

SOUTH SHORE HARBOUR  
COMMUNITY ASSOCIATION, INC.

FIRST AMENDED ARCHITECTURAL GUIDELINES

ACC revisions made 2/01/22

THESE GUIDELINES ARE SUBJECT TO REVISION BY  
AMENDMENT AT THE DISCRETION OF THE ARCHITECTURAL  
COMMITTEE

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# **ARCHITECTURAL COMMITTEE**

## **REVIEW GUIDELINES**

### **Introduction**

This document is provided as a supplement to the Declaration of Covenants, Conditions, Restrictions and Easements document ("DCCR") for the South Shore Harbour Community Association, Inc. ("SSHCA"). As stated in Article X of the DCCR, the Architectural Committee ("AC") has the power and duty to review and approve requests for the construction of structures and improvements to properties located within the Jurisdiction of the South Shore Harbour Community Association, Inc. The purpose of this review is to ensure the "conformity and harmony of exterior design" of the proposed structure or improvement with the existing structures in the community.

### **I Authority**

The Architectural Committee ("AC") is a three (3) member committee created pursuant to Section 10.3 of the Declaration of Covenants, Conditions, Restrictions and Easements for South Shore Harbour Community Association, Inc. The AC is empowered under Article X of the DCCR to review and accept or deny, as it determines is appropriate, improvements proposed to property annexed into the SSHCA.

These Architectural Guidelines are promulgated by the AC under the authority given it in Article X of the DCCR. These Guidelines are issued by the AC to offer insight to the property owner as to the process by which an improvement or alteration to property may be proposed and submitted to the AC for review and to highlight what is expected by the AC relative to the most commonly occurring improvements and alterations. The AC may, from time to time, by resolution of the majority of the AC Members, revise these Guidelines, as it deems necessary within its authority.

This document is intended only to provide Guidelines as mentioned above, and is not intended to, and shall not be construed to create any right not already created under the DCCR. This document does not amend or modify the DCCR. Any conflict between anything contained in this document and any provision of the DCCR shall be controlled by the DCCR to the extent of the conflict

## II Glossary of Terms

All capitalized terms contained in this document shall have the same meaning as ascribed to them in the DCCR. Additional terms, defined solely for convenience of reference within this document, are as follows:

**AC:** The South Shore Harbour Community Association, Inc. Architectural Committee.

**Board:** The South Shore Harbour Community Association, Inc. Board of Directors.

**AC Members:** Those persons appointed by the Board of Directors to be members of the Architectural Committee.

**DCCR:** Declaration of Covenants, Conditions, Restrictions and Easements.

**Governing Documents:** The combination of the Articles of Incorporation, the By-Laws and the Declaration of Covenants, Conditions, Restrictions and Easements.

**Improvement to Property:** As defined in Section 2.31 of the DCCR's, improvement to property shall mean any Improvement, change alteration or addition to any property within the Community Association Area.

**Management Company:** The organization or company that provides management services to the South Shore Harbour Community Association, Inc. on a contractual basis.

**Owner:** As defined in Section 2.42 of the DCCR's, "Owner" shall mean and refer to the Person, including Declarant, or if more than one, all person collectively, who hold fee simple title of record to a Privately Owned Site, including sellers under executor contracts of sale and excluding buyers thereunder.

**Request For AC Review:** A formal, written, signed, request from an Owner for permission to make specific improvements to his/her lot or existing structures on the lot.

**SSHCA:** The South Shore Harbour Community Association, Inc., a Texas non-profit organization.

### **III Request for Architectural Committee Review of a Proposed Home Improvement (AC Form)**

A homeowner desiring to make any change modification or addition to his or her yard, driveway, patio or exterior of the home or garage, other than the changing out of flowering annual plants, i.e. seasonal color, must file a written request for review of the change, modification or addition with the AC. The AC may provide a form to be used for submission of such requests.

Requests, plans, and specifications for Improvements are to be delivered to the AC in advance of any commencement of construction or purchase of materials. The AC is not obligated to consider any request for Improvement after the work is commenced or completed, and reserves the right not to approve any such request. No special consideration will be given in those instances when post-construction acceptance is requested of the AC by an owner.

Plans and specifications should include:

1. The nature of the change or addition
2. Specifications
3. Kind
4. Shape
5. Measurements
6. Materials
7. Color
8. Location on the property and in relation to existing structures
9. Harmony of design
10. Location in relation to topography
11. Location of utility easements
12. Timing of completion
13. Signature of owner(s)
14. Additional information as requested by the Committee

## **IV Architectural Committee Operating Procedures**

- 1. General Information:** A property Owner submits a formal request for review by the AC to the Management Company:
  - a. An AC request must be made on the form provided by the AC. Such forms, and any additional forms, may be obtained from the Management Company or from the SSHCA web site.
  - b. It is essential that all requests for improvements (AC Forms) be filled out completely. An AC Form that is not complete will be denied and returned for more information.
  - c. Applications for Improvements must include details of color, height, size, materials used, location on a scale plot plan and a picture or drawing of structures.
  - d. Additional information may be requested if not provided with the original request and could delay the approval process
- 2. Responses:** All requests for review, or AC Forms, will be date- stamped by the Management Company upon receipt. The owner must sign **all** AC Forms. AC Forms must be answered by the Management Company within sixty (60) days after receipt of a completed application.
- 3. Formal Review:** All items will be reviewed by the AC. A review consists of the following:
  - a. A reading and understanding of the AC Form by at least a majority of the members of the AC. If there are questions, the request will be denied and the AC Form will be returned to the Management Company requesting further information from the Owner prior to a subsequent review.
  - b. An evaluation of the AC Form will be based on:
    1. Its compliance with, or violation of, the DCCR's.
    2. The most current criteria for evaluating unusual or unique requests.
    3. Input, if any, from other Owners available at the time of review or solicited by the AC.
    4. Guidelines established by the AC, as may be revised or amended from time to time.
    5. Judgment of the AC.
- 4 Informal Review:** If the cost or effort to submit a formal review that complies with the DCCR's is excessive, the Owner may submit a less formal, and less detailed, request to the AC for a non-binding evaluation. The request must be in writing and a written reply will be sent. Such an evaluation is only for the guidance and convenience of the Owner and will NOT be considered as permission to proceed with construction until a formal request is submitted and formal approval is given.
- 5. Findings:** A summary of the findings and the reason(s) for the decision will be forwarded to the Management Company.



- 6. Notification:** The Management Company will notify the Owner of the AC's findings.
- a. Whether the request is accepted or denied, the Owner will be notified in writing.
  - b. If the recommendation is a conditional approval or denial, the letter will include the AC's reason(s) for such findings.
  - c. The AC reserves the right to request additional information at any time after its receipt of any formal request. Should the AC request additional information or deem the formal request to be incomplete, the application will be denied and returned for more information. Re-submittal by the Owner will be considered a new request to be responded to as stated in Section IV.2 above.
  - d. If the AC denies or refuses approval of a proposed Improvement to Property, the Applicant may appeal to the Board of Directors by giving written notice of such appeal to the Community Association and the AC within twenty (20) days after such denial or refusal. The Board of Directors shall hear the appeal with reasonable promptness after reasonable notice of such hearing to the Applicant and AC and shall decide, with reasonable promptness, whether or not the proposed Improvement to Property shall be approved. The decision of the Board of Directors shall be final and binding on all Persons.

## **V Guidelines**

The following are Guidelines adopted by the AC to specify its standards, requirements and rationale used in evaluating an application. These Guidelines may be amended from time to time as the circumstances or conditions dictate. Each application is considered on its own merit and the AC may grant a variance from these Guidelines and/or from certain provisions of the DCCR.

It should also be noted that AC approval is required prior to the installation or construction of the Structures or Improvements. If an Improvement is made without AC approval, the Board of Directors has the legal right to enforce its removal.

Because the Guidelines may change from time to time, the homeowner is urged to contact the Management Company prior to making any improvements to prevent following obsolete Guidelines.

### **I General Information**

Throughout this document, no distinction will be made between "permanent" and "temporary" structures. Unless otherwise specified, they will be considered the same.

- a. All structures, concrete and/or paint which are not the original color of the house, roofing color different than existing roofing or changes visible from streets and common areas in the neighborhood must have an AC Form on file that was acted upon and accepted by the AC.
- b. Structures and trees shall not be installed in easements.
- c. Backyard structures, e.g. play structures and spa coverings, should be located where visibility is limited from the front yard/roadway, from neighbor's homes/yards and the golf course.
- d. Wooden structures, other than play structures, are to be painted to match the house if constructed of treated pine, fir or similar type of wood. Structures of cedar or redwood do not require painting.
- e. All structures must be maintained in a state of good repair.
- f. In some instances, the AC may require plants or trees to be installed to screen the view of the Improvement.

## **2 Structures**

This section addresses a variety of constructions that are permanent in nature, and represent potentially significant impact to the look of the neighborhood. For this reason, all structures require approval of the AC prior to their installation. In addition, most will also require other documentation such as building permits, or letters of Consent to Encroach upon easement etc. Copies of these documents must also be included with the request to the AC.

### **2.1 Outbuildings**

An "outbuilding" is defined as any structure, other than a gazebo, which is not attached to the main structure. This definition does not include bona fide additions to the main residence or garages.

The AC will not approve and categorically denies all outbuildings with the exception of gazebos, pavilions, and outdoor kitchens which may be considered for approval if the specifications outlined in Section 2.6 are met.

### **2.2 Room additions**

Room additions will be reviewed on an individual basis. Detailed plans must be submitted to the AC. Size and shape will depend on the architectural style and layout of the home and garage, size of lot, and how well the room addition integrates with the existing home. Addition of a storage area to the dwelling unit or living space will not qualify as a bona fide room addition and will not be permitted. However, provided that space within the buildable area of the lot is available and the garage is positioned to facilitate expansion, a storage room may be added to the garage if the slab expansion, walls and roof pitch match that of the original construction. Plans for room addition must show a room of reasonable size to constitute a legitimate request for a room addition.

#### *Location*

- a. Room additions may not encroach into any utility easement or over any building line.

#### *Materials*

- b. Exterior materials must match those of the main residence.

#### *Construction*

- c. Roof of the addition must integrate with the existing roofline and conform to the existing roof pitch, so as to appear to have been part of the original home. Room additions shall not exceed one-third of the remaining back yard.

#### *Finish*

- d. Colors should match/blend with the predominant exterior colors of the main residence. Exterior materials must match existing structure

#### *Other*

- e. Conversion of garage space, attached or detached, to living space is prohibited.

## 2.3 Swimming Pools/Pool Enclosures

### *Location*

- a. Pools must be located in the backyard and view obscured by fences, except along the golf course driving range where steel picket fences prevail. Ideally, any pool or spa should be located at least five feet (5') from a side and rear lot line to maintain proper drainage on the lot (including decking, if any).
- b. Swimming pools/pool enclosures may not encroach into any utility easement.

### *Materials*

- c. Decks may be constructed of concrete, brick pavers, Trex, composite deck material, or natural woods such as cedar, fir, or redwood, as well as treated pine

### *Construction*

- d. As per AC approved request.
- e. Slides that are over five feet (5') in height are unlikely to receive AC approval.
- f. Slides shall not be closer to the property lines than eight (8') feet, or the width of the rear/side easement or building line.

### *Finish*

- g. Finish of the pool and associated deck should be compatible with the house color scheme.

### *Other*

- h. Pool contractor will be required to submit a written statement describing the location of the intended ingress and egress to the subject property and the location of the intended site for the disposal of excavated materials. The AC will not permit access across private property without the permission of the owner. Common area access is not permitted. In no cases will the AC approve of the dumping of excavated materials within the Community Association Area.
- i. Landscaping in public view, which is damaged during construction of the pool, must be replaced upon completion of the pool.
- j. The property owner will be responsible for the repair or replacement of damaged sidewalks, curbing, and/or driveways upon completion of the pool.
- k. Above ground pools, other than approved hot tubs, are prohibited.
- l. Full screen swimming pool enclosures are permitted pending acceptance by the AC. Height should not exceed twelve feet (12'). The AC may require additional trees for screening.
- m. Other swimming pool enclosures, which surround a water feature including a swimming pool or spa, are permitted so long as they conform to applicable state or local safety requirements. Such enclosures must consist of black mesh set in a black metal frame, must not be more than six feet (6') in height, must be designed to not be climbable, and must be installed as close to the water feature as is reasonably possible or as is required by state or local safety requirements. Approval from the AC is required before installing such a swimming pool enclosure.
- n. The City of League City has adopted a code for fencing around pools. The owner must familiarize himself or herself with the code and comply with same.

## 2.4 Patio covers

### *Location*

- a. Patio covers may not encroach into any utility easement or over any building line.
- b. Patio covers must be situated on the lot to provide drainage solely into the owner's lot. If a proposed patio cover is less than six feet (6') away from a side lot line, the AC will require that it be guttered with downspouts if it is to be a solid cover.

*Materials*

- c. Patio covers must be constructed of materials which complement the main structure, including: painted aluminum or wood (to match the trim of the house) or natural wood such as cedar, fir, redwood, or treated pine.
- d. Fiberglass is also acceptable as long as earth tone colors such as tan, brown, beige or clear are used, and the fiberglass panels are encased in wood trim. No green or yellow is allowed.
- e. If canvas is used as a roofing material on a patio cover, it must be an earth tone color, or Hunter green, and the structure must be located where it is not visible from the street. Also, the canvas must be kept in quality condition or its removal will be requested by the SSHCA.
- f. If the cover has a pitched roof line, the roof must integrate into the existing roof line, the pitch of the new roofing must match the existing roofing and the new shingles must match the existing shingles in color, style and quality. The patio cover and posts should be trimmed out to match the house. Supports must be painted wooden or metal columns or consist of brick that matches the home. No exposed pipe is allowed.
- g. All patio cover material i.e. fiberglass, corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.

*Finish*

- h. Unfinished aluminum will not receive AC approval. All metal surfaces must be painted, but certain structures using fiberglass roofing and wood frame may be allowed to go unpainted.
- i. At no time, however, shall a shingled roof be allowed with an unpainted frame. Frame will have to be painted to match the trim of the house whether treated or untreated wood is used.

*Other*

- j. Time for completion will not exceed thirty (30) days unless a request for an extension has been applied for and granted by the AC.

## **2.5 Detached Decks**

*Location*

- a. Decks may not encroach into any utility easement or over any building line.
- b. Decks should not be situated on the lot so as to pose a problem to the effective drainage of the lot or neighboring lot.

*Materials*

- c. Decks may be constructed from natural woods such as cedar, CCA treated timber, composite deck material, concrete or brick.

*Construction*

- d. Decks shall not be higher than 24."

*Finish*

- e. If painted, the color should be compatible with the house color scheme, or natural wood color.

## **2.6 Gazebos/Pavilions/Outdoor Kitchens**

### *Location*

- a. Must be placed in the back yard.
- b. Gazebos must be at least six feet (6') away from the house and eight feet (8') away from any fence line.
- c. May not encroach into any utility easement or over any building line.
- d. May not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot.

### *Materials*

- e. Gazebos and pavilions may be constructed from natural woods such as cedar, CCA treated timber, redwood or other materials as may be approved in advance by the AC. Structures must be in compliance with City building codes

### *Construction*

- f. As per approved AC request.

### *Finish*

- g. If painted, the color should be compatible with the house color scheme, or natural wood color.
- h. If the gazebo, pavilion, or outdoor kitchen will have shingles, the shingles must match the existing shingles on the home in color, style and quality.

### *Other*

- i. Will be reviewed and accepted/denied on an individual basis. Size and shape will depend on architectural style, layout of the home, and size of the lot.
- j. Construction of a gazebo, pavilion, or outdoor kitchen shall be completed within sixty (60) days of commencement unless an extension is requested by the owner and granted by the AC.

## **2.7 Window Shades/Awnings**

- a. AC approval required and must meet City and State requirements.

### 3. Improvements

As with the Structures section, this section addresses a variety of constructions that are permanent in nature. While they are generally less intrusive to the look of the community, they still represent potentially significant impact to the look of the neighborhood, as well as a significant investment on the part of the homeowner. For this reason, all Improvements require approval of the AC prior to their installation. If other documentation is required such as building permits, or letters of Consent to Encroach upon easement etc., copies must also be included with the request to the AC.

#### 3.1 Exterior painting

- a. AC approval is required to change the color of a home. Earth tone colors were most often used when homes were constructed, and in general, an earth tone color should receive AC approval. The color of neighboring homes will be taken into consideration along with the applicant's house brick features.
- b. Houses near the home to be painted will be evaluated to ensure all the homes in an area are in harmony with each other.
- c. Bright colors such as shocking pink, vivid blue, orange, etc. are not allowed.
- d. The main color of the house (and/or brick color) and the trim color must be submitted at the same time for approval. (FOR EXAMPLE: If a homeowner wants to change the trim color, they must submit the main house color and/or the existing brick color as well.)
- e. If repainting, prior approval is not required when the color is materially the same as the original color.
- f. Once the painting of the house is started, the work must be completed within thirty (30) days unless an extension is applied for by the owner and accepted by the AC.
- g. Brick Finish Standards:
  - Brick must first be cleaned and allowed to dry at least 24 hours before applying any surface prep. Acid cleaning solutions are not permitted. Soap and water or tri-sodium phosphate (TSP) is permitted.
  - Soffits, vents, and weep holes must be kept open.
  - Brick must be sealed prior to any primer or paint, unless primer is considered by manufacturer as a sealant as well.
  - All materials must be approved before application. No flat finishes are allowed. Satin finish or higher are acceptable.
  - Cleaning solutions, primer and paint products must be on site and proof of purchase must be available for inspection at each stage prior to application.
  - Primer and paint used must be specifically formulated for painting brick.
  - Color selection must be in the (white family) only and approval of any color is at the sole discretion of the AC.
  - Contractor must provide complete plans and material list prior to approval.
  - Use of Lime Wash technique or similar application is prohibited.



## **2 Roofing**

- a. AC approval is required for change in color or style of roofing. Roofing changes must be approved in advance.
- b. No wooden shingles are allowed.
- c. Style and color of roofing must be compatible with home and neighboring homes and in accordance with approved shingles list dated 11/14/08, see attached addendum.
- d. Ridge Venting is allowed.

## **3.3 Siding**

- a. Existing siding may be replaced with Hardie-Plank or comparable material. AC approval is required in advance.
- b. Color must be compatible with home and submitted along with siding approval.

## **3.4 Wooden Fencing**

- a. Fences and Fence extensions will be reviewed on an individual basis.

### *Location*

- b. Fences shall not extend beyond the front building line, and may be subject to further set back from the street as the AC may determine.

### *Materials*

- c. Replacement or repairs of fence must be made with similar materials and construction details as used in original fence.

### *Construction*

- d. Fences shall not exceed 6' 6" in height.
- e. Fences will be constructed of ¾" X 6" X 6' 0" notched cedar pickets with three (3) 2" x 4" CCA treated rails on 4" x 4" CCA treated posts set a minimum of 3'-0" below grade in an 8" diameter hole filled with concrete. All fencing facing streets shall be "good side out". All interior fencing shall match the construction provided by the builder. Rot board is allowed at bottom, maximum of 6 inches.

### *Finish*

- f. No painting, staining or varnishing is allowed. Clear wood sealants may be used.

## **3.5 Decorative Steel Fencing**

### *Location*

- a. Side and rear lot lines of selected lots.

### *Materials*

- b. Aluminum or Tubular steel

### *Construction*

- c. Decorative steel or aluminum fences shall not exceed six (6') feet in height unless otherwise outlined in the deed restrictions of each subdivision section.
- d. Posts shall be set in an 8" x 18" concrete footing. Posts shall penetrate 15" into footing.

### *Finish*

- e. Decorative steel or aluminum fences shall be fabricated and painted semi-flat black.

*Other*

- f. Any fence meeting a fence on a side lot line shall be constructed as required by the deed restrictions and/or as determined by the AC.

**3.6 Fence/Fence Extensions**

- a. Fence extensions will require consent from all affected neighbors before any such extension(s) will be considered. If both neighbors do not concur as to a proposed fence extension, the AC will examine the effect the fence extension will have on both properties. If one party will suffer detrimentally from the extension (e.g. will totally enclose a bay window) the AC will reject the application.

**3.7 Replacement Windows/Screens/Doors**

- a. Replacement windows, screens and doors may be approved, providing the frames of these are of a color compatible with the exterior house colors. A picture or brochure showing the style of the door or windows and color of screens will be required for submittal with an AC form.
- b. Screen doors will not be considered on the front of the home.
- c. Storm doors without screen panels will be considered on the front of the home.
- d. Storm doors with screen panels will be considered on the back door.
- e. Must meet all City requirements as to design specifications and Texas Windstorm Insurance Association (TWIA) certification. A City permit is required.

**3.8 Solar Screens/Film**

- a. Solar screens are allowed on windows, but colors must be compatible with the house color scheme.
- b. Solar film must be of the non-reflective type.
- c. Colors and manufacturers must be accepted by the AC for both the solar screening and solar film.

**3.9 Solar Panels**

- a. A solar energy device (“Device”) means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.
- b. Such Devices may only be installed with advance written approval of the AC subject to these guidelines.
- c. Any such Device must be installed on land or structures owned by the property owner. No portion of the Devices may encroach on adjacent properties or common areas.
- d. Such Devices may only be installed in the following locations:
  - 1. on the roof of the main residential dwelling; or
  - 2. on the roof of any other approved structure; or
  - 3. within a fenced yard or patio.
- e. For Devices mounted on a roof, the Device must:

1. have no portion of the Device higher than the roof section to which it is attached; and
  2. have no portion of the Device extend beyond the perimeter boundary of the roof section to which it is attached; and
  3. conform to the slope of the roof; and
  4. be aligned so the top edge of the Device is parallel to the roof ridge line for the roof section to which it is attached; and
  5. have a frame, brackets and visible piping or wiring that is a color to match the roof shingles or a silver, bronze or black tone commonly available in the marketplace; and
  6. be located in a position on the roof which is least visible from any street or common area, so long as such location does not reduce estimated annual energy production more than 10% over alternative roof locations (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory [[www.nrel.gov](http://www.nrel.gov)] or equivalent entity).
- f. 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 AC may require the Device be placed in a location behind a structure or otherwise require visual screening. The AC may consider installation of Devices on properties without a fenced yard if there is adequate screening from public view from any street or common area.
- g. All Devices must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. Permits must be obtained where required by law.
- h. Installed Devices may not:
1. threaten public health or safety; or
  2. violate any law; or
  3. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner.
- i. All Devices must be maintained in good repair. Unused or inoperable Devices must be removed.

### **3.10 Generators**

- a. Standby electric generators ("Generators") means a device that converts mechanical energy to electrical energy and is:
1. Powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
  2. Fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
  3. Connected to the main electrical panel of a residence by a manual or automatic transfer switch; and
  4. Rated for a generating capacity of not less than seven kilowatts.

- b. All Generators must meet the following requirements:
1. Generators may only be installed with advance written approval of the AC subject to these guidelines;
  2. All Generators must be installed and maintained in compliance with the manufacturer's specification and applicable governmental health, safety, electrical and building codes;
  3. All electrical, plumbing, and fuel line connections must be installed only by licensed contractors;
  4. All electrical connections must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
  5. All natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
  6. All liquefied petroleum gas fuel line connections must 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;
  7. All nonintegral fuel tanks must be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes;
  8. All Generators and its electrical lines and fuel lines must be maintained in good condition;
  9. All deteriorated or unsafe components of Generators must be timely repaired, replaced, or removed;
  10. All Generators shall be periodically tested as recommended by the manufacturer of the Generator;
  11. Generators shall not be used to generate all or substantially all of the electrical power to a residence, except when utility-generated electrical power to the residence is not available or is intermittent due to causes other than nonpayment for utility services to the residence;
  12. Generators shall be placed in a location on the owner's premises which is not visible to the public, so long as such placement does not increase the cost of installing the Generator by more than 10 percent and such placement does not increase the cost of installing and connecting the electrical and fuel lines for the Generator by more than 20 percent;
  13. If it is necessary to place a Generator in public view because there are no other viable locations or pursuant to (1) above, such Generator must be screened from public view if such Generator is:
    - (a) visible from the street faced by the dwelling;
    - (b) located in an unfenced side or rear yard of residence and  
is

visible either from an adjoining residence or from adjoining property owned by the Association; or  
(c) located in a side or rear yard fences by a wrought iron or residential aluminum fence and is visible through the fence either from an adjoining residence or from adjoining property owned by the Association;

14. No owner shall locate a Generator on property owned or maintained by the Association or owned in common by members of the Association.

### **3.11 Driveway Extensions/Sidewalks**

- a. Driveway extensions and sidewalks require AC approval.

### **3.12 Decorative Driveway Gates**

- a. Decorative steel or aluminum gates across the driveway are permitted subject to prior AC review. As a general rule, the gate must be set back three feet (3') from the corner of the house and be painted flat or semi-flat black.

### **3.13 Air Vents and Wind Turbines**

- a. Air vents and wind turbines must be mounted in the rear portion of the roof so they are not visible from the front or above the roofline.
- b. Air vents and wind turbines must either be a color that will blend with the shingle color, or painted to match the shingle color. Unfinished aluminum or galvanized steel is not permitted.
- c. The exterior of the air vents or wind turbines cannot be covered or wrapped at any time i.e. covered during the winter season to reduce the inflow of cold air into the attic. Internal devices for such use, placed in the attic, are available.

### **3.14 Outdoor Carpeting**

- a. Outdoor Carpeting may be permitted in the back yard only.
- b. Can only be installed on porch area - no walkways etc.
- c. Earth tone colors are acceptable.
- d. Visibility from the street will be considered.

## 4. Secondary Changes

There are many requests to the AC that concern items that are routinely approved. The purpose of this section is to identify those items and to describe installations that are acceptable to the AC. These items will be designated "Secondary Changes.

The following items are categorized as secondary changes.

### 4.1 Swing Sets/Play Structures

*Principles: maintain aesthetics, safety, and privacy (both view and noise). The scale of the structure must be compatible with the scale of the backyard.*

- a. Play structures may be permitted in the back yard only.
- b. Swing sets/Play structures will not exceed a maximum height of 10'.
- c. Must be located in the back yard, and will consider neighbor's privacy. No play structure may be placed nearer than eight feet (8') the side or rear property lines.
- d. If the play structure has a platform, then the platform can be no higher than three feet (3') off the ground to protect neighbors' privacy.
- e. Tarps used as canopies on the structure cannot be brightly colored. Acceptable colors include earth tones, forest/hunter green, blue, or a color that matches the roof of the home.
- f. Swing Sets/Play Structures must be maintained at all times.

### 4.2 Basketball Goals

- a. Basketball goals must be mounted on garage, on a pole on the side of the driveway, or be portable. If mounted on the side of the driveway, must be at least thirty feet (30') from the street. Location must consider minimizing the impact to neighbors' homes and vehicles.
- b. Backboard must be regulation size or smaller.
- c. Poles must be painted black or the color of the home.
- d. The basketball goal, backboard, net and mounting structure must be maintained at all times.
- e. Portable basketball goals are permitted. Portable goals must be kept upright in a fixed location as if a permanent goal and must be in compliance with above section a-d.
- f. Portable basketball goals shall be placed at a minimum of one-half the distance from the curb or 30 feet from the curb whichever is greater.

### 4.3 Exterior Lighting

- a. Exterior lighting shall be residential in nature.
- b. Additional exterior lighting should not be of a wattage or lumen count that will affect neighboring homes.
- c. Directional lights or floodlights must be aimed so as not to shine in windows of neighboring homes.
- d. Low voltage landscaping lighting is acceptable provided they complement the style and architecture of the home and conform to the color scheme of the immediate neighborhood.

- e. Yard lights may be gas or electric, single lamp only, and a maximum height of 6'. Color should be black, brown or white to compliment the house/garage brick/trim colors.

#### **4.4 Benches**

- a. Decorative benches must be made of wood or metal or a combination of both and compliment the style and architecture of the home and conform to the color scheme of the immediate neighborhood.
- b. Size is limited to 6' long, 3' wide, and 3 foot high.

#### **4.5 Decorative Appurtenances**

- a. Decorative appurtenances, such as rocks, a simple birdbath, fountain, or decorative fencing (e.g. split rail) are acceptable provided they compliment the style and architecture of the home and conform to the color scheme of the immediate neighborhood.
- b. Shall not exceed two (2) in number in the front or side yard.
- c. Must be of natural (earth tone) materials and colors.
- d. May not exceed three feet (3') in height without AC approval.
- e. Seasonal decorations shall not be displayed earlier than 45 days before the holiday and must be removed within two (2) weeks after the holiday.

#### **4.6 Flags and Flag Poles**

- a. One school, sports team, or other flag as approved in advance by the AC (garden stake style) per household shall be permitted provided they meet the following criteria:
  - 1. Must not be controversial in nature as determined by the AC;
  - 2. Must remain in a state of good repair; and,
  - 3. Such flags or banners shall not exceed 3' X 5'.
- b. In addition, the following flags ("Permitted Flags") shall be permitted:
  - 1. the flag of the United States as defined by 4 U.S.C. §1; and
  - 2. the flag of the State of Texas; and
  - 3. the official flag of any branch of the United States armed forces.
- c. Permitted Flags may be displayed subject to the following guidelines:
  - 1. Advance written approval of the AC is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags.
  - 2. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.
  - 3. Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.

4. Permitted Flags shall be no larger than three feet (3') by five feet (5') in size.
5. Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14') tall.
6. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
7. A flagpole attached to a structure may be up to six feet (6') long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. The flagpole must be attached in such a manner as to not damage the structure. One attached flagpole is allowed on any portion of a structure facing a street and one attached flagpole is allowed on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.
8. Free-standing flagpoles may be up to twenty feet (20') tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. One free-standing flagpole is allowed in the portion of the owner's property between the main residential dwelling and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.
9. Free-standing flagpoles may not be installed in any location described below:
  - a. in any location other than the Owner's property; or
  - b. within a ground utility easement or encroaching into an aerial easement; or
  - c. beyond the side or rear setback lines (for example, on a lot with a 10' side setback line, a flagpole may not be installed closer than 10' from the side property line); or
  - d. beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or
  - e. closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).
10. Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:
  - a. be ground mounted in the vicinity of the flag; and
  - b. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and



- c. point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and
  - d. provide illumination not to exceed the equivalent of a 60-watt incandescent bulb.
11. Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.
  12. Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.
  13. All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.

#### **4.7 Bird Houses**

- a. A birdhouse will be acceptable if it conforms to the principles of maintaining aesthetics, safety, and privacy of both view and noise.
- b. Must be placed in the back yard only.
- c. Must be positioned so as not to create a nuisance to neighboring properties.
- d. Must be maintained at all times.
- e. Colors must conform to the color scheme of the immediate neighborhood.
- f. Chicken coops or other structures for use for domestic fowl including but not limited to; chickens, turkeys, ducks and geese are not permitted.

#### **4.8 Satellite Dishes**

Except as may otherwise be required by Federal law:

- a. Dishes must be one meter (39.5") or smaller in diameter.
- b. Placement is preferred below the fence line, or behind the roofline so as to not be visible from the street or common areas.
- c. Wiring/cable must be secured to the home and painted to match the material to which it is attached.
- d. Placement of antennas in the attic is preferred.

#### **4.9 Signs**

- a. No sign, poster, billboard, advertising device or display of any kind shall be erected or maintained anywhere within the Community Association Area so as to be evident to public view except for political signs or flags, signs that may be approved in writing by the AC, or a sign advertising a Privately Owned Site for sale or for lease which may be placed on such Privately Owned Site. Additionally, one sport, team or scholastic sign per child under the age of 19, who resides at the

home, shall be permitted. Such sign shall not exceed 3' X 5' and shall be kept in good condition.

- b. Political signs or flags are permitted so long as they comply with the following requirements:
  - 1. They advertise a candidate or measure for an election;
  - 2. They are not displayed more than ninety (90) days before the date of the election to which the sign relates or more than ten (10) days after that election date;
  - 3. They are ground-mounted;
  - 4. There are no more than one (1) sign per candidate or measure;
  - 5. They are not constructed of roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component;
  - 6. They are not attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object;
  - 7. They do not include the painting of architectural surfaces;
  - 8. They do not threaten public health or safety;
  - 9. They are no larger than four feet (4') by six feet (6');
  - 10. They do not violate a law;
  - 11. They do not contain language, graphics, or any display that would be offensive to the ordinary person; and
  - 12. They are not accompanied by music or other sounds or by streamers or are not otherwise distracting to motorists.
- c. Any political sign or flag violating the foregoing provisions may be removed by SSHCA.
- d. Displacing of political signs or flags on the SSH common area will not be permitted.

## **5. Landscaping**

DCCR Section 4.5 of the Supplemental Declaration of the first subdivision provides that "The Board (Board of Directors of the SSHCA) may adopt rules and regulations proposed by the Architectural Committee to regulate landscaping permitted and required on Lots."

The Board of Directors encourages the planting and maintenance of a variety of landscaping elements around the home. Landscaping contributes to the beauty of our neighborhood, and promotes the value and desirability of our community. In keeping with this sentiment, landscaping improvements between the sidewalk and the house do not generally require AC approval. However, there are some exceptions to this guideline, and there are some restrictions as to the location and size of some landscaping elements which are identified herein.

### **5.1 Trees**

- a. The homeowner must get AC approval prior to removing any tree taller than 15 feet high. Stump grinding at least 6 inches below grade is required for all trees that are removed from any residential property located in SSHCA.
- b. Trees provided by the builder must be maintained. Homeowners will be responsible for removal and replacement of dead tree(s). All replacement trees must be approved by the AC. See attached addendum of preferred trees.

### **5.2 Other Landscaping**

- a. Front yard gardening of fruits and/or vegetables is not permitted.
- b. Artificial plants in the front yard are not permitted except in pots on the front porch.
- c. Trees planted within 4 feet (4') of property line require written permission of the owner of the contiguous property
- d. Removal of 25% or more of the greenscape or landscape in the front yard needs AC approval.

### **5.3 Maintenance**

- a. The homeowner is responsible for maintaining his or her yard. This includes regular mowing, fertilizing, removal of weeds, trimming of shrubs and trees and pest control.
- b. Trimming of all trees located on a homeowner's lot and easement shall be the responsibility of the homeowner.

These architectural guidelines are effective upon recordation in the Public Records of Galveston County, and supersede any architectural guidelines which may have previously been in effect. Except as affected by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Architectural Committee on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Geri Bentley  
Chairperson, Architectural Committee  
South Shore Harbour Community Association, Inc.

STATE OF TEXAS §

§

COUNTY OF GALVESTON §

Before me, the undersigned authority, on this day personally appeared Geri Bentley, Chairperson of the Architectural Committee of South Shore Harbour Community Association, Inc., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had 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 \_\_\_\_\_, 2021.

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

[Notarial Seal]

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

My commission expires: \_\_\_\_\_