

SUPPLEMENTAL NOTICE OF DEDICATORY INSTRUMENTS
for
LAKES AT NORTHPOINTE HOMEOWNERS ASSOCIATION, INC.

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The undersigned, being the authorized representative of Lakes at NorthPointe Homeowners Association, Inc. ("**Association**"), a property owners' association as defined in Section 202.001 of the Texas Property Code, hereby amends and supplements those certain instruments entitled "Notice of Dedicatory Instrument for Lakes at NorthPointe Homeowners Association, Inc.", "Supplemental Notice of Dedicatory Instruments for Lakes at NorthPointe Homeowners Association, Inc.", "Supplemental Notice of Dedicatory Instruments for Lakes at NorthPointe Homeowners Association, Inc.", "Supplemental Notice of Dedicatory Instruments for Lakes at NorthPointe Homeowners Association, Inc.", "Supplemental Notice of Dedicatory Instruments for Lakes at NorthPointe Homeowners Association, Inc.", "Supplemental Notice of Dedicatory Instruments for Lakes at NorthPointe Homeowners Association, Inc.", "Supplemental Notice of Dedicatory Instruments for Lakes at NorthPointe Homeowners Association, Inc." and "Supplemental Notice of Dedicatory Instruments for Lakes at NorthPointe Homeowners Association, Inc." recorded in the Official Public Records of Real Property of Harris County, Texas under Clerk's File Nos. 20070032121, 20110540644, 20140038108, 20140546985, 2017-92010, 2017-175150, 2017-427549 and 2019-31711 (the "**Notice**") was filed of record for the purpose of complying with Section 202.006 of the Texas Property Code.

Additional Dedicatory Instrument. In addition to the Dedicatory Instruments identified in the Notice, the following document is a Dedicatory Instrument governing the Association.


- **Lakes at NorthPointe Homeowners Association, Inc. Amended and Restated Builder Guidelines Revised February 5, 2019.**

A true and correct copy of such Dedicatory Instrument is attached to this Supplemental Notice.

This Supplemental Notice is being recorded in the Official Public Records of Real Property of Harris County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Supplemental Notice is true and correct and that the copy of the Dedicatory Instrument attached to this Notice is a true and correct copy of the original.

Executed on this 11th day of February, 2019.

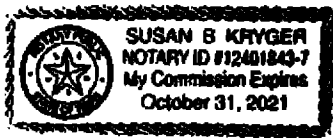
**LAKES AT NORTHPOINTE HOMEOWNERS
ASSOCIATION, INC.**

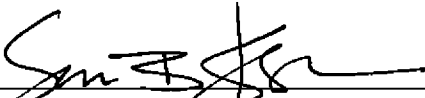
By: 
Rick S. Butler, authorized representative

RP-2019-56198

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 11th day of February, 2019 personally appeared Rick S. Butler, authorized representative of Lakes at NorthPointe Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.





Notary Public in and for the State of Texas

RP-2019-56198

**LAKES AT NORTHPOINTE HOMEOWNERS
ASSOCIATION, INC.**

AMENDED AND RESTATED BUILDER GUIDELINES

Revised

February 5, 2019

LAKES AT NORTHPOINTE HOMEOWNERS ASSOCIATION, INC.

AMENDED AND RESTATED BUILDER GUIDELINES

Revised
February 5, 2019

TABLE OF CONTENTS

I. Introduction 4

II. Architectural Review Process 4

 A. Area of Application 4

 B. Submission Procedure 4

 C. Disclaimers 6

III. Site Planning 7

 A. Square Footage 7

 B. Building Lines 7

 C. Intersection Setback 8

 D. Typical Corner Lot - Detached Garage 8

 E. Greenbelt and Water Lots 8

 F. Driveways, Garages and Motor Courts 9

 G. Sidewalks 10

 H. Walls and Fences 10

 I. Other Structures 10

 J. Screening 11

 1. Mechanical and Electrical Equipment 11

 2. Rear Yard 11

 K. Site Maintenance during Construction 11

 L. Political Signs 11

 M. House Plan / Elevation Spacing Requirements 12

IV. Architecture 12

 A. Exterior Building Materials 12

 1. Brick/Masonry/Stucco 12

 2. Wood/Synthetic Wood 13

 3. Synthetic Materials 13

 B. Roof Treatment 13

 1. Materials 13

 2. Form 14

 3. Chimney 14

 4. Exposed Roof Metal 14

 5. Skylights 14

 C. Windows 14

 D. Garage Doors 15

 E. Address Identification 15

 F. Exterior Lighting 15

 G. Exterior Color Scheme 16

 H. Gutters/Downspouts 16

 I. Antennae/Satellite Dishes 16

 J. Foundations 17

 K. Mechanical Equipment 17

 L. Home Wiring 17

 M. Maintenance 17

V. Landscape 17

 A. Intent 17

 B. Trees 18

 C. Shrubs 18

 D. Lawn 19

 E. Rear Yards 19

 F. Landscape Installation 19

 G. Maintenance 19

VI. Improvements Governed by 2011 Amendments to Chapter 202 of the Texas Property Code 20

 A. Rain Barrels and Rain Harvesting Systems 20

 1. ARC Approval 20

 2. Location 20

 3. Color and Display 20

 4. Regulations if Visible 21

 B. Solar Energy Devices 22

 1. ARC Approval 22

 2. Location 22

 3. Devices Mounted on a Roof 22

 4. Visibility 23

 5. Warranties 23

 6. Limitations 23

- C. Storm and Energy Efficient Shingles 23
 - 1. ARC Approval..... 24
 - 2. Regulations 24
- D. Flags 24
 - 1. ARC Approval..... 24
 - 2. Flag of the United States 24
 - 3. Flag of the State of Texas..... 25
 - 4. Flagpoles 25
 - 5. Flags 26
 - 6. Illumination 26
 - 7. Noise 27

- VII. Improvements Governed by 2013 Amendments to Chapter 202 of the Texas Property Code..... 27**
 - A. Xeriscape Landscaping..... 27
 - 1. ARC Approval..... 27
 - 2. Criteria..... 27
 - 3. General Requirements..... 27
 - 4. Maintenance..... 28

- VIII. Improvements Governed by 2015 Amendments to Chapter 202 of the Texas Property Code..... 28**
 - A. Standby Electric Generators 28
 - 1. Definition of Standby Electric Generator..... 28
 - 2. ARC Approval..... 28
 - 3. Requirements..... 29
 - 4. Screening 30
 - 5. Non-Payment of Utility Service 31
 - 6. Property Owned by the Association 31
 - 7. Non-Compliance 31

- PLAN APPROVAL REQUEST FORM..... 32

I. Introduction

These Builder Guidelines establish the minimum requirements for design and construction of single family residences and other improvements within Lakes at NorthPointe. Emphasis is on quality in material, design and construction in order to create well-crafted residences within the community. These Builder Guidelines allow diversity in design while promoting the architectural integrity of the community as a whole. The landscaping portion of these Builder Guidelines is intended to enhance the aesthetic appearance of the Lakes at NorthPointe project.

These Builder Guidelines supplement the Declaration of Covenants, Conditions and Restrictions for Lakes at NorthPointe and all supplements and amendments thereto ("**Declaration**") and are to be used in architectural review of Builder plans. The Builder Guidelines are adopted by the Lakes at NorthPointe Architectural Review Committee ("**ARC**") which may revise these Builder Guidelines from time to time to better maintain the quality of the community. The ARC may grant variances to these Builder Guidelines in its sole discretion.

Unless otherwise defined herein, capitalized terms used herein have the same meaning as set forth in the Declaration. Sections within Lakes at NorthPointe may be denoted herein by the section and/or numbers listed independently (i.e., "Section 2" or "2" denotes Lakes at NorthPointe, Section 2). Sections within specific Neighborhoods within Lakes at NorthPointe may be denoted herein by listing the Neighborhood followed by the Section (i.e., "Enclave, Section 2" denotes section 2 of the Enclave Neighborhood within the Lakes at NorthPointe). Enclave at NorthPointe, Section Eight (8) ("**Enclave, Section 8**") will not be designated either as a Neighborhood or as part of the Enclave Neighborhood.

II. Architectural Review Process

A. Area of Application

All new construction and improvements or alterations thereto must be reviewed and approved in writing by the ARC prior to the commencement of any onsite building or construction activity. The approval process can be facilitated if complete and high quality proposals are submitted to the ARC. The ARC reserves the right to alter the review process in order to ensure an adequate review of all submissions while accommodating the needs of the Builder.

B. Submission Procedure

The design for Single Family Residences in the Lakes at NorthPointe must be approved in writing by the ARC before construction of a residence can begin. The ARC is committed to a high level of design quality by reviewing residential design and plotting submissions and working with the individual Builders to meet this goal.

The ARC meets on an as needed basis to review design submittals. The attached form should be submitted by the Builder along with copies of the house plans, specifications, landscape plan (unless the house plan and/or landscape plan has been previously approved) and site plan. Per the Declaration, the Committee may

review the plans within 45 days of receipt, but will use its best efforts to make timely reviews.

Plans for construction of new Single Family Residences should be submitted to:

Lakes at NorthPointe Homeowners Association, Inc.
3800 Southwest Freeway, Suite 302
Houston, TX 77027
Fax(713) 350-2740

Plans for all other improvements or alterations thereto should be submitted to:

Lakes at NorthPointe Homeowners Association, Inc.
c/o CMC, Chaparral Management Company, Inc.
P.O. Box 681007
Houston, Texas 77268-1007

Plan Design: Architectural Review Process Submittal Requirements

The ARC requires one set of the following for production home plan submittals. Builders may submit their "master set" of plans one time for those plans to be built repeatedly, however, a plot plan will be required for each Lot.

- a.) Floor Plans at a scale of $\frac{1}{4}'' = 1'0''$
- b.) Front Elevations at a scale of $\frac{1}{4}'' = 1'0''$, other elevations may be at $\frac{1}{8}'' = 1'0''$.
All elevations must be shown and must include:
 - 1.) Notation of locations of all exterior wall materials
 - 2.) Notation of roof materials
 - 3.) Notation of window types
 - 4.) Notation of square footage

It is the Builder's responsibility to assure that foundation plans are designed by a registered professional engineer experienced in residential home construction.

Only complete preliminary submittals will be reviewed by the ARC. Faxed material will be accepted once preliminary house design (approval of master set of plans) has been received. Variances must be requested in writing. The design for each production home must be approved in writing before construction of any home from that plan can begin. Deviation from approved construction documents during construction without the ARC's approval constitutes a violation. On the ARC's authority, corrections of such deviations may be required. Notice of approval shall be in the form of a letter from the ARC to the party submitting the plans. No

construction may begin prior to receipt of written approval from the ARC.

Site/Plot Plan: Architectural Review Process Submittal Requirements

The ARC requires a Site/Plot Plan submittal prior to construction for each production home. Submittal of plot plans by fax is authorized as long as the Site/Plot Plan includes:

- a.) Locations, dimensions, and material notations for walkways, driveway, patios, and all other exterior flatwork including setbacks, easements, and building lines.
- b.) Proposed location, height, and material of each exterior fence or wall.
- c.) Lot number, block number, section number, and Builder name must be clearly printed on the first page of the submittal.

The ARC will review only complete Site/Plot plan submittals. Deviation from approved Site/Plot Plans during construction without the ARC's approval constitutes a violation. On the ARC's authority, corrections of such deviations may be required. Notice of approval shall be in the form of a letter from the ARC to the party submitting the plans. No construction may begin prior to receipt of written approval from the ARC.

C. Disclaimers

These Builder Guidelines are intended to describe a general level of conformance for development. The Builder Guidelines and the procedures set forth herein may be modified from time to time by the ARC and do not supersede compliance with applicable federal, state, county or local laws and regulations.

These Builder Guidelines set forth the requirements, procedures, and technical criteria used by the ARC for the review of site development plans and exterior building designs and certain other improvements. Approval by the ARC does not constitute approval of or satisfaction of any governmental agency requirements. Compliance with these Builder Guidelines does not provide exemption from required state, county or local approval procedures.

All improvements must conform to any applicable state or local building codes, zoning ordinances, or other governmental regulations. If any provisions of these Builder Guidelines are more restrictive than other applicable codes, the provisions of these Builder Guidelines apply.

Neither the Developer, the ARC, nor their individual members, partners, employees, agents, or successors or assigns of any of them shall be liable in damages to any one submitting to them for approval any plans and specifications or requests for variances from the Builder Guidelines, or to any owner occupant of any parcel of land affected by the Builder Guidelines, or to any third party, and the submission of

plans or requests constitutes an express waiver and release of these parties to the fullest extent permitted by law.

III. Site Planning

A. Square Footage

The minimum living area of the Single Family Residence (exclusive of one-story open porches, garages, and servants' quarters) and the maximum square footage shall be as follows

<u>Section</u>	<u>Typical Lot Width</u>	<u>Minimum S.F.</u>	<u>Maximum S.F</u>
1	65'	2,000	4,500
2	50'	1,200	2,800*
4	50'	1,200	2,800*
	65'	2,000	4,500
5	65'	2,000	4,500
10	50'	1,200	2,800*
	65'	2,000	4,500
11	65'	2,000	4,500
12	65'	2,000	4,500
13	50'	1,200	2,800*
Enclave, Section 1	50'	1,200	3,100
Enclave, Section 2	65'	2,000	None
Enclave, Section 3	65'	2,000	None
Enclave, Section 4	50'	1,200	3,100
Enclave, Section 5	65'	2,000	None
Enclave, Section 6	65'	2,000	None
Enclave, Section 7	50'	1,200	3,100
Enclave, Section 8	50'	1,200	3,100**

* Each Builder allowed 1 plan with a total maximum square footage of 2,850 and one plan with a total maximum square footage of 3,000.

** Enclave, Section 8 is not designated as a Neighborhood and is not part of the Enclave Neighborhood.

B. Building Lines

Typical building lines and easements are dictated by subdivision plat as determined by ordinance of the City of Houston. In addition to these requirements, other setbacks are enforced by deed restrictions for aesthetic reasons.

Building setback lines from front property lines are twenty-five feet (25') unless otherwise shown on the recorded plat.

Side Lot building setback lines are five feet (5') on each side except for detached garages which must be at least three (3') from the side Lot line unless that Lot has a five (5') foot side Lot easement. Corner Lot building lines are ten feet (10') from the side street property line unless otherwise shown on the recorded plat.

The rear building setback line for garages is 7' where a seven-foot utility easement exists and 14' where a 14' rear utility easement exists. No residence shall be located nearer than ten (10') from the rear Lot line. Encroachment by Single Family Residence and garages is prohibited in utility easements. For the purposes of this section, eaves, steps and open porches or driveways shall not be considered as a part of a Single Family Residence.

Prior to the placement of any forms, Builder should review the most recently recorded plat for the specific Lot to verify all setback requirements.

C. Intersection Setback

All Lots located at street intersections shall be landscaped so as to permit safe sight across the street corners. No fence, wall, hedge or shrub planting shall be placed or permitted to remain where this would create a traffic or sight problem.

D. Typical Corner Lot – Detached Garage

Lots siding on standard interior street corners have a 10' building setback line on the side facing the corner (unless otherwise shown on the recorded plat), a 25' front building setback (unless otherwise shown on the recorded plat) and a 5' building line on the interior Lot side. The minimum rear setback line for detached garages is 7'. If the rear utility easement is greater than 7', the minimum rear setback line for the detached garage is equal to the utility easement.

The Builder is responsible for installing sidewalks in the street right-of-way, along both streets (on corner Lots) and the street crossing walk extended to the back of the curb including ADA design curb ramp.

Detached garages facing side streets are encouraged. This siting requires less concrete for driveways. A garage connected to the residence by a covered walk provides a breezeway space.

E. Greenbelt and Water Lots

Single Family Residences on greenbelts and water bodies should be planned in a manner which maximizes views to these amenities. Special consideration must be given to garage locations so that the potential for infringement of views from adjacent Lots is minimized. Advantage of these views should be taken by creating an easy flow from informal living areas to outdoor living areas. These

Lots will be required to have attached front loaded or hook-in garage configurations. Views from adjacent Lots to a water body should not be obstructed due to the placement of garages, ancillary building, solid fencing, or other structures. Detached garages and other potential obstructions are not permitted in rear yards of waterfront Lots unless specifically approved by the ARC.

Wrought iron fences are required along the rear and side property lines of water front Lots. These fences are designed to permit views through them from adjacent properties and will be a consistent design within a given section or neighborhood. Gates along the rear property lines will be allowed on waterfront and greenbelt Lots with approval from the ARC.

Special attention to controlling runoff into adjacent bodies of water is essential, especially during construction. Waterfront Lots include Lots that are adjacent to lakes, bayous, ponds or any other body of water or wetland. Whenever possible, drainage must be directed away from any body of water to avoid soil fertilizer, pesticides, petroleum products and other chemical runoff. These concerns apply both during and after construction. The dumping of any foreign material into a body of water is strictly prohibited.

F. Driveways, Garages and Motor Courts

To the extent possible, automobile circulation and storage areas are to be de-emphasized, highlighting the landscape and pedestrian environment.

To the extent possible, Builder shall locate driveways to avoid conflicts with manholes, drainage inlets, fire hydrants and water valves. In the event conflicts arise, all adjustment costs shall be the responsibility of Builder. Garages shall be detached or attached. However, rear detached garages for Lake Lots will not be permitted. Driveways shall be a minimum of ten (10) feet in width. Driveways for detached garages shall be a maximum of twelve (12) feet in width except as required for garage access and may be within one foot of the property line. Driveways for attached garages shall be a maximum of twenty (20) feet in width. Driveways for side loading 3-car detached garages on corner Lots and for front loading 3-car attached garages may be greater than twenty (20) feet in width at the discretion of the ARC. If traditional 6" curbs (non-rolled curbs) are used in the development, all driveway returns will have expansion joints with redwood inserts.

No detached garage or accessory building shall exceed one story in height without the written consent of the ARC.

In an effort to maintain maximum green space, circular drives and motor courts are strongly discouraged. Circular drives shall be allowed only by special approval by the ARC. No two adjacent Lots will be permitted to have circular drives.

G. Sidewalks

Sidewalks are to be constructed by Builders within street right-of-way frontage adjacent to all front or side property lines adjoining street right-of-way. The sidewalks shall be 4 feet in width and shall be located 5 feet from back of curb except on cul-de-sacs where the sidewalks shall be located 3 feet from back of curb.

Color of sidewalks is to be natural gray concrete with a picture framed standard finish throughout the project. Spacing between joints shall not exceed 10 feet. Builder shall construct any required ADA wheelchair ramps that have not been constructed by Developer.

H. Walls and Fences

Every Single Family Residence must be fenced in accordance with these Builder Guidelines. With the exception of Lake Lots, all fencing shall be six (6) foot high cedar. The back Lot line fencing or side Lot line fencing for those Lots backing or siding to roads, reserves, pipeline easements, drainage easements and the like must be installed with the pickets facing the street, reserve or easement. Lots backing or siding to certain thoroughfares and collector streets may have a perimeter fence installed by the developer, although developer may require reimbursement by Builder at time of Lot purchase. Wood fences on interior rear Lot lines or interior side Lot lines perpendicular to the fronting street shall be "good neighbor" fences with eight-foot long panels alternating between solid pickets and exposed rails. Wood fences should not be painted or stained unless specifically approved by the ARC.

The rear of a Lot backing on a lake must be fenced by the Builder with a 48" high iron fence. The sides of the back yards of Lots backing on a lake must also be fenced by the Builder with a 48" high iron fence from the rear Lot line to a point at least 25' from the rear Lot line. Developer may provide additional specifications for such iron fences. In the Enclave Neighborhood, the height requirement for the rear and side iron fences on Lots backing on a Lake is six (6) feet.

In Enclave, Section 8, which is not designated as a Neighborhood and is not part of the Enclave Neighborhood, the height requirement for the rear and side wrought iron fences on Lots adjacent to a Lake or Common Area adjacent to a Lake is also six (6) feet.

I. Other Structures

All structures including gazebos, pools, spas, playhouses, storage buildings, arbors, and trellis or shade structures must be submitted to the ARC for specific approval, and may require screening from public view. Above ground pools are

strictly prohibited.

J. Screening

1. Mechanical and Electrical Equipment

All mechanical and electrical equipment including air conditioning compressors, power boxes (transformers and pedestals), meter boxes, and pool equipment, etc. must be completely screened from public view (streets, reserves, lakes, etc.). Screening may consist of architectural or planting elements. A combination of trees, hedges, or walls should be used.

2. Rear Yard

Pools, play structures, play equipment, barbecue areas, and lawn furniture shall be screened from public view by a combination of trees, shrubs, and fencing.

K. Site Maintenance during Construction

General Maintenance - Each Lot shall be maintained in a neat, clean, orderly condition by the Builder during construction and until the Lot is closed. Building debris must be removed from each Lot by the Builder as often as necessary to maintain attractiveness of the construction site. Debris may not be dumped in any area of the development unless a specific location for such a purpose is approved in writing by the ARC. A location for concrete washout is to be designated by the ARC during the period that homes are under construction. The Builder must use satisfactory means of silt detention to prevent mud from flowing into the street. The Builder will keep all debris within the boundaries of the Lot on which the house is being constructed.

The Builder will comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with construction activity. The Builder shall also protect all Storm Water Pollution Prevention Plan (SWPPP) control measures of the Developer, its contractors and subcontractors, and other homebuilders in the project.

L. Political Signs

Political Signs. Notwithstanding the provisions in the Declaration, due to a change in the law, the following restrictions apply to signs advertising a political candidate or ballot item for elections, as regulated by Section 202.009 of the Texas Property Code ("Political Signs"). No Political Sign may be placed on an Owner's Lot prior to the ninetieth (90th) day before the date of the election to which the sign relates, or remain on an Owner's Lot subsequent to the tenth (10th) day after the election date. No more than one (1) Political Sign is allowed per political candidate or ballot item. No Political Sign may: contain roofing

material, siding, paving, materials, flora, one (1) or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component; be attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object; include the painting of architectural surfaces; threaten the public health or safety; be larger than four feet (4') by six feet (6'); violate a law; contain language, graphics, or any display that would be offensive to the ordinary person; or be accompanied by music, other sounds, by streamers or is otherwise distracting to motorists.

For Sale signs may not include the word "foreclosure" or other distressed sale language.

An ARC representative may remove any unauthorized signs found on a Lot.

M. House Plan / Elevation Spacing Requirements

When building the same plan, different elevation, different brick, on the same side of the street, one (1) Lot must be skipped. When building the same plan, different elevation, different brick, on the opposite side of the street, one (1) full Lot must be skipped.

When building the same plan, same elevation, different brick, on the same side of the street or on the opposite side of the street, two (2) full Lots must be skipped.

When building the same plan, different elevation, same brick, on the same side of the street or on the opposite side of the street, two (2) full Lots must be skipped.

When building the same plan, same elevation, same brick, on the same side of the street or on the opposite side of the street, four (4) full Lots must be skipped.

IV. Architecture

A. Exterior Building Materials

The variety and number of primary exterior materials should be held to a minimum. The maximum number of exterior materials allowed is three. Generally, only two materials should be used on one Single Family Residence. The following materials are acceptable

1. Brick/Masonry/Stucco

In masonry construction, all mortar joints are to be tooled with mortar color complementary to the brick color. Unless otherwise approved by the ARC, the following minimum percentages of the exterior wall area of all Single Family Residences [excluding detached (but not attached) garages, gables, windows, and door openings] must be of masonry, stucco, stone or brick veneer:

<u>Section</u>	<u>Typical Lot Width</u>	<u>Minimum Masonry %</u>
2, 4, 10, 13, Enclave, Section 1 Enclave, Section 4 Enclave, Section 7 Enclave, Section 8*	50'	3 side 1 st floor (4 sides 1 st floor for lake Lots)
1, 4, 5, 10, 11, 12, Enclave, Section 2 Enclave, Section 3 Enclave, Section 5 Enclave, Section 6	65'	4 sides 1 st floor

Hardiplank or its equivalents shall not be considered as "masonry" for the purposes of this paragraph.

* Enclave, Section 8 is not designated as a Neighborhood and is not a part of the Enclave Neighborhood.

2. Wood/Synthetic Wood

Wood siding shall be horizontal lap type. "Hardiplank", "Hardipanel" and other equivalent products are acceptable. No diagonal siding shall be used except by special consent of the ARC. Vertical siding may be used to accent certain architectural features of houses approved by the ARC.

All wood trim shall be high-quality finish-grade stock, stained or painted as approved by the ARC. Trim made with "Hardiplank" material is acceptable.

3. Synthetic Materials

Synthetic materials, such as metal or vinyl siding, may only be used with the prior approval of the ARC.

No material change should occur on an outside corner. High contrast trim or material variations should be avoided in favor of those that are chosen to blend all elements into a single theme.

B. Roof Treatment

1. Materials

Roof materials may be clay or concrete tile, aluminum, slate or asphalt or fiberglass composition shingles, one color per section such as Weatherwood (grey), with at least a 25 year warranty (currently No. 225 or heavier weight) in a dark brown, charcoal, or a color range that would approximate the color of

weathered cedar shingles. All asphalt or composition shingle roofs shall have closed valleys. Standing seam metal (factory finished steel), terne metal or copper, metal roofs are allowed, and wood shingles are not allowed.

2. Form

Roofs may take a variety of forms; gabled and hipped roofs of uniform pitch throughout the residence are preferred. Roof pitches should be a minimum of 7 in 12 from side to side and 6 in 12 from front to back for single story residences and 5 in 12 for two story residences, except where a roof garden or deck is called for. Mansard roofs and other types of "exotic" roof forms are discouraged, and may only be used with special permission of the ARC.

3. Chimney

Prefabricated metal fireplaces and metal flues are acceptable if in a masonry, wood or Hardiplank siding enclosure. Brick or stone fireplace chimneys are required when the chimney is on the front wall of the house or in the portion of the roof facing the street, unless otherwise approved by the ARC.

4. Exposed Roof Metal

All exposed metal roof accessories - stack vents, roof flashing, attic ventilators, metal chimney caps, skylight curbs, etc. shall match roofing material color exactly. In cases where metal roofing is employed, roof accessories may be made of the same metal as the roofing, or painted to match its color. All stack vents and attic ventilators shall be located on the rear slopes of roofs and mounted perpendicular to the ground plane.

5. Skylights

No skylights shall be allowed on the front slope of any roof.

C. Windows

Wood windows are acceptable. Wood windows shall be primed and painted or stained in colors complementary to the masonry. Metal windows are also acceptable in white or dark anodized colors. No unfinished metal on windows, screens or sliding glass doors is allowed.

Divided light windows are required on the front side of the house and throughout each room which is part of the front of the house.

The use of wrought iron ornamentation or burglar bars on the exterior of any window or other fenestration is prohibited without the prior approval of the ARC.

D. Garage Doors

Metal garage doors are required. Provided that, in the Enclave Neighborhood, decorative wood garage doors may be allowed upon prior written approval by the ARC if, in the sole discretion of the ARC, the wood door is consistent with the exterior design of the house and the architectural integrity and standard of the community as a whole.

Split double doors are preferred over single door designs where double car, front-loaded attached garage configurations are used. When double doors are used, the garage is less likely to dominate the front façade and less likely to appear as a blank wall.

Garage doors should be relatively unadorned while remaining compatible with the architecture of the home and elevations. Panelized doors, however, are encouraged to help downscale the effect of the garage door and not detract from the other features of the home.

The paint or stain used on the garage doors should blend with the overall massing of the home. The color should either match the adjacent wall color or be less conspicuous than the wood trim and siding.

E. Address Identification

All residential addresses are to be identified with numerals as part of an integral sign plaque of cast stone, brass or bronze. Each Builder must submit the design for their address plaque to the ARC for approval. Once approved, that design will become the uniform style for all of their homes.

Recommended plaque size is to be approximately 15" (horizontal) by 6" (vertical). Plaque is to be pin or stud mounted to the wall of the residence or incorporated into the brick facade. Address plaque is to be installed by homebuilder before occupancy. Generally, for ease of finding the address, the Builder should be consistent in the placement of addresses.

F. Exterior Lighting

Exterior illumination of street address numbers, and architectural features such as columns, entries, chimneys, and landscape features is encouraged. Ground lighting or decorative light fixtures are also encouraged to complement the architectural features of the residence.

Colored lenses on low voltage lights, colored light bulbs, fluorescent and neon lighting are not permitted. This is not meant to prohibit temporary decorative lighting during the traditional holiday season (e.g., Christmas and Hanukah).

Exterior lighting fixtures must comply with the Declaration and these Builder

Guidelines. Exterior floodlighting is discouraged and must be approved by the ARC. Floodlighting fixtures must be attached to the building or other architectural elements. Floodlighting shall not illuminate adjacent public or private property. No pole-mounted or building-mounted high intensity area lighting will be allowed.

G. Exterior Color Scheme

The palette of exterior paints and stains for each residence shall be selected to complement, coordinate or harmonize with the colors of building materials which are used in their "natural" state, such as brick, stone, copper, etc. Color and material combination packages will be submitted for approval by the ARC.

H. Gutters/Downspouts

Gutters/downspouts may be of extruded prefinished aluminum or copper. No plastic or unfinished metal gutters/downspouts are acceptable. Preferably, downspouts should occur only at the rear and sides of homes. All gutters and downspouts on Lots must be installed so water runoff does not adversely affect adjacent properties.

I. Antennae/Satellite Dishes

Notwithstanding the provisions of the Declaration, so as to be in compliance with the Telecommunications Act of 1996 (the "Act") and FCC regulations promulgated under the Act, the following guidelines regarding the placement of antennas will control. No exterior antennas, aerials, satellite dishes, or other apparatus for the reception of television, radio, satellite or other signals of any kind shall be placed, allowed, or maintained upon any Lot, which are visible from any street, Common Area or another Lot, unless it is impossible to receive an acceptable quality signal from any other location. In that event, the receiving device may be placed in the least visible location where reception of an acceptable quality signal is possible. The ARC may require painting or screening of the receiving device, which painting or screening does not substantially interfere with an acceptable quality signal. In no event are the following devices permitted: (i) satellite dishes, which are larger than one (1) meter in diameter; (ii) broadcast antenna masts, which exceed the height of the center ridge of the roofline; or (iii) MMDS antenna masts, which exceed the height of twelve feet (12') above the center ridge of the roofline. No exterior antennas, aerials, satellite dishes, or other apparatus shall be permitted, placed, allowed or maintained upon any Lot, which transmit television, radio, satellite or other signals of any kind. This section is intended to be in compliance with the Act and applicable FCC regulations as may be amended from time to time; this section shall be interpreted to be as restrictive as possible, while not violating the Act or applicable FCC regulations.

J. Foundations

Foundations should be set at or above the minimum elevations as shown on the recorded plats for the individual sections.

K. Mechanical Equipment

All mechanical and electrical equipment (air conditioning compressors, pool equipment, etc.) should be screened from public view by any combination of trees, hedges, walls or fences so to not be obtrusive/offensive.

Mechanical equipment is permitted outside of fences on side streets of corner Lots if properly screened. Screening of this equipment should be done with landscaping. Plant material used to provide for screening must be at a state of growth that permits immediate screening results when installed. The planting of shrubs or hedges that will eventually be successful screening devices will not suffice.

Mechanical equipment must be placed so that it does not intrude visually or acoustically on neighboring property.

Air conditioners or heat pumps must be freestanding and located on the ground. These should be hidden or screened from other public or private property. Window units are prohibited.

Play equipment and structures, pools, lawn furniture, etc. should be screened from public view by a combination of trees, walls or fences.

L. Home Wiring

In an effort to provide the homebuyer with the technology that is becoming more and more common in today's modern home, the Builders are required to provide a flexible, upgradeable wiring platform.

M. Maintenance

Each residence shall be maintained in a neat, clean, orderly condition by the owner. Periodic repairs shall be made to correct broken shingles, peeling paint, broken brick, broken concrete and any other condition, which suggests visual deterioration of a residence.

V. Landscape

A. Intent

The intent of these Builder Guidelines is to produce a harmonious landscape setting for the homes in Lakes at NorthPointe. The landscape should not compete with the architecture for attention, but should provide the setting. The

emphasis is upon those areas of the Lot visible from public areas in the community.

B. Trees

Planting of trees in the front yard is the responsibility of the Builder. These trees are to be maintained by the Builder until the residence is sold to an occupant, at which time the trees become the occupant’s responsibility. Trees are to be a minimum of 3 inch caliper, planted between the sidewalk and the home. 65’ Lots require a minimum of three (3) trees on corner Lots and two (2) trees on other Lots. 50’ Lots require a minimum of two (2) trees on corner Lots and one (1) tree on all other Lots. The required front yard trees shall be pine, live oak, water oak, or red oak. However, only one of the required trees may be a pine tree.

Additional trees may be placed in the front yards, and may be either pine trees, ornamental trees or large shade trees. Such additional trees are to be container grown stock with a minimum 2.5 inch caliper.

Lots backing or siding to a lake shall be required to have one (1) additional tree placed in the rear yard of such Lot by the Builder. Such tree shall meet the requirements of the preceding paragraph.

The dominant vegetation of the Lakes at NorthPointe is pine trees, with various species of oaks and yaupon understory. Not all Lots have trees or other significant vegetation. Where there are existing trees on residential Lots, they may be used to meet the above minimum requirements.

C. Shrubs

Shrub planting shall consist of a minimum of 2 layers planted at the foundation of the buildings.

Shrubs shall be 2 gallon or larger containers, planted 24 inches on center.

Groundcover or border plants shall be 1 gallon container, planted 12 inches on center, or split (appropriate species only) and planted 6 inches on center.

Beds shall complement the building architecture and shall have a minimum width of 6 feet. The number of plant species in the front yards should be kept to minimum, varying only from one shrub layer to the next. The number of plants shall be appropriate for the size bed. Plants shall be spaced to cover the entire bed within one growing season.

Under special circumstances (such as plant availability), smaller container sizes may be approved by the Committee. Spacing between plants, however, must be decreased accordingly.

RP-2019-56198

D. Lawn

Yards visible to the public shall be solid sod if not in shrub beds. Seeding or sprigging front or side lawns is prohibited.

E. Rear Yards

In all areas not visible to public view, landscaping does not require specific ARC approval. Landscaping in rear yards of Lots that back or side to lakes require the same shrub treatment as described for front yards in Subparagraph C above. Rear yards on Lots that back or side to lakes also require solid sod.

F. Landscape Installation

Installation of landscaping and site improvements is to be executed in a high quality manner. The ARC may reject any improvement where the material or workmanship fails to meet acceptable industry standards.

No later than 30 days following the issuance of a certificate of occupancy for a house, or 90 days after completion of construction (whichever occurs first), all required trees, lawn and shrubs must be installed.

Subcontractor signage is prohibited. Refer to signage guidelines for approved signage description.

G. Maintenance

Maintenance and proper care of installed landscaping is critical to the appearance of Lakes at NorthPointe. All landscaped areas are to be maintained in a healthy and beautiful appearance by the Builder or homeowner.

Proper maintenance includes:

1. Adequate watering for proper plant health
2. Fertilization of trees, shrubs, hedge and lawn
3. Pruning of all trees
4. Adequate pruning of all hedges
5. Mowing of grass
6. Seasonal weeding of shrub beds
7. Weed control in lawns

8. Seasonal mulching of shrub beds
9. Insect and disease control
10. Replacement of plant material, dead or diseased, with original species and size.

VI. Improvements Governed by 2011 Amendments to Chapter 202 of the Texas Property Code

Chapter 202 of the Texas Property Code was amended to add sections relating to rain barrels and rain harvesting systems, solar energy devices, storm and energy efficient shingles, flags, and religious items. The amendments relating to solar energy devices, storm and energy efficient shingles, flags and religious items became effective on June 17, 2011 and the amendments relating to rain barrels and rain harvesting systems became effective on September 1, 2011 and in accordance with same the following guidelines have been adopted.

A. Rain Barrels and Rain Harvesting Systems

Section 202.007 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property Owner from installing rain barrels or a rain harvesting system on the property Owner's Lot. However, Section 202.007 of the Texas Property Code further provides that a property owners' association is not required to permit a rain barrel or rainwater harvesting system to be installed on a Lot in particular circumstances or restricted from regulating rain barrels and rain harvesting devices in specified manners. The following provisions shall be applicable to rain barrels and rain harvesting systems in Lakes at NorthPointe:

1. ARC Approval

In order to confirm the proposed rain barrel or rain harvesting device is in compliance with these guidelines, Owners are encouraged to apply to the ARC for prior approval. The Association may require an Owner to remove a rain barrel or rain harvesting device that does not comply with requirements of these guidelines.

2. Location

A rain barrel or rain harvesting system is not permitted on a Lot between the front of the Single Family Residence on the Lot and an adjacent street.

3. Color and Display

A rain barrel or rain harvesting system is not permitted:

- a. unless the color of the rain barrel or rain harvesting system is consistent with the color scheme of the Single Family Residence on the Owner's Lot; or
- b. if the rain barrel or rain harvesting system displays any language or other content that is not typically displayed by the rain barrel or rain harvesting system as it is manufactured.

4. Regulations if Visible

If a rain barrel or rain harvesting system is located on the side of the Single Family Residence on the Lot or at any other location on the Lot that is visible from a street, another Lot, or a common area, the rain barrel or rain harvesting system must comply with the following regulations:

a. Rain Barrel:

- (i) Size: A maximum height of forty-two (42) inches and a maximum capacity of fifty (50) gallons.
- (ii) Type: A rain barrel that has the appearance of an authentic barrel and is either entirely round or has a flat back to fit flush against a wall. A rain barrel must have a manufactured top or cap to prevent or deter the breeding of mosquitoes.
- (iii) Materials: Wood, metal, polyethylene or plastic resin designed to look like an authentic barrel in brown or other earthtone color.
- (iv) Screening: The rain barrel must be screened with evergreen landscaping to minimize its visibility from a street, another Lot, and common area, unless otherwise approved in writing by the ARC.
- (v) Downspout: The downspout which provides water to the rain barrel must be the same color and material as the gutters on the Single Family Residence, if any. Further, the downspout must be vertical and attached to the wall against which the rain barrel is located.

- b. Rain Harvesting System: A rain harvesting system must collect and store the water underground. The portion of a rain harvesting system that is above-ground must appear to be a landscape or water feature. The above-ground portion of the rain harvesting system shall not extend above the surface of the ground by more than thirty-six (36) inches. The above-ground portion of the rain harvesting system must be screened with evergreen landscaping to

minimize visibility from a street, another Lot, and common area, unless otherwise approved in writing by the ARC.

Provided that, the regulations in this Section 4. shall be applicable only to the extent that they do not prohibit the economic installation of the rain barrel or rain harvesting system on the Lot and there is a reasonably sufficient area on the Lot in which to install the rain barrel or rain harvesting system.

B. Solar Energy Devices

Section 202.010 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property Owner from installing a solar energy device except as otherwise provided therein. As used in Section 202.010 of the Texas Property Code, "solar energy device" has the meaning assigned by Section 171.107 of the Tax Code, which defines the term as "a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar generated power". The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power. Article VII, Section 19 of the Declaration relating to solar energy devices is superseded by this Subsection B. The following provisions shall be applicable to solar energy devices in Lakes at NorthPointe:

1. ARC Approval

The installation of a solar energy device requires the prior written approval of the ARC. Provided that, the ARC may not withhold approval if these guidelines are met or exceeded, unless the ARC determines in writing that placement of the device as proposed constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the device by all Owners of property adjoining the Lot in question constitutes prima facie evidence that substantial interference does not exist.

2. Location

A solar energy device is not permitted anywhere on a Lot except on the roof of the Single Family Residence or other permitted structure on the Lot or in a fenced yard or patio within the Lot.

3. Devices Mounted on a Roof

A solar energy device mounted on the roof of the Single Family Residence or other permitted structure on a Lot:

- a. shall not extend higher than or beyond the roofline;
- b. shall conform to the slope of the roof and have a top edge that is parallel to the roofline;
- c. shall have frames, support brackets and/or visible piping or wiring that are silver, bronze or black tone, as commonly available in the marketplace; and
- d. shall be located on the roof as designated by the ARC unless an alternate location increases the estimated annual energy production of the device by more than ten percent (10%) above the energy production of the device if located in the area designated by the ARC. For determining estimated annual energy production, the parties shall use a publicly available modeling tool provided by the National Renewable Energy Laboratory.

4. Visibility

A solar energy device located in a fenced yard or patio shall not be taller than or extend above the fence enclosing the yard or patio.

5. Warranties

A solar energy device shall not be installed on a Lot in a manner that voids material warranties.

6. Limitations

A solar energy device is not permitted on a Lot if, as adjudicated by a court, it threatens the public health or safety or violates a law.

C. Storm and Energy Efficient Shingles

Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property Owner from installing shingles that:

- a. are designed to:
 - (i) be wind and hail resistant;
 - (ii) provide heating and cooling efficiencies greater than those provided by customary composition shingles; or
 - (iii) provide solar generation capabilities; and
- b. when installed:

- (i) resemble the shingles used or otherwise authorized for use on property in the subdivision;
- (ii) are more durable than and are of equal or superior quality to the shingles described below; and
- (iii) match the aesthetics of the property surrounding the Owner's property.

1. ARC Approval

In order to confirm the proposed shingles conform to the foregoing guidelines, Owners are encouraged to apply to the ARC for prior approval. The Association may require an Owner to remove shingles that do not comply with these guidelines.

2. Regulations.

See Article IV, Section B.1. of these guidelines regarding roofing material requirements. Accordingly, when installed, storm and energy efficient shingles must resemble, be more durable than, and be of equal or superior quality to the types of shingles otherwise required or authorized for use in Lakes at NorthPointe as set forth above. In addition, the storm or energy efficient shingles must match the aesthetics of the Lots surrounding the Lot in question.

D. Flags

Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits, restricts, or has the effect of prohibiting or restricting a flag of the United States of America, the flag of the State of Texas, or an official or replica flag of any branch of the United States armed forces, except as otherwise provided therein.

The following provisions shall be applicable to flagpoles and the three (3) types of flags listed in Section 202.011 of the Texas Property Code:

1. ARC Approval

Above-ground flagpole stands and/or footings and illumination under Section 6. must be approved by the ARC. Additionally, in order to confirm a proposed flagpole conforms to the following standards, Owners are encouraged to apply to the ARC for prior approval. The Association may require an Owner to remove flagpoles, flagpole footings, or flags that do not comply with these guidelines.

2. Flag of the United States

The flag of the United States must be displayed in accordance with applicable provisions of 4 U.S.C. Sections 5-10, which address, among other things, the time and occasions for display, the position and manner of display, and respect for the flag.

3. Flag of the State of Texas

The flag of the State of Texas must be displayed in accordance with applicable provisions of Chapter 3100 of the Texas Government Code, which address, among other things, the orientation of the flag on a flagpole or flagstaff, the display of the flag with the flag of the United States, and the display of the flag outdoors.

4. Flagpoles

- a. Not more than one (1) freestanding flagpole or flagpole attached to the Single Family Residence or garage (on a permanent or temporary basis) is permitted on a Lot, which may not exceed five inches (5") in diameter, without the approval of the ARC.
- b. A freestanding flagpole shall not exceed twenty (20) feet in height, measured from the ground to the highest point of the flagpole.
- c. A flagpole attached to the Single Family Residence or garage shall not exceed six (6) feet in length.
- d. A flagpole, whether freestanding or attached to the Single Family Residence or garage, must be constructed of permanent, long-lasting materials with a finish appropriate to materials used in the construction of the flagpole and harmonious with the Single Family Residence on the Lot on which it is located.
- e. A flagpole shall not be located in an easement or encroach into an easement.
- f. A freestanding flagpole shall not be located nearer to a property line of the Lot than the applicable setbacks as either shown on the recorded plat or as set forth in the Declaration. Provided, however, on a case-by-case basis (depending on the size and configuration of the Lot) a freestanding flagpole may be located in front of the front building setback line for a Lot, if approved by the ARC. Additionally, an exception is made for fundraising activities approved by the Board of Directors of the Association whereby the approved service provided installs a temporary flagpole with a United States flag on Lots whose Owners have opted to participate in the program.
- g. A flagpole must be maintained in good condition; a deteriorated or structurally unsafe flagpole must be repaired, replaced or removed.

- h. An Owner is prohibited from locating a flagpole on property owned or maintained by the Association.
- i. A freestanding flagpole must be installed in accordance with the manufacturer's guidelines and specifications.
- j. If the footing and/or stand for a freestanding flagpole extends above the surface of the ground, the ARC may require the installation of landscaping to screen the stand and/or footing from view.

5. Flags

- a. Only the three (3) types of flags addressed in this Section shall be displayed on a freestanding flagpole. Other types of flags may be displayed on a wall-mounted flagpole as otherwise provided in architectural guidelines adopted by the Association or as otherwise permitted by the Association.
- b. Not more than two (2) of the permitted types of flags shall be displayed on a flagpole at any given time.
- c. The maximum dimensions of a displayed flag on a freestanding flagpole that is less than fifteen (15) feet in height or on a flagpole attached to the Single Family Residence or garage shall be three (3) feet by five (5) feet.
- d. The maximum dimensions of a displayed flag on a freestanding flagpole that is fifteen (15) feet in height or greater is four (4) feet by six (6) feet.
- e. A displayed flag must be maintained in good condition; a deteriorated flag must be replaced or removed.
- f. A flag must be displayed on a flagpole. A flag shall not be attached to the wall of the Single Family Residence or other structure on a Lot or a fence, or be displayed in a window of the Single Family Residence or other structure on a Lot.

6. Illumination

Illumination of a flagpole is discouraged on the basis of the universal custom not to display the flag of the United States or the State of Texas before sunrise or sunset. Illumination of a flag is permitted but the lighting must be in-ground and have a maximum of 150 watts, unless otherwise approved by the ARC. High intensity lighting such as mercury vapor, high pressure sodium, or metal halide is not permitted. The lighting is required to be compatible with exterior lighting within the subdivision and appropriate for a residential neighborhood. Lighting used to illuminate a flag shall be positioned in a manner so that the lighting is not directed

toward an adjacent Lot or a street adjacent to the Lot and does not otherwise unreasonably affect an adjacent Lot.

7. Noise

An external halyard on a flagpole is required to be securely affixed to the flagpole so that it is not moved by the wind and thereby permitted to clang against the flagpole.

VII. Improvements Governed by 2013 Amendments to Chapter 202 of the Texas Property Code

Chapter 202 of the Texas Property Code was amended to add sections relating to drought-resistant landscaping and water-conserving natural turf. The amendments relating to drought-resistant landscaping and water-conserving natural turf became effective on September 1, 2013 and in accordance with same the following guidelines have been adopted.

A. Xeriscape Landscaping

Section 202.007 of the Texas Property Code provides that a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property Owner from using xeriscape landscaping, except as otherwise provided therein. The following provisions shall be applicable to xeriscape landscaping on Lots in Lakes at NorthPointe:

1. ARC Approval

The installation of xeriscape landscaping requires the prior written approval of the ARC.

2. Criteria

A proposed installation of xeriscape landscaping shall be reviewed by the ARC to ensure, to the extent practicable, maximum aesthetic compatibility with other landscaping in Lakes at NorthPointe.

3. General Requirements

As a general rule, full lawns composed of naturally green turf are required in the front yard space and the space along the side of the Single Family Residence on a Lot not enclosed by a fence. If a deviation from this general rule is allowed, non-turf areas must be decomposed granite, hardwood mulch, crushed limestone, flagstone, or loose stone material as approved by the ARC. Concrete surfaces are limited to driveways and sidewalks. Non-turf materials may not be used in an area between a sidewalk and an adjacent street as the material is likely to wash out onto the street. The area within a particular Lot that may be non-turf shall be determined by the ARC; the non-turf area may vary from Lot-to-Lot depending upon the size

and configuration of the Lot and the objective of preserving maximum aesthetic compatibility with other landscaping in Lakes at NorthPointe.

4. Maintenance

Xeriscape landscaping is subject to the same requirements as other landscaping and must be maintained at all times to ensure an attractive appearance. Plants must be trimmed, beds must be kept weed-free and borders must be edged. Leaves and other debris must be removed on a regular basis so as to maintain a neat and attractive appearance. Perennials which die back during winter must be cut back to remove dead materials during winter. This includes most ornamental grasses and other flowering perennials, which go dormant to the ground in winter.

VIII. Improvements Governed by 2015 Amendments to Chapter 202 of the Texas Property Code

Chapter 202 of the Texas Property Code was amended to add a section relating to standby electric generators. The amendments relating to standby electric generators became effective immediately and in accordance with same the following guidelines have been adopted.

A. Standby Electric Generators

Section 202.019 of the Texas Property Code provides that a property owners' association may not adopt or enforce a dedicatory instrument that prohibits, restricts, or has the effect of prohibiting or restricting an owner from owning, operating, installing or maintaining a permanently installed standby electric generator except as otherwise provided therein. The following provisions shall be applicable to standby electric generators on Lots in Lakes at NorthPointe:

1. Definition of Standby Electric Generator

A device that converts mechanical energy to electrical energy and is:

- a. powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
- b. fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
- c. connected to the main electrical panel of the Single Family Residence by a manual or automatic transfer switch; and
- d. rated for generating capacity of not less than seven (7) kilowatts.

2. ARC Approval

The Declaration requires an Owner to submit an application for a proposed exterior improvement on the Owner's Lot and obtain the written approval of the application from the ARC prior to installation or construction. Accordingly, a Standby Electric Generator may not be installed on a Lot unless an application therefor is first submitted to and approved in writing by the ARC as to compliance with the provisions of this Section. The submission of plans must include a completed application for ARC review, a site plan showing the proposed location of the Standby Electric Generator, the type of screening to be used (if required as provided in Section 4, below), and a copy of the manufacturer's brochures. The ARC may not withhold approval of a Standby Electric Generator if the proposed installation meets or exceeds the provisions set forth in Section 3, below, and, if visible as provided in Section 4, below, the Standby Electric Generator is screened in the manner required by the ARC.

3. Requirements

The installation and operation of a permanent Standby Electric Generator on a Lot is permitted, subject to the prior written approval of the ARC and compliance with the following requirements:

- a. a Standby Electric Generator must be installed and maintained in compliance with the manufacturer's specifications and applicable governmental health, safety, electrical, and building codes;
- b. all electrical, plumbing, and fuel line connections for a Standby Electric Generator must be installed by a licensed contractor;
- c. all electrical connections for a Standby Electric Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
- d. all natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for a Standby Electric Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
- e. all liquefied petroleum gas fuel line connections for a Standby Electric Generator must be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes;
- f. a nonintegral Standby Electric Generator fuel tank must be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes;

- g. a Standby Electric Generator and all electrical lines and fuel lines relating to the Standby Electric Generator must be maintained in good condition;
- h. a deteriorated or unsafe component of a Standby Electric Generator, including electrical or fuel lines, must be repaired, replaced, or removed;
- i. periodic testing of a Standby Electric Generator shall be in accordance with the manufacturer's recommendations, and shall occur not more than once a week, excluding Sundays, between the hours of 10:00 a.m. and 4:00 p.m.; and
- j. the preferred location of a Standby Electric Generator is:
 - (i) at the side or rear plane of the Single Family Residence;
 - (ii) outside (not within) any easement applicable to the Lot;
 - (iii) outside (not within) the side setback lines applicable to the Lot.

However, in the event the preferred location either (i) increases the cost of installing the Standby Electric Generator by more than ten percent (10%) or (ii) increases the cost of installing and connecting the electrical and fuel lines for the Standby Electric Generator by more than twenty percent (20%), the Standby Electric Generator may be located on the Lot in a position that complies as closely as possible with the preferred location without violating either (i) or (ii) herein.

4. Screening

If a Standby Electric Generator is:

- a. visible from the street in front of the Single Family Residence on the Lot on which it is located,
- b. located in an unfenced side or rear yard of the Lot and is visible either from an adjoining Lot or from adjoining property owned by the Association, or
- c. located in a side or rear yard of the Lot that is fenced by a wrought iron fence or residential aluminum fence and is visible through the fence either from an adjoining Lot or from adjoining property owned by the Association,

the Owner will be required to screen the Standby Electric Generator by evergreen landscaping or in another reasonable manner, as determined by the ARC.

5. Non-Payment for Utility Service

A Standby Electric Generator may not be used to generate all or substantially all of the electrical power to a Single Family Residence, except when utility-generated electrical power to the Single Family Residence is not available or is intermittent due to causes other than non-payment for utility service to the Single Family Residence.

6. Property Owned by the Association

No Owner may install or place a Standby Electric Generator on property owned or maintained by the Association.

7. Non-Compliance

The installation of a Standby Electric Generator that is not in compliance with the provisions of this Standby Electric Generator Policy will be considered a violation of the Dedicatory Instruments governing Lakes at NorthPointe.

RP-2019-56198

**LAKES AT NORTHPOINTE
PLAN APPROVAL REQUEST FORM**

TO: Lakes at NorthPointe Homeowners Association, Inc.
3800 Southwest Freeway, Suite 302
Houston, Texas 77027

A request is hereby made for the Architectural Review Committee's approval of the plans and specifications as described herein. It is understood that approval by the Architectural Review Committee ("ARC") constitutes compliance with the Builder Guidelines for Lakes at NorthPointe. However, this does not relieve applicant from conformance with state and local codes, any other regulations, current engineering standards and practices, as well as other design considerations that are neither reviewed nor approved by the ARC. The ARC assumes no responsibility for structural integrity or for mechanical, plumbing and electrical design with the approval of these plans.

BUILDER'S IDENTIFICATION:

Name: _____ Date of Request: _____

Address: _____ Lot/Block/Sec. No.: _____

_____ Plan ID: _____

Phone No. _____ Ldsc. Plan ID: _____

Fax No. _____ Elevation ID: _____

Plan and Elevation Previously Approved: No ___ Yes ___ Date _____

Property Address: _____

Square Footage of Living Area: _____

Number of Cars in Garage: _____

Percentage of Brick Exterior on Main Structure: _____ %

Construction Schedule: Projected Start Date: _____

I understand that the ARC will act on this request as quickly as possible and contact me in writing regarding their decision. I hereby agree not to start construction without prior written approval of the ARC.

Builder's Signature

PLEASE INCLUDE PLANS, SPECIFICATIONS (IF NOT ON THE PLANS), AND A SITE PLAN.
FAILURE TO INCLUDE THESE ITEMS WILL DELAY APPROVAL

Date Received by ARC: _____ Date Action Taken: _____

Approved: _____ Rejected: _____ Date Confirmation Sent: _____

Comments: _____

RP-2019-56198

**RESOLUTION ADOPTED BY UNANIMOUS
WRITTEN CONSENT OF THE ARCHITECTURAL REVIEW COMMITTEE
of
LAKES AT NORTHPOINTE HOMEOWNERS ASSOCIATION, INC.
adopting
BUILDER GUIDELINES**

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

We the undersigned, being all of the members of the Architectural Review Committee of Lakes at NorthPointe Homeowners Association, Inc., a Texas non-profit corporation (the "Association"), do by this writing approve the following resolution:

WHEREAS, Article VI, Section 2 of the Declaration provides in pertinent part:

... The Residential ARC shall (i) adopt the Builder Guidelines and (ii) establish application and review procedures for plans and specifications.

...

WHEREAS, the Builder Guidelines for the Association ("Builder Guidelines") were previously adopted and filed under the "Supplemental Notice of Dedicatory Instruments for Lakes at NorthPointe Homeowners Association, Inc." respectively filed in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File Nos. 20110540644, 20140038108 and 20140546985 and 2017-175150 ("Notice"); and

WHEREAS, the Residential ARC desires to amend and restate the Builder Guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Residential ARC hereby adopts the foregoing Amended and Restated Builder Guidelines, which will supersede and replace all versions of the Builder Guidelines previously recorded in the Official Public Records of Real Property of Harris County, Texas.

EXECUTED on the date(s) set forth below, to be effective on the latest date.

**ARCHITECTURAL REVIEW COMMITTEE
LAKE AT NORTHPOINTE HOMEOWNERS
ASSOCIATION, INC.**


DATE: 2-5-19

By:


Kurt Adkins

DATE: 2-5-19

By:


Robert Wanninger

DATE: 2-5-19

By:


Vicente Jaramillo

RP-2019-56198

RP-2019-56198
Pages 37
02/12/2019 08:17 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
DIANE TRAUTMAN
COUNTY CLERK
Fees \$156.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.



Diane Trautman

COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2019-56198