

## ARCHITECTURAL GUIDELINES FOR BLUE JAYS LANDING

### RECITALS:

#### ARCHITECTURAL GUIDELINES:

**NOW, THEREFORE**, the Board of Directors of the Blue Jays Landing Homeowners Association, Inc. (“Board” or “Board of Directors”) adopts the following Architectural Guidelines (“Guidelines”) relating to the construction, building, erection, installation, alteration (including additions and modifications to existing buildings, structures, and improvements), moving, removing, or demolishing of buildings, structures, or improvements on all lots and property within Blue Jays Landing (“Subdivision”). These Guidelines shall become effective and enforceable per the Declaration of Covenants, Conditions and Restrictions.

#### **A. Architectural Control Committee Application Required:**

1. **Application to the Architectural Control Committee:** Any construction of single-family residences or construction, building, erection, installation, alteration (including additions and modifications to existing buildings, structures, and improvements), moving, removing, or demolishing of a building, structure, or improvement shall require the written approval of the Architectural Control Committee (“ACC”) as provided herein. No person or entity shall clear any land or perform any dirt work on any lot or property, begin any building or construction on any lot or property, move or store any equipment, machinery, or materials on any lot or property, or install water wells or septic tanks on any lot or property without the prior written approval of the ACC. In no event, shall any building, structure, or improvement violate the Declaration or these Guidelines. If any person or entity violates any provisions of the Declaration or these Guidelines, the ACC may impose fees on the violator to correct any violation. All applications shall be submitted to the ACC and shall include, at a minimum, the following information:

- a. Description of the proposed construction, building, erection, installation, alteration (including additions and modifications to existing buildings, structures, and improvements), moving, removing, or demolishing of a building, structure, or improvement; and
- b. Site plan showing the proposed location of any building, structure, or improvement; and
- c. Architectural elevations of all sides of the proposed building, structure, or improvement with building materials shown; and
- d. Sample of proposed masonry materials and roofing materials. Actual samples are required, but the ACC may waive this provision and allow an applicant to submit color photographs of materials if a color photograph is acceptable to the ACC. All proposed paint colors require submission to the ACC of the actual paint sample; and
- e. Survey of the property; and
- f. Complete Construction drawings, as applicable; and

- g. Non-refundable ACC application review fee of \$100.00 for additions to single-family residences or new construction of a single-family residence only; and
- h. Any other document the ACC may require to make a decision on an application.

The ACC may waive any of the above required information, if such information is not relevant to the application.

**B. ACC Application Review and Approval Process:**

1. General: Only the property owner or a written authorization from the property owner designating a representative may submit an application to the ACC. In reviewing an application, the ACC shall consider, in addition to these Guidelines, the provisions of the Declaration, applicable statutes, ordinances, and building codes. The property owner is solely responsible for obtaining all required permits and passing all required inspections. The ACC may require proof of required permits and inspection reports from the property owner or representative. Property owner or representative shall provide a copy of any requested permit or inspection report within three (3) business days of the ACC sending written request to the property owner or representative for such documentation.
2. ACC Decisions: No later than thirty (30) business days after the date the ACC receives a completed application and fee (if applicable), the ACC shall either approve the application, disapprove the application, or approve the application with conditions. Any application that is not approved, disapproved, or approved with conditions within the timeframe as set forth in this subsection shall be deemed automatically approved by the ACC, provided however that any such approval shall extend only to these Guidelines and not to any of the use restrictions set forth in the Declaration. The majority of the ACC members present at a meeting in which an application is approved, disapproved, or approved with conditions shall be the decision of the ACC.
3. Approval with Conditions: The ACC may approve an application with conditions if such conditions are minor changes that can be corrected without the applicant having to resubmit a revised application.
4. Resubmission to ACC After Disapproval: If an application is disapproved by the ACC, the applicant may correct the deficiencies noted by the ACC and submit a revised application to the ACC. The applicant shall pay a new application fee (if applicable) as set forth above. The ACC shall follow the timelines for approval, disapproval, or approval with conditions as set forth in subsection 2 of this section.
5. Appeal of the ACC Decision: If the ACC approves an application with conditions or disapproves an application, the applicant may, within thirty (30) days, submit an appeal to the Board of Directors. The applicant may include in the appeal any information the applicant considers relevant to why the ACC was in error. The Board of Directors shall review the appeal at its next regular meeting following the date upon which the appeal is received, provided the date of receipt is at least three (3) business day before the date of the notice of such meeting of the Board of Directors. The decision of the majority of the Board of Directors present at the meeting in which the appeal is considered shall be the decision of the Board of Directors and shall be final. The Board of Directors may uphold the decision of the ACC, reverse the decision of the ACC, in

whole or in part, or modify the decision of the ACC. The Board of Directors shall provide their decision in writing to the applicant no later than ten (10) business days after the date the Board makes such decision.

6. Status of Application During Appeal: During the appeal period, the decision of the ACC shall remain in effect.

7. Completion of work: Once an application has been approved, the applicant shall complete work no later than one hundred eighty days (180) after the date the ACC approves the application. The applicant may apply for an extension of time to the ACC for good cause. The ACC may grant an extension of time based on the reasons for the delay. The ACC shall grant or deny an extension no later than fifteen (15) days after the date a written extension by the applicant is filed with the ACC.

**C. Standards for Single-Family Residence:**

1. General: The quality of construction and materials, colors, exterior design, size, and location of each single-family residence shall be harmonious with existing or proposed single-family residences as well as with all buildings, structures, and improvements in the Subdivision. Moreover, all single-family residences shall be in compliance with the Declaration.

2. Single-Family Residence: Only one (1) single-family residence is allowed on a lot as shown on the official recorded plat of the Subdivision. Each lot shall house a single-family residence.

3. No encroachment: No building, structure or, improvement may encroach on, over, or under any building lines, building setback lines, easements, or adjacent property as shown on the official recorded plat of the Subdivision.

4. Building Setbacks: All building lines and building setback lines shall be as shown on the official recorded plat of the Subdivision.

5. Culverts: Culverts are required to be installed before any other construction can begin on any lot or property.

6. Architectural Criteria:

a. Square Footage: The total square footage of the single-family residence shall be a minimum of two thousand (2,000) square feet of habitable space. No single-family residence shall be more than 2 stories. No single-family residence shall be taller than thirty-five (35) feet in height measured from slab base to the top of roof.

b. Slab foundation: All structures shall be on a slab foundations which conform to the requirements as described on the official recoded plat of the Subdivision.

c. Single-family Residence and Garages Exterior Elevations:

All front elevations of Single-family residences and all garage exterior elevations shall face the following:

- i. Block 1: Lots 4-16 shall face Neon Moon Drive; Lot 17-37 shall face the interior street(s) of the Subdivision
  - ii. Block 2: Lots 1-7 shall face Moon Light Drive; Lots 8-14 shall face Pecan Pie Drive.
  - iii. Block 3: Lots 5-10 shall face Pecan Pie Drive; Lots 11-16 Shall face Water Tower Drive. Lots: 1-4 shall face Sweet Tea Lane
  - iv. Block 4: Lots 1-17 shall face the interior street of the subdivision
- d. Garage: Each single-family residence shall have a garage, either attached or detached to the single-family residence, that can house at least two (2) automobiles. A detached garage shall have a minimum setback of fifteen (15) feet from the front plane of the single-family residence.
- e. Masonry. Masonry shall mean and include that form of construction defined below and composed of brick, stone, decorative concrete block, precast concrete panels, stucco, exterior plaster, or other materials of equal characteristics which are approved by the ACC, laid up unit by unit set in mortar.
- i. Brick – Includes kiln fired clay or shale brick manufactured to ASTM C216 or C652, Grade SW, may include concrete brick if the coloration is integral, shall not be painted, and it is manufactured to ASTM C1634; minimum thickness of two and one quarter inches when applied as a veneer, and shall not include underfired clay or shale brick.
  - ii. Stone – Includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of two and five eighths inches when applied as a veneer.
  - iii. Decorative Concrete Block – Includes highly textured finish, such as split faced, indented, hammered, fluted, ribbed, or similar architectural finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of three and five eighths inches when applied as a veneer; shall include light weight and featherweight concrete block or cinder block units.
  - iv. Precast concrete panels – Includes products often associated with Tilt Up Wall Construction but only allowed if post-constructed wall areas are then covered by defined masonry materials that can be laid up unit by unit set in mortar and meet the required percentage of coverage as defined herein.
  - v. Stucco, exterior plaster if approved by the ACC.

vi. The following materials shall not qualify nor be defined as “masonry” in meeting the minimum requirements for exterior construction of buildings, unless specifically approved by variance:

- Adobe or mortar wash surface material; or
- Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material; or
- Cementitious fiber board siding.

vii Masonry requirements:

1. Front elevation: All Single-family residences front elevations shall be comprised of a minimum 90% masonry, excluding windows, doors (the garage door), and trim. ACC approved siding is permitted.
2. Rear elevation: All Single-family rear elevations shall be comprised of masonry, ACC approved siding, or a combination of masonry and siding.
3. Side elevation: All Single-family residences side elevations shall be comprised of 100% masonry on the first floor, excluding windows, doors, and trim, and shall be comprised of masonry, ACC approved siding, or a combination of masonry and siding on the second floor.
4. Detached garages: A detached garage front elevation shall be comprised of 100% masonry, excluding windows, doors, the garage door, and trim. The rear elevation shall be comprised of masonry, ACC approved siding, or a combination of masonry and siding. The side elevation shall be comprised of 100% masonry on the first floor, excluding windows, doors, and trim, and shall be comprised of masonry, ACC approved siding, or a combination of masonry and siding on the second floor.

f. Chimneys: Chimneys shall match the exterior materials of the single-family residence being either masonry or approved siding. No exposed metal flues are allowed.

g. Roofing Materials:

- i. All structures shall be roofed with composition shingles unless otherwise approved by the ACC. Wood shingles are prohibited for safety reasons.
- ii. Composition shingles shall weigh at least 230 pounds per square and have a minimum of a twenty-five (25) year warranty. Shingles shall have a laminated design. Three-tab shingles are prohibited except for use as a starter and cap rows.
- iii. Roof shingles shall be dark brown, black, or dark gray tones only.
- iv. Roof overlays are not allowed. Prior to roofing, all existing materials shall be removed down to a clean decking. Any damaged or deteriorated decking shall be replaced.

- v. All roof protrusions, such as vents, roof jacks, and other similar items shall be painted to match the shingles.
- vi. Subject to Section (vii) below and with ACC approval, a property owner may install shingles which are designed primarily to:
  - 1. be wind and hail resistant.
  - 2. provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
  - 3. provide solar energy capture capabilities.
- vii. Once installed, any such shingles in subsection (vi) above shall:
  - 1. resemble the shingles used or otherwise authorized for use on property in the Subdivision; and
  - 2. be more durable than and be of equal or superior quality to shingles used or otherwise authorized for use on property in the Subdivision; and
  - 3. match the aesthetics of the property surrounding the owner's property.
- h. Windows: No reflective material is permitted on windows. Storm windows, shutters, and screens shall match the color of the single-family residence and shall be approved by the ACC.
- i. Exterior Lighting Fixtures: No exterior lighting shall cause a nuisance to neighboring property owners including but not limited to flood lights. Furthermore, all lighting shall comply with any regulations of Fort Bend County.

7. Driveway Criteria: All single-family residences shall have a driveway constructed of concrete from the road approach to the garage. Driveways shall be a minimum of twelve (12) feet in width and a maximum of twenty (20) feet in width. Any coloration of driveways shall require ACC approval. Brick pavers are allowed with ACC approval. Circular driveways located in front of the single-family residence are allowed with ACC approval, but shall branch off from the main driveway as set forth in this section. Lots 18,27,28,37 of Block: 1 , Lots: 1,7,8,14 of Block 2 , Lots: 1,4,10,11 of Block 3, Lots: 17 of Block 4 may have an additional driveway coming off of Water tower Dr., Sweet Tea lane, Pecan Pie Dr. and Neon Moon Dr., as applicable.

8. Landscape Criteria:

Minimum Landscape Requirements: Trees and Sod: All lots are required to have a minimum of two (2) hardwood trees, of at least two and half (2½) inches in diameter, spaced separately across the front yard. The front and side yards shall be sod.

**D. Standards for Accessory Structures:**

- 1. General: Accessory structures include but are not limited to barns, gazebos, storage buildings, outdoor kitchens, and recreational vehicle storage buildings.

2. General Design: All accessory structures shall be constructed to resemble and be in harmony with the single-family residence in materials, architectural style, and color.
3. Slab foundation: All accessory structures shall be on a slab foundation as described on the official recorded plat for the Subdivision.
4. Size: No accessory structure shall be larger than 120 square feet, except a recreational vehicle storage building shall be no larger than 2,000 square feet. No accessory structure shall be taller than the single-family residence.
5. Number: Each lot is limited to one (1) accessory structure no larger than 120 square feet and one (1) recreational vehicle storage building no larger than 1,200 square feet.
6. Location: All accessory structures shall be placed behind the single-family residence and shall not be visible from any public right-of-way. A recreational vehicle storage building shall further be a fully enclosed structure.
7. Construction Type: Accessory structures may be prefabricated.
8. ACC Approval: All recreational vehicles storage buildings shall be approved by the ACC.

**E. Standards for All Other Improvements:**

1. General:
  - a. All other improvements shall be approved by the ACC.
  - b. Improvements that exceed two (2) feet in height may not be located closer to the front boundary line than the front plane of the main residence or garage, except as otherwise provided by the Declaration, these Guidelines, or as approved by the ACC.
  - c. Over the Air Reception Devices: Over the air reception devices as defined by the Telecommunications Act of 1996, as amended, shall not be placed, allowed, or maintained on any portion of Common Property and should be placed on a single-family residence which is not visible from any street, Common Property, or other Lot unless such locations prevent reception of an acceptable quality signal or impose unreasonable expense or delay. The ACC may require screening as long as such screening does not interfere with the signal quality, impose unreasonable expense, or delay the installation. No device shall be permitted which is larger than 39.37 inches in diameter.

This Section shall be as restrictive as possible without violating the Telecommunications Act of 1996.

- d. Basketball Goals: Basketball goals shall be placed on the side of the driveway, or other ACC approved concrete area, but in no case shall basketball goals be placed in the

street or any Common Property of the Subdivision. Basketball goals shall have a minimum setback to correspond with the building line. Rims shall not be more than ten feet (10') in height from the ground. Backboards shall be regulation size and white in color or transparent.

- e. Decorations: Holiday decorations do not need ACC approval but holiday decorations shall remain during the customary holiday and shall be removed as soon as practicable after the holiday is over.
  
- f. Display of Certain Religious Item:
  - i. A property owner or resident may display or attach one or more religious items to the entry to the single-family residence, the display of which is motivated by the property owner's or resident's sincere religious belief.
  - ii. To the extent allowed by the Texas Constitution and the United States Constitution, a property owner is prohibited from displaying or affixing or allowing the displaying or affixing of a religious item on the entry to the owner's residence that:
    - 1. threatens the public health or safety; or
    - 2. violates a law; or
    - 3. contains language, graphics, or any display that is patently offensive to a passerby; or
    - 4. is in a location other than the entry door or door frame or extends past the outer edge of the door frame; or
    - 5. individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size greater than 25 square inches.
  - iii. A property owner or resident shall not use a material or color for the entry door or door frame of the property owner's or resident's single-family residence or make an alteration to the entry door or door frame that is not authorized by the Declaration or these Guidelines.
  - vi. The ACC may remove a religious item displayed or affixed in violation of these Guidelines.
  - vii. Approval from the ACC is not required for displaying religious items in compliance with these Guidelines.
  
- g. Flag Display: Flags shall be displayed and regulated as set forth in Texas Property Code, section 202.011 and these Guidelines:
  - i. The flag of the United States shall be displayed in accordance with 4 U.S.C. Sections 5-10.
  - ii. The flag of the State of Texas shall be displayed in accordance with Chapter 3100, Government Code.



- iii. A flagpole attached to a single-family residence, or a freestanding flagpole shall be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the single-family residence.
  - iv. The display of a flag, or the location and construction of the supporting flagpole, shall comply with applicable zoning ordinances, easements, and setbacks of record.
  - v. A displayed flag and the flagpole on which it is flown shall be maintained in good condition and that any deteriorated flag or deteriorated or structurally unsafe flagpole be repaired, replaced, or removed immediately by the property owner.
  - vi. One flagpole may be installed per property which is not more than 20 feet in height and subject to applicable zoning ordinances, easements, and setbacks of record, and shall be located in the front yard of the property or may be attached to any portion of the single-family residence owned by the property owner.
  - vii. No flag shall be larger than 3 feet by 5 feet in size.
  - viii. All illumination of flags shall be approved by the ACC.
  - ix. The ACC may require the property owner to any abate noise caused by an external halyard of a flagpole.
- h. Driveway Extensions/Sidewalks: Approved on a case-by-case basis by the ACC by variance. No dwelling shall have a common sidewalk property.
- i. Fences:
- i. Fencing front fencing: Front yard fencing is optional, but if fencing is installed it may be either 3-rail fencing with or without wire with ACC approval of all wire, or it may be wood privacy fencing no taller than six (6) feet from the ground. The front fence shall be located at the building line.
  - ii. Side yard fencing: Side fencing on all lots is optional, but if fencing is installed it shall be 3-rail fencing with or without wire. ACC shall approve all wire.
  - iii. Rear fencing for all lots in Blocks 1 and 4: Except as set forth in subsections iv and v of this section, rear perimeter fencing for all lots in Blocks 1 and 4 as shown on the official plat shall be installed and be a 6-foot-tall wooden fence.
  - iv. Rear fencing for all lots in Blocks 2 and 3: Rear fencing for all lots in Blocks 2 and 3 as shown on the official plat is optional, but if fencing is installed it shall be a 6' wood picket or 4' 3-rail fencing with or without wire. ACC shall approve all wire.
  - v. The perimeter fence of Blocks 1 and 4 shall maintain a minimum height of four (4) inches from natural ground to the bottom of the fence to assure there are no restrictions on the natural sheet flow of surface water drainage runoff from the adjacent residential properties. It is the sole responsibility of the property owner of each applicable Lot to maintain the specified 4-inch gap between natural ground and the bottom of the fence.
  - vi. Color: Fences shall not be painted and shall be of consistent color with other fences in the Subdivision.
- j. Fountains: Fountains shall be approved by the ACC.

- k. Garage Conversions and Carports: Conversions of garages to habitable space is prohibited unless another two (2) car garage is added, and the front elevation exterior shall maintain the appearance of a garage and be harmonious with the single-family residence. Carports shall be evaluated on an individual basis for consistency and harmony with the architectural style of the single-family residence. Conversion of a garage or carport shall be approved by the ACC.
- l. Hot Tubs: Hot tubs shall be located behind the single-family residence, not visible from any public right-of-way, and shall comply with all building lines and building setback requirements. The ACC shall approve any hot tub.
- m. Mailboxes: Mailboxes shall be installed near the street and follow all US Postal Service guidelines. The house number shall be clearly posted on the mailbox or supporting structure. The mailbox supporting structure shall be plain wood or otherwise match the material used for the single-family residence.
- n. Patio Covers: Patio covers shall be constructed of materials which complement the single-family residence. If attached to the house, the patio cover shall be integrated into the existing roofline.
- o. Playhouses, swing sets, and forts: Playhouses, swing sets, and forts shall be approved by the ACC, shall not be visible from any public right-of-way, and shall meet all building lines and building setback requirements. A total of one (1) playhouse, swing set, fort, or similar structure may be placed on a lot.
- p. Pool Enclosures: Pool enclosures shall be approved by the ACC based on consistency of design with the single-family residence and be of appropriate construction materials.
- q. Rain Barrel or Rainwater Harvesting Systems:
  - i. Rain Barrel or Rainwater Harvesting (“System” or “Systems”) may be installed with ACC approval subject to these Guidelines.
  - ii. All such Systems shall be installed on land owned by the property owner but may not be located between the front of the property owner’s single-family residence and an adjoining or adjacent street. No portion of the System may encroach on adjacent properties or Common Property.
  - iii. Other than gutters and downspouts conventionally attached to a structure, all components of the System, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes, hoses, and other appurtenances shall be substantially screened if located on the side of a single-family residence or at any other location that is visible from a street, another lot, or Common Property. Screening may be

accomplished by placement behind a solid fence, a structure, or vegetation; by burying tanks or barrels; or by placing equipment in an outbuilding; and

- iv. No Rain barrel or System shall exceed 55 gallons if located on the side of a house or at any other location that is visible from a street, another lot, or Common Property and shall be a customary material used for such System if located on the side of a house or at any other location that is visible from a street, another lot, or Common Property.
  - v. The System shall be fully painted in a single color consistent with the color scheme of the property owner's single-family residence and shall not display any language or other content that is not typically displayed by such barrel or Systems as it is manufactured.
  - vi. The System shall be installed in close proximity to single-family residence on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle.
  - vii. Overflow lines from the System shall not be directed onto or adversely affect adjacent properties or Common Property.
  - viii. Inlets, ports, vents, and other openings shall be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks, storage devices. Open top storage containers are not allowed.
  - ix. Water shall be used and not allowed to become stagnant or a threat to health.
  - x. All Systems shall be maintained in good repair. Unused Systems should be drained and disconnected.
- r. Solar Energy Devices: These Guidelines apply to solar energy devices ("Devices") as defined in Section 171.107 of the Texas Tax Code.

Such Devices may only be installed with advance written approval of the ACC, subject to these guidelines:

- i. Any such Device shall be installed on land or structures owned by the property owner. No portion of the Devices may encroach on adjacent properties or Common Property.
- ii. Such Device may only be installed in the following locations on the property owner's lot:
  - 1. On the roof of the single-family residence; or

2. On the roof of any other ACC approved structure; or
3. Within a fenced yard or patio.

iii. For Devices mounted on a roof, the Device shall:

1. not extend higher than or beyond the roofline;
2. conform to the slope of the roof and have a top edge that is parallel to the roofline; and
3. have a frame, support bracket, and visible piping or wiring that is silver, bronze, or black tone commonly available in the marketplace; and
4. be located in a position on the roof which is least visible from any street or Common Property, unless this location increases the estimated annual energy production of the Device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the Device if located in an area designated by this subsection.

iv. For Devices located in a fenced yard or patio, no portion of the Device may extend above the top of the fence. If the fence is not a solid fence which blocks view of the Device, the ACC may require the Device be placed in a location behind a structure or otherwise require visual screening. The ACC may consider installation of Devices in properties without a fenced yard if there is adequate screening from public view from any street or Common Property.

v. All Devices shall be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen shall be used where required by law. Permits shall be obtained where required by law.

vi. Installed Devices may not:

1. threatens the public health or safety as adjudicated by a court; or
2. violate a law as adjudicated by a court; or
3. Substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities.

vii. All Devices shall be maintained in good repair. Unused or inoperable Devices shall be removed.

s. Standby Electric Generator: Standby Electric Generator has the meaning defined in Texas Property Code, Section 202.019.

- i. If the property owner desires a Standby Electric Generator, the property owner shall first apply to and receive written approval from the ACC prior to installation of a Standby Electric Generator.

- ii. The Standby Electric generator shall be installed and maintained in compliance with manufacturer's specifications and applicable governmental health, safety, electrical, and building codes.
- iii. All electrical, plumbing, and fuel line connections to the Standby Electric Generator shall be installed only by licensed contractors.
- iv. All electrical connections to the Standby Electric Generator shall be installed in accordance with applicable governmental health, safety, electrical, and building codes.
- v. All natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for the Standby Electric generator shall be installed in accordance with applicable governmental health, safety, electrical, and building codes.
- vi. All liquefied petroleum gas fuel line connections for the Standby Electric Generator shall be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes.
- vii. All nonintegral Standby Electric Generator fuel tanks shall be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes.
- viii. The Standby Electric Generator and its electrical lines and fuel lines shall all be maintained in good condition.
- ix. A property owner shall immediately repair, replace, or remove any deteriorated or unsafe component of a Standby Electric Generator, including electrical or fuel lines.
- x. A property owner shall screen the Standby Electric Generator if the Standby Electric Generator is:
  1. visible from the street faced by the single-family residence; or
  2. located in an unfenced side or rear yard of a single-family residence and is visible either from an adjoining residence or from adjoining property owned by the Association; or
  3. located in a side or rear yard fenced by a wrought iron or residential aluminum fence and is visible through the fence either from an adjoining single-family residence or from adjoining property owned by the Association.

- xii. The Standby Electric Generator shall not be used to generate all or substantially all of the electrical power to the residence, except when 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.
  - xiii. The Standby Electric Generator shall be located as approved by the ACC. In no event shall the location approved by the ACC increase the cost of installing the Standby Electric Generator by more than 10 percent or increase the cost of installing and connecting the electrical and fuel lines for the Standby Electric Generator by more than 20 percent.
- t. Swimming Pools: Swimming pools shall be in ground and shall be approved by the ACC based on location on the property, general appearance, and size and shall be harmonious with the individual property and neighborhood. Pool installations shall comply with all state and local regulations. Above ground pools are prohibited, except portable above-ground pools with a depth of not to exceed one (1) foot are permitted for temporary use if located behind the single-family residence but shall be removed within three (3) days.
- u. Composting: Any solid waste composting of vegetation, including grass clippings, leaves, or brush shall be shielded from view from the public right-of way and shall be placed behind the single-family residence in a fenced yard or on the on the patio of the property owner. Composting shall be placed in a suitable composting structure or device and shall not be larger than six (6) feet in height.
- v. Display of Political Signs: Political signs shall be displayed and regulated as set forth in Texas Property Code, section 202.009 and these Guidelines:
  - i. A political sign shall be ground-mounted.
  - ii. A property owner shall display only one sign for each candidate or ballot item.
  - iii. A political sign shall not contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component.
  - iv. A political sign shall not be attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object.
  - v. A political sign shall not be painted on architectural surfaces.
  - vi. A political sign shall not threaten the public health or safety.
  - vii. A political sign shall not be larger than four feet by six feet.
  - viii. A political sign shall not violate a law.

- ix. A political sign shall not contain language, graphics, or any display that would be offensive to the ordinary person.
  - x. A political sign shall not be accompanied by music or other sounds or by streamers or is otherwise distracting to motorists.
  - xi. The ACC may remove a sign displayed in violation of state law or these Guidelines.
- w. Trampolines: Trampolines do not require ACC approval. There shall be only one (1) trampoline per lot which may not be larger than 15 x 17 square feet if rectangular and shall not be larger than 17 feet in circumference if circular. Trampolines shall be kept behind the single-family residence.
  - x. Window Air Conditioners: No window air conditioners are permitted on the single-family residence. Window air conditioners may be used on accessory structures but shall not be visible from any public right-of-way.
  - y. Yard Art: Any permanent structures in the front yard shall be approved as part of a landscaping plan submitted to the ACC.
  - z. The burning of builder's materials, debris, scrap, or vegetation on any lot or property in the Subdivision is prohibited.

**F. Miscellaneous Standards:**

1. Pets. Raising, breeding, or keeping of animals, livestock, or poultry of any kind other than dogs and cats and other common household pets shall not exceed a total of 4 (four) pets. No pet shall be kept, bred, or maintained for commercial purposes. Reptiles, horses, cattle, livestock, goats, sheep, hogs, swine, pigs (including, but not limited to, pot-bellied pigs), monkeys, chickens, ducks, peacocks, pigeons, and guinea fowl shall not be deemed to be household pets and are expressly prohibited. The keeping of pets shall be subject to rules adopted by the Board.
2. Tanks. The ACC shall approve the location of any tank used on a lot, including tanks for storage of fuel, water, oil, Liquid Petroleum Gas, and swimming pool filter tanks. No elevated tanks of any kind shall be erected or permitted on any Lot. All tanks shall be screened so as not to be visible from any right-of-way or another property.
3. Water well, Septic or Approved Sanitary Sewer. No lot shall contain a water well, septic system or sanitary sewer system unless such system has been approved by the State of Texas, Fort Bend County, and other required governmental entity.
4. Waste disposal. Equipment for the storage or disposal of common household rubbish, trash, or garbage shall be kept in standard devices and shall be clean and sanitary. No waste disposal device shall be visible from any other Lot or street in the Subdivision.

**G. Construction Standards:**

1. During construction of the single-family residence or any construction on the lot that requires more than seven (7) days to complete shall have one (1) construction trailer, one (1) trash dumpster, and one (1) portable toilet. The construction trailer, trash dumpster, and portable toilet shall remain only during the time an application is valid and shall be removed as soon as construction is completed or the application is no longer valid. No construction trailer may be used for habitation of any person. No person may move onto, live, or use as habitation any lot or property in the Subdivision until the single-family residence is substantially complete in construction and all utilities are connected to the residence. Construction sites shall be kept clean of trash, debris, and tall weeds and grass.
2. Guard dogs are not allowed to be used on any lot or property in the Subdivision that is vacant, under construction, or while otherwise not inhabited.
3. All lots shall have positive drainage, away from the single-family residence, and lots shall drain to the drainage system provided. No alteration or other modification to drainage may be made which negatively impacts any other lot. French drains are permitted with ACC approval.
4. A trash dumpster may be approved by the ACC if the property owner can show a need for such.
5. The property owner is responsible for keeping mud, dirt, soil, vegetation, and debris off streets and meeting all federal, state, and local laws regarding disposal of building materials.
6. No more than one (1) construction sign with the name of the builder and one (1) real estate sign shall be placed on a lot. No construction sign or real estate sign may be larger than 48 inches square in area. Construction signs shall be removed no later than 90 days following completion of work. Real estate signs shall be removed no later than ten (10) days after the sale of the property.
7. Once construction of the single-family residence begins, a sign or mailbox indicating the address of the lot shall be placed on the property.

**H. Inspection Process:**

Periodic Inspection: Periodic inspections of all construction and improvements may be performed by the ACC, Board of Directors, or Declarant to assure compliance with approved plans and all other requirements as allowed by law.

**I. Variances:**

Variances to these Guidelines may be granted by the ACC at the sole discretion of the majority of the ACC members at a meeting considering a variance. A variance may be granted if strict compliance would create an undue hardship by depriving the property owner of reasonable utilization of the lot, or where unusual circumstances or characteristics which affect the site make



strict compliance not feasible. No variance shall be granted unless the general purposes and intent of the Declaration and these Guidelines are maintained. Any variance granted shall only be applicable to the specific lot for which the variance was granted, and shall not modify or change these Guidelines or the Declaration as they apply to other lots and property in the Subdivision. A variance application shall be submitted to the ACC. The variance application shall state the owner's name, lot address or lot number per the plat if no address has been assigned, and the reason for the variance. The ACC may require any additional documentation from applicant to make its decision. The ACC shall grant or deny a variance using the same timeframes as set forth in section B(2) and may the applicant may appeal using the procedures and timeframes set forth in section (B)(5). All variances shall be in writing. No oral variances shall be granted.

**J. Severability:**

In the event any clause, phrase, provision, sentence or part of this Policy or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Policy as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Board declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Approved and adopted by the Board of Directors of the Blue Jays Landing Homeowner's Association, Inc. on this 27<sup>th</sup> day of June, 2017.

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(officer name)

President

Blue Jays Landing Homeowners Association, Inc.

**ACKNOWLEDGMENT**

STATE OF TEXAS                   §  
  §  
COUNTY OF FORT BEND       §

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, the President of Blue Jays Landing Homeowners Association, Inc., known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he has executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Printed Name