

Supplement to
MAGNOLIA CREEK
Architectural Review Committee
Builder Guidelines and Architectural Restrictions

**Builder Guidelines and Construction Standards
For Single-Family Residences**

As Amended and Adopted
September 15, 2003
by the
Architectural Review Committee

MAGNOLIA CREEK

Supplemental Design Guidelines

TABLE OF CONTENTS

TABLE OF CONTENTS

PURPOSE OF GUIDELINES

SECTION 1 SITE LAYOUT

- 1.1 GENERAL
- 1.2 BUILDING SETBACKS
- 1.3 DRIVEWAYS
- 1.4 POOLS & SPAS
- 1.5 FENCES
- 1.6 LOT DRAINAGE

SECTION 2 ARCHITECTURE

- 2.1 GENERAL
- 2.2 EXTERIOR MATERIALS
 - 2.2.1 CHIMNEYS
- 2.3 EXTERIOR LIGHTING
- 2.4 SCREENING
- 2.5 ROOF TOP ANTENNAE & SATELLITE DISH
 - 2.5.1 ROOF PROTRUSIONS
 - 2.5.2 A/C EQUIPMENT
- 2.6 CARPORTS
- 2.7 OUTBUILDINGS - 8'
- 2.8 PLAYGROUND EQUIPMENT

MAGNOLIA CREEK BUILDER GUIDELINES & ARCHITECTURAL RESTRICTIONS
*****THESE GUIDELINES ARE SUBJECT TO CHANGE WITHOUT NOTICE*****

ALL IMPROVEMENTS TO PROPERTY
ARE REQUIRED TO BE SUBMITTED TO
THE MAGNOLIA CREEK ARCHITECTURAL REVIEW COMMITTEE (ARC)
FOR REVIEW AND APPROVAL PRIOR TO THE INCEPTION OF ANY CONSTRUCTION.

FURTHER, IT IS THE APPLICANT'S RESPONSIBILITY TO ENSURE COMPLIANCE
WITH THE LATEST REVISIONS TO THESE GUIDELIENS.
COPIES WILL BE MADE AVAILABLE UPON RQUEST TO THE ARC

Purpose of Guidelines

The Design Guidelines have been established for the use by third party builders and/or property owners in the Magnolia Creek community. They are aimed at ensuring an attractive, coordinated physical environment both during and after construction. Design diversity is encouraged in order to create a specific identity for each residential village. However, certain standards have been adopted for key elements to provide continuity and to maintain overall quality. The property owner should familiarize himself and his building team with the requirements of the Design Guidelines and confirm that he has the latest revision.

Remember that Magnolia Creek is located within The City of League City and is, therefore, subject to League City's zoning and development ordinances. The City of League City, and Galveston County, or any other applicable governmental agency, should be contacted at the beginning of the building process to insure compliance with all applicable regulations. Compliance with all governmental regulations is the obligation of the property owner or third party builder.

The Architectural Review Committee (the "ARC") reserves the right to modify and change the Design Guidelines as well as grant variances to the Design Guidelines. If any conflicts or discrepancies exist between provisions contained in this Supplement and those contained in the Architectural Review Committee Builder Guidelines and Architectural Restrictions, the ARC shall, in its sole discretion, determine the applicable prevailing standard.

Builders within Magnolia Creek are responsible for compliance with all applicable city, county, state, and federal regulations.

SECTION 1 - SITE LAYOUT

1.1 General

The builder/owner is to construct homes and maintain individual lots in a manner prescribed by the Declaration of Covenants, Conditions and Restrictions, the recorded plat/replats, rules and regulations of the Magnolia Creek Homeowners Association, Inc. and these Design Guidelines.

Compliance with building setback lines, lot layouts, driveways, sidewalks, garages, and etc. is required of the builder/owner. Ties to utilities are the responsibility of the builder/owner.

The builder/owner shall comply with any and all ordinances that may be in effect from the City of League City, Galveston County and/or any other governmental agency having applicable jurisdiction.

1.2 Building Setbacks

All front, rear and side set backs will be as shown on the recorded final plat for, "Magnolia Creek", and/or will be as the current Ordinances of the City of League City or the Declaration of Covenants Conditions and Restrictions and/or the Architectural Review Committee Builder Guidelines and Architectural Restrictions, as amended, for Magnolia Creek as stipulated.

1.3 Driveways

The builder is required to construct a driveway into the street right-of-way to connect to the existing street. Such driveway shall be placed in accordance with the City of League City and Galveston County requirements.

Proposed driveways shall be poured flush with the existing "rollover" curb and shall not be "saw-cut". The builder is responsible for the street and curb improvements adjacent to the builder's Lots and builder will not cause any damage to the improvements.

1.4 Pools & Spas

Above ground pools are not permitted. However, above ground spas and/or hot tubs are permitted with the restriction that above ground spas and/or hot tubs shall not be visible from streets or common areas. All plumbing, heaters, pumps, filters, etc. must be skirted, decked, screened, or landscaped to hide from public view.

Swimming pool appurtenances such as rock waterfalls, slides, and diving boards must not be over six feet (6') in height. Skimmer nets, long handle brushes, pool chemicals, filters, pumps, heaters, plumbing, etc. must be stored so as to not be visible from public view.

Pool walls shall not encroach on any utility easement. If pool plumbing is required in the utility easements, contact the appropriate utility company before digging. Wood or concrete pool decks may be placed on utility easements, but are subject to removal by utility companies in the future.

1.5 Fences

All rear yards on each lot in Magnolia Creek is required to be fenced upon the completion on the home on such lot by builder unless such Lot is already fenced by the Developer.

A minimum fence setback of ten feet (10') from the front facade of the house is required unless otherwise approved by the ARC.

A maximum fence height of six feet (6') is allowed.

Fences are only to be constructed with 1" x 6" pickets of pine, cedar or spruce material. Posts and rails may be constructed with wood or metal material.

On all lots with wood fencing visible from the street, the fence must be constructed with the finished side out. Posts and rails are not to be seen from the street or any common area.

Diagonal and horizontal fencing is strictly prohibited.

No used material may be used to construct any fence.

All fences are to be kept in good repair.

Electric meters, A/C units, and other facilities located on the street side of a lot are to be placed behind the fence or screened by landscaping.

Side yard gates are discouraged on the street side of a lot.

1.6 Lot Drainage

It will be the responsibility of each builder to provide adequate drainage for each lot in conformance with the drainage plan.

The builder must establish a drainage pattern upon completion of the house to insure that each lot has positive drainage away from the house foundation and drain to an adjacent street or common area.

The builder must establish a drainage pattern upon completion of the house. It is the homeowner's responsibility to maintain this drainage patterns and not alter the flow of water from their lot.

SECTION 2 – ARCHITECTURE

2.1 General

The following guidelines are not intended to limit the creativity of the architects or builders in their design or construction of homes in Magnolia Creek. They are intended to provide a basis for design concepts, forms, and materials to create a comfortable living environment while fitting into the overall sense of community.

The builder/owner shall be responsible for installation and maintenance of the area within the public street right-of-way (between the back of the street curb and property lines).

Each builder/owner shall be responsible for street cleaning and trash pickup in the area immediately adjacent to where the home is being constructed.

The ARC reserves the right to reject an elevation that closely resembles that of a nearby house or in any way detracts from the overall street scene. Identical uses in brick type, color and siding color is generally prohibited on homes that are adjacent to one another.

2.2 Exterior Materials

Samples of all finish materials must be submitted by the builder to the ARC for approval.

Soft subdued paint colors as approved by the ARC should be used. Bold primary colors are prohibited. Each builder is required to submit a color palette to the ARC for approval.

Brick and stone selections must be approved by the ARC prior to installation. Repetition of Masonry, as defined below, materials will not be permitted on adjacent houses.

In Masonry construction, all mortar joints are to be tooled with mortar color complementary to the brick color.

Gable ends of a uniform material tend to be more appealing than those that change at the eave line and are strongly encouraged.

High contrast trim or material variation should be avoided in favor of those that are chosen to blend the elements and color.

“Masonry”, as defined for purposes of these Design Guidelines, shall be considered materials of brick, stone, stucco. Hardi-Plank® siding is not considered a masonry product.

No aluminum siding shall be permitted as an approved exterior material in Magnolia Creek.

Roofs on all buildings in Magnolia Creek shall be covered with fiberglass composition shingles with a life of no less than twenty (20) years. The color of any shingles shall be of wood tone, earthtone or in

harmony with earthtones and shall be subject to the approval of the ARC. Any other type of roofing material may be used only if approved in writing by the ARC prior to installation.

All residential dwellings constructed on the lots in Magnolia Creek shall have a cast stone address plaque installed into the front elevation thus giving the community a consistent theme for such plaques. The ARC prior to installation must approve any other type of address plaque.

No window in any residential dwelling or other approved improvement that is visible from any other lot, residence, street or common area may be covered with any aluminum foil or other reflective material. Window coverings must be compatible with the design and color of the residence and the overall appearance of the community. The ARC shall have the sole authority to determine whether particular window coverings are compatible with the design and color of the residence and the overall appearance of the community.

2.2.1 Chimneys

All chimneys located on the exterior portion of a dwelling unit shall be constructed of brick, stone, stucco or hardi-plank siding. Prefabricated metal fireplaces and metal flues may be used but their chimneys must be masonry clad to present the appearance of traditional masonry chimneys.

The height of the chimney should be in proportion to the roofline and adhere to the fire codes

2.3 Exterior Lighting

The builder/owner may install and maintain lighting on individual lots in a manner so as to not cause distraction, nuisance, or be unsightly.

Ground lighting or decorative light fixtures are acceptable. Decorative fixtures must be of high quality materials and workmanship, and be in scale with the residence.

Freestanding decorative fixtures are acceptable with ARC approval. Mercury vapor lights, when used for special landscape lighting affect (hung in trees as up or down lights), is permissible only with prior approval from the ARC.

Incandescent, low voltage incandescent, metal halide, quartz, and natural gas lights are acceptable.

Spotlights are to be directed to avoid light spill onto any adjacent property.

2.4 Screening

When practical all air conditioning units, water purification systems, etc. are to be placed away from public view, preferably in the rear or fenced side yards. Meters shall be placed in a manner that limits their visibility from the street and shall be screened from view with landscaping.

Wood fences and/or shrubs are acceptable screening materials.

Hedges may be used for screens if plants are mature enough and spaced close enough to provide adequate screening. Screening with plants is to be accomplished with the initial installation and not assumed for growth at maturity. Staggered spacing of shrubs for hedges makes a good screen.

2.5 Roof Top Antennae & Satellite Dish

The roof, as a design element, should be kept as visually unobstructed as possible.

No roof top antennae will be permitted on the outside of a residence. All antennae must be concealed within the attic or otherwise completely concealed.

Installation of any satellite dish requires prior written approval from the ARC. Satellite dishes must be installed to where they are not visible from public view.

2.5.1 Roof Protrusions

Vent stacks and other necessary roof protrusions, where possible, should be located to be away from view from the adjacent street. All vent stacks and flashing are to be painted to match color of shingles. Shingles are to be overlapped at valleys so that no valley flashing is exposed.

2.5.2 A/C Equipment

No window or roof top HVAC equipment is permissible. Extreme care should be taken in the location of condensers to avoid noise infiltration of adjoining bedrooms and other "quiet" zones.

2.6 Carports

No carports shall be constructed on any lot in Magnolia Creek. With the prior written consent of the ARC, a porte cochere may be approved; however any approved porte cochere will be an addition to and not a replacement of the garage requirement stipulated in the Declaration of Covenants, Conditions and Restrictions.

2.7 Outbuildings

Provided the express written consent of the ARC is secured prior to installation and placement on a Lot, one (1) lawn storage building and/or one (1) children's playhouse may be permitted. Lawn storage buildings or sheds are specifically prohibited on all Lots located on or adjacent to Golf Course property.

The storage building is limited to a maximum height of 8 feet, measured from the ground to the highest point of the structure, and limited in size to a maximum of 100 square feet of floor area. All colors and materials on the structures must remain consistent with the exterior materials on the home. In no case can the outbuilding be placed in a utility easement, within five (5) feet of a side property line, or within ten (10) feet of the back property line. In all cases, the storage structure should be hidden or screened from the public view. Additionally, no outbuilding structure of any type is permitted unless the specific Lot involved is completely enclosed by fencing in accordance with Section 1.5 herein. Otherwise, no building or structure of any kind (except for a residence or garage) shall ever be placed or erected on any lot within Magnolia Creek.

2.8 Playground Equipment

No jungle gyms, swing sets, or similar playground equipment shall be erected or installed on any lot without prior written approval of the ARC. These items shall be positioned on the lot so as not to be visible from any street. Play structures are limited to a maximum height of 12 feet, measured from the ground to the highest point of the structure.

Play structures are specifically prohibited from being placed within 20-feet of the rear lot line on all Lots located on or adjacent to Golf Course property.

Any playground equipment or other play areas or equipment furnished by the Magnolia Creek Homeowners Association, Inc. or on behalf of such association shall be used at the risk of the user, and the association or the entity who supplied such equipment shall not be held liable to any person for any claim, damage, or injury occurring thereon or related to the use thereof.

2.8.1 Basketball Goals

Portable Basketball goals are acceptable as long as they are no closer than ten (10) feet from the back of the curb on a cul-de-sac lot and fifteen (15) feet from the back of the curb on a typical lot. In no case can the basketball goal be placed in the street right-of-way. All basketball goals should be maintained in good condition. Permanent goals attached to a structure or house are not permitted.