

**ARCHITECTURAL CONTROL GUIDELINES AND REGULATIONS  
OF  
CAPE CONROE PROPERTY OWNERS ASSOCIATION, INC.  
(Amended April 2016)**

**WHEREAS**, the property affected by these Architectural Control Guidelines and Regulations is subject to certain dedications, covenants and restrictions (the "Declaration") set out in instruments recorded in the Official Public Records of Real Property at Montgomery County, Texas as follows:

- Clerk's File No. 2002-04158; and

**WHEREAS**, pursuant to the authority vested in Cape Conroe Property Owners Association, Inc. (the "Association") in the Declaration and as required by the TEXAS PROPERTY CODE, the Board of Directors of the Association (the "Board") and the Association's Architectural Control Committee (the "ACC") has determined that, in order to provide clear and definitive guidance for maintaining the aesthetics and architectural harmony of the community, it is appropriate to adopt guidelines toward that end. Therefore, the Board and the ACC hereby promulgates the following Architectural Control Guidelines and Regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the following conditions and requirements are hereby established for Association Architectural Control Guidelines and Regulations:

**GUIDELINES AND REGULATIONS**

The following are guidelines adopted by the Association to specify the standards, requirements and thought process used in evaluating various exterior improvements. These guidelines may be amended from time-to-time as circumstances, conditions or opinions of the Board and ACC dictate. The ACC has the right to deny approval for a similar improvement based on the proximity of a property to a main boulevard or the visual relativity of the site to the overall development.

It should be noted that the ACC approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ACC approval, the Board of Directors and/or the ACC has the legal right to enforce its removal.

In addition to the guidelines set out below, additional guidelines are set out in the applications attached hereto. Owners shall complete the appropriate application depending on the improvements to be constructed. The three ACC applications include: Application for Construction of New Home, attached hereto as Exhibit "A," Application for Construction of an Addition to Existing Home, attached hereto as Exhibit "B," and Application for Home and Property Modification/Improvements, attached hereto as Exhibit "C."

The guidelines set out in the referenced ACC applications, and the following guidelines shall be applicable to all properties under the jurisdiction of the Association. These guidelines shall also

encumber any future property which may be brought within the jurisdiction of the Association. These guidelines supercede and take the place of any previous architectural control guidelines for the Association.

**A. DISPLAY OF FLAGS:**

1. These Guidelines apply to the display of ("Permitted Flags"):
  - a. the flag of the United States; and
  - b. the flag of the State of Texas; and
  - c. the official flag of any branch of the United States armed forces.
2. These Guidelines do not apply to any flags other than the Permitted Flags listed in Section 1 above including, but not limited to:
  - a. flags for schools, sports teams, businesses or foreign countries; or
  - b. flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
  - c. historical versions of flags permitted in section 1 above.
3. Permitted Flags may be displayed subject to these guidelines. Advance written approval of the ACC is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags.
4. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.
5. Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
6. Permitted Flags shall be no larger than three foot (3') by five foot (5') in size.
7. Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14') tall.
8. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
9. An owner may install a flagpole by attaching it to a structure, so long as the structure is owned by the owner and not maintained by the Association.

10. A flagpole attached to a structure may be up to six feet (6') long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. The flagpole must be attached in such a manner as to not damage the structure. One attached flagpole is allowed on any portion of a structure facing a street and one attached flagpole is allowed on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.
11. An owner may install one flagpole, not more than 20 feet in height, in the front yard of his property, if the location of the flag pole does not violate any applicable zoning ordinances, easements and setbacks of record.
12. Free-standing flagpoles may be up to twenty feet (20') tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. One free-standing flagpole is allowed in the portion of the owner's property between the main residential dwelling and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.
13. Free-standing flagpoles may not be installed in any location described below:
  - a. in any location other than the Owner's property; or
  - b. within a ground utility easement or encroaching into an aerial easement; or
  - c. beyond the side or rear setback lines (for example, on a lot with a 10' side setback line, a flagpole may not be installed closer than 10' from the side property line); or
  - d. beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or
  - e. closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).
14. Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:
  - a. be ground mounted in the vicinity of the flag; and
  - b. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
  - c. point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and
  - d. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.

15. Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.
16. Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.
17. All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.
18. Flagpoles shall comply with the other provisions of the Association flagpole policy, including the requirement that the owner apply for and obtain the written permission of the Association architectural committee before installing any flagpole.

**B. DRIVEWAYS:**

1. All new homes shall have driveways with #4 rebarb (½") on 16" centers and 4" in depth. When replacing existing driveways, the same rules apply.

**C. DROUGHT-RESISTANT LANDSCAPING AND WATER-CONSERVING TURF:**

1. The following items are deemed aesthetically incompatible with the landscaping in the Subdivision and will not be approved:
  - a. Astro-turf and any other artificial turf (all turf must be natural and living);
  - b. Artificial plants, trees, shrubs, bushes and other artificial landscaping (all landscaping must be natural and alive);
  - c. areas of rock, gravel, stone, or similar ground cover that comprise a significant portion of the front yard that is visible from public view, as determined in the sole discretion of the Association;
  - d. Cacti and similar plants that constitute the primary landscaping feature on the lot; and
  - e. Species of plant or turf that are dangerous, toxic or invasive to humans, animals or indigenous plan life.
2. The Association shall have the sole discretion as to what constitutes the meaning of "drought-resistant", "water-conserving", "artificial" and all other terms used in this

policy that are not otherwise defined by applicable law or the Association's dedicatory instruments.

3. No modification or installation of landscaping governed by this policy shall be made until the owner has first applied for and obtained the written approval of the Association.
4. The Board of Directors may not unreasonably withhold approval of items regulated by this policy.

**D. RAINWATER RECOVERY SYSTEMS:**

1. Rainwater Recovery Systems may be installed with advance written approval of the ACC subject to these guidelines.
2. All such Systems must be installed on land owned by the property owner. No portion of the Systems may encroach on adjacent properties or common areas.
3. Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Systems, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area. Screening may be accomplished by:
  - a. placement behind a solid fence, a structure or vegetation; or
  - b. by burying the tanks or barrels; or
  - c. by placing equipment in an outbuilding otherwise approved by the ACC.
4. A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above with the following restrictions:
  - a. the barrel must not exceed 55 gallons; and
  - b. the barrel must be installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle; and
  - c. the barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
  - d. any hose attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible position when not in use.
5. Overflow lines from the Systems must not be directed onto or adversely affect adjacent properties or common areas.

6. Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed, however, where space allows and where appropriate, ACC approved ponds may be used for water storage.
7. Harvested water must be used and not allowed to become stagnant or a threat to health.
8. All Systems must be maintained in good repair. Unused Systems should be drained and disconnected from the gutters. Any unused Systems in public view must be removed from public view from any street or common area.

**E. DISPLAY OF RELIGIOUS ITEMS:**

1. A property owner or resident may display or attach one or more religious items to each or any entry to their dwelling. Such items may include any thing related to any faith that is motivated by the resident's sincere religious belief or tradition.
2. Individually or in combination with each other, the items at any entry may not exceed 25 square inches total in size.
3. The items may only be displayed on or attached to the entry door or frame and may not extend beyond the outside edge of the door frame.
4. To the extent allowed by the Texas state constitution and the United States constitution, any such displayed or affixed religious items may not:
  - a. threaten public health or safety; or
  - b. violate any law; or
  - c. contain language, graphics or any display that is patently offensive to a passerby.
5. Approval from the ACC is not required for displaying religious items in compliance with these guidelines.
6. As provided by Section 202.018 of the TEXAS PROPERTY CODE, the Association may remove any items displayed in violation of these guidelines.

**F. ROOFING MATERIALS:**

1. All buildings shall be roofed with composition shingles unless otherwise approved in writing by the ACC. Wood shingles are specifically prohibited for safety reasons.

2. Composition shingles must weigh at least 230 pounds per square and have a stated warranty of at least 25 years. Shingles must have a laminated design. Three-tab shingles are specifically prohibited except for use as a starter and cap rows. Three-tab shingles are permissible on older homes where roofs are not strong enough to support architectural shingles.
3. Roof shingles must be black, dark or medium brown, or dark or medium gray tones. Light brown, light gray, blue, green, red and white colors are not allowed. When replacing shingles on older homes, the same colors apply.
4. Roof overlays are not allowed. Prior to roofing, all existing materials must be removed down to clean decking. Any damaged or deteriorated decking must be replaced.
5. Ridge vent are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.
6. All roof protrusions, such as vents, roof jacks, must be painted to match the shingles.
7. Subject to Section 8 below and with advance written approval from the ACC, an owner may install shingles ("Alternative Shingles") which are designed primarily to:
  - a. be wind and hail resistant; or
  - b. provide heating or cooling efficiencies greater than traditional composition shingles; or
  - c. provide solar energy capture capabilities.
8. Once installed, any such Alternative Shingles must:
  - a. resemble the shingles used or authorized to be used on other structures within the Association; and
  - b. be more durable than and of equal or superior quality to the shingles used or authorized to be used on other structures within the Association; and
  - c. match the aesthetics of properties surrounding the owner's property.

**G. SOLAR ENERGY DEVICES:**

1. These guidelines apply to solar energy devices ("Devices") as defined in Section 171.107(a) of the Texas Tax Code. A solar energy device means 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 energy. 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.

2. Such Devices may only be installed with advance written approval of the ACC subject to these guidelines.
3. Any such Device must be installed on land or structures owned by the property owner. No portion of the Devices may encroach on adjacent properties or common areas.
4. Such Devices may only be installed in the following locations:
  - a. on the roof of the main residential dwelling; or
  - b. on the roof of any other approved structure; or
  - c. within a fenced yard or patio.
5. For Devices mounted on a roof, the Device must:
  - a. have no portion of the Device higher than the roof section to which it is attached; and
  - b. have no portion of the Device extend beyond the perimeter boundary of the roof section to which it is attached; and
  - c. conform to the slope of the roof; and
  - d. be aligned so the top edge of the Device is parallel to the roof ridge line for the roof section to which it is attached; and
  - e. have a frame, brackets and visible piping or wiring that is a color to match the roof shingles or a silver, bronze or black tone commonly available in the marketplace; and
  - f. be located in a position on the roof which is least visible from any street or common area, so long as such location does not reduce estimated annual energy production more than 10% over alternative roof locations (as determined by a publically available modeling tool provided by the National Renewable Energy Laboratory [[www.nrel.gov](http://www.nrel.gov)] or equivalent entity).
6. For Devices located in a fenced yard or patio, no portion of the Device may extend above the top of the fence. If the fence is not a solid fence which blocks view of the Device, the Association may require the Device be placed in a location behind a structure or otherwise require visual screening. The Association may consider installation of Devices on properties without a fenced yard if there is adequate screening from public view from any street or common area.



7. All Devices must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. Permits must be obtained where required by law.
8. Installed Devices may not:
  - a. threaten public health or safety; or
  - b. violate any law; or
  - c. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner.
9. All Devices must be maintained in good repair. Unused or inoperable Devices must be removed.

**H. STANDBY ELECTRIC GENERATORS:**

1. The owner shall first apply to and receive written approval from the Association prior to installation of any Standby Electric Generators ("SEG") permitted by TEXAS PROPERTY CODE, Section 202.019 that will be located outside of the main residential structure on the Property, in the same manner as all other submissions for approval or improvements to property.
2. The SEG must be installed and maintained in compliance with manufacture's specifications and applicable governmental health, safety, electrical and building codes.
3. All electrical, plumbing, and fuel line connections for the SEG shall be installed only by licensed contractors and all electrical connections must installed in accordance with applicable governmental health, safety, electrical and building codes.
4. All natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for the SEG shall be installed in accordance with applicable governmental health, safety, electrical and building codes.
5. All liquid petroleum gas fuel line connections shall 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.
6. All nonintegral standby electric generator fuel tanks for the SEG shall be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes.
7. The SEG, its electrical and fuel lines shall all be maintained in good condition.

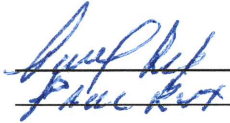
8. If a component of an SEG, including electrical or fuel lines, is deteriorated or unsafe then that component shall be repaired, replaced or removed as appropriate.
9. The SEG shall be screened in accordance with plans submitted to and approved by the Association, if it is:
  - a. visible from the street faced by the dwelling,
  - b. located in an unfenced side or rear yard of a residence and is visible either from an adjoining residence or from adjoining property owned by the property owners' association, or
  - c. located in a side or rear yard fenced by a wrought iron or residential aluminum fence and is visible through the fence either from an adjoining residence or from adjoining property owned by the property owners association.
10. The SEG shall be periodically tested in accordance with the manufacturer recommendations.
11. The SEG shall not be used to generate all or substantially all of the electrical power to the residence, except when utility-generated electrical power to the residence is not available or is intermittent due to causes other than nonpayment for utility service to the residence.
12. The SEG shall be located in a location submitted to and approved by the Association.
13. The SEG shall not be located on property owned or maintained by the property owners association or owned in common by the property owners association.
14. The location required by the Association for a SEG may not increase the cost of installing the SEG by more than 10% or increase the cost of installing and connecting the electrical and fuel lines for the SEG by more than 20%.

This is to certify that the foregoing Architectural Control Guidelines and Regulations was adopted by the Board of Directors, effective as of April \_\_, 2016, until such date as it may be modified, rescinded or revoked.

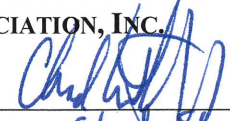
The Board of Directors hereby approves and authorizes the above Policy.

Signed this 13<sup>th</sup> day of April, 2016.

**CAPE CONROE PROPERTY OWNERS  
ASSOCIATION, INC.**

By: , President

**ARCHITECTURAL CONTROL COMMITTEE  
FOR CAPE CONROE PROPERTY OWNERS  
ASSOCIATION, INC.**

By:   
Name: Chad H. Kott  
Title: Chairman