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DOC #2022068820

ADOPTION OF HARPER'S PRESERVE WEST VILLAGE ARCHITECTURAL GUIDELINES (Residential Planning and Design Standards)

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF MONTGOMERY §

This Adoption of Harper's Preserve West Village Architectural Guidelines (Residential Planning and Design Standards) is dated this 27th day of May, 2022, and adopted by **242, LLC**, a Texas limited liability company (the "Declarant").

RECITALS:

WHEREAS, that certain First Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Harper's Preserve was recorded in the Official Public Records of Montgomery County, Texas, under Clerk's File Number 2011011454 on February 8, 2011 (as supplemented and amended, the "Declaration"); and

WHEREAS, Article XI, Section 11.10.1 of the Declaration provides that during the Development Period (as defined in the Declaration and herein so called), Declarant reserves the sole and exclusive right, without joinder or consent of, and without notice of any kind to, any owner or other person, to amend, modify, revise or repeal, from time to time and at any time, the Declaration and any other Governing Documents (as defined in the Declaration and herein so called); and

WHEREAS, Article II, Section 2.19 of the Declaration provides that Governing Documents include Architectural Guidelines (as defined in the Declaration); and

WHEREAS, the Association previously adopted those certain Harper's Preserve West Village Architectural Guidelines (Residential Planning and Design Standards) which were recorded as an attachment to that certain President's Certificate executed by Harper's Preserve Community Association, Inc. on October 8, 2021, and recorded in the Official Public Records of Montgomery County, Texas, on October 12, 2021, under Clerk's File Number 2021141922, and which were amended, restated, and replaced pursuant to those certain Harper's Preserve West Village Architectural Guidelines (Residential Planning and Design Standards) which were recorded as an attachment to that certain Adoption of Harper's Preserve West Village Architectural Guidelines (Residential Planning and Design Standards) executed by the Declarant on December 8, 2021, and recorded in the Official Public Records of Montgomery County, Texas, on December 17, 2021, under Clerk's File Number 2021173294 (the "Previous West Village Architectural Guidelines"); and

WHEREAS, the Development Period has not expired; and

WHEREAS, the Declarant desires to amend, restate and replace the Previous West Village Architectural Guidelines with the Harper's Preserve West Village Architectural Guidelines (Residential Planning and Design Standards) which are attached hereto (the "Updated West Village Architectural Guidelines").

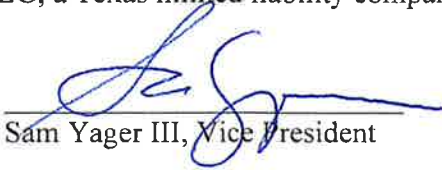
NOW, THEREFORE, the Declarant hereby amends, restates and replaces the Previous West Village Architectural Guidelines with the Updated West Village Architectural Guidelines. The Updated West Village Architectural Guidelines shall take the place of and replace the Previous West Village Architectural Guidelines.

EXECUTED as of the date first set forth above.

It is expressly agreed and understood that the individual executing this document on behalf of Declarant is acting in his representative capacity only and solely as a representative of the Declarant and any liability resulting hereunder based upon the actions of such individual, including but not limited to, the breach of any warranty, covenant, representation and/or provision contained herein, if any, shall be that of the Declarant and not that of such individual.

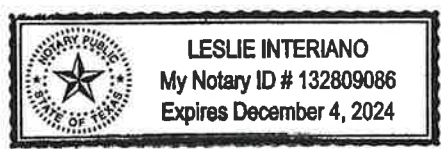
DECLARANT:


242, LLC, a Texas limited liability company

By: 
Sam Yager III, Vice President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 27TH day of May, 2022, by Sam Yager III, the Vice President of 242, LLC, a Texas limited company, on behalf of said entity.




Notary Public

AFTER RECORDING, RETURN TO:

Mark K. Knop
Hoover Slovacek LLP
5051 Westheimer, Suite 1200
Houston, Texas 77056



HARPER'S  PRESERVE

WEST VILLAGE

ARCHITECTURAL GUIDELINES

Residential Planning and Design Standards

Recorded under Montgomery County Clerks File No. 2022068820

NOTE: This document is intended to be viewed in **full color**. To request a color copy, please contact the Association

VERSION: 05262022

www.HarpersPreserve.com

These governing documents may be subject to change, amendment, and/or supplement from time to time and without advance notice. It is the obligation of the recipient of this information to ensure that they obtain the most recent version, amendment, supplement and/or revision of this information prior to use for any purpose. This information has been posted as a courtesy without representation or warranty of any kind (express or implied) by any party for any purpose.

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I. GENERAL INFORMATION

Philosophy

It is the intention of the Developer to create a community where residents can live with the pride of knowing that Harper's Preserve is unique. The concept of Harper's Preserve will be protected and enhanced through thoughtful planning, creative but simple architecture and dedicated management. The cooperation of each resident is required for Harper's Preserve to meet its goals.

Harper's Preserve is a unique residential community in that it has been planned and developed to celebrate the special wildlife habitat conservation area at the heart of Harper's Preserve. This natural asset has been amplified through the thoughtful land planning and careful attention to details in the design of aspects of Harper's Preserve. Due to specific site conditions, some areas of the Community will be heavily wooded while others will be less so and others subject to reforestation criteria. The different areas of the community will be visually unified through the application of specific landscape and/or tree preservation and reforestation guidelines.

Harper's Preserve is unique in the Houston area due to a combination of topographic relief and generous allotment of open space. The abundance of open space and creative village designs allow for the promotion of certain virtues including environmental sensitivity, family togetherness, neighborliness, respect for the land, and the appreciation of small town simplicity and functionality. These values are reflected in the composition of the community structure, landscape, and architectural character.

Homes should have simple geometry and restrained details. Landscaping should be simple with materials that are native & or drought tolerant species when possible.

In addition to these primary requirements, the Architectural Guidelines for the Harper's Preserve West Village that follow should be considered in the development of each homesite. During the design process for a homesite, (structures, landscaping, etc.) the Declaration of Covenants, Conditions, Restrictions and Easements ("Covenants") must be adhered to in conjunction with these Architectural Guidelines. As stated in the Covenants (also known as the "Declaration") for Harper's Preserve, the New Construction Committee ("NCC") shall have jurisdiction over all new construction (original home construction) activities on the lots within Harper's Preserve. These Architectural Guidelines may be revised from time to time by the Harper's Preserve Community Association ("HPCA").

Variances to any of these Guidelines may be granted by the Architectural Control Committee ("ACC") on a case by case basis. For subsequent exterior construction by either a Builder or homeowner, plans shall be submitted to and approved by the Residential Modifications Committee ("RMC") pursuant to the policies and procedures provided for elsewhere herein.

No prior notice of any kind to any Owner need be given as to adoption or amendment of the Architectural Guidelines. It is each Owner's responsibility to review and verify the most current requirements under the Architectural Guidelines. Owners may contact the Community Manager should there be any questions.

A Neighborhood Plan of Harper's Preserve West Village is shown in **Exhibit A**.

Methods

The Architectural Guidelines and Covenants have been designed to carry forward Harper's Preserve design philosophy while enhancing quality of life and taken together constitutes the Governing Standards. For example, the goal of preserving and enhancing the natural environment will be implemented through the design standards criteria for mixed-use development areas by the designation of street trees and/or forest preserves along roadways, building and parking setbacks, landscaping along or within parking lots, clearance/coverage ratios, the requirement for tree clearing plans and clearing permits, and fencing to protect vegetation during construction.

The Governing Standards pertain to all uses including office, retail, warehouse-distribution, church, schools, recreational, medical, institutional and apartment development as well as other community uses in areas subject to Covenants. Separate Design Standards will pertain to multi family, townhouses & condominiums.

Purpose of Standards

The purpose of the Architectural Guidelines is:

1. To assist the Owner and design team in achieving the desired level of site development; and

2. To assist the Owner in expediting the architectural review of plans by the appropriate entity by letting the Owner know at an early stage what information is required for the review.
3. To enhance the aesthetics and provide for an orderly development of Harper's Preserve

Design and Review Authority

A. The Covenants

The First Amended and Restated Declaration of Covenants, Conditions, Restrictions, and Easements for Harper's Preserve (recorded in the Real Property Records of Montgomery County, Texas under 2011011454) and its Amendments ("Covenants" also known as the "Declaration") are legally binding upon the developed land, landowners, and residents in Harper's Preserve. The Covenants cover the developed property in Harper's Preserve, and they may vary somewhat from one location to another.

The Covenants establish an Association(s) to administer and enforce the Covenants within the area covered by those Covenants, and "Committees" to adopt and enforce building and use standards adopted by the Committee. The Covenants provide that every improvement must be approved by the Committee prior to construction and comply with the applicable set of Covenants and Standards adopted under the authority of these Covenants. Additional Covenants may be recorded in the future and additional property may be subjected to the Covenants in the future.

B. The Adoption of Guidelines and Variances

For information about the adoption of the Guidelines (and amendments hereto) and variance powers of the Committees, see section 4.02 of the Covenants.

C. The Associations

Harper's Preserve Community Association, Inc. ("HPCA") is a nonprofit corporation established by the Covenants governing specific geographic areas in Harper's Preserve. There may be additional associations formed in the future and established pursuant to additional recorded covenants which may adopt these P&D Standards. The Associations enforce the Covenants and provide many of the available services to residents and Owners in Harper's Preserve within their specific areas.

D. The Committee(s)

The HPCA appoints members who are authorized by the Covenants to adopt and enforce standards governing property use and maintenance requirements, and improvements, additions, and modifications to property within the area governed by that Association.

The design review entity or Committee(s) for Harper's Preserve is as follows:

HPCA Architectural Control Committee ("ACC")

HPCA New Construction Committee ("NCC")

HPCA Residential Modifications Committee ("RMC")

The ACC may choose to act in the capacity as both the NCC and RMC rather than to appoint separate Executive Committees. There may be additional committees formed in the future for new associations particularly for the mixed-use development planned along portions of SH 242.

E. Building Code

The Committees have adopted the following codes:

Residential Buildings: International Residential Building Codes, 2000 Edition, with current amendments ("IRBC") ("Building Code")

Commercial Buildings: International Commercial Building Codes, (ICBC) 2003 Edition, with current amendments, the National Electrical Code, 2000, International Plumbing Code, 2000 Edition, with current amendments, International Mechanical Code, 2000 Edition, with current amendments.

The HPCA has also adopted the latest edition of the Montgomery County Fire Code ("Fire Code"). All buildings must be designed in accordance with the Codes and all other applicable codes, regulations and ordinances of any other governmental entity having jurisdiction over the Property.

1. In the event of a conflict between Codes, the more stringent requirement will apply.
2. In the event of a conflict between the Codes and the Standards, the more stringent shall apply.
3. In the event of a conflict between the Standards and the Covenants, the more stringent shall apply.

F. Initial Land Use Designation

The Covenants establish permissible land uses and may set minimum and maximum building sizes and other constraints. Land uses and other site specific limitations may also be specified in land conveyance instruments.

G. Local, State, and Federal Law ("Regulatory Approvals")

In addition to city, county, state and federal laws, Municipal Utility Districts (MUD), Water Control and Improvement Districts ("WCID"), and/or other special purpose districts and regulations may apply to an improvement or project.

H. Plat

Subdivision Plats, Re-Plats, Partial Re-Plats, Amending Plats (or maps of land divisions within an area) recorded in the Plat Records of Montgomery County, Texas, show individual lots, property lines, minimum building setback lines, utility and other easements, street access limitations and other requirements.

Project Contact Information

Community Manager
Harper's Preserve ACC
Lead Association Management
281-624-4234
www.lead-inc.com

MCMUD 95 Operator
Municipal Operations & Consulting, Inc.
312 Spring Hill Dr., Suite 100
Spring, TX 77386
PH: 281-367-5511

Disclaimer

Neither Declarant nor members of the HPCA, ACC, NCC and RMC nor its representative, their successors or assigns, shall be liable in damages to anyone for any actions or failure to act in connection with any approval, conditional approval, or disapproval of any application for approval or request for variance, including without limitation, mistakes in judgment, negligence, malfeasance, or nonfeasance. Every person or entity who submits plans to the HPCA, ACC, NCC and/or RMC for approval agrees, by acquiring title thereto or interest therein, that he will not bring any action or suit against Declarant, the members of the HPCA, ACC, NCC and RMC, or its representatives, to recover any damages.

II. SUBMISSION AND PLAN REVIEW PROCEDURES

General

All new construction, subsequent construction, remodelling with exterior exposure, expansion, and demolition of structures must be reviewed and approved by the ACC, NCC and RMC prior to the commencement of any on-site building or construction activity.

Master House Plan Submittal Requirements

Builders shall submit house plans and elevations in 11'x17' format (and electronic format, if requested) to the NCC along with the completed Master House Plan Approval Form. Approval of House Plans is required prior to commencement of home construction. Plan submissions shall include the following:

- Completed Master House Plan Approval Form
- Calculation of exterior brick/stone coverage pursuant to the Guidelines.
- House dimensions (width/depth), square footage (air conditioned living area), and elevations for each house plan
- List of all paint colors for the exterior shall be submitted in an electronic file or hard copy photo.
- List of all brick/stone selections shall be submitted in an electronic file or hard copy colored photo (no physical samples to be provided).

Individual House Construction Submittal Requirements

Builders shall submit the completed Home Construction Application Form for each individual lot. An approved Home Construction Application Form is required for each lot prior to commencement of home construction. Such submittal shall be comprised of the following:

- Completed Home Construction Application Form
- Plot plans showing all easements, Building setbacks, existing improvements, and proposed improvements consistent with the completed application.
- Plot plans should show areas to be preserved and reforested (as applicable).

Lifestyle Accessories (Regulated Modification) Construction Submittal Requirements

In accordance with the Covenants, any new construction, modification, addition, remodeling of exterior exposure or demolition of a building or structure (a "Regulated Modification") **must be reviewed and approved** by the ACC prior to commencement of construction or installation of such proposed Regulated Modification. The objective is to ensure the quality and the consistency of housing and all related Regulated Modification within Harper's Preserve in accordance with the Prevailing Community Standards (as defined by the Covenants and herein so called), the Architectural Guidelines, the Covenants, the requirements of the Lifestyle Accessories Construction Application submitted and any corresponding response from the ACC.

An Owner/applicant is responsible for obtaining the most current Architectural Guidelines for the Harper's Preserve Village (West Village, East Village or South Village) where the property is located. It is the Owner's/applicant's responsibility to:

1. Review and identify all requirements in the Architectural Guidelines and the Covenants prior to preparing and submitting a Lifestyle Accessories Construction Application to ensure such application complies with the requirements.
2. Evaluate the Lifestyle Accessories Construction Application against the requirements of the Architectural Guidelines and/or Covenants to confirm that the proposed Regulated Modification will comply with all criteria
3. Ensure that all owner's/applicant's representatives (i.e.: architect, engineer, contractor, subcontractor and their agents and employees) are aware of the requirements of the Architectural Guidelines, the Covenants, and any other ACC requirement that is a condition for approval of the proposed Regulated Modification, ensure that all owners/applicants representatives have a copy of

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both the Architectural Guidelines and the approved and/or conditionally approved application and ensure that all of applicants representatives design and/or construct all Regulated Modifications in accordance with all Architectural Guidelines, the Covenants, and all requirements and specifications contained on an approved or conditionally approved application.

The purpose of the submission of a Lifestyle Accessories Construction Application is to allow Owner/applicant the opportunity to submit a proposed Regulated Modification to the ACC's review. This review process is intended to confirm and document that the proposed Regulated Modification:

- Complies with the requirements of the Architectural Guidelines and/or Covenants (with or without conditions)

OR

- Does not comply with the requirements of the Architectural Guidelines and/or Covenants.

Neither the Association, the Board, or the ACC, nor their respective successors, heirs, agents, members, or other related parties are liable to any Owner, the Owner's tenants, successors, heirs, agents, members, or other related parties of either, or to any other person, or entity for any actions or failure to act or in connection with any approval, conditional approval or disapproval of any application for approval or request for variance, including without limitation, mistakes in judgment, negligence, malfeasance, or nonfeasance. No approval or conditional approval of an application or related plans or specifications and no publication of Architectural Guidelines may ever be construed as representing or implying that, or as a covenant, representation, warranty or guaranty that, if followed, the Regulated Modification will comply with applicable legal requirements, or as to any matters relating to the health, safety, workmanship or suitability for any purpose of the Regulated Modification.

Owner/applicant shall submit a completed Lifestyle Accessories Construction Application Form for each proposed Regulated Modification prior to the commencement of any construction or installation of the Regulated Modification on a Lot. Owner/applicant must receive an "approved" or "conditionally approved" response from the ACC before Owner/applicant can proceed with the construction of such Regulated Modification on a Lot. If the Regulated Modification does not comply with the requirements of the Architectural Guidelines and/or Covenants and the Owner/applicant desires to make a request for special consideration, the Owner/applicant may request a variance (see Variance Application below)

The ACC, as a policy, may designate in the Lifestyle Accessories Constructions Application Form (or in any other written instrument) the day of each month that the ACC will commence the review of all submitted Lifestyle Accessories Construction Application forms (the "Review Commencement Date"). Any Lifestyle Accessories Construction Application Form that is submitted after the particular month's Review Commencement Date will be deemed received as of the next month's Review Commencement Date. The ACC reserves the right to change this Review Commencement Date at any time, from time to time, and without notice. ***Any Lifestyle Accessories Construction Application forms (including any additional information required to be provided therewith) submitted to the ACC for review that does not receive an ACC response within thirty (30) days after the later to occur of either (i) the submission date of the Lifestyle Accessories Construction Application; or (ii) the Review Commencement Date of the applicable submitted Lifestyle Accessories Construction Application forms, will be considered disapproved.***

Lifestyle Accessories Construction Application requirements:

1. Lifestyle Accessories Construction Application: Completely and accurately fill out in its the most recent version of the Lifestyle Accessories Construction Application form. Make sure to identify the name of the Harper's Preserve Village (i.e., West Village, East Village or South Village) in which the property with the proposed Regulated Modification is located. The Owner/applicant must also follow all instructions and requirements set forth in the Lifestyle Accessories Construction Application Form.
2. Plans, Locations, Specifications, Dimensions, Colors, Pictures and Materials: All Lifestyle Accessories Construction Applications must provide detail about all materials, pictures, plans, dimensions

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(including existing easements, setbacks, building lines in relation to the location of the proposed Regulated Modification on the Lot; dimensioned proximity of the Regulated Modification to Lot boundaries and/or dimensions that are required to meet a minimum and/or maximum standards prescribed in the Architectural Guidelines); designs, colors, and specifications required that clearly and reasonably demonstrate how and where the proposed Regulated Modification is to be constructed; any information critical for the ACC to verify that the proposed Regulated Modification meets the requirements set forth in the Architectural Guidelines and/or Covenants; and, the intended quality and/or appearance of the Regulated Modification once the construction is completed and color pictures of the area on the Lot and/or residence that the Regulated Modification will be installed. This supporting information is needed to ensure the Regulated Modification meets the criteria of these Architectural Guidelines, the Covenant and the Lifestyle Accessories Construction Application Form and to effectively and efficiently communicate all circumstances surrounding the Regulated Modification to make it easier for the reviewer to clearly understand the existing conditions (materials, colors, locations, existing Improvements etc.) and the impacts that the Regulated Modification will have on existing conditions (i.e. colors and materials will match, drainage requirements and setbacks will be maintained, neighboring properties will not be impacted).

Submission:

The Owner/applicant shall submit a fully filled out and signed Lifestyle Accessories Construction Application Form, Variance Application (if applicable), supporting materials, plans, locations, surveys, dimensions, pictures, designs, and any other required supporting documentation via e-mail only to the Community Manager at arc@lead-inc.com. All information which is intended to be evaluated by the ACC must be included in the form of attachments in the email submittal and/or with the proposed Lifestyle Accessories Construction Applications as a single and complete package. **Any information provided in the body of an email or provided in separate email communications will not be considered part of the submittal for review.** For tracking and response purposes, single and complete Lifestyle Accessories Construction Applications (with all required materials attached) may only be submitted to the Community Manager at the email address provided above. Lifestyle Accessories Construction Applications sent directly to the ACC and/or the Board will not be processed as this is a violation of the Lifestyle Accessories Construction Application submission protocol and tracking procedure. It is the Owner's/applicant's responsibility to make sure that the Lifestyle Accessories Construction Application Form is submitted as a single and complete package (not the responsibility of the ACC, Association and/or the Community Manager to collect and assemble materials submitted and/or e-mailed in piecemeal fashion) to the Community Manager only. The submission of a Lifestyle Accessories Construction Application does not guarantee approval, it is simply a form requesting an evaluation and decision.

Fees and Deposits:

If an Owner/applicant is required to pay any fees or deposits in accordance with the requirements of the Lifestyle Accessories Construction Application or Variance Application, the Owner/applicant shall pay via check or money order all required Architectural Review Fees including, but not limited to, application fees, inspection fees, and/or deposits and/or variance fees. Check or money order must be made out to Harper's Preserve Community Association, Inc. and mailed to the Community Manager at the time the application is submitted in accordance with the instructions on the Lifestyle Accessories Construction Application.

The Community Manager and/or the ACC may request the Owner/applicant to resubmit based on the following: (i) the application has insufficient information; (ii) the application is incomplete; (iii) the application includes information that is not adequate to properly verify compliance with the Architectural Guidelines and/or Covenants; and/or, (iv) the application does not have the supporting materials needed for a complete submittal and a thorough review process. If the Owner/applicant is notified that such insufficiency exists, then the application shall not be reviewed by the ACC until it is resubmitted as a single and complete package. The purpose of an application resubmittal is to comply with ACC's request for additional information so that the ACC may review a complete submittal and provide a final decision to the Owner/applicant. Otherwise, the ACC may deny the application due to lack of required information. Owner/applicant may choose to resubmit the application at a future date with the

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requested and/or necessary supporting information attached thereby submitting a single and complete application to the Community Manager for review by the ACC.

Variance Application:

The need for a variance constitutes an acknowledgement by the Owner/applicant that the desired Regulated Modification will not comply with the standards set forth by the Architectural Guidelines and/or the Covenants.

By including a Variance Application in the Lifestyle Accessories Construction Application submittal, Owner/applicant acknowledges that the proposed Regulated Modification does not meet the requirements of the Architectural Guidelines and/or the Covenants and would require an approved variance to be approved for construction. As such, a Variance Application **will not** be considered during an Owner requested appeal hearing as the Variance Application **does not** represent an appeal of a decision of the ACC of a Lifestyle Accessories Construction Application. Furthermore, in accordance with the Covenants (Section 4.02.4), a variance may be granted only with respect to specific requests and does not constitute a waiver, modification, or repeal of any of the provisions of the Governing Documents (as defined in the Covenants and herein so called). The approval of a Variance Application will always be subject to the discretion of the ACC.

An Owner/applicant may choose to submit a Variance Application as part of the Lifestyle Accessories Construction Application submittal when:

1. Owner/applicant has reviewed the Architectural Guidelines and the Covenants and understands that the desired Regulated Modification will not meet the requirements of the Architectural Guidelines and/or Covenants.
2. Owner/applicant has specific and unique circumstances that create hardships (i.e.: ADA or Lot configuration) that will require the construction/installation of a Regulated Modification that will not abide by the Architectural Guidelines and/or the Covenants. Increased costs are not considered hardships for the purposes of justification for a Variance Application.

In the event that a Variance Application is needed, Owner/applicant must:

1. Submit the Variance Application when the original Lifestyle Accessories Construction Application is submitted to the ACC for review.
2. A Variance Application will only be considered when included as part of a complete Lifestyle Accessories Construction Application submittal.
3. In the event that the Regulated Modification is needed and required due to Americans with Disabilities Act ("ADA") issues, Owner/applicant will be required to identify the disability (to the extent it is not apparent) and the requested accommodation needed for such disability.
4. Any approval may also be subject to a written agreement to remove any Improvement granted as part of a variance for an ADA issue upon the earlier to occur of (i) the person needing the ADA improvement no longer residing at the residence (ii) the sale of the Lot to another Owner. There may also be other conditions imposed based on the nature of the Regulated Modification that is submitted by the Owner.
5. In the event that the Regulated Modification is needed due to specific Lot characteristics, Owner/applicant must provide detailed information on a plot plan or survey detailing all of the reasons that support the request for approval of a Regulated Modification that does not meet the standards.
6. Lifestyle Accessories Construction Application with corresponding Variance Application to be submitted as one single package with all required supporting information.

ACC Decisions for Lifestyle Accessories Construction Application and Variance Application:

After reviewing each application (or variance), the authorized reviewing authority will provide one (1) of four (4) possible decision types which are generally (but not exhaustively) described as follows:

1. "Need more information":

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The authorized reviewing authority and/or the Community Manager has determined there is insufficient information, the application(s) is incomplete and/or the details provided with the application(s) are not adequate and there is a need for additional information and/or application materials to be completed for the application(s) proper evaluation and/or review. Owner/applicant will need to re-submit the application(s) as a single and complete package to comply with ACC's and/or Community Manager's requested information and/or modification request in order to obtain a decision. The application is deemed disapproved unless and until otherwise approved in writing by the ACC

2. **"Approved"**:

The authorized reviewing authority deems the application(s) complete and the proposed Improvements and/or materials acceptable for use in the construction of the modifications of the home and/or Lot (and/or areas adjacent thereto) in Harper's Preserve. If the plans and specifications which are approved are not strictly adhered to, the Improvements will be in violation notwithstanding such approval.

3. **"Conditionally Approved"**:

The authorized reviewing authority has determined that the Improvement(s) and/or material selection(s) are approved with conditions, for some or all of the modifications, before construction may begin or that are required during and/or post-construction. If the conditions provided are not strictly adhered to, the Improvements (which are subject to conditions) will be in violation notwithstanding such conditional approval.

4. **"Denied"**:

The authorized reviewing authority deems the proposed Improvement(s) and/or material selection(s) unacceptable for construction or use in the Community and/or in violation of the Governing Documents and/or inconsistent with or in violation of the "Prevailing Community Standards" (as defined in the Covenants). Upon receipt, of such decision, the Owner/applicant may decide to resubmit a new application for approval. If so, it is the Owner's/applicant's responsibility to make sure that the newly submitted application includes all of the changes required by the ACC and that it adheres to the Governing Documents to the extent such Improvement is permitted and not prohibited by the Governing Documents. Applications may also be denied if information or materials required to be submitted have been omitted from the application, if the application has not been filled out properly and/or if the information provided is inconsistent, inadequate, unclear, has errors or cannot otherwise be approved in accordance with the Governing Documents.

Review of Construction

The HPCA, ACC, NCC, and/or RMC may review construction in the Harper's Preserve Community on a periodic basis to ensure compliance of each residence with approved submittals. Any variations from approved submittals or improvements which have not been properly approved shall be regarded as a violation of the Covenants.

Architectural Review Fees

A non-refundable fee may be charged to Builders (or Owners) submitting plans for review. Fees for these plans include master home plan submittals, individual home construction submittals, and lifestyle accessories construction submittals (including perimeter security fences). In addition, fees may be charged to Builders (or Owners) for the review of construction within the Harper's Preserve Community to ensure compliance with plan approvals and guidelines. This fee will assist in offsetting costs for HPCA, ACC, NCC, and/or RMC services rendered by outside consultants and other professionals. The fee schedule will be determined by the ACC and will be published in the application and/or the Architectural Guidelines and/or the Covenant. These fees shall be provided to applicant as necessary. For a current Schedule of Fees, please contact the Community Manager. These fees are subject to change at any time without notice by the ACC, NCC and/or RMC.

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III. RESIDENTIAL PLANNING AND DESIGN GUIDELINES

Site Planning and Site Development Criteria

A. General

Residences are to be planned to conform to the Covenants, Plat, Guidelines, and all applicable regulatory agencies requirements and to take maximum advantage of the natural features, existing trees and vegetation, and open space within the Harper's Preserve Community. Site planning and exterior design should present a sense of individuality while reinforcing the overall image and theme of the community.

B. Setback Lines and Building Lines

Front lot Setback Lines and/or Building Lines for all lots are delineated on the Final Plats for each residential Section. Special considerations will be given in situations where variances may be necessary due to unusual lot shape, tree preservation, severe topography or other site-specific determinants. Variances may be granted to allow a small portion of the driveway near the home to encroach within the side lot setback. As a general rule, the lot setbacks and development standards are established as follows:

Setback Criteria			
	Lot Widths (measured at front or rear building line)		
	70'	65'	55'
Primary Structures			
Front Harper's Way East Side	Varies 25'-40'	NA	NA
Front Harper's Way West Side	Varies 30-35'	NA	NA
Front Other Streets	Varies 20'-25'	20' or easement width(s)	20' or easement width(s)
Side	5' & 10' on local side street	5' & 10' on local side street	5' & 10' on local side street
Rear	15'	15'	15'
Accessory Structures			
Front Harper's Way East Side	75'	NA	NA
Front Harper's Way West Side	75'	NA	NA
Front Other Streets	70'	70'	70'
Side	5' & 10' on local side street	5' & 10' on local side street	5' & 10' on local side street
Side Detached Garage	5'	5'	5'
Rear	5' or Easement Width(s)	5' or Easement Width(s)	5' or Easement Width(s)

C. Garage Placement and Driveways

1. Driveway Widths

i. Two-car and three-car front facing garages (not swing-in garages):

- a. May be extended a maximum of 1' on each side of the garage door.
- b. The 1' expansion must be measured from the edge of garage door outwards (see picture below).
- c. The expansion must be same material (concrete), color and finish as the existing original driveway.
- d. Any expansion joints must match original expansion joints.
- e. Driveways must line up with the garage door.
- f. Driveways shall taper down to 18' for two-car front facing garages and 22' wide for three-car front facing garages where the driveway and street right of way line meet (which is typically, but not always, at the edge of the public sidewalk along the street located nearest to the house), shall remain 18' along the right of way and shall not exceed 18" width to the curb (except for typical radii).

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- g. Driveways passing under a portion of the home into an auto-court may be a minimum of 10' under the home.
- h. All driveways must have a minimum driveway width of 14' at the street right of way line.



ii. Swing-in garages:

- a. May be extended a maximum of 1' on each side of the garage door.
 - b. The 1' expansion must be measured from the edge of garage door outwards (see picture below).
 - c. The expansion must be same material (concrete), color and finish as the existing original driveway.
 - d. Any expansion joints must match original expansion joints.
 - e. Room for a standard depth landscape bed must remain between the house and the driveway.
 - f. The expansion must be same material (concrete), color and finish as the existing original driveway.
 - g. Any expansion joints must match original expansion joints.
 - h. Driveway must line up with the garage doors.
 - i. Driveways must taper down to 14' wide at the street right of way line and shall maintain the 14' width to the curb (except for typical radii).
- iii. Notwithstanding anything contained herein to the contrary, driveways for front garages along Preserve Way (West Village), Lake Palmetto Drive (East Village) and Preserve Way (South Village) are tapered to a maximum of 14' wide at the street right of way line, all along the right of way and maintain this 14' width to the curb (except for typical radii).
 - iv. Driveways for rear loaded garages shall taper to a maximum of 14' wide at the street right of way line and maintain this 14' width to the curb (except for typical radii).
 - v. Driveways for rear loaded garages shall taper to a maximum of 14' wide at the street right of way line and maintain this 14' width to the curb (except for typical radii).
 - vi. All driveways must have a minimum driveway width of 14' at the street right of way line.
 - vii. Additional paved parking spaces and/or offset parking areas and related pavement that deviate from the lining up of a driveway to a garage door are not permitted on a Lot. The purpose of this provision is specifically to limit the expansion of driveways to avoid excessive concrete in the front portion of a Lot.
 - viii. Pavers, including but not limited to concrete pavers, are not allowed.

2. Driveway Locations

- One Driveway curb cut per Lot
- No closer than 2' from property line or farther than 5' from property line at curb.
- 70' & 65' products shall have a 2' planting area between driveway and house for rear loaded garages.
- Variances may be granted to allow driveway encroachments into side lot setbacks but in no case can drainage be adversely affected by the driveway intrusion into the side setback(s).

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- See Exhibit C-5 for driveway location for lots located near Horsepen Bend Park.
3. Driveway Placement and Configuration
 - Corner lots - Opposite property line from corner intersection.
 - Adjoining Open Space - Opposite property line from open space.
 - Mirroring - Driveways are generally limited to one mirroring per block length. Where special conditions occur such as specimen trees to be saved or mid-block open spaces, more than 1 drive way mirroring may be permitted.
 - Side Loaded Garages (70', 65' or 55' product) - Not Permitted
 - Swing in Garage (70' or 65' product) – Permitted
 - Swing in Garage (55' product) – Not Permitted
 4. Mirrored Driveway Mitigation
 - Single row of evergreen shrubs 3' off of one driveway edge from 10' back of property line to garage face.
 5. Driveway Gates
 - 70' product (Harper's Way fronting lots) - Gates shall be constructed of metal pickets and shall be "in line" with front metal fence. Gate design must be approved by the HPCA. Mechanical and electrical gate operating equipment must be screened from public view. (See Exhibit E-4)
 - 70', 65' and 55' products - Permitted only where a rear garage is used, and gates must be 5' back of front building face constructed of metal pickets. Mechanical and electrical gate operating equipment must be screened from public view.
- D. Sidewalks and Walkways**
1. Interconnectivity
 - Builder shall construct sidewalks and wheelchair ramps ("sidewalk ramps") in accordance with City of Conroe standards and as shown on the "Sidewalk and Trail Plan" (See Exhibits B-1 and B-2).
 - Concrete sidewalks must be constructed along the entire front of interior/corner lots and side width of corner lots (including wheelchair ramps) running parallel to the street and located within the street right-of-way, at the property line. This shall include sidewalks on the sides of corner lots, connecting sidewalks on adjacent Lots, gaps in the back of cul-de-sacs and gaps caused by easements between Lots or platted access points.
 - Builder shall be responsible for connecting sidewalks between lots, to community walking paths (if any) and across gaps caused by easements or access ways (if any).
 2. Materials
 - Sidewalks shall be concrete and front yard walks shall be either concrete or special paver on concrete base subject to NCC approval.
 - Sidewalks are to be detailed the same and constructed in a consistent manner both structurally and aesthetically.
 3. Front Yard Walks (Street to Homes)
 - Constructed by Builder
 - Width-3' minimum & 4' maximum
 4. Front & Side Sidewalks (Parallel to Streets)
 - Constructed by Builder and/or Association in accordance with Exhibit B-1, "Sidewalk and Trail Plan"

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- 70' product - 4' width located along property line for Harper's Way East side and 4' width located along property line for other streets
 - 65' and 55' product - 4' width located along property line.
5. Front Yard Harper's Way West Side
- Constructed by Builder and/or Association in accordance with Exhibit B-1, "Sidewalk and Trail Plan".
 - Sidewalk Trail along property line for Harper's Way West side shall be 7' in width. Ties to ramps at street corners shall transition to 4' in width.

E. Fences

1. Fences by HPCA

- The HPCA may, at its sole discretion, erect fences along side and rear property lines of lots. Typically, these walls will be located outside of a residential lot but in some cases, such walls and/or fences may fall "on the lot line". Homeowners may not attach structures, cabling or vines to a HPCA constructed fence or wall or otherwise modify such fence. Fence materials and dimensions will vary by location. See fence types and locations on the "Fence Type Key Map" (See **Exhibit C-1**).

2. Community Fence By Builder or HPCA

- Materials – Community Fence shall be constructed of "Hardi Plank" and shall be single-faced with 1"x4" pickets placed side-by-side and with staggered tops as illustrated on the "Community Fence detail" (See **Exhibit C-2**). Fence posts shall be 4"x4" cedar, set in concrete and spaced no more than eight (8) feet apart. Community fence shall be painted or stained in a consistent color as determined by the HPCA.
- Location & Layout – Community Fence shall be constructed in location as illustrated per **Exhibit C-1**, "Fence Type Key Map" and detailed further on **Exhibit C-3**, "Lake & Open Space Rear and Side Fences and Screening" and **Exhibit C-4**, "Corner Lot Side Yard Reforestation & Fencing". Community Fence shall be constructed with boards faced out to street or reserve and must stop a minimum of 10' (and maximum of 20') back from building front face.

3. Metal Fence By Builder or Homeowner

- Materials – Metal Fence shall be constructed as required by the HPCA.
- Location & Layout – 4' Metal Fence shall be constructed in locations along lake (Reserve I) as shown on Exhibit C-1, "Fence Type Key Map" and further illustrated on Exhibit C-3, "Lake & Open Space Rear and Side Fences & Screening". Rear yard Metal Fences on corner lots are to turn and continue along side property line for approximately 16 feet and meet side yard fence. In addition, 4' Metal Fence and Driveway Gate shall be installed along front yard of lots facing Harper's Way as illustrated per Exhibit E-1, "Harper's Way Setbacks", Exhibit E-2, "Harper's Way Streetscape Elements", Exhibit E-3 and Exhibit E-4.

4. Rear Yard Fence by Builder or Homeowner (not including Community Fence)

- Materials - Wood for all fences other than for the metal picket fences rearing on parks. Fencing that includes diagonal and horizontal planks (except for rot boards and caps), vinyl or plastic fencing, chain link fencing or any other fencing not approved by the NCC or RMC is strictly prohibited.
- Good Neighbor Fences - Rear fences along adjoining lots shall be constructed as "Good Neighbor" fences with alternating good side out panels. Along streets, open spaces and perimeter conditions, all fences shall be constructed with boards facing out.

5. Side Yard Fence by Builder or Homeowner (not including Community Fence)

- Materials - Wood for all fences other than for the metal picket fences rearing on parks. Fencing that includes diagonal and horizontal planks (except for rot boards and caps),

vinyl or plastic fencing, chain link fencing or any other fencing not approved by the NCC or RMC is strictly prohibited.

- Good Neighbor Fences - Side fences along adjoining lots shall be constructed as "Good Neighbor" fences with alternating good side out panels. Along streets and open spaces, all fences shall be constructed with boards facing out.
6. Front Yard Fence by Builder or Homeowner
 - Not permitted except for 4' Metal Fence installed by the builder along the front of select Lots located on Harper's Way
 7. Rear Yard Access Gates
 - All houses shall provide a minimum 3' solid wood and latching gate access to side yard preferably on garage side of house. In addition to the rear yard access from the front yard, lots whose rear lot lines abut a park or open space may have a 4' wide latching and closing access gate to such park or open space areas. The gate shall be constructed of the same materials as the fence and detailed consistent with the fence.
 8. Fence Maintenance
 - All fences, whether constructed by the HPCA, Builder, or Owner shall be maintained consistent with the Community-Wide Standard. In the event a fence or wall is damaged or destroyed, the Owner shall repair or recondition the same at Owner's Expense within three (3) weeks of the damage.

F. Perimeter Security Fences and Security Measures

1. Overview

- Owners in Harper's Preserve (the "Community") may, subject to approval by the Architectural Control Committee (the "ACC") for Harper's Preserve Community Association, Inc., a Texas non-profit corporation (the "Association"), install security measures on the Owners Lot intended to promote security for their own Lot. Owners are also responsible for adhering to and promoting the design, harmony, and aesthetics of the Community. To the extent an Owner is authorized by law to build or install security measures, including, but not limited to, a security camera, motion detector, or security/perimeter fencing, the Owner must still submit a request to the ACC for architectural approval in accordance with Article VI of the First Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements filed under Montgomery County Clerk's File No. 2011011454 (the "Declaration") for the construction or installation of the Improvements and pay any Architectural Review Fees. The ACC may require the use of, or prohibit, specific materials, colors and designs and may require specific locations for the security measures.
- While a small fraction of the Lots in the Community were originally designed to include some Front Yard (as hereinafter defined) fencing along certain main entry ways, Front Yard fencing is discouraged for the majority of the Lots and homes in the Community as the vast majority of the Lots and Improvements constructed thereon and adjacent thereto in the Community were not originally designed and constructed with Front Yard fences or Perimeter Security Fences (as hereinafter defined). However, if an Owner wishes to install security fencing in the Front Yard, all Front Yard Security Fences (as hereinafter defined) must adhere to the aesthetic, dimensional, design and landscape requirements set forth in the Design Guidelines and, in some cases, construction and/or re-construction of Improvements, landscaping and irrigation may be required to be modified to accommodate and/or retrofit the future design and construction of Perimeter Security Fences. Owners may also need to accommodate easement holders who have pre-existing access and/or other easement rights to certain areas of a Lot (including the Front Yard for matters such as utilities and/or maintenance).

2. Defined Terms

All defined terms shall have the meaning ascribed to them in the declaration unless otherwise defined herein. Some newly defined terms are as follows:

- "Perimeter Security Fence" for the purposes hereof shall mean a fence that is ground-mounted abutting the boundary line of the Owner's Lot and installed in a contiguous manner around the

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entirety of the Lot boundaries but located wholly within the boundary of the Owner's Lot. Access requirements, heights, manufacturer, dimensions, materials, colors, design and all other specifications and improvements as more particularly prescribed by the Architectural Guidelines must be adhered to. A Perimeter Security Fence shall also include a Front Yard Security Fence (as hereinafter defined). Perimeter Security Fencing as a security measure shall not consist of barbed wire, razor wire, chain link, vinyl or any other material that is not approved in advance and in writing by the ACC. Electrically charged fencing as a security measure is prohibited. A Front Yard Security Fence (hereafter defined) is also included as a portion of the total Perimeter Security Fence enclosure.

- "Front Yard" for the purposes hereof shall mean and refer to (a) as to interior Lots, the front yard area of the residence between the street (on the one hand) and the dwelling exterior and fencing located at or behind the front building line that runs from the side fence to the dwelling (on the other hand) including areas of the front yard portion of the Lot that are exposed to and visible from the street that may be fenced within a metal picket Perimeter Security Fence (if any) and (b) as to corner Lots, the front yard area of the residence between the street (on the one hand) and the dwelling exterior and fencing located at or behind the front building line that runs from the side fence to the dwelling (on the other hand) including areas of the front yard portion of the Lot exposed to and visible from a street that may be fenced within a metal picket Perimeter Security Fence (if any), and that portion of the side yard area exposed to and visible to the street, between the street (on the one hand) and the dwelling exterior and/or the solid privacy fence (on the other hand). Front Yard shall not include patios, porches, courtyards, and yard areas (front, back or side yard areas) of the Lot not intended to be exposed to and/or visible from a street, unless otherwise defined by the ACC.
- "Front Yard Security Fence" shall mean a ground-mounted continuous decorative metal picket fence (which may also be comprised of additional decorative materials including but not limited to address markers, community logos, columns, caps, pedestrian gates, vehicular gates, hardware and related decorative improvements) as set forth in the Architectural Guidelines which fully encloses the Front Yard at the property boundary lines meeting the access requirements, heights, manufacturer, dimensions, materials, colors, design and all other specifications and improvements necessary for accommodation of the design and construction of Front Yard Security Fences (as may be more particularly set forth in the Architectural Guidelines). Areas of Perimeter Security Fencing not considered to be in the Front Yard, shall be required to meet the fencing requirements of the Architectural Guidelines for those specific areas.

3. Architectural Guidelines

In addition to the provision herein, the Architectural Guidelines include additional information, exhibits, depictions, and requirements to address and/or demonstrate aesthetic, dimensional, design and landscape requirements and, in some cases, construction and/or re-construction of improvements, landscaping and irrigation that may be required to be modified to accommodate and/or retrofit the future design and construction of a Perimeter Security Fence. Depictions may include some color coded and keyed information and in the event that a color copy of such information is needed, Owner's should contact the ACC. If there is any conflict between these standards and the other information contained in the Architectural Guidelines, the ACC may use its sole discretion to determine which shall control depending on the specific circumstances of the application and the Lot configuration.

4. Exhibits

In addition to the other standards and requirements contained in the Architectural Guidelines, the following Exhibits contain the prescribed requirements which must be adhered to in the application for and construction of Perimeter Security Fences:

- PF-2-A Driveway Security Fence Slide Gate (60'-80' Lots)
- PF-2-b Driveway Security Fence Slide Gate Landscape & Irrigation (60'-80' Corner Lots)
- PF-2-C-1 Driveway Security Fence, Slide Gate, Pedestrian Gate & Sidewalks (60'-80' Lots)
- PF-2-C-2 Driveway Security Fence Slide Gate Landscape & Irrigation (60'-80' Corner Lots)
- PF-3A Driveway Security Fence Swing Gate (40'-59' Lots)
- PF-3-B Driveway Security Fence Swing Gate Landscape & Irrigation (40'-59' Lots)
- PF-3-C Driveway Security Fence, Swing Gate, Pedestrian Gate & Sidewalks (40'-59' Lots)
- PF-3-C-2 Driveway Security Fence Landscape & Irrigation (40'-59' Lots)

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PF-5	4' Sidewalk Construction Details
PF-7	Security Driveway Gate & Address Marker-Logo Plaque
PF-8	Security Fence & Buffer Landscape
PF-9	Security Fence Ameristar Gate Standards
PF-12	Security Fence Masonry Column within Property Corner
PF-13	Type 2, 3 & 5 Fences

5. Maintenance and Damage

Any security measure approved by the ACC built or installed must be in good working order, properly maintained, and may not fall into a state of disrepair or become an eye sore. Any damage to or liability resulting from the design and/or construction of any security measure including but not limited to Perimeter Security Fences shall be the sole responsibility of and at the sole cost and risk of the Owner.

6. Cameras/Motion Detectors

Where approved, security cameras and motion detectors must be installed on the Owner's home and shall not be located on any fence, tree or pertinent structure in the yard and may only pointed in a manner intended to surveil the areas within and at the boundary of the Owner's Lot (and not any neighboring property) as may be more particularly prescribed by the Architectural Guidelines (including but not limited to the Harper's Preserve Residential Planning and Design Standards).

7. Approval Not a Guarantee

An approval of an application for a security measure by the ACC is not a guaranty of compliance with laws, ordinances, codes, drainage requirements, easements or otherwise and the Owner assumes all risks, expenses and liabilities associated with safety and security measures including a regulatory authority (including but not limited to a Municipal Utility District, City or County) requiring removal of perimeter fencing or a security measure for any reason. Any approvals received from the ACC is not a guarantee of safety or security and the Association and ACC do not provide security and is not responsible for the safety and security of the Community. The Owner shall be solely responsible for coordinating with emergency services (911) to make arrangements for access in cases of an emergency and including any such access devices as part of the initial application to the ACC for approval.

8. No Encroachments

Owners shall be responsible to ensure that all Perimeter Security Fences and related improvements that encroach into and/or cross an existing recorded easements are not prohibited by such easements and any such easements that do prohibit such activity shall require the express written consent of the easement holder prior to the construction of any improvements related to Front Yard Security Fence. All Perimeter Security Fence footings cannot be located within the road right-of-way (public or private) and/or in any area beyond the Owner's property line. Any Perimeter Security Fence that violates the term of any existing easement, ordinance, and/or regulation or which encroaches outside of the Owner's property line may be required to be removed and/or relocated at the sole expense of the Owner. ACC approvals for an Owner's proposed improvements do not constitute written Association approvals for any encroachments on any property and/or easements held by, owned by and/or which are for the benefit of the Association.

9. Tree Spacing

All Front Yard Security Fences must allow for seven (7') feet between any tree and the Front Yard Security Fence to provide adequate mowing space for Front Yard maintenance equipment. Any tree that is closer than seven (7') to a Front Yard Security Fence must be relocated by the Owner, at the sole cost and expense of the Owner, to meet this requirement prior to the installation of the Front Yard Security Fence. For purposes herein, whether vegetation is considered to be a "tree" shall be determined by the ACC, in its sole and absolute discretion. Any tree moved resulting from the Front Yard Security Fence construction must be guaranteed for twelve (12) months (365 days) after the issuance of a Certificate of Compliance by the Association. If any relocated tree does not survive in a healthy thriving state as determined by the Association, then the Owner, at the Owner's sole cost and expense, shall be responsible for replacing the damaged, diseased, or dead tree "in-kind" in both caliper, size and species. The Property Owner must then guarantee the replacement tree for twelve (12) months after the Association accepts the replacement tree as a bona-fide in-kind replacement.

10. Public Sidewalk Spacing

There must be at least two (2') feet between the Perimeter Security Fence and the public sidewalk (public sidewalk widths shall be as ultimately prescribed by the Architectural Guidelines). In the event that there is not two (2') feet between the Perimeter Security Fence at the property line and the public sidewalk, the Owner must, at the Owner's sole cost and expense, remove the existing public sidewalk and install a new public sidewalk within the adjacent street right-of-way in accordance with the local governing jurisdictions regulations (or in the case of private streets, the applicable homeowner association regulations) so that there is two (2') feet of space between the public sidewalk and the Perimeter Security Fence in accordance with the Architectural Guidelines along with any required public sidewalk transitions near the side or rear property boundaries or at wheel chair ramps at corners to match existing public sidewalks/ramps. Any adjustments to tree planting locations (including the installation of tree grates if spacing between the relocated sidewalk and the curb creates spacing issues for street trees), water meters, utility manholes, inlets, blow off valves and other utility infrastructure necessary to accommodate and Perimeter Security Fence shall be at the sole cost and expense of the Owner. The existing driveway must meet the relocated sidewalk "flush" on the street side of the relocated sidewalk. The sidewalk slope between existing driveway and the street side edge of the relocated sidewalk cannot exceed a two (2%) percent slope.

11. Irrigation

The area between the back of street curb and the Perimeter Security Fence (including the two [2'] foot area between the public sidewalk and the Perimeter Security Fence) must be irrigated using the same electric programmable sprinkler system as is used for the remainder of the Owner's yard and landscaped in a manner that meets the requirements and specifications set forth in the Architectural Guidelines. Any landscape material and/or trees planted and/or re-located in connection with the installation of Perimeter Security Fences that does not survive in a healthy state must be promptly replaced by the Owner, at the Owner's sole cost and expense, so as to maintain a consistent and continuous landscape edge condition.

12. Vehicular Gate with Electric Automatic Remote-Controlled Opener

All residences that contain a Front Yard Security Fence must also contain an electric automatic vehicular driveway gate across the driveway at the front property boundary line which can be opened automatically with a remote-controlled transmitting device. The vehicular access gate must be left in the open position when necessary to provide required access to the Association for Front Yard Maintenance in accordance with routine Front Yard Maintenance requirements and easements provided to the Association. All driveway gates must be a single gate and must slide along the inside of the Lot boundary and/or swing in toward the residence depending on Lot width (as more particularly prescribed by the Architectural Guidelines). The use of solar operated gate openers is strictly prohibited.

13. Pedestrian/Delivery Gate and Private Sidewalk

Any residence that contains a Front Yard Security Fence must also contain a three (3') foot – six (6') foot wide pedestrian gate and a four (4') foot concrete sidewalk which is extended from the fronting street curb across the public sidewalk (within a public or private street right-of-way) to the front door of the residence (which may allow for pedestrian access and/or package delivery to a residence) and which is not blocked by the vehicular gate when the vehicular gate is open (as more particularly prescribed by the Architectural Guidelines).

14. Access and Deliveries

Owners are responsible for providing access to their front porch for any delivery service delivering packages to the Owner's home. Delivered packages of any and all kinds must not be left outside of the Perimeter Security Fence, in the road right-of way or the Front Yard of a home. If packages are to be left outside the home, they must be left at the front door (preferably on a porch). Packages left in a road right-of way and/or Front Yard, may be removed and disposed of by the Association.

15. Signage and Pet Restrictions

No signage (other than address and logo signage prescribed in the Architectural Guidelines) shall be installed on any Perimeter Security Fence. No unattended (meaning without the physical presence of the Owner or Owner's caretaker) pets shall not be permitted to be kept, stored and/or housed in the Front Yard area of a Lot which is enclosed by the Front Yard Security Fence.

16. Applications

For all application for Perimeter Security Fences or any security measure submitted by Owner, such Owner must provide:

- The appropriate ACC application signed by the Owner of the Lot
- The payment in full for any required Architectural Review Fee(s)
- All full and complete set of scaled construction plan design drawings and specifications showing all areas to be modified (and sealed by the appropriate professionals, as required by the ACC) scaled at 1" = 20' in 11" X 17" format which include (i) all existing improvements; (ii) all easements and all building setbacks; (iii) any proposed modifications to existing improvements; and, (iv) all proposed improvements in sufficient detail for the ACC to reasonably and accurately verify compliance of all plans and specifications submitted by the applicant with all requirements of the Architectural Guidelines for such security measures and Perimeter Security Fences. Such details may include but are not limited to the following: (i) fence and gate design elevation(s), materials and locations; (ii) address marker and logo details; (iii) gate hardware and automatic opener details and locations; (iv) footing designs and details sealed by a registered professional structural engineer; (v) sidewalk details with respect to surface finish, dimensions, expansion joints, steel reinforcement and connection and transitions to existing paved surface and locations; (vi) tree details, landscape buffer, planting, landscape planting, tree type and locations meeting the minimum tree spacing requirements, relocation plans for associated irrigation, tree placement, tree staking, root ball backfill and drip emitters for the moved/replaced street tree(s) and locations; (vii) irrigation construction plans, specifications and details; (viii) restoration effort plans to areas that are disturbed during construction (including storm water pollution prevention devices); and (ix) other information that conforms to the Architectural Guidelines (or that may be necessary in the discretion of the ACC) to comply with and/or effectuate the intent of the Architectural Guidelines in light of the specific configuration of the particular Lot.
- A current updated sealed survey by a registered professional land surveyor (to scale at 1" =20') of the Lot showing all existing improvements within the Lot and improvements within any areas required to be modified outside of the Lot between the Lot line and street curb or adjacent to the Lot in accordance with requirements herein.

17. Construction Inspection Requirements

On or before seven (7) business days prior to the pouring of any concrete footings, foundation, driveway or sidewalk, and prior to pouring any public/private sidewalk areas on the Lot and/or within the public (or private) street rights-of-way, the Owner shall contact the Association's inspector and pay the costs to obtain a form board, rebar placement and support, rebar wiring, slip joint dowel placement, sand bed preparation and construction form and reinforcement inspection (and any re-inspection as necessary). Property lines must be accurately staked in the field by a surveyor and visible during the Association's inspector's inspection reasonably sufficient to verify distance and spacing requirements. Upon the receipt of written approval for reinforcement inspection from the Association inspector, the Owner can proceed with the concrete pours; however, the Owner shall be solely responsible for rectification of any field changes that are not in compliance with the plans despite any construction inspections.

18. Post Construction Inspection and Certificate of Compliance

Upon completion of Perimeter Security Fence, the Owner is required to, at Owner's sole cost and expense, accomplish the following:

- Prior to the post construction inspections, the Owner shall be required to provide a sealed "As Built" survey sealed by a registered professional land surveyor in 11" x 17" format at 1"-20' scale to the Association's inspector that accurately depicts all of the locations of the Perimeter Security Fence (and all related improvements) as constructed for verification against the ACC approved plans (which contains no fence encroachments) and also includes the relative distances and/or relationships between:
 - a. The Perimeter Security Fence and the following:
 - i. All sidewalks (both public and private)

- ii. Trees
 - iii. Existing property lines (including encroachments)
- b. Any relocated sidewalk and the following:
- i. Trees (and root ball)
 - ii. Backs of curb in the adjacent street (may need multiple measurement points if the street is curved) and the property line
 - iii. Connections of sidewalks via transition to existing sidewalks located outside of the Lot (with dimensions depicted between the property line and public sidewalk and the curb and public sidewalk at the transition points)
- On or before five (5) business days after substantial completion of all Improvements in accordance with the approved Perimeter Security Fence plans, the Owner shall contact the Association's inspector and pay the costs to obtain post construction inspection(s) as may be required to obtain a Certificate of Compliance issued by the ACC for the constructed improvements with the approved plans. In the event that any deficiencies are noted, the Owner shall be required to promptly correct same and continue the same inspection process (including Owner's payment of inspection fees to the Association's inspector) for re-inspection until a Certificate of Compliance from the ACC is achieved.

G. Lot Grading & Drainage

In general terms, during the construction of homes and thereafter, all lots should be prepared in such a manner and maintained so that positive drainage is maintained away from the house and into a drainage system as provided for each lot or lots. In many situations, the natural or man-made drainage patterns for an individual lot and the neighborhood as a whole may cause adjacent properties to commingle storm water runoff in common drainage areas such as yard swales that are discharged into the permanent access and utility easement and storm water collection system. Homeowners must ensure that the replacement of any improvements or landscaping does not materially impede water flow in common drainage areas. Beyond the natural drainage patterns, homeowners may not significantly increase the amount of water flowing onto a neighborhood lot nor may they block the normal flow from an adjacent lot into a common drainage area. On each lot, a three (3') foot drainage easement along side and a five (5') foot drainage easement along rear property lines are hereby reserved in favor of the Declarant and HPCA for drainage purposes.

H. Tree Preservation

In as much possible, existing trees shall be preserved in the front yards of all homes. Consideration should be given to the health of the trees and their proximity to the building foundation(s). It is strongly recommended that rear yard trees also be preserved where feasible. In particular, the houses fronting Harper's Way have been given deep setbacks and are specifically planned in this way to enable the preservation of the forested character of the site through front yard tree preservation. Tree preservation may have an impact on lot drainage. To further preserve the natural forested environment, drainage must be designed to maintain the natural ground elevations and natural drainage patterns as much as possible. As a result, some lot areas may not be dry at all times of the year, and in some extreme cases, the natural grade can cause isolated pockets that may trap standing water for a time period; however this condition is a normal byproduct of tree preservation.

I. Berms

Use of berms is not permitted in areas of a lot which is visible to fronting or siding streets.

J. Utility Easements

A lot may have easements for drainage, utilities, the Association, or in unusual circumstances special access. Easements will generally be designated on a recorded plat or in the Supplemental Declaration of Covenants, Conditions and Restrictions; however, there may be circumstances where an easement has been dedicated by separate instrument. When in doubt, seek the assistance of a registered professional land surveyor. The Owner, and not the Association, is responsible for the identification of all easements. All power lines, telephone lines, cable lines, etc. must be underground on any portion of a lot except for primary distribution lines and ancillary equipment such as pedestals or transformers. Owners are required to completely screen transformers and pedestals with landscaping in front yard.

Architectural Standards

A. Neighborhood Architecture and Styles

In general, it is not the intent of these standards to dictate specific architectural styles that must be used within the Community, but rather to give the Builders a set of guidelines that will provide flexibility while achieving continuity and harmony. While not specifying a particular style, the home designs should be simple and restrained.

Visually confusing, loud or disordered facades (including roof forms, massing, window and door shapes and sizes) should be avoided. It is important that the general proportions of the home, including the windows, doors, and other exterior architectural elements result in a harmonious overall composition.

The main entrance of the home should have a sense of prominence that is reflected in the design. An entrance proportioned to convey a sense of human scale is more appropriate than one with exaggerated dimensions.

B. Massing

1. Building Massing

- Generally, the building mass should be “broken up” through a combination of roof forms and floor plan configuration. It is understood that a “box” plan is preferred from the perspective of efficiency, but the reverse is generally preferred from the perspective of the streetscape. Each Builder is expected to balance these sometimes conflicting objectives through its own creative resources. In doing so, the economy of plan and visual interests will both be served. Wherever possible avoid weakly detailed elevations on corner lots.

2. Corner Lots

- The NCC will look closely at the floor plans and elevations proposed for corner lots and reject any house plans that do not balance the needs of efficiency with that of an attractive streetscape. One story masses on corner lots are preferred where possible. The materials for a corner house should carry the front elevation materials and details around the entire visible side street elevation. Similarly, the landscape plans for corner lots should be exemplary in design and material selection and compliment the chosen floorplan with as much emphasis in the landscape treatment of the side yard condition as the front.

C. Home Size and Product Distribution

1. Square Footage and Minimum House Width

	Lot Widths		
	70'	65'	55'
Minimum House Size 1 Story	2300 SF	2300 SF	1700 SF
Minimum House Size 2 Story*	2650 SF	2650 SF	1700 SF
Maximum House Size	N/A	N/A	3350 SF
Minimum House Width	49 FT	44 FT	39 FT

*A 2 story shall be defined as a house with a stairwell.

2. Housing Plan Repetition

House Plan	Elevation	Street Side	Number of Lots Between
Same	Same	Same	4
Same	Same	Opposite	4

Same	Different	Same	2
Same	Different	Opposite	2

D. Exterior Materials

1. Masonry/Brick Requirements

	Lot Widths		
	70'	65'	55'
Corner Lots & Lots Siding Open Space (1 Story)	75%	75%	75%
Corner Lots & Lots Siding Open Space (2 Story)*	65%	65%	60%
Interior Lots (1 Story)	75%	75%	75%
Interior Lots (2 Story)*	65%	65%	60%

*A 2 story shall be defined as a house with a stairwell.

- Lots that adjoin Harper’s Way or entryways to Villages and /or adjoin collector streets or which are in the front of the subdivision may be required to have increased masonry requirements on sides which are visible from a street or reserve.
- Brick or stone with some stucco should be predominant on street front elevation. Well designed and detailed shiplap or other traditional siding designs combined with traditional timber and or stone detailing/accents may be acceptable. Gable ends should be well detailed.
- Garages Front - Must match main house in material and detail.
- Garages Rear - Do not have to be predominantly masonry.

2. Exterior Material Palette & Mix

- Walls - Predominant materials limited to three (not including trim, windows & doors). Half timber walls are not permitted.
- Stucco - Stucco Board is not permitted. Materials and methods must meet Cement & Plaster Institute (CPI) standards or better.
- Siding - All siding must be Hardi-Plank or equal. Hardi-Plank paneling without expressions of unit size lumber is not permitted. Metal, vinyl and aluminum are not permitted.
- Wood Trim - Where used, must be Number 2 finish grade or better and must be primed and painted or sealed and stained. Medium density overlay (MDO) exterior grade is acceptable.
- Stone & Cultured Stone - The use is encouraged on all homes.
- Brick - Sand formed, solid and muted colors are preferred. Wire cut multi colored brick are not permitted. Distressed finishes are not permitted.
- Mortar Joints - Mortar colors shall be in gray or sand tones. Joints may not be “slump” type finish.

3. Exterior Color/Material Schemes

- The number of different **primary** materials on the exterior walls of a home shall be limited to three. A primary material is defined as a material used on more than 30% of the exterior front or side elevations’ wall surfaces. Permitted materials shall include:

Brick: “wood mold” type modular brick is preferred; no wire cut brick. “King & Queen size” bricks are acceptable.—Acceptable color range includes mid-range

colors and buff tones. Bright and highly contrasting colors are discouraged other than for use as detail such as in a cornice, pediment, or archway.

Mortar: Natural colors; some contrasting colors maybe used to accent sections of the exterior

Stone: Should be laid up in dominantly horizontal courses and not applied in a two-dimensional “flagging like” or “peanut brittle” appliqué fashion

Stucco: Sand float finish or light texture is preferred; heavily textured stucco is prohibited.

Wood or wooden-appearance: Hardi-plank, or cementitious siding, ship lap, lap board, shingle and board & batten cladding may be used but require traditional wood details. Where used, wood shall be a minimum Grade of #2 and shall be stained and or primed and painted sufficiently to protect the material from dry rot and other forms of deterioration caused by inadequate protection or deficient construction or detailing.

- Exterior Colors - The number of dominant colors for the main elevation materials on the exterior walls of a home is limited to two. Permitted colors include white, warm tones, muted primaries, pastels, and other restrained colors. Contrasting but complementary accent colors may include blues, yellows, browns, warm grays, greens, and reds. High contrasting accent colors should not be primary colors, but rather muted tones should be used.

E. Chimneys

All Chimneys located on an exterior wall shall be constructed of brick, masonry, Hardi siding or other material consistent with the predominant exterior wall finish.

F. Roofs

Roofing shall be minimum 25-year warranty composition shingles and should be “algae resistant treated”. Color shall be shadow black or equivalent. The final color and type must be approved in advance by the NCC. Primary roofs may be either dominantly hip or gable type construction with a minimum pitch of 8 in 12 unless a Prairie Style or Crafts Style hip roof design is chosen. In this case, a 5 in 12 predominant sloped roof may be used when the elevation design is “true” to the massing and details of the aforementioned design styles. Secondary roofs throughout Harper’s Preserve may have a pitch ranging from 4 in 12 to 8 in 12. Simple roof shapes are preferred. Complex roof forms with elaborate ornamentation and multiple ridges and peaks should be avoided. Gable or shed type roofs are permitted for porches, roof transitions and accessory buildings. Where used as a shed porch roof, and depending upon materials used, a 3 in 1 pitch may be acceptable.

Notwithstanding the foregoing, the NCC shall have the authority to approve roof pitches different from that contained in the preceding sentence for structures it deems to be ancillary to the main dwelling, including but not limited to, eaves, overhangs for patios, and similar structures.

All exposed metal roof accessories (such as flashing, plumbing vents, roof flashing, attic ventilators, metal chimney caps, skylight curbs, gutters, solar collector frames, etc.) shall match the color of the roofing material or appropriate material. The preferred location of all stack vents and attic ventilators is on the rear slopes of roofs which is defined as the portion of the roof not visible from a street.

G. Garages

1. Garage Materials

- Garage materials should generally reflect the associated house materials.
- Main walls and roofs are to be the same materials.
- Driveways shall be reinforced concrete or colored special paving with NCC permission. In no case may a material other than plain poured in place reinforced concrete be used between the sidewalk and street.

2. Garage Type

- Garages may be attached or detached.
- Each garage, or combination thereof, must be sized to accommodate at least two automobiles.
- No more than three car width openings are allowed in an elevation.

3. Garage Doors

- Garage doors not directly facing the fronting street are preferred.
- Garage doors, that face the street, are preferred to be located behind the front face of the primary elevation of the home.
- It is encouraged that no more than two garage doors be in the same plane when facing the street. It is preferred that the third door be placed in a secondary building plane, offset by a minimum of three feet from the primary front wall of the garage, to avoid a continuous uninterrupted wall of three or more garage doors.
- Garage doors should be either the same color as the body of the house, a slightly darker shade of the same color, or a matching trim color. They should be neither too light nor too dark to call attention to themselves, particularly if they are very visible from the street.
- Auto courts are encouraged.
- Garage doors not visible to a road right-of-way may be double garage doors, made of materials other than wood, and do not need to simulate wood.
- Two 8'-9' wide doors are preferred to one 16'-18' wide door.
- If the garage doors face Harper's Way, then they must be designed to appear to be 2 single doors, or have an acceptable "carriage style" appearance as illustrated on Exhibit F, "Garage Door Restriction Plan".
- The garage door(s) facing Harper's Way must be maintained by Owner on a regular basis to prevent fading and weathering. This guideline also applies on "transitional" lots where the garage doors are prominently visible from and along Harper's way as illustrated on Exhibit F, "Garage Door Restrictions Plan".

H. Porches and Bay Windows

The inclusion of porches is encouraged. Where used, a depth sufficient to allow for furniture and walking space is preferred over shallow depth non-usable visual appendages. Generally a 6' depth is the minimum permitted unless a unique design or use is intended. Columns, roof slope and roof materials can in combination provide a unique appearance and curb appeal. Bay windows may use unique colors or materials to accent the related house elevation.

I. Windows and Doors

Windows should be proportioned with heights approximately twice the width, excepting accent and special function windows. Burglar bars are not permitted on the exterior of structures and if installed on the interior, should not be visible from the exterior of the structure. Windows and doors should reflect restraint in the number of types, style, and sizes. Windows may not have reflective glass, foil or tinting. Other than for a limited number of small accent windows, all windows are to be double pane, "Low-E", coated type windows.

The entry should be sheltered on the exterior and include a door or pair of doors. When double doors are used, no sidelights are required but where a single door is used, it is preferred at least 1 sidelight be incorporated in the entry. The main entry should contain more detail than other openings but remain consistent in styling.

Storm doors and windows are permitted if they are an integrated manufactured "pair" and may not be added after the initial construction. The details and materials of the storm doors or windows must be similar to the actual door or window.

J. Shutters

When used, shutters are to be of equal size to the openings they are intended to protect. The material of the shutters should be consistent with the other exterior materials used on the house.

K. Foundation

All building foundations shall consist of either concrete slabs or pier and beam, unless a different type of foundation is approved due to special or unusual site conditions.

The NCC is primarily concerned with the front elevation condition and will look at variances on the rear where steep grades occur and where site grading can assure that proper drainage away from the foundation (+/- 5%) in the first ten feet can be accomplished.

Builders and Homeowners are required to provide to a Buyer a final form survey prepared by a Registered Public Surveyor certifying that the foundations of all buildings constructed on lots have been constructed in conformance with the regulatory requirements, Architectural Guidelines and Covenants with regards to building placement and slab(s) elevations.

At no point along the perimeter of the house/garage slab shall the top of the finished floor elevation be less than 12" above natural grade, nor less than 18" above the highest elevation of curb adjacent to the lot. All finished slabs shall also be a minimum of one (1') foot above the FEMA 100 year base flood elevation and all structural improvements must comply with minimum Montgomery County flood plain building requirements. No more than 14" vertical dimension of any concrete foundation is to be exposed to view from the street.

The HPCA, MUD and or other governmental authorities having jurisdiction over the Community may further stipulate minimum slab elevations for both house and garage.

L. Mailboxes and Address Markers

1. Mailboxes

Community mailboxes will be provided.

2. Street Address Plaques

All lot addresses must be displayed on the home near the front door. All residences must have cast stone address numerals incorporated into the brick on the front facade of the residence. Painted addresses on curb is prohibited within the Subdivision unless otherwise approved.

3. Harper's Way Special Street Address Markers

In addition to the requirements above, special address markers will be constructed immediately adjoining and on the entry gate of the driveways of homes fronting Harper's Way. The cleaning, maintenance, repair, and replacement of these markers are the sole responsibility of the Homeowner on whose lot an address marker has been constructed and the HPCA shall have the right to maintain and replace any damaged marker and back charge the Owner to maintain the markers as prominent decorative elements.

M. Screening

The following items should be screened from view along the front street with an evergreen vegetative hedge or other NCC approved method: utility meters (must be located a minimum 8' behind front face of house and foundation plant below meter); "non-natural wood" colored playground equipment (variances may be granted for toddler's equipment); pet enclosure; transformers, pedestals, air conditioning condensers and other mechanical equipment; propane tanks used for outdoor kitchens or bar-b-ques; exterior light sources if not concealed by fixture design, swimming pools; and other permitted vehicles (if any).

Trash and recycling cans should be stored behind the fence and not visible from the street. Custom trash and recycling cans must be ordered through Municipal Utility District and are shown below.



CUSTOMER:	MONTGOMERY COUNTY
PRODUCT #:	78206
DESCRIPTION:	96 GALLON
BODY COLOR:	200 BLACK
LID COLOR:	200 BLACK



N. Irrigation, Fire Protection and Solar Collectors

1. Irrigation

Installation of an irrigation system (by Builder) to effectively water areas within front and side yards on all Lots is mandatory under the Covenants. The Association has the option, but not the obligation, to perform Front Yard maintenance. Regular watering by the Owner is an important component.

2. Smoke Detectors

One or more photoelectric type smoke detectors must be installed in each dwelling, powered by alternating current with a battery backup. The number and location of smoke detectors must be sufficient to provide a clear, audible alarm to occupants of each bedroom or other sleeping area. It is encouraged that whenever possible, smoke detectors should be installed and wired so that the completed system can enable a homeowner to connect to a remote monitoring service.

3. Solar Collectors

The location and design of all solar collectors are subject to approval. Collectors that can be seen from a public right of way, public open space/park or adjoining property must be of a flat profile and conform to the slope of the roof.

O. Lighting

The areas of the residential exteriors that are permitted to be illuminated are depicted on **Exhibit G-1**, "Lighting Zones-Permitted". The types of lights that are acceptable to be used in these Zones is presented on **Exhibit G-2**, "Lighting Fixtures – Permitted". Specific design and manufacturer models for the Lighting Fixture Types depicted in **Exhibit G-2** (or as otherwise approved by NCC) shall be submitted to the NCC for approval.

The philosophy of exterior lighting, where used, is to minimize the impact to neighbors and to every reasonable extent possible, preserve the beauty of the "rural" night skies about which many residents enjoy. Exterior residential lighting should convey a warm, inviting atmosphere. Care is to be taken in placement and selection of fixtures and types of light sources.

Restrained exterior illumination of architectural features such as columns, entries, and landscaping is permitted. The homebuilder and/or Owner shall install and maintain lighting on individual lots in a manner to not cause distraction, nuisance or to be unsightly. Lighting should not conflict with the sight lines of pedestrians or motorists in a manner that endangers their safety and welfare.

Light sources must not spill over into neighboring yards or produce glare to adjoining landowners or the public right-of-ways. No lighting fixture shall be erected higher than the surrounding natural ground as described in **Exhibit G-2**, "Lighting Fixtures – Permitted". Freestanding pole lights, where permitted, shall not be mounted higher than 12' above the finished grade of the undeveloped lot.

HARPER'S PRESERVE - WEST VILLAGE ARCHITECTURAL GUIDELINES

Ground landscape lighting or decorative fixtures must be of high quality materials and workmanship and be in scale and style with the residence. All lighting sources must be approved by the NCC. Colored lenses, low pressure sodium, high pressure sodium and neon lighting are not permissible. Metal halide and LED illumination sources are strongly preferred.

The responsibility to prevent and/or correct any distraction, glare, nuisance, safety, spill over, unsightliness and welfare situations caused by installed lights shall remain with the homebuilder and/or Owner.

Landscaping

A. Landscaping Character

The landscaping materials for Harper's Preserve are to be dominantly native and/or drought resistant non-invasive species. The concept of the Harper's Preserve Master Plan calls for the use of compatible species in areas immediately adjacent to the community open space areas so that the adjoining residential landscape does not combat the goals of the open space preservation areas instituted as a part of the overall community development plan. The approved Harper's Preserve Plant List is located in **Appendix A** of the Guidelines.

B. Initial Construction Requirements for Landscape

The following exhibits listed below summarize the minimum quantity, sizes and maximum number of species by plant type for both interior and corner lots for the Initial construction by the Builder for 70', 65' and 55' wide lots. Plant material locations shall conform to the criteria defined in the following Exhibits:

Exhibit D-1	Master Street Tree Plan
Exhibit D-2	Street Tree Plan with Ornamental Tree (Harper's Way)
Exhibit D-3	Street Tree Plan with Canopy Yard Tree (65' Lots)
Exhibit D-4	Street Tree Plan with Canopy Yard Tree (55' Lots)
Exhibit D-5	Street Tree Plan with Ornamental Yard Tree (65' Lots)
Exhibit D-6	Street Tree Plan with Ornamental Yard Tree (55' Lots)
Exhibit D-7	Builder Minimum Landscape Planting - Corner Lots
Exhibit D-8	Builder Minimum Landscape Planting - Interior Lots
Exhibit D-9	Builder Minimum Landscape Planting - West Perimeter Cul-de-sac Lots

1. Bricks, boulders and/or architectural blocks shall not be permitted for use as a border for landscape beds
2. Note that the determination of where front yard ornamental or canopy trees are to be located is documented on **Exhibits D-2, D-3, D-4, D-5 and D-6** and shall only be required where the front yard contains no preserved forested area.
3. The list of preferred plant species, i.e. shrubs and plants, ground cover and vines, trees, perennials, lawns, etc. are listed in Harper's Preserve Approved Plant Material List, **Appendix A**.

C. Street Tree & Front Yard Tree Requirements

1. The Builders are required to plant street trees on each residential lot as described on **Exhibits D-1 through D-9 and Exhibit C-5 for lots near Horsepen Bend Park**. The street and yard tree concept is intended to express the street hierarchy and lot sizes while creating an overall unified Village theme. Consideration will be given on a case by case basis for modification or exemption from the front yard tree planting requirements in the event that site conditions, resulting from existing vegetation or site plan variance due to existing conditions, make impractical the adherence to the yard tree planting requirements described therein.
2. The required trees planted shall match the number, species and sizes as described in these exhibits.

D. Preservation Criteria

1. It is a requirement that all builders wherever possible preserve significant stands of existing trees (specimen trees greater than 6" caliper).
2. Any clearing five feet beyond the building pad or five feet beyond the driveway requires the written approval of the HPCA. Temporary fencing is to be furnished and installed by the builder immediately after clearing but prior to beginning form work for the slab, in order to protect easily damaged vegetation. Notwithstanding the restriction on understory clearing, the owner may remove "rhus radicans" (poison ivy) vines at their discretion.
3. Substantial stands of natural vegetation exist on many of the lots in Harper's Preserve. This vegetation (understory, mid-growth, and canopy) is to be protected during construction and is to be integrated into the final landscape treatment to the maximum extent practical. Preservation areas within a lot must be protected using 7' metal "T"-Posts and orange snow fencing as close to the drip line of the trees being protected as possible. Construction vehicles, materials and debris must be kept out of all preservation areas.

E. Reforestation Criteria

1. Builders are required to reforest all corner lots and the front lots along Harper's Way in accordance with **Exhibit C-4**, "Corner Lot Side Yard Reforestation & Fencing", **Exhibits D-1 through D-9**, and **Exhibits E-7(a) (b)**.
2. The Reforestation Zone is a native forest area containing preserved existing trees, shrubs, understory plants and seedlings or it may be a forest "rebuilt" with at least a minimum density of native plants. Typical reforestation zones will include both.
3. The natural vegetation must be supplemented with appropriate landscaping so as to present a completed appearance which should include sodding, seeding, pine bark or planting to cover bare or erosion prone areas.
4. In keeping with Harper's Preserve's concept of preservation of the natural forest environment, native plant material should be utilized for all landscape efforts. A list of trees and shrubs is provided in Appendix A.
5. The installation of a landscape irrigation system for all newly landscaped reforested areas is encouraged.
6. If ornamental plants are used in the front yard of a re-forested lot, the plant material must be confined to areas outside of the Reforestation Zone and in conformance with the Harper's Preserve approved plant list. Ornamentals include all of the commonly used exotics such as Crape myrtle, Indian Hawthorne, Cleyera, Azalea, Asian Jasmine, Dwarf Yaupon, other "compact" Hollies, Pittosporum, Camelia, Ornamental Pears, Junipers, Gardenia, Liriope and seasonal bedding plants

F. Above Minimum Standard Landscaping

1. Harper's Way Special Streetscape - Along Harper's Way, a unique streetscape character is designed to function as an important part of the overall community image/character. This will be accomplished through deep building setbacks, address monument markers, a continuous ornamental grass hedge plus a wide pedestrian trail on the west side of the street. These additional landscape features along Harper's Way are depicted on **Exhibits E-1, E-2, E-3, E-4, E-5, E-6, and E-7**.
2. In the event that the Builder or a Homeowner desire to landscape a lot in excess of minimum standards, such landscaping shall conform to all of the landscaping standards referred to herein and be subject to ACC Approval. Of particular concern is the limitation on the number and types of species, extent of the beds into the front lawn area and the mix of plant types within the various zones.
3. Typical home site has been divided into distinct landscape zones, as described in **Exhibits D-7 and D-8**, Builder Minimum Landscape Planting for Interior and Corner Lots". These zone dimensions are not intended to be rigidly rectilinear as diagrammed but rather the planting areas should average the intended area through geometric balance.

4. Other than along street edges of corner lots, the rear yards are not restricted with respect to plant material, type and quantities other than every rear yard shall be "covered" in a maintainable and aesthetically acceptable manner to the NCC and that said planting shall conform to **Appendix A**, "Harper's Preserve Approved Plant Material List".

G. Artificial Turf

Artificial turf may be used in the rear and side yards which are fully enclosed with opaque fences (no metal picket fences) provided that:

1. Artificial turf is properly drained and do not impede any drainage from neighboring properties or cause excessive runoff onto neighboring properties. Owner's which have artificial turf in the rear and/or side yard shall be responsible for ensuring proper drainage is maintained.
2. If used in connection with pets, artificial turf must be cleaned periodically with a regular frequency so as to not emit any offensive odor for neighboring property owners.
3. Artificial turf grass blades are of medium height and green in color simulating the color and look of real Bermuda grass. Color sample pictures and specifications must be submitted with any application.
4. If a portion of the lawn is to be used a soft court putting green (required to be designated on the application and shown on a plot plan), this portion may have blades with a short height , green in color, simulating a putting green surface.

Artificial Turf may be used in rear and side yards which are enclosed with metal picket fences provided that:

1. Artificial turf grass blades are of medium height and green in color simulating the color and look of real Bermuda grass. Color sample pictures and specifications must be submitted with any application.
2. The rear landscape standards for Lots that are required to have metal picket fences (including but not limited to the number of trees to be planted and shrub planting requirements with mulch) must also be maintained. Shrubs with mulch must also border any areas between any artificial turf and rear and side metal picket fences so as to buffer the visible differences between adjacent rear/side yards
3. Artificial turf is properly drained and does not impede any drainage from neighboring properties or cause excessive runoff onto neighboring properties. Owner's which have artificial turf in the rear and/or side yard shall be responsible for ensuring proper drainage is maintained
4. If used in connection with pets, artificial turf must be cleaned periodically with a regular frequency so as to not emit any offensive odor for neighboring property owners.
5. If a smaller portion of the lawn is to be used a soft court putting green (which is required to be identified on the application and shown on the plot plan), this portion may have blades with a short height , green in color, simulating a putting green surface provided that the putting surface does not dominate the rear portion of the lawn (as determined in the sole discretion of the ARC). The purposes is to maintain the dominant portion of the rear yard that simulates the appearance of a natural Bermuda yard.
6. The ARC may impose additional and/or different standards, in its sole discretion to meet the intended spirit of these requirements to blur the differences between years and/or to address any unique and/or unusual circumstances and/or to address rear yards that may also contain certain types of improvements which utilize large portions of the rear yard area (for example a pool).

In addition:

1. Artificial turf needs to be installed to have a seamless finish.
2. It must be well maintained with any portions that are damaged, showing wear, uneven or non-uniform color variations and/or discoloration to be immediately replaced.
3. Artificial turf will not be allowed on the visible portions of the side yard or front yard.

Lifestyle Accessories

A. General

All Accessories shall be installed in accordance with the side and rear yard setbacks as listed in The Setback Criteria table on Page 5. No encroachment into any utility easement unless the utility companies involved have granted their written consent to such encroachment. The various utility companies may charge the applicant for this consent letter. Consents must be received prior to approval. All Accessories are subject to ACC approval.

B. Swimming Pools

Swimming pools must be in ground and in conformance with all City, County, MUD, and Health Code regulations. Pools must meet all State, County, and City codes when applicable. Unique site conditions causing Homeowner hardship may be reason for the NCC or RMC Committees to grant a variance with regards to deck encroachment into setbacks. All pools must be enclosed within a fenced area and drained properly. All existing and previously approved landscaping criteria must be adhered to despite the addition of the pool. All associated equipment including pool pumps, filters, diving board, waterfall/feature and other similar elements shall be screened from parks and open spaces, public right of ways and adjoining properties' view. Pool enclosures will be reviewed on an individual basis and height should not exceed eight feet (8'). Pool equipment (including but not limited to Pumps, Slides, cleaning equipment, etc.) must not be visible from the fronting street and may be screened with a hedgerow or located behind the side fence. Concrete or decking directly associated with a swimming pool must be shown with dimensions on the application. All hardscape (existing and proposed) will be considered when evaluating the application.

C. Storage Buildings

Storage buildings will be permitted in rear yards but not be visible (below 6') to adjoining lots, parks and open spaces or streets right of way. Storage buildings should match the architectural elements, materials and color of the home (including roofing).

Storage buildings should have a peaked roof, no higher than eight feet (8') from the ground to the highest point, and a maximum of 10' x 15' floor space. Location must also be far enough away from fence to allow for drainage to occur entirely on the owner's lot.

D. Gazebo

Gazebos shall be reviewed on a case-by-case basis with a maximum height at peak of eleven feet (11').

E. Sports Courts, Sports Nets, Poles, and Equipment

The determination as to what constitutes a sports court (hard and/or soft) and/or sports accessories and equipment shall be in the sole discretion of the ACC.

1. Hard surface sports courts (and related lighting) including but not limited to tennis courts, basketball courts, pickleball courts are not permitted.
2. Soft courts (i.e.: grass, sand, turf for croquet, lawn bowling, bocce, badminton, a putting green, soccer) are permitted provided they are not enclosed (in full or in part) with netting above the perimeter fence and are not lighted. Such facilities may not be used in a manner that creates an unreasonable nuisance to neighboring properties (which shall be determined in the sole opinion of and at the discretion of the ACC). Soft courts for tennis are not permitted.
3. All moveable sports accessories, nets, poles, and any other sports related equipment shall be stored out of site within the fenced side and/or back yard of the home when not in use and shall not be left in the front driveway and/or front yard overnight.

F. Basketball Goals

Basketball goal backboard, net and post must be maintained in excellent condition at all times. Movable basketball goals shall be permitted for use adjacent to or behind the front building line and in the rear yard. If the backboard is mounted onto the roof by use of a small, triangular mounting structure, the mounting structure must be painted to match the shingle color. Rims must be ten feet (10') in height. Backboard is recommended to be regulation size and color. Color may vary but must be non-brilliant in nature and may not be of color or location that detracts from the use, enjoyment, or aesthetics of the neighboring property. Basketball goals may be permanently mounted on rear located detached garages or placed on the side of driveway, recognizing a setback of a minimum of 10' behind the front building line.

G. Exterior Fireplaces and Chimneys

Exterior fireplaces and chimneys shall be constructed of masonry, or masonry like materials including Hardi Plank. Chimneys shall extend a minimum of 4' above the roof line or be 2' higher than required by the IRBC.

All chimneys constructed for fireplaces, stoves, etc. that burn wood, alternate wood products, coal, charcoal burning and or combustible materials other than natural gas or propane, should have spark arrestors.

H. Decks

Decks should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot. Decks cannot be higher than 18" above grade. Paint or stain should match or compliment the house.

I. Generators

1. **Application.** Approval by the ACC is required prior to installing a Generator. As used herein, "Generator" is a device that converts mechanical energy to electrical energy and is: (1) powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen; (2) fully enclosed in an integral manufacturer-supplied sound attenuating enclosure; (3) connected to the main electrical panel of a residence by a manual or automatic transfer switch; and (4) rated for a generating capacity of not less than seven kilowatts. To obtain the approval of the ACC for a Generator, the Owner/applicant shall provide the ACC with the following information: (i) the proposed site location of the Generator on the Owner's Lot; (ii) a description of the Generator, including a photograph or other accurate depiction; and (iii) the size of the Generator (the "Generator Application"). A Generator Application may be separate from the Lifestyle Accessories Construction Application in the sole discretion of the ACC. A Generator Application may only be submitted by a tenant if the Owner's tenant provides written confirmation at the time of submission that the Owner consents to the Generator Application. The ACC is not responsible for: (i) errors or omissions in the Generator Application submitted to the ACC for approval; (ii) supervising installation or construction to confirm compliance with an approved Generator Application or (iii) the compliance of an approved application with applicable law.

2. **Approval Conditions.** Each Generator Application and all Generators to be installed in accordance therewith must comply with the following:
 - i. The Generator must be installed and maintained in accordance with the manufacturer's specifications and meet all applicable governmental health, safety, electrical, and building codes.
 - ii. Only licensed contractor(s) may install the electrical, plumbing, and fuel line connections and all electrical connections must be installed and maintained in accordance with all applicable governmental health, safety, electrical, and building codes.
 - iii. All natural gas, diesel fuel, biodiesel fuel, and/or hydrogen fuel line connections must be installed and maintained accordance with applicable governmental health, safety, electrical, and building codes.
 - iv. All liquefied petroleum gas fuel line connections must be installed and maintained in accordance with the rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes.
 - v. All non-integral Generator fuel tanks must be installed and maintained in compliance with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes.
 - vi. The Generator and its electrical lines and fuel lines must be installed and maintained in a good condition. The Owner is responsible to repair, replace, or remove any deteriorated or unsafe component of a Generator, including electrical and fuel lines must be maintained in good condition.
 - vii. The Generator must be screened when it is visible from the street faced by the residence, located in an unfenced side or rear yard of a Lot, and is visible either from an adjoining residence or from adjoining property owned by the Association, and/or is located in a side or rear yard fenced by a metal picket fence and is visible through the fence either from an adjoining residence or from adjoining property.
 - viii. Only periodic testing of the Generator (consistent with the manufacturer's recommendations) may be performed between the hours of 9 a.m. to 5 p.m., Monday through Friday.

- ix. The Generator shall not be used to generate all or substantially all of the electric power to the Owner's residence unless the utility-generated electrical power to the residence is not available or is intermittent due to causes other than nonpayment for utility service to the residence.
- x. The Generator shall not be located: (i) in the front yard of a residence; or (ii) in the visible side yard of a residence facing a side street.
- xi. A Generator shall not be located on property owned by the Association.
- xii. A Generator shall not be located on any property owned in common by members of the Association.
- xiii. A Natural Gas Generator may be permitted in a side yard behind an opaque fence provide they do not interfere with garbage can storage pads, property (and adjacent property) drainage and meet all health and safety guidelines and have at least a 2' distance between the generator and the side property line.
- xiv. Natural Gas, Gasoline, Diesel and biofuel generators may be located in areas of the Lot as designated by the ACC.

3. **Process.** Any proposal to install a Generator on property owned by the Association or property owned in common by members of the Association must be approved in advance and in writing by the Board, and the Board need not adhere to the requirements set forth above when considering any such request.

4. **Approval.** Each Owner/applicant is advised that if the Generator Application is approved by the ACC installation of the Generator must: (i) strictly comply with the Generator Application; (ii) commence within thirty (30) days of approval; and (iii) be diligently prosecuted to completion. If the Owner/applicant fails to cause the Generator to be installed in accordance with the approved Generator Application, the ACC may require the Owner/applicant to: (a) modify the Generator Application to accurately reflect the Generator installed on the Lot; or (b) remove the Generator and reinstall the Generator in accordance with the approved Generator Application. Failure to install the Generator in accordance with the approved Generator Application or an Owner's/applicant's failure to comply with the post-approval requirements constitutes a violation of the Covenant and may subject the Owner/applicant to fines and penalties. Any requirement imposed by the ACC to resubmit a Generator Application or remove and relocate a Generator in accordance with the approved Generator Application shall be at the Owner's/applicant's sole cost and expense.

J. Solar Screens and Storm Doors

No solar screens and/or storm doors shall be permitted on the outside elevation of the home. The use of solar screens on the interior of the house shall be permitted as long as the solar screens do not negatively impact the overall aesthetic of the home.

K. Patios, Decks, etc.

Patios, decks, and other hardscaped areas must be submitted for review and approval prior to installation. Generally, they must be proportional (in the sole determination of the ARR) to the home and to any existing covered or uncovered porch, patio, or similar. All hardscape (existing and proposed) will be considered when evaluating the application. Any patio, deck, or other hardscaped area that is to exceed 200 square feet of new area will only be considered with a variance application (this does not apply to concrete or decking directly associated with the functions of a pool which are reviewed separately as part of a swimming pool application). Any sports equipment that is planned to be used or installed in conjunction with a hardscaped area must be clearly delineated on the application.

L. Patio Cover

Patio Covers should be constructed of materials which complement the main structure. Prefabricated covers made of aluminum may be approved providing they are of an earth tone color -- unfinished aluminum will not receive RMC approval. All metal must be painted and certain structures using fiberglass roofing and wood frame may be allowed to go unpainted provided treated wood is used.

Patio cover, if attached to house, must be integrated into existing roof line (flush with eaves), and if it is to be shingled, shingles must match roof. Entire patio cover and posts should be trimmed out to match house. Supports must be painted wood, treated wood or metal columns. No pipe is allowed. At no time, however,

shall a shingled roof be allowed with an unpainted frame. Frame will have to be painted to match trim of house whether treated or untreated wood is used.

Patio construction materials are as follows:

1. Painted aluminum (to match trim of house)
2. Painted wood (to match trim of house)
3. Natural pressure treated wood such as cedar, fir, redwood may be used. Treated pine must be painted or stained.
4. General Note: All patio cover material, i.e., fiberglass, corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.
5. If canvas is used as roofing material on a patio cover, it must be an earth tone color and the structure must be located where it is not visible from the street. No striped or printed pattern is permitted. Also, the canvas must be kept in quality condition or its removal will be requested by the HPCA. No greens allowed for residential use. Commercial use allows the use of green.

Patio covers must be situated on the lot to provide drainage solely into the owner's lot and should be guttered with downspouts, if it is to be a solid cover. Patio covers shall be allowed in rear yards only.

M. Playhouses and Forts

Playhouse/fort must be no higher than Ten feet (10') maximum. Allowance may be made to this requirement only if this is specifically spelled out in writing by the ACC on the application; otherwise ten (10') feet maximum shall apply. If fort has a platform and positioned in back yard and so as to be low enough to protect neighbor's privacy. It shall also be placed so as not to be visible from the fronting street. If it is determined in the sole discretion of the RMC that the installation, location, or appearance of the structure constitutes a violation of the deed restrictions or an invasion of adjacent property owners right use or enjoyment of their property then the RMC can require the initial applicant to make changes to the structure, it's position or require that it be removed. The exterior colors of the main residence, galvanized, natural wood, or earth tones shall be permitted. Brilliant colors shall be restricted especially for any part of the structure which may be visible from above the fence. If there is a canvas awning, such awning shall be solid in color and shall be an earth tone color.

N. Room Additions

Exterior materials and colors should match the house as much as possible. Size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. Addition of a storage area will not qualify as a bonafide room addition and will not be permitted. Plans for room addition must show a room of reasonable size to constitute a legitimate request for a room addition. Roof of addition must integrate with existing roof line so as to appear to have been part of the original home. The addition must be opened to the main structure and be serviced by central heat/AC and electrical. All such improvements must be designed to building code standards. Room additions may be denied for other reasons (structural integrity, architectural suitability, etc). Building permits as required by the applicable municipality (city, county, etc.) must be submitted with the "Request for Home Improvement Approval" form. In some instances, the RMC will grant approval with the provision that a copy of the permit must be received by the ACC within thirty (30) days of the approval letter.

O. Satellite Dishes and Antennas

Satellite dishes and antennas must comply with Federal Communications Commission guidelines and regulations. All radio frequency receiving devices of any configuration and type must be erected behind the home and not protrude above the roof line(s) of the primary structure/house. Every reasonable effort possible must be made to limit the views to these devices from adjacent properties. Corner lots shall not install such devices closer to the corner street than the mid point of the primary structure/house.

P. Bird Houses and Feeders

Harper's Preserve possesses a diverse natural habitat visited annually by migrating song birds. The installation of bird houses particularly those designed to attract Purple Martins is encouraged. Additionally, song bird feeders are also encouraged. Each homeowner erecting either feeders or birdhouses shall be responsible for the maintenance of the devices including repairs, painting and "righting" of support posts.

Q. Yard Ornaments

The front yard of a home is typically a source of pride and an area where Homeowners desire a "higher finish" than in other parts of the lot. The front yard is also a part of the "public domain" in that it is visible to the public right of way (street) and forms a part of the overall community image and character. For this reason, high degrees of personalization with regard to "fixtures" such as statuary, bird baths, arbors and other forms of garden ornament are prohibited in the front yard. Yard ornaments located within rear yard (where wrought iron fencing is used) shall require approval from the HPCA. Benches on porches and behind hedges are permitted.

The use of exotic tropical materials, either fruit bearing or not, such as banana trees, Sago Palms, Queen Palms, Washingtonia Robusta palms, Bamboo and other materials not capable of withstanding the occasional prolonged hard freeze conditions experienced in the region are not permitted in the front yard (or rear yard where wrought iron fencing is used).

HARPER'S PRESERVE - WEST VILLAGE ARCHITECTURAL GUIDELINES

IV. CONSTRUCTION GUIDELINES

Construction Standards and Site Maintenance

The following Construction Standards ("Standards") shall apply to any and all work performed within Harper's Preserve Community. All Owners shall be bound by any City building codes and all other applicable governing authority.

A. General

Each lot in Harper's Preserve Community shall be maintained in a neat, clean, and orderly condition by the Owner during construction. During construction, the Owner shall observe the following rules and requirements:

1. No temporary structures, including construction trailers or other temporary office or sales facilities shall be placed or maintained on the property until the appearance and location of such facilities have received approval of the NCC or RMC.
2. Property shall be kept free of weeds and debris, and all scrap materials shall be removed as soon as reasonably possible in order to maintain a clean construction site.
3. Construction debris, including excess concrete, may not be burned, dumped, or disposed of in any area of the development unless a specific location for such a purpose is approved by the NCC or RMC.
4. Each lot must be clean by end of day each Friday so that the Harper's Preserve Community is in marketing condition for weekend sales traffic and activity. In addition, streets in front of a construction site are to be free from dirt, debris, and spilled concrete. Streets must be cleaned weekly or as needed.
5. Fines may be assessed by the ACC for non-compliance.

B. Construction Plans

House plan approval by the NCC or RMC is required prior to the commencement of any construction as described in the Guidelines. Procurement of applicable permits from other governmental agencies is the responsibility of the Owner and shall be obtained prior to commencement of construction. Construction shall be completed expeditiously and in accordance with approved plans.

C. Compliance with Construction Plans

Owners are responsible for complying with the approved construction plans and Guidelines. Non-compliance will result in written notification from the HPCA, ACC, NCC, or RMC of any observed violations. If the non-compliance item(s) are not properly corrected, then the HPCA shall initiate appropriate action to enforce compliance.

D. Sediment Control

Each Owner shall comply with the appropriate regulatory agency's Storm Water Pollution Prevention Plan requirements and implement the appropriate Best Management Practices necessary to minimize storm water pollution from entering the existing storm water facilities, including, but not limited to, storm sewers, channels, detention ponds, lakes, and the Preserve Area.

E. Preservation Areas Jurisdictional Wetlands/ Drainage Improvements

Each Owner shall comply with the requirements stipulated under Permit SWG-2007-737, which the Declarant obtained from the United States Army Corps of Engineers, Galveston District (the "Corps Permit") in connection with the development of Harper's Preserve. The Preserve Area is restricted as described in the Declaration of Conservation Restriction (filed under Montgomery County 2011003549).

Each Owner shall ensure that any and all individuals, entities and/or equipment directly or indirectly employed by the Owner's contractor, subcontractor or supplier to perform any work do not enter upon or impact the Preserve Area.

Each Owner shall be responsible for any violations that may be issued by the regulatory agencies with jurisdiction, including but not limited to the United States Army Corps of Engineers, EPA, or Montgomery County MUD 95 in the event an Owner's contractor, subcontractor, supplier or any individual or entity directly or indirectly employed by any of them impacts the Preserve Area or violates the conservation restrictions.

HARPER'S PRESERVE - WEST VILLAGE ARCHITECTURAL GUIDELINES

In the event an Owner or its contractor, subcontractor, supplier or any individual or entity directly or indirectly employed by any of them is required to perform construction within one hundred (100) feet of the Preserve Area, Owner shall notify the Declarant, Montgomery County MUD No. 95 and HPCA at least seventy-two (72) hours prior to commencement of such construction activity.

HARPER'S PRESERVE - WEST VILLAGE ARCHITECTURAL GUIDELINES

V. MASTER SIGNAGE STANDARDS

Signage & Display Guidelines

All commercial signage builder advertisement and all residential homeowner signage for (i) advertisement related to the status of the home (i.e., model home, for sale, pending, sold); (ii) school spirit displays; (iii) religious displays; and (iv) any other permitted uses (which are determined acceptable at the sole discretion of the ACC) related to Harper's Preserve must be submitted to the ACC for pre-approval prior to installation.

Builders may install one (1) sign per lot owned by the Builder advertising the home for sale (or that the home has been sold). Builders may have 1 temporary commercial model home sign on homes to be used to market and sell homes within the community. Unless otherwise approved by the NCC, the Builder's signage is required to meet the criteria on **Exhibit H-1, H-2 H-3, and H-4**. Use of the builder's logo and logo color is at the discretion of the NCC. Each sign type that is utilized by the Builders in the community must be submitted and approved before installation. The ACC may exempt a Builder from meeting signage criteria in writing in the ACC's sole and absolute discretion due to the nature of the commercial enterprise required to build out the community.

Signage and displays for existing homes for the following sign types are regulated by the ACC: (i) temporary advertisement related to the status of the home (i.e.: for sale, pending, sold) which shall meet the criteria of MS - 1; (ii) school spirit; (iii) religious displays; and (iv) any other permitted uses (which are determined acceptable at the sole discretion of the ACC). Such sign types shall have signs and/or displays that do not exceed a maximum total height of four (4) feet high including structural supports (with up to one foot (1') of the total height that can be used subgrade to stabilize the display or sign). The dimension of the actual message/symbol portion of the sign and/or display portion of the sign (excluding structure) shall not exceed 2' x 3'. Signs and/or displays advertising "for lease" or with obscene, vulgar and/or offensive messages and symbols (as determined by the ACC) are strictly prohibited. No signs and/or displays for homes owned by residents (owners who are not Builders within the community) shall be erected on the roof, fence, or façade of any structure (except those address markers and community logos required under these Architectural Guidelines).

Residents desiring to place more than one (1) sign and/or displays in the visible portion of their yard will be required to submit to the ACC for approval. Approval of more than one (1) sign and/or displays will be at the discretion of the ACC. In order to obtain approval, the ACC will require the following information from the resident:

- Picture and location of any sign and/or displays currently in use
- Picture and location of any additional proposed sign and/or displays

The ACC may (but is not required to) grant a waiver from these requirements to a third-party realtor marketing a home for sale on a Lot using a standard sign from their company; however, the ACC does have the right to limit the number of signs and/or displays to one (1) and if the sign and/or display design does not meet ACC approval, the ACC can require such sign and/or display to meet the general signage requirements of **H-1** (this assumes message shall be modified accordingly as approved by the ACC since this would not be a "Builder" sign in this circumstance).

HARPER'S PRESERVE - WEST VILLAGE ARCHITECTURAL GUIDELINES

VI. EXHIBITS

A	Neighborhood Plan
B-1	Sidewalk & Trail Plan
B-2	Sidewalk Ramp Detail
C-1	Fence Type Key Map
C-2 (a)	Community Fence Detail
C-2 (b)	Community Fence Behind Model Homes
C-3	Lake & Open Space Rear and Side Fences & Screening
C-4	Corner Lot Side Yard Reforestation & Fencing
PF-2-A	Driveway Security Fence Slide Gate (60'-80' Lots)
PF-2-B	Driveway Security Fence Slide Gate Landscape & Irrigation (60'-80' Corner Lots)
PF-2-C-1	Driveway Security Fence, Slide Gate, Pedestrian Gate & Sidewalks (60'-80' Lots)
PF-2-C-2	Driveway Security Fence Slide Gate Landscape & Irrigation (60'-80' Corner Lots)
PF-3-A	Driveway Security Fence Swing Gate (40'-59' Lots)
PF-3-B	Driveway Security Fence Swing Gate Landscape & Irrigation (40'-59' Lots)
PF-3-C	Driveway Security Fence, Swing Gate, Pedestrian Gate & Sidewalks (40'-59' Lots)
PF-3-C-2	Driveway Security Fence Landscape & Irrigation (40'-59' Lots)
PF-5	4' Sidewalk Construction Details
PF-7	Security Driveway Gate & Address Marker-Logo Plaque
PF-8	Security Fence & Buffer Landscape
PF-9	Security Fence Ameristar Gate Standards
PF-12	Security Fence Masonry Column within Property Corner
PF-13	Type 2, 3 & 5 Fences
C-5	Horsepen Park Conceptual Plan
D-1	Master Street Tree Plan
D-2	Street Tree Plan with Ornamental Tree (Harper's Way Lots)
D-3	Street Tree Plan 65' Lots with Canopy Yard Tree
D-4	Street Tree Plan 55' Lots with Canopy Yard Tree
D-5	Street Tree Plan 65' Lots with Ornamental Yard Tree
D-6	Street Tree Plan 55' Lots with Ornamental Yard Tree
D-7	Builder Minimum Landscape Planting – Corner Lots
D-8	Builder Minimum Landscape Planting – Interior Lots
D-9	Builder Minimum Landscape Planting – West Perimeter Cul-de-sac Lots

HARPER'S PRESERVE - WEST VILLAGE ARCHITECTURAL GUIDELINES

E-1	Harper's Way Setbacks
E-2	Harper's Way Streetscape Elements
E-3	Harper's Way Streetscape Elements – Additional
E-4	Harper's Way Driveway Gate Detail
E-5	Harper's Way Irrigation Plan
E-6	Harper's Way Planting Plan
E-7 (a)	Harper's Way Reforestation Plan – concept plan
E-7 (b)	Harper's Way Reforestation Plan - specifications
F	Garage Door Restriction Plan
G-1	Lighting Zones – Permitted
G-2	Lighting Fixtures – Permitted
H-1	Builder Yard Signs
H-2	Builder Weekend Directional Signs
H-3	Builder "Open" Sign
H-4	Builder Identification Sign

Exhibit A
NEIGHBORHOOD PLAN



Neighborhood Key

- Harper's Green
- Horsepen Bend
- The Rookery
- Rabbits' Nest

**Exhibit B-1
SIDEWALK & TRAIL PLAN**



Trail & Sidewalk Legend






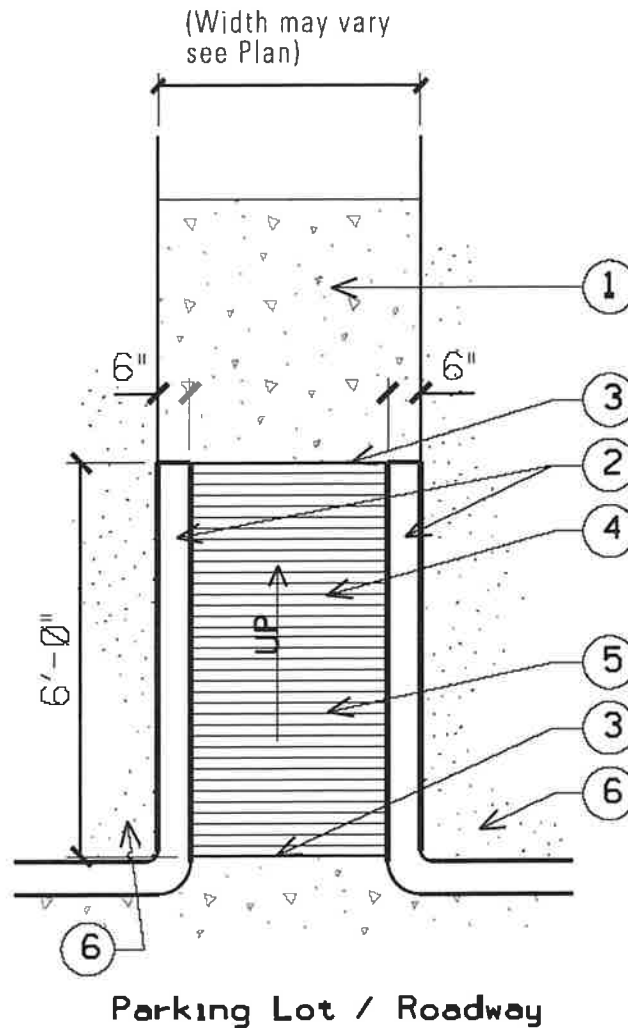
-  7' Trail by HPCA
-  7' Trail by Builders
-  4' Walk by HPCA
-  4' Connector Walk by Builders
-  4' Standard Walk by Builders

Exhibit B-2
SIDEWALK RAMP DETAIL



CURB RAMP W/ NON WALKING SURFACE ADJAC
Not to scale

Detail Callout Legend:

1. Concrete Walk
2. 6" Concrete Curb
3. Expansion Joint
4. Concrete Ramp Maximum Slope 1" per Foot natural grey color
5. Grooved Concrete Texture 1/4" Deep x 3/4" Wide Space at 2" o.c. Along Entire length and as wide as ramp
6. Non Walking Surface

**Exhibit C-1
FENCE TYPE KEY MAP**



Fence Type Legend

- 6' Community Fence with Masonry Columns by HPCA
- - - 6' Community Fence by HPCA or Builder
(As determined by HPCA and in accordance with Exhibit-C-2 (b))
- 6' Community Fence by Builder (In accordance with Exhibit-C-2 (a))
- 6' Metal Picket Fence by HPCA
- 4' Metal Front Fence & Gate by Builders (Details provided by HPCA)
- 4' Metal Rear & Side Fence by Builders (Details provided by HPCA)
- 6-8' Wood Fence By Builders-Homeowners

- Notes:
1. Interior lot wood fences to be constructed by the Builders are not illustrated.
 2. Rear lot wood fences to be constructed by the Builders are not illustrated.
 3. Rear yard metal picket fences on corner lots are to turn and continue along side property line for approximately 30 feet and meet side yard fence

Exhibit C-2 (a)
COMMUNITY FENCE DETAIL

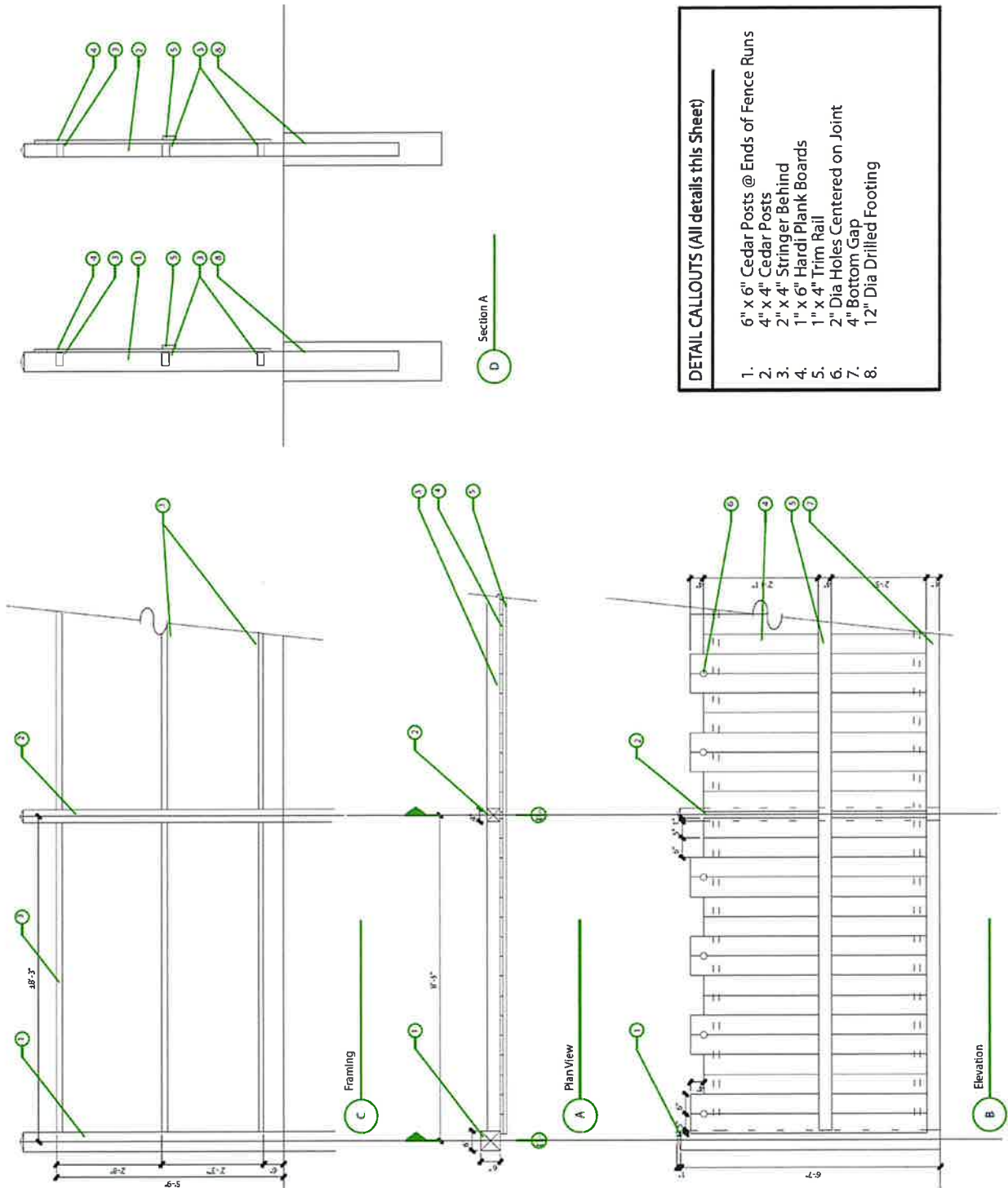


Exhibit C-2 (b)
COMMUNITY FENCE DETAIL
BEHIND MODEL HOMES

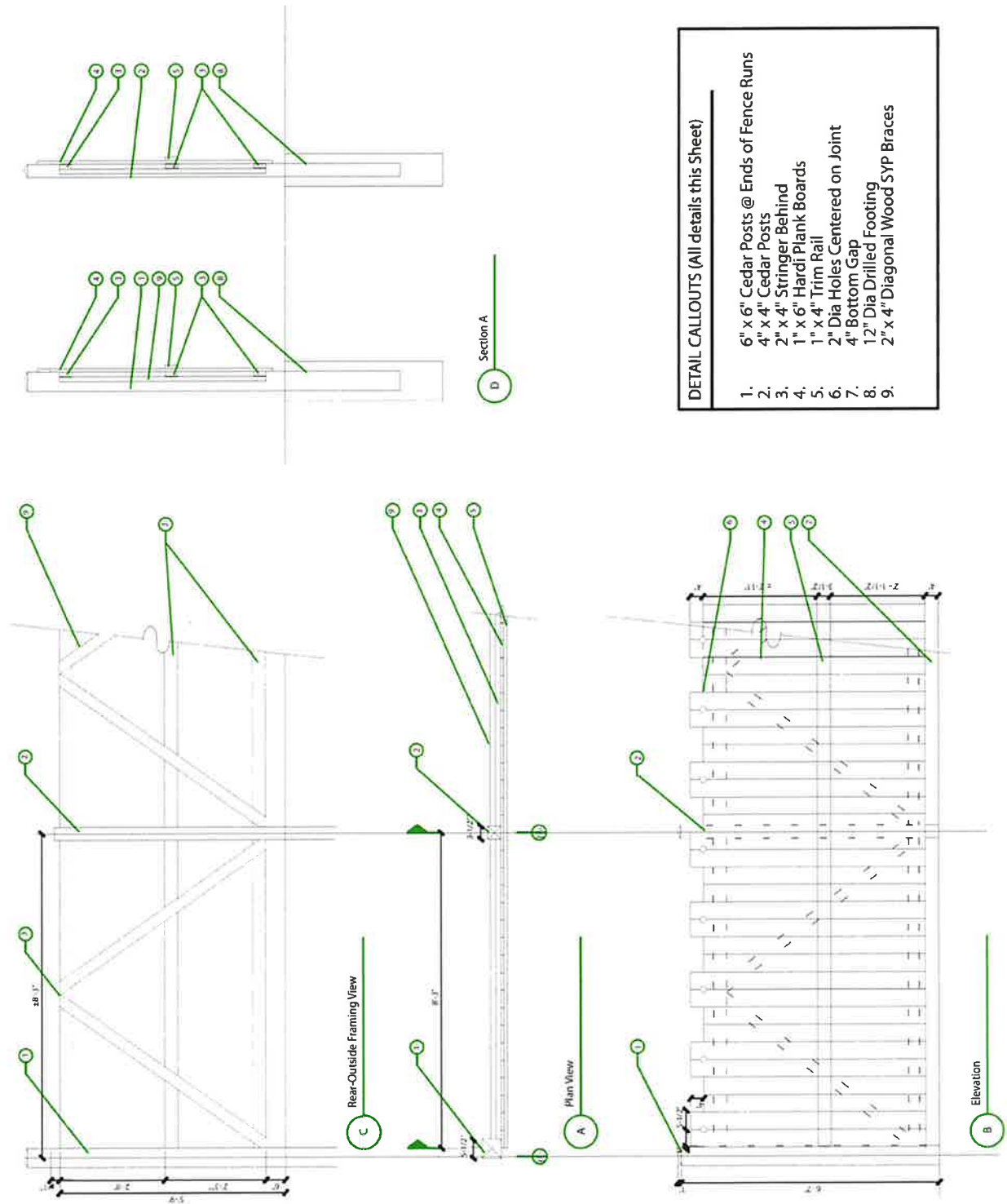


Exhibit C-3
LAKE & OPEN SPACE REAR AND
SIDE FENCES & SCREENING



**Exhibit C-4
CORNER LOT SIDE YARD
REFORESTATION & FENCING**

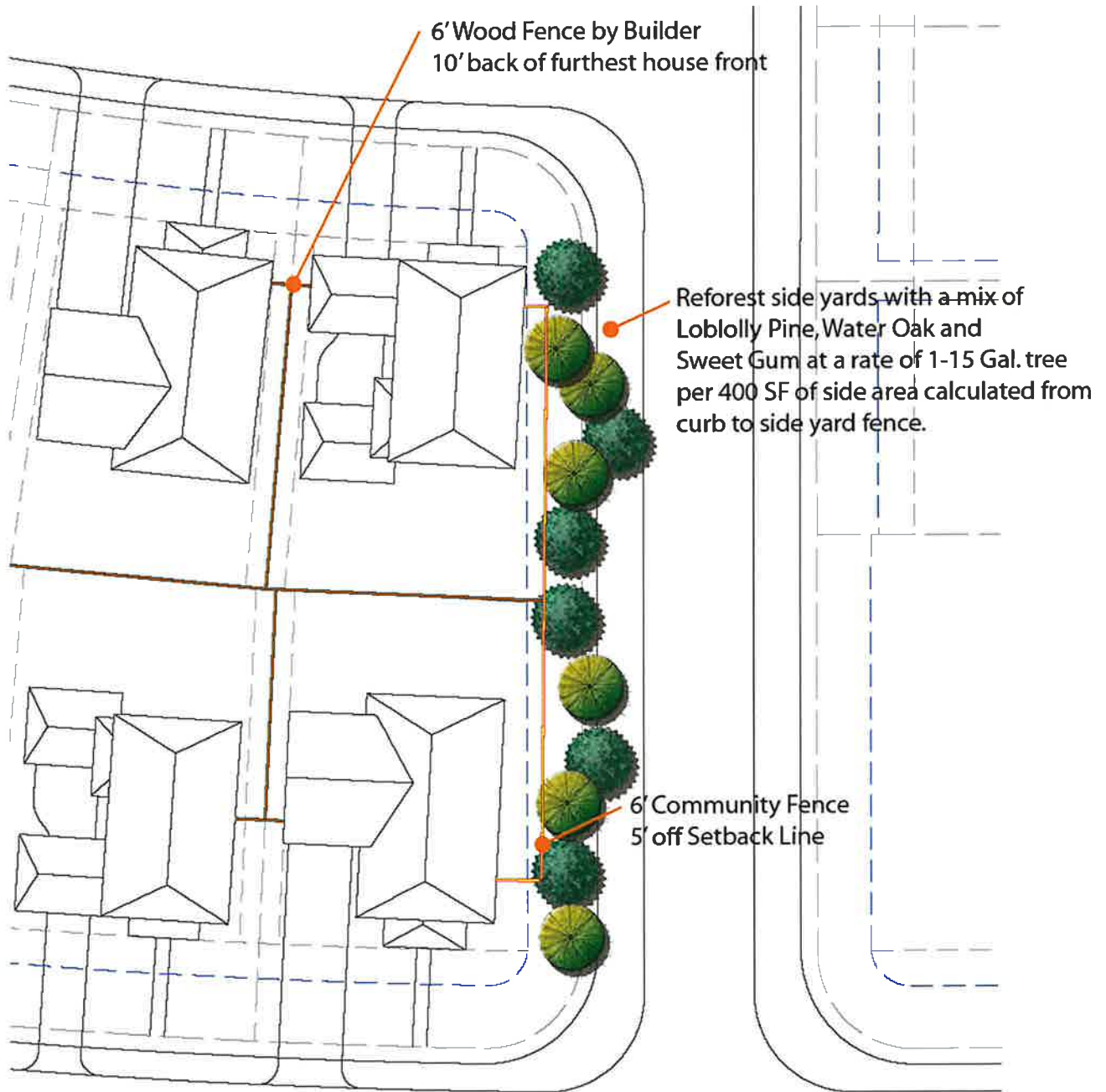
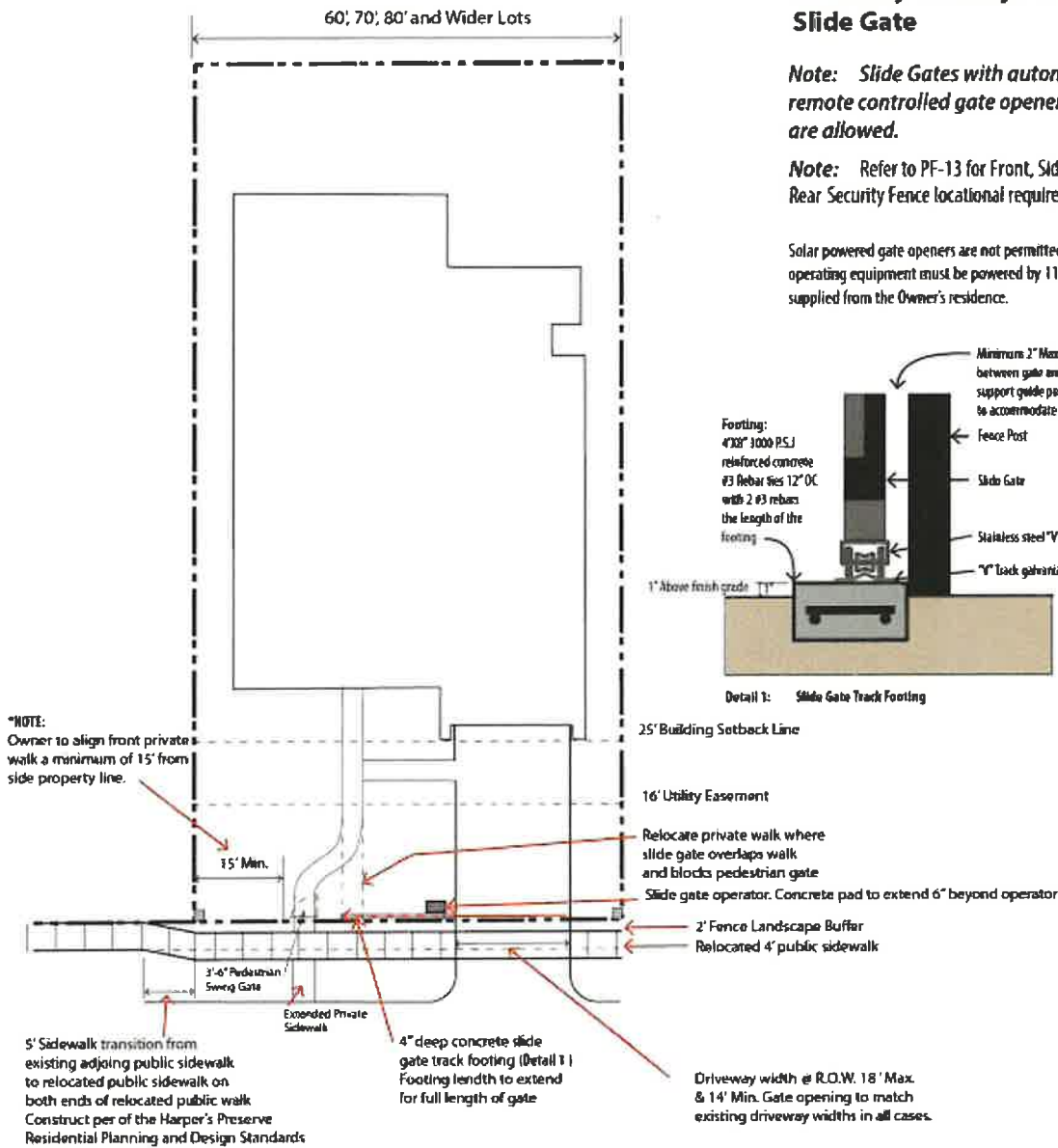


Exhibit PF-2-A
60', 70', 80' & Wider Lot Sizes
Driveway Security Fence
Slide Gate

Note: Slide Gates with automatic remote controlled gate openers only are allowed.

Note: Refer to PF-13 for Front, Side & Rear Security Fence locational requirements

Solar powered gate openers are not permitted. Motors and operating equipment must be powered by 110 volt electricity supplied from the Owner's residence.



**Exhibit PF-2-b
60', 70' & 80' & Wider Corner
Lots Driveway Security Fence
Slide Gate Landscape &
Irrigation**

Note: Slide gates with electric automatic remote controlled openers only. Gate must slide away from closest property line.

Note: Refer to PF-13 for Front, Side & Rear Security Fence locational requirements

Irrigation Notes: Owner is to repair and replace all irrigation equipment within the front yard area in order to accommodate modifications for front yard security fencing standards including mainlines, lateral lines, valves, spray heads and coordinate with the HPCA in reconnecting the front yard system to the main line. Repaired and replaced equipment is to be per the HPCA equipment standards in type and kind and the turf and street tree areas of the adjacent street right of way must also be modified accordingly as part of Owner's irrigation area.

Owner is to irrigate the ornamental grasses and evergreen shrubs with an additional valve separated from the lawn irrigation. The shrub irrigation is to be a drip system with the emitter tubes stapled every 3' and buried at 4" below top of mulch.

Ornamental grasses & evergreen shrubs are to be separately valved.



Grass and Shrub Bed Mulch:



Excavate and place 4" of mulch in the beds. The mulch must contain a range of particle sizes from sawdust to pieces 1" in diameter. The mulch should be fully composted so that all organics are broken down in a rich fertile mix and free from visible non-composted cellulose/wood. Beds are to be edged with brown steel 4" "Permaloc" edging staked at all joints and corners with brown steel 12" steel stakes.

Acceptable local sources for such mulch include, but are not limited to the following:

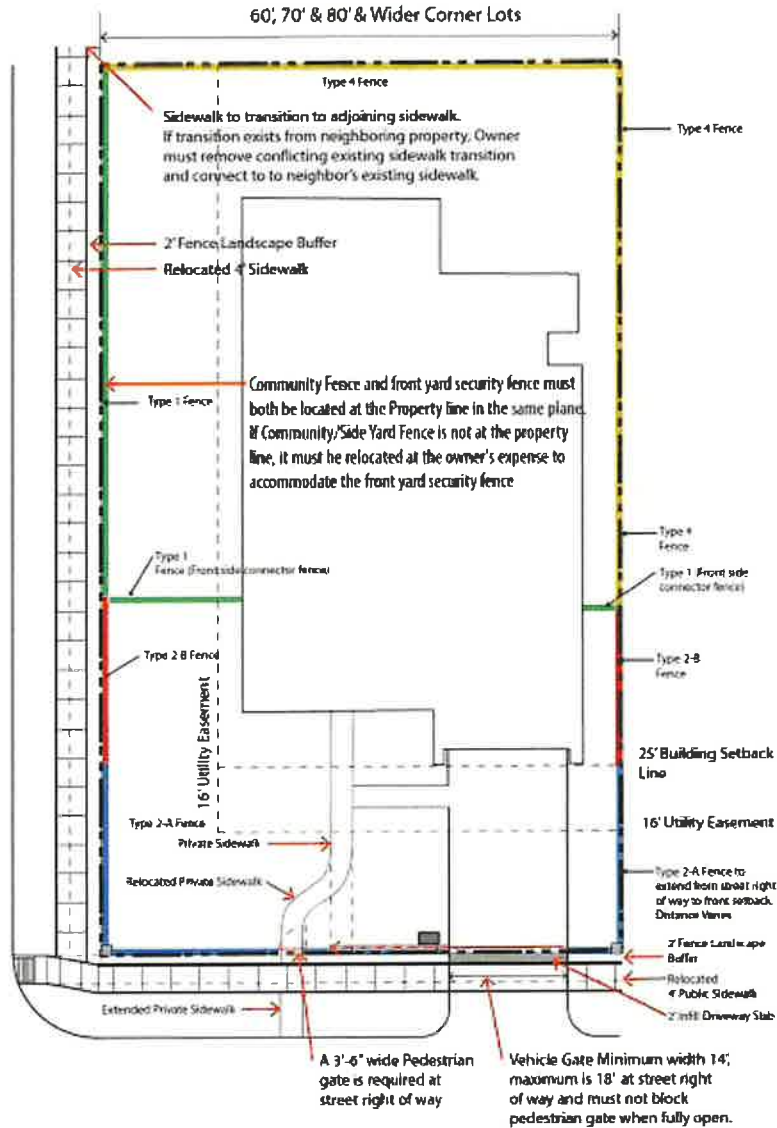
Nature's Way Resources
101 Sherbrook Circle
Conroe, TX 77385

Prior to any other local source being selected by the site developer, it must be approved by HPCA.

Softscape Legend

Plant Material	Size	Spacing
 Gulf Coast Muhly Grass	5 Gal.	30" O.C.
 Dwarf Wax Myrtle	5 Gal.	30" O.C.

**Exhibit PF-2-C-1
60', 70' & 80' & Wider Corner
Lots Driveway Security Fence,
Slide Gate, Pedestrian Gate &
Sidewalks**



Note: Refer to Exhibit PF-2-A for Front, Side & Rear Security Fence Gate Details & Exhibit PF-2-C-1 for Gate(s) & Fencing layout requirements

Gate Notes:

Swing gates with electric automatic remote controlled openers must swing towards closest side property line. Slide gates with electric automatic remote controlled openers must not block pedestrian gate when fully opened.

Solar powered gate openers are not permitted. Motors and operating equipment must be powered by 110 volt electricity supplied from the Owner's residence. The electrical supply must be underground and installed per the governing electrical code(s) and be designed an electrical engineer and installed by a licensed electrician.

Fencing and Sidewalk Notes:

In the event there is less than 24 inches of setback between the property line and the public sidewalk (on the street right of way), the public sidewalk must be removed and relocated by the Owner at Owner's expense to accommodate required landscaping/irrigation. All front yards which have security fencing must include a private sidewalk from the front door to the street curb via a pedestrian gate in the security fence to accommodate pedestrian traffic and deliveries.

Relocated sidewalks must be connected to the remaining existing walks using an expansion joint with slip dowels between the existing sidewalk and the relocated sidewalk. The existing sidewalk must be cleanly saw cut at the point of connection between the existing sidewalk and the relocated sidewalk.

The use of any pet enclosure materials attached to Security Fence such as metal wire fabric fencing, plexiglass, plastic or fiber netting, wood or metal slats is strictly prohibited.

Driveway Notes:

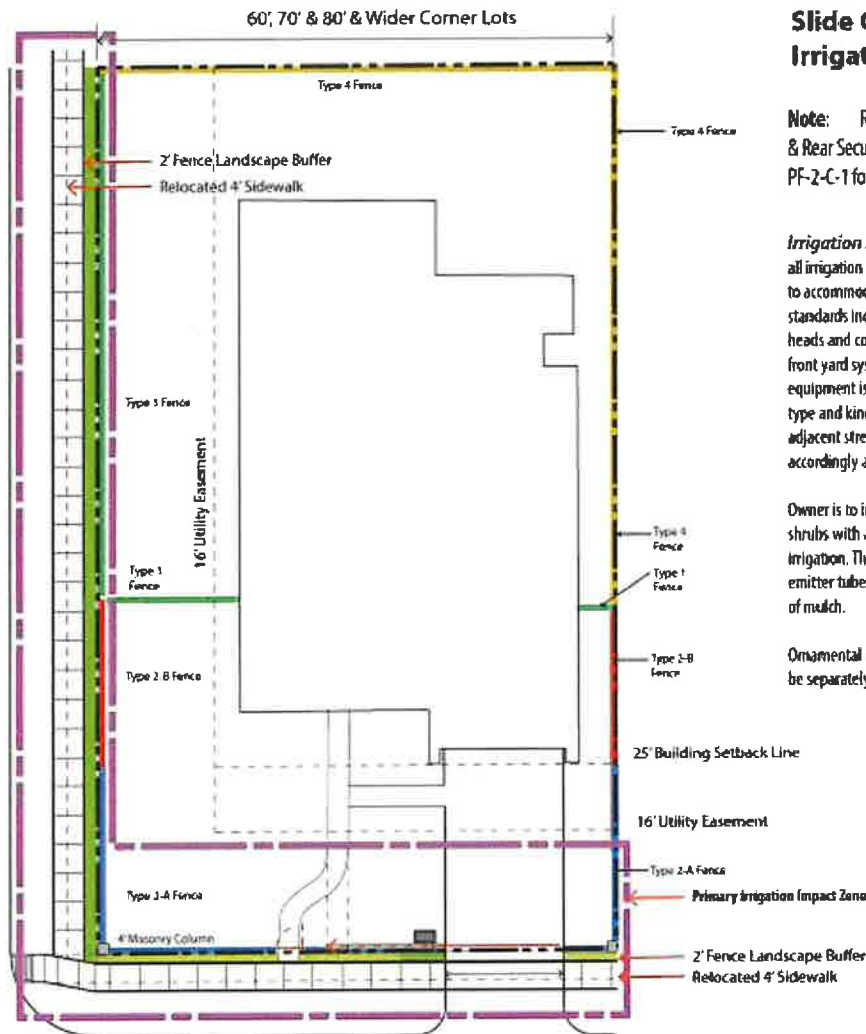
The relocated public sidewalk must meet the residual streetside driveway top of surface.

The 2' driveway infill slab must be connected to the remaining driveway using an expansion joint with slip dowels between the existing drive and infill drive. The 2' infill drive must have #3 rebars 12" O.C. both ways.

Fence Legend

Type	Name	Height	Material
	Type 1 Community	6'	Hardiplank (Corner side lots and front side connectors only)
	Type 2-A Security	4'	Metal Picket (Side transitions only)
	Type 2-B Security	5'	Metal Picket (Side, rear, and front lot lines)
	Type 4 Privacy	6'	Wood (Internal lot lines only)

**Exhibit PF-2-C-2
60', 70' & 80' & Wider Corner
Lots Driveway Security Fence
Slide Gate Landscape &
Irrigation**



Note: Refer to Exhibit PF-2-A for Front, Side & Rear Security Fence Gate Details & Exhibit PF-2-C-1 for Gate(s) & Fencing layout requirements

Irrigation Notes: Owner is to repair and replace all irrigation equipment within the front yard area in order to accommodate modifications for front yard security fencing standards including mainlines, lateral lines, valves, spray heads and coordinate with the HPCA in reconnecting the front yard system to the main line. Repaired and replaced equipment is to be per the HPCA equipment standards in type and kind and the turf and street tree areas of the adjacent street right of way must also be modified accordingly as part of Owner's irrigation area.

Owner is to irrigate the ornamental grasses and evergreen shrubs with an additional valve separated from the lawn irrigation. The shrub irrigation is to be a drip system with the emitter tubes stapled every 3' and buried at 4" below top of mulch.

Ornamental grasses & evergreen shrubs are to be separately valved.

Grass and Shrub Bed Mulch:

Excavate and place 4" of mulch in the beds. The mulch must contain a range of particle sizes, from sawdust to pieces 1" in diameter. The mulch should be fully composted so that all organics are broken down in a rich fertile mix and free from visible non-composted cellulose/wood. Beds are to be edged with green steel 4" "Permaloc" edging staked at all joints and corners with 12" brown steel stakes.

Acceptable local sources for such mulch include, but are not limited the following:

Nature's Way Resources
101 Sherbrook Circle
Conroe, TX 77385

Prior to any other local source being selected by the site developer, it must be approved by HPCA.

Softscape Legend

Plant Material	Size	Spacing
Gulf Coast Minky Grass	5 Gal.	30" O.C.
Dwarf Wax Myrtle	5 Gal.	30" O.C.

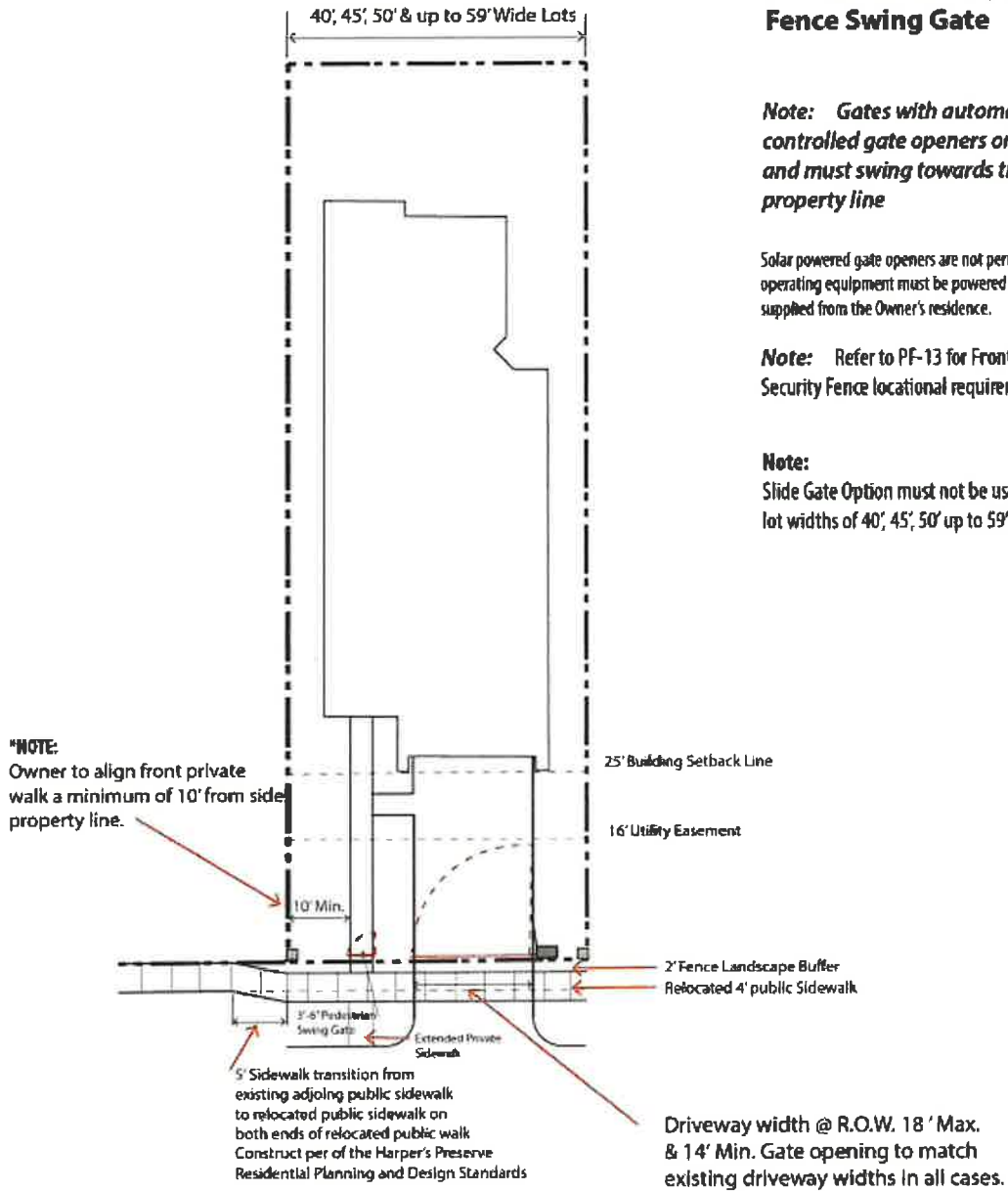
**Exhibit PF-3-A
40', 45', 50' & up to 59' wide
Lot Sizes Driveway Security
Fence Swing Gate**

Note: Gates with automatic remote controlled gate openers only are allowed and must swing towards the closest property line

Solar powered gate openers are not permitted. Motors and operating equipment must be powered by 110 volt electricity supplied from the Owner's residence.

Note: Refer to PF-13 for Front, Side & Rear Security Fence locational requirements

Note: Slide Gate Option must not be used with lot widths of 40', 45', 50' up to 59' widths.



**Exhibit PF-3-B
40', 45', 50' & up to 59' Lot Sizes
Driveway Security Fence
Swing Gate Landscape &
Irrigation**

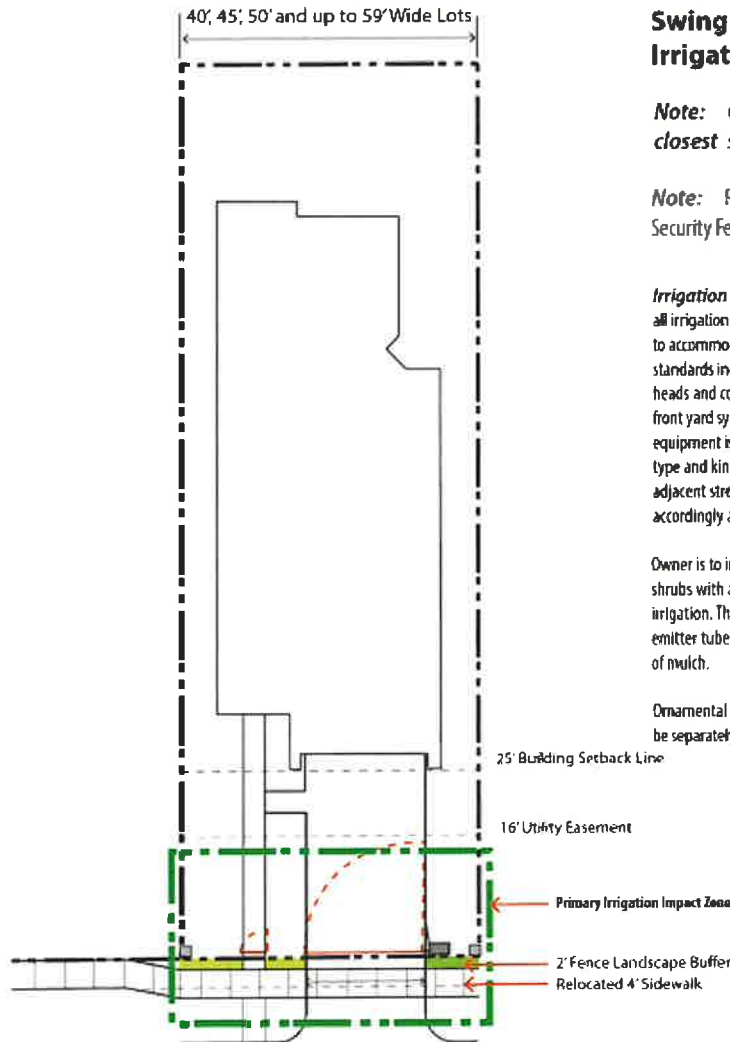
Note: Gate must swing towards closest side property line

Note: Refer to PF-13 for Front, Side & Rear Security Fence locational requirements

Irrigation Notes: Owner is to repair and replace all irrigation equipment within the front yard area in order to accommodate modifications for front yard security fencing standards including mainlines, lateral lines, valves, spray heads and coordinate with the HPCA in reconnecting the front yard system to the main line. Repaired and replaced equipment is to be per the HPCA equipment standards in type and kind and the turf and street tree areas of the adjacent street right of way must also be modified accordingly as part of Owner's irrigation area.

Owner is to irrigate the ornamental grasses and evergreen shrubs with an additional valve separated from the lawn irrigation. The shrub irrigation is to be a drip system with the emitter tubes stapled every 3' and buried at 4" below top of mulch.

Ornamental grasses & evergreen shrubs are to be separately valved.



Grass and Shrub Bed Mulch:



Excavate and place 4" of mulch in the beds. The mulch must contain a range of particle sizes from sawdust to pieces 1" in diameter. The mulch should be fully composted so that all organics are broken down in a rich fertile mix and free from visible non-composted cellulose/wood. Beds are to be edged with brown steel 4" "Permaloc" edging staked at all joints and corners with brown steel 1/2" steel stakes.

Acceptable local sources for such mulch include, but are not limited the following:

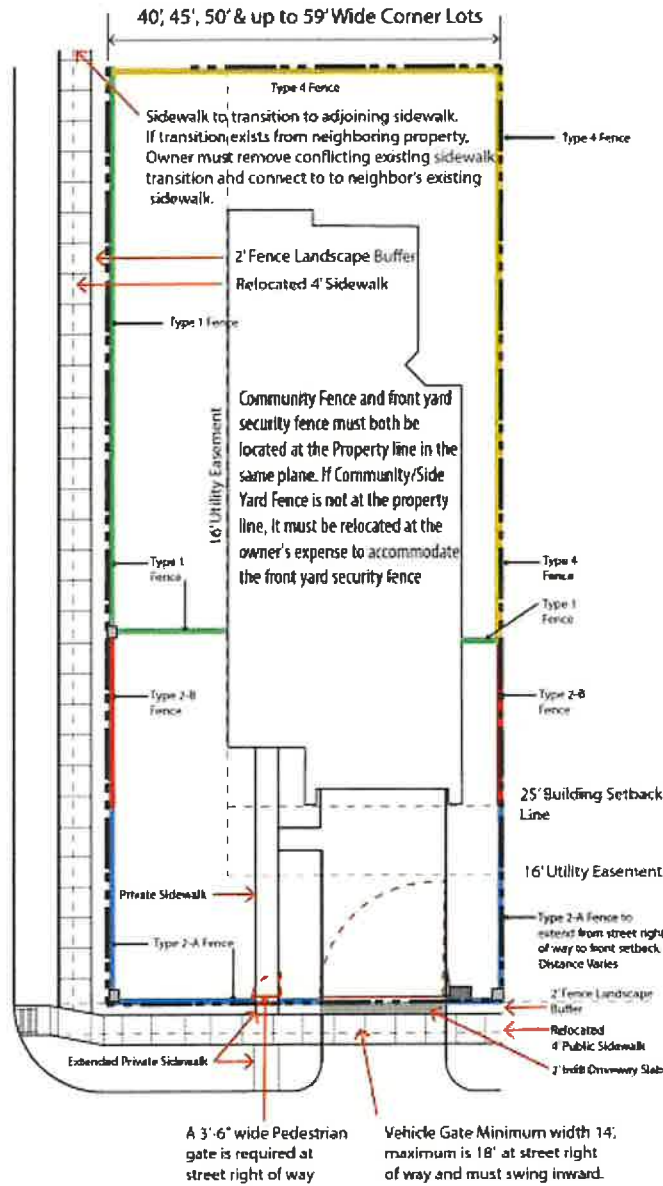
Nature's Way Resources
101 Sherbrook Circle
Conroe, TX 77385

Prior to any other local source being selected by the site developer, it must be approved by HPCA.

Softscape Legend

Plant Material	Size	Spacing
 Gulf Coast Muhly Grass	5 Gal.	30" O.C.
 Dwarf Wax Myrtle	5 Gal.	30" O.C.

**Exhibit PF-3-C-1
40', 45' & 50' up to 59' Wide
Lot Sizes Driveway Security
Fence, Swing Gate, Pedestrian
Gate & Sidewalks**



Note: Refer to Exhibit PF-2-A for Front, Side & Rear Security Fence Gate Details & Exhibit PF-2-C-1 for Gate(s) & Fencing layout requirements

Gate Notes:

Swing gates with electric automatic remote controlled openers must swing towards closest side property line. Slide gates with electric automatic remote controlled openers must not block pedestrian gate when fully opened.

Solar powered gate openers are not permitted. Motors and operating equipment must be powered by 110 volt electricity supplied from the Owner's residence. The electrical supply must be underground and installed per the governing electrical code(s) and be designed an electrical engineer and installed by a licensed electrician.

Fencing and Sidewalk Notes:

In the event there is less than 24 inches of setback between the property line and the public sidewalk (in the street right of way), the public sidewalk must be removed and relocated by the Owner at Owner's expense to accommodate required landscaping/irrigation. All front yards which have security fencing must include a private sidewalk from the front door to the street curb via a pedestrian gate in the security fence to accommodate pedestrian traffic and deliveries.

Relocated sidewalks must be connected to the remaining existing walks using an expansion joint with slip dowels between the existing sidewalk and the relocated sidewalk. The existing sidewalk must be cleanly saw cut at the point of connection between the existing sidewalk and the relocated sidewalk.

The use of any pet enclosure materials attached to Security Fence such as metal wire fabric fencing, plexiglass, plastic or fiber netting, wood or metal slats is strictly prohibited.

Driveway Notes:

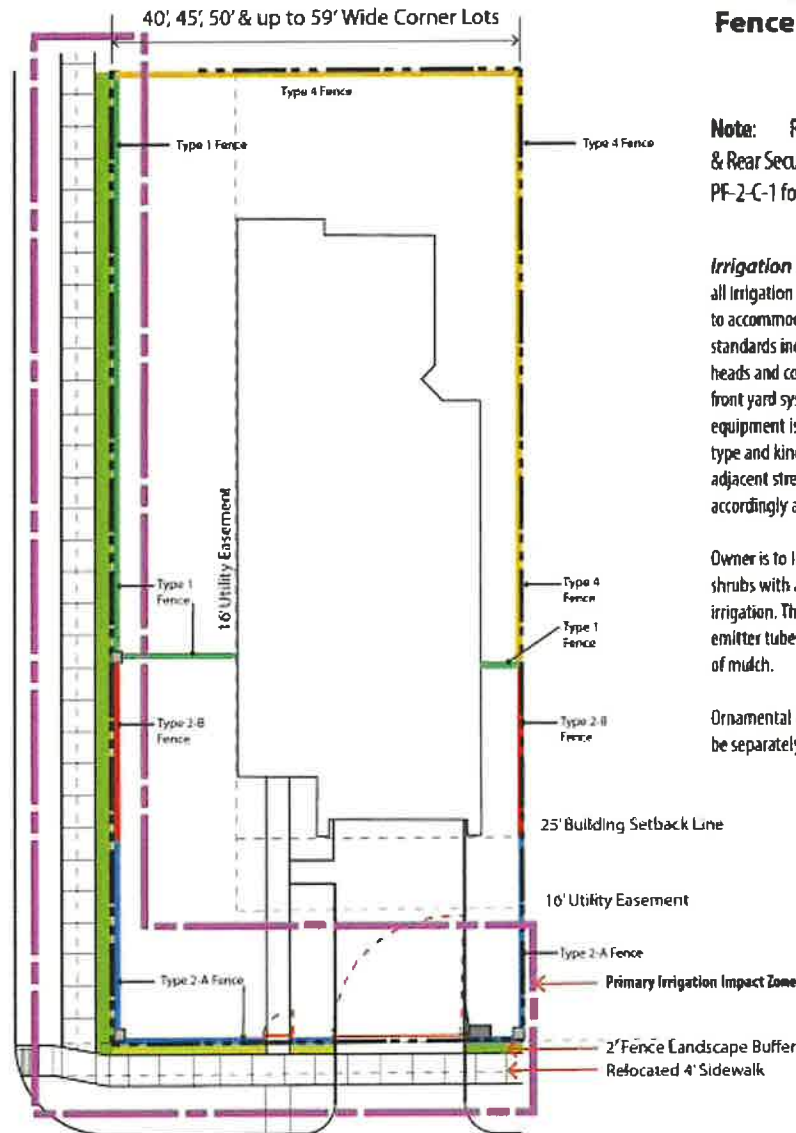
The relocated public sidewalk must meet the residual streetside driveway top of surface.

The 2' driveway infill slab must be connected to the remaining driveway using an expansion joint with slip dowels between the existing drive and infill drive. The 2' infill drive must have #3 rebar 12" O.C. both ways.

Fence Legend

Type	Name	Height	Material
Green line	Type 1 Community	6'	Hardplank (Corner side lots and front side connectors only)
Blue line	Type 2-A Security	4'	Metal Picket (Side transitions only)
Red line	Type 2-B Security	5'	Metal Picket (Side, rear and front lot lines)
Yellow line	Type 4 Privacy	6'	Wood (Interior lot lines only)

**Exhibit PF-3-C-2
40', 45' & 50' up to 59' Wide
Lot Sizes Driveway Security
Fence Landscape & Irrigation**



Note: Refer to Exhibit PF-2-A for Front, Side & Rear Security Fence Gate Details & Exhibit PF-2-C-1 for Gate(s) & Fencing layout requirements

Irrigation Notes: Owner is to repair and replace all irrigation equipment within the front yard area in order to accommodate modifications for front yard security fencing standards including mainlines, lateral lines, valves, spray heads and coordinate with the HPCA in reconnecting the front yard system to the main line. Repaired and replaced equipment is to be per the HPCA equipment standards in type and kind and the turf and street tree areas of the adjacent street right of way must also be modified accordingly as part of Owner's irrigation area.

Owner is to irrigate the ornamental grasses and evergreen shrubs with an additional valve separated from the lawn irrigation. The shrub irrigation is to be a drip system with the emitter tubes stapled every 3' and buried at 4" below top of mulch.

Ornamental grasses & evergreen shrubs are to be separately valved.

Grass and Shrub Bed Mulch:

Excavate and place 4" of mulch in the beds. The mulch must contain a range of particle sizes from sawdust to pieces 1" in diameter. The mulch should be fully composted so that all organics are broken down in a rich fertile mix and free from visible non-composted cellulose/wood. Beds are to be edged with brown steel 4" "Permaloc" edging staked at all joints and corners with brown steel 12" steel stakes.

Acceptable local sources for such mulch include, but are not limited the following:

Nature's Way Resources
101 Sherbrook Circle
Conroe, TX 77385

Prior to any other local source being selected by the site developer, it must be approved by HPCA.

Softscape Legend



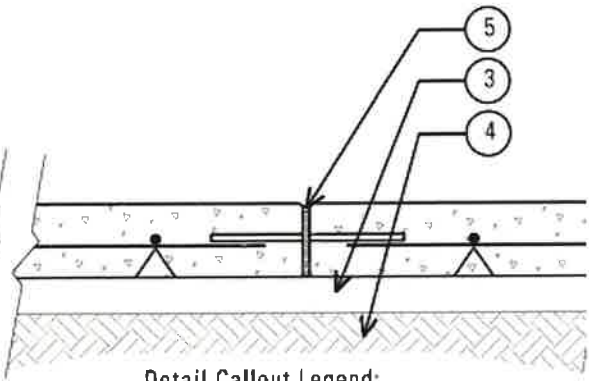
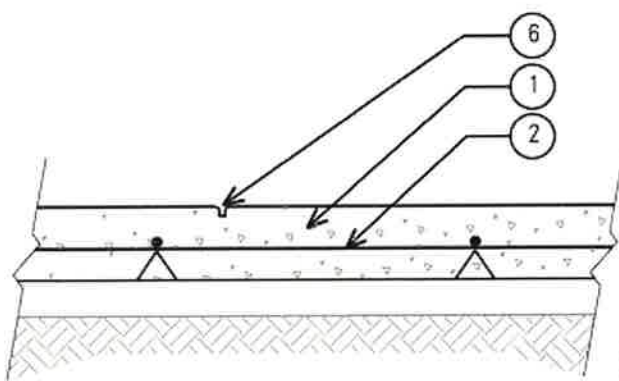
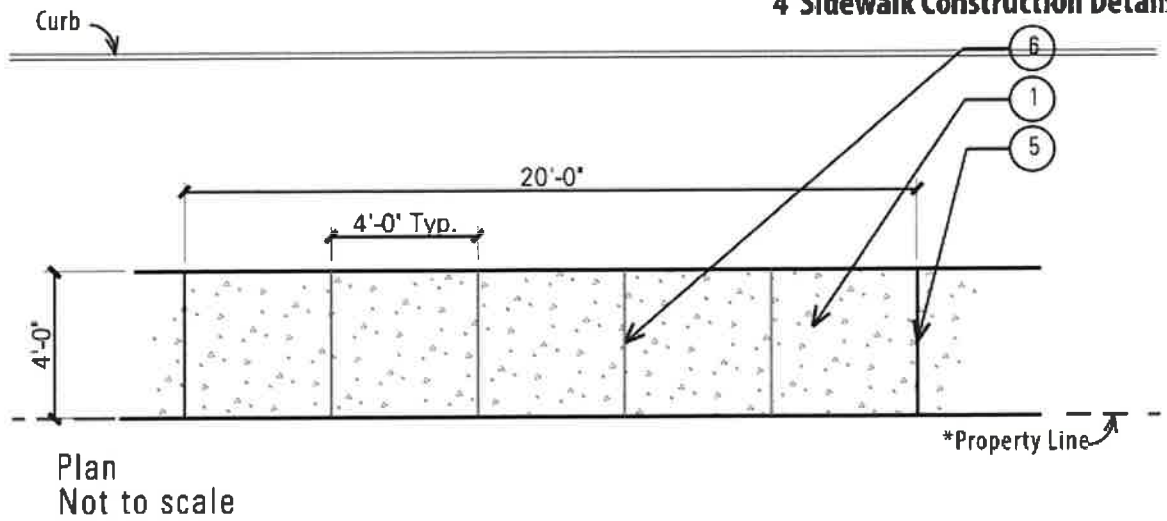
Plant Material	Size	Spacing
 Gulf Coast Muhly Grass	5 Gal.	10" O.C.
 Dwarf Wax Myrtle	5 Gal.	10" O.C.

Exhibit PF-5

4' Sidewalk Construction Details



Detail Callout Legend:

1. 4" Thick Conc. Slab, 3000 PSI.
2. #3 Rebar, 12" O.C. Each Way W/ Rebar Support Chair Every 18" O.C.
3. 2" Thick Compacted Sand Base.
4. 90% Compacted Subgrade.
5. Expansion joint. every 20lf
6. Score joint.

Note:

All side walks to have picture frame tool finish 3" wide at joints with light broom finish perpendicular to direction of traffic. All sidewalks built by Builder shall be located along and adjacent to the property line inside the right-of-way unless there is a Perimeter Security Fence.

***Note For Location with Perimeter Security Fences:**

All public sidewalks along road rights of way must be placed 2' inside the road right of way to maintain a 2' landscape buffer distance from Perimeter Security Fences.

Eternastone Information:

Sourcing
 Eternastone
 14611 Diamond Court
 Houston Texas 77095
 Phone: (281) 856-7065
 bills@eternastone.com

Colors:
 Eternastone: Harper's Green
 Letter Logo Paint Color: Harper's Silver

Eternastone plaque and address marker to be connected to gate with tamper proof connectors.

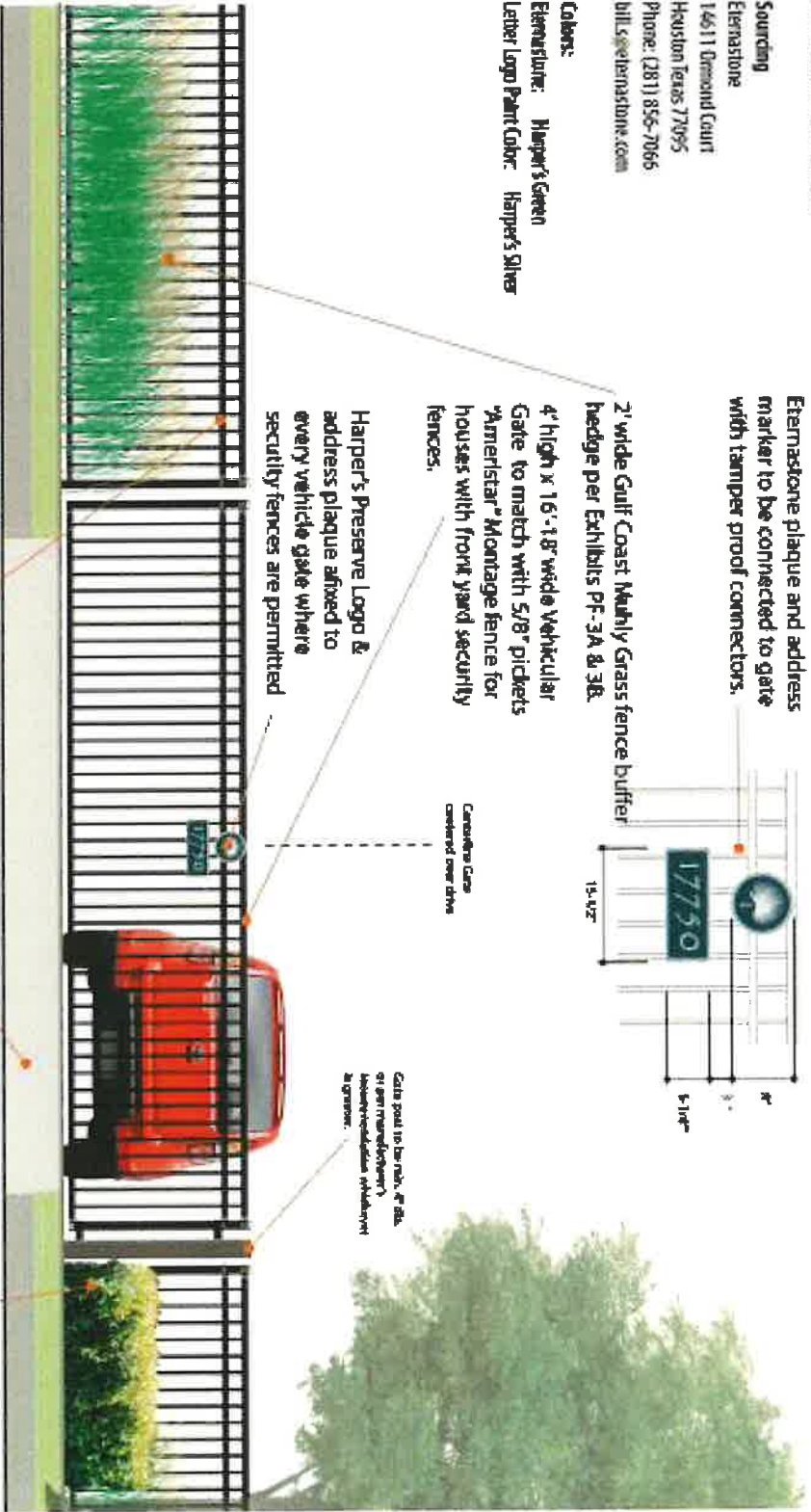
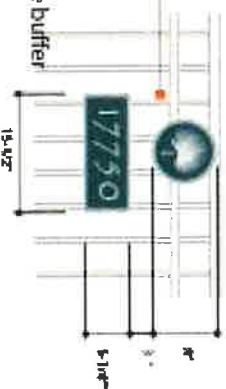
2' wide Gulf Coast Mynthly Grass fence buffer hedge per Exhibits PF-3A & 3B.

4' high x 16'-18" wide Vehicular Gate to match with 5/8" pickets "Ameristar" Montage fence for houses with front yard security fences.

Harper's Preserve Logo & address plaque affixed to every vehicle gate where security fences are permitted

Connectors Gate covered over drive

Gate post to be max. 4" dia. of per manufacturer's instructions. Maximum 20' spacing.



NOTE: The use of any petroleum based materials attached to Security Fence such as metal wire fabric fencing, plexiglass, plastic or fiber bedding, wood or metal slats is strictly prohibited

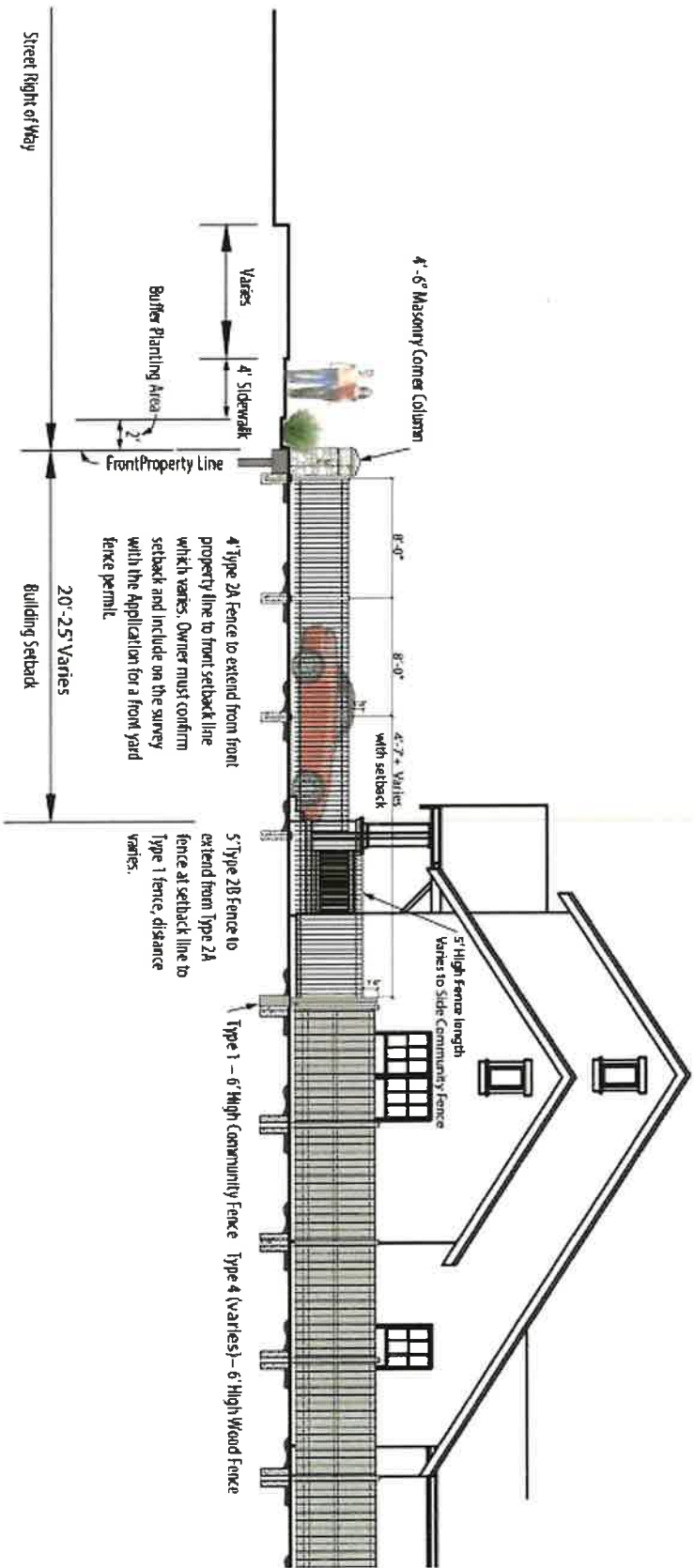
Gate widths to match existing driveway width at property line.
 4" High metal picket security fence with 3/4" pickets along frontage and partial sides of houses. Transitions to 5' fence high fence at front setback line.

Max Myrtle hedge per Exhibits PF-3A & 3B, on gate operator side of driveway only.

Exhibit: PF-7
Security Driveway Gate and Address Marker/Logo Plaque

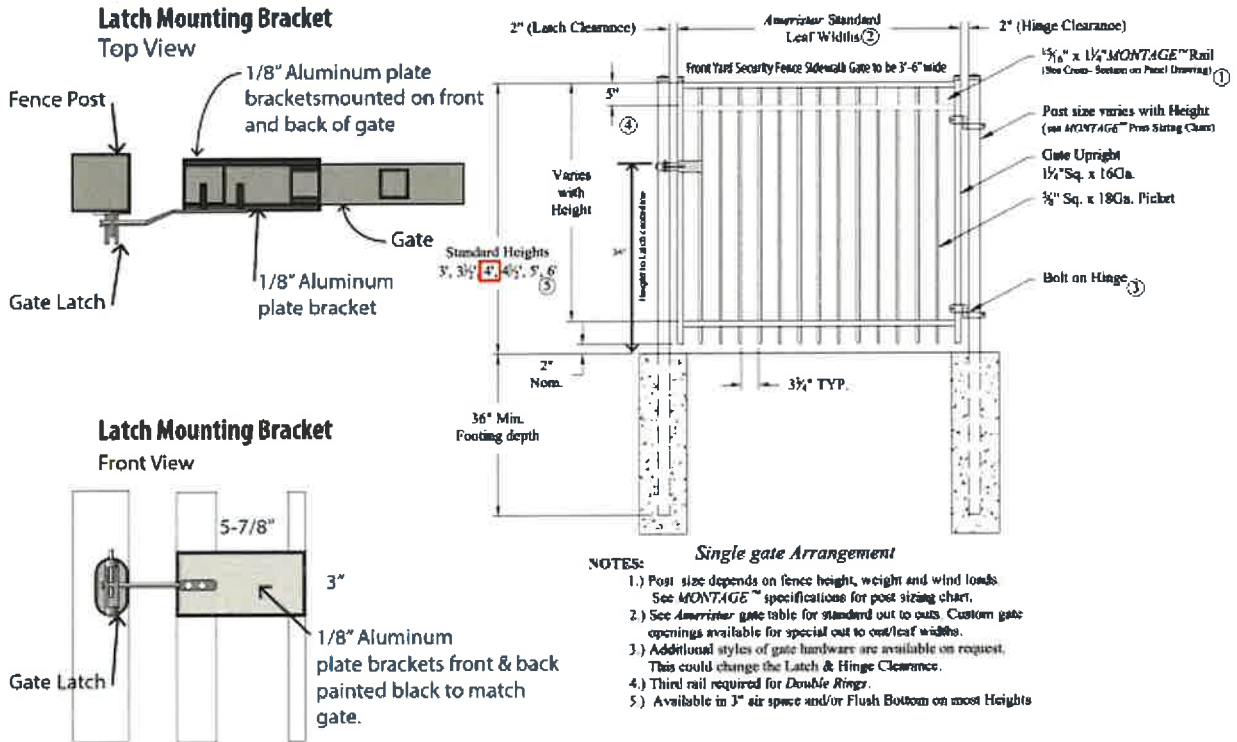
DS0622 Rev 1/14/17

**Exhibit PF-8
Security Fence and Buffer
Landscape
Typical Section/Elevation**



Note: The use of any pet enclosure materials attached to Security Fence such as metal wire fabric fencing, plexiglass, plastic or fiber netting, wood or metal slats is strictly prohibited.

**Exhibit PF-9
Security Fence
Ameristar Gate Standards**



Gate Latch Type:



Available from Grainger

Self-Latching Gate Latch, 1-3/8 In.

Item# 1XMP1
UNSPSC# 31162407

NOTES:

1. Harper's Preserve Front Yard Security Fence Heights. See Exhibit PF-13
2. Harper's Preserve Front Yard Security Fence Gate Lock (if requested) to be as approved by the ARC
3. Pedestrian Gate width to be 3'-6" wide
4. The use of any pet enclosure materials attached to Security Fence such as metal wire fabric fencing, plexiglass, plastic or fiber netting, wood or metal slats is strictly prohibited.

RESIDENTIAL WELDED STEEL GATE				RMINOG
Title: MONTAGE MAJESTIC 2/3-RAIL SGL & DBL GATE				
DR: C1	SH: 1 of 1	SCALE: DO NOT SCALE		 AMERISTAR® 1555 N. Mingo Tulsa, OK 74116 1-888-333-3422 www.ameristarfence.com
CK: ME	Date: 11/18/09	REV: a		

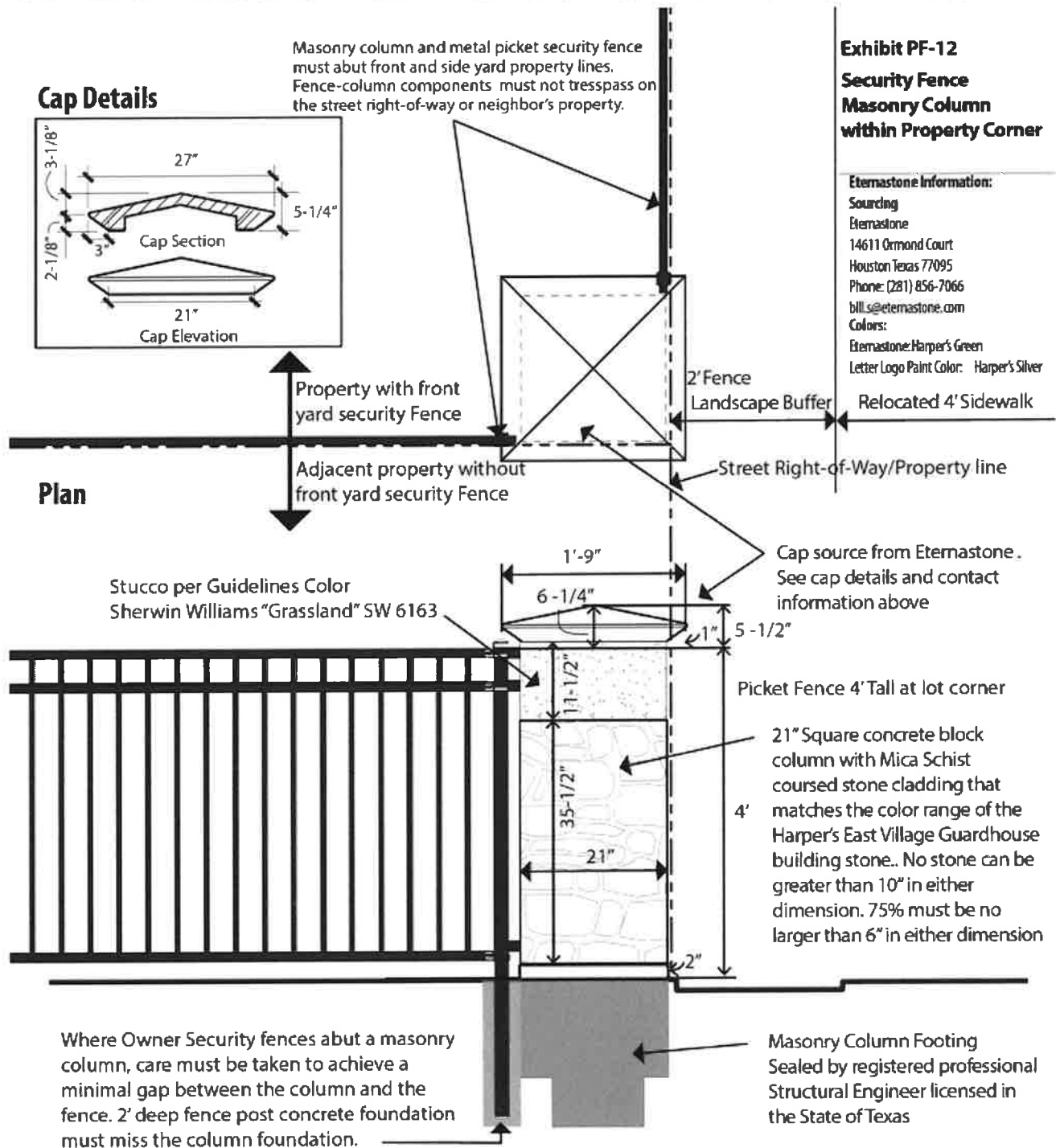


Exhibit PF-12
Security Fence
Masonry Column
within Property Corner

Eternastone Information:
 Sourcing
 Eternastone
 14611 Ormond Court
 Houston Texas 77095
 Phone: (281) 856-7066
 bill.s@eternastone.com
 Colors:
 Eternastone:Harper's Green
 Letter Logo Paint Color: Harper's Silver

Section-Elevation

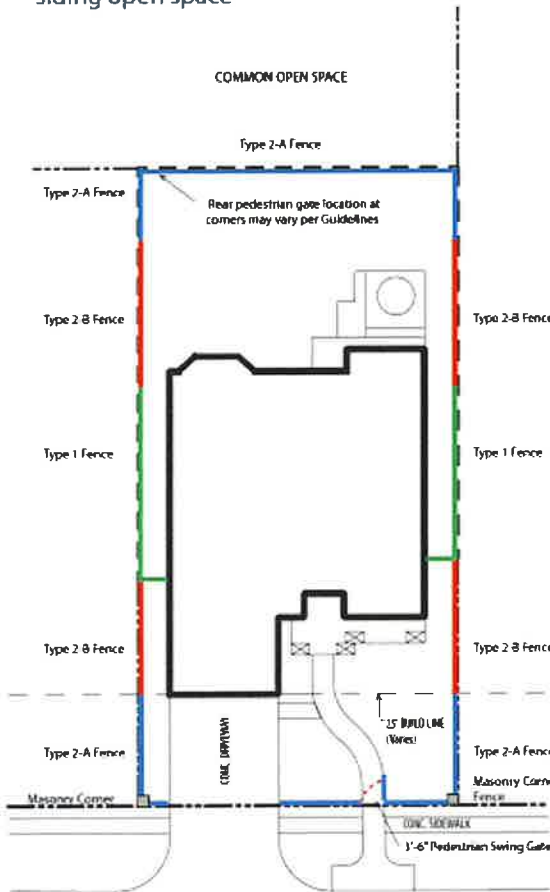
Security Fence – with Masonry Columns

Harper's Preserve Security Fence Guidelines
 HPD-101
 November 2021

Exhibit PF-13
Type 2, 3, & 5 Fences

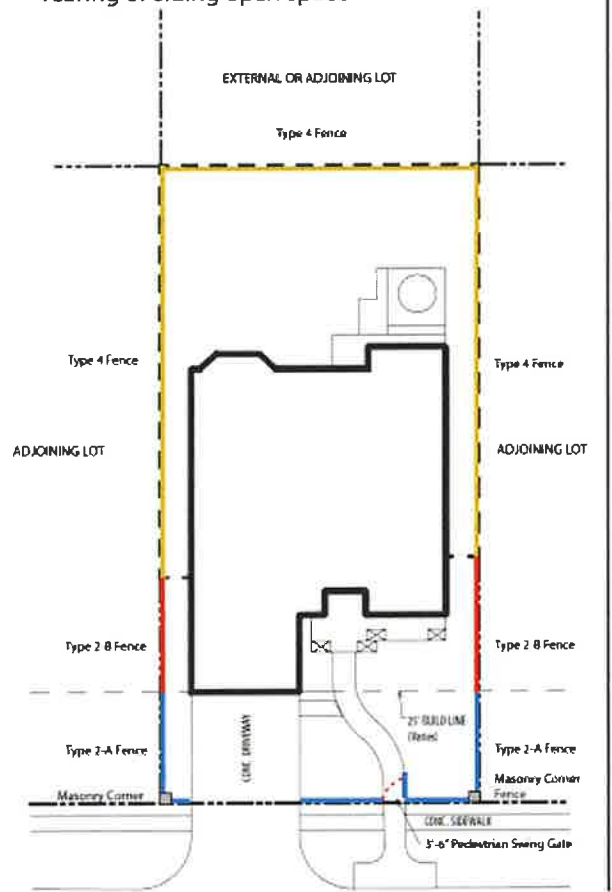
SITE LAYOUT

Perimeter fences permitted rearing or siding open space



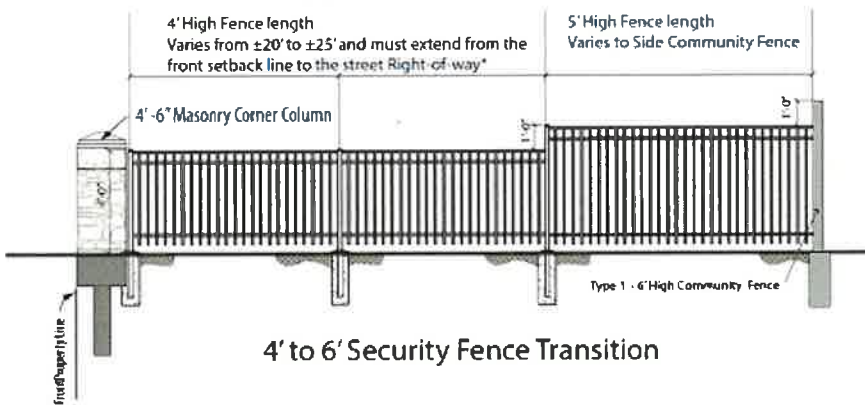
SITE LAYOUT

Perimeter fences permitted not rearing or siding open space



Type 2-A

Type 2-B



Fence Legend

Type	Name	Height	Material
Green line	Type 1 Community	6'	Hardplank
Blue line	Type 2-A Security	4'	Metal Picket
Red line	Type 2-B Security	5'	Metal Picket
Yellow line	Type 4 Privacy	6'	Wood

* Note: See Exhibit PF-8 Security Fence and Buffer Landscape Typical Section/Elevation for details

Note: The use of any pet enclosure materials attached to Security Fence such as metal wire fabric fencing, plexiglass, plastic or fiber netting, wood or metal slats is strictly prohibited.

Exhibit C-5
Horsepen Park Conceptual Plan

- Horsepen Park Conceptual**
- Neighborhood pocket park functions as focal point
 - Emphasize the pedestrian domain.
 1. Mark crosswalks
 2. Provide barrier bollards emphasizing "safe zone"
 - Announce the entries with garden portals
 - Provide "play free" park zone with fountains and shrub barriers
 - Create a contained space using vegetation and hardscape.
 - Name the "place" with neighborhood "brand".
 - Provide seating in a comfortable setting.
 - Maintain a large turf area for informal play, picnicking and neighborhood gatherings.

- Horsepen Park Driveway Guidelines**
- Residential driveways are to be located approximately as shown.
 - The intent of the driveway locations is to enable uniform street tree placement and safe bollard locations.
 - "RD" means the driveway is "Right Hand" as facing the lot and "LD" and means the driveway is "Left Hand" as facing the lot.

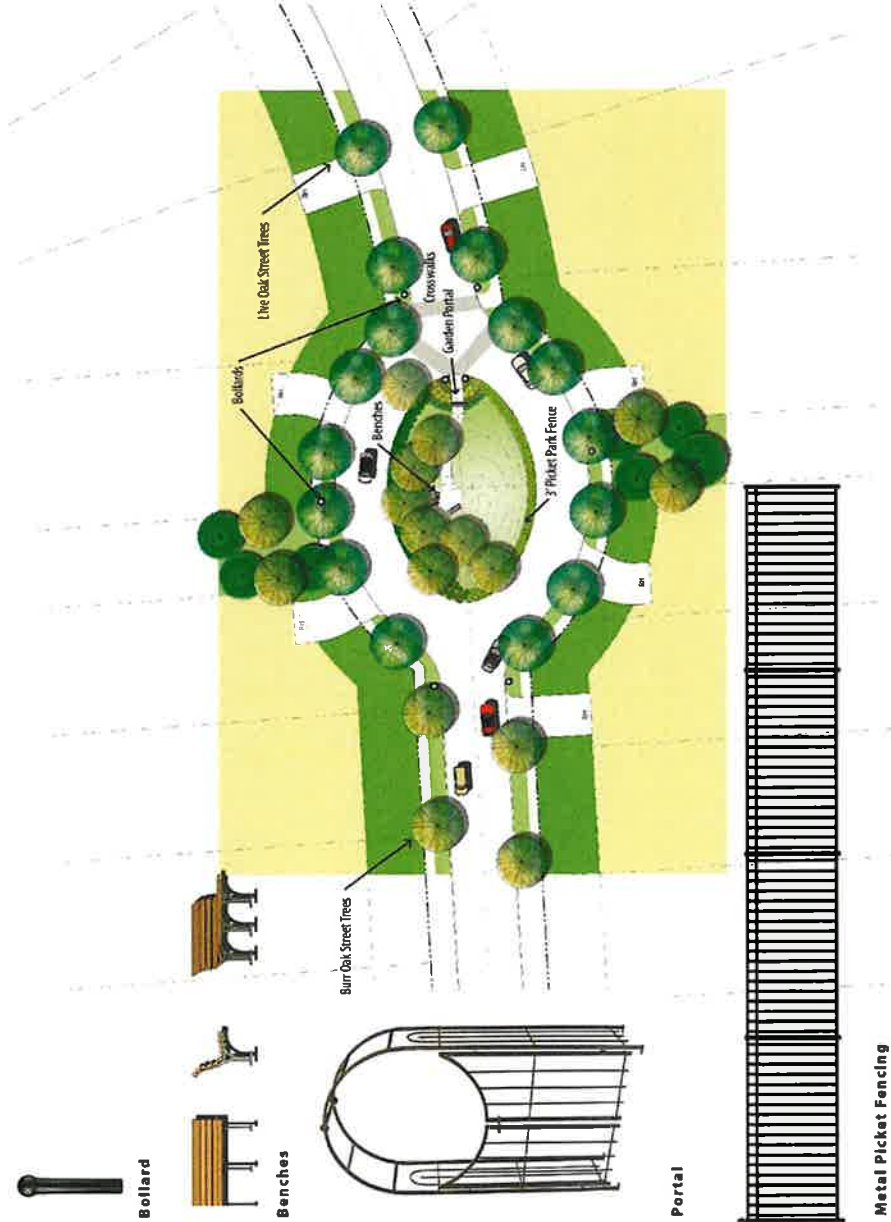


Exhibit D-1
MASTER STREET TREE PLAN



West Village Street Tree Type By Street

Tree Symbol



Lot Orientation



Tree Symbol

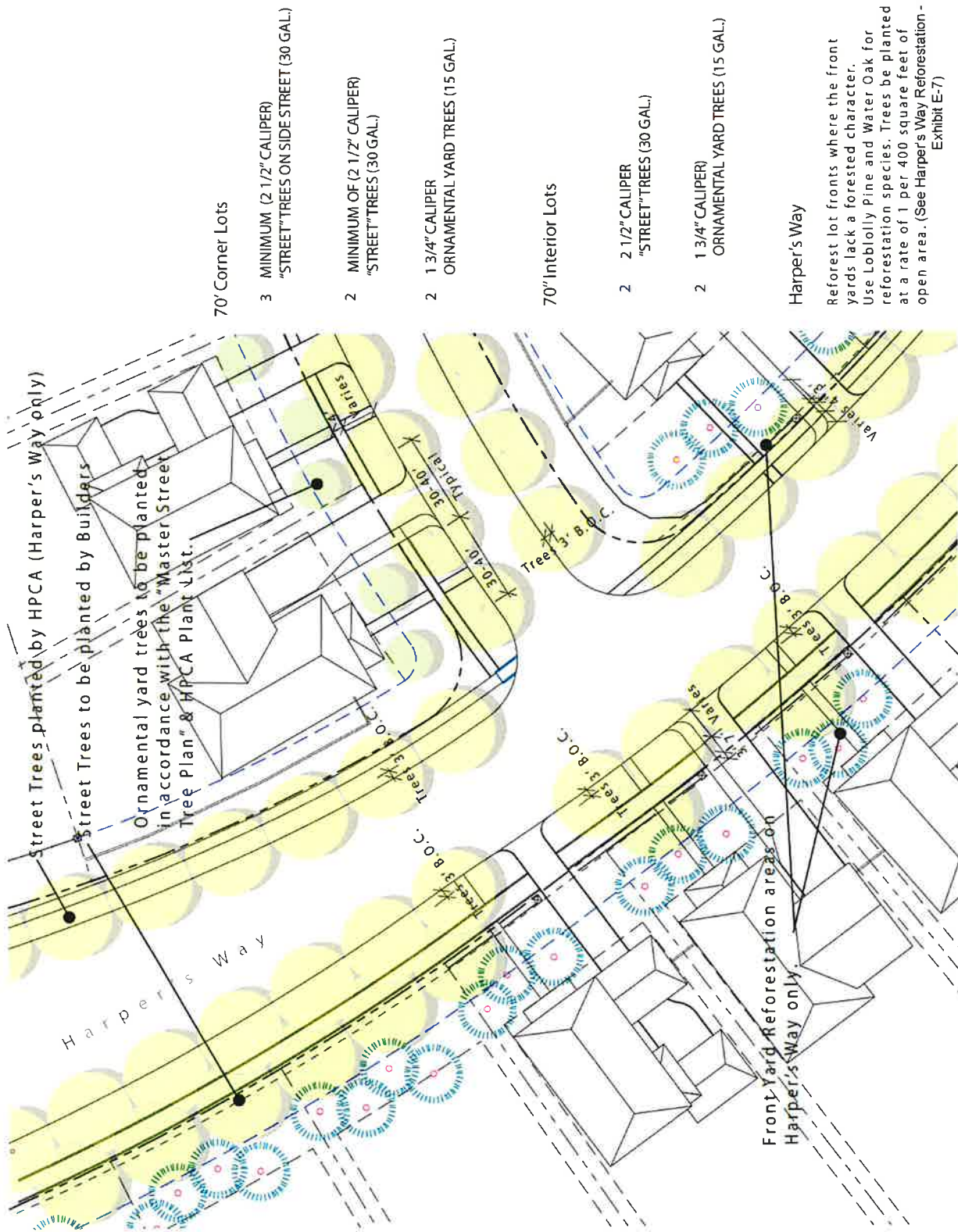
- Live Oak
- Nuttall Oak
- Mexican Sycamore
- Bur Oak
- Reforestation Zone

Front Yard Tree(s)

- Ornamental Tree
- Canopy Tree
- Canopy Tree
- Ornamental Tree
- NA

Note: Reforestation requirement for Lots fronting Harper's Way, see exhibit D-7a

**Exhibit D-2
STREET TREE WITH ORNAMENTAL
TREE – HARPER'S WAY LOTS**



70' Corner Lots

3 MINIMUM (2 1/2" CALIPER)
"STREET" TREES ON SIDE STREET (30 GAL.)

2 MINIMUM OF (2 1/2" CALIPER)
"STREET" TREES (30 GAL.)

2 1 3/4" CALIPER
ORNAMENTAL YARD TREES (15 GAL.)

70' Interior Lots

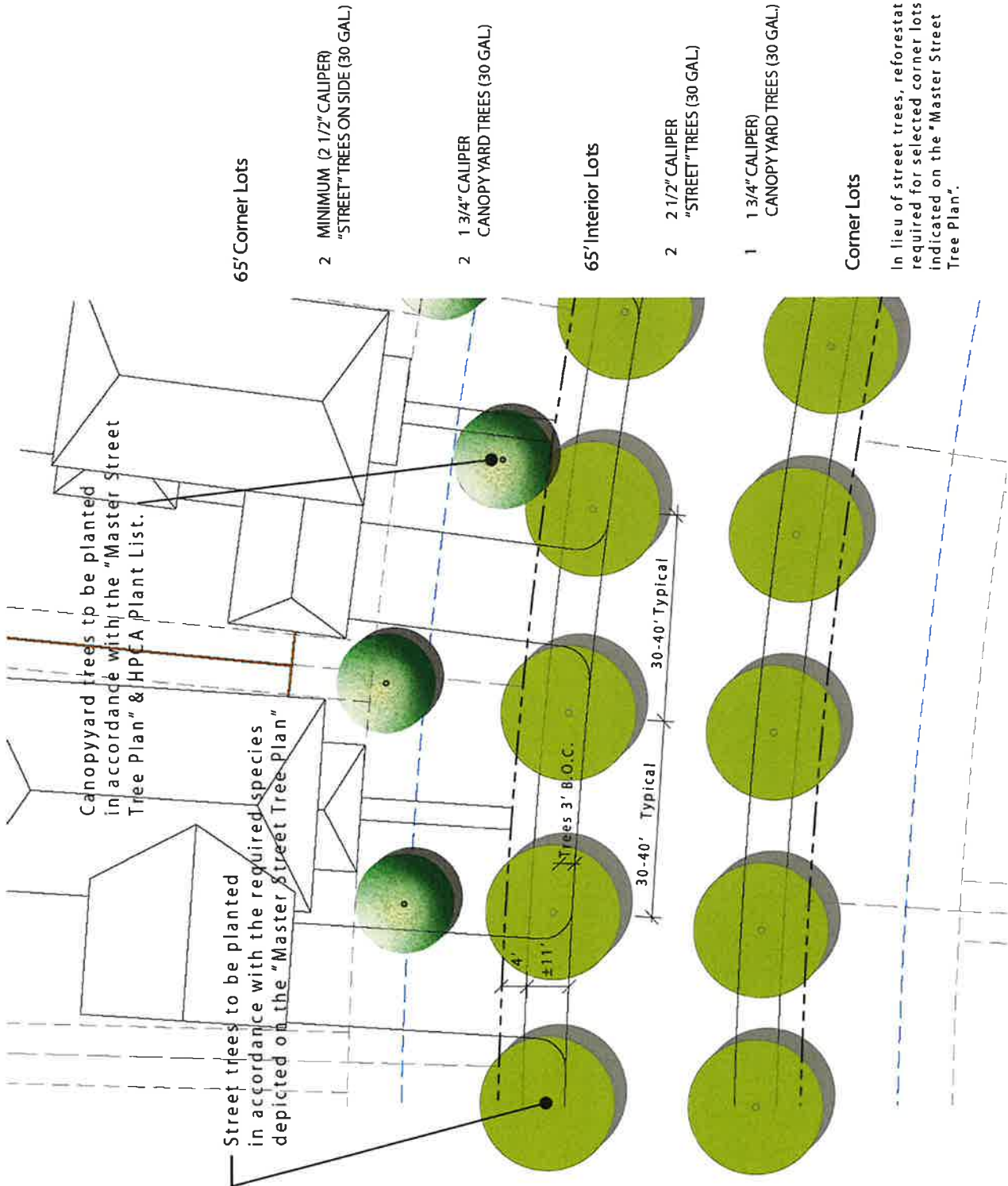
2 2 1/2" CALIPER
"STREET" TREES (30 GAL.)

2 1 3/4" CALIPER
ORNAMENTAL YARD TREES (15 GAL.)

Harper's Way

Reforest lot fronts where the front yards lack a forested character. Use Loblolly Pine and Water Oak for reforestation species. Trees be planted at a rate of 1 per 400 square feet of open area. (See Harper's Way Reforestation - Exhibit E-7)

**Exhibit D-3
STREET TREE PLAN 65' LOTS
WITH CANOPY YARD TREE**



65' Corner Lots

- 2 MINIMUM (2 1/2" CALIPER)
"STREET" TREES ON SIDE (30 GAL)

- 2 1 3/4" CALIPER
CANOPY YARD TREES (30 GAL)

65' Interior Lots

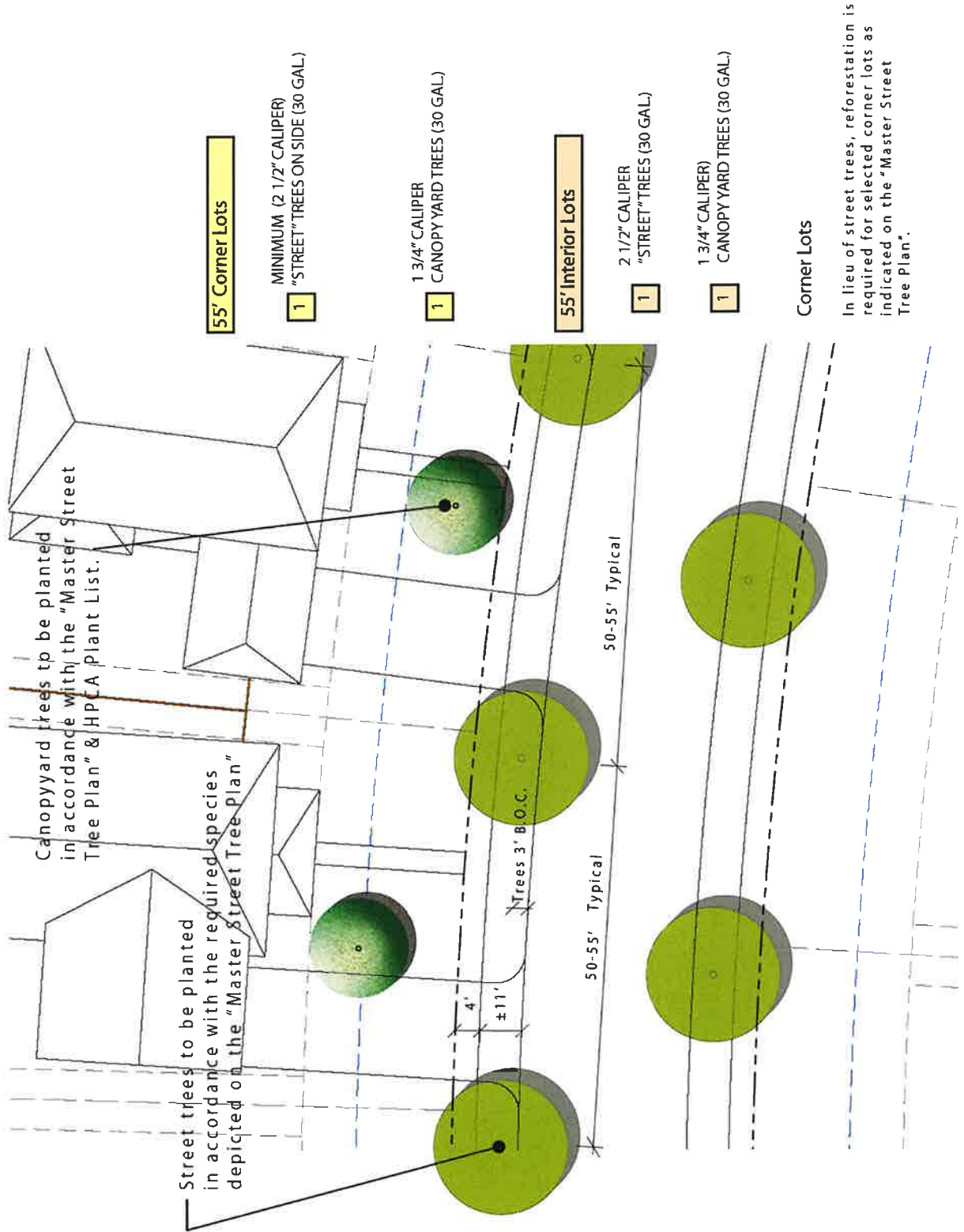
- 2 2 1/2" CALIPER
"STREET" TREES (30 GAL)

- 1 1 3/4" CALIPER
CANOPY YARD TREES (30 GAL)

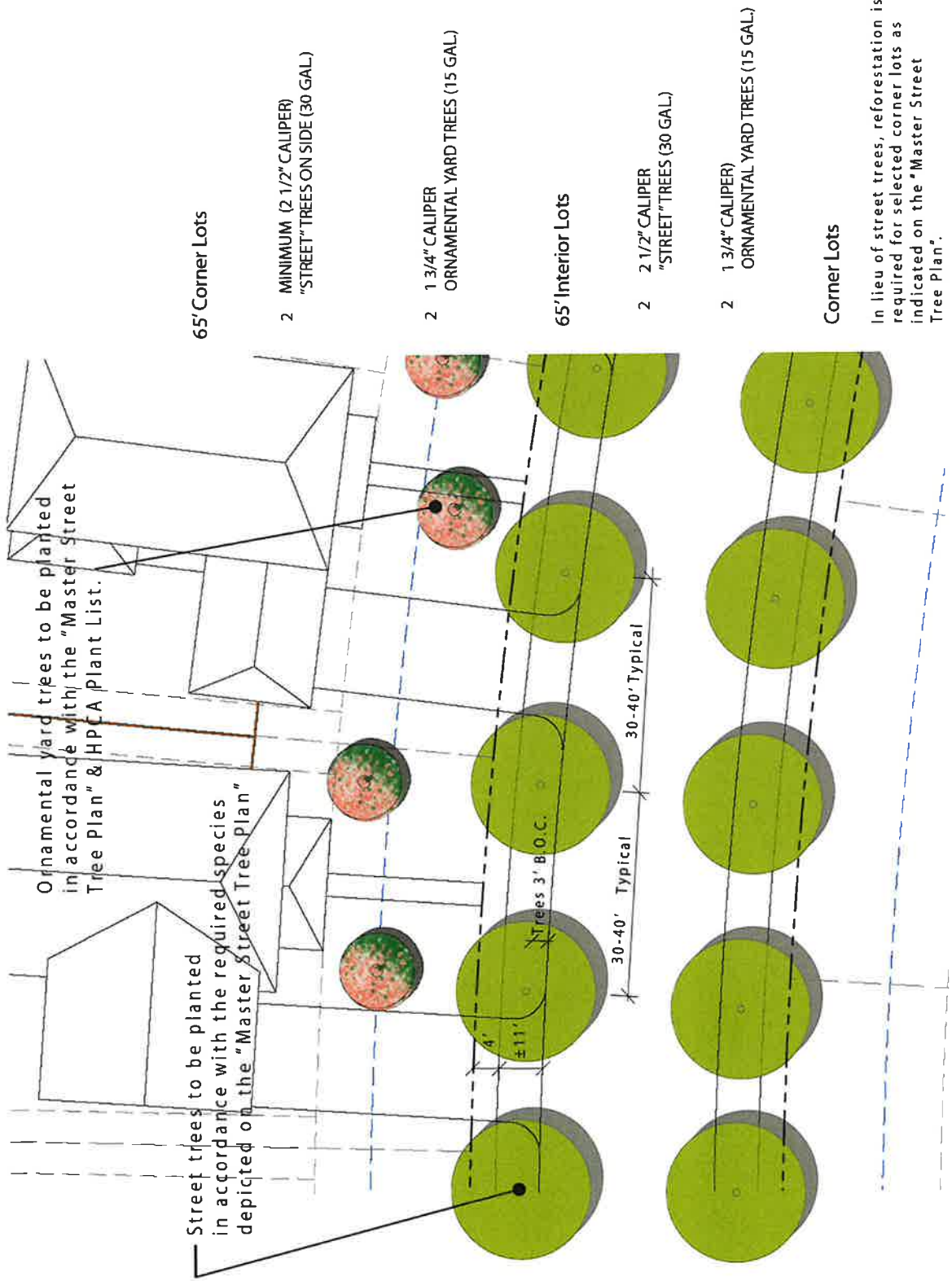
Corner Lots

In lieu of street trees, reforestation is required for selected corner lots as indicated on the "Master Street Tree Plan".

**Exhibit D-4
STREET TREE PLAN 55' LOTS
WITH CANOPY YARD TREE**



**Exhibit D-5
STREET TREE PLAN 65' LOTS
WITH ORNAMENTAL YARD TREE**



65' Corner Lots

- 2 MINIMUM (2 1/2" CALIPER) "STREET" TREES ON SIDE (30 GAL)

- 2 1 3/4" CALIPER ORNAMENTAL YARD TREES (15 GAL)

65' Interior Lots

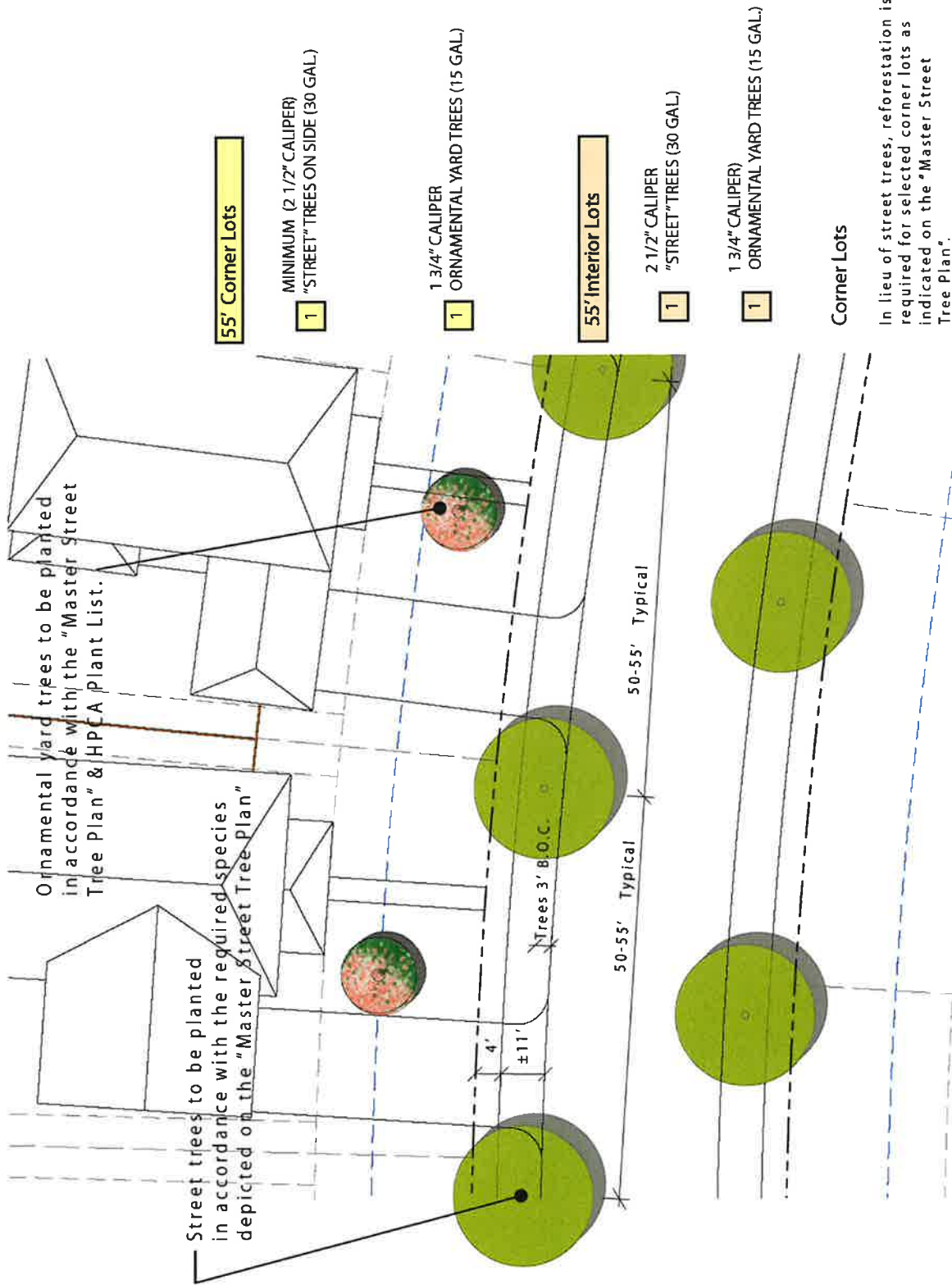
- 2 2 1/2" CALIPER "STREET" TREES (30 GAL)

- 2 1 3/4" CALIPER ORNAMENTAL YARD TREES (15 GAL)

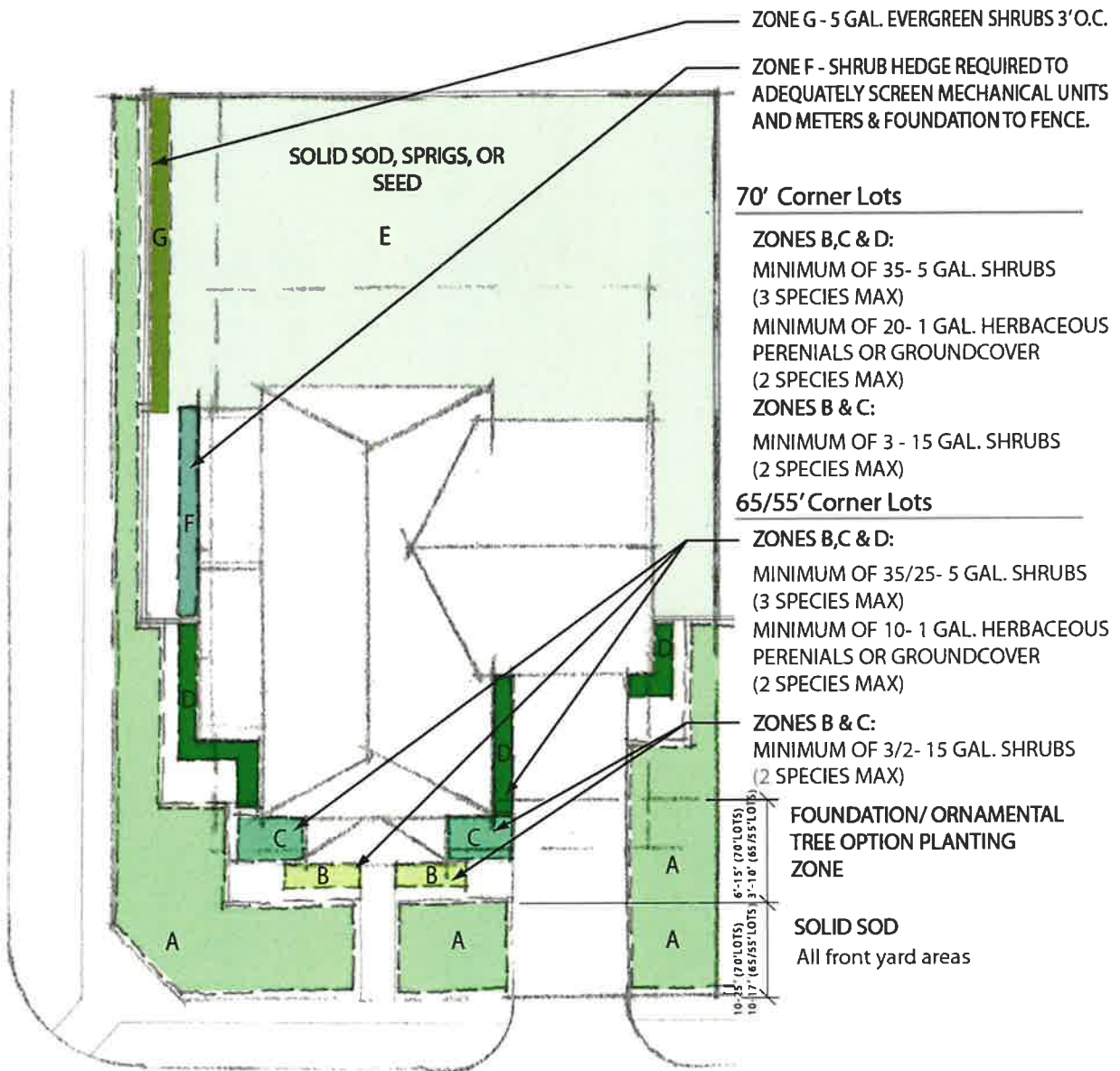
Corner Lots

In lieu of street trees, reforestation is required for selected corner lots as indicated on the "Master Street Tree Plan".

**Exhibit D-6
STREET TREE PLAN 55' LOTS
WITH ORNAMENTAL YARD TREE**



**Exhibit D-7
BUILDER MINIMUM LANDSCAPE
PLANTING – CORNER LOTS**

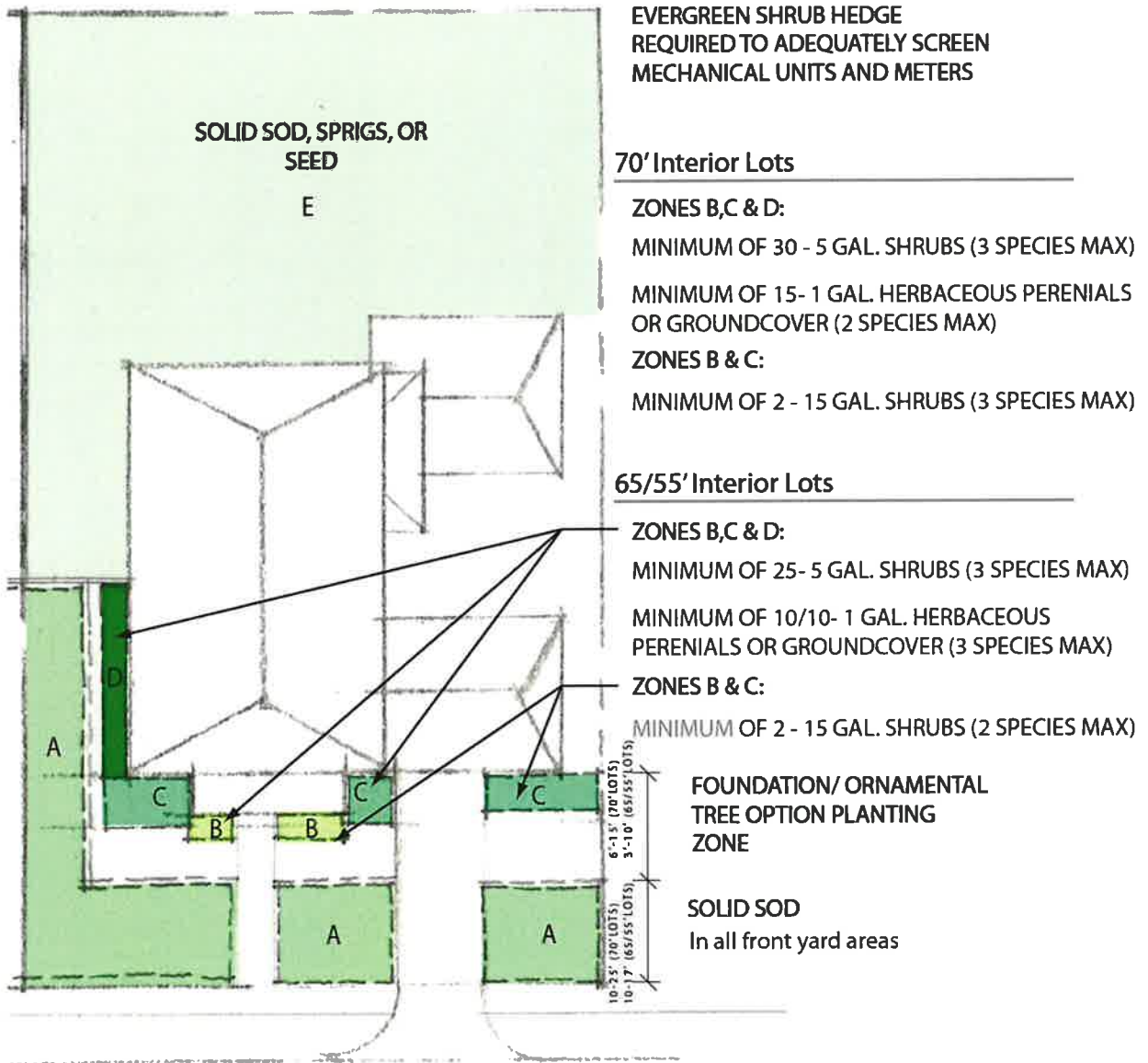


Builder Minimum Landscape Planting-Corner Lots

NTS

- | | |
|--|--|
| A Type A | D Type D |
| B Type B | E Type E |
| C Type C | F Type F |
| | G Type G |

**Exhibit D-8
BUILDER MINIMUM LANDSCAPE
PLANTING – INTERIOR LOTS**



Builder Minimum Landscape Planting-Interior Lots

NTS

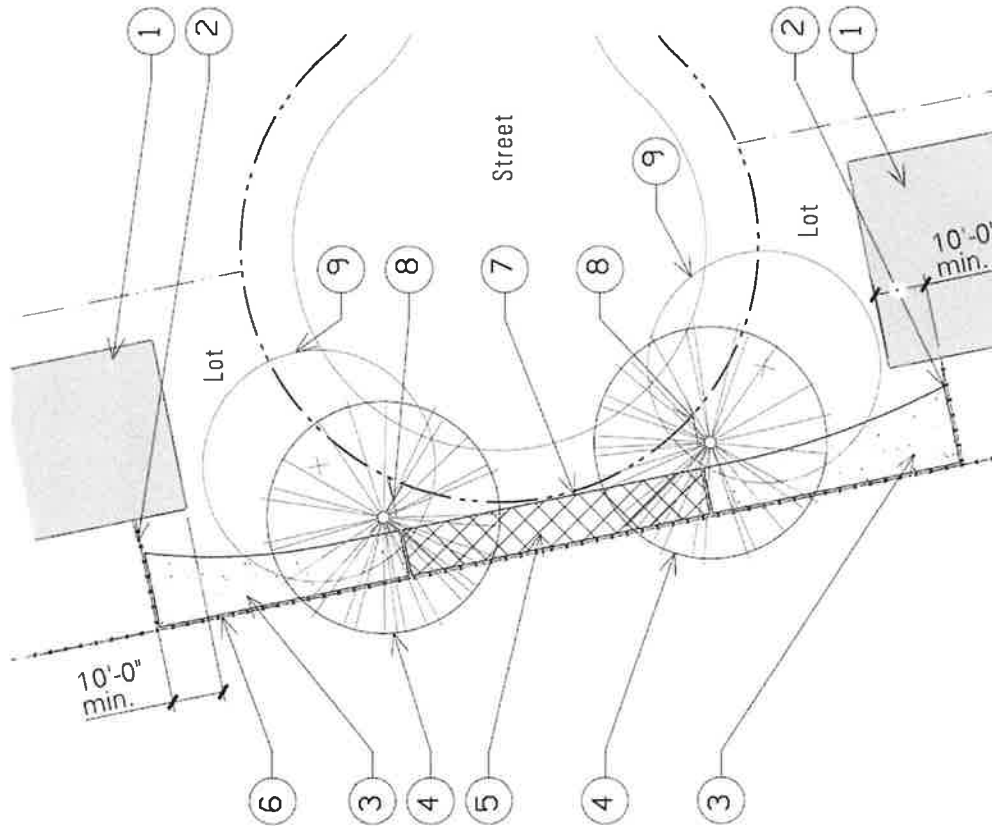
- | | |
|--|--|
| A Type A | D Type D |
| B Type B | E Type E |
| C Type C | |

Exhibit D-9

**BUILDER MINIMUM LANDSCAPE PLANTING –
WEST PERIMETER CUL-DE-SAC LOTS**

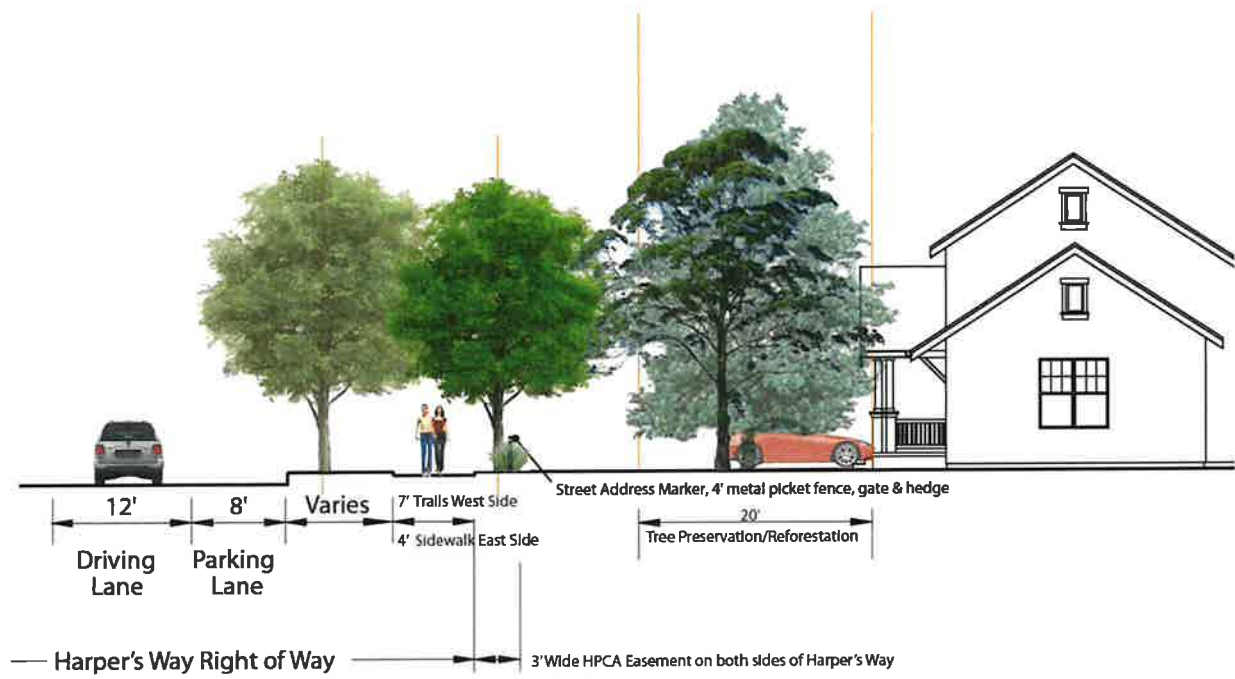
Detail Callout Legend:

1. Proposed house
2. Builder fence at 10' minimum from front of house face.
3. 3 gallon Wax Myrtle @ 36" o.c.
4. Optional canopy tree (match street tree) to "close in" cul-de-sac
5. 5 gallon Palmetto @ 30" o.c.
6. Community fence
7. Ryerson steel bed edge (black) at planting bed
8. Lot line
9. Street tree



CURB RAMP W/ NON WALKING SURFACE ADJACENT

Exhibit E-1
HARPER'S WAY SETBACKS



**Exhibit E-2
HARPER'S WAY
STREETSCAPE ELEMENTS**



Exhibit E-3
HARPER'S WAY STREETScape
ELEMENTS – ADDITIONAL

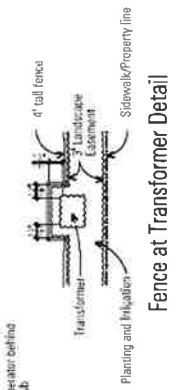
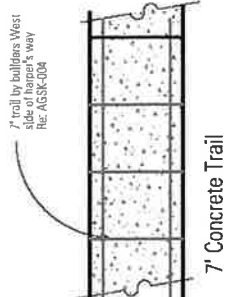
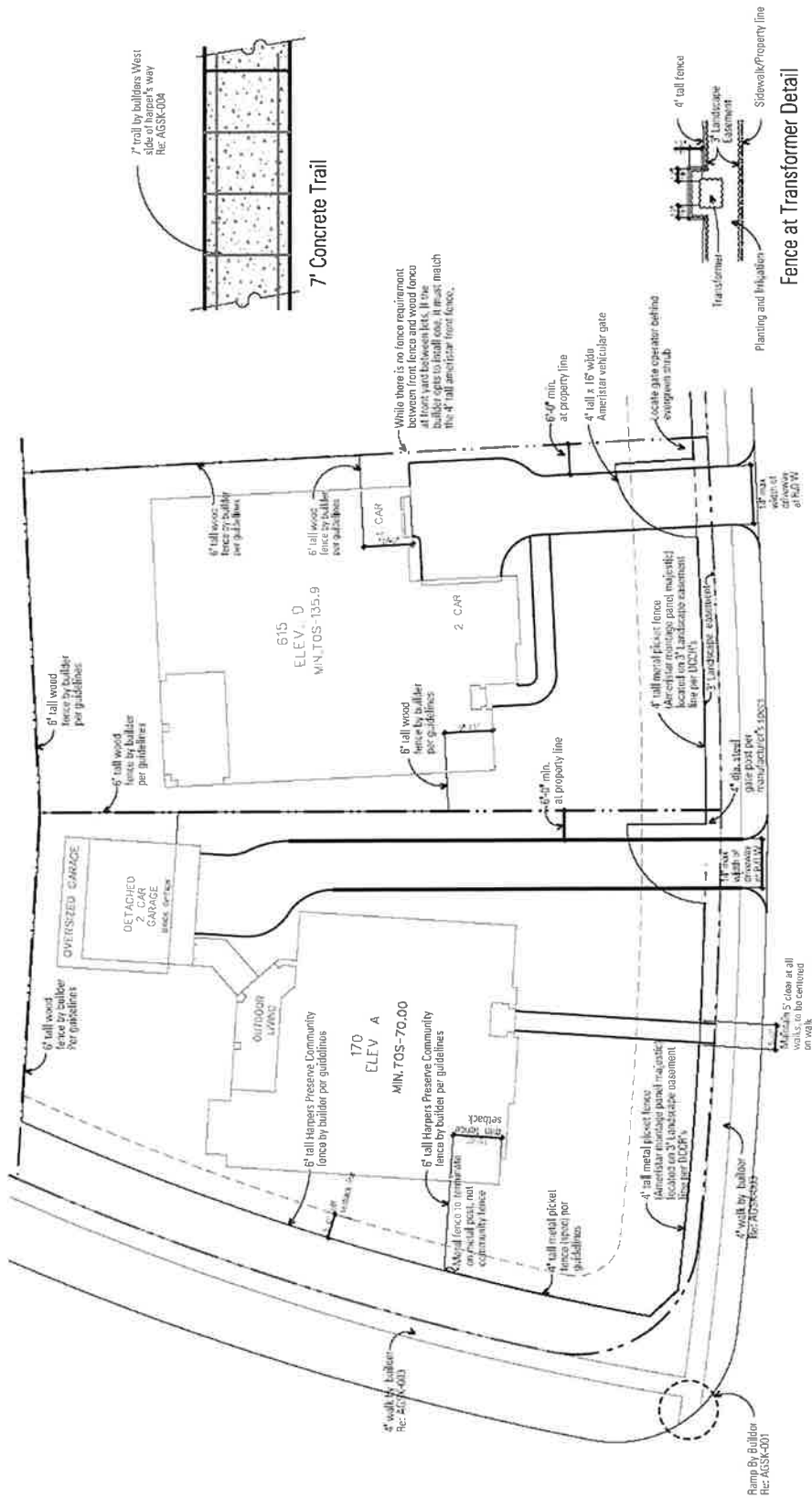
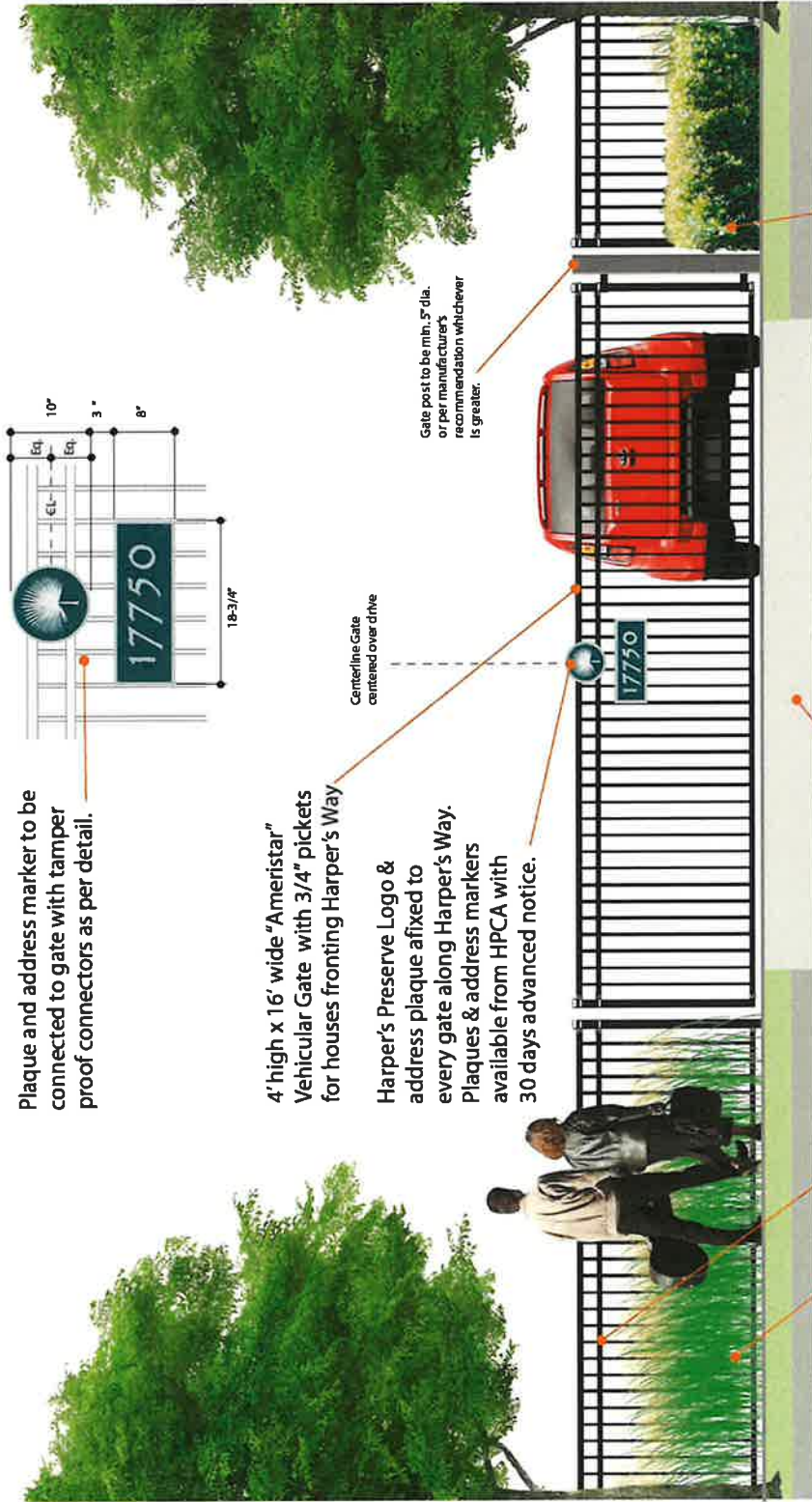


Exhibit E-4

HARPER'S WAY DRIVEWAY GATE DETAIL



Plaque and address marker to be connected to gate with tamper proof connectors as per detail.

4' high x 16' wide "Ameristar" Vehicular Gate with 3/4" pickets for houses fronting Harper's Way

Harper's Preserve Logo & address plaque affixed to every gate along Harper's Way. Plaques & address markers available from HPCA with 30 days advanced notice.

Maximum 14' wide driveway for houses fronting Harper's Way

4' High metal picket fence along frontage and partial sides of houses fronting Harper's Way

Gulf Coast Muhly Grass hedge per Drawing AGSK-006.

Wax Myrtle hedge per Drawing AGSK-006 on gate operator side of driveway only.

Gate post to be min. 5" dia. or per manufacturer's recommendation whichever is greater.

Centerline Gate centered over drive



NOTE:
Swing gate shall be required for all Harper's Way driveways in which front building line setback is equal to or exceeds 35', unless otherwise approved by HPCA. If front building line setback is less than 35', then a roll-back gate system may be used if approved by HPCA.

Exhibit E-6
HARPER'S WAY PLANTING PLAN

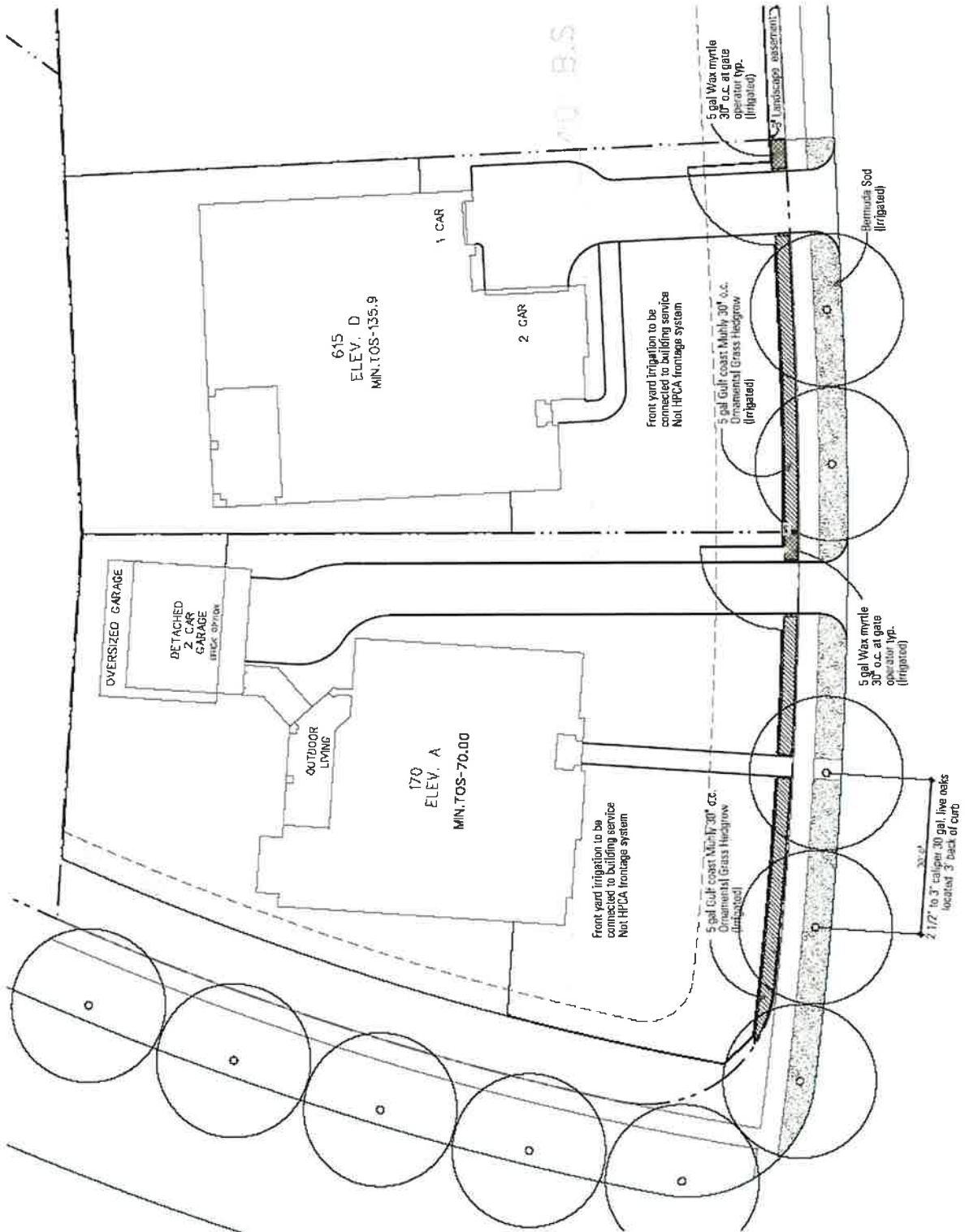
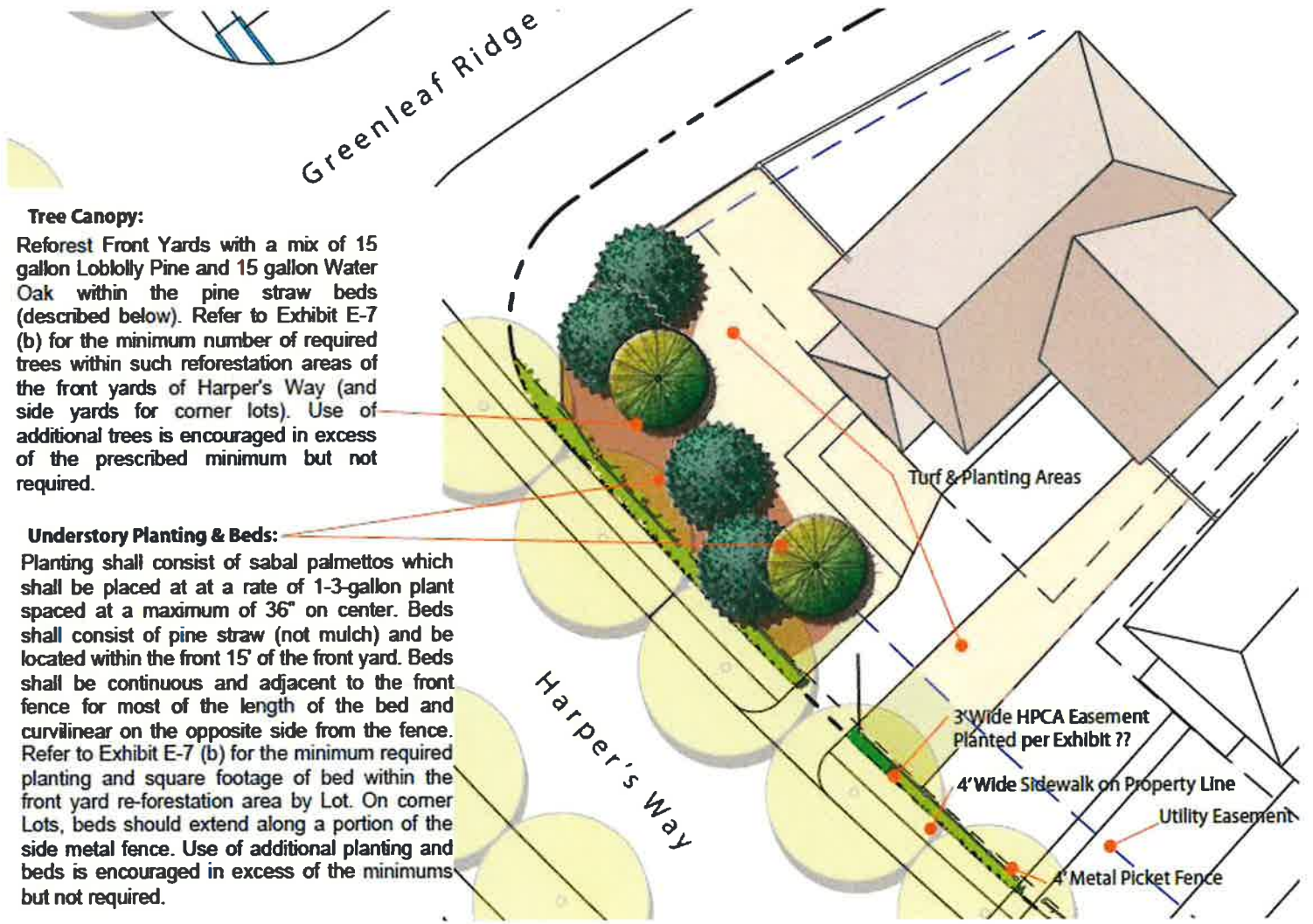


Exhibit E-7(a)
HARPER'S WAY REFORESTATION
PLAN – CONCEPT PLAN



Tree Canopy:

Reforest Front Yards with a mix of 15 gallon Loblolly Pine and 15 gallon Water Oak within the pine straw beds (described below). Refer to Exhibit E-7 (b) for the minimum number of required trees within such reforestation areas of the front yards of Harper's Way (and side yards for corner lots). Use of additional trees is encouraged in excess of the prescribed minimum but not required.

Understory Planting & Beds:

Planting shall consist of sabal palmettos which shall be placed at a rate of 1-3-gallon plant spaced at a maximum of 36" on center. Beds shall consist of pine straw (not mulch) and be located within the front 15' of the front yard. Beds shall be continuous and adjacent to the front fence for most of the length of the bed and curvilinear on the opposite side from the fence. Refer to Exhibit E-7 (b) for the minimum required planting and square footage of bed within the front yard re-forestation area by Lot. On corner Lots, beds should extend along a portion of the side metal fence. Use of additional planting and beds is encouraged in excess of the minimums but not required.

HARPER'S PRESERVE - WEST VILLAGE ARCHITECTURAL GUIDELINES

Exhibit E-7(b)

HARPER'S WAY REFORESTATION
PLAN – SPECIFICATIONS

	Harper's Way Address	Lot	Block	Tree Canopy (min #)	Understory Beds (min sf)
corner	17035	1	2	7	600
	17039	2	2	7	400
	17043	3	2	7	400
	17047	4	2	7	400
corner	17051	5	2	7	600
	17010	1	3	5	400
	17014	2	3	5	400
	17018	3	3	5	400
	17022	4	3	5	400
	17026	5	3	5	400
	17030	6	3	5	400
corner	17034	7	3	5	600
	17050	1	4	7	500
	17054	2	4	7	500
	17058	3	4	7	500
	17062	4	4	7	500
	17070	5	4	7	500
	17074	6	4	7	500
corner	17055	1	5	7	600
	17059	2	5	7	400
	17063	3	5	7	400
	17067	4	5	7	400
	17071	5	5	7	400
	17075	6	5	7	400
oversize	17187	7	5	7	600
	17191	8	5	7	600
	17195	9	5	7	400
	17199	10	5	7	400
	17203	11	5	7	400
	17307	12	5	7	400

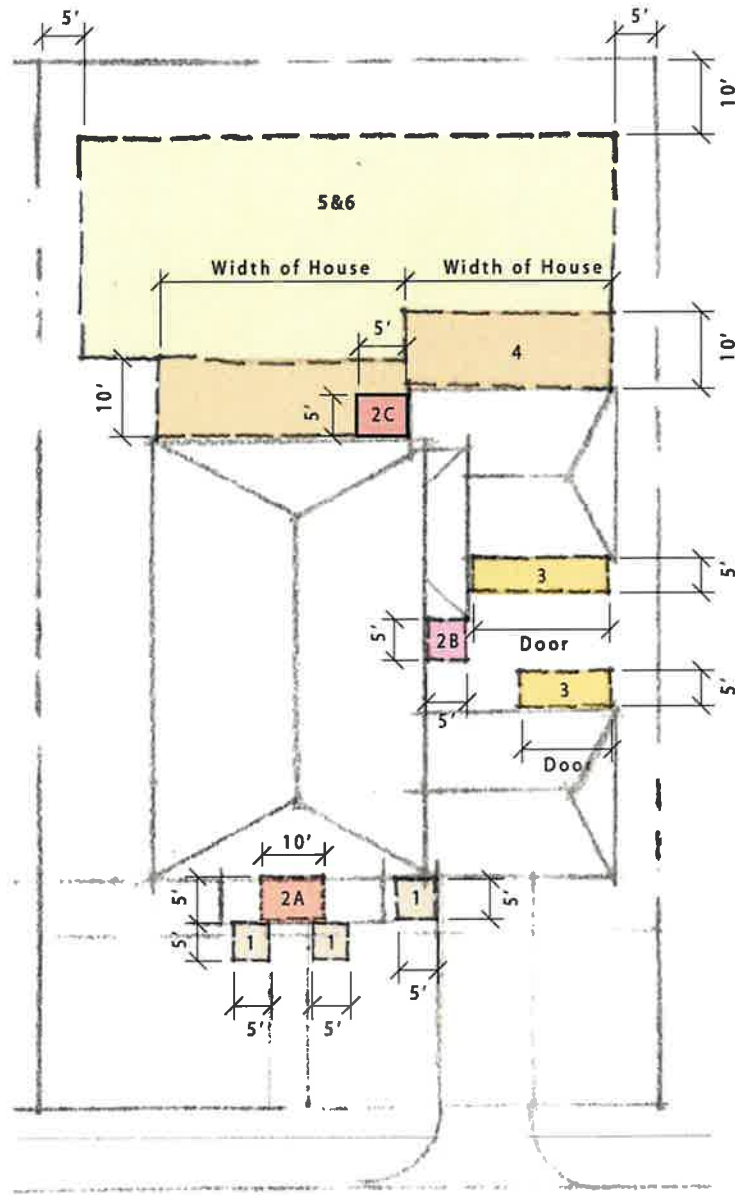
Exhibit F
GARAGE DOOR RESTRICTION PLAN



Garage Door Legend

- Garage Doors to be Carriage Type Doors

**Exhibit G-1
LIGHTING ZONES - PERMITTED**










Lighting Zones - Permitted

NTS

- | | |
|--|--|
| 1 Zone 1 | 3 Zone 3 |
| 2A Zone 2A | 4 Zone 4 |
| 2B Zone 2B | 5&6 Zone 5 & 6 |
| 2C Zone 2C | |

**Exhibit G-2
LIGHTING FIXTURES - PERMITTED**

Permitted Lighting Fixture Types by Lighting Zones							
Type	Example Light Types Permitted						
	Path Light	Soffit Light Case	Scenes	Uplights	Ballard light	Dome light, Can	Underwater
Maximum Mounting Height by Fixture Type	30"	10"	3'	18-24"	12"	10"	N/A
	<input checked="" type="checkbox"/>						
		<input checked="" type="checkbox"/>					
			<input checked="" type="checkbox"/>				
				<input checked="" type="checkbox"/>			
					<input checked="" type="checkbox"/>		
						<input checked="" type="checkbox"/>	
							<input checked="" type="checkbox"/>
1 Front Entry walk & Driveway	<input checked="" type="checkbox"/>						
2 a Front Entry door	<input checked="" type="checkbox"/>						
b Side entry door	<input checked="" type="checkbox"/>						
c Rear entry door	<input checked="" type="checkbox"/>						
3 Garage doors		<input checked="" type="checkbox"/>					
4 Rear landscape				<input checked="" type="checkbox"/>			
5 Deck & pool				<input checked="" type="checkbox"/>			
6 Accessory structures						<input checked="" type="checkbox"/>	

- Notes:
- 1 All lighting shall be shielded to prevent spill over into adjoining property or public right-of-way
 - 2 The maximum footcandle level at a property line shall not exceed 2.5 footcandles
 - 3 Uplighting permitted in the rear yards shall illuminate the rear elevation of the home and landscape within the zone. No glare or spillover shall be permitted.

**Exhibit H-1
BUILDER YARD SIGNS**

Specifications



Frame 3/4" Angle slip frame
 Material: Steel
 PMS: Black

Panel 2'x3'
 Material: .063 Aluminum
 PMS: Green 7484 PC
 Yellow 7499 PC
 Orange 180 PC

Harper's Preserve Logotype:
 PMS: White
 Font: Papayrus Condensed
 Size: 2" Tall

Harper's Palm Logo
 PMS: 7484 PC @ 25%

Builder's Logo 14" X 22" Max.
 PMS: Green 7484 PC

Builder's Phone Number:
 PMS: Orange 180 PC
 Font: Adobe Caslon Pro, Bold
 Size: 2"

Sign Message: 4" x 22"
 PMS Letters: White
 PMS Panel: Green 7484 PC
 Font: Adobe Caslon Pro, Bold
 Size: 3"

Scale: 2" = 1'-0"

Exhibit H-1 (cont.)
BUILDER YARD SIGNS

Specifications



Frame 3/4" Angle slip frame
Material: Steel
PMS: Black

Panel 2'x3'
Material: .063 Aluminum
PMS: Green 7484 PC
Yellow 7499 PC
Orange 180 PC

Harper's Preserve Logotype:
PMS: White
Font: Papayrus Condensed
Size: 2" Tall

Harper's Palm Logo
PMS: 7484 PC @ 25%

Builder's Logo 14" X 22" Max.
PMS: Green 7484 PC

Builder's Phone Number:
PMS: Orange 180 PC
Font: Adobe Caslon Pro, Bold
Size: 2"

Sign Message: 4" x 22"
PMS Letters: White
PMS Panel: Green 7484 PC
Font: Adobe Caslon Pro, Bold
Size: 3"

Scale: 2"=1'-0"

**Exhibit H-2
BUILDER WEEKEND
DIRECTIONAL SIGNS**

Specifications



Support 3/4" Angle slip frame

Material: Steel
PMS: Black

Panel 18" x 24"

Material: Corex
PMS: Green 7484 PC
Yellow 7499 PC
Orange 180 PC

Harper's Preserve Logotype:

PMS: White
Font: Papayrus Condensed
Size: 3" Tall

Harper's Palm Logo

PMS: 5585 PC

Builder's Logo 10-1/5" X 15" Max.

PMS: 7484 PC

Sign Arrow:

PMS: White
Size: 5-1/2" Long

Scale: 2"=1'-0"

**Exhibit H-3
BUILDER OPEN SIGN**

Specifications

Support **1/2" Square Tube**
Material: Steel
PMS: Black

Panel **18" x 12"**
Material: Corex
PMS: Green 7484 PC
 Yellow 7499 PC
 Orange 180 PC

Harper's Preserve Logotype:
PMS: White
Font: Papayrus Condensed
Size: 3" Tall

Sign Message: **4" x 22"**
PMS: Green 7484 PC
 Yellow 7499 PC
 Orange 180 PC
Font: Adobe Caslon Pro, Bold
Size: 3"



**Exhibit H-4
BUILDER IDENTIFICATION SIGN**

Specifications

Support	4" Square Posts
Material:	16 Ga. Steel Tube
PMS:	7484 PC
Panel	4' x 6'x6mm
Material:	6 mm Dibond
PMS:	Yellow 7499 PC
Stripe:	3/4"
PMS:	180 PC
Builder's Logo:	
Max. Size:	12" Tall x 55" Wide
PMS:	7484 PC or as otherwise approved
Copy:	3.5" tall Color 7484 PC
Palmetto Logo	
PMS:	7484 PC @ 25%



VII. APPENDIX

APPENDIX A: HARPER'S PRESERVE APPROVED PLANT MATERIAL LIST

Small Trees (Ornamental Trees)

Species	Common Name	Reforestation
Bumelia celastrina	Tropical Buckthorn	Yes
Cercis canadensis	Redbud	Yes
Chionanthus virginicus Fringe Tree		
Comus florida	Dogwood	
Diospyros virginiana	Eastern Persimmon	
Hamameys Virginiana	Witch Hazel	
Lagerstroemia indica	Crepe Myrtle	
Malus Spp.	Crabapple	
Pistacia texana	Texas Pistache	Yes
Prunus mexicana Mexican Plum		
Pyrus calleryana bradfordii	Bradford Pear	
Sophora spp.	Mountain Laurel	

Medium & Large Trees (Canopy Trees)

Species	Common Name	Reforestation
Acer Rubrum "Drummondii"	Swamp Maple	Yes
Betula nigra	River Birch	
Carya illinoensis	Pecan	
Celtis laevigata	Southern Hackberry	Yes
Fraxinus americana	White Ash	
Fraxinus pennsylvanica	Green Ash	Yes
Juglans nigra	Black Walnut	
Liquidamber styraciflua	Sweetgum	Yes
Liriodendron tulipifera	Tulip Tree	
Magnolia grandiflora	Southern Magnolia	
Ostrya virginiana	American Hop Hornbeam	
Pinus taeda	Loblolly Pine	Yes
Platanus mexicana	Mexican Sycamore	
Platanus occidentalis	American Sycamore	
Quercus falcata	Swamp Red Oak	Yes
Quercus glaucoides	Lacey Oak	
Quercus michauxii	Swamp Chestnut Oak	
Quercus macrocarpa	Bur Oak	Yes
Quercus shumardii	Shumard Oak	
Quercus texana	Red Oak	
Quercus texana nuttall	Nuttall Oak	Yes
Quercus virginiana	Live Oak	
Sabal Texana (Mexicana)	Texas Sabal	
Taxodium distichum	Bald Cypress	Yes
Ulmus crassifolia	Cedar Elm	Yes

HAKPER'S PRESERVE - WEST VILLAGE ARCHITECTURAL GUIDELINES

Shrubs, Dwarf Shrubs & Plants

Species	Common Name	Reforestation
Azalea	Azalea	
Abelia grandiflora prostrata	Dwarf Abelia	
Berberis thunbergii	Pigmy Barberry	
Gardenia radicans	Dwarf Gardenia	
Hesperaloe parviflora	Red Yucca	
Ilex Spp.	Holly-Yaupon	
Lantana horrida T	exas Lantana	
Nandina domestica nana	Dwarf Nandina	
Poliomintha longifolia	Mexican oregano	
Penstemon baccharifolius	Red Penstemon	
Pittosporum tobira	Dwarf Pittosporum	
Rosemarinus officinalis	Rosemary	
Salvia leucantha	Mexican Brush Sage	

Small Shrubs & Plants

Species	Common Name	Reforestation
Abelia Spp.	Abelia	
Anisacanthus wrightii	Hummingbird Bush	
Aucuba japonica	Aucuba	
Buxus Spp.	Boxwood	
Callicarpa americana	American Beauty Berry	Yes
Chaenomeles japonica	Flowering Quince	
Gardenia Spp.	Gardenia	
Hydrangea macrophylla	Hydrangea	
Opuntia compressa	Lowprickly pear cactus	
Malvaviscus drummondii	Turk's Cap	Yes
Opuntia engelmannii texana	Flaming prickly pear cactus	
Opuntia engelmannii linguiformis	Cow's tongue prickly pear cactus	
Opuntia leptocarpa Mackenson	prickly pear cactus	
Pavonia lasiopetala	Rock Rose	
Pistacia texana	Texas Pistachio	Yes
Raphiolepis indica	Indian Hawthorne	
Spiraea prunifolia	Bridal Wreath Spirea	
Yucca pallida	Paleleaf Yucca	
Yucca torreyi	Spanish Bayonet Yucca	

HARPER'S PRESERVE - WEST VILLAGE ARCHITECTURAL GUIDELINES

Medium Shrubs & Plants

Species	Common Name	Reforestation
<i>Azalea indicum Indica</i>	Azalea	
<i>Buddleia Spp.</i>	Butterfly Bush	
<i>Camellia Spp.</i>	Camellia	
<i>Elaeagnus fruitlandi</i>	Silverberry	
<i>Feijoa sellowiana</i>	Pineapple Guava	
<i>Hibiscus coccineus</i>	Texas Star Hibiscus	Yes
<i>Hibiscus syriacus</i>	Althea	
<i>Ilex Spp.</i>	Holly-Yaupon	Yes
<i>Ilex decidua</i>	Possumhaw	Yes
<i>Jasminum Spp.</i>	Jasmine	
<i>Lagerstroemia indica "dwarf"</i>	Dwarf Crepe Myrtle	
<i>Leucophyllum frutescens</i>	Texas Sage	
<i>Ligustrum texanum</i>	Wax Leaf Ligustrum	
<i>Lonicera fragrantissima</i>	Winter Honeysuckle	
<i>Malvaviscus drummondii</i>	Turk's Cap	Yes
<i>Crinum americanum</i>	Crinum Lily	
<i>Liriope Spp.</i>	Lily Turf	
<i>Lupinus texensis</i>	Bluebonnet	
<i>Lantana camara</i>	Lantana	
<i>Ophiopogon japonicum</i>	Monkey grass	
<i>Opuntia compressa</i>	Low prickly pear cactus	
<i>Opuntia engelmannii texana</i>	Flaming prickly pear cactus	
<i>Opuntia engelmannii linguiformis C</i>	ow's tongue prickly pear cactus	
<i>Opuntia leptocarpa</i>	Mackenson prickly pear cactus	
<i>Osmunda cinnamomea</i>	Cinnamon Fern	Yes
<i>Osmunda regalis</i>	Royal Fern	Yes
<i>Saururus cernuus</i>	Lizardtail	
<i>Sedum Spp.</i>	Sedum	
<i>Verbena peruviana</i>	Peruvian Verbena	
<i>Vinca minor and major</i>	Vinca	
<i>Woodwardia aereolata</i>	Chain Fern	Yes

Grasses Lawn and Ornamental

Species	Common Name	Reforestation
<i>Cynodon dactylon</i>	Common Bermuda	
<i>Buchloe dactyloides</i>	Buffalo Grass	
<i>Bouteloua gracilis</i>	Blue Grama	Yes
<i>Bouteloua curtipendula</i>	Sideoats Grama	
<i>Muhlenbergia capillaris</i>	Gulf Muhly	Yes
<i>Muhlenbergia lindheimeri</i>	Lindheimer Muhly	Yes
<i>Schizachyrium scoparium</i>	Little Bluestem	
<i>Stipa tenuissima</i>	Mexican Feather Grass	Yes

FILED FOR RECORD
05/31/2022 04:10PM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was filed in the file number sequence on the date and time stamped herein by me and was duly RECORDED in the Official Public Records of Montgomery County, Texas.

05/31/2022



County Clerk
Montgomery County, Texas