area. All open space must be landscaped and irrigated unless it remains as undisturbed forest, wetland, or other natural area. Open space does not include street rights-of-way.

Open-space requirements are as follows:

<u>Use</u>	<u>Open Space Required</u>
Retail, Commercial and Office Buildings	
Sites under 5 acres	20%
Sites over 5 acres	10%
Institutional	
Schools (excluding ball fields), Churches, etc.	20%
Multi-Family Residential	
8 – 18 units/acre with 250 s.f. of courtyard/unit	30%
8 – 18 units/acre without a courtyard/unit	40%
Over 18 units/acre with 250 s.f. of Courtyard/unit	20%
Over 18 units/acre without a courtyard/unit	30%
Business Parks, Service/Distribution, Office Showrooms	
Clear Lake City	20%

Note: For multi-family residential projects, it is recommended that each unit be provided with two hundred (200) square feet of private

open space with a view of a landscaped greenbelt, courtyard or general open space.

## 2. Setback Requirements

Setback areas, including easements, must be landscaped and irrigated unless they remain as forest, wetland, or other natural area. Setbacks are measured from the property line.

Setbacks are required, as indicated below, along all public streets and interior property lines unless specifically altered by Friendswood Development Company in the deed or by City of Houston requirements. None of these setbacks may be paved except for driveway and sidewalk crossings approved by the ARC.

<u>Area</u>	<u>Building/ Parking Setbacks</u>	<u>Building Setback</u>	<u>Parking Setback</u>
Major Highway (interstate, freeway)	75 feet		
Minor Highway	50 feet		
Major Thoroughfare/Artery			
- Clear Lake City	25 feet*		
Collector Street between Thoroughfares	25 feet*		
Local/Neighborhood Streets		25 feet	10 feet
Side or Rear Lot Line **			
- Adjacent to non-residential	10 feet		
- Adjacent to residential		25 feet	10 feet
- Adjacent to greenbelt	10 feet		

\*Unless modified by the ARC

\*\*When setback accommodates a utility easement, the setback must be increased 5'.

## 3. Landscape Requirements

Master-planned communities include quality landscaping in setbacks, reserves, and open spaces. At a minimum, all sites must comply with the City of Houston or other applicable local Landscape Ordinance. When such an ordinance is unavailable, the following minimums must be met: All projects must be landscaped and irrigated to complement the quality and design of the landscaping on the adjacent public streets or greenbelts and blend with the residential areas. All landscape and irrigation plans must be submitted to the ARC for review and approval.

## a. Setbacks

All sides of a project are visually important. The front and side setbacks should receive equal attention. All setbacks in non-forested areas must be landscaped with a combination of low growing shrubs and trees. Berms may be used in lieu of low growing vegetation. Tree clustering is encouraged. All berms should be kept to a slope of 3:1 or less with a maximum height of four feet (4'). Landscape treatment which exceeds the Landscape Ordinance is encouraged in front setbacks along public streets. Particular attention should be given to screening parking lots from the rights-of-way. The ARC reserves the right to determine the appropriate level of landscape required which may exceed those requirements as outlined in the Landscape Ordinance.

## b. Parking Lots

Landscaping and the planting of shade trees for sun screening is required in parking lots and along pedestrian walkways. For sites larger than five (5) acres, parking lots are required to have landscaped areas or "islands" totaling at least 5% of the parking lot area.

For parking lots with more than sixteen (16) parking spaces, one (1) tree is required for every ten (10) parking spaces. Trees should be shade providing canopy varieties at least two and one-half (2 ½) inches in caliper and at least twelve feet (12') in height.

## c. Plant Species

Plant species for all landscaped islands should be carefully selected for tolerance to exhaust fumes and pavement heat. Trees that drop sap are to be avoided as are trees that drop large amounts of blossoms, seeds, and pods that may clog drains. Additionally, the use of trees that are susceptible to insects and disease, as well as trees with expansive root systems that could disrupt paving and underground lines, should be avoided. Please see Appendix A: Recommended Landscape Planting List.

## d. During Construction

If landscaping exists in the proposed setbacks, it must be retained and protected during construction. Existing trees installed within the last three (3) years in landscape setbacks and located at proposed driveway locations must be relocated within the setback or replaced with equal specimens. Elsewhere on the site, existing trees should be saved wherever possible and incorporated into the required open space.

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4. Building Orientation

When orienting and locating the building(s) on a site, visibility and privacy issues from adjacent roads, location of existing trees, parking lot circulation, any pedestrian connections to adjacent building or parcels, energy conservation, and impacts to adjacent buildings, existing or future, should be considered.

Buildings are a positive influence in creating a community and public space. Where appropriate to the site, buildings should be oriented to the street. The parking lot should be internal to the site and screened from the street – an arrangement which accents the building, promotes pedestrian traffic and enhances the street scene.

For multi-family projects, the entry drive into the site should feature landscaped medians. Parking lots and covered parking structures should occur on the interior of the site. Individual units should be oriented to the street or amenity whenever possible. When living units face directly onto a street, setbacks may be increased in order to provide adequate space for a landscaped buffer.

5. Vehicular Access

Location of ingress and egress will be controlled and traffic circulation impacts must be carefully evaluated. The builder/developer is responsible for meeting all local city or county traffic standards. All proposed curb-cuts are subject to review and approval by the ARC. The ARC may require appropriate traffic analysis to be submitted for review.

Vehicular access should be designed to:

- minimize auto/pedestrian conflicts
- minimize curb-cuts
- maximize curb cut distance to a major intersection in an effort to minimize automobile conflicts.

Shared curb-cuts between two parcels are encouraged. Driveways or curb-cuts along the portion of a frontage road at the intersection of a highway and a major thoroughfare is strongly discouraged.

6. Service Access and Service Areas

Service drives and service areas should not interfere with parking, driveways or walkways and must be screened from adjoining properties, all public rights-of-ways, and from the office areas of any other buildings which share the site. Ideally, service areas should be provided at the rear (side opposite the street) of all buildings. Service areas which are recessed into the buildings are preferred. These areas should be paved, internally drained and screened from public view (including views from upper floors of adjacent buildings). In all cases, screening must be compatible with building materials.

7. Outside Storage Operations

Outside storage operations are prohibited except in certain instances when deemed by the ARC to be absolutely necessary for the functioning of a service/distribution center or retail, such as a nursery. Outside overnight storage of automobiles or motorized vehicles is generally prohibited. When outside storage occurs, these activities must be screened from public view in a manner which is architecturally compatible and approved by the ARC. Towers, tanks, and other structures or equipment must be effectively shielded from public view. The location and appearance of special equipment are subject to review and approval by the ARC.

8. Pedestrian Access

Free-standing buildings are encouraged to provide pedestrian connections between immediately adjacent commercial sites or public path systems. Important connections to retail facilities, residential areas, office complexes, neighborhood greenbelts and open space should be designed into the site in low auto traffic areas and identified to users and drivers for safety. The on-site pedestrian system should be integrated with existing or future connections to adjacent sites.

Walkways for high turnover parking lots are highly encouraged. These walkways should be designed for safe access from buildings to parking areas. These walkways should be integrated with existing sidewalks and be constructed of concrete, stone, brick, tile, or other hard, slip-resistant surface materials and be enhanced with landscaping to help distinguish and make them pleasant.

9. Minimum Parking Requirements

An adequate number of parking spaces for employees, customers/visitors, and the handicapped are required for each site. All parking spaces required to meet parking ratios must be located off street. Parking should be provided in close proximity to the building(s) being served. Parking lots should not be used by delivery or service vehicles either for parking or as the primary means of reaching service areas. At a minimum, all sites must meet the minimum parking ratios of the City of Houston Parking Ordinance or other local ordinance in effect.

10. Parking Lot Design Standards

Parking lot plans must be included with all submittals for ARC approval. Parking lots should be designed to minimize the distance between parking space and building entry for as many parking spaces as possible.

Parking lots must be constructed of concrete. A variance for the use of asphalt or decorative masonry may be granted by the ARC on a case by case basis.

All parking lots shall be designed in accordance with City of Houston standard stormwater runoff curves. All driveway connections must be built to the applicable City or County standards with a minimum turning radius of fifteen feet (15') off of major thoroughfares. Expansion and construction joints shall be located in accordance with current engineering design principles and sound construction practices.

Parking may be developed on grade, below grade, or in multi-level structures above grade. On-grade parking should appear inconspicuous, not dominate its environs, and must be visually screened from adjacent property and green space by the use of berms, new trees, and the preservation of existing trees. Entrance drives should terminate in a drop-off point at the front entrance to the building.

All parking lots should be separated from service areas and should be designed to discourage use by delivery vehicles for parking, or as the primary means of reaching service areas.

High-Density Residential: Parking should be fragmented into lots of twenty to forty (20 – 40) spaces. Parking should occur on the interior of the site with the multi-family units oriented toward the street(s) side and side lots of the property.

Medium-Density Residential: Clustered surface parking, individual parking pads, or individual garages may be utilized in medium-density residential projects. Parking must be screened from the view of all public streets. If garages or individual pads are used for parking, separate and clustered parking must be provided for guests.

Parking should be located to provide clear and direct access to each unit. Projects which include garages and individual driveways in the front of the unit may reduce the guest parking requirement. The driveway must be a minimum of eighteen feet (18') from the front of the garage to the curb or sidewalk, whichever is closest.

#### 11. Parking Garages

For all uses, structured above-grade parking should be designed to incorporate a minimum number of levels, appear as inconspicuous as possible, and be compatible with its respective building as well as other structures on neighboring sites (concrete construction preferred). Parking structures should be no more than one-third (1/3) the height of its respective building. In general, it is recommended that parked vehicles be screened by solid spandrel panels. Cable barriers alone are discouraged. All parking structures must be internally drained, and exterior finish materials and color must be approved by the ARC.

When a parking garage is utilized, a minimum of one (1) tree at least two and one-half (2 ½) inches in caliper and at least twelve feet (12') in height, preferably evergreen, per fifteen feet (15') of garage perimeter is required to be planted at the base of the parking garage. This is in addition to any general landscape requirements applied to the site.

Locations of entrances and exits should be planned to have the least impact on residential streets and busy intersections.

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12. Drainage

Internal site drainage is the responsibility of the building developer. Surface drainage tracts is prohibited. The Municipal Utility District and the Water Control and Improvement District in which the project is located, plus the appropriate County Flood District, and any and all other appropriate agencies, must inspect and approve connections to their systems when applicable. All sites must have drainage contained on site.

Surface drainage and rood run-off shall be diverted away from the building foundations, either directly to storm detention areas, storm sewers or their inlets. Drainage from open space of a building may be sheet-drained across a sidewalk to parking lot drainage points. Roof run-off must be directed to interior roof drains or to gutters and down spouts. Down spouts shall tie directly into storm sewers. All drainage must be designed by a licensed professional engineer.

13. Easements

All recorded easements and rights-of-way must be observed. Any use within the easements must have approval from the easement owner and the ARC. Additional easements for utilities service may be imposed if required.

**I. B. Site Elements**

Site elements are improvements to the site which can affect the aesthetics and visual integrity of the site as a whole. They are to be carefully considered and are subject to ARC review.

1. Utility Areas and Communication Equipment

All utility areas located outside the building must be screened from adjacent public streets and adjoining private property. Location of utilities inside the building is preferred. Banks of electric meters shall not be visible from public roadways. Towers, tanks and other structures or equipment shall be screened from adjacent public streets and adjoining private property. All transformers must be pad-mounted and screened by a wall, fence, or landscaping, and/or painted to coordinate with the adjacent building. All transformer electrical drops and utilities must be underground, including secondary power, unless specifically approved by the ARC. For roof top penetration requirements please see section C-5, Roof-top

equipment. The location and appearance of all utility and communication equipment is subject to review and approval by the ARC. In general, communications equipment will be limited to sixty-five feet (65') overall height and satellite dishes to ten feet (10') diameter and located as inconspicuously as possible.

2. Trash Receptacles and Enclosures

Trash receptacles must be oriented to the building service areas and screened with a four-sided enclosure. The enclosure must be constructed of materials compatible with the building. The enclosure must be two feet (2') taller than the height of the receptacle and a minimum of eight feet (8') in height. Masonry construction is preferred. Gates should be constructed of metal and be opaque. Wood gates supported by a structure of tubular metal are acceptable for all uses except mid or high rise office buildings. Wood-link or chain-link materials are not acceptable for either the enclosure or the gate.

3. Screen Walls and Fencing

In some instances it may be necessary to provide screening between a commercial property and a neighboring commercial or residential property. When, in the judgment of the ARC, screening is required, the site developer will install a six foot (6') to eight foot (8') fence or wall along the property line. Any wall(s) or fencing must be constructed of materials which are compatible with exterior materials of the building as approved in writing by the ARC. Curb stops in parking areas are required to prevent damage to walls and fencing. The use of chain-link fencing is generally prohibited. In limited cases, the ARC may grant a variance for chain-link where the fence is not visible from the street or adjacent property.

Multi-Family Residential The common property line between multi-family residential projects of medium and high density and open space areas may be fenced. When adjacent to park space or greenbelt, fences are to be painted pipe metal or wrought-iron with a standard height of six feet (6') and a standard panel length of eight feet (8'). Spacing between pickets should be a minimum of four inches (4"). Paint finish must not conflict with the color of adjacent open space, such as drainage easements, the fence may be a solid fence with a maximum height of six feet (6'). The specific color and design of fences and gates must be reviewed and

approved by the ARC. Rear and side lot fencing not facing a roadway may be opaque.

Walled or fenced courtyards are encouraged for townhouse or patio home projects. The walls of private courtyards which face public streets must be constructed of the same predominant materials as the building. Chain link fencing is prohibited.

4. Mailboxes

All mailboxes should be placed inside the building or at lighted entrances to building clusters. Mail delivery and pickup must be coordinated between the builder/developer and the U.S.-Postal Service.

5. Flagpoles

A maximum of two (2) flagpoles per site will be allowed to display the U.S. Flag and the Texas flag. An additional flagpole may be approved by the committee. School sites will be permitted one (1) additional flagpole to school flag. Submission for ARC review should include pole locations, flag and pole sizes.

The flagpoles should be one piece construction of seamless metal tubing or fiberglass and taper approximately one inch (1") to each five and one/half feet (5 1/2') of length. Poles should be a single architectural color such as white, clear anodized, or dark bronze finish.

The maximum height of a flagpole shall not exceed thirty-five feet (35'); the pole should be capable of withstanding local wind velocities.

The length of the flag should be approximately one-fourth (1/4) the height of the pole on which it is mounted. Building-mounted flagpoles are not permitted. Illumination of flags will be permitted for permanently mounted flags only. Flags and/or poles must be replaced when they become faded or worn.

6. Lighting

Site lighting fixtures must be installed and should provide a sense of safety and security throughout the area. Spill-over onto adjacent properties must be avoided and is prohibited where adjacent is

single family residential. All public street lighting will be installed by the local power company. For parking lots, the light fixture luminaire should be a basic box shape with light cut-off, such as Kim EKG model or equal, mounted on a metal pole not to exceed thirty feet (30') in height or as determined appropriate by the ARC. The light color should be warm and consistent with surrounding light sources. Parking lots must be illuminated to a minimum on one (1.0) foot-candles (11 lux). Any lighting used to illuminate off-street parking areas shall be located, shielded, and directed upon the parking area in such a manner that it does not reflect or cause glare onto adjacent properties or interfere with street traffic.

Figure 1

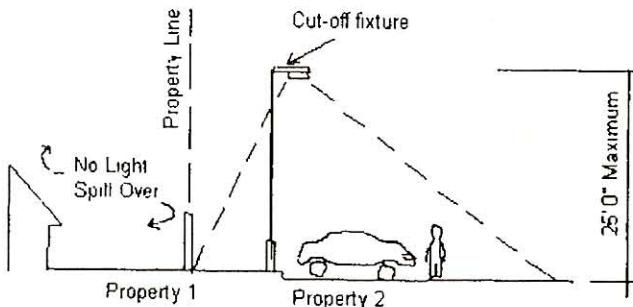


Figure 1 - Site Lighting

The light fixture luminaire for open-space and walkway fixtures should be a box or other approved design mounted on a pole exceeding fifteen feet (15') in height. The fixture and pole color should be compatible with the building or other site lighting. Open space and walkways will be illuminated to approximately two (2.0) foot-candles (22 lux).

The use of low level lighting, landscape accent lighting and architectural lighting is encouraged. The illumination source should be a "warm light".

All light fixtures and lighting plans are subject to approval by the ARC.

#### 7. Site Furnishings / Play Equipment

Site furnishings and site architectural elements are encouraged and must be compatible in material and color with the building. Outdoor seating and gathering areas are highly encouraged. Trees in grates and planters located in and near facilities can provide a

visual amenity and incorporate seating areas. All paving and tree grates should provide safe footing for pedestrians.

Exterior playground equipment requires ARC review and approval in writing prior to construction and installation. Color samples must accompany any request for consideration. Playground equipment shall not exceed twelve feet (12') in height. Multi-colored canopies are strongly discouraged. Play equipment will be substantially screened from adjacent residential uses.

## 8. Helicopter Pads

Helicopter pads will be considered on an individual bases by the ARC and are subject to prior approval by local or federal authorities having jurisdiction.

## C. Structures

## 1. Building Design and Character

Architectural character of buildings should be complementary to the overall image of the community. Architectural compatibility will be included in the ARC review.

Design codes of the appropriate jurisdiction must be met and, in all cases, shall meet or exceed the requirements of the City of Houston Building Code or the Standard Building Code.

Building locations should reflect consideration for roadway visibility, arcades, existing tree stands, and parking lot circulation. Buildings on corner sites should be positioned close to roadways with landscaping between the building and the adjacent street pavement.

All buildings should incorporate clean, functional design. Building mass should simple, geometric, and finished in the same materials on all sides. Building-mounted signage, or sign bands, where necessary, should be integrated into the elevation design.

The sides and backs of buildings should be architecturally consistent with the front. Side or back elevations which are most often viewed by the general public may require as much attention as the front elevation. Roof lines, architectural detailing, and landscaping are all features that can be utilized to accomplish this objective.

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Multi-tenant buildings should be constructed with compatible materials and design characteristics in order to present the identity of an organized building cluster. There should be a compatible family of design elements in building form and materials, roof lines, colors, and landscaping. Multi-family buildings should be residential in scale and character. Balconies and wing walls for privacy are encouraged. When used, they should be part of the design and not appear as separate elements. First floor patios must be screened by a privacy fence or wall. Carport locations and materials should complement the residential buildings.

Building height within master-planned residential communities is limited by the use and location in each community as provided for in the deed. When a site is immediately adjacent to single family residential construction, the maximum building height is limited to thirty-five (35) feet at a point twenty-five (25) feet back of the property line. The building height may increase from that point at a 1:1 ratio to a maximum height of sixty (60) feet.

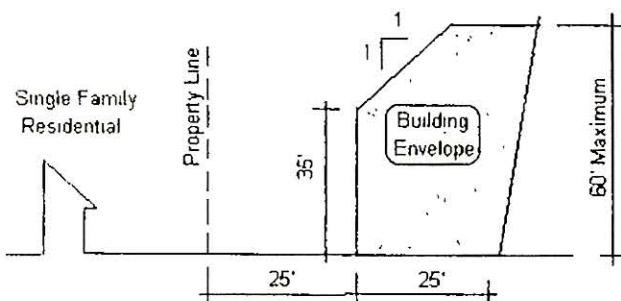


Figure 2 – Building Height

## 2. Energy Conservation

Energy conservation should be a factor in building design. Energy conscious design should include siting, exterior building envelopes, energy-efficient heating, ventilating, air conditioning, water heating, illuminating systems, and other equipment for effective use of energy. Energy conservation should consider the following:

- a. Number of stories
- b. Exterior surface colors.
- c. Shading or reflections from adjacent structures, surrounding surfaces or vegetation.

- d. Opportunities for natural ventilation responding to prevalent wind direction.
- e. Adequate thermal resistance and low air leakage.

### 3. Exterior Materials and Colors

All exterior materials should complement the architectural design and the overall image of the community in which it is located. Buildings should be constructed with compatible materials, textures, colors, and forms. No more than two (2) dominant materials should be used on a building exterior.

Acceptable materials are concrete, concrete block, glass, glass block, brick, split face concrete block, stone, wood, metal, stucco and stucco-like materials. Current technology should be considered in construction material selections, i.e., use of energy-conserving glass. Corrugated steel or aluminum siding, industrial building systems, and plastic are some of the materials generally prohibited from use unless approved by the ARC for a site location not visible from the public street or adjacent sites.

Earth-tones with limited pastel alternatives are recommended for dominant wall colors for building materials. An accent color may be applied to trim, fascia boards, door panels, or miscellaneous metals. All colors are subject to ARC review and approval.

### 4. Roof Design and Materials

Roof forms and materials on all buildings within immediate proximity should be compatible with one another to create the image of an ensemble. Pedestrian arcades, canopies, and overhangs should be integrated with the roof form. Roof color should be uniform and integral to the materials. Earth-tones such as gray, green, beige, red or brown are acceptable. Acceptable materials include asphalt shingle, wood simulated composition, slate, metal, and built-up or single-ply membrane.

### 5. Roof-top Equipment

Roof-top penetrations and mechanical equipment must be completely screened from view from public streets and neighboring parcels by a parapet wall. The parapet wall must be compatible with building materials. Roof-top equipment must be painted to blend with the color of the building or the roofing system when visible from adjacent parcels or buildings. Figure 3

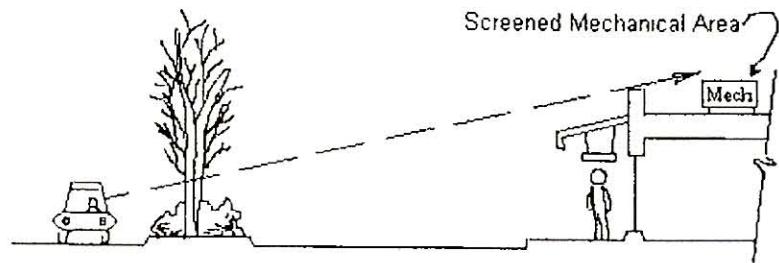


Figure 3 – Roof-top Equipment

#### 6. Pedestrian Arcades

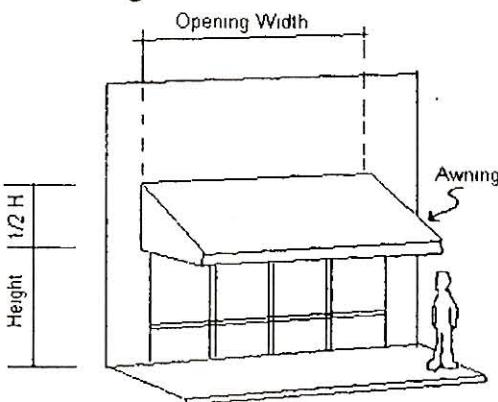
Pedestrian arcades and covered walkways are encouraged and should be incorporated to link adjacent buildings. Arcades and canopies create identity and provide shade.

#### 7. Awnings

Awnings that serve a functional purpose and are compatible with the building forms are acceptable. Awnings may be installed over openings such as doorways, windows, recessed openings and archways. The use of angled or "lean-to" type awnings are preferred over other configurations. Awnings are recommended to be one solid color. Multicolor and/or striped awnings are discouraged.

Awnings may be constructed of canvas and metal. The frame must be securely attached to the building and finished in a non-corroding surface. The individual width of an awning should not exceed the width of the opening for which it is intended. The height of an awning shall be limited to not more than one-half (1/2) the height of the opening for which it is intended. Awnings must be replaced when they become faded or worn. No graphics are permitted on an awning in a multi-tenant retail center due to the inconsistent coloration that may result as awnings are replaced in a piecemeal fashion when tenants vacate their space. Logo graphics (no text) may be permitted on awnings for freestanding retail buildings at the discretion of the ARC.

Figure 4- Awnings



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### 8. Burglar Bars

Wrought iron and/or burglar bars will be considered only if the ARC determines that they are compatible with the architectural character of the building. Burglar bars on the exterior are prohibited. When approved, burglar bars must be attached to the inside of the window frame behind the glass. Approval must be granted prior to installation.

### D. **Signage**

Sign size area is determined by the rectangular area enclosed by the overall length and overall height.

All non-residential uses must conform to the signage requirements outlined below.

In general, it is prohibited to use signage which by its location, size, shape, color, lighting, subject or sound, may be harmful to the appearance of the locality, public street, site, or view, or constitute a threat to road traffic. Specifically prohibited signs include those signs prohibited in the City of Houston Signage Ordinance, as well as rotating, trailer, animated, movable, oscillating, iridescent or dayglo painted signs, signs which make noise, and laser lights. Also prohibited are "canned" signs constructed of a light box frame with a single panel backlit sign which includes the logo and sign copy applied to the building surface (except for national tenants of freestanding retail buildings as may be approved by the ARC). Other prohibited signs include changeable message boards (with the exception of community and or informational signs for schools, churches and institutional buildings subject to ARC approval).

Banners and flags are prohibited except as permitted in these Guidelines. Balloons, streamers, pennants, search lights, signs with exposed or flashing lights, signs with moveable parts, or any other such fixtures or items deemed to be inconsistent with the intent of these Guidelines are prohibited.

No sign will be permitted to extend beyond the roof of the building(s).

All sign designs are subject to approval by the ARC. Detailed plans and specifications of any sign must be submitted for review prior to installation. All signs must be fabricated and installed in compliance with all applicable codes and ordinances established by the City of Houston or other appropriate governmental agencies.

All permitted signs will fall into one of the following categories defined in this section:

1. Special Purpose Signs
2. Ground-Mounted Monument-Highway Location
3. Ground Mounted Monument Non Highway Location
4. Building-Mounted Signs
5. Building and Unit Address
6. Under Canopy – Retail
7. Window Signs
8. Directional and Delivery Signs
9. Reserved and Visitor Parking Space Signs
10. Regulatory Signs
11. Exterior Directories
12. Construction Signs
13. Leasing/For Sale Signs
14. Promotional Signs
15. Outdoor Displays

**Sign definitions are as follows:**

1. Special Purpose Signs

Any special purpose or unique sign not covered elsewhere in this section and which may have a potential public visual impact on a site must be reviewed and approved by the ARC.

2. Ground-Mounted Monument – Highway Location

This section provides information and restrictions governing signage for sites located on the frontage road of a limited access highway or freeway; and NASA Parkway.

- a. Form

Ground-mounted signs typically consist of two parts: a base and a message area.

- b. Quantity

Each site will be allowed one (1) ground-mounted sign.

**Exceptions:**

Auto dealers will be permitted one ground-mounted pylon sign in lieu of the ground-mounted sign.

## c. Dimensions

Type A:

Retail shopping centers, theaters and other uses, as determined appropriate by the ARC, will be allowed a ground-mounted monument sign with a maximum height of twenty feet (20'), including a base with a minimum height of one foot six inches (1' 6"), a maximum sign width of sixteen feet (16') and a maximum sign depth of two feet (2'). Where natural topography requires, the height of the sign base at one end may be increased up to five feet (5') at the discretion of the ARC. See Figure 5

Type B:

Freestanding retail, restaurants, entertainment (arcades, bowling alleys, etc.), service stations, hotels, office buildings and other uses, as determined appropriate by the ARC, will be allowed a ground-mounted monument sign with a maximum height of ten feet (10'), including a base with a minimum height of six inches (6"), a maximum width of sixteen feet (16') and a maximum sign depth of two feet (2'). See Figure 6

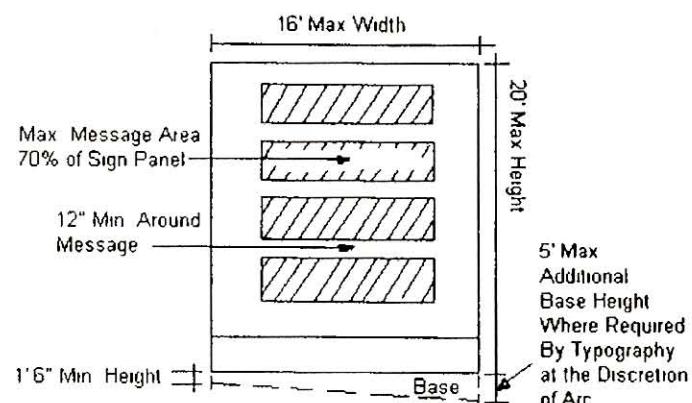


Figure 5 - Type A Ground-Mounted Monument Highway Location

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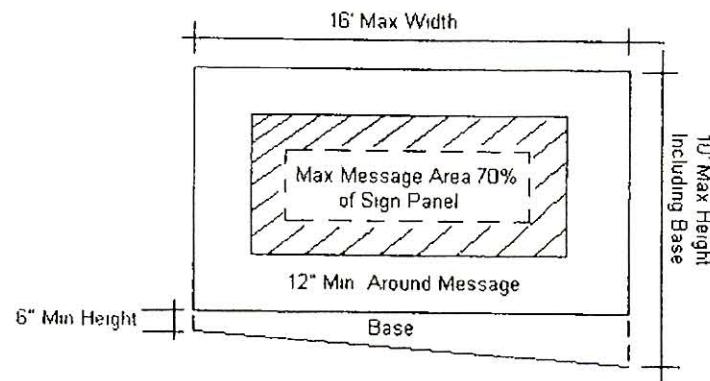


Figure 6 – Type B Ground-Mounted Monument Highway Location

Theaters will be permitted to include one (1) changeable message marquee as a part of a ground-mounted sign at a highway location.

Auto dealer pylon signs are limited to a maximum height of forty-five (45) feet from natural grade with a maximum sign area of two hundred (200) square feet including name and logo.

d. Materials

A ground-mounted sign must be constructed of materials architecturally compatible with the exterior building finish and landscaping theme. Acceptable materials are aluminum, wood, porcelain enamel, brick/split face concrete block, tile and stucco. Letters may be pin mounted, three dimensionally sculpted or part of an opaque panel with translucent graphics.

e. Color

For ground-mounted signs, the color of the face may vary but should relate to architectural features of the buildings the sign is identifying. The sign background should be a medium to dark range color with the message area lettering in white. A maximum of three (3) colors, including white, is permitted. The use of a national logo may be permitted subject to ARC approval.

f. Layout

Ground-mounted signs should be double faced. Each face of a sign must be identical. The letters, logo or message area may not cover more than 70% of the length or height of the sign face. A street address (numbers only) must be included on this sign face or base and is exempt from the 70% sign coverage restriction.

The building name and up to three (3) tenant names may be identified on sign type "A". For ease of visibility and tenant turnover, the name of the building or a single tenant name is permitted on sign type "B".

Advertising information such as slogans, services, hours of operation, telephone number, website addresses etc. are prohibited except for emergency public health and safety facilities such as emergency clinics, full service hospitals, police stations, etc., which may display emergency hours if applicable.

g. Illumination

Monument signs should be internally illuminated or backlit. Internally illuminated sign panels must have an opaque field with only the type and graphics translucent. For non-internally illuminated signs, ground lighting should evenly wash the entire face of the sign and these fixtures should be screened within the landscape treatment and protected from mowing and landscape maintenance equipment. Lighting fixtures should be inconspicuous and approved by the ARC prior to installation. All ballasts, wiring, transformers, starters, and other necessary equipment must be concealed and protected from mowing and landscape maintenance equipment.

h. Placement

Ground-mounted monument signs must be located perpendicular to and outside the public rights-of-way. Care should be taken to preserve sight lines for motorists at all driveway and intersection locations.

i. Landscaping

The installation and maintenance of landscape treatment around the base of a ground-mounted sign is required. A list of recommended planting material is found in Appendix A. Grass, ground cover, seasonal flowers, or shrubs are acceptable.

3. Ground-Mounted Monument – Non-Highway Location

a. Form

Ground-mounted signs typically consist of two parts: a base and a message area.

b. Quantity

Each site will be allowed one (1) ground-mounted signs. One additional sign, for retail centers with a minimum of 75,000 square feet of leasable area, may be provided to identify a maximum of two anchor tenants not previously identified by the ground-mounted signs. An anchor tenant is defined as a tenant with a prominent location in the center, typically 5,000 – 10,000 square feet or greater leasable area, and regional name recognition. In addition, single user pad site buildings will be entitled to a sign (even when the pad site is created out of an existing larger parcel) if the pad site has significant frontage ( $\pm$  200 ft.) on the adjacent major thoroughfare.

c. Dimensions

The maximum height of a ground-mounted sign is five feet (5') including a base with a minimum height of six inches (6"). The maximum sign area may not exceed forty-two (42) square feet. The base of the ground-mounted sign should not be more than one foot (1') higher than the elevation from the top of the curb found nearest the sign location. Sign depth should not exceed two feet (2').

In order to improve the identification of building sites by Emergency Personnel, ground-mounted signs with four (4) to six (6) tenant names only, may place the site address at the top of the sign, with up to one additional foot (1') of height allowed for the site address only. The width of the address may not exceed the width of the main body of the

sign, and the construction must be compatible with the rest of the sign. Numbers and/or lettering on the address portion of the sign shall be white on a black background, or black on a white background.

Exceptions:

Office buildings with more than one hundred thousand (100,000) square feet of leasable area may increase the maximum area of the ground-mounted monument sign to sixty (60) square feet.

Theaters will be permitted to include one (1) changeable message marquee as a part of a ground-mounted sign at a non-highway location or a building-mounted sign. A second changeable message marquee may be considered by the ARC when the site is located at the intersection of two major thoroughfares. Theaters which include a changeable message marquee may increase the size of the sign to one hundred and twenty (120) square feet with a maximum height of eight feet (8') including a six inch (6") base.

d. Materials

A ground-mounted sign must be constructed of materials architecturally compatible with the exterior building finish and landscaping theme. Acceptable materials are aluminum, wood, porcelain enamel, brick/split face concrete block, tile and stucco. Letters may be pin mounted, three dimensionally sculpted, or part of an opaque panel with translucent graphics.

e. Color

For ground-mounted monument signs, the color of the sign surface must be the same for all users and should relate to architectural features of the buildings the sign is identifying. It is recommended the sign background be a medium to dark range color with the message area lettering in white for visibility. All user names must be the same color.

A maximum of three (3) colors, including white, is permitted. The use of a national logo may be permitted subject to ARC approval.

## f. Layout

Ground mounted monument signs should be double faced. It is recommended, but not required that each side of a sign be identical. Only one street address (numbers only) must be included on the sign face or base. The following criteria should guide sign layout.

Intent: One single user or project identification per sign.

For retail projects where identity for more than one user is required, a maximum of six (6) lines of copy is permitted on the sign face.

Figure 7

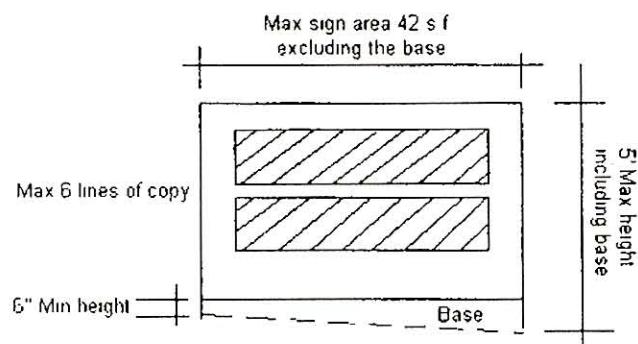


Figure 7 – Retail Ground-Mounted Monument

Office building tenants are not permitted exterior identification except in the form of the ground-mounted sign, therefore, office building ground-mounted signs may include the building name and up to six (6) tenant names with a maximum of six (6) lines of copy. It is recommended for ease of visibility and for tenant turnover that a maximum of two (2) tenants be identified on this type of sign.

See Figure 8

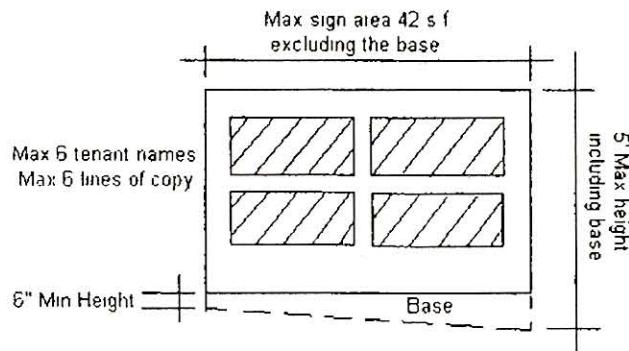


Figure 8 – Office Building Ground-Mounted Monument

Service stations may include the company logo, name, and fuel price information. Absolutely no other advertising may be included on the sign. Additional copy will be considered to identify services - such as a car wash, auto repair, or convenience shop.

Hotels may include the name of the hotel and logo.

Schools may indicate the institution's name, address and logo. In addition, a changeable message area may be incorporated into this sign and occupy up to two-thirds (2/3) of the allowable area on each side. The changeable message area must be fully protected within a case. Letters should be white on a dark background for visibility.

Churches may include the name of the church and the name of one pastor. In addition, a changeable message area may be incorporated into this sign and occupy up to two-thirds (2/3) of the allowable area on each side. The changeable message area must be fully protected within a case. Letters should be white on a dark background for visibility.

Multi-family residential projects may include the project name and project logo.

Color: The entire sign face must be one color. All user names must be the same color.

Letter Height: Maximum letter height shall be eight (8) inches.

Clarity: The sign must be visually uncluttered. The names should be evenly spaced and centered on the sign face. There should be an uninterrupted space along all edges of the sign of approximately

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four-six inches. Within one line of type the same size type must be used. When two users are identified on the same sign face, there should be a minimum of three to four inches (3-4") visual separation between the two to facilitate readability.

Advertising: Advertising information such as slogans, services, hours of operation, telephone number, website addresses etc. are prohibited except for emergency public health and safety facilities such as emergency clinics, full service hospitals, police stations, etc., which may display emergency hours if applicable.

g. **Illumination**

Monument signs should be internally illuminated or backlit. Internally illuminated sign panels must have an opaque field with only the type and graphics translucent. For non-internally illuminated signs, ground lighting should evenly wash the entire face of the sign. Lighting fixtures should be inconspicuous and approved by the ARC prior to installation. All ballasts, wiring, transformers, starters, and other necessary equipment must be concealed. Lighting fixtures should be protected from mower and other landscape maintenance equipment.

h. **Placement**

Ground-mounted monument signs must be located perpendicular to and outside the public right-of-way. Care should be taken to preserve sight lines for motorists at all driveway and intersection locations.

i. **Landscaping**

The installation and maintenance of landscape treatment around the base of a ground-mounted sign is required. A list of recommended planting material is found in Appendix A. Grass, ground cover, seasonal flowers, or shrubs are acceptable.

4. **Building-Mounted Signs**

For use with retail and commercial buildings, schools, hospitals, and churches only. Office buildings are not permitted building-mounted signs.

For multi-tenant facilities or retail centers, a comprehensive signage program must be developed for the project and submitted to the ARC for approval prior to sign fabrication. All building-mounted signs within a single project must be of the same fabrication technique. It is the responsibility of the property owner/manager to enforce the signage program.

a. Form

Building-mounted signs consist of a message area in either a graphic band or band which is integrated into the façade of the building or individual fascia-mounted signs extending along the facade of the building. Building-mounted identification must be individual letters and logos. No "canned" signs are permitted as outlined in the introductory paragraphs of Section D – Signage.

b. Quantity

Multi-tenant retail and commercial centers will be allowed one (1) building-mounted sign for each retail tenant. For retail tenants with two or more major exposures, such as at building ends facing major thoroughfares, consideration will be given for an additional sign.

Multi-family residential projects will be limited to one (1) building-mounted sign identifying the leasing or sales office only.

Schools will be allowed one (1) building-mounted sign to identify the name of the school.

Churches will be allowed one (1) building-mounted sign to identify the name of the church. This sign must be incorporated into the design of the building architecture i.e., a plaque or inlay.

Service Stations will be allowed two (2) canopy-mounted signs (brand name and/or logo), one (1) building-mounted sign to identify the convenience/foodstore, and one (1) building-mounted sign to identify a car wash. "Full Service/Self Service" signs and brand logos will be mounted on the column of the canopy or the pump top.

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c. Dimensions

In general, building-mounted signs shall be in scale with the facade of the building. If a graphic band is used on a multi-tenant retail or commercial building, the band may not exceed forty-eight inches (48") in height. Sign length for individual retail or business park tenants is limited to a maximum of seventy (70) percent of the width of the wall or tenant space on which the sign is mounted. The total sign-to-building area relationship will be evaluated by the ARC.

Exceptions:

Service Station canopy-mounted signs are limited to a maximum length of 33% of the side of the canopy to which it is mounted.

Theaters will be permitted to include one (1) changeable message marquee as part of either a ground-mounted sign at a non-highway location or a building-mounted sign. Consideration of a second changeable message marquee may be considered by the ARC when the site is located at the intersection of two major thoroughfares.

Theater signs which include a changeable message marquee are limited to a maximum sign area of one hundred and twenty (120) square feet.

d. Materials

The same fabrication methods and materials must be used for all signs within a single development. Building-mounted signs may be constructed of individual pin-mounted letters, individual fascia-mounted signs, internally illuminated channel letters with opaque metal sides, or an internally illuminated opaque sign band with illuminated cut out letters and graphics.

e. Color

Building-mounted signs in a single project must be of one (1) color combination and compatible with the exterior building colors. If a graphic band is used, the background color must remain consistent. Placement of a logo-type symbol which varies from the established fascia color may be considered on a case-by-case basis for retailers with national logo identities. Logo color may vary but the color of

the logo-type sign must be reasonably compatible with the established color for the project and with the color of other signs in the project. Colors will not be permitted when judged by the ARC to be in conflict with the building materials or other signs.

## f. Layout

Building-mounted signs will typically have one line of copy for the name of the tenant. For most uses, the letter and logo height is restricted to a maximum of twenty-four inches (24"). If the length of an individual tenant name requires two lines of copy, each line shall be a maximum height of fifteen inches (15") with a six inch (6") space between the lines. A maximum of two (2) lines of copy shall be permitted for a total maximum height of thirty-six inches (36"). Special consideration may be given at the discretion of the ARC to lettering and logo heights of anchor retailers who occupy more than twenty-five thousand (25,000) square feet or freestanding facilities on the frontage road of a limited access highway or freeway.

Advertising: Advertising information such as slogans, services, hours of operation, telephone number, etc. are prohibited. That part of the business name which incorporates any wording which appears as advertising cannot be displayed on the building signage.

### g. Illumination

Building-mounted signs may be constructed of individually mounted metal letters back lit or halo lit. These signs may be externally lit with ground or building-mounted fixtures provided the lighting source is discretely hidden from public view. Internally illuminated channel letters with a flat translucent Plexiglas face are also acceptable. All signs in a single development must be illuminated in the same manner.

Exposed tube graphics where the light source is neon or other light source material in a tube which is bent to form letters, symbols and shapes is permitted only upon special approval of the ARC for freestanding retail locations. Tube letters should not be multiple tube widths due to the intensity of the colors created. Simple tube width letters will be considered. Tube graphics which create continuous accent strips or stripes on a building exterior are not allowed.

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Multi-family residential project signs may not be internally illuminated.

h. Placement

For building-mounted signs, no sign shall be allowed below the fascia with the exception of under canopy signs in retail centers as outlined in section D-6. Additionally, no sign shall extend above the roof line of a building. Signs on the rear of any building will be allowed only if the building's rear faces the public street(s), and they are approved by the ARC.

Church signs should be located at the building entrance and may not be placed above the first floor level.

5. Building and Unit Address

Office buildings will be allowed one (1) building-mounted address consisting of the address numerals only. Numerals must be individually mounted on the building near the entry. The numerals may not be installed above the first floor of the building. Height is restricted to a maximum of twenty-four inches (24"). All numerals shall be installed in a horizontal manner and maintain a plumb relationship to the bottom line.

For multi-family projects, the building address numbers are limited to a maximum height of twelve inches (12").

6. Under Canopy - Retail

Shopping Center designs may provide for covered walkways, arcades, awnings, or other fascia treatments which obscure the building-mounted tenants signs from pedestrian view. For this reason, individual tenant pedestrian signs are permitted.

a. Form

Plaques with identical information on two (2) sides.

b. Quantity

One (1) sign per tenant or store is permitted.

## c. Dimensions

These signs must be a common size for all stores in the center and may not exceed eight (8) square feet.

## d. Materials

These signs should be compatible with the architecture and related to the building identification signs.

## e. Layout

These signs may display the tenant name and logo only. No descriptive or advertising copy is allowed. A standard program shall be developed for each center defining layout, color, typography, logo, and graphic devices. Individuality in these signs is permissible within the context of a sign program that has been approved by the ARC.

## f. Placement

These signs are suspended from the walkway covering perpendicular to the store front or mounted on the store front in areas approved by the ARC. The bottom of the sign must be a minimum of eight feet (8') above the sidewalk.

7. Window Signs

## Office Buildings:

Window graphics such as name, hours of operation, telephone number, address, advertising information, etc., are not permitted on the building exterior for individual tenants of a multi-tenant building with a common entrance.

Retail and Commercial Buildings:

When retail or commercial tenants have separate exterior entries, they shall be allowed to identify the name of the tenant, emergency telephone number, numerical street address, hours of operation and small logo on the door or immediately adjacent to the separate entry. The advertising of services of any kind is strictly prohibited. All other glass areas shall remain free of graphics.

When permanent window graphics are desired, the landlord must include window graphics criteria as a part of the comprehensive signage program submitted to the ARC for approval. Window graphics criteria must include a consistent color (white, black or gold is recommended) and a consistent location. The type style used to identify the tenant on the window should match the type style of the building-mounted sign. The maximum letter height permitted to identify the tenant for all other information is two inches (2"). Window graphics should not occupy more than ten percent (10%) of the window area in which it is displayed.

Temporary promotional window graphics should be a simple tasteful design and should not occupy more than ten percent (10%) of the window area in which it is displayed. In no case shall a temporary graphic be placed on the exterior of the window. Temporary is defined as not to exceed sixteen (16) days.

Illuminated or other signs behind glass areas which advertise on a permanent basis must be on side or rear walls only.

#### 8. Directional and Delivery Signs

These signs direct and control the movement of vehicular traffic within a site. The design shall consist of a simple one (1) or two (2) post and panel system. The posts and panels must be painted galvanized steel or aluminum. The color must be compatible with the building and other site and building signage. The message must be succinct and letters must be signs which may not be taller than two feet (2') or wider than four feet (4'). Overall height of the sign from ground level shall not exceed four feet (4'). Maximum sign area is four (4) square feet.

The number of directional signs should be kept to a minimum. Sign location, color, size, and message are subject to ARC approval. These signs are not allowed in the landscape reserves adjacent to the street.

#### 9. Reserved and Visitor Parking Space Signs

Designated parking space signs, other than ADA Guideline handicap or disabled parking signs are allowed in the form of bumper stops or free-standing signs.

Retail buildings and retail centers are restricted to the use of bumper or curb stops with the message limited to the length of parking time allowed i.e. "15 minute parking". The name of a particular tenant is not allowed.

For office buildings the use of bumper stops or curbs or freestanding ground-mounted signs may be used. Bumper stops or curb stops may be painted with either "RESERVED" or "VISITOR". The name of a particular tenant is not allowed. The letters must be painted on a white background. Maximum letter height is limited to four inches (4").

Free-standing ground-mounted signs may be painted with the message "VISITOR PARKING" or "RESERVED PARKING". All free-standing parking signs shall be aluminum construction attached to a single post fabricated from either round or square aluminum tubing. Maximum sign size shall be twelve inches by eighteen inches (12" X 18"). The sign shall be set in concrete.

The color of parking signs shall match the visual intent of other building and site signage and shall harmonize with the environment. The sign shall be in a medium range color with lettering in white or beige. Polyurethane (gloss) enamels shall be used throughout. No more than two (2) colors may be used, including the typography. Both the rear surface and post shall be painted the sign color or black to blend the sign into the environment. No sign shall exceed four feet six inches (4'6") in total height (sign and post). It shall be set back a minimum of two feet six inches to four feet six inches (2'6" – 4'6") from the curb and centered within the applicable parking space. Typography shall be Helvetica Medium.

10. Regulatory Signs

All traffic control and regulatory signs should be governmental standard.

11. Exterior Directories

Generally, tenant directories are to be located inside the building structure. However, for small professional office buildings with a common entrance under fifty thousand (50,000) square feet of gross leasable area churches, one (1) ground-mounted exterior directory near the building entrance or adjacent to the parking lot with the message area not visible from the public right-of-way will

be permitted. Design drawings and location shall be submitted for ARC review and approval before installation.

These signs shall be compatible with the architecture, landscape, and other sign elements of the building. They must be constructed of quality materials.

Approved lettering methods include silk-screen, vinyl die cut, or incised aluminum panel filled with Plexiglas. The sign must have a dark background with white type. Logos are not permitted.

Maximum sign area permitted is six (6) square feet.

Office building exterior directories include the name of the building, tenant name and suite number. The name of the management company and telephone number may also be included.

## 12. Construction Signs

The developer of each site may install one (1) temporary, free-standing sign for information pertinent to a site and its stage of development. This sign should succinctly communicate information and be devoid of visual clutter. It is recommended that the street address to be displayed prominently on this sign to guide construction traffic. When the construction entry is not within close proximity to the construction sign, a small separate temporary sign may be used to display the street address so long as the sign is of similar quality and construction.

A sign may be erected on a site after the site has been purchased. Information may be added or the sign may be exchanged for another to indicate the advent of construction or to recruit employees. Each revision or sign replacement must conform to the following criteria and be approved by the ARC prior to installation. A sign that is to be replaced with another must be removed before the other sign can be installed. Construction signs must be removed from the site within fifteen (15) days of occupancy or the installation of the "Leasing/For Sale" sign. The construction sign is to be designed in accordance with the guidelines provided below and approved by the ARC prior to its installation on the site.

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a. Dimension

Construction signs may be a maximum of fifty (50) square feet in area for projects under eighty thousand (80,000) square feet of building area. For projects larger than eighty thousand (80,000) square feet of building area, the sign may be up to a maximum of one hundred (100) square feet. The maximum overall height for a temporary construction sign is limited to ten feet (10').

Special consideration may be given for larger signs when facing a highway. Allowable dimensions will depend upon the relative scale of surrounding features, the velocity of traffic along the highway and the distance and/or elevation from same.

b. Layout

A temporary construction sign may contain no more than the following information:

- Name of the Project
- Address of the Project
- Leasing Agent and Telephone Number
- Size/Use of Project
- Contractors
- Architect
- Other Consultant(s)
- Lender
- Completion or Opening Date

c. Materials

All temporary site information signs will be designated to last the length of their intended use without significant fading, peeling, blistering, warping, cracking or rotting. Signs must be constructed of wood, fiberglass, or aluminum. Signs must be boxed and all panel edges must be properly sealed for weather protection. All exposed surfaces and edges must be primed and painted. All fasteners are to be non-corrosive nails or screws. All posts should be of sufficient strength and durability to withstand

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local wind loads and remain stable throughout the duration of the construction period. All footings should extend four feet (4') below grade in sharp sand or compacted earth.

The ARC reserves the right, without liability, to cause removal of any sign deemed to be in violation of this provision by virtue of deterioration or damage.

d. Color

The copy on any temporary sign is recommended to be white with a dark background color such as dark gray, dark blue, etc.

e. Placement

All temporary signs shall be parallel to the street and located inside of the property line, behind any setback which affects the parcel. The location and installation of temporary signs must not harm existing trees or their roots.

13. Leasing / For Sale Signs

The builder/developer may install one temporary, free-standing Leasing/For Sale sign for information pertinent to a site. The sign may be erected on a site after the site has been purchased or when construction is completed and the temporary construction sign has been removed. This sign should succinctly communicate information and be devoid of visual clutter. This sign is to be approved by the ARC prior to its installation on the site. No temporary promotional signs (including trailer signs) are allowed on the premises or adjoining public street rights-of-way.

Each revision or sign replacement must conform to the following criteria and be approved by the ARC. A sign that is to be replaced must be removed before a new sign may be installed. Leasing/For Sale signs must be removed from the site when the project is ninety percent (90%) leased. After that point, retail projects may display Leasing/For Sale information inside the window of the space available for Leasing/For Sale.

a. Dimension

Leasing/For Sale signs may be a maximum size of twenty-five (25) square feet for projects under eighty thousand (80,000) square feet of building area. For projects larger than eighty thousand (80,000) square feet of building area, the sign may be a maximum of thirty-two (32) square feet. A Leasing/For Sale sign is limited to a maximum height of four feet six inches (4'6").

Special consideration may be given for larger signs when facing a highway. Allowable dimensions will depend upon the relative scale of surrounding features, the velocity of traffic along the highway and the distance and/or elevation from same.

b. Layout

A Leasing/For Sale sign may include only the name of the leasing agent and respective logo, a telephone number, and either "For Leasing Information" or "For Sale". Website addresses are not permitted.

c. Materials

All temporary site information signs will be designed to last the length of their intended use without significant fading, peeling, blistering, warping, cracking or rotting. Signs must be constructed of wood, fiberglass, or aluminum. Signs must be boxed and all panel edges must be properly sealed for weather protection. All exposed surfaces and edges must be primed and painted. All fasteners are to be non-corrosive nails or screws. All posts should be of sufficient strength and durability to withstand local wind loads and remain stable throughout the duration of the construction period. All footings should extend four feet (4') below grade in sharp sand or compacted earth.

The ARC reserves the right, without liability, to cause removal of any sign deemed to be in violation of this provision by virtue of deterioration or damage.

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## d. Color

The copy on any temporary sign is recommended to be white with a dark background color such as dark gray, dark blue, etc.

## e. Placement

All temporary signs shall be located inside of the property line and behind any setback which affects the parcel. The location and installation of temporary signs must not harm existing trees or their roots.

## 14. Promotions

## a. Promotional/Special Events

Notification of all proposed promotions must be given to the ARC in writing. Receipt of ARC approval in writing is required prior to the promotion. Notification must include:

- type of promotion
- dates involved
- temporary construction(s) to be utilized during the campaigns

Promotional items may be utilized for the promotional period only. Promotional campaigns and special events may be held by a free-standing retail establishment or retail center for a maximum period of sixteen (16) consecutive days, four (4) times a year. One of those four (4) events may be increased to thirty (30) days if the promotion occurs during the Thanksgiving to Christmas sales season. Churches and/or community organizations may be permitted the use of a banner once per year for a period of sixteen (16) days duration.

Should a tenant of a retail center plan a special event, the owner/property management must advise the ARC of the event on behalf of that tenant. If only a single tenant has a promotion, this event will count as one of the four promotions for the entire retail center.

Service Station promotional graphics and merchandise displays are strongly discouraged. When they are used,

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however, they must be contained under the canopy area or against one designated building wall.

b. Banner Signs

Banners used for temporary identification must meet dimension, lettering and layout requirements for building-mounted signs and should be securely fastened on all four (4) corners to the fascia. If the banner meets these conditions it will be permitted for a period not to exceed thirty (30) days. The banners will be permitted for identification purposes only and should display the name of the facility or an abbreviation of that name.

Community Identity:

Street banners are special graphic elements that depend on good design. Banners may be displayed only in specially designated town center or community center areas upon ARC approval of an overall program. This type of banner may be displayed from street light standards or special free standing banner standards only.

15. Outdoor Displays

Temporary outdoor displays of merchandise are prohibited from all retail operations with the exception of hardware stores or major anchor retailers. Outdoor display is limited to "outdoor use" items only, i.e., lawn mowers, wheel barrows, tillers, barbecue grills, bags of mulch, etc. It is recommended that this area be defined by low fences or walls, trellis, etc. Merchandise may not cover more than half the width of the pedestrian walkway between the store front and the curb. All clearances must conform at ADA requirements.

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### III. Appendix A

#### A. Landscape Installation

1. **Landscape Edges:** Landscape edges shall separate all grass areas from shrub, groundcover, and mulch areas. Recommended separation methods include redwood, concrete, steel, landscape timbers, or brick.
2. **Accent Treatments:** Accent treatments for landscaped planting beds such as shredded pine bark mulch or river rock are encouraged.

#### B. Recommended Landscape Planting List

##### 1. Street Trees/Parking Lot Trees/Background Trees

<u>Botanical Name</u>	<u>Common Name</u>	Recommended Size
Carya Illinoensis	Pecan	3" cal. (container grown)
Koelreuteria Apiculata	Golden Raintree	15 gal.
Lagerstroemia Indica	Crepe Myrtle Multi or Std.	15 gal.
Liquidambar Stryaciflua	American Sweetgum	15 gal.
Magnolia Grandiflora	Southern Magnolia	15 gal.
Platanus Mexicana	Mexican Sycamore	3" cal. (container grown)
Pinus Caribaea	Slash Pine	3" cal. (container grown)
Pinus Taeda	Loblolly Pine	3" cal. (container grown)
Quercus Falcata	Southern Red Oak	3" cal. (container grown)
Quercus Shumardii	Shumard Oak	3" cal. (container grown)
Quercus Nigra	Water Oak	3" cal. (container grown)
Quercus Phellos	Willow Oak	3" cal. (container grown)
Quercus Virginiana Live Oak		3" cal. (container grown)
Ulmus Parvifolia "Sempervirens"	Drake Elm	3" cal. (container grown)
Fraxinus Pennsylvanica	Green Ash	3" cal. (container grown)
Pyrus Calleryana	Bradford Callery Pear	3" cal. (container grown)

##### 2. Accent Trees/Group Planting/Plazas

<u>Botanical Name</u>	<u>Common Name</u>	Recommended Size
Betula Nigra	River Birch	2.5" cal
Cercis Canadensis	Eastern Redbud	15 gal.
Crataegus Marshalli	Parsley Hawthorn	15 gal.
Gleditsia Triacanthos	Honey Locust	2' cal
Ilex Cassine	Dahoon Holly	6' ht.
Ilex Duxidua	Duxiduous Holly	6' ht.
Ilex Opaca	American Holly	8' ht.
Ilex Vomitoria	Yaupon	6' ht
Lagerstroemia Indica	Crepe Myrtle	30 gal.
Lagustrum Texanaum	Wax Leaf Lagustrum	7' ht.
Magnolia Soulangeana	Saucer Magnolia	15 gal.
Olea Eruopaca	Olive (Mision)	15 gal.
Pinus Thunbergi	Black Japanese Pine	15 gal
Platanus Occidentalis	Sycamore	1.5" cal.
Podocarpus Macrophylla	Yew Podocarpus	15 gal
Prunus Caroliniana	Cherry Laurel	15 gal.
Pyrus Calleryana	Bradford Callery Pear	30 gal.
Pyrus Kasakami	Evergreen Pear	15 gal.
Salyx Babylonica	Weeping Willow	2.5" cal.
Taxodium Distichum	Bald Cypress	2.5" cal.
Ulmus Crassifolia	Cedar Elm	3" cal.

\* Tree seedlings five and one gallon trees are acceptable when planted as a supplement to larger trees, although not recommended for lawn areas.

3. Shrubs - Hedges, Screen

<u>Botanical Name</u>	<u>Common Name</u>	Recommended Size
		<u>Min*</u>
Abelia Grandiflora	Glossy Abelia	5 gal.
Ilex Crenata	Burford Holly	5 gal.
Ligustrum Texanum	Waxleaf Ligustrum	5 gal.
Olcander Nerium	Oleander	5 gal.
Myrica Cerifera	Wax Myrtle	5 gal.
Photinia Fraseri	Fraser's Photinia	5 gal.
Photinia Serrulata	Chinese Photinia	5 gal.
Pittosporum Tobira	Pittosporum	5 gal.
Viburnum Japonicum	Japanese Viburnum	5 gal.
Viburnum Suspensum	Snadankwa Suspensum	5 gal.
Xylosma Senticosa	Shiny Xylosma	5 gal.

4. Shrubs - Accents, Massing

Cleyera Japonica	Japanese Cleyera	5 gal.
Coraderia Selloana	Pampas Grass	5 gal.
Cycas Revoluta	Sago Cycad	15 gal.
Fatsia Japonica	Fatsia	1 gal.
Ilex Crenata "Burford"	Dwarf Burford Holly	1 gal.
Ilex Vomitoria Nana	Dwarf Yaupon Holly	1 gal.
Jasminum Mesnyi	Primrose Jasmine	1 gal.
Jasminum Humile	Italian Jasmine	1 gal.
Lagerstroemia Indica	Dwarf Crepe Myrtle 'Petite'	1 gal.
Michelia Fuscata	Banana Shrub	5 gal.
Nandina Domestica Compact	Nandina 'Compacta'	1 gal.
Pittosporum Tobira	Dwarf Pittosporum	1 gal.
Pyracantha Coccinea	Scarlet Firethorn	5 gal.
Raphiolepis Indica	Indian Hawthorn 'White'	1 gal.

5. Ground Covers - Plazas/Buildings

<u>Botanical Name</u>	<u>Common Name</u>	Recommended Size
		<u>Min*</u>
Ajuga Reptans	Ajuga	1 gal.
Apidistra Elatior	Cast Iron Plant	1 gal.
Asparagus Sprengeri	Sprengerii Fern	1 gal.
Cyrtominium Falcatum	Holly Fern	1 gal.
Hedera Helix	English Ivy	1 gal.
Liriope Muscari	Big Blue Liriope	1 gal.
Liriope Grandiflora	Giant Liriope	1 gal.
Ophiophgong Japonica	Monkey Grass	1 gal.
Trachelospermum Asiaticum	Asian Jasmine	1 gal.

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6. Ground Covers – Parking Lots

Hedera Helix	English Ivy	1 gal.
Liriope Muscari	Big Blue Liriope	1 gal.
Liriope Grandiflora	Giant Liriope	1 gal.
Trachelospermum Asiaticum	Asian Jasmine	1 gal.

7. Vines – Buildings, Walls, Fences

Ficus Pumila	Fig Ivy	1 gal.
Gelsemium Sempervivens	Carolina Jessamine	1 gal.
Lonicera Sempervirens	Coral Honeysuckle	1 gal.
Wisteria Megaspernum	Evergreen Wisteria	1 gal.
Wisteria Sinensis	Chinese Wisteria	1 gal.

8. Perennials – Plazas, Buildings

Hemerocallis Species	Daylily	1 gal.
Moraca Iridodes	Butterfly Iris	1 gal.
Iris 'Lousiana'	Louisiana Iris	1 gal.
Lantana Cammera	Lantana	1 gal.

9. Grasses

Stenotaphrum Selundatum	St. Augustine	3" plugs to solid sod
Cynodon Dactylon	Common Bermuda Grass	Seed/Hydro-mulch
Buchloe Dactyloides	Hybrid #609	Buffalo Grass

\*1 Caliper. Caliper (trunk diameter) of all trees shall be measured at a point on the trunk six (6) inches above ground level up to four (4) inch caliper. Sizes four (4) inch caliper and larger, the measurement shall be at a point 12 inches above finish grade.

\*2 Container size shall conform to Grades and Standards Manual of the Texas Association of Nurserymen, where applicable.

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## IV. Appendix B

### A. Construction Controls

No permanent improvement shall be placed or constructed on the site until all plans related to the improvements have been reviewed and approved by the ARC. The builder/developer shall be responsible for any and all damages caused by his own forces, contractor and/or subcontractor, to the property adjacent to the site, including roadways. The builder/developer will also be responsible for heeding restrictions associated with any easements which may be located on the site.

#### 1. Tree Preservation

There will be no tree cutting or clearing until the applicant identifies the trees to be preserved and protected and/or relocated during the construction process. Every effort should be made to preserve the maximum number of trees on the site.

Existing trees to be preserved must be adequately protected from damage during construction. Those trees selected for preservation within an approved building site must be flagged and encircled with protective fencing. Fencing of the protected area must extend beyond the drip-line of the tree's branches to ensure reasonably successful protection. Clearing of underbrush in this area should not occur until completion of construction.

The following actions are prohibited within a designated tree protected area:

- a. Dumping backfill
- b. Excavating soil
- c. Felling trees
- d. Parking
- e. Driving construction equipment into or through the protected area
- f. Stacking or storing supplies and equipment
- g. Changing the site grading, thus allowing drainage to flow into or collect in the protected area
- h. Locating temporary buildings
- i. Dumping of paints, thinners, and other toxic materials

Where it is necessary to trench or bore for utility installation near protected trees, all possible care should be taken to avoid injury to

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tree roots. Excavations in areas where roots are two inches (2") or larger in diameter should be done by hand, tunneling under the roots.

2. Site Clearing

No site clearing or construction may begin until the Builder/Developer has received written notification from the ARC stating construction may proceed.

**B. Guidelines for Construction Activity**

1. Equipment Access and Construction Parking

Access to each construction site should be kept to a minimum and be done in a manner to cause the least impact on existing landscaped or forested setbacks. Access will be limited to one (1) location from a public or common roadway. Location of the access must be approved by the ARC.

No construction worker's personal vehicle or construction equipment shall be parked in a landscaped setback, and as soon as it is possible, should not park on the street. A location on site shall be provided for wheel and equipment washdowns.

2. Temporary Structures and Fences

Temporary structures, portable offices, and other related facilities will be maintained in good repair and arranged in a compact and organized manner on the construction site. These facilities will be located so they are not obtrusive or unsightly from the road or adjacent properties. All temporary and portable structures will be removed within thirty (30) days from issuance of occupancy permit.

3. Construction Debris

Construction debris must be visually screened. All debris shall be removed from the site within fifteen (15) days after the occupancy permit is issued. If a debris pit is used during construction, protective fencing is required. Open burning of debris is prohibited.

After construction is completed, temporary barriers, surplus materials, trash, and debris must be removed from the site. All backfill must be cleared of building material, stone, and rubbish.

4. Materials Storage

Construction materials are to be stored on site in an orderly manner that will not interfere with roadway traffic.

5. Erosion and Sediment Control

As stated in Section 1.C, step 2, each builder/developer is required to prepare and adhere to a Pollution Prevention Plan (PPP) which as a minimum addresses control of erosion offsite via vehicular traffic and/or stormwater runoff. Such erosion control measures may include use of silt fence, vegetative buffers, designated stabilized access pads, burlap bag barriers, inlet protection, daily street cleaning, etc.

6. Construction Hours

Sites adjacent to existing residential areas must observe hours of construction from 7:00 am – 9:00pm.

**C. Street Paving**

Technical specifications shall conform to current City or applicable County minimum requirements. All paving shall be either concrete curb and gutter or asphalt and monolithic concrete curb and gutter. No open-ditch roadway drainage shall be permitted.

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Brent A. Kugman  
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HARRIS COUNTY TEXAS

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## V. Appendix C

### A. Definitions

Major Highway – A limited access street or highway, especially designed for through traffic, to which motorists and abutting property owners have only a restricted right of access. (Example: I-45, I-59, or U.S. 290)

Minor Highway – A street or highway, especially designed for local traffic, to which motorists and abutting property owners have unlimited right of access. (Example: FM 1960, State Highway 6)

Major Thoroughfare/Artery – A public street designed for fast, heavy traffic and intended to serve as a traffic artery of considerable length and continuity throughout the community and so designated on the latest edition of the Major Thoroughfare Plan.

Collector Street – A street which is not a designated major thoroughfare but provides access and circulation between major thoroughfares and local access and interior streets.

Local Street – Any public street not designated as a major thoroughfare, freeway or highway.

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ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

2006  
MAR 13 2006



*Bonnie L. Karpman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS