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WAYPOINT LANDING PROPERTY OWNERS ASSOCIATION

Guidelines for New Home Construction and Modifications to Home and Property ("The Guidelines")

May 24, 2017

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Welcome to Waypoint Landing, a 146.79-acre tract coastal community developed with acreage waterfront and water access Lots sprinkled with mature coastal trees and shrubs. The community is envisioned to offer an active coastal lifestyle to neighboring Palacios, Texas, located on Turtle Bay and is approximately 75 minutes south of all that Houston has to offer.

The Guidelines serve as a supplement to the Declaration of Covenants, Conditions, and Restrictions (CCR's). New Home Construction guidelines will guide the property owner through the process and requirements of developing their Lot into their homestead. Once a property is developed, Modifications to Home and Property will provide direction for exterior additions and modifications to the constructed home and developed property. All have been conceived to enhance the long term value of the physical environment of Waypoint Landing. These guidelines are an aid in the community's goal that each property developed within it contributes in a positive way to the character and overall quality of the community and in doing so establishes particular principles and certain standards to be observed by all property owners.

Creativity and flexibility of Architectural and landscape design, tailored for the property owner's lifestyle within the framework of the community's vision, are strongly encouraged. The community also supports and promotes building and construction practices that work with the natural environment while being beneficial to the property owners both financially and environmentally. The property owner's team of designers and/or builder can, through design and construction practices, provide a home that initially and over time minimizes costs of operations.

The Architectural Review Committee (ARC) is to review and evaluate all plans and specifications for any and all proposed new construction and future improvements and alterations to or affecting the exterior of the home or property. These guidelines are to be used by the ARC in the review of builder or owner plans. The ARC, on a case by case review, may grant variances to these guidelines; and these guidelines may be revised over time.

New Home Construction

I. Architectural Review Process

A. Submission Procedures and Approval of Plans

In order to ensure the integrity of the development concepts defined in these guidelines, all construction of new homes will be subject to review by the Architectural Control Committee in accordance with the procedures outlined below and in the CCR's. The members of the Committee will not be liable to any person under any circumstances whatsoever in connection with its approval or disapproval of plans, drawings, or specifications, including without limitation, any liability based on soundness of construction, adequacy of plans, drawings or specifications, or otherwise.

1. Plan Review Fee and Deposit.

The Plan Review Fee of \$1000 (subject to change) payable to WAYPOINT LANDING PROPERTY OWNERS ASSOCIATION and Refundable Deposit of \$5000 (subject to change) payable to WAYPOINT LANDING PROPERTY OWNERS ASSOCIATION shall be included with the submission. The amounts and who payments are to be made payable to are outlined on the application and/or instructions that will be provided to the applicant upon request. The application and/or instructions will also provide information concerning where to submit the application and supporting documents. Timeframes for review of applications will not begin until all monies have been submitted.

2. Application and Supporting Documents

The property owner or their builder shall submit the completed application form; a geotechnical report specific to the Lot; one (1) set of 11" x 17" or half size documents clearly indicating items on the Lot plan such as locations, dimensions, and materials for bulkheads, docks, walkways, driveway(s), culverts, patios or any other flat work, fences and/or exterior walls, as well as easements, setbacks, and building lines. Floor plans; exterior elevations of all sides of the structure(s) indicating locations of all exterior wall materials and colors, roof materials, window types, and exterior lighting; and a clear and accurate summation of square footage; foundation/windstorm plan(s) with a State of Texas registered engineer seal; and drainage plans indicating direction of drainage and swales;

Additional plans that will be required include septic system layout; landscape plans indicating location, type, and planted size of plant material; irrigation plans indicating head, valve, piping, and control locations; and any other plans or documents necessary to illustrate to the Committee how the requirements of these guidelines will be fulfilled or illustrating any other improvements to the Lot which will be constructed concurrently with the structures such as culvert, fences, swimming pool, barn, etc.

A labeled color board(s) in digital format showing all exterior finish materials and colors to be used on the home and other improvements is also to be included. In addition, should the Committee deem it necessary to see physical samples of any materials or products, the applicant shall be prepared to present such samples for review. Where the requested samples will be delivered will be determined at the time of the request.

At this time, Builders also are required to submit a certificate of insurance demonstrating they hold Commercial General Liability insurance in the amount of \$1

Million Dollars, \$2 Million Aggregate, \$1 Million Dollars. **Waypoint Landing P.O.A. and Planned Community Management is to be named as an Additional Insured with Certificate Holder Status.** (These may be on the same certificate.)

The Committee shall review the submission for compliance to these guidelines, being in harmony with the community, and responding to any comments from the preliminary submittal. A letter will be issued to the applicant with the Committee's response and any comments or conditions.

3. Utilities

Quadvest provides water service to Waypoint Landing. Connection to these and applicable fees must be coordinated with them. Electric is provided by Jackson Electric Cooperative.

4. General Land Office Requirements

Bulkheads - All bulkheads and stabilization structures associated with Waypoint Landing must go through the process of and receive approval from the General Land Office. They may be contacted at the contact information provided below under piers.

Finger Piers, Docks, Fish Cleaning Tables and Watercraft storage facilities -

It is recommended that piers and other pier amenities be designed to meet the requirements of the SPGP. All applications will need to be sent to the Permit Service Center listed below:

Jesse Solis Jr.
Permit Service Center - Corpus Christi
Mailing Address
TAMU-CC
6300 Ocean Drive, Suite 5848
Corpus Christi, TX 78412-5848
(361) 825-3050 (phone)
(361) 825-3040 (fax)
(866) 894-3578 (toll free)
jesse.solis@glo.texas.gov
permitting.assistance@glo.state.tx.us

B. Site Operations

Pre-construction:

The Committee highly recommends photo documenting the condition of the street the full length of your Lot frontage prior to any work beginning on the property.

Construction:

Builder will allow representatives from the Committee as well as the Association to inspect property without liability at any time.

Any construction upon a Lot without prior consent of the ARC may result in a cease work notice, and fines equaling up to \$1,000 per day until the ARC is notified of the builder's intent to cease work.

Construction hours shall be 7 A.M. to 8 P.M. Monday – Saturday unless exception is granted by the ARC for such activities as early concrete delivery.

Noise level during construction shall not exceed such decibels as to create a nuisance to nearby residents. This is the cumulative noise level of required construction activity sources and non-required sources (radios, etc.).

Food packages and associated wrappings are to be placed in an appropriate receptacle immediately after consumption and/or meal.

Materials are not to be delivered and or placed on any Lot other than the Lot under construction. Stored building materials shall be kept in a neat condition so as not to detract from the appearance of the neighborhood and so as to give the visual impression from the adjacent street(s) of a clean, orderly worksite.

Natural and established drainage ditches or swales shall not be driven on or through nor materials placed upon. Damage to drainage ways shall be repaired within seventy-two (72) hours or correction will be achieved and subsequent cost charged back to builder.

The site is to be cleared daily of all debris that may be blown to other Lots during any type of storm activity or other high winds. Scrap materials and trash produced in connection with the construction of a house shall be kept to a confined area preferably to the side or behind the house. Roll off dumpsters are permitted off street.

Builder will protect pavements, drainage ditches, landscape areas, walls/fences, culverts, streets, shoulders, utility structures (including fire hydrants, electric pull boxes, sprinkler systems, manhole covers, and valve boxes) and other property located on or adjacent to a Lot by Builder, its employees, agents, subcontractors, and suppliers. Builder will keep road rights-of-ways, easements, and other property reasonably clean and clear of equipment, building materials, dirt, debris, and similar materials.

Builder is required to post an address sign no larger than two feet by two feet (2' x 2') on the Lot near the access point to the site. The sign must be of substantial construction to withstand the elements for the duration of construction and contain the following information:

Site Address
Builder Name

The Builder is also allowed one sign advertising the Builder's business during the course of construction per Article I, Section 1.11 of the CCR's not to exceed two feet by two feet (2' X2').

The use and/or possession of illegal drugs and/or alcohol on the jobsite are prohibited.

Paraphernalia related to illegal drugs and/or alcohol, including empty alcohol container, bumper stickers, t-shirts, etc. is prohibited.

Tobacco use or eating inside homes under construction is prohibited.

Fighting, profanity, rough housing, or otherwise unprofessional behavior on the jobsite or any adjacency will not be tolerated.

Vehicles shall not obstruct access to mailboxes, occupied homes, or the normal course of work.

Builder, their subcontractors, their representatives or employees shall not under any circumstance use the utilities (water and electricity) of occupied homes.

Builder shall keep the interior and exterior of all improvements constructed on a Lot in good working condition and repair until turned over to homeowner. This shall include,

but not be limited to promptly replacing any glass, paint, roof materials, bricks, stone, or other exterior building materials or attachments which are damaged. Unless noted otherwise above, Builder must commence to cure violations within twenty-four (24) hours after receipt of written notice of violation and diligently proceed to complete the cure. If Builder fails to comply, the Association may perform the work which is the Builder's responsibility and charge Builder for cost of the work. Additional fines may result.

Post Construction

Home and Lot are to reflect the same standards as occupied homes. Builder is responsible for correcting any deficiencies caused by deliveries or sub-contractors, i.e. damaged streets or culverts, ruts to adjacent properties or common areas, damage to fencing or landscape, etc. Builder shall request of the Architectural Control Committee representative an inspection of the completed construction for compliance or non-compliance with these guidelines. Upon completion of the review, the ACC shall either return or withhold the deposit until such time all deficiencies are in compliance.

II. Site Planning (Main)

A. General

Emphasis at Waypoint Landing shall be towards Architecture that fits the landscape and the community image; a façade or massing of structures making a proportionately appropriate presentation to the street; the preservation of the natural beauty of the native landscape while, at the same time, providing reasonable flexibility to the property owner to make the desired and necessary improvements to their property.

B. Building Setbacks and Easements

Unless otherwise approved by the ARC, building setbacks for the primary residence are twenty-five (25) feet from the front of the property line (unless otherwise noted on the plat; lots 1-11 are 35'), ten (10) feet from the rear of the property line and ten (10) feet from the side property lines (interior lot) and 20' for a corner lot unless otherwise noted on the plat.

For all Lots backing onto the waterline of the bay, the back building setback line shall be fifty (50) feet and side setback lines shall be ten (10) feet. For corner Lots, building setbacks are the same as the above with the exception of the side of the lot adjacent to the street which requires a fifty (50) foot set-back.

All Lots have a ten (10) foot drainage easement from the front property line except when the Plat indicates other drainage easements.

All lots have a twenty (20) foot utility easement from the front property line except when the Plat indicates other utility easements.

If, in the opinion of the ARC, the relaxation of these standards can protect and enhance an existing natural feature such as a tree, consideration will be given for a variance on a case-by-case basis. To secure such variance, the owner/builder is required to provide evidence in the form of a tree survey or provide photographs that verify the existence and character of the site feature causing the variance request.

C. Finished Floor Elevation

The minimum finished floor elevation shall be at least TWO (2) foot above the 100-year flood plain OR AS APPROVED BY THE MATAGORDA COUNTY FLOOD PLAIN ADMINISTRATOR 979 244-2717. Dwellings can be a maximum height of forty (40) feet.

D. Living Area Requirements

Dwellings must have a minimum of 1200 square feet of living (heated) area exclusive of porches screened or unscreened for one story structures and a minimum of 950 square feet on the first level if a multi-story structure.

E. Foundations

All building foundations shall be an engineered concrete slab with the exception of lots fronting Turtle Bay in which case they may be engineered pier/beam construction or engineered concrete slab. Matagorda County does comply with the standard under the National Flood Insurance Program and does fully enforce the FEMA Regulations, certified as such by the Matagorda County Flood Damage Prevention Ordinance. Any person wishing to develop property outside the incorporated areas of Matagorda County must comply with the regulations of the Matagorda County Flood Plain Administration. Prior to any construction owners must contact the Matagorda County Flood Plain Administrator, for further information, verification or regulatory changes. Phone: (979) 244-2717.

A registered Professional Engineer or Architect shall develop or review the Structural design, specifications and plans for construction and shall certify (by Providing a signed and sealed statement) that the design and methods of Construction to be used are in accordance with accepted standard of practice for meeting the provisions of 44 CFR 60.4. A "V" Zone Building and Performance Certificate Elevation Certificate must be filed with the Flood Plain Administrator as part of the Elevation Certificate. An "As Built" Elevation Certificate will need to be provided to the Flood Plain Administrator when construction is completed.

F. Driveway Culverts

Driveway culverts shall be installed prior to any other construction activity on the Lot and should not be driven through. They should be installed at the original ditch flowline and shall include concrete headwalls installed to cross any roadside drainage ditch. Design flow lines and slopes of the drainage ditches must be maintained throughout the construction period. Any additional modifications needed by Matagorda County will be at the Owner's sole expense. Matagorda County should be contacted with regards to the installation of driveway culverts. The Owner of the Lot is responsible for any repair, replacement, and maintenance of the driveway apron, culvert, and ditch flow line and slopes.

G. Driveways & Parking Areas

The drive apron must be installed after the culvert and prior to any other construction activities on the lot and shall be used as the entrance to the property for construction of residence. Either the permanent driveway of concrete or asphalt, or a compacted aggregate temporary drive shall be constructed to prevent the tracking of mud and construction debris into the streets. The Owner of the Lot is responsible for any repair, replacement, and maintenance of the driveway apron. All driveways must be a minimum distance of ten (10) feet from the side property line at the street and five (5) feet interior to the Lot. The width of the driveway may vary as it approaches the residence and garage but should be a minimum of ten (10) feet wide. To the extent possible, meandering driveways that make a curvilinear path, are to be constructed as opposed to driveways that make a straight, direct path to the building site. Turnaround or circular drives as well as a second driveway will be considered on a case-by-case basis by the ACC. Any additional parking provided shall be of an approved surface on a case-by-case basis.

The use of concrete, stamped and colored concrete, unit pavers as a border in conjunction with concrete paving, unit paving (brick and concrete), permeable paving (unit, poured-in-place, or aggregate) is permitted. Color, pattern, and design will require the approval of the ACC prior to construction. Aggregate driveways must be maintained in a neat, weed-free, rut, and pothole free condition. Decomposed granite as an aggregate paving is not permissible.

H. Mailbox

Information on this is not available at this time. The Developer will issue an addendum when provisions for this amenity is made available.

I. Site Layout

Consideration should be given to site buildings with regard to views and site lines. In so doing, the siting of the structure(s) should take into consideration such factors as the views from adjoining roadways, relationship to adjoining lots and structures, preservation of existing trees, and relationship to utility connections.

Site layout is encouraged to take advantage of and/or remedy effects of solar orientation while still generally facing the structure towards the fronting street. Thoughtful orientation working with the sun's track across the Lot throughout the year in conjunction with other aspects of home construction can significantly reduce energy expenses. Siting the structure(s) with respect to existing or proposed trees can often lessen the effect of unavoidable solar exposure.

J. Drainage

Waypoint Landing has been designed and constructed utilizing surface drainage in the form of ditches and swales. Thus, during large storm events, ponding of water should be expected to occur to the extent it may have prior to development, but such ponding should not remain for an extended period of time.

The Owners shall not re-grade or construct any improvements or other obstruction on the Lot which adversely affects the designed drainage flow. The Owner shall be responsible for returning any drainage swale disturbed during construction or thereafter to its original line and grade, and the Owner shall be responsible for maintaining the drainage ditches or swales appurtenant to said Owner's Lot in their original condition during the term of his ownership.

K. Sediment Control

All Owners and/or Builders shall comply with the National Pollutant Discharge Elimination Rules and Regulations applicable to their respective Lot(s) as required by EPA under the Water Quality Act of 1987 amending the Clean Water Act, as said laws, rules and regulations may be amended from time to time. Builders shall be responsible for filing and securing all necessary permits.

In order to maintain clean streets and prevent siltation into drainage channels, all projects in Waypoint Landing are required to practice sediment control during construction. As soon as site disturbance commences, sediment control methods shall be installed in such a way as to filter all storm water runoff from the tract into the street. The sediment control system shall remain in place and in good repair until construction is complete, landscaping is installed, and lawns are established. Builder shall inspect the system after each precipitation event at the Lot, but not less than once a month. At that time any corrective measures must be taken. Failure to do so may result in moneys being withheld from the deposit.

L. Sewage Facility

Lot Owners are responsible for the permitting of on-site sewage facility for sewage disposal. All residents of the Subdivision will be required to install aerobic septic systems which are subject to all governing agencies. Reference Article III Section 3.6 of the CCR's for additional information.

The parcel will require a site evaluation by a TCEQ state of Texas licensed provider and approved by Matagorda County. Matagorda County requires the septic to be installed by a Registered Installer. Testing and reporting must be performed by an approved maintenance company.

M. Mechanical and Electrical Equipment

Stand-by Generators - The installation of a stand-by generator hard wired into the home's electrical system is subject to the unit being located out of view from the fronting and/or adjacent street; must be placed so that it does not intrude visually or acoustically on neighboring property; consulting your local building code authority or consulting national building and electrical codes about necessary requirements concerning location from windows, doors, other utilities and equipment; all electrical work being performed by a licensed electrician; and all gas line runs and connections being made by a licensed plumber. The installation of the standby generator must comply strictly with current NFPA 37, NFPA 54, NFPA 58 and NFPA 70 standards.

National Electric Code states that a standby generator needs be at least five feet away from any combustible structure and ten feet away from any (above ground) propane tanks.

III. Site Planning (Ancillary / Supportive)

A. Outbuildings

An "outbuilding" is defined as any structure which is not attached to the main structure. This definition does not include bona fide additions to the main residence or garages, but does include storage sheds, workshops, detached garages, etc. No outbuildings are allowed until the primary home is constructed.

Storage Shed:

The colors should match/blend with the predominant exterior colors of the main residence; the materials should be similar to the materials used on the dwelling.

It should have a peaked roof, no higher than eight feet (8') from the ground to the highest point, and a maximum of 10'x12' floor space. Structure must be kept a minimum of ten feet (10') off rear property line, unless granted variance due to the configuration of an individual lot, and distance from side fence will be determined based on visibility from the street in front of the lot. At no time, however, will that distance from side fence be less than fifteen feet (15'), regardless of visibility. Location must also be far enough away from fence to allow for drainage to occur entirely on the owner's lot.

Storage building placed on a concrete slab on top of a utility easement will require letters of Consent to Encroach as it will not be considered portable. If a storage building is not on the utility easement, but on a slab, and can be moved, the ACC will consider it as portable.

No storage building can be built up against any side or rear wall of home unless its maximum height is less than 6 feet and it is not visible above the fence. It must also comply with all the other requirements for proper construction, size and location.

B. Swimming Pools & Pool Decking

Swimming pools, spas, decks, and other ancillary structures are restricted to the rear yard and must adhere to the following guidelines.

Portable or permanent above ground swimming pools are prohibited. Smaller, prefabricated, installed above ground spas or hot tubs are acceptable.

Swimming pools, spas and accompanying decks and equipment must be screened from public view, including public streets, lakes and other common areas.

Swimming pool appurtenances, such as rock waterfalls and sliding boards, must not exceed six (6) feet in height.

Pool structures that enclose the swimming pool area are discouraged and must receive approval from the ARC.

More detail concerning the specifications for pools, pool equipment, pool decking, spas, hot tubs and pool houses (cabanas) may be found in the "Guidelines for Modifications".

C. Perimeter and Interior Fencing and Gates

Chain link fences are not generally allowed for fence, except they may be used for small animal pens. The pen must be 1) not visible to all neighbors and from the street, 2) located against the house or garage, and 3) designed such that the animal cannot see any neighbor or street pedestrian. Vegetation for screening or the fence material and accessories being vinyl coated may be required as part of the approval.

D. Bulkheads, Piers and Docks

All bulkheads and structures associated with, over, or in Turtle Bay must go through the process of and receive approval from the General Land Office and/or the Army Corps of Engineers.

In order to preserve adequate views and bayou clearances, strict limitations are placed on the location and size of piers, docks and boathouses at single family lots. All dimensions for these requirements are to the outside edge of the structure. All homeowners are to coordinate this work and make the proper applications to the Army Corps of Engineers and the Texas General Land Office, as applicable.

A pier or dock may be built along the back bulkhead line to allow access to bayou for fishing, swimming, and other recreational purposes. The pier may extend into the bayou a maximum allowed by the General Land Office. No piers may be built within ten feet (10') of the side property lines.

Piers and docks must not significantly interfere with water flows, which could lead to the accumulation of pollutants along the shoreline or accelerate shoreline erosion. Docks or piers with open-spaced pilings allow water to circulate freely. All materials exposed to the elements shall be cedar, redwood, treated wood, concrete or steel materials. Other materials with long life expectancy will be considered.

E. Boathouses

Boathouses maybe placed along the back of the lot, parallel to the bulkhead line. No living quarters, kitchens, toilets, or other facility containing plumbing fixtures shall be allowed. The boathouse may be either sixteen feet (16') wide for a single slip, or thirty feet (30') wide for a double slip. If a 16' wide single boathouse is constructed, an uncovered pier may be incorporated alongside as long as the entire structure does not exceed 30' in width. As an option, homeowners are allowed to build a 30' wide roof structure with storage for only one boat and the remaining area used for under roof pier.

Boathouses must stay at least ten feet (10') from side lot lines. All boathouses shall have a 5/12 hip roof with materials to match the corresponding residence or accessory building. All materials exposed to the elements shall be cedar, redwood, treated wood, concrete or steel materials. Other materials with long life expectancy will be considered. The maximum height allowable for any part of the boathouse structure is seventeen

feet (17') above the bulkhead cap. The height limits for boathouses do not include cupolas that may be up to three feet higher than the main roof peak. The outside dimensions of the cupola shall not exceed four feet. No decks are allowed above boathouse structures.

Boathouses may not have any walls or screening, but may have a storage closet. This storage closet shall not exceed 32 square feet, and should extend from the pier to the boathouse ceiling. The closet shall be centered in the boathouse, and finished with fiber cement lap siding, and painted to match the boathouse. Either a single door or a pair of doors, not to exceed a total six foot opening, can be used to access the closet and must be facing into the boathouse.

No living quarters, kitchens, toilets, or other facility containing plumbing fixtures shall be allowed. A fish cleaning set-up with running water is allowed.

F. Security Equipment

If security devices are being considered for installation with the new home construction, it is preferred to utilize equipment which is not visible to public view and preferably mostly contained within the home. However, if security equipment is utilized on the exterior of the home, plans and equipment information must be submitted to the ACC for review and approval prior to installation.

IV Architectural Design and Materials

The general purpose of this section is to encourage variety, diversity, interest, and individuality in home Architecture. Homes should reflect regional traditions and respond to the character design requirements of the Gulf Coast climate. Rather than prescribing a specific formula, the guidelines and requirements are intended to foster a thoughtful and comprehensive approach to creating an uncommonly well-designed community.

A. Massing/Scale/Proportion

It is important to keep in mind that the Lots at Waypoint Landing are not to be developed independently of their neighbors, and therefore may not be designed as stand-alone monuments. For this reason, a more organic composition is preferred: one that can coexist within view of other conscientiously designed residences.

The massing of a home should be appropriately scaled to the street or streets if on a corner Lot, and the surrounding homes. The home should have reasonable variations in its massing and should avoid large expanses on a common plane. Relief should be provided on all elevations by providing setbacks which can break down the massing where possible. Pieces of the home should be scaled appropriately to each other. Logical placement of material or texture changes can significantly help in creating appropriate massing.

B. Exterior Elevations and Materials

Development of spaces for the enjoyment of outdoor living is encouraged. Porches, overhangs, trellises, and the softness of shade and shadow as a result of articulated massing and details are all desirable features of the exterior elevations.

If shutters or other distinct Architectural elements are incorporated into the design of the home, it is recommended that they be featured on all elevations which face a street.

Windows must occur on all street facing elevations of homes. This requirement helps achieve a positive character for the community since it emphasizes the importance of the home when experiencing the street scene.

Primary exterior materials allowed for the home are brick, natural stone, simulated stone, fiber cement lap siding with a maximum exposure of six (6) inches, and stucco. While a variety of primary exterior materials are allowed, a maximum of three (3) are allowed on any one home. The aesthetic merits of any combination of exterior materials are subject to review and approval by the Committee in order to maintain the Architectural integrity and consistent visual experience of Waypoint Landing.

C. Entrances and Windows

All openings in a structure such as doors and windows should relate to each other on all elevations both vertically and horizontally. This should occur in some clearly defined order and scattered or random placements should be avoided. Both entrances and windows should be in proportion as they relate to the building mass as a whole. All sides of a home should receive equal design consideration. Reflective glass is prohibited.

All facades shall contain some degree of doors, windows, or other openings in the walls.

If shutters are incorporated as part of the design, they should be appropriately scaled to relate to the window opening and appear authentic even if they are not. Shutters must also occur in pairs. The color must harmonize with the other colors on the house. Where shutters are used on a home located on a corner Lot, it is suggested that shutters occur on the side street elevation as well as the front. Decorative metal work associated with entrances and windows will be considered only if the Committee determines that it is compatible with the Architectural character of the home; in particular, burglar bars.

D. Roof Treatment, Overhangs and Top Elements

The roofline of each house should create its' own relationship to the street, other common areas, and to its adjacent structures when viewed from all directions. The overall profile and articulation of the roof should be sufficiently irregular to break up anything that would otherwise appear too boxy or discordant with neighboring structures. It is recommended that the roof height not exceed 3/4 of the total elevation for single story homes and 1/2 for two story homes.

Allowed roof materials in earth tone colors include three-dimensional architectural grade asphalt shingles with a minimum 30-year warranty, pre-finished standing seam metal, natural or simulated slate, clay tiles, and concrete tiles. No corrugated

materials are allowed on the main structure. As with exterior materials, there are a variety of roof materials allowed, however, there must be only one primary roofing material and no more than one secondary roof material.

Overhangs should be compatible with the Architecture of the home and function as shading devices. Care shall be taken not to exaggerate their lengths or provide too small of an overhang. It is recommended that their use be more pronounced on eave conditions while rake conditions should receive a much more moderate overhang.

Roof top elements including vents, utility penetrations, or other roof protrusions shall not be visible from the front street and shall be painted to match or otherwise closely match the roofing color. Roof top elements and protrusions shall be installed plumb. Gutters and downspouts, if used, shall be strategically placed to minimize their visibility from the front street. They must match or be very similar to the color of the surface to which they are attached. Downspouts must be installed plumb and in a simple configuration. Roof and valley flashing may remain unpainted, but it is strongly recommended that this flashing be of a pre-finished color that matches the roof color.

E. Garages

Garages are not required. No carport shall be erected on any lot unless expressly approved by the Committee.

All garage doors shall be of a design and of a color which does not draw attention, but rather blends with the overall massing of the home. If possible, the color of the garage door should be less conspicuous in tone from that of the trim. Treatment of details on garage doors should be consistent with the overall character of the house. Garage doors are to be left closed except for ingress and egress.

F. Architectural Lighting

Any illumination necessary for evening activities must be directed downward and no brighter than what is necessary to provide for the traverse of steps and paths. Subtle lighting of Architectural elements and trees is encouraged. Exposed lighting sources are discouraged in favor of softer down lighting that reduces glare and lights the surfaces of driveways and walks, etc. It is recommended that any exterior light should be controlled by a photocell. All exterior light fixtures shall be positioned to only illuminate the Lot they are located on.

All exterior lighting fixtures visible from the street or other public areas must be of an understated design that complements the Architectural style of the residence. Recessed "Soffit" lights are in general preferred over "Coach Lights". Where "Coach Lights" or similar fixtures are proposed, and such fixtures are visible or potentially visible from the street or other properties, the actual lamp of the fixture shall be screened, either through the use of an opaque shield or obscured glass. "Canister" type fixtures, with lighting directed downward, are permitted.

Non-decorative flood or security lights should be placed on a motion detector and/or timer.

G. Screening

All mechanical and electrical equipment (HVAC, water softeners, propane tanks, irrigation controllers and back-flow preventers) must be completely screened from public view by any combination of approved trees, shrubs, walls, or fences so to not be obtrusive or offensive. Plant materials used to provide for screening must be at a state of growth which permits immediate screening results when installed. Equipment must be placed so that it does not intrude visually or acoustically on neighboring property.

Portions of approved turnaround or circular drives shall be screened with a combination of trees and shrubs to minimize the amount of paving visible from public areas.

H. Exterior Color Scheme

It is the intent of Waypoint Landing to preserve the appearance of the natural landscape and preclude the use of colors that would appear out of place and, therefore, offensive to the eye.

Exterior paints and stains for each residence shall be selected to complement or harmonize with the colors of the other materials with which they are used. Siding and trim shall generally stay within the earth tone (neutrals) color family, although accent colors that are used judiciously will be considered on a case-by-case basis. Earth tone colors include greens in the olive, sage, and deeper ranges but not in the blues and yellows.

The variety and number of exterior colors on each house should be held to a maximum of three not inclusive of non-painted exterior materials and the front door.

I. Elevated Wood Decks & Porches

Decks and porches are raised floors that are level with or below the first story of a house, supported by a structural frame and without a roof. The difference between them is that a porch provides access to a building's primary entrance. If either is built with a roof, the structure may then be considered an addition. Water can add substantial weight, so never place any pool on a deck or porch, unless it has been structurally engineered to support the extra load.

J. Stairs

Exterior deck stairs should follow the local and state regulations for specifications relating to width of stairs treads, risers, handrails, landings, baluster spacing and bracing of structure.

IV. Landscape Requirements and Materials

A. General

As homes are designed and built within Waypoint Landing, care must be taken to preserve the existing vegetation. Home placement on the site as well as any outdoor needs must be sensitive to the preservation of existing trees, natural vegetation, and all other site features which can be utilized to enhance the overall

appearance of the home. Landscaping desires should be taken into account when planning the entire property.

B. Planned Landscaping

Planting beds are encouraged at the base of the home and to screen additional improvements located on the Lot as directed by the CCR's and these Guidelines. Planting beds are recommended to be located across the front of the home and half way across both ends of the home following the articulation of the façade. This is not to preclude the desire for additional planting beds in other areas of the Lot.

Waypoint Landing encourages the use of curvilinear mulched beds with layered plantings arranged in loose organization and taking into account mature size, texture, leaf color, seasonal interest, flower color and timing of flower production, and architectural features of the home.

All areas of the Lot that have had vegetation removed, destroyed, or damaged due to construction must be re-established with a permanent vegetative cover.

Mulch must be a natural, composted product un-tinted by color additives. Hardwood bark mulch is the only acceptable material. Stones, rocks, gravel, and any other non-biodegradable materials will be considered on a case-by-case basis. Decorative landscape planters may be in front of the home when constructed of precast concrete, marble, painted cast aluminum, terra cotta, or other durable materials. Wooden barrels, thin plastic or fiberglass, and other non-durable materials, are not acceptable for landscape planters or decorative accessories in front of the home.

C. Planting Materials

Waypoint Landing is located in the upper reaches of the Coastal Prairie area. Therefore, the landscaping design and plant materials shall be appropriate to that ecosystem. While tropical-look landscapes are discouraged, palm trees appropriate to the Coastal Prairie setting are included as approved plant material.

All plants must be living material. No artificial plants or flowers are permitted at any time or in any location visible from a public street.

D. Landscape Maintenance

All landscaping is required to be maintained in a healthy and attractive appearance. Owner or occupant of all Lots shall keep all weeds and grass thereon cut and shall in no event use any Lot for storage of materials or equipment except for normal residential requirements. All yard equipment or storage piles shall be kept screened so as to conceal them from view of neighboring Lots, streets or other property.

Such maintenance includes, but is not limited to the following:

1. Prompt removal of all litter, trash, refuse, and wastes,

2. Lawn mowing and edging, to include roadside ditches to the hard surface of the street. Grass shall not be allowed to grow taller than twelve (12) inches.
3. Tree and shrub pruning.
4. Keeping exterior lighting and mechanical facilities in working order.
5. Keeping lawn and garden areas alive, free of weeds, and attractive.

Proper maintenance includes adequate irrigation, appropriate fertilization, insect and disease control as necessary, seasonal mulching of planting beds and replacement of diseased or dead plant materials.

E. Sidewalks and Patios and Other Concrete Work

All materials and construction should communicate high quality and craftsmanship; and be in harmony with the finish materials of the exterior of the home.

F. Irrigation

The installation of a landscape irrigation is subject to compliance with Texas Commission on Environmental Quality (TECQ) Rules Chapter 344 Landscape Irrigation which among other items of concern requires the spray patterns of the heads not being directed onto neighboring Lots or streets. The installation and operation must insure that the system does not cause the surface water drainage on your Lot to drain onto an adjoining Lot in an amount more than the drainage amount prior to the improvement or alteration, or collect near the foundation of the Dwelling.

B. Modifications to Home and Property

I. Modifications Architectural Review Process

A. Submission Procedures

All exterior improvements, modification, alterations or additions thereto require approval in writing from the ACC prior to construction or placement. This covers new construction (after the construction of the dwelling on the property) as well as, but not limited to, room additions, barns, fences, patios, storage buildings, play equipment, swimming pools, walkways, patio covers, driveway alterations, landscaping, and exterior painting. All applications for approval to Lot or building construction, improvements, modification, alterations or additions thereto shall be submitted to the ACC in writing by fully completing the application form currently in use by the ACC. Each application must be supported by the following information:

Drawing(s) of the proposed addition/modification showing exterior views and overall dimensions (length, width, height) of the modification; A description, brochure, and/or sample of all materials, finishes, and colors to be used including but not limited to, brick, siding, structure foundation, roofing material, and paint.

A copy of the existing Lot survey showing location of all existing structures, easements, and setback lines with the proposed modification. Provide measurements shown from the modification to all property lines pertinent to its location.

The ACC reserves the right to request any additional information deemed by it to be necessary to properly evaluate the application. In the event that the ACC requests additional information and such information is not submitted by the applicant in a timely manner the application shall be denied. However, the applicant may thereafter submit a new application with the requested information to the ACC for its review.

It is the owner's responsibility to determine all easements and setbacks that exist upon their property. No construction shall occur within these easements or building set back lines. If applicable, all building permits must be in effect at the time of construction. If construction is not commenced within (6) months of the approved application, a new application must be submitted or an extension requested and granted by the ACC. All construction must be completed within one (1) year from commencement.

The Committee shall review the submission for compliance with the Declaration, these guidelines, and being in harmony with the community. A letter will be issued to the applicant with the Committee's response and any comments or conditions.

B. County of Matagorda Requirements & The ETJ of Palacios

Waypoint Landing is within the county of Matagorda limits and the Extra Territorial Jurisdiction of Palacios and thus homeowners may be required to obtain a permit(s) for certain improvements and modifications such as workshops. Approval from the ACC shall be received prior to obtaining any permits however a copy of the permit may be required to be forwarded to the ACC once it is obtained.

II. Outbuildings

General – No outbuildings are allowed until a primary home is constructed. The term "outbuilding" includes guesthouses, pool houses, detached garages, storage sheds, workshops, sauna buildings, dog kennels, boat-houses, any similar structure, and any combination of these. Not included in the definition are open-sided structures such as gazebos, patio covers, and pergolas. Porte-cocheres and carports are considered to be additions, not outbuildings.

Outbuildings are permitted on a Lot or a composite building site provided, however, that the outbuilding is situated in the rear yard. "Rear yard" means the property no closer to the street than the rear corner of the dwelling, and for corner Lots, also means no closer to the side street than the side corner of the dwelling.

A. Size

Since outbuildings have varying uses, size requirements which are provided for in the description of each type.

C. Materials

The standard, type, quality, and color of the materials used in construction shall match or be harmonious with the standard, type, quality, and color of the materials used in construction of the main residence on the Lot.

Some outbuildings have specific materials requirements which are provided in the description of each type.

D. Pool House (Cabana)

One pool house/cabana may be built on the Lot provided it matches the same design as the main Dwelling and must contain a minimum of 500 square feet and a maximum of not more than 50% of the square footage of the main Dwelling and be built after or while the main Dwelling is being built and be approved in writing by the ARC prior to construction.

E. Storage Shed / Workshop

Storage sheds or workshops shall not exceed nine (9) feet in height at the roof peak and 120 square feet in footprint size. The outbuilding must be situated in the rear yard, concealed from the view of the front street to the greatest extent possible. On corner Lots, it shall be located away from the side street. Landscape screening may be requested by the ACC.

Storage sheds/workshops shall be constructed of brick, stucco, stone, or fiber cement siding painted to match the main house. Corrugated roofing is not permitted. All site-built sheds/workshops must be constructed on a concrete slab so as to become part of the real property. Pre-fabricated kits are also permitted for sheds. High quality metal construction may be utilized as long as all four sides of such an outbuilding shall have at least 3' (from the ground level) of stone, stucco, masonry or similar materials to match the Dwelling. Gravel foundations are permitted under pre-fabricated sheds that are supplied with integral floors.

F. Piers, Docks, and Boathouses

In order to preserve adequate views and bayou clearances, strict limitations are placed on the location and size of piers, docks and boathouses at single family lots. All dimensions for these requirements are to the outside edge of the structure. All homeowners are to coordinate this work and make the proper applications to the Army Corps of Engineers and the Texas General Land Office, as applicable.

A pier or dock may be built along the back bulkhead line to allow access to the bay for fishing, swimming, and other recreational purposes. The pier may extend into the bayou a maximum allowed by the Corps of Engineers, and may have a maximum width of fifty percent (50%) of the lot width at the bulkhead line. No piers may be built within ten feet (10') of the side property lines.

Piers and docks must not significantly interfere with water flows, which could lead to the accumulation of pollutants along the shoreline or accelerate shoreline

erosion. Docks or piers with open-spaced pilings allow water to circulate freely. All materials exposed to the elements shall be cedar, redwood, treated wood, concrete or steel materials. Other materials with long life expectancy will be considered.

Boathouses may be placed along the back of the lot, parallel to the bulkhead line. No living quarters, kitchens, toilets, or other facility containing plumbing fixtures shall be allowed. The boathouse may be either sixteen feet (16') wide for a single slip, or thirty feet (30') wide for a double slip. If a 16' wide single boathouse is constructed, an uncovered pier may be incorporated alongside as long as the entire structure does not exceed 30' in width. As an option, homeowners are allowed to build a 30' wide roof structure with storage for only one boat and the remaining area used for under roof pier.

Boathouses must not extend along the back of lot more than fifty percent (50%) of the total width of the back of lot, and must stay at least ten feet (10') from side lot lines. All boathouses shall have a 5/12 hip roof with materials to match the corresponding residence or accessory building. All materials exposed to the elements shall be cedar, redwood, treated wood, concrete or steel materials. Other materials with long life expectancy will be considered. The maximum height allowable for any part of the boathouse structure is seventeen feet (17') above the bulkhead cap. The height limits for boathouses do not include cupolas that may be up to three feet higher than the main roof peak. The outside dimensions of the cupola shall not exceed four feet. No decks are allowed above boathouse structures.

Boathouses may not have any walls or screening, but may have a storage closet. This storage closet shall not exceed 32 square feet, and should extend from the pier to the boathouse ceiling. The closet shall be centered in the boathouse, and finished with fiber cement lap siding, and painted to match the boathouse. Either a single door or a pair of doors, not to exceed a total six foot opening, can be used to access the closet and must be facing into the boathouse.

No living quarters, kitchens, toilets, or other facility containing plumbing fixtures shall be allowed. A fish cleaning set-up with running water is allowed.

E. Animal Shelters and Enclosures

Dog Run – An enclosed area outside the home designed as an outdoor space for pets. Construction materials may be tubular metal or aluminum; chain link either galvanized or plastic coated in green or black. A full or partial top is allowed but must be securely fastened to the enclosure. Tops may be constructed of weather proof fabric in a single earth tone color, treated or naturally decay resistant wood, and shingles matching those on the home. Corrugated metal or fiber glass are prohibited.

The enclosure sides may be not taller than five feet (5') measured from the ground it sits on and the top at the highest point may not be taller than five feet six inches

(5'-6"). The dog run must be located behind the home out of sight of from the fronting street and away from the side street if applicable. The structure is not allowed on Lots with open metal fencing.

Dog House - All dog houses exceeding 5 feet in height or a 6 square feet footprint require ACC approval. The proposed doghouse must be compatible with the applicant's house color and material, or match a natural wood fence and must be located where it will be visibly unobtrusive. When located on a Lot with open metal fencing, the structure is to be placed close to the home rather than the side or back fences.

III. Shade / Covers

A. General

A patio cover is defined as a pitched roofed structure over a paved outdoor area, either attached to another structure or free standing. The roof is a solid structure which does not allow weather to penetrate.

B. Patio Covers

An attached patio cover shall be of an architecturally appropriate size which fits seamlessly with the existing structure it is attached to.

A free-standing patio cover shall be a maximum of 500 square feet per acre rounded to the nearest acre. For example, if the Lot consists of 1.57 acres the maximum is 1000 square feet.

Patio covers shall be constructed of materials which either complement the main structure or match the structure it is attached to. Any wood must be weather and insect resistant, either treated or naturally. Metal finish materials are generally not permitted.

If attached to the house, it must be integrated into existing roof line (flush with eaves), and shingles must match existing roof. Thatch or thatch-like materials are not permitted as roof shingles. The entire patio cover and posts should be trimmed out to match house. Supports must be painted wood or metal columns wrapped with a veneer matching or complementing the home.

If free-standing, the trim and supports may be either painted to match the home or stained to complement the structure, the home, and/or any other adjacent finishes used.

C. Pergolas

A pergola is an open sided, outdoor structure built free-standing or attached to a structure. It is constructed of substantially sized wood members with an open framed top whose purpose is providing filtered shade and minimal weather resistance.

Free standing pergolas will be assessed on a case-by-case basis for footprint size appropriateness for the Lot and adjacent improvements. Attached pergolas will be limited by the size and articulation of the structure they are attached to.

Free-standing pergolas shall have a maximum height at the first or lowest layer of the top structure of ten (10) feet. Pergolas attached to structures shall have this same layer align with the fascia of the structure or be set a minimal distance above the fascia and attached to the roof surfaces. When attached to a multi-story portion of the home, this same layer of the arbor shall align with the first floor plate height.

D. Arbors, Gazebos & Tensioned Fabric Canopies

Arbors and Gazebos shall be constructed of wood resistant to weather and insects either by being treated such as pressure treated pine or naturally such as cedar, cypress, fir, and redwood. Treated pine must be painted or stained. Fiberglass and metal is not acceptable as a construction material. Arbors & Gazebos painted in a shade that contrasts with their setting will be considered by the ACC on a case-by-case basis.

Tensioned Fabric Canopies ("Sails") will be reviewed and considered on a case-by-case basis but will require an ACC application.

IV. Room Additions

A. General

Room additions shall include additions/expansions of the home, pool/patio enclosures, sunrooms, porte-cocheres, and carports. Exterior materials and colors shall match the house as much as possible.

Building permits are the responsibility of the homeowner and must be submitted to the Committee after obtaining them. Pursuit of the permit shall occur after ACC approval of the addition or any other improvement requiring a City permit.

Size and materials will depend on architectural style and layout of home, size of lot, and how well the room addition integrates with the existing home. Roof of addition must integrate with existing roof line so as to appear to have been part of the original home.

B. Pool/Patio Enclosures

A pool/patio enclosure is any enclosure that has exterior walls constructed of a framework and screen material. Pool/patio enclosures must not encroach on any utility or drainage easement, nor shall it encroach into the building setback lines applicable Lot. Pool/patio enclosures must not interfere with drainage or cause water to flow onto any adjacent lot.

The standard, type, quality and color of the materials used in the construction of pool/patio enclosures must be harmonious with the materials used in construction of the main residence. The roof must be shingled and/or must match the existing

roof. The exterior color of the walls, doors, windowsills, beams, frames or other visible supports must match the exterior color of the residence.

The highest point of the pool/patio enclosures shall never exceed the first floor plate height. The patio enclosure roof shall provide an attractive slope with a minimum 4/12 roof pitch away from the house, at an angle that does not exceed that of the roof of the residence. Flat roof pool/patio enclosures are not permitted. No pool/patio enclosures shall protrude beyond the sides of the residence.

C Sunrooms

A sunroom is defined as a patio enclosure constructed with glass walls and/or glass roofing.

Sunrooms must not encroach on any utility or drainage easement, nor shall it encroach into the building setback lines applicable to the Lot. Sunrooms must not interfere with drainage or cause water to flow onto any adjacent lot.

Supporting structural members must be of a color similar to and harmonious with the exterior of the residence. Glass must be tinted in a shade compatible with the exterior of the residence. No metallic or direct reflecting style shading/tinting of the glass is permitted.

No sunroom shall have exposed air conditioning or heating duct work visible from the exterior. Window coverings are not required; however, only interior covering will be permitted.

D. Porte-cocheres and Carports

Porte-cocheres and carports are not allowed.

V. Exterior Painting

It is the intent of Waypoint Landing POA to preserve the appearance of the natural landscape and preclude the use of colors that would appear out of place and therefore offensive to the eye. Exterior paints and stains for each residence shall be selected to compliment or harmonize with the colors of the other material with which they are used. Siding and trim shall generally stay within the earth tones color family, although accent colors that are used judiciously will be considered on a case-by-case basis. Earth tone colors include greens in the olive, sage and deeper ranges but not the blues or yellows. The variety and number of exterior colors on each house should be held to a maximum of three not inclusive of non-painted exterior materials and the front door.

VI. Roof Replacement

Primary roofing material allowed are composition shingles, asphalt shingles, concrete tile, clay tile, and natural or simulated slate. Actual wood shingle and wood shake shingle roof surfaces are not allowed. Man-made materials simulating these are allowed.

No corrugated materials are allowed. There must be only one primary roofing material.

Shingles may also be designed to primarily be wind and hail resistant; provide heating and cooling efficiencies greater than those provided by customary composite shingles; or provide solar generation capabilities per the State of Texas.

Composition or asphalt shingles shall have a lifetime warranty and be of "architectural" grade meaning providing coloration to provide a three dimensional appearance.

No skylights, light tubes, solar or electric roof ventilators, or similar types of additions shall be permitted on the front of the roof ridge line and/or gable of a residential dwelling. All roof ventilators shall be located to the rear of the ridge line and/or gable of any residential dwelling and shall not extend above the highest point of such residential dwelling.

The ACC shall have the right to approve exceptions to the foregoing in cases where energy conservation and heating/cooling efficiency require ventilators that, because of a particular roof design, cannot be hidden from public view.

The color of roofing appurtenances must be aesthetically harmonious with the color of the roofing materials.

VII. Swimming Pools, Spas, and Splash Pads

A. General

In-ground Swimming pools and spas, and above ground swimming pools and spas may be constructed only within the building setback lines, must not encroach into easements, and must allow adequate room for landscaping, drainage, and fencing.

Pool water and/or backwash must drain internally and not drain onto adjacent properties, including reserves and detention ponds. All aspects of swimming pool construction including the handling of backwash must comply with all current State and local codes concerning swimming pools, spas, and plumbing.

If any type of waterfall is to be incorporated into the design of a pool, spa, or pond, the dimensions and materials used must be fully specified. The height of a waterfall shall not exceed six (6) feet when measured from adjacent ground level. Other pool amenities such as slides and umbrellas may be taller, but must be of colors in harmony with the home and community. No bright colors are allowed.

Above ground pools may have decking adjacent to the pool at an adequate height to safely access the water surface. The decking must meet the requirement set forth in these The Guidelines.

Spas may be in-ground or self-contained above ground models. Above ground spas shall be located at the back of dwelling so that they are completely screened from public view.

B. Screening

Pool surface, deck, pool amenities, and all mechanical and electrical equipment must be fully screened from public view, including public streets, common areas and reserves, with individually or in a combination of trees, hedges, walls, or fences. The ACC may require additional landscape plantings along the perimeter of the property for proper screening

C. Fencing

Pools and spas must be completely enclosed by a perimeter fence meeting the current codes of the State of Texas. The fence may not be taller than six (6) feet. It may provide privacy or be an open fence. If it is the later, no openings, holes, or gaps larger than four (4) inches measured in any direction are allowed. Gates opening directly into the pool area must be equipped with self-closing and self-latching devices designed to keep, and capable of keeping such gates securely closed at all times. Said latching devices shall be attached to the upper quarter of such gate. No fencing higher than 6' will be permitted at Cape Shores.

X. Signage

A. General

If the types of signs and the method of display comply with Article I, Section 1.11 of the CCR's and the following guidelines, it is not necessary to make an application to the ACC. However, if there is any deviation from these guidelines, it will be considered a deed restriction violation.

B. For Sale or for Rent Signs

For sale or for rent signs can only be displayed in the front yards of houses, not in the right of way between the sidewalk and the street. For sale signs are not allowed to be utilized in vacant Lots. These types of signs cannot be posted on the home, garage doors, walls or fences.

XI. Exterior Equipment

A. Satellite Dishes

The installation of a satellite dish antenna is subject to the antennae specifically being covered by the regulations promulgated under the Telecommunications Act of 1996, as amended from time to time. To the extent that receipt of an acceptable signal would not be impaired, the antennae should be installed in a side or rear yard location, not visible from the fronting street and integrated with the dwelling and

surrounding landscape. The antennae shall be installed in compliance with all state and local Laws and regulations.

All dishes shall be of one solid color of black or earth tones of brown, gray or tan. No multi-colored dishes shall be permitted. Not more than two (2) satellite dishes will be permitted on each Lot. Architectural approval is required prior to the installation of any satellite dish. The Association reserves the right to seek removal of any device that was installed without first obtaining approval or any dish that violates these restrictions.

B. Antennas

No electric antenna or device for receiving or transmitting any signal other than an antenna for receiving normal television, marine signals, citizen band signals or cellular telephone signals shall be erected, constructed, placed or permitted to remain on any Lot, house, garage or other buildings unless otherwise approved by the Committee. The Committee's decision shall be final.

C. Security Equipment

The installation of a security camera system is subject to considering the neighbors' right to privacy and quiet use and enjoyment of their property; and subject to the camera(s) and any conduit being placed in the least intrusive or visible location, the finish color being in harmony with the colors of the home; only being focused on your property as much as possible; and never directed at windows of adjacent structures.

The installation will only be approved after the neighbors' right to privacy and quiet use and enjoyment of their property has been considered.

D. Stand-By Generators

The installation of a stand-by generator hard wired into the home's electrical system is subject to the unit being located out of view from the fronting and/or adjacent street; consulting your local building code authority or consulting national building and electrical codes about necessary requirements concerning location from windows, doors, other utilities and equipment; all electrical work being performed by a licensed electrician; and all gas line runs and connections being made being made by a licensed plumber. The installation of the standby generator must comply strictly with current NFPA 37, NFPA 54, NFPA 58 and NFPA 70 standards.

E. Water Softeners

The installation of a water softener is subject to the unit being installed professionally with a gravel or concrete base area for ease of maintenance, the unit being kept plumb, and all connections to the home being neat, clean, and well done. The improvement must be located out of view from the fronting and/or adjacent street. The Design Review Committee is not authorized to approve encroachment into any easement area. In the event of encroachment within an easement area, it is the obligation of the Owner to contact each respective utility company located therein for the appropriate Consent to Encroach authorization. A copy of any such Consent to Encroach may be submitted with your application.

F. Automatic Mosquito Systems

The installation of an automated mosquito system is subject to analyzing the installation with regard for possible consequences on neighboring properties with regard to activities or conditions such as food production, health conditions of neighbors, and risks to non-targeted or endangered species.

XII. Solar Energy Devices

A. General

Solar energy devices shall be located on structures located on the Lot or may be ground mounted within the back one-half (1/2) if the Lot and must not be visible from the fronting street or, in the case of a corner Lot, adjoining street and must serve only improvements on the particular Lot on which it is located. If these locations do produce the desired amount of energy, the Solar Energy Device may be placed in the least visible location where an acceptable level of annual energy production is still possible. Alternatively, Tesla Solar Roof™ panels may be used on any or all portions of the Dwelling.

The Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring must be silver, bronze or black in color commonly available from manufacturers and no advertising shall be permitted upon the Solar Energy Device or any related mast, frame, brackets, support structure, piping and wiring, other than the standard labeling included by the manufacturer.

B. Ground Mounted Devices

The Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring may not extend more than twelve (12) feet above the general grade of the yard.

C. Structure Mounted Devices

The Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring shall not extend above or beyond the roofline of the home or other structure upon which it is located. The slope of the Solar Energy Device and any brackets must conform to the slope of the roof and must have all top and side edges parallel to the roofline.

XIII. Flags and Poles

A. General

The flag and flagpole must be maintained in good condition at all times. If the flag is allowed to become faded, frayed or torn, it must be removed and replaced. If the flagpole becomes scratched, dented, leaning, or structurally unsafe, or if the paint is chipped or faded, it must be replaced, repaired or removed. No advertising shall be permitted upon the flag or flagpole, other than the standard labeling which may be included by the manufacturer. Attaching flagpoles to fences or trees is

not permitted. If any violations occur in regards to these restrictions set forth for flag poles, fines in excess of \$1,500 may result at the discretion of the ARC, in accordance to the perceived damages to the preservation of community aesthetic. Timely handling of written requests made by the ARC to fix such problems will generally result in warnings instead of fines.

No more than one (1) flagpole of any type may be installed on a Lot. No more than one (1) flag per Lot may be displayed at any one (1) time. The one (1) displayed flag may be (i) the flag of the United States of America displayed in accordance with 4 U.S.C. Sections 5-10; (ii) the flag of the State of Texas displayed in accordance with Chapter 3100, Texas Government Code; or (iii) an official or replica flag of any branch of the United States armed forces. If the United States or Texas flag is to be flown after dusk, it must be properly illuminated with an in ground or ground mounted light (maximum of two (2) fixtures) with a total of no more than 150 watts. The light must shine directly up at the flag and can not cause any type of light spillage onto adjoining properties.

Flagpoles must be constructed of metal with a finish appropriate to the materials used in the construction of the flagpole and of a color in harmony with the home and community.

Flagpoles may only be installed on the fronts of homes in front yards within the established building lines. Ground mounted flagpoles may not be placed more than ten (10) feet from the foundation of the home. Any flagpole must be installed in a manner that does not cause a view obstruction for neighbors.

Flagpole top ornamentation may only be a sphere constructed of the same material and finish as the pole, and being no greater in diameter than twice the diameter of the pole at the point of connection with the ornamentation.

B. Structure Mounted

Pole mounting fixtures may be placed on the house or garage on a permanent or temporary basis; however, poles may only be mounted when a flag is actually displayed. The flag may not exceed three (3) feet in height by five (5) feet in width.

C. Ground Mounted

Permanent in-ground flagpoles are defined as those which are installed in a concrete footing or utilize a direct-bury method, and are not meant to be removed unless the flagpole is replaced. The top of any footing or direct-bury method shall not be more than two (2) inches above adjacent grade. Permanent flagpoles shall have a flag displayed daily.

Temporary in-ground flagpoles are generally defined as those poles that are installed in a sleeve buried in the ground and are designed to allow the easy removal and reinsertion of the pole. Temporary flagpoles are for use when a flag is only going to be displayed on specific holidays or less frequently than every day. The flagpole must be removed on those days that a flag is not being displayed.

The height of ground mounted permanent flagpoles may not be taller than twenty (20) feet when measured from the adjacent ground surface. The size of the flag

must be appropriate for the height of the flagpole, but, in any event, may not exceed four (4) feet in height by six (6) feet in width.

Temporary ground mounted flagpoles shall generally be shorter and of less diameter than permanent ground mounted flagpoles. The flags will also be smaller than those flown from permanent ground mounted flagpoles, but not greater than three (3) feet in height by five (5) feet in width.

XV Fencing and Fence Extensions

A. Wood, Metal and Low Surrounds

Perimeter fencing and gates are addressed in the Builder Guidelines (A. New Home Construction, III Site Planning, C. Fencing) Any additions or extensions of the perimeter fence must conform to the guidelines found there. Privacy and/or screening fencing for such improvements as swimming pools, pool equipment, generators, compost piles, garbage cans, and any other improvement that the resident or Association wishes to be kept from public view is allowed. However, privacy and/or screening fencing are not allowed to be a part or extension of the perimeter fence. Materials and design details for the fencing must compliment the structure nearest to it. Acceptable materials are masonry, wood, composite wood, metal, exterior grade fabric, and PVC. Design details including height and location will be evaluated on a case by case basis.

XVI Door Replacements

A. Security

The installation of a metal security door with decorative metal work is subject to the materials, design, and colors being in harmony with the home and the overall street appearance of the community. The metal color must match the color of other exterior metal decoration such as light fixtures, driveway gates, etc.

B. Storm

The proposed storm door must be without ornamentation or grill work (full glass) and finished in a color that is complimentary of the house. Storm doors shall have transparent glass. The installation of a storm on your front door and another on the back is subject to the front door having full view safety glass and trim color is to match the home or existing door it is protecting. The back storm door may be constructed to provide ventilation. The hardware must complement the home and the storm door must be a full view door.

XVII Window Replacements / Shading

A. Whole Units and Screens

Any singular replacement must match the existing windows in the Dwelling. A complete replacement of all windows must be in harmony with the existing architectural style and existing materials and must all be of the same style and color.

B. Burglar Bars

Will be reviewed on a case by case basis. Must not detract from the aesthetics of the home.

C. Solar Screens, Panels and Film

The installation of solar screens is subject to the solar screen hardware being in harmony with the architectural character of the window including grids dividing the window into lights. Screen material shall be made of high-quality, weather-resistant, non-reflective materials standard to the industry and attached in such a way as to avoid sagging. For each side of the house that has any solar screens applied, all windows that are prominent in size and location on that side of the house and that are similarly framed are required to be covered.

D. Awnings

Awnings may only be placed on side and rear windows when not visible from public view, unless otherwise approved by the DRC. They can be either permanent or retractable (mechanical or manual). If mechanical, the mechanism may not be visible. Retractable awnings may be incorporated into or used as part of a covered patio (with an open wood design). Awning installation over front doors and windows is strictly prohibited. Awning material should be canvas or other appropriate material with solid, muted colors that complement the house. Some suggested colors are dark navy, maroon, hunter/forest green, beige, brown or black.

Awnings must be properly maintained at all times, including periodic cleaning of the fabric and replacing the material when it fades, rips or is badly worn. The structural supports or mechanism must be replaced when worn or broken.

E. Hurricane Shutters / Screens

Given that there are numerous options available for window and door protection for foul weather, an application for shutters (rolling, accordion and flat), fabric panels and window film must be submitted along with a color photo of the exterior of the existing dwelling indicating the location of the intended shutters, a manufacturer's brochure showing the design with color selections. Applications will be considered on a case by-case basis.

F. Window Treatments & Displays

Displays, signs, flags, paper, aluminum foil, and/or other window/door treatments which are visible from any street are not permitted unless harmonious with the type, quality, and color of the majority of drapery, shutters, shades, mini-blinds, and other window treatments as approved by ARC within the Property. The color of any solar screens or window tint must be aesthetically harmonious with the residential dwelling as well as within the Property. The frames of the screens must match the color of the window frames of the house, or must match the color of the

solar screen material. If any window is covered, all of the windows on the same side of the residential dwelling must also be covered. The width of the screen frames must match individual window size (i.e. double-width screens are not allowed). Frames should have appropriate support to prevent sagging. Window tint shall be aesthetically harmonious with the residential dwelling, not reflective, and maintained to prevent peeling, and/or cracking, or irregular discoloration. Any type of solar screens/window tint applied to windows/doors must receive prior ACC approval and must be made of non-reflective type materials. No metallic or direct reflecting style of shade or tinting will be approved.

XVIII Improvements Not Allowed

- A. Turbine Wind Generators
- B. Window Air Conditioning Units
- C. Barbed Wire or Chain Link Fencing (except for enclosures for animals)
- D. Water Wells
- E. Greenhouses

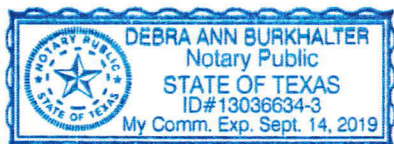
EXECUTED on the date of the acknowledgement set forth herein below, to be effective as set forth above.

Waypoint Landing Property Owners Association, Texas non-profit corporation.

By: Renee Howes
Renee Howes, President

STATE OF TEXAS §
 §
COUNTY OF WAUKECH §

This instrument was acknowledged before me on June 20, 2017, by Renee Howes, President of Waypoint Landing Property Owners Association, a Texas non-profit corporation on behalf of said corporation.



Debra Ann Burkhalter
NOTARY PUBLIC – STATE OF TEXAS

When recorded please return to:
Waypoint Landing Property Owners Assn
P O Box 465
Paulden, AZ 86334