

**INSTRUMENT TO RECORD DEDICATORY INSTRUMENT**

This Instrument is being recorded by Friendswood Development Company as the Developer and Rampart Holding, LLC as the Owner (being collectively the "Declarant") on behalf of The New Property Owners Association of Newport, Inc. pursuant to Section 202.006 of the Texas Property Code.

Section 202.006 of the Texas Property Code requires a property owners' association to record each dedicatory instrument in the real property records of the County in which the property to which the dedicatory instrument relates is located, if such instrument has not previously been recorded; and

Restrictive covenants and other matters concerning the Subdivision are set forth in the Declaration of Restrictive Covenants for the Preserve at Newport recorded under Harris County Clerk's File No. 2022-285059 in the Official Public Records of Harris County, Texas.

The Association is currently subject to the following additional dedicatory instrument which has not previously been recorded, attached hereto and made a part hereof, to-wit:

**Guidelines – Builder/New Residential Construction**

Pursuant to Section 202.006 of the Texas Property Code, Friendswood Development Company as the Developer and Rampart Holding, LLC as the Owner (being collectively the "Declarant" under the Declaration) on behalf of the Association do hereby record such additional dedicatory instrument, a copy of which is attached hereto.

Executed on the 21<sup>st</sup> day of June, 2022.

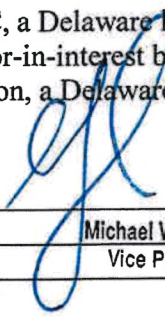
Lennar Homes Of Texas Land and Construction, Ltd., a  
Texas limited partnership, d/b/a FRIENDSWOOD  
DEVELOPMENT COMPANY

By: U.S. Home, LLC, a Delaware limited liability  
company (as successor-in-interest by conversion from  
U.S. Home Corporation, a Delaware corporation), its  
General Partner

By:

Name:

Title:

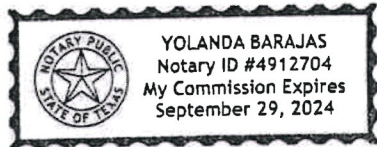
  
\_\_\_\_\_  
Michael W. Johnson  
\_\_\_\_\_  
Vice President

RAMPART HOLDING, LLC, a Texas limited liability company

By: Eileen Fashano  
Name: Eileen Fashano  
Title: Vice President

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

This instrument was acknowledged before me on June 20, 2022, by Michael W. Johnson, the Vice President of U.S. Home, LLC, general partner of Lennar Homes Of Texas Land and Construction, Ltd., a Texas limited partnership, on behalf of said entities.

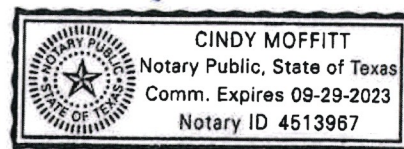


Willie Wiley  
Notary Public, State of Texas

THE STATE OF TEXAS §  
§  
COUNTY OF HARRIS §

This instrument was acknowledged before me on June 21, 2022, by Eileen Fashano, the Vice President of Rampart Holding, LLC, a Texas limited liability company, on behalf of said entity.

Cindy Moffitt  
Notary Public, State of Texas



**GUIDELINES - BUILDER  
FOR NEW RESIDENTIAL CONSTRUCTION**

**April 12, 2022**

**The Preserve at Newport**

**BUILDER GUIDELINES FOR  
NEW RESIDENTIAL CONSTRUCTION**

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# The Preserve at Newport

## BUILDER GUIDELINES FOR NEW RESIDENTIAL CONSTRUCTION

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### I. AREAS OF APPLICATION; ARCHITECTURAL REVIEW PROCEDURES

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#### A. Areas of Application

These Builder Guidelines ("Guidelines") outline design goals, design criteria and the design review process for new home construction in The Preserve at Newport, developed by Friendswood Development Company (hereinafter "Developer" and "Declarant").

All new home construction must be reviewed and approved by the Declarant prior to commencement of any building or construction activity. This approval can be secured in a timely fashion if applicable criteria specified in Sections II, III and IV of this guide are met to the satisfaction of the Declarant.

New home construction must conform to these Guidelines; to the Declaration of Covenants, Conditions, and Restrictions (the "Declaration"), to Sales Contract provisions; and to state and local building codes, zoning ordinances, or other governmental regulations (collectively "the Applicable Codes"). If provisions of these Guidelines are more restrictive than the Declaration, the Sales Contract, or the Applicable Codes, the provisions of these Guidelines apply. If these Guidelines conflict with the Declaration, Sales Contract, or Applicable Codes; the provisions of the Declaration, Sales Contract or Applicable Codes apply. These Guidelines may be amended by addition, deletion, or re-issuance at any time by Declarant without consent of the Association Members.

Subsequent construction, exterior remodeling and/or expansion, and items not covered in these Builder Guidelines will be reviewed and approved by the ACC in accordance with The Preserve at Newport, *Residential Improvement Guidelines For Homeowners* ("Homeowner Guidelines") published and promulgated by the ACC.

#### B. Architectural Review Procedures

The design for the Gulf Coast series from Lennar, for all floor plans greater than 1,400 square feet in size, have been pre-approved for construction within The Preserve at Newport by the Declarant and approved plans submitted to the Newport POA.

#### C. Disclaimers

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

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

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

Neither the Declarant, Developer, ACC, nor their individual members, partners, employees, agents, or the successors or assigns of any of them shall be liable in damages to anyone submitting to them for approval of any plans and specifications or request for variances from the Guidelines, or to any owner or occupant of

any parcel of land affected by the Guidelines, or to any third party, and the submission of plans or requests constitutes an express waiver and release of these third parties to the fullest extent permitted by law.

## II. Site Planning

### A. Minimum Building Setbacks

Site plans must conform to restrictions set forth in the Declaration of Covenants, Conditions, and Restrictions for The Preserve at Newport (the "Declaration") to be recorded in the Official Records of Real Property for Harris County; the recorded subdivision plat which shows building setback lines; easements dedicated by separate instruments; and all applicable government ordinances and building codes. In some cases, additional setbacks may be enforced by deed restrictions, neighborhood architectural guidelines, and/or the ACC for aesthetic reasons. Developer reserves the right to modify setback requirements.

All building setback lines will be in accordance with the recorded plat, DCCRs, or utility easements, whichever is greatest. All setbacks shall be measured to the edge of building walls and not to the edge of the respective overhangs.

Prior to placement of any forms, builder should review the most recently recorded plat and any recorded encumbrances for the specific lot to verify all setback requirements.

### B. Corner Lots and Intersections

#### 1. Corner Lots

Garages and driveways shall be located adjacent to the interior property line and prohibited adjacent to the corner side street. "Side out" garages to a corner side street are prohibited.

#### 2. Intersections

An area of open space is required at all corner lots where intersections occur. These intersections shall be unobstructed to permit pedestrian and vehicular view when near an intersection. No trees or other potentially opaque landscaping is permitted in this area. This shall be twenty-five feet (25') in distance from each street at the corner **[Figure 1]**.

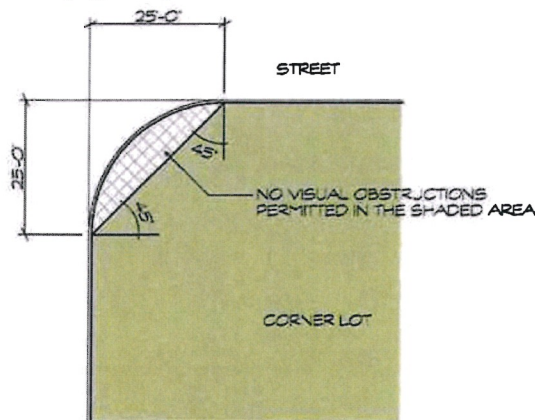


Figure 1

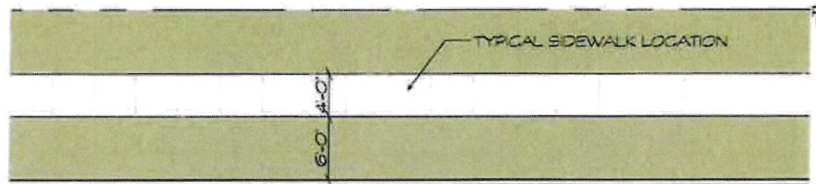


## C. Sidewalks and Front Walkways

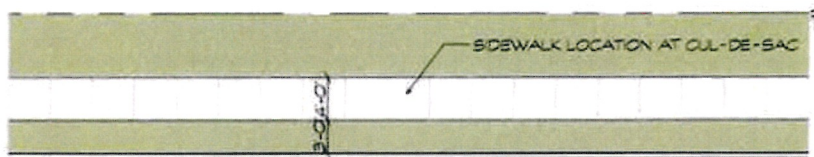
### 1. Sidewalks

**Sidewalks ARE required in The Preserve at Newport.**

Sidewalks are to be constructed by builders within street rights of way (R.O.W.) frontage to all front or side property lines adjoining street R.O.W. The sidewalks shall be four feet (4') in width and shall be located six feet (6') from back of curb when the ROW is 60' in width [Figure 2] and five feet (5') from back of curb when the ROW is 50' in width [Figure not shown]. Sidewalks shall be located three feet (3') from back of curb on all cul-de-sacs [Figure 3].

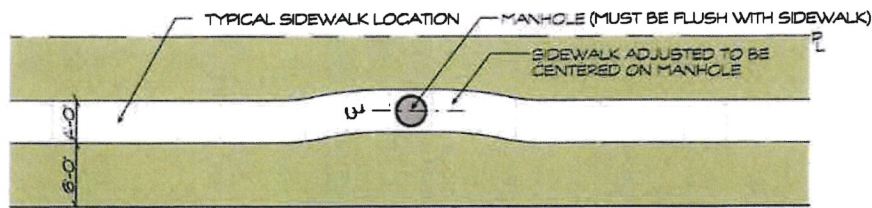


TYPICAL SIDEWALK LOCATION  
Figure 2



SIDEWALK LOCATION AT CUL-DE-SAC  
Figure 3

- a. Construction and location must conform to City and County construction standards and reinforcement provision set forth in the ACC Guidelines. Construction must be a "picture-frame finish" applied to driveway and walkway areas that intersect the sidewalk in order to achieve a continuous look.
- b. Sidewalk shall continue uninterrupted visually through both front walk paving areas and driveways. Sidewalks through driveways shall be five feet (5') wide, maximum 2% cross slope. Sidewalks shall run continuously through front walkways and driveways, with broom finish and trowel border.
- c. Curved sidewalks are permitted only where streets curve, right-of-way width changes or other site factors necessitate. Gentle curve sections only shall be permitted.
- d. Where walkways intersect manholes, the sidewalk should be adjusted such that the manhole is centered in the sidewalk. The elevation of manholes or other objects located within a sidewalk shall be adjusted to maintain a flush surface with the sidewalk. This will typically require the removal and resetting of the manhole ring [Figure 4].



**SIDEWALK LOCATION AT MANHOLE**  
**Figure 4**

**2. Front Walkways**

- a. A walkway from the street curb or driveway to the front door is required and shall be three feet (3') in width with a continuous slope from the edge of the porch to the street and or driveways. The details provided included in these guidelines show options of building the walkway to both the driveway and the curb.
- b. Materials for walkways shall be concrete or decorative brick pavers or natural stone which conform to the materials used on the home and are set in a concrete foundation. Any other accent materials must be approved by ACC.
- c. Any curvilinear elements should be shown on the site plan.

**D. Garage and Driveway Locations**

**1. Garages**

All homes in The Preserve at Newport, must have a minimum two-car garage. Garage door material shall be metal. No wood garage doors will be allowed unless the materials are approved by ACC.

**2. Garage Doors**

- a. The doors may be either seven feet (7') or eight feet (8') in height.
- b. Color, trim and hardware for each garage door is to be identical. Garage door colors that are different than the house shall be reviewed and approved by the ACC.

### 3. Driveways [Figures 6-8]

#### a. Design:

Any new or replaced driveway must be reinforced concrete. Reinforcement of the entire driveway must be equivalent to the Harris County requirements for aprons for residential driveways. Driveways must be 3,000 psi and have #3 rebar for the entire length and width of the driveway or meet the Harris County Requirements for aprons for residential driveways (whichever is greater).

#### b. Curb Conditions:

Where four-inch (4") mountable curbs are utilized, no saw cuts are permitted. Where six-inch (6") barrier curbs are utilized, builder shall saw-cut street and curb and tie in driveway steel in accordance with county standards. **Builder is solely responsible for realigning grade of the gutter flow line in accordance with regulations and shall repair damaged curbs and gutters which cause ponding water ("bird baths") resulting from their construction activities.**

#### c. Alignment

Driveway must be perpendicular to the street with a five-foot (5') radius on driveway apron (unless special consideration is to be taken regarding existing structures, i.e., storm sewer inlets in the curb). The joint will be constructed in conformance with City and/or County requirements.

#### d. Width

Driveway shall be seventeen feet (17') wide at front sidewalk or per the applicable jurisdictional requirements. Any variations are subject to ACC review and approval.

#### e. Materials and Finish

Concrete or other masonry materials (e.g. interlocking pavers, and brick borders) relating to the architecture of the home and other site materials are acceptable; However, materials other than standard concrete must be submitted to the ACC for approval. Picture frame finish is required.

#### f. Dimensions

Typical driveways shall be no more than one foot (1') on either side of a Front Load Garage at the front of the home unless otherwise required per the applicable jurisdiction. This would result in a driveway width no greater than twenty feet (20') at front building line and no closer than three feet (3') to the side lot line.

Builder shall use radii of fifteen feet (15') to transition the driveway from its seventeen-foot (17') width at the right of way line to its full width at the garage.

#### g. Third Car Front Load Garages

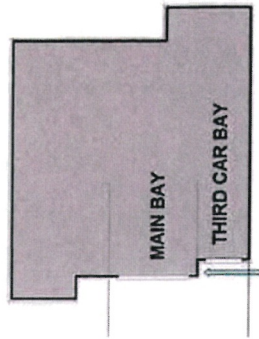
Any Three Car Front Load Garages shall be integral to the overall architecture of the home and appropriately designed for the lot size. Builders are encouraged to set the third car garage back at least three feet (3') from the adjacent Main Bay. **[Figure 5]**.

Driveway is to be seventeen feet (17') wide at front property line. Refer to **[Figures 6-8]** for 3-car garage driveway transition alignment. Any variations are subject to ACC review and approval.

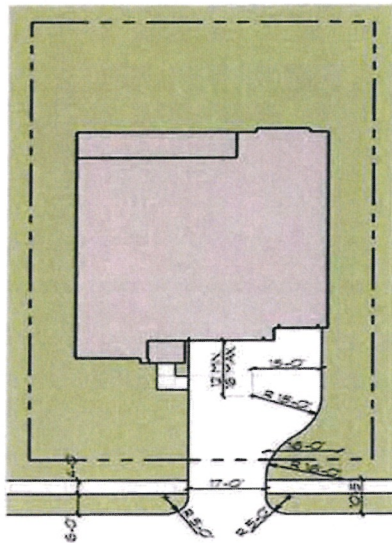
#### h. Circular Drives

Circular Drives are not allowed.

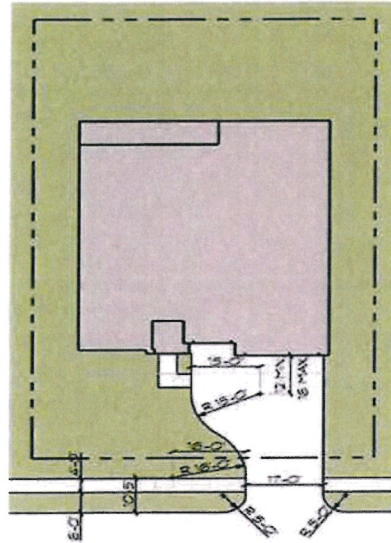




**Figure 5**  
Setback of Third Car Bay from Main Bay  
3'0" Minimum Preferred



**Figure 6**



**Figure 7**

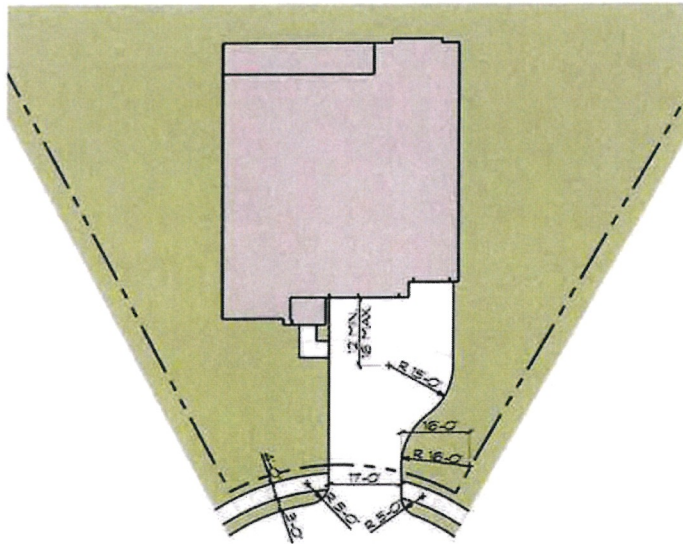


Figure 8

## E. Fences and Gates

### 1. Fencing Guidelines

#### a. Materials and Height:

All wood fences are to be constructed with quality, new wood, consisting of treated pine posts and stringers, with posts on eight-foot (8') centers.

Front Facing Fences & Corner Lots - Capped wood fences will be required on all front facing fences and corner lots. See landscape guidelines for required Ligustrum hedge along corner lot side fence. All fences, adjacent to Streets, Reserves or can be seen from Golf Course will be capped with a six-inch (6") rot board making them 6'-6" tall and stained in a color approved by the ACC.

Fences are typically limited to six feet (6') nominal measurement above natural grade. Builder may be required to construct eight foot (8') high fences where perimeter conditions warrant. Builder will get approval from Developer prior to constructing any fence taller than six feet (6').

#### b. Location:

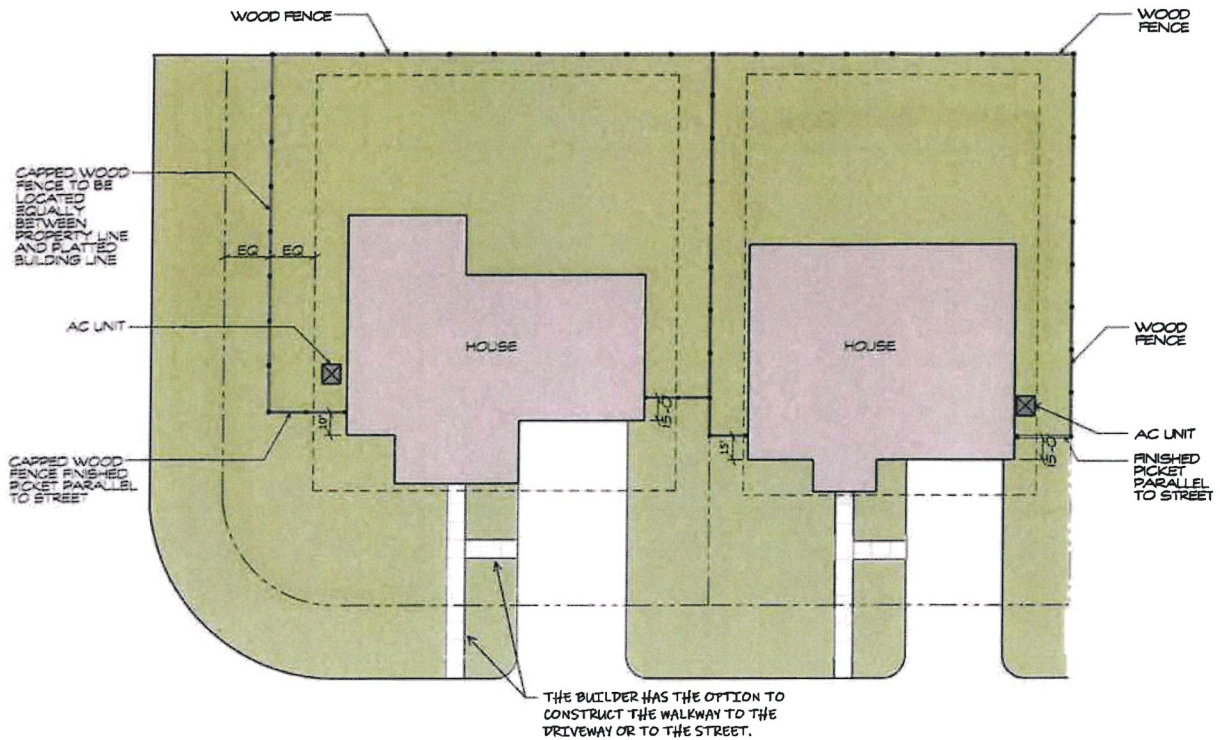
- Interior Lots:

Fence must be set back at least fifteen feet (15') from the front of the home, but no further back than the mid-point of the home. The intent of the construction is to screen the air conditioning units, but still provide access to public utility meters and services. Capped wood fence is required with fences facing the public view, to include fencing between adjoining Front Facing Fences (between homes). A "good neighbor" fence policy is required for all privately viewed conditions. Alternating sections are to occur at regular fence post intervals only, so that an entire panel is dedicated to one lot and the following panel is dedicated to the adjacent lot and so forth. In this manner, both lots receive approximately the same exposure to finished sides of a picket fence structure.

- Corner Lots (where lot is immediately adjacent to a side street):

Fence must be located halfway between the property line and the building line. For example, if a corner lot building line is ten feet (10'), the fence must be located five feet (5') within the property, not on the property line. No variance will be granted for violating this provision.

The fence perpendicular to the side street (parallel to the front street) may be set back as necessary to provide for access to public utility meters but must be far enough forward to screen the air conditioning units. The finished, or "picket" side of the fence must face the side street and will be capped. However, the fence cannot be set back any more than ten feet (10') from the front of the home.



FENCE LOCATIONS

Figure 9

c. Special Conditions:

**The finished side of a fence should always face the exterior or public side. Any exposures to public roads, greenbelts, drainage channels, or detention basins will be considered public view.**

Where residential lots are located adjacent to either a commercial, institutional, or other more public use, the finished side of a fence should always face the non-residential use.

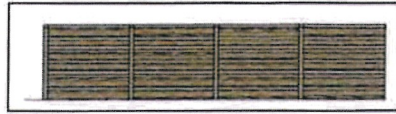
d. Fence Stain:

Only non-pigmented stains are allowed on wood fences. ACC reserves the right to review this clause on a case-by-cases basis, where special conditions exist due to development installation of common area stained fence.

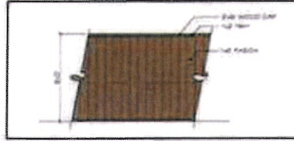


e. Types of Fence:

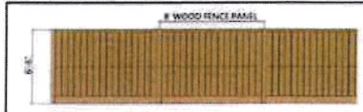
**Concrete Fence Six foot (6') high (Community Association maintenance responsibility)**



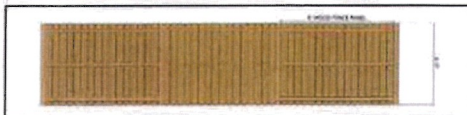
**Capped Wood Fence Six foot (6') high - capped wood fences will be required on corner lots. Capped wood fences shall have three (3) stringers, with a two inch (2") by six inch (6") cap, one inch (1") by six inch (6") fascia and one inch (1") by two inch (2") trim affixed to the top stringer. (Homeowner/Property Owner Maintenance Responsibility)**



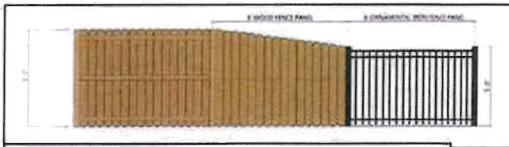
**Capped Wood Fence Six foot (6'-6") high - capped wood fences will be required on corner lots. Capped wood fences shall have three (3) stringers, with a two inch (2") by six inch (6") cap, one inch (1") by six inch (6") fascia and one inch (1") by two inch (2") trim affixed to the top stringer. A 6" x 12" "Rot" board will also be constructed at the bottom of the fence section. (Community Association Maintenance Responsibility)**



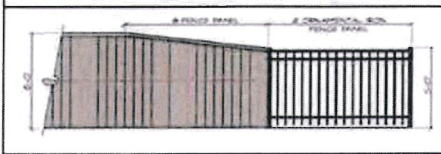
**Interior Lot/Good Neighbor Fencing - Good Neighbor Fence shall have three (3) stringers. Alternating panels of good side pickets. The top stringer shall be sixteen feet (16') to prevent sagging. Pickets to be No. 2 grade one inch (1") by six inch (6") cedar. No other materials are acceptable. (Homeowner/Property Owner Maintenance Responsibility)**



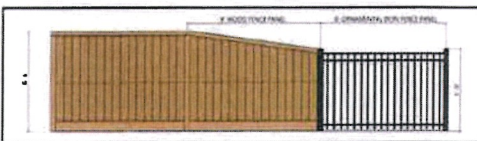
**Interior Lot Wood Fence Transition to Ornamental Iron Fence panel sections. The second to last panel section from the rear lot will be the "eight-foot transition panel". The transition panel will consist of Good Neighbor fencing and will drop from six feet (6') to five feet (5') in eight feet (8'). The last panel section will be ornamental iron. The ornamental iron section will be eight feet (8') long and five foot (5') tall. This panel section will match the height of the rear lot ornamental iron fencing. (Homeowner/Property Owner Maintenance Responsibility)**



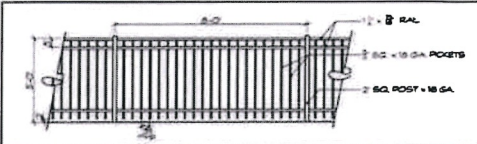
**Side Lot Capped Wood Fence Transition to Ornamental Iron Fence panel sections. The second to last panel section from the rear lot will be the "eight foot transition panel". The transition panel will consist of six foot (6') tall capped wood fencing and will drop from six feet (6') to five feet (5') in eight feet (8'). The last panel section will be ornamental iron. The section will be eight feet (8') long and five foot (5') tall. This panel section will match the height of the rear lot ornamental iron fencing. (Homeowner/Property Owner Maintenance Responsibility)**



**Side Lot Capped Wood Fence Transition to Ornamental Iron Fence panel sections. The second to last panel section from the rear lot will be the "eight foot transition panel". The transition panel will consist of six foot six inch (6'-6") tall capped wood fencing and will drop from six feet six inch (6'-6") to five feet (5') in eight feet (8'). The last panel section will be ornamental iron. The section will be eight feet (8') long and five foot (5') tall. A 6" x 12" "Rot" board will also be constructed at the bottom of the fence section. This panel section will match the height of the rear lot ornamental iron fencing. (Community Association Maintenance Responsibility)**

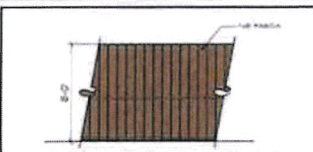


**Rear Lot Amenity Fencing - Five foot (5') high ornamental iron fence (Homeowner/Property Owner Maintenance Responsibility)**

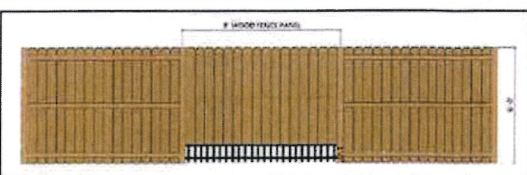


**Standard Wood Fence**

Six foot (6') Standard Wood Fence (Good Side Out-Toward Public View) - Standard Fence shall have three (3) stringers. The top stringer shall be sixteen feet (16') to prevent sagging. Pickets to be No. 2 grade one inch (1") by six inch (6") cedar. No other materials are acceptable. (Homeowner/Property Owner Maintenance Responsibility)



**Non-Standard/Extreme Event Fence - Non-Standard Fencing will be installed by the developer, but will be the responsibility of the property. The Non-Standard Fencing is described as a wood fence that is a total of eight foot (8') tall. The fence shall have three stringers, with seven foot (7') fence pickets, a two inch (2") by twelve inch (12") kickboard, and a twelve inch (12") tall ornamental iron section which replaces the kickboard every third fence panel section. (Homeowner/Property Owner Maintenance Responsibility)**



2. Gates

- a. Gates shall be constructed with the same materials and quality as the adjoining fence.
- b. Pedestrian gates may not exceed forty-two inches (42") in width.
- c. Where wood fence conditions exist, no gates will be allowed to open to a public or private area other than the front yard of the home.
- d. No gates are allowed in any fence adjacent to the golf course.

**F. Landscaping**

All lots developed within Preserve at Newport; will be required to follow the following landscape requirements.

1. Street Trees : No street trees are required in the Preserve at Newport.

2. Yard Trees

At least one (1) Yard Trees will be required for each home. Placement of trees on Lots is illustrated on [Figure 10]. Yard Trees are to be planted in the front yard at least ten feet (10') apart and at least ten feet (10') behind Street Trees.

3. Other Shrubs and Hedges

In addition to Yard Trees, Foundation Shrubs are required against the home in what is called a Front Yard Landscape Bed [Figure 11].

4. Grass Coverage

All front yards shall be solid sod with St. Augustine grass.

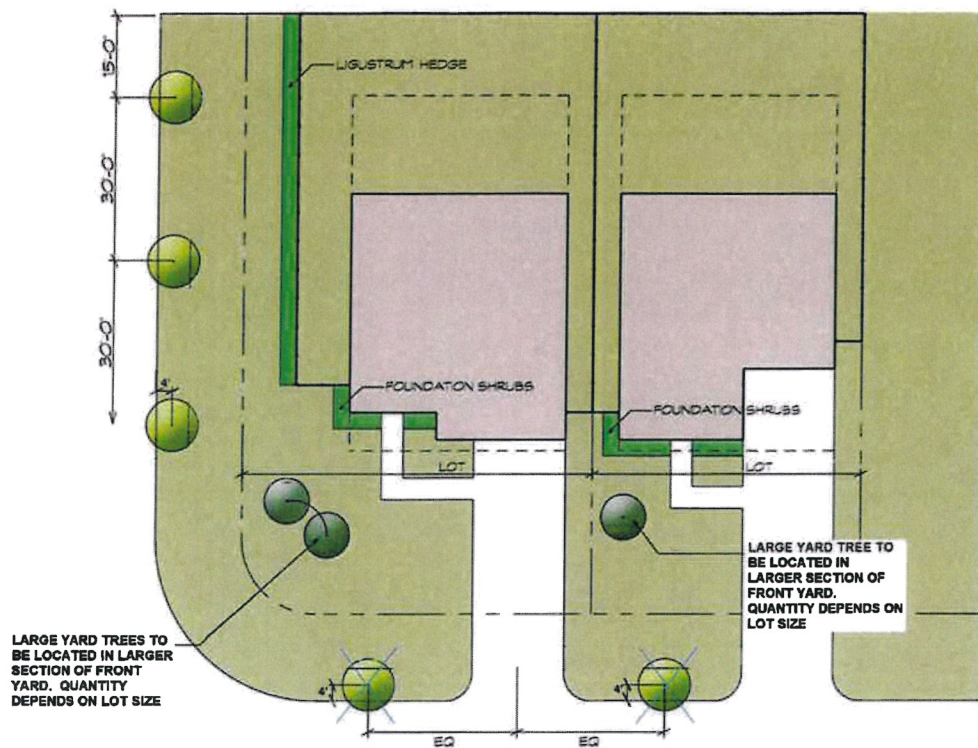
5. Alternate Landscape Plans

Any proposed deviation from the landscape requirements (on a lot-by-lot basis) must be submitted to the ACC for review.

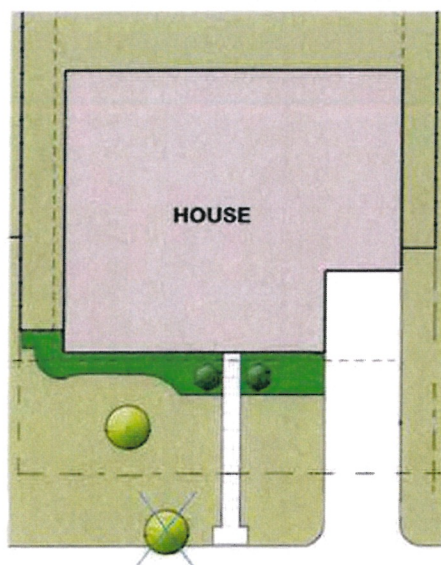
6. Backyard Landscaping

No specific requirements are set forth for backyard landscaping unless the backyard is exposed to public view. Builder shall landscape the backyards of all lots with lake exposure to a level appropriate with the home. In the case where backyards are exposed to public views, foundation shrubs (at a minimum) should be installed along the back of the home.





**STREET AND YARD TREES (See Figure 12 for specific number of trees)**  
**Figure 10**



**Front Yard Landscape Bed (See Figure 12 for specific number of Trees)**  
**Figure 11**

## 7. Number and Types of Trees, Shrubs, Plants

The number of required street trees, yard trees, accent trees, shrubs, and plants are shown in [Figure 12]. Acceptable types of trees, shrubs, and plants are listed in [Figure 13].

### TREES

Street Trees 65 Gallon Min. 3-Inch Caliper Live Oak Minimum Height 10'-12' Minimum Spread 5'-6'	Yard Trees 65 Gallon Min. 3-Inch Caliper Approved Plant List Minimum Height 10'-12' Minimum Spread 5'-6'	Vertical Accent Trees 15 Gallon Min. Approved Plant List	Evergreen/Foundation Shrubs 5 Gallon Min. Approved Plant List	Flowering Shrubs 5 Gallon Min. Approved Plant List	Small Ground Cover 1 Gallon Min. Approved Plant List
<b>Interior Lot - Front Yard</b>					
One	One	One	Ten	Ten	Fifteen
<b>Corner Lot - Front Yard</b>					
One Front and Three Side	One	One	Ten	Ten	Fifteen
<b>Non Standard (Cul De Sac Bulb) Lot - Front Yard</b>					
Zero	One	One	Ten	Ten	Fifteen

Number of Trees, Shrubs, Plants by Lot Type  
**Figure 12**

Street Trees	Yard Trees	Ornamental/Vertical Accent Tree	Evergreen/Foundation Shrubs	Flowering Shrubs	Small Ground Cover
65-Gal. +3" Cal. Min.	65-Gal. +3" Cal. Min.	15-Gal. Min.	5-Gal. Min.	5-Gal. Min.	1 & 2 Gal.
Live Oak	Bald Cypress	Bottlebrush Tree	Boxwood	Butterfly Bush	Asian Jasmine
	Burr Oak	Crape Myrtle	Cleyera	Camelia	Bulbine
	Live Oak	Holly spp.	Coppertone Loquat	Esperanza	Hamelin Grass
	Magnolia Tree	Little Gem Magnolia	Ligustrum	Fox Tail Fern	Lantana
	Mexican Sycamore	Mexican Plum	Loropetalum	Indian Hawthorne	Mexican Feather Grass
	Red Maple	Texas Mountain Laurel	Pittosporum	Iris	Mondo Grass
	Red Oak		Upright Rosemary	Knock-out Rose	Seasonal Color
	River Birch			Mixican Bush Sage	Wedelia
	Shumard Oak			Plumbago	Weeping Rosemary
	Water Oak			Verigated Ginger	

Approved Plant Lists  
**Figure 13**

## G. Lot Drainage

1. Unless otherwise approved in writing from the ACC, all drainage must follow the agency approved Drainage Plan for the subdivision.
2. When a home structure is in place on a given lot, positive drainage is to be directed away from the home structure.
3. Drainage runoff onto adjoining properties is acceptable if the natural contours dictate it. No lot can restrict the natural sheet flow drainage from another lot.
4. In the event the lots do not drain after the installation of swales, area drains may be required.

## H. Site Maintenance during Construction

General Maintenance – Each lot shall be maintained in a neat, clean orderly condition by the builder during construction and until the home is closed. Building debris must be removed from each lot by the builder as often as necessary to maintain attractiveness of the construction site. Debris may not be dumped in any area of the development unless a specific location for such a purpose is approved in writing by the ARA. Each builder will maintain their own concrete washout during the period that homes are under construction. The builder must use best management practices to minimize silt from flowing into the streets. The builder



will construct and maintain a "fenced" area within the boundaries of each lot to be used as a trash receptacle. The "fenced" area can be constructed with orange construction fencing.

Builder shall, at all times, be in substantial compliance with the Texas Commission on Environmental (TCEQ) General Permit TXR150000 (or any amendments or revisions) for Storm Water Discharges from Construction Activities, and any requirements relating thereto adopted by any governmental authority having jurisdiction over the lots within the Subdivision and Community. Such compliance shall include, but is not limited to, filing a Notice of Intent ("NOI") with the TCEQ, developing and implementing a Storm Water Pollution Prevention Plan ("SWPPP"), and implementing and maintaining Best Management Practices ("BMP's") dictated by its SWPPP. Builder is responsible for all fines and actions attributable to its failure to comply with these provisions and for any damage caused by builder or builder's contractors to the storm water pollution prevention BMP's installed by developer pursuant to developer's SWPPP.

#### **I. Construction Parking**

All home construction trade partners and material delivery trucks shall park on one side of the street. This side will be the even numbered address side. This requirement must be strictly enforced during home construction.

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### **III. Architectural Design and Materials**

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#### **A. Massing of Home/Scale/Proportions**

The massing of a home should be reasonably scaled to the street and the surrounding homes. Homes should have massing variations and avoid the "straight box" design.

#### **B. Exterior Elevations and Materials**

##### **1. Exterior Elevations**

Exterior elevations shall include a variety of major and minor architectural features. Major architectural features include but are not limited to roof pitch or style (i.e. hip, gable), porches, dormers, entry portico, and window bay. Minor architectural features include but are not limited to window style (i.e. flat or arched), shutters and decorative detail (i.e. gable inset). To be considered distinct from a similar elevation, an elevation shall include two (2) major architectural differences and two (2) minor architectural differences.

Hip style roof elevations are not permitted in Preserve at Newport.

Flat, blank elevations on any side shall not be allowed. Windows must occur on all street facing elevations of homes (excluding patio homes or zero-lot-line homes).

##### **2. Repetition of Elevation (See Figures Below)**

Elevations in production home portfolios should: avoid monotony, maintain continuity of scale and character, avoid the negative "look-alike" effect of frequent repetition and allow sufficient latitude for the builder in satisfying market demand. Patio homes may have specific criteria. Builders must conform to the following:

- a. **Plan repeat with the same front elevation design.** Every third consecutive lot means at least two other homes must occur between the next repeated same front elevation. Differ brick and trim color of repeated elevation. Patio home brick and trim color may be consistent. Any lots whose projected side lot lines overlap from opposite sides of the street shall not be included in the separation counting. Counting shall commence with the adjacent lot whose projected side lot line does not

overlap the starting lot in question. The same plan with the same front elevation may not be built on corner lots back to back. Even if spacing requirements are achieved, the plan and/or elevation may be disapproved by the ACC. The ACC reserves the right to adjust the lot spacing requirements at any time, including, but not limited to direct line of sight, no direct line of sight and around corners.

- b. **Plan repeat with different front elevation.** Every second consecutive lot means at least one other home must occur between the next repeated floor plan with a different front elevation design. Differ brick and trim color. Patio home brick and trim color may be consistent. Any lots whose projected side lot lines overlap from opposite sides of the street shall not be included in the separation counting. Counting shall commence with the adjacent lot whose projected side lot line does not overlap the starting lot in question. Even if spacing requirements are achieved, the plan and/or elevation may be disapproved by the ACC. The ACC reserves the right to adjust the lot spacing requirements at any time, including, but not limited to direct line of sight, no direct line of sight and around corners.

The ACC reserves the right to reject an elevation that closely resembles that of a nearby home or in any way detracts from the overall street scene. Additionally, identical brick color and type, and siding color, are prohibited on homes that are adjacent to one another. A custom home may not be repeated within any given section.

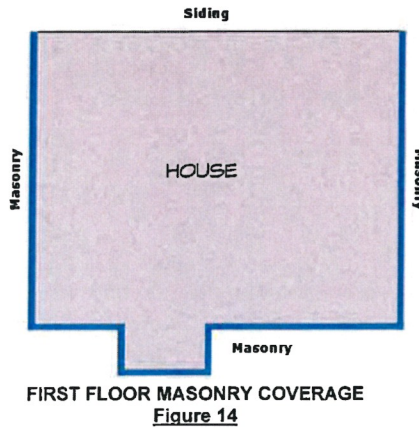
### 3. Exterior Materials

The first floor is defined as below the home's first floor plate. Masonry is defined as brick, stone or stucco. No more than three exterior wall materials are allowed excluding roofing and trim. The following items qualify as exterior materials.

- a. **Brick:** Brick shall be hard-fired and have an overall appearance of relative evenness in color and texture. Painted brick may be permitted where deemed appropriate by the ACC for a particular architectural style.
- b. **Siding:** Where siding is used, it shall be fiber-cement, horizontal lap siding, eight-inch (8") exposure (*Hardiplank® Select Cedar Mill* or equivalent). Hardiplank or equivalent is not considered masonry.
- c. **Trim:** All trim shall be smooth/semi-smooth, high quality finish grade stock wood or fiber-cement (*Harditrim® Select Cedar Mill, Harditrim® Smooth*, or similar cementous fiber material.).
- d. **Stucco:** Stucco is permitted if appropriate to the style of architecture and if approved by the ACC. Hardie brand Stucco board is allowed on the front elevation above the first floor and it is not considered masonry.
- e. **Stone:** Stone veneer may be natural cut stone or manufactured stone veneer such as *Cultured Stone®*.
- f. **Synthetic Materials:** materials such as metal siding, vinyl siding, and other materials which have the appearance of wood, or stone may be used as accents, but must be reviewed by the ACC to ensure a quality appearance.
- g. **Material Changes:** Changes to exterior wall material should have a logical relationship to the massing of the home. Material changes on a common wall plane that occur along a vertical line should be avoided wherever possible.
- h. **Awnings:** Awnings over entrances or windows are prohibited.

#### 4. Masonry Coverage

- a. All Home Sites in The Preserve at Newport shall have, at a minimum, the front and both sides of the first floor of the home must be all Masonry (i.e. "three-sided"). **[Figure 14]**



#### C. Windows

If shutters are incorporated as part of the design, they should be appropriately scaled to relate to the window opening and appear authentic. They must also always occur in pairs. The shutter color must harmonize with the other colors on the home. Where shutters are used on a home located on a corner lot, they should occur on the side street elevation as well as the front. Reflective glass is prohibited.

#### D. Roof Treatment and Overhangs

##### 1. Material

25-year warranty, three-dimensional composition asphalt shingles unless otherwise approved by the ACC. All shingles must be either charcoal or weatherwood color and shall be the same color throughout for a given builder. Metal Standing Seam roofing may be used as an accent element.



## 2. Form

- a. The form and massing of the roof should have a logical relationship to the style and massing of the home. All roof pitches (with sole exception being porches as mentioned below) must be a minimum of 8 on 12. The ACC reserves the right to consider and approve roof pitch elevations that are 7 on 12 for two-story homes.
- b. Fascia depths should be in scale with the mass of the elevation, but the face of the fascia board must be at least six inches (6") (nominal) in size.
- c. Porch roof pitches shall not be less than 3 on 12 unless otherwise approved by the ACC.

## E. Chimneys

If chimneys protrude from an elevation and are located on the front elevation, the side-street side elevation of a corner lot or the rear elevation on a lake, or greenbelt lot, the chimney must be brick, stone or stucco, in conformance with the architecture. Prefabricated metal flues should be clad in approved materials to create the image of a traditional masonry chimney. The use of wood or fiber-cement siding is not allowed at these locations.

If a chimney is interior to the roof (not on an external elevation) or at the rear or non-corner side of a home, it must be constructed of materials that match the architectural style and color of the home. Acceptable materials include masonry, brick, stucco, wood or fiber-cement siding.

## F. Address Identification

### 1. Visibility

The address number must be visible from the street. The scale of the address number may vary according to the scale of the house; however, the plate may be no larger than six inches (6") in height.

### 2. Location

The number for address identification should be inset into the brick either next to the front door or on the front of the home. Internally lit address numbers are not permitted. Height shall be a minimum of six feet (6') with a maximum of nine feet (9') from the driveway elevation.

## G. Lighting

The type, color, and quality of exterior lighting for the site and home must be consistent with other lighting on the property and in the neighborhood. No high-wattage, commercial/industrial-type fixtures, mercury vapor, or sodium-vapor light sources are allowed in any location.

### 1. Floodlighting

Floodlighting fixtures must be attached to the home or other architectural structure and must not illuminate adjacent public or private properties. Lights must be directed downward and shielded to avoid "hot" glare spot visible by neighbors. Fixture and shield color should be compatible with the building. Conduits and wiring must be concealed.

### 2. Exterior Lighting Fixtures

All exterior light fixtures visible from the street or other public areas must be of an understated design that complements the architectural style of the residence.

## H. Screening

Fences, walls and landscaping are acceptable screening materials. All wood fences must be constructed in accordance with these Builder Guidelines

#### A/C Equipment & Home Generators

On corner lots, side-lot A/C compressors and/or home generators must be enclosed behind the side lot fence. On interior lots, A/C compressors and/or home generators may be enclosed in the side lot fence or screened from public view by landscape materials.

### **I. Exterior Colors**

Color variety among homes is required. The ACC shall determine whether near or adjacent homes' brick or trim colors are too similar to allow. No more than three colors (plus brick or stone color) shall be permitted. Trim color and field color must vary.

#### **1. Paint**

Exterior paints and stains shall complement colors of other materials. Siding and trim should generally stay within the earth tone color family. Soft, muted earth tone pastel colors are acceptable. A paint color may be repeated every second home (with 1 between) including same and opposite side of street.

#### **2. Brick**

Acceptable brick colors are in the earth tone color family. Very dark colored brick is discouraged. No one brick color should dominate a particular street scene. Variety in brick color is strongly encouraged. A brick color may be repeated every second home (with 1 between) including same and opposite side of street.

#### **3. Stone Veneer**

Stone Veneer shall be natural limestone or manufactured stone of similar color other regional stone color deemed appropriate with the project character as approved by the ACC.

### **J. Security Devices**

Security and/or burglar bars on the exterior of homes are prohibited unless specifically approved by the ACC prior to installation.

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## **IV. MODEL HOMES/MODEL HOME PARK**

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### **A. Model Home Layout**

#### **1. Modifications**

Realizing that model homes will function as sales offices, modifications to the finished product that would actually be sold is expected. However, Builders are expected to emulate as closely as possible the end product that a consumer can expect to receive.

Before sale by the builder, all modifications (e.g., front yard fencing, atrium doors in lieu of overhead garage doors, floodlights, etc.) must be removed and the unit restored to its standard appearance.

#### **2. Yard Lights**

Each model should have, unless otherwise specified by the ACC, yard lights installed that will illuminate the model homes during the period from dusk to 10:00 p.m. The builder may employ other types of illumination upon approval of the ACC.

3. Fencing

Fencing on sales models shall follow common procedure as the rest of the community and be in accordance with the furnished fence plan for the specific section that is applicable to the model.

4. Flag Poles

A maximum of two (2) flagpoles per model home site, per builder will be allowed to display a U.S. flag, a Texas flag, or builder flag.

The flagpole should be one-piece construction of brushed anodized aluminum not to exceed thirty-five feet (35') in height. The pole should be capable of withstanding local wind velocities.

The length of the flag should be approximately one fourth (1/4) the height of the pole on which it is mounted. Building-mounted flagpoles are not permitted. Flags and/or poles must be replaced when they become faded or worn. Flagpoles must be removed after sale of model home.

**B. Maintenance: Model Home Exteriors and Landscaping**

1. Model Homes Exterior

Exterior of model homes should be kept in a new and fresh condition. Doors, siding, and trim are to be kept clean and painted when necessary. If, in the opinion of the ACC, areas of a model home require refurbishing, the ACC will give the respective builder two (2) weeks of notice in writing in which to correct the deficiencies.

2. Landscaping

The front and rear yards of all model homes are to be landscaped including fully sodded yards and foundation plant material. Model homes shall be allowed to install small water ponds, waterfalls, etc. which shall be removed at the time the model home is converted to a residential home.

**C. Model Home/Builder Signage**

One (1) yard sign per lot is allowed for the purpose of advertising a particular homebuilder name or to advertise the property for sale or rent. No additional sign, advertisement, billboard, or advertising structure of any kind shall be displayed to public view on any lot.

Builders will be allowed one (1) yard sign per builder, per model park. The sign may be a maximum of thirty-two square feet (32-sq. ft.) in area. Base landscaping is required. The sign will be allowed for a period commensurate with the model homes sales program only. Model identification signs may not exceed three (3) square feet. In addition, one (1) sign no larger than three (3) square feet may be used to indicate whether a model home is open/closed and the hours of operation only. This sign must be close to the front door.

*The ACC has the right to remove any sign, advertisement, billboard, or advertising structure which is in violation of these guidelines.*