

Stewart Title Company

AMENDED AND RESTATED ARCHITECTURAL CONTROL GUIDELINES FOR LAGUNA HARBOR SUBDIVISION, AN ADDITION IN GALVESTON COUNTY, TEXAS

This Amendment (the "Amendment") is executed by the Architectural Control Committee (the "Committee") for Laguna Resources, a Subdivision in Galveston County, Texas, whereby the Committee amends the Architectural Regulations (the "ACC Guidelines") that exist for the Subdivision that are attached as Exhibit "A" to the recorded Declaration of Covenants, Conditions and Restrictions for Laguna Harbor Subdivision (the "Master Declaration") dated January 19, 2005, and filed for record under File Number 2005004442 of the Official Public Records of Galveston County, Texas, as amended from time to time. In accordance with the provisions of Section 6.05 of the Master Declaration, the Committee hereby amends the ACC Guidelines as set forth and provided in EXHIBIT "A" attached hereto and incorporated herein by reference. This Amendment has been approved by the Board of Directors of Laguna Harbor Property Owners Association.

Executed on this 15 day of August, 2006.

Laguna Harbor Subdivision Architectural Control Committee

By: *Jim Hayes*
Jim Hayes, Authorized Member

THE STATE OF TEXAS
§
COUNTY OF JEFFERSON
§

This instrument was acknowledged before me on this the 15 day of August, 2006, by Jim Hayes, authorized member of LAGUNA HARBOR SUBDIVISION ARCHITECTURAL CONTROL COMMITTEE, on behalf of such committee.



Susan S. Russell
NOTARY PUBLIC, STATE OF TEXAS

~~_____~~
~~_____~~
~~_____~~

EXHIBIT "A"

AMENDMENDED AND RESTATED

ARCHITECTURAL CONTROL GUIDELINES

FOR LAGUNA HARBOR SUBDIVISION

NOTES:

The following functional areas are subject to these architectural regulations with respect to the established intent, character and quality

- Vehicular Traffic and Motor Courts
- Main Structure
- Site Amenities (patios, pools, courtyards, decks, etc)
- Marine / Dock Amenities

Variances to the Architectural Regulations may be granted on the basis of architectural merit and/or approval of the Architectural Control Committee (ACC).

These regulations are aesthetic in their intent. In cases of contradiction with local safety codes, these regulations shall be overruled, with written notification given to the ACC. The regulations do not exempt any structures from compliance to applicable codes.

These regulations are applicable as of the date below and will be updated periodically. All subsequent changes will apply to all buildings which have yet to complete the schematic design phase.

Effective: August 14, 2006

Effective August 14, 2006

A 1

I. MINIMUM & MAXIMUM BUILDING AREA GUIDELINES

SINGLE STRUCTURE:

Section I - Laguna Harbor Estate Lots: Min. - 2,000 sq. feet / Max. - 5,000 sq. feet

Section II - Laguna Harbor Cove Lots: Min. - 1,500 sq. feet / Max. - 2,500 sq. feet

Areas indicated refer to heated / cooled / conditioned space.

Multiple structures are encouraged i.e., detached Carriage Houses, Guest Quarters above Garages, Pool Houses, etc

All construction of residences shall be completed within 12 months from start of construction

These Guidelines may be altered based upon architectural merit and the approval of the Architectural Control Committee

II. ELEMENTS

MATERIALS

All standing structures are required to use materials and products that are tested and approved for a minimum 130 mph peak gust wind speed Exposure C and for large object impact, as well as other *Fortified...for safer living*® standards as promulgated by the Institute for Business and Home Safety (IBHS) on the date in which building plans are submitted to the ACC.

Chimneys shall be finished with stucco, brick, stone or other materials that are approved by the ACC and conducive to the vernacular conditions & climate of the Southeast Texas / Gulf Coast region. Flues for pot belly stoves shall be metal

Piers and Arches shall be masonry or concrete with stucco or painted; wood or fiber-cement cladding is allowed with a masonry or stuccoed base 36" min. in height

Porch Railings shall be made of wood while Porch Floors and Posts may be wood or masonry. Porches may be enclosed. Porch ceilings may be enclosed with painted wood, exposed joists shall be painted or stained.

Stoops shall be made of wood, brick or concrete. If concrete, a stoop shall have brick, tile or stucco walls.

Colonnades shall rest on pedestals which accommodate any grade changes.

Metal Elements shall be natural-colored galvanized steel, anodized or ESP aluminum, or manne-grade aluminum.

The following elements are strongly encouraged as unifying components for the development. Individual and unique detailing within these elements will serve to establish the special character sought for the development.

- ❖ Towers, "crow's nests" or "observation decks" or "sky rooms". These consist of a structure, which protrudes one story above the eave of the principle structure, and shall be enclosed at the ground floor (if outside the principle structure footprint), while the final level may be enclosed or open air with railings or knee walls with railings.
- ❖ Stoops, which are platforms or porches that protrude the exterior wall at elevated floor levels.
- ❖ Architectural / Ornamental Braces, particularly at deep overhangs and stoops.
- ❖ Parapets that resemble and reflect vernacular conditions of the Galveston region.

CONFIGURATION & TECHNIQUES

All standing structures must be constructed in conformance with *Fortified... for safer living*® construction requirements from IBHS, as promulgated on the date in which building plans are submitted to the ACC.

Chimneys shall be capped to conceal spark arresters. Flues shall be no taller than required by the Building Code.

Piers or pilings shall be no less than 12" x 12" painted or stuccoed concrete. Wood or fiber-cement Siding is allowed with a masonry or stuccoed base 36" min. in height.

Arcades and Breezeways shall have vertically proportioned openings.

Screened Porches shall have screens framed in wood installed behind framed railings.

Effective August 14, 2006

A 3

Posts shall be no less than 6" x 6".

Railings shall have top and bottom rails. Wood top rails shall be eased and bottom rails shall have a vertical section. Top and bottom rails shall be centered on the boards or pickets.

Balconies shall be structurally supported by brackets or tapered beams.

Awnings shall be rectangular in shape with straight edges. Awnings may have side panels but shall not have a bottom soffit panel. Awnings shall not be back lit.

Wood Elements must be painted or sealed with an opaque or semisolid stain, except walking surfaces which may be left natural.

Exterior Lighting shall include the following (min.), activated by photovoltaic cells: one 40 watt maximum incandescent light at each exterior door and garage door.

III. ELEVATORS

GENERAL

In general, elevators are encouraged. All elevators shall be professionally designed for residential and or commercial use and shall be installed to manufacturer specifications by a contractor who is approved by the ACC.

All residences in Section I, Laguna Estate Section, shall be required to either have an approved elevator installed, or be certified to be "elevator ready" by an approved elevator contractor certifying that the residence contains all prerequisite design and pre-installation equipment, wiring, controls and other requirements for eventual elevator installation.

All residences in Section II, Laguna Cove Section as encouraged, but not required to have an elevator nor be certified "elevator ready".

IV. LANDSCAPING

GENERAL

Each Lot for Section I and Section II shall have a "No Mow, Vegetation Reserve" which shall be located directly adjacent to the Bulkhead and extend for a distance of 25 feet.

Effective August 14, 2006

A 4

inward from the Bulkhead. Planting of vegetation within this reserve shall be limited to indigenous species for the Texas Coastal Region and shall not be mowed. A list of acceptable species shall be approved by the ACC.

Further, to produce a high quality, environmentally sound coastal community, which preserves and enhances the setting, the site design and landscape of each Lot shall be carefully planned according to the following standards:

Building envelopes and relative site design objectives should:

- ❖ Maintain efficient and effective drainage patterns
- ❖ Minimize grading to avoid erosion, the proper incorporation of retaining walls is allowed
- ❖ Optimize views and protect view corridors
- ❖ Utilize distinctive natural features
- ❖ Blend man-made improvements into landscaping

New plantings are to be used to help define use areas on the lot and screen outdoor service areas and equipment from adjacent lots and off-site views

Landscape improvements shall utilize indigenous species and minimize areas of intensive irrigation

A list of proposed plants, shrubs, flowers and trees shall be submitted for ACC approval prior to installation

V. OPENINGS

MATERIALS

Windows shall be made of wood (painted, stained or vinyl clad), lifetime vinyl, or other quality materials conducive to the environment and climate of the Southeast Texas / Gulf Coast region, and shall be glazed with clear glass or tinting approved by the ACC. No mirrored tinting will be allowed

Doors (including garage doors) shall be wood or other materials that are approved by the ACC and conducive to the vernacular conditions and climate of the Southeast Texas / Gulf Coast region. Doors shall be painted or stained.

Shutters shall be operable and wood or pre-finished polycarbonate wood fiber and shall be proportional to size and shape of windows

Security Doors and Window Grilles must be approved by the ACC.

Effective August 14, 2006

A 5

CONFIGURATION & TECHNIQUES

Windows shall be rectangular, vertically proportioned and operable. Transoms may be oriented horizontally with panes which match other opening configurations. Multiple windows in the same rough opening shall be separated by a 4" min. post. The window sash shall be located interior to the centerline of the wall. Window sills in masonry construction shall project a minimum of 1" from the face of the building.

Window Muttons are encouraged and shall be true divided light or fixed on the interior and exterior surfaces, and shall create panels of square or vertical proportion.

Storm Windows and Screens shall be integral with the window. Screens shall be made of brass, bronze, stainless steel or black vinyl.

Paired main entry doors shall be a maximum of 4' finished opening.

Doors shall be hinged. Doors, except garage doors, shall be constructed of planks or raised panels (not flush with applied trim), which express the construction technique.

Garage Doors shall be a maximum of 9' in width. Garage doors facing a side yard shall have a cantilevered light fixture centered above the door with an incandescent bulb activated by a photocell. Garage doors shall be painted or stained. Overhead garage doors will be allowed but shall be clad with planks to resemble swinging doors.

Driveway Gates shall be in-swinging and have a maximum opening width of 16'.

Shutters shall be operable, sized and shaped to match the openings. Plank shutters are encouraged. Louvers shall be slanted in proper position to deflect light and rain when shut.

Crawl Spaces shall have openings with vertical metal bars. Wire mesh behind the bars is required. For buildings with a masonry ground floor, undercroft openings for drainage and ventilation shall be a maximum of 1' tall and 3' wide.

Stucco Trim articulations shall be subject to approval by the ACC.

VI. POOLS

GENERAL

All pools, spas, fountains and other water features shall be constructed of concrete or other masonry materials approved by the ACC. No above ground pools shall be

permitted. Plans and specification for each water feature shall be approved by the ACC prior to installation. All pumps, filters and other equipment shall be screened and shall not be visible from canals, street or adjoining property.

Non-masonry spas will only be permitted if installed on decks located above the base flood elevation, where such decks are part of the primary residence. Proper screening shall be required for privacy.

VII. ROOFS

MATERIALS

Roofs shall be clad in one of the following materials, wood shingles, galvanized steel (in its natural color, no colored roofs permitted, corrugated preferred, 5 V crimp or standing seam also allowed), copper or other architectural grade roofing material approved by the ACC and suitable for the Texas Gulf Coastal Region.

Gutters and Downspouts, when used, shall be made of galvanized steel, copper (not copper-coated), anodized or ESP aluminum. Metal chains may be used in lieu of downspouts. Downspouts shall be placed at the corner(s) of the building in the least visible locations from the street. Splash blocks shall be made of concrete, brick or gravel.

Flashing shall be copper, lead or anodized aluminum.

Copper roofs, flashing, gutters and downspouts shall be allowed to age naturally (not painted or sealed).

CONFIGURATION & TECHNIQUES

Principal Roofs on all freestanding buildings shall be a symmetrical hip with a slope of 6:12 to 10:12. Also allowed are gabled hips, hipped gables, and flared hips.

Ancillary Roofs (attached to walls or roofs) may be sheds sloped no less than 3:12. Roofs on towers shall be flat or have a slope which matches the primary structure.

Flat Roofs shall be permitted only when designed to be occupied and accessible from an interior room no less than 100 SF in size.

Parapets are encouraged to reflect vernacular conditions, see Elements.

Eaves shall be continuous, unless overhanging a balcony or porch. A broken pitch roof (a roof which becomes shallower in slope at one-third of the distance from the eave to the peak) is encouraged. Eaves on the main building shall have an overhang that is deep (recommended 30" - 40"). Eaves on outbuildings shall match the eaves of the main building, or shall be approximately half the size of the eaves of the main building in proper proportion.

Gutters shall be half-round. Downspouts shall be round.

Dormers shall be placed a minimum of 3' from side building walls, and have shed roofs with a minimum slope of 3-12 or hipped roofs with a slope to match the principal structure. Eyebrow dormers are also encouraged.

Roof Penetrations, except chimneys, shall be placed so as not to be easily visible from streets or paths, and shall be painted to match the color of the roof, except those of metal which may be left unpainted.

VIII. WALLS

MATERIALS

Building Walls shall be finished in stucco, cedar or fiber-cement shingles, wood or fiber-cement clapboard, board and batten, or board on board, and then sealed with paint or stain. Rough Siding is preferred. Encouragement is given to designs reflecting masonry and / or stucco ground floors with wood framed second floors.

Foundation Walls, Piers and Pilings shall be parged block or smooth-finished, painted / stained concrete. Retaining Walls shall be masonry with stucco.

Undercrofts shall be skirted. Horizontal wood boards or framed wood may be installed, with spaces between members not larger than 1 5" or smaller than 0.75"

Lattice (horizontal and vertical only) may be installed between piers and pilings, and brick screens may be installed between concrete piers and pilings.

Walls and Fences shall generally be constructed of the same material as the first floor of the primary building. Masonry piers with wood pickets may replace solid masonry walls. Masonry walls shall be made of stuccoed concrete while gates shall be wood. Walls may be perforated. Fences shall be made of brick, stuccoed concrete, fiber-cement boards, smooth cedar, or pressure treated wood and may have masonry or stucco piers.

Pickets, Pales and Boards shall be made of smooth cedar, fiber-cement boards or pressure treated wood

CONFIGURATION & TECHNIQUES

Building Walls may be built of no more than two materials and shall only change material along a horizontal line, except for protrusion, towers or other element accents i.e cedar shingles may be combined with wood siding when the material change occurs horizontally, (typically at a floor line), with the heavier material below the lighter Walls of a single building must be built in a consistent configuration. Wood clapboard and shingles shall be horizontal.

Siding shall be horizontal, maximum 8" to the weather

Shingles shall be maximum 8" to the weather Decorative shingles shall not be permitted. Shingles shall be machine cut with bottom edges aligned or staggered

Exposed Corner Joints are encouraged and shall be mitered.

Stucco or plaster coating may be applied to concrete block or poured concrete Stucco shall be steel troweled.

Trim shall be minimum grade "B" trim lumber or fiber-cement and shall not exceed 6" in width at corners and around openings, except at the front door where it may be any size or configuration. Exceptions may be granted for shingle structures and for classical detailing.

Fences on adjacent lots shall have different designs, subject to approval by the ACC. Where a wall or fence on one property meets a taller or shorter wall or fence on another property, it is the responsibility of the latter designer to transition their wall or fence to the height of the former

No fencing shall be permitted on any lot within the 25 foot, no-mow vegetation reserve located behind and adjacent to lot bulkheads .

All walkways constructed within the 25 foot, no-mow vegetation reserve shall be subject to approval by the ACC and be designed to have minimum impact to the vegetation and intended water quality benefits from such vegetation

These Guidelines may be altered based upon architectural merit and the approval of the Architectural Control Committee.

Effective: August 14, 2006

A 9

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY

Mary Ann Daigle

2006 AUG 21 11:51 AM 2006056513
MAYCOM \$52.00
Mary Ann Daigle, COUNTY CLERK
GALVESTON, TEXAS