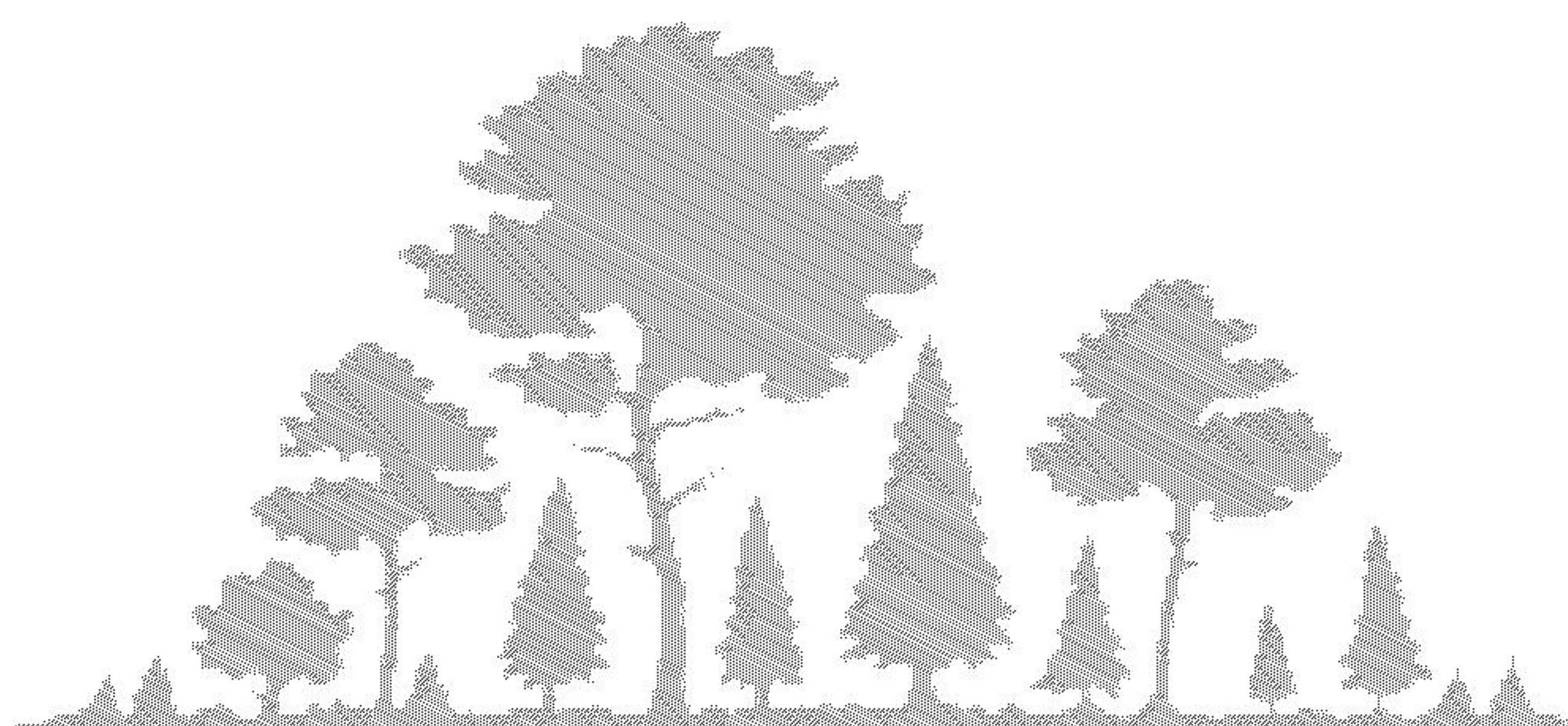




AFTER RECORDING RETURN TO:

ROBERT D. BURTON, ESQ.  
WINSTEAD PC  
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HARRINGTON  
TRAILS

**AMENDED AND RESTATED DESIGN GUIDELINES**  
***[RESIDENTIAL]***

THIS DOCUMENT AMENDS AND RESTATES IN THE ENTIRETY THAT CERTAIN HARRINGTON TRAILS DESIGN GUIDELINES [RESIDENTIAL], RECORDED UNDER DOCUMENT NO. 2020029896 IN THE OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS.

HARRINGTON TRAILS  
AMENDED AND RESTATED DESIGN GUIDELINES  
[RESIDENTIAL]

ADOPTED:

DECLARANT AS THE HARRINGTON TRAILS REVIEWER:

FORESTAR (USA) REAL ESTATE GROUP INC.,  
a Delaware corporation

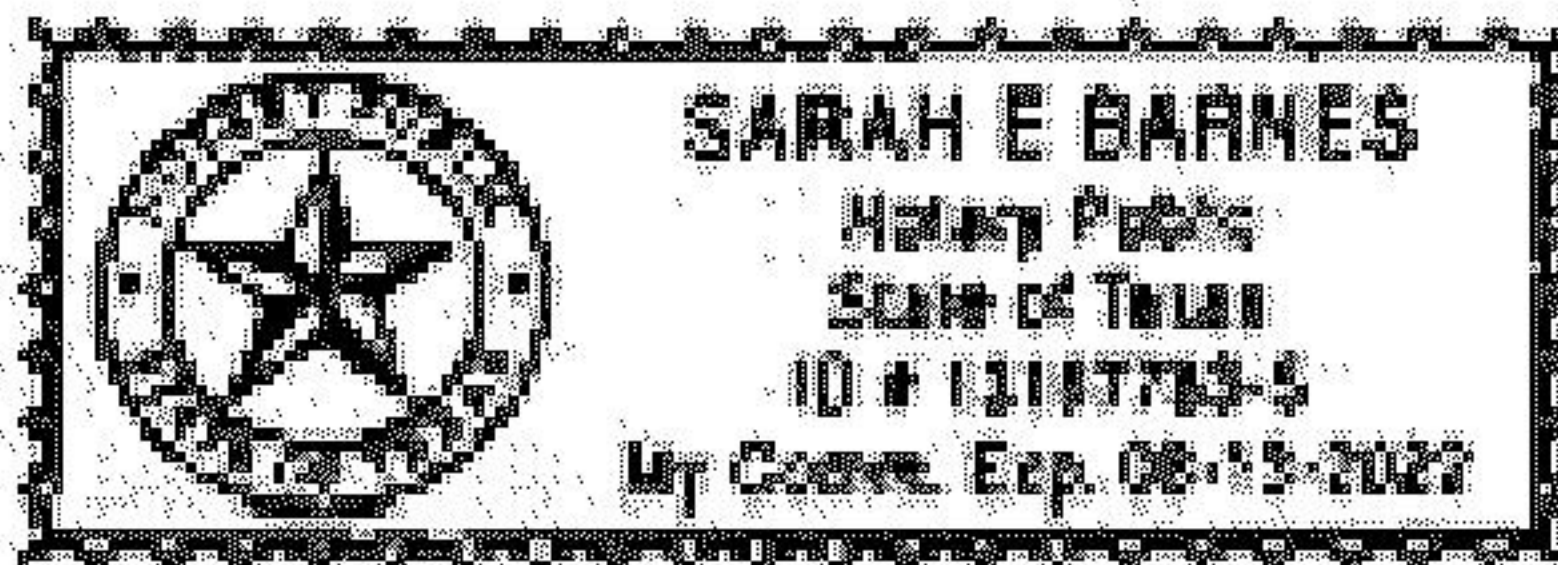
By: Justine Klinka  
Name: Justine C. Klinka  
Title: Vice President

THE STATE OF TEXAS        §  
COUNTY OF HARRIS       §

This instrument was acknowledged before me on MARCH 30, 2020, by Justine C. Klinka, Vice President of FORESTAR (USA) REAL ESTATE GROUP INC., a Delaware corporation, on behalf of said corporation.

(SEAL)

Sarah E. Barnes  
Notary Public Signature



Adopted by Declarant in accordance with Section 6.4.2 of the Harrington Trails Master Covenant [Residential], recorded under Document No. 2020029627, Official Public Records of Montgomery County, Texas, as amended from time to time; (ii) Harrington Trails Development Area Declaration [Residential], recorded under Document No. 2020029621 in the Official Public Records of Montgomery County, Texas, as amended from time to time; and (iii) Harrington Trails Design Guidelines [Residential], recorded under Document No. 2020029896 in the Official Public Records of Montgomery County, Texas.



**AMENDED AND RESTATED DESIGN GUIDELINES**  
**[RESIDENTIAL]**

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These Harrington Trails Amended and Restated Design Guidelines [*Residential*] (the “**Design Guidelines**”) are hereby adopted by **FORESTAR (USA) REAL ESTATE GROUP INC.**, a Delaware corporation (the “**Declarant**”), as the **HARRINGTON TRAILS REVIEWER**, and are as follows:

#### RECITALS

A. Declarant previously Recorded that certain Harrington Trails Master Covenant [*Residential*], recorded under Document No. 2020029627 in the Official Public Records of Montgomery County, Texas, as amended from time to time (the “**Covenant**”).

B. Pursuant to the Covenant, the Harrington Trails Reviewer may adopt, amend, modify, revoke, or supplement the Design Guidelines which may apply to all or any portion of the Development.

C. Pursuant to the Covenant, the Declarant previously executed and recorded those certain Harrington Trails Design Guidelines [*Residential*], recorded under Document No. 2020029896 in the Official Public Records of Montgomery County, Texas, (the “**Original Design Guidelines**”). The Original Design Guidelines apply to the Development Area created pursuant to that certain Harrington Trails Development Area Declaration [*Residential*], recorded under Document No. 2020029821 in the Official Public Records of Montgomery County, Texas, as amended from time to time (the “**Development Area Declaration**”), through one or more Notices of Applicability.

D. The Original Design Guidelines provide that the Design Guidelines may be amended by Declarant, acting as the Harrington Trails Reviewer, at any time until the expiration or termination of the Development Period.

E. Pursuant to the Covenant and the Original Design Guidelines, Declarant desires to and so hereby does amend and restate the Original Design Guidelines in its entirety as set forth herein.

**NOW, THEREFORE**, it is hereby declared that the Development Area will be held, sold, conveyed, and occupied subject to the following Design Guidelines. These Design Guidelines will supplement and be in addition to the covenants, conditions, and restrictions of the Covenant and the Development Area Declaration.

## I. Introduction

These Harrington Trails Amended and Restated Design Guidelines [Residential] (these “**Design Guidelines**”), are adopted by **FORESTAR (USA) REAL ESTATE GROUP INC.**, a Delaware corporation (the “**Declarant**”), as the **HARRINGTON TRAILS REVIEWER**. Any notice or information required to be submitted to the Harrington Trails Reviewer under these Design Guidelines will be submitted to the Harrington Trails Reviewer, Attn: Michelle Stoops, KM STOOPS SERVICES, LLC, 515-A South Fry Road #518, Katy, Texas 77450 and/or Michelle@kmstoops.com.

### A. **Background**

Harrington Trails is a residential community located in Montgomery County, Texas. The community consists of Development Areas which are subject to the terms and provisions of the Harrington Trails Master Covenant, recorded under Document No. 2020029627 in the Official Public Records of Montgomery County, Texas, as amended from time to time (the “**Covenant**”), and may be subject to a Harrington Trails Development Area Declaration, pursuant to the Recording of one or more Notices of Applicability in accordance with *Section 9.5* of the Covenant. The Covenant and each Development Area Declaration includes provisions governing the construction of Improvements and standards of maintenance, use and conduct for the preservation of the Harrington Trails community.

### B. **Property Subject To/Applicable Development Area Declaration**

The Development Area made subject to that certain Harrington Trails Development Area Declaration [Residential], recorded under Document No. 2020029821 in the Official Public Records of Montgomery County, Texas, as amended from time to time (the “**Development Area Declaration**”), through one or more Notices of Applicability, is subject to the terms and provisions of these Design Guidelines.

### C. **Harrington Trails Reviewer and Review Authority**

Article 6 of the Covenant includes procedures and criteria for the construction of Improvements within the Harrington Trails community. *Section 6.3* of the Covenant and *Section 3.1* of the Development Area Declaration provide that no Improvements may be placed, maintained, erected or constructed within the Development without the prior written approval of the Harrington Trails Reviewer.

During the Development Period (as such term is defined in the Covenant), the Harrington Trails Reviewer shall be the Declarant, or its designee and/or assignee. Until expiration or termination of the Development Period, the Association does not administer the review and approval of Improvements within the Development.

## **II. Governmental Requirements**

Each Owner is advised to review all encumbrances affecting the use and improvement of their Lot prior to submitting plans to the Harrington Trails Reviewer for approval. Furthermore, approval by the Harrington Trails Reviewer shall not be construed by the Owner that any Improvement complies with the terms and provisions of all encumbrances that may affect the Owner's Lot.

The Harrington Trails Reviewer shall bear no responsibility for ensuring plans submitted to the Harrington Trails Reviewer comply with any applicable building codes, zoning regulation and other government requirements. It is the responsibility of the Owner to secure any required governmental approvals prior to construction on such Owner's Lot.

## **III. Interpretation**

In the event of any conflict between these Design Guidelines, the Covenant or the Development Area Declaration, the Covenant and the Development Area Declaration (in that order) shall control. Terms used but not defined in these Design Guidelines shall have the meaning subscribed to such terms in the Covenant and the Development Area Declaration.

## **IV. Amendments**

The Harrington Trails Reviewer, acting alone, may amend these Design Guidelines. All amendments shall become effective upon recordation in the Official Public Records of Montgomery County, Texas. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or approved and in progress unless agreed to in writing by Owner, Homebuilder, Harrington Trails Reviewer, and Declarant. It is the responsibility of each Owner to ensure that they have the most current edition of the Design Guidelines and every amendment thereto.

## **V. Architectural Review Overview**

### **A. Objective**

The objective of the review process is to promote aesthetic harmony in the Harrington Trails community by providing for compatibility of specific designs with surrounding buildings, the environment and the topography. The review process strives to maintain objectivity and sensitivity to the individual aspects of design.

## **B. Responsibility for Compliance**

An applicant is responsible for ensuring that all of the applicant's representatives, including the applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Design Guidelines and all requirements imposed by the Harrington Trails Reviewer as a condition of approval.

## **C. Submittals, Approval and Review Fees**

Requests for approval of proposed new construction, landscaping, or exterior modifications must be made by submitting the information and materials outlined in the Plan Review Process, set forth herein. No Improvements may be commenced until the Owner has received a written "Approval" from the Harrington Trails Reviewer, which will be established in a contract by and between the Homebuilder and Declarant. The Harrington Trails Reviewer may adopt a schedule of fees for plan review.

## **D. Inspection**

Upon completion of all approved work, the Owner must notify the Harrington Trails Reviewer. The Harrington Trails Reviewer may, but shall in no event be obligated, to inspect the work at any time to verify conformance with the approved submittals.

# **VI. Architectural and Aesthetic Standards**

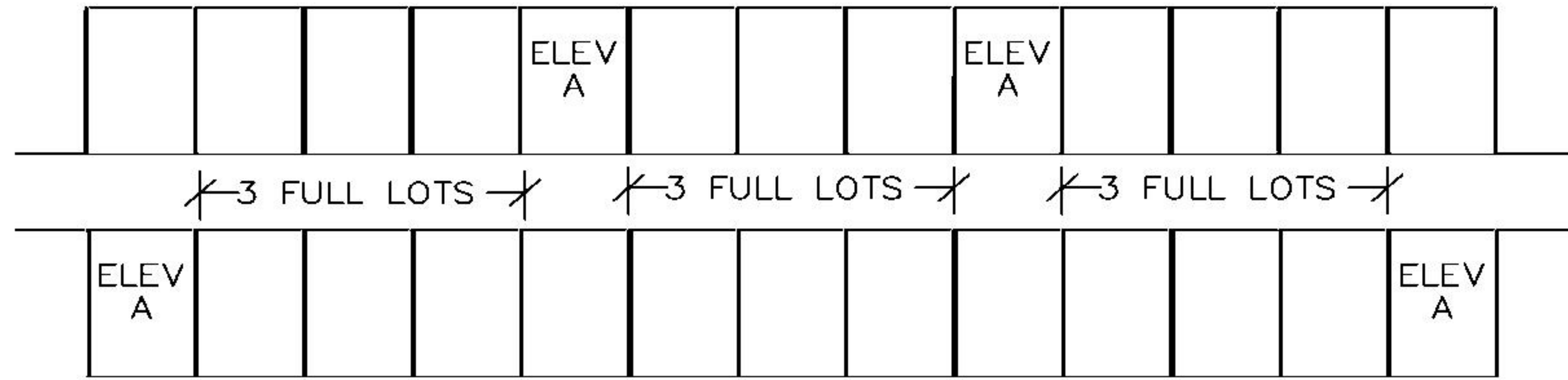
## **A. Plan and Exterior Materials Repetition**

The Harrington Trails Reviewer may, in its sole and absolute discretion, deny a plan or elevation proposed for a particular Lot if a substantially similar plan or elevation exists on a Lot in close proximity to the Lot on which the plan or elevation is proposed. The Harrington Trails Reviewer may adopt additional requirements concerning substantially similar plans or elevations constructed in proximity to each other. For example:

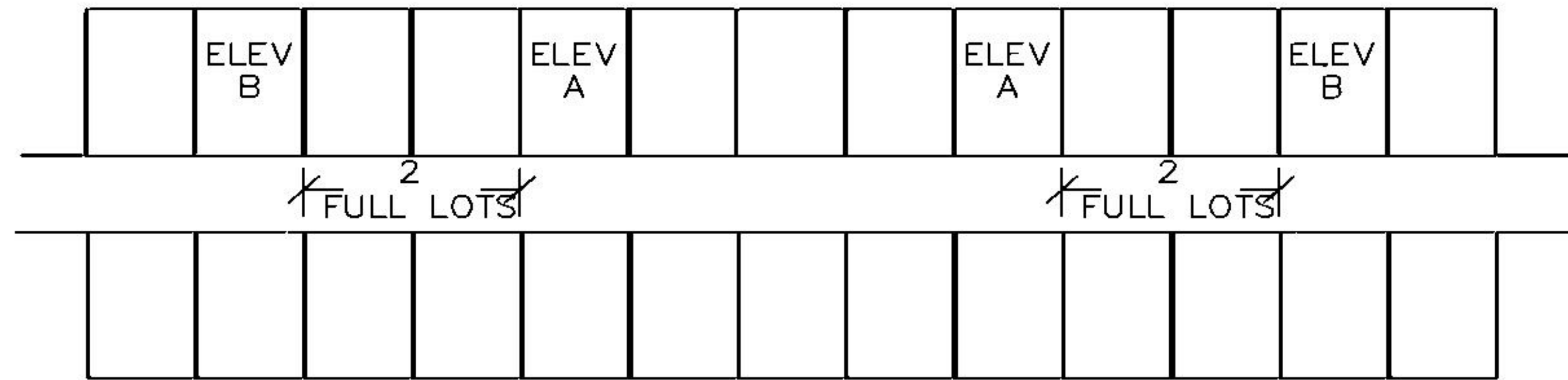
- *Three (3) Lots must be between the same plan with the same elevation that is on the same side or opposite side of a street.*
- *Two (2) Lots must be between the same plan with a different elevation on the same side of a street.*
- *One (1) Lot must be between the same plan with a different elevation on the opposite side of a street.*

Identical use of exterior materials should not be used on adjacent Lots.

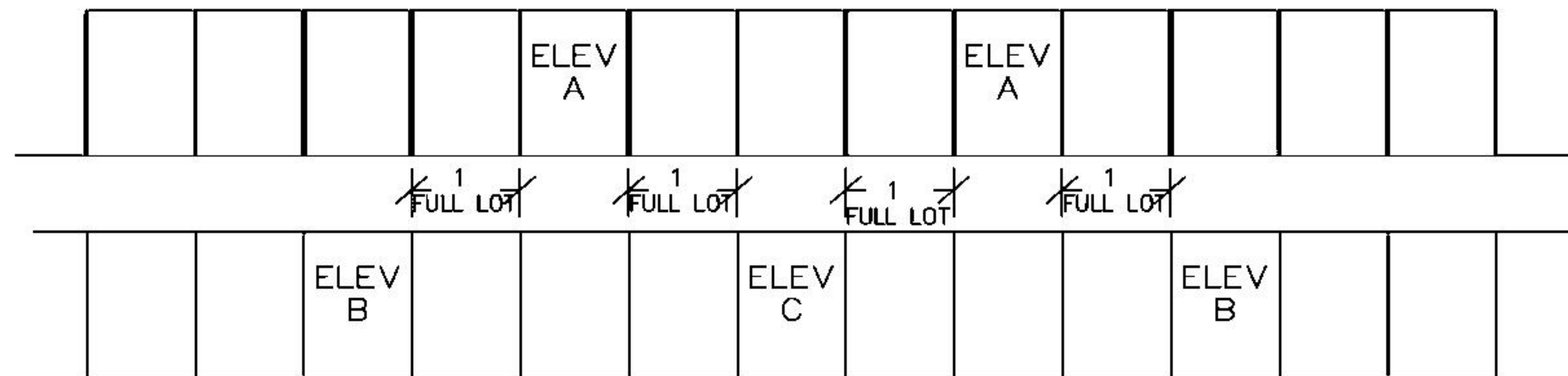
SAME PLAN, SAME ELEVATION, ON EITHER SIDE: 3 FULL LOTS



SAME PLAN, DIFFERENT ELEVATION, SAME SIDE: 2 FULL LOTS



SAME PLAN, DIFFERENT ELEVATION, OPPOSITE SIDE: 1 FULL LOT



## B. Lot Coverage, Setbacks and Square Footage

All single story and two story primary residences shall adhere to the requirements set forth in the below table:

| Lot Width <sup>1</sup> | Lot Size | Maximum Percent Lot Coverage * | Allowed Residence Size (Sq. Ft.) | Front Yard Setback <sup>2</sup> ** | Rear Yard Setback** | Side Yard <sup>3</sup> Setback** |
|------------------------|----------|--------------------------------|----------------------------------|------------------------------------|---------------------|----------------------------------|
| 45'                    | 5,400 SF | 60%                            | 1400 SF-2600 SF                  | 25'                                | 15'                 | 1 side – 5' min.                 |
| 50'                    | 6,000 SF | 60%                            | 1400 SF-3000 SF                  | 25'                                | 15'                 | 1 side – 5' min.                 |
| 60'                    | 7,200 SF | 60%                            | 2000 SF-3600 SF                  | 25'                                | 15'                 | 1 side – 5' min.                 |

<sup>1</sup> Lot width is measured at the building line.

<sup>2</sup> Exception for cul-de-sac Lots (20').

<sup>3</sup> Exception for detached garages: side (3'); rear (utility easement); corner lots (10')

\* The primary residence and any other structures shall not exceed the maximum percent Lot coverage of sixty percent (60%). Driveways, sidewalks, pools/spas and decks are not a structure for the purpose of calculating the maximum percent Lot coverage.

\*\* The Plat shall be referred to in determining the appropriate setback lines for a Lot.

## C. Garages

All garages shall be approved in advance of construction by the Harrington Trails Reviewer.

- Improvements constructed on each Lot must include a private, enclosed garage capable at all times of housing at least two (2) standard size automobiles.
- Corner lot driveways and garages are to be placed near the property line opposite from the side street.
- Garages (attached or detached) may not face the side street.
- Detached garages shall connect to the residence with a covered breezeway.
- A fence between the garage and the side property line shall set back a minimum of three feet (3') from the garage face.

- Prohibited Elements:
  - Carports.
  - Open (not enclosed) automobile storage.

#### **D. Screening**

All mechanical and electrical devices, meters, garbage containers and other similar objects visible from public view (street or Common Area) must be completely screened by fences, landscaping or walls. All A/C units and pool equipment must be located in a fenced rear yard.

#### **E. Street Address Markers**

- Address markers must be readily visible from the street.
- Address markers shall be located on a residence unless otherwise approved by the Harrington Trails Reviewer.
- Address markers located on a residence shall be metal (i.e., brass, wrought iron) or cast stone, and shall be no larger than nine inches (9") in height.
- If permitted by the Harrington Trails Reviewer, address markers painted on the curb in front of a residence shall be painted with white numbers against a black background.
- Fluorescent or brightly colored numbers are not permitted.

#### **F. Mailboxes**

- Centralized mailbox units will be provided in the Development for mail pick-up and delivery. It is the responsibility of the Declarant to coordinate the installation of mailboxes with the United States Postal Service.
- Subject to the United States Postal Service and the Declarant, placement of centralized mailboxes shall be mounted on concrete slabs within the public right-of-way.
- Access to mailbox units must be ADA compliant.
- Mailboxes shall not be located in an area in the Development that will impede traffic.

#### **G. Utilities**

The Plat and the survey of a Lot shall be consulted regarding the location of the utility easements of a Lot. Generally, utility easements are located along the rear property lines, but some Lots may contain side property line utility easements for the purpose of distribution, circuit completion, etc. Encroachment of the utility easements with a residence or structure is prohibited

## H. Site Maintenance and Sediment Control

All Lots shall be maintained by the Homebuilder during construction pursuant to the standards set forth by Montgomery County. All construction debris must be removed from the Lots as often as necessary (which will be determined by the Harrington Trails Reviewer in its sole and absolute discretion) to maintain a neat, clean construction site. Construction debris shall be contained on the Lot in a specified area unless another specific location within the Development has been specified by the Harrington Trails Reviewer. No dumping or burning of debris on the Property is permitted.

Sediment control must be practiced during construction. Sediment control shall be managed by the Owner or Homebuilder using one of the following methods:

- Temporary sediment fencing constructed out of wire mesh or burlap or commercial fencing product (Enviro Fence).
- Hay bales, firm bound, placed along the street frontage of the Lot. Each bale must be embedded in the soil a minimum of four inches (4") and securely anchored.
- Solid grass strips [minimum three feet (3') in width] placed behind the curb and along the driveway of the Lot. Side yard swales shall be sodded to control sheet flow from the rear yard of the Lot.
- Clean streets shall be maintained daily.

Repair and replacement of sediment control materials shall be maintained until the completion of construction.

## VII. Lot Elements

### A. Grading/Drainage

There shall be no interference with the established drainage patterns except by Declarant, unless adequate provision is made for proper drainage and such provision has been certified by a professional engineer and approved in advance by the Harrington Trails Reviewer.

- Grading: Each Lot shall be graded in a manner in which surface water will drain from the rear property line through the side or front yard to the abutting street and not across adjacent Lots.
- Site Drainage. The Owner or Homebuilder is responsible for proper site drainage. The Owner or Homebuilder is solely responsible for correcting any change in water flow or drainage caused by the construction of Improvements on such Owner's Lot.
- Area Drains. No area drains are allowed to extend through the curb of the Lot, and any area drain opening must be behind the curb of the Lot and cannot extend to the street or right-of-way.

## B. Driveways

The design, construction materials, and location of: (i) all driveways; and (ii) culverts incorporated into driveways for ditch or drainage crossings, must be approved in advance by the Harrington Trails Reviewer.

- Width.
  - Driveways shall be a minimum of sixteen feet (16') in width. Driveways larger than twenty feet (20') in width shall require prior approval from the Harrington Trails Reviewer. Detached garages or rear-loading garages shall require a driveway with a minimum width of ten feet (10') at the right-of-way.
- Setbacks.
  - Driveways shall not be closer than two feet (2') from adjacent property line.
- Finishes.
  - All driveways shall be surfaced with brushed concrete.
  - Asphalt driveways are prohibited.
- Features.
  - Driveways shall intersect the street at as close to ninety (90) degrees as possible.
  - Driveways must permit entry by standard mid-size vehicles without "bottoming out" in the transition area between the curb and property line as well as the driveway area between the property line and the garage.
  - Each Lot is permitted only one (1) driveway access from the street.
  - Driveways on corner lots shall be accessed off the front street not the side street. Driveways on corner lots must be located on the opposite side of the Lot from the side street.
  - Driveways shall not be constructed over manholes or inlets however, if unavoidable, the regulations set forth by Montgomery County shall be followed.
  - Under no circumstances shall the entire front yard be paved as a driveway.

## C. Sidewalks

Each Owner or Homebuilder must build or cause to be built, in a location designated by the Harrington Trails Reviewer, a concrete sidewalk complying with the specifications set forth in the applicable Plat, approved subdivision plans, standards set forth by the County, the Documents or any other requirements in conjunction with and at the time of construction of the residence.

- Pedestrian Sidewalks. Sidewalks that run generally parallel with the street and are considered part of the overall Development sidewalk or trail system are "Pedestrian Sidewalks." Pedestrian sidewalks shall be constructed generally parallel with the street and in the street right-of-way. Pedestrian sidewalks shall be four feet (4') wide and surfaced with brushed concrete.
- Entry Walk. All entry walks shall be located so that they run from the front porch or front door to the driveway on such Lot and not to the street or curb. Entry walks shall be a minimum of four feet (4') wide.
- Compliance. All sidewalks must comply with Applicable Law.

## D. Fencing

- The Homebuilder shall be responsible for installing a fence along the rear and side property lines of each Lot, residential street rights-of-way, and Common Area, except where stated otherwise.
- Fences shall be installed on the common property line.
- Pine pickets are not allowed. Treated pine may be used for structural member only.
- Side yard fences shall be set back from the front elevation a minimum of ten feet (10') and a maximum of fifteen feet (15').
- All side yard fences must be installed perpendicular to the residence.
- Side yard fences must be installed so that all pickets are facing toward the street and the fence rails are on the inside of the fence.
- One single-hinged latched gate shall be installed.
- Any fence that faces the street shall also have a 2" x 6" wooden cap.
- Fencing of front yards is not permitted.
- Common Area Fencing. Unless otherwise approved in writing in the sole discretion of the Harrington Trails Reviewer, all Lots on, abutting, or adjacent to any Common Area shall be of a six foot (6') high tubular steel fence without columns along the rear property line and along the side property lines. The tubular steel fence may transition to a side yard wood fence that encloses the remainder of the rear yard.

- Retaining Walls. In the event a retaining wall is required, all retaining wall plans over four feet (4') tall or within any right-of-way must be submitted to the Harrington Trails Reviewer for consideration and must be constructed in accordance with stamped engineered plans by a licensed engineer.

**E. HVAC, Pool Equipment, and Noise-Generating Equipment Screening**

HVAC machines and compressors, pool equipment, meters and any noise-generating equipment shall be completely screened from public view. Screening elements may be constructed of architectural or planting materials with prior approval of the Harrington Trails Reviewer.

**VIII. Residence Elements**

**A. Foundations**

- All foundation design and construction must conform to all Applicable Law.
- Minimum slab elevations shall be determined by, and coordinated with, the appropriate Governmental Entity.
- Foundations shall not encroach upon building setbacks and shall be confirmed by the Plat and/or the survey of the Lot.
- A soils test shall be performed to ensure foundation quality prior to construction.

**B. Siding and Masonry**

All building materials must be approved in advance by the Harrington Trails Reviewer, and only new building materials may be used for constructing any Improvements.

- Exteriors. The exterior of each primary residence on a Lot shall be constructed of a certain minimum of masonry construction as set forth in the following table:

| Masonry Requirements   |  |
|------------------------|--|
| <b>First Floor</b>     | <b>Required on three (3) sides.</b> Rear brick required for Lots backing onto Common Area where a tubular steel fence is utilized.   |
| <b>Front Elevation</b> | Seventy-five percent (75%) masonry.<br><br>In addition, second floor sides of a corner lot residence facing a main arterial street shall have the masonry turn the corner and return down the sides a minimum of two feet (2') unless the sidewall is over a roof. |
| <b>Aggregate</b>       | All residences will have an aggregate amount of fifty-one percent (51%) masonry.   |

- Exterior Material. Masonry, as used herein, consists of brick, stone, or stucco or other similar products approved by the Harrington Trails Reviewer. Hardi-Plank and other cementitious materials are not considered masonry and, as such, will not be included in the percentage of masonry requirement; however, in areas where it is not structurally feasible to support brick, stone or stucco, then cementitious siding products may be used only if approved in writing by the Harrington Trails Reviewer.
- Exterior Color Palettes
  - All exterior color palettes must be submitted and approved by the Harrington Trails Reviewer.
  - The palette must be selected to complement other exterior building materials.
  - The use of primary or pastel colors are prohibited.
- Masonry Materials

Brick:

  - Brick shall meet Brick Institute of America established specifications.
  - Brick shall be earth tone colors.
  - Concrete brick is not allowed.
  - Jumbo bricks are not allowed; only king bricks are permitted.

Stone:

  - All stone must be approved by the Harrington Trails Reviewer.
  - All stone must be complementary to the overall aesthetic of the Development.
  - Mortar shall match stone color.

Stucco:

- Stucco must be complementary to the overall aesthetic of the Development and be uniform in color and compatibility to other exterior materials.

Mortar Joints:

- Mortar joints shall be tooled; no “slump” joints permitted.

- Non-Masonry Materials

Siding:

- Siding material may be cementitious and must be horizontal lap type.
- Plywood, board and batten, particle board and vinyl are prohibited.
- Cementitious fiber board is not considered masonry.

Trim/Wood:

- All trim and wood shall be smooth and painted or stained.
- Stained wood must be sealed.

Metal

- Exposed metals must be anodized aluminum, bronze, copper or painted galvanized steel.

- Exclusions. Roofs, eaves, dormers, soffits, windows, gables, doors, garage doors, decorative trim, and trim work are not required to be constructed of masonry.
- Projections. All projections from a residence or other structure, including but not limited to chimney flues, vents, gutters, downspouts, porches, railings and exterior stairways must match the color of the surface from which they project, unless otherwise approved by the Harrington Trails Reviewer.
- Prohibited Elements:
  - Vertical siding or wood shake siding (wood siding accents may be permitted if approved by the Harrington Trails Reviewer.
  - Highly reflective finishes on exterior surfaces (other than non-mirrored glass or on surfaces of hardware fixtures).
  - Mirrored glass.
  - No vivid/bright colors, including but not limited to yellow, pink, purple, red, blue, or orange.
  - Concrete block.
  - Exposed metal roof decks such as galvanized steel sheets.

## C. Roofs and Chimneys

The pitch, color and composition of all roof materials must be approved in writing by the Harrington Trails Reviewer, prior to commencement of construction. Roof vents and other penetrations shall be as unobtrusive as possible and must match the principal color of the roof unless approved in advance by the Harrington Trails Reviewer.

- Accepted Roof Pitch: Unless otherwise approved in advance by the Harrington Trails Reviewer, the roof pitch of the primary residence must be appropriate for the style of the residence with a pitch of no less than 6:12, except porch and roofs added as an architectural feature, which may have a 4:12 roof pitch.
- Accepted Roof Materials: Roofing materials shall be limited to approved "weatherwood" or earthen colored non-reflective metal, clay, tile or 3-dimensional composition shingles with a minimum rating of 25 years. All shingles must meet or exceed applicable local, FEMA, FHA and VA regulations. Homebuilder is responsible for installing roofing materials per the manufacturer's requirements. The use of roofing materials not specifically mentioned must be approved by the Harrington Trails Reviewer.
- Energy Efficiency Roofing. In addition, roofs of buildings may be constructed with "Energy Efficiency Roofing" with the advance written approval of the Harrington Trails Reviewer and in accordance with the "Energy Efficiency Roofing" provision set forth in the Development Area Declaration.
- Chimneys. Chimney style must be appropriate for the style of the residence and may be brick or other masonry matching with the same permitted colors and materials as permitted on the body of the residence; provided however, that any chimney located on the interior portion of the roof may also include cementitious materials solely or in addition to the brick or other masonry. If a chimney or fireplace chase is located on the side of a residence it shall be constructed of masonry.
- Other Materials. Any other type of chimney or roofing material shall be permitted only with the advance written approval of the Harrington Trails Reviewer. All vent stacks and flashing shall be painted to match the color of the shingles. All roof penetrations shall be set no higher than the minimum code height and will not be permitted on the front slope of roofs.
- Satellite Dishes and Permitted Antennas. The requirements for the installation of Satellite Dishes and Permitted Antennas are set forth in the Development Area Declaration.
- Solar Energy Devices. The requirements for the installation of Solar Energy Devices are set forth in the Development Area Declaration.
- Prohibited Elements:
  - Excessively pitched roofs.
  - Mansard, gambrel or chalet roofs.

- Flat roofs (less than 3:12).
- Non-dimensional or three-tab composition shingles.
- Roofs constructed too steep or too shallow for the style of the residence.
- Shed roofs except as incidental to the main roof of the residence.
- Glossy metal and/or reflective materials or bright colors.
- Natural or silver Galvalume.
- Roof vents on the front plane of the residence.
- Stove-pipe chimneys, prominent chimneys or other random roof penetrations.
- Vents or skylights facing the street.
- White or bubble skylights.

#### **D. Windows**

- Vinyl windows are preferred.
- Wood or metal windows are subject to approval by the Harrington Trails Reviewer.
- No reflective glass or glazing is allowed.
- No window ornamentation is allowed.
- No window films/sunscreens are allowed.
- Window unit air conditioners or evaporative coolers are prohibited.

#### **E. Exterior Lighting**

- Brightness. Exterior lights shall be hooded and downward shielded. Exterior lights whose direct source is visible from a street or neighboring property or which produces excessive glare to pedestrian or vehicular traffic will not be allowed.
- Number. The number of exterior light fixtures for the residence and the landscape may be limited in order to prevent excessive lighting.
- Prohibited Elements:
  - Use of other than white or color corrected high intensity lamps and exterior lights (except holiday lighting that may not be installed more than twenty-one (21) days before a holiday and must be removed no more than fourteen (14) days after the holiday).
  - Exterior lights the color of which exceeds 3200k.
  - Sodium, mercury vapor, or bare HID yard lights.

## F. Gutters/Downspouts/Drains

- Gutters and downspouts shall match the color of the existing trim of the residence.
- Downspouts shall be oriented to direct water toward the street and not onto adjacent Lots.
- No piped drains are permitted to have an outlet that directs water to adjoining Lots.
- Splash pads or hidden drainpipes are required. Splash pads shall be located on side or rear elevations of the residence.

## IX. Landscape Guidelines

### A. Landscape

General landscaping guidelines for each Lot are set forth below. A typical landscape plan, including plant list and sizes, must be approved in writing by the Harrington Trails Reviewer prior to installation. An approved list of plants and turf is set forth on the Plant List on Attachment 1.

- Plans.
  - Detailed landscape plans for each Lot size must be submitted to the Harrington Trails Reviewer by the Owner or Homebuilder for consideration at least thirty (30) days before installation is planned.
  - No significant (*i.e.*, major changes in the plant list, plant and plant bed locations, plant count, hardscape design, materials) revisions may be made to approved plans without submission to, and further approval by the Harrington Trails Reviewer of the revised plans.
  - Landscape plans must include vegetative screening for above ground utility connections visible from the street or adjacent properties.
  - A single row of foundation planting is not acceptable. Planting beds shall be curvilinear with varied widths, with tiered planting.
  - Hardscape elements in the landscaping must be in scale with the residence and associated structures.
- Materials.
  - All introduced vegetation shall be trees, shrubs, vines, ground covers, seasonal flowers or sodded grasses that are commonly used in Southeast Texas for landscaping purposes and that are approved by the Harrington Trails Reviewer.
  - An emphasis shall be placed on utilizing native plants that are drought tolerant as well as deer resistant.

- The front yard and front side yard of all Lots, from the front property line to the front fence of the residence, must have an irrigation system and shall be fully sodded with turf grass approved by the Harrington Trails Reviewer.
- A minimum of two inches (2") of mulch is required for all shrub and bed areas. Turf grass shall have a minimum of four inches (4") of native soils or improved soils.
- The Homebuilder shall install, at a minimum, the following landscaping:

Forty-five foot (45') wide lots:

- One (1) – 3" caliper trees.
- Two (2) – 15 gallon shrubs.
- Ten (10) – 5 gallon shrubs.
- Twenty (20) – 1 gallon shrubs.

Fifty foot (50') wide lots:

- Two (2) – 3" caliper trees.
- Two (2) – 15 gallon shrubs.
- Fifteen (15) – 5 gallon shrubs.
- Twenty (20) – 1 gallon shrubs.

Sixty foot (60') wide lots:

- Two (2) – 3" caliper trees.
- Three (3) – 15 gallon shrubs.
- Fifteen (15) – 5 gallon shrubs.
- Thirty (30) – 1 gallon shrubs.

- Installation and Maintenance. Landscaping of new residences must be installed within thirty (30) days of completion and in any event, landscaping in accordance with the approved plans shall be completely installed prior to occupancy of a residence.

## **B. Tree Protection**

Protection and preservation of trees is of significant importance to the aesthetics of the Development and the environment of the Development.

- Vegetative Fencing. Whenever possible and economically feasible, all existing trees shall be preserved and protected during construction with vegetative fencing.

- Tree Removal. As used herein, the “**Building Envelope**” shall be defined as the area of the Lot that is allowed for construction of Improvements as defined by the setbacks of the Lot. A “**Specimen Tree**” is defined as a tree that is healthy and with a uniform canopy. In the area outside the Building Envelope, a Specimen Tree that is nine inches (9”) or larger in diameter measured twenty-four inches (24”) off the ground must be flagged and approved in writing by the Harrington Trails Reviewer prior to removal.

### C. **Irrigation**

- Full Yard Requirements. Full yard programmable irrigation systems may be installed on all Lots and all irrigation systems must be installed and maintained pursuant to any state or local water requirements, including any applicable Texas Commission on Environmental Quality (“TCEQ”) regulations.
- Backflow Prevention Device. Each Owner is advised that TCEQ regulations require the installation of a backflow prevention device at any connection to a public drinking water supply.

## X. Plan Review Process

The construction or installation of any Improvements or landscaping will require the submission of plans and specifications for approval of the Harrington Trails Reviewer before any such construction or installation activity is commenced. The Harrington Trails Reviewer may waive plan and specification requirements for certain modifications or Improvements in its sole discretion.

### A. **Submittals**

The Plan Review Process includes two (2) stages of review:

Stage 1 – Pre-approval of standard sets of master house plans, elevations and exterior materials for multiple residences that will be allowed to be built by each Homebuilder. Alterations to (i) the plans and/or materials; or (ii) the plans and/or materials not previously approved, must be independently approved in advance of construction.

Stage 2 – Submittal of a site plan showing the house pad, driveway, sidewalks, easements, fence locations and building lines on the specific Lot upon which it is proposed to be built.

### B. **Timing**

The Harrington Trails Reviewer will attempt to review all applications and submittals within thirty (30) days after submission. Please plan construction activities to allow sufficient time for submittals and review as outlined above.

**ATTACHMENT 1**  
**[PLANT LIST]**

**NOTE: THE FOLLOWING PLANTS/SHRUBS/TREES ARE APPROVED**

**CANOPY TREES:**

| <b>Scientific Name</b>     | <b>Common Name</b> |
|----------------------------|--------------------|
| Carya illinoensis          | Pecan              |
| Juglans microcarpa         | Black Walnut       |
| Pistacia texensis          | Texas Pistache     |
| Platanus occidentalis      | Mexican Sycamore   |
| Quercus muhlenbergii       | Burr Oak           |
| Quercus glaucoides         | Lacey Oak          |
| Quercus pungens 'Vaseyana' | Chinquapin Oak     |
| Quercus shumardii          | Shumard Oak        |
| Taxodium distichum         | Bald Cypress       |
| Ulmus americana            | American Elm       |
| Ulmus crassifolia          | Cedar Elm          |
| Ulmus parvifolia           | Chinese Elm        |
| Ulmus parvifolia 'Drake'   | Drake Elm          |

**ORNAMENTAL TREES:**

| <b>Scientific Name</b>   | <b>Common Name</b>      |
|--------------------------|-------------------------|
| Cercis canadensis alba   | Redbud                  |
| Cercis canadensis texana | Texas Redbud            |
| Chilopsis linearis       | Desert Willow           |
| Diospyros texana         | Texas Persimmon         |
| Ilex decidua             | Possumhaw Holly         |
| Ilex vomitoria           | Yaupon Holly            |
| Koelreuteria paniculata  | Goldenrain Tree         |
| Lagerstroemia indica     | Crape Myrtle            |
| Parkinsonia aculeata     | Jerusalem Thorn         |
| Prunus caroliniana       | Carolina Laurel Cherry  |
| Prunus mexicana          | Mexican Plum            |
| Rhus lanceolata          | Prairie Flameleaf Sumac |
| Rhus glabra              | Smooth Sumac            |
| Sophora secundiflora     | Texas Mountain Laurel   |
| Ungnadia speciosa        | Mexican Buckeye         |

**SHRUBS:**

| <b>SCIENTIFIC NAME</b>    | <b>COMMON NAME</b> |
|---------------------------|--------------------|
| Abelia grandiflora        | Abelia             |
| Anisacanthus wrightii     | Flame Acanthus     |
| Cephalanthus occidentalis | Button Bush        |
| Cotoneaster horizontalis  | Cotoneaster        |
| Hesperaloe parviflora     | Red Yucca          |
| Ilex vomitoria            | Yaupon Holly       |
| Ilex vomitoria 'Nana'     | Dwarf Yaupon Holly |
| Lantana horrida           | Texas Lantana      |
| Leucophyllum frutescens   | Texas Sage         |
| Mahonia swaseyi           | Texas Mahonia      |
| Myrica cerifera           | Wax Myrtle         |
| Rhus aromatica            | Fragrant Sumac     |
| Rosmarinus officinalis    | Rosemary           |
| Sophora affinis           | Eve's Necklace     |
| Viburnum rufidulum        | Viburnum           |

**GROUNDCOVERS:**

| <b>SCIENTIFIC NAME</b>              | <b>COMMON NAME</b> |
|-------------------------------------|--------------------|
| Achillea millefolium                | Yarrow             |
| Ajuga reptans                       | Ajuga              |
| Aquilegia canadensis                | Columbine          |
| Dryopteris spp.                     | Wood Fern          |
| Liriope muscari                     | Liriope            |
| Lonicera sempervirens               | Coral Honeysuckle  |
| Phlox drummondii                    | Drummond's phlox   |
| Phlox subulata                      | Thrift             |
| Poliomentha longiflora              | Mexican Oregano    |
| Rosmarinus officinalis 'prostratus' | Trailing Rosemary  |
| Salvia greggii                      | Cherry Sage        |
| Tradescantia spp.                   | Spiderwort         |
| Verbena bipinnatifida               | Prairie Verbena    |

**GRASSES:**

| <b>SCIENTIFIC NAME</b>         | <b>COMMON NAME</b>   |
|--------------------------------|----------------------|
| Miscanthus sinensis 'zebrinus' | Chinese Silver Grass |

**VINES:**

| <b>SCIENTIFIC NAME</b>      | <b>COMMON NAME</b>      |
|-----------------------------|-------------------------|
| Bignonia capreolata         | Crossvine               |
| Campsis radicans            | Trumpet Creeper         |
| Clematis pitcheri           | Leather Flower          |
| Gelsemium sempervirens      | Carolina Yellow Jasmine |
| Ipomoea Quamoclit           | Cypress Vine            |
| Lonicera sepmervirens       | Coral Honeysuckle       |
| Mauranda antirrhinniflora   | Snapdragon Vine         |
| Parthenocissus quinquefolia | Virginia Creeper        |

**E-FILED FOR RECORD**

**03/30/2020 04:59PM**



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,  
COUNTY OF MONTGOMERY

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

**03/30/2020**



County Clerk  
Montgomery County, Texas