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Cameron County  
Sylvia Garza-Perez  
Cameron County Clerk

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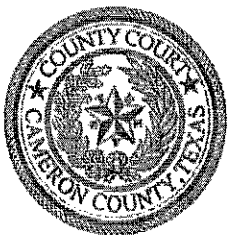
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Sylvia Garza-Perez  
Cameron County Clerk  
Cameron County, TX



# MADEIRA

Texas Living

## MADEIRA RESIDENTIAL ASSOCIATION, INC.

### MADEIRA PHASE 1 RESIDENTIAL DESIGN GUIDELINE MANUAL

I, the undersigned, pursuant to Texas Property Code §202.006 certify:

That I am the President of Madeira Residential Association, Inc., a Texas nonprofit corporation (the "**Association**");

That the attached document is a document that applies to the operation and utilization of residential property within Madeira, a development in Cameron County, Texas;

That the property affected by the attached document is the property restricted by that certain Declaration of Covenants, Conditions, and Restrictions for Madeira (Residential Property), recorded in the Official Public Records of Cameron County, Texas under Clerk's File No. 2024-42759, as same has been or may be amended from time to time (the "**Declaration**"), and any other property which has been or may be annexed thereto and made subject to the authority of the Association;

That the document which affects the use and operation of the above-referenced property is attached as **Exhibit A**; and

That the document attached as **Exhibit A** was adopted by Declarant (as defined in the Declaration) pursuant to the authority contained in Article XI of the Declaration.

SIGNED this the 4<sup>th</sup> day of December, 2024.

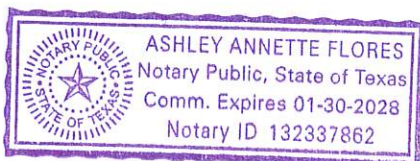
**MADEIRA RESIDENTIAL ASSOCIATION, INC.**, a Texas nonprofit corporation

By: [Signature]  
Print Name: Jorge Ibarra  
Title: President

STATE OF TEXAS §  
COUNTY OF Cameron §

BEFORE ME the undersigned authority, on this day personally appeared Jorge Ibarra, President of Madeira Residential Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes and in the capacity stated in this instrument, and as the act and deed of said corporation.

Given under my hand and seal of office this the 4<sup>th</sup> day of December, 2024.



[Signature]  
Notary Public – State of Texas



***MADEIRA***

**PHASE 1**

**RESIDENTIAL DESIGN  
GUIDELINE MANUAL**

December 4, 2024

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EXHIBIT A

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## 1.0 INTRODUCTION

### 1.1 The Setting.

Madeira is located in semi-tropical South Texas nestled between the cities of Brownsville, Harlingen, San Benito, and Los Fresnos, Texas, and within easy driving to South Padre Island and Mexico. It is this delightful setting and its proximity to Cameron County's largest cities which allow Madeira, a master planned community, to serve as an attractive regional asset to all of those cities.

### 1.2 Goals.

This Residential Design Guideline Manual ("**Guidelines**") is intended to promote a high and consistent development standard. It is the goal of Madeira Development LLC, a Texas limited liability company ("**Declarant**"), and the Architectural Review Committee (the "**ARC**") of the Madeira Residential Association, Inc. (the "**Association**"), with authority as delegated, to retain and enhance the natural and cultural character of Madeira.

Acacia Place at Madeira Phase 1, as more particularly described by that certain plat filed under Document Nos. 2024-14923, 2024-14924, 2024-14925, 2024-14926, 2024-14927, 2024-14928, 2024-14929, 2024-14930, 2024-14931, 2024-14932, 2024-14933, 2024-14934, and 2024-14935 in Official Records, Cameron County, Texas (**Madiera-Phase I**"), was designed for residential living and is subject to these Guidelines. The residential Lots within Madeira-Phase 1 were planned to enhance the comforts of active, suburban living by providing numerous amenities for active family lifestyles.

It is the intent that these Guidelines promote these qualities and standards which will benefit everyone involved with Madeira. Therefore, these Guidelines have been created to assist Owners (including Builders) of Lots in Madeira-Phase 1 with the design standards and compliance requirements for their Dwellings. These Guidelines are intended to be a guide that will describe and illustrate the suggestions and requirements of Dwellings that will be constructed within the Property.

It is **required** that each Owner (including Builders) review and become familiar with these Guidelines and understand that options are available when using these Guidelines correctly and that each Owner (including Builders) will be expected and required to abide by all of the standards contained within these Guidelines.

These Guidelines will allow each Owner the opportunity to create an independent Dwelling design that appears different than other Dwellings, while also blending with and complementing the architecture of the other Dwellings within the Madeira community. It is important that the spirit of the Madeira community be maintained by all Owners.

The ARC is charged with the responsibility of responding to all inquiries which Owners, their architects, or their contractors may have concerning these Guidelines.



## 2.0 APPLICABILITY:

In addition, to these Guidelines, all of the Lots within Madeira-Phase 1 are subject to (i) the provisions of the Declaration of Covenants, Conditions, and Restrictions for Madeira (Residential Property), filed under Document No. 2024-42759 in the Official Records of Cameron County, Texas (the "**Declaration**"), and (ii) the Supplemental Amendment to the Declaration of Covenants, Conditions, and Restrictions for Madeira (Residential Property), Acacia Place at Madeira Phase 1, filed under Document No. 2024-42763 in the Official Records of Cameron County, Texas (the "**Supplemental Amendment**"). Reference is made to the Declaration and to the Supplemental Amendment for all purposes. Unless otherwise set forth in these Guidelines, the capitalized terms used in these Guidelines are defined as set forth in the Declaration and the interpretation provision set forth in the Declaration applies to these Guidelines, which definitions and interpretation provision are incorporated in these Guidelines by this reference. References to "Owner" in these Guidelines include the more narrowly defined term of "Builder", as set forth in the Declaration. Where appropriate, the narrower term of "Builder" is used in these Guidelines instead of "Owner".

The Declaration sets forth the covenants, conditions, and restrictions which apply to all Lots within Madeira. The creation of these Guidelines is authorized by the Declaration. These Guidelines are intended to be used in conjunction with the Declaration, the Dedicatory Instruments, the applicable plat, any building codes, and state and local laws and ordinances applicable to the Property. In the event there is a conflict between these Guidelines, the Declaration, any other Dedicatory Instrument affecting the Property, the applicable plat, any building codes, and any applicable state or local laws or ordinances, the more restrictive requirement will control.

The Declaration and these Guidelines apply to *all improvements made on any Lot*, including the construction of new Dwellings, the remodeling of an existing Dwelling, or the construction of any type of structure, accessory building, or Outbuilding on a Lot. Every Owner **MUST** present the required documents to the ARC for review and approval **BEFORE** beginning any construction activities whatsoever. The ARC will then review the proposed construction plans for compliance with the established regulations contained in these Guidelines.

Owners must therefore become familiar with all provisions of the Dedicatory Instruments, including the Declaration and these Guidelines. Pursuant to the Declaration, *no improvements* are to be made except in compliance with the provisions of the Declaration and these Guidelines. In addition, all improvements are to be maintained in good condition in accordance with the provisions of the Declaration and these Guidelines.

Modifications to these Guidelines may be made from time to time to clarify or expand the requirements and provisions contained in these Guidelines to maintain the overall goals established for Madeira. Guidelines are dated, and it is the responsibility of all Owners to verify that they are using the most current Guidelines.

Declarant, the Association, the Board of Directors of the Association (the "**Board**"), the ARC, and the respective officers, directors, employees, agents, managers, partners, representatives, successors, or assigns of the aforementioned parties are not liable in damages or otherwise to any

party who submits matters for approval to any of the aforementioned parties, or to any Owner affected by these Guidelines by reason of mistake of judgement, negligence, or nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve or disapprove of any matters requiring approval. Each party who submits plans for a proposed improvement and each party who may be affected by the approval or disapproval of plans for a proposed improvement agrees, by the submission of plans for a proposed improvement, that such party will not claim or file a suit against Declarant, the Association, the Board, the ARC, or their respective directors, officers, employees, agents, managers, partners, representatives, successors, or assigns as a result of the approval or disapproval of the plans or the failure to approve or disapprove of the plans.

Owners acknowledge that approval by the ARC of any plans submitted pursuant to the Declaration or these Guidelines does not cover or include approval for any other purpose and is not intended as any kind of representation, warranty, or guarantee as to compliance with any building codes or state or local laws or as to the integrity or workability of the plans or the contractors used. Furthermore, Owners acknowledge that, under the Declaration, the Association and the ARC do not represent or warrant that the development of the Lots in compliance with these Guidelines will result in the development of the Lots in compliance with building codes, the Declaration, any Dedicatory Instrument, or any plans that have been or will be approved by the ARC. Owners acknowledge that they must obtain the ARC's prior approval of the development plans for the Lots and otherwise follow the requirements set forth in the Declaration, the Dedicatory Instruments, the applicable plat, the building codes, and state and local law.

## **2.1 Standard and Scope of Review by ARC.**

The ARC will review plans and specifications submitted for its approval, and the ARC may consider any factors it deems relevant, including the harmony of the improvement with the surrounding environment or the Property as a whole.

The Declaration and these Guidelines are comprised of (i) procedures for the submittal of plans and specifications and for obtaining ARC approval, (ii) construction requirements, (iii) architectural standards, (iv) landscape architectural standards, and (v) signage standards. Compliance with these Guidelines does **not** guarantee approval of an application. Variances may be approved at the discretion of the Board, as provided in the Declaration.

As set forth in the Declaration, the plans and specifications submitted for review are **not** being reviewed for (i) structural integrity; (ii) compliance with zoning and building ordinances or any other applicable statutes, ordinances, or governmental rules or regulations; (iii) compliance with the requirements of any public utility, easement, or other agreement; or (iv) preservation of any view.

By approving such plans and specifications, neither Declarant, nor the Association, nor the ARC, nor any committee member, agent, employee, attorney, or consultant of any of the foregoing shall be liable for any soil conditions, drainage or general site work, or for any injury, damage, or loss arising out of the manner or quality of an approved construction or modification on account of such approved plans or specifications, or for an impairment of view occurring as a result of such approval.



## 2.2 Quality of Improvements.

It is the objective of these Guidelines that the improvements within Madeira comply with the standards established in these Guidelines. It is the responsibility of the Owners to preserve these standards through the careful development of their improvements upon the Lots. The key elements which reflect the design direction include the following:

- Quality architecture and landscape architecture design.
- Simple, elegant architectural statements.
- As viewed from all angles, residential harmony between the Dwelling, the site, and the surrounding environment.
- Continuity of architectural forms, materials, textures, colors, and execution.

Each Owner, by accepting title to a Lot, acknowledges and agrees to the following:

- That these Guidelines are reasonable and beneficial to the community.
- That these Guidelines strive to achieve a spirit of cooperation and resolution between the ARC, the Owner, and the Owner's architect.
- That these Guidelines are not intended to be all encompassing and are meant to encourage creativity while allowing the ARC wide latitude of approval authority.

## 2.3 Definitions.

Each subject area of these Guidelines is structured around the headings of Goals, Requirements, and Guidelines. These are described below:

***Building Permit*** means the permit issued by the City of Brownsville, Texas or Cameron County, Texas, or any governmental jurisdiction as necessary for the construction of any Improvements on a Lot.

***Cementitious Board Exterior Siding*** refers to Fiber Cement Board or composite siding products. This product is produced in several forms: horizontal plank lap siding, panel board with vertical battens, shingle siding, trim boards, and soffit boards.

***City*** means the City of Brownsville, Texas.

***Enclosed Living Area*** means that portion of a Dwelling consisting of the enclosed air conditioned living area as measured utilizing the exterior wall dimensions. The Enclosed Living Area does not include the garage area.

*Goals* are declared within each subject area. These Goals are a product of Declarant's vision for Madeira. This vision has been expressed and refined throughout the planning and design process.

*Improvement* means structures, Dwellings, and appurtenances thereto of every type and kind; the demolition or destruction by voluntary action of any such structure or appurtenance thereto; any grading, excavation, filling, or similar disturbance of the surface of the land; landscaping, planting and clearing, or removing of trees, shrubs, grass, or foliage; and any change or alteration of any structure or Dwelling, including change of material, exterior appearance, color or texture (ex. pools, Outbuildings, patios, decks, etc.).

*Major Revisions* means any changes in the building footprint exceeding 2 feet in any direction; changes in exterior elevations; changes in building height exceeding 1 foot per floor; changes in roof pitch from the standard elevation; and any proposed 2-story decks.

*Masonry* means a brick, Stucco (as defined), stone veneer product installed with mortar joints or cementitious siding, board and battens (e.g., Hardy Board or Hardy Plank).

*Open Space* means property that is defined as greenbelt, green areas, parks or hike and bike trails, parkland, community center property, or any other land that has not been developed, whether it is owned by Declarant or another property Owner.

*Stucco* means the rough, plaster veneer, typically installed over sheathing and mesh as the exterior material of a building or other Structure. This definition will also include Textured Acrylic Finish Systems (TAFS) with similar installation as an exterior wall finish material.

### **3.0 POLICIES and PROCEDURES:**

These policies and procedures have been adopted to provide for a standardized review methodology.

#### **3.1 Interpretation of the Design Code.**

When the terms "required," "must," or "shall" are used in these Guidelines, the Owner (or the design team) must comply with and include the requirement in their design. When the terms "recommended", "may", or "encouraged" are used in these Guidelines, the Owner (or the design team) is not required to include the specific item being recommended or encouraged. These recommendations items are based on historical experiences with (1) the climatic conditions and the geographic location of the Rio Grande Valley of South Texas, and (2) the long-term performance of building products within this area.

Upon submission of a written request, the Board may, in its sole discretion, permit Owners to construct, erect, or install Improvements which are in variance from these Guidelines or the Declaration. All variance approvals must be signed by a member of the Board and recorded in the Official Public Records of Cameron County, Texas. The granting of a variance is based on an individual application and, in no event does it set a precedent for future applications.

### 3.2 Step One - How to Begin Design and Construction.

The first step is a design evaluation and analysis of these Guidelines and the Declaration. Prior to starting any design work, the Owner and their architect or Dwelling designer should contact the ARC and read these Guidelines. Upon written request, the ARC will provide the Owner with a copy of these Guidelines, as well as any available Lot-specific information.

### 3.3 Step Two- Submittal Requirements.

#### 3.3.1 *General.*

The construction or installation of any Improvements, changes to existing Improvements, the reconstruction of Improvements, or the installation or change of exterior ground Improvements will require the submission of plans and specifications for review and approval by the ARC before any such construction or installation activity is commenced.

Three types of submittals are discussed in this section:

- 1) Master Plan Review (Exhibit A Application Form)
- 2) Individual Lot and Plan Review (Exhibit B Application Form)
- 3) Plan Modifications Evaluation Form (for existing Improvements)

The Owner making any of these three submittals should carefully review these Guidelines before making a submittal.

#### 3.3.2 *Pre-Submittal Review.*

Although not mandatory, the Owner is encouraged to meet with an ARC representative at an early stage for pre-submittal review to address any submittal uncertainties before much time and effort has been spent. This pre-submittal review could be helpful for first-time Owners going through the submittal process, as well as Owners addressing unusual design issues. No fee is associated with this review. Time and effort will be saved with an understanding of the submittal requirements. The ARC's representative is available to answer questions and clarify the intent of these Guidelines.

#### 3.3.3 *Master Plan Submittals (Exhibit A).*

The Owner must submit each Design Plan type proposed for construction within Madeira for approval by the ARC. Each Design Plan should be identified by Number (i.e. Plan #\_\_\_\_) and each elevation variation of the Plan should be identified by a Letter (i.e. Plan #1, Elevations A). Once the plans and specifications have been completed, a submittal packet must be submitted to the ARC at the address designated by the ARC.

Include the following Submittal Requirements: (Submit all documents in digital .pdf format)

- 1) Executed Master Plan Submittal Application form (See **Exhibit A** for sample).
- 2) 1 set of Plans consisting of floor plans, all elevations, a typical wall section, and a roof plan. For each Master Plan variation, include any standard floor plan options.
- 3) Square footage of the original plan, and plan with options. Square footage calculations must include the individual square footage of the 1<sup>st</sup> level air-conditioned area, and 2<sup>nd</sup> level air-conditioned area to calculate the total area of air-conditioned space. Also separately include the square footage of the garage, any other closed area covered with roof, and the total of all enclosed area. Also include the individual square footage of any options, if any, being offered.
- 4) Building plan name, plan reference number(s), square footage, and masonry square footage according to the ARC's adopted method of calculation.
- 5) If applicable, provide a list of Lot numbers on which this plan will be constructed.
- 6) Any other information or documentation deemed necessary by the ARC.

#### 3.3.4 *Lot and Plan Submittals (Exhibit B).*

Once a Master Architectural Plan is approved through Exhibit A, an Owner is only required to submit the following documents for approval by the ARC prior to beginning construction on any Lot. **In the case of Major Revisions to a previously approved building plan, both architectural plans and complete specifications in accordance with Section 3.4.3 above must be submitted along with the site plan.**

Include the following Submittal Requirements: (Submit all documents in digital .pdf format)

- 1) Executed Lot and Plan Review - Application form (See **Exhibit B** for sample).
- 2) One digital copy of a Site Plan, at 1" = 20'-0" or 1" = 30'-0" scale, with the following building information clearly indicated:
  - a. Design Plan number and Elevation letter, Lot number, and square footage indicated within the building footprint.
  - b. A **Lot and form survey** showing location of the Improvement on the Lot and the foundation form with dimensions to all setback and property lines.
  - c. Driveway, entry walks, and sidewalk locations and widths.
  - d. Location, type, and color of all fencing.

- e. Existing topographical lines, slab elevation, existing and finish grade at corners of the Dwelling, driveway, and corners of the Lot.
  - f. Location and finish grade of any patio or deck.
  - g. Location of all utility pedestals, transformers, meter boxes;
  - h. Expected construction commencement date and end date; and
  - i. An erosion control plan related to the Improvement and Lot.
- 3) Attach digital pictures with color photos of all masonry samples to be used on the Lot, with material suppliers "model" or color name and number

### 3.3.5 *Building Modification Submittal Requirements (Exhibit C)*

Approval for design plan modifications or alterations to existing Dwellings or Improvements is addressed in this section. The Design Plan Modification Application form (See **Exhibit C** for sample) must be completed and executed by the Owner and submitted to the ARC. The following items must accompany this request: (a) a scaled drawing showing plan and elevation views of the proposed Improvements, modifications, or alterations, (b) a Lot survey indicating the existing Improvements and the location of proposed Improvements, and any applicable easements, setbacks, and elevation differences on the Lot, and (c) samples depicting the proposed materials and colors to be used. (The above items should be "listed" like the other requirements above.)

## 3.4 **Step Three - Approval Process.**

### 3.4.1 *Submission Date.*

Applications must be submitted by either the 15<sup>th</sup> or the last day of any month ("**Submitted Applications**").

### 3.4.2 *Approval.*

In the event of approval by the ARC, 1 approved copy of the Submitted Application will be returned to the Owner who will be responsible for ensuring that the information contained in the approved copy is used in obtaining all required permits and approvals by the City or other government jurisdiction. The second copy will be held on file for after completion of the Improvement in accordance with the Association's Document Retention Policy.

### 3.4.3 *Disapproval.*

The failure of the ARC to approve complete Submitted Applications within 30 days after the receipt thereof will be deemed a decision by the ARC denying the application. An application will not be deemed to be complete until all of the documents and information required by these Guidelines have been provided to the ARC.

In the event of disapproval of the Submitted Application, the ARC, upon written request by the Owner, will within 5 days provide the basis for the disapproval. The Owner may thereafter seek to correct the deficiencies or reasons stated by the ARC and may thereafter re-initiate the approval process set forth in this Section 3.4.3.

#### 3.4.4. *Variance.*

Variances from compliance with certain architectural standards and requirements may be granted in accordance with the Declaration and these Guidelines. A request in writing must be submitted to the Board to consider and act upon a variance request. (See **Exhibit D** for sample). The exact nature and extent of the variance must be outlined in the request. An approval of a variance does not constitute approval of any future requests for the same item by any other Owner.

#### 3.4.5 *Design Plan Architectural Approval.*

Design plan approvals are valid from the date of acceptance. The time frames for Commencement of Construction and Completion of Construction are as set forth in the Declaration or in the applicable purchase agreement between Declarant and the Builder. Although the plan may be used in each of the different phases of Madeira, a list of the applicable design plans to be used in such phase must still be supplied to, and approved by, the ARC for each phase. Once approved, one set of plans and specifications will be retained by the ARC for reference. Each approved design plan will be assigned a plan set number and each elevation variation of the plan will be assigned a letter (i.e. Elevation A).

#### 3.4.6 *Design Plan Modifications Approval.*

The ARC will determine the required date of completion of additional construction, remodeling, alterations, or additions at the time of approval of the plans and specifications. Such approval and subsequent time frame will be based upon the type of Improvement being requested. If a Lot is acquired by the Builder from Declarant, then completion of construction is required within 6 months from the Commencement of Construction, or other later date as may be approved by the ARC. If a Lot is acquired by an Owner who is not a Builder from Declarant, then completion of construction is required within 1 year from the Commencement of Construction.

### 3.5 **Step Four - Pre-Construction Requirements.**

After the issuance of any required approval and prior to the delivery of any construction materials to the Lot or commencement of any construction, installation, or modification activity, the Owner must deliver to the ARC the following:

- 1) A written notice that all required governmental approvals have been received;
- 2) A copy of insurance certificates naming the Association as an additional insured on the liability insurance policy insuring against loss, damage, or injury which may occur as the result of entry and activity by a contractor or its agents, employees, or designees; and



- 3) The anticipated date of Commencement of Construction. This date must be within 180 days of the date of the application approval or any other later date as determined by the ARC.

## **4.0 OWNER RESPONSIBILITIES**

### **4.1 General.**

All Owners are responsible for the following:

- 1) Compliance with all applicable federal, state, and local building codes and regulations.
- 2) **Performing the necessary geotechnical investigations, borings, and mitigation (by adding fill and compaction) necessary to assure that the subsoil is sufficiently stable to support the Improvement.**
- 3) Compliance with all rules, regulations, restrictions, and covenants as set out in the Dedicatory Instruments for Madeira.
- 4) Compliance with requirements of these Guidelines (as amended from time to time).
- 5) Compliance with plans and submittals approved by the ARC. Any deviations from an approved plan must be submitted to and receive prior written approval from the ARC.
- 6) Providing qualified personnel to perform all construction activity.

### **4.2 Insurance Requirements.**

**Coverage:** Builders, contractors, and their subcontractors performing work within Madeira are required to carry Comprehensive General Liability, Comprehensive Automobile Liability, and Workers Compensation Insurance at the minimum coverage levels established by the Texas State Board of Insurance.

**Certificate of Insurance:** Before commencing any work at Madeira, Builders are required to submit a current and valid certificate of insurance to the Association. This certificate must name the Association as an additional insured. Certificates of insurance must be resubmitted on an annual basis or when new coverage is obtained.

### **4.3 Builder's Operational Regulations.**

The following criteria pertain to Builders and the employees, representatives, subcontractors, suppliers, and service personnel performing work within the Property.

- 1) All Builders, subcontractors, and delivery or service personnel performing work in Madeira are allowed within the Property between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays.
- 2) Construction is not allowed on Sundays or on certain holidays as determined by the Association.
- 3) The speed limit within the Madeira is as posted.
- 4) It is the responsibility of the Owner and the Owner's contractors or subcontractors to ensure that crews do not litter Madeira roads, Lots, or surrounding Open Space areas within the Property.
- 5) The use of portable chemical toilets must be in compliance with all applicable governmental ordinances, statutes, and regulations. Portable chemical toilets must be placed on site prior to Commencement of Construction and removed upon Completion of Construction.
- 6) Declarant, the Association, or a Builder with the prior written consent of the ARC may construct an office trailer or enclosed storage building on a Lot during the time of construction of a particular phase. Time limitations for such temporary structures are limited to the period of active and exclusive construction and sales within Madeira.
- 7) All equipment, materials, supplies, and temporary structures must be removed immediately at the conclusion of the period of active and exclusive sales within Madeira.
- 8) All debris, including construction waste, tree limbs, etc., must be removed on a weekly basis both from the Lot and from Madeira entirely. Miscellaneous daily debris and trash (e.g., paper, cans, bottles, and litter) must be removed from the job site and properly disposed of on a daily basis.
- 9) A 4 foot by 8 foot steel roll-off dumpster (at a minimum) must be maintained on the site during the duration of construction from commencement of framing operations through project completion. A regular dumping service must be maintained so that overflow and unpleasant odors do not occur.
- 10) Storage bins, if used for on-site material storage, must be steel and in good repair.
- 11) Fires of any kind are not permitted.
- 12) Concrete truck washout or spoils must occur on the Lot under construction or another Lot under construction by the same Builder. The Owner or Builder is responsible for site cleanup and restoration to its original condition for any concrete spoils left on any vacant Lot, Common Area, greenbelt or roadways.

- 13) Builders or their subcontractors are not permitted to enter the Property with children under 16 years of age.
- 14) The Builder must conduct a weekly site cleanup on each of its Lots. Streets must be kept free of silt, mud, and debris at all times. The Owner or Builder will be required to install and maintain inlet protectors on all inlets that will be affected by run-off from any construction, regardless of its proximity to the actual Lot under construction.
- 15) Site and tree protection fencing must be installed along all property lines adjacent to Common Areas or Open Space property prior to commencement of clearing or construction.
- 16) Erosion control (silt fencing) and protection devices, if legally required, must be installed on all property lines of the Lot immediately inside the property line, prior to clearing and Commencement of Construction. These protections must be maintained throughout construction and must remain in place until the area is revegetated.
- 17) The volume of recorded music (radios, tape players, etc.) must be limited to a level which does not disturb others beyond the construction site.

#### 4.4 **Conduct and Safety Precautions.**

##### 4.4.1 *Compliance with Directives.*

Authorized persons must follow the directives of Declarant, the security staff, the ARC, the Board, representatives of the management company that has been retained by the Association, and any other persons designated by the Board.

##### 4.4.2 *Prohibited Activity.*

- 1) Alcoholic beverages are not to be consumed on any construction site.
- 2) Dogs and other animals are not permitted on any construction site.
- 3) Nothing is to be done on the construction site that will damage or disturb the work or the activity on any adjacent Lot or Common Area.
- 4) Access to the "greenbelt" areas without the written permission of the Association through the ARC is prohibited.

##### 4.4.3 *Safety Precautions.*

The Owner must take all necessary precautions for the safety of all persons, materials, and equipment on or adjacent to the Lot. Approved barriers, lights, signs, and other safeguards must be erected, furnished, and maintained. Adequate warning must be given to everyone on or near the

Lot of dangerous conditions during the work.

#### 4.4.5 *Site Maintenance.*

The Owner is responsible for ensuring that the site is maintained daily in a neat and clean condition. All materials delivered to or generated by the work must be neatly stockpiled.

### **5.0 CONSTRUCTION INSPECTIONS.**

In order to ensure that Improvements are completed as approved, the ARC, the Board, or a designated representative may conduct construction inspections. The inspection process is intended to cause little or no delay in the construction schedule.

#### **5.1 Inspections.**

The Board or its agents or assigns has the right to enter a Lot to conduct periodic inspections to verify that the provisions of these Guidelines and the Declaration are being complied with and to ensure that the construction of the Improvements is proceeding in accordance with the approved plans and specifications and in accordance with water conserving measures.

#### **5.2 Enforcement.**

The Association will have all of the available remedies permitted by the Dedicatory Instruments to enforce these Guidelines. The Board is charged with enforcement of the policies, procedures and design requirements of the Dedicatory Instruments. When the ARC or the Board determines that a requirement in the Dedicatory Instruments has not been complied with, the Board may issue a cease and desist order requiring the Owner or the Owner's agents or contractors to cease the construction or alteration activities until the requirement is corrected. The cease and desist order may be in the form of an inspection report or by separate notice. In addition to the cease and desist order, the Board may issue fines and penalties and impose any orders of remediation which it may deem appropriate or undertake any legal action which may, in its sole discretion, deem appropriate.

#### **5.3 New Dwelling Construction.**

On-site cut or fill and setting foundation forms may not begin until the Owner has first obtained the written approval by the ARC of the submitted architectural site plan application. If the Owner has questions about the ARC's decision, the Owner should contact the ARC for clarification.

#### **5.4 Scheduling.**

The Owner must schedule a pre-construction site plan review prior to Commencement of Construction on a Lot. The purpose of this inspection is to review the proposed Dwelling layout and Lot grading and to ensure that silt fencing is in place prior to foundation commencement.

## 5.5 Final Inspection.

Upon completion of all Improvements and within 10 days of the issuance by the City of a certificate of occupancy, the Builder must notify the ARC in writing that the construction is complete and the Improvement is ready for a final inspection. Decks, patios, sidewalks, fencing, and landscaping must be complete at the time of the final inspection.

The ARC (or an inspector hired by the Association to perform the final construction inspection) will inspect the Improvements to determine compliance with the approved plans and specifications per these Guidelines. The ARC coordinator will perform any new or additional inspections. The coordinator will complete a Construction Inspection Report at the Final Inspection. The building superintendent, main office, and Association will be notified of the results by the next Monday following the inspection.

If the Improvements appear to be in compliance with the approval, the inspection report will note this compliance; otherwise, deficiencies will be noted and provided in writing to the Builder. These deficiencies must be corrected prior to Final Inspection approval. A follow-up inspection will be automatically scheduled for 2 weeks from the date of notification, unless the Builder notifies the ARC that the deficiencies will not be corrected by that time. A one-time hold will be allowed for each Dwelling for up to 30 days, after which time, the Dwelling will be automatically scheduled for re-inspection.

## 6.0 SITE CONSTRUCTION.

### 6.1 Construction Site Management – Goals.

Minimize the negative visual impact of construction through the thoughtful handling of construction activities and maintenance of an orderly job site.

### 6.2 Requirements.

#### 6.2.1 *Construction Vehicles and Access.*

Construction vehicles and all workers' personal vehicles are limited to paved roads and approved access roads. Parking is also permitted on the Lot being developed.

No parking, access, construction staging, material or debris storage, or any construction activity is allowed on Common Areas, sidewalks, or adjacent undeveloped Lots unless prior approval is obtained from the Association. The request for access to any Common Areas must be made in writing to the Association.

#### 6.2.2 *Utilities.*

Each Lot will be served with underground electricity, sewer, gas, fiber optic, and water lines. The location of these lines must be confirmed by the Owner in the field prior to construction. CATV and telephone lines have not been contemplated to be installed in the Property. **AT LEAST 1 GAS APPLIANCE IS REQUIRED FOR USE IN EACH DWELLING.**

### 6.2.3 *Lot Clearing.*

Clearing cannot begin on any Lot until temporary erosion controls are in place (silt fences, etc.). If Lot clearing involves the removal of any existing temporary erosion control, the Owner must tie the new erosion controls back into existing erosion controls. Erosion controls must remain in place until the yards are landscaped and vegetation established and then must be removed by the Owner. The Owner must keep the streets silt-free at all times by "washing down" streets as frequently as necessary.

### 6.2.4 *Disposal of Spoils.*

Any spoils generated from the site grading of a Lot must be relocated on such Lot or promptly removed to an approved, permitted spoil dump site in accordance with City of Brownsville and Cameron County rules and regulations. No material may be placed or stored on the street, on Association property, on adjacent Lots, on any other portion of the Property, or on any property owned by Declarant. The Owner who is responsible for the construction is liable for any cleanup costs, accidents, or removal of such spoils if deposited anywhere other than the Lot under construction.

## 7.0 BUILDING SITE RELATIONSHIP

Careful placement of the Dwelling footprint and driveway on the Lot can maximize the site's character. Existing vegetation can be preserved, potential views can be enhanced, privacy can be created, and outdoor spaces can be optimized.

### 7.1 **Building Setbacks – Goals.**

A pleasing variety of residential streetscapes. One means of creating a pleasing streetscape is through variations in the front yard building setback. Setback variations set up a rhythm in the spatial quality of the streetscape zone. This promotes a dynamic architectural composition. "**Buildable Area**" is defined to mean the portion of the Lot other than the setback areas of such Lot, as described in these Guidelines. The Dwelling must be constructed completely within the Buildable Area except that roof projections (i.e., roof overhangs) may be allowed by the ARC to project into the back yard and side yard setback area in conformance with the provisions of Section 8.5.3 (6).

### 7.2 **Requirements.**

#### 7.2.1 *Building Setback Requirements.*

Refer to the applicable plat, the Declaration, and the "Lot Book" which depicts the building setback for each Lot and the placement of the Dwelling on the Lot. For Dwellings, generally the following minimum building setbacks distances are required, unless otherwise indicated on the applicable recorded plat, in the Declaration, or in the Lot Book (in the event of a conflict, the most restrictive setback will control):



- **Front Yard:** The minimum front property line setback is depicted in the Lot Book and will vary on a Lot-by-Lot basis and the final decision as to the setback will rest with the ARC.
- **Side Yards: 5 feet** (minimum) from side property lines. If a side yard has an air conditioning unit, the minimum side yard setback will be 7 feet.
- **Rear Yard: 10 feet** (minimum) from rear property line

The Lot Book depicts the locations of the Buildable Area for each Lot. The portion of the Lot Book attributable to the Lot will be provided by the ARC to the Builder or Owner upon their written request. The Builder must refer to the Lot Book in order to properly prepare and submit the Builder Site Plan Submittals pursuant to Sections 3.4.4 or 3.4.5 above. Setbacks will be measured from the outline of the footprint of the Dwelling, including any covered or uncovered portions of the foundation to be used as porches or patios, etc. to the property line or edge of pavement on joint-use driveways. While eaves and overhangs are not used in determining setbacks, those portions of the Dwelling may, upon approval by the ARC, be allowed to project into side yard or back yard setback areas a maximum of 2 feet; however, in no instance may roof eaves and overhangs be allowed to project or extend into the front yard setback area. No roofed or trellised Improvement separate from the main Dwelling may be built within a setback area (i.e., gazebo, pool cabana).

Side yard setbacks between Dwellings should be varied. This variance assists in creating spatial variety in the streetscape. Setback variations allow for Dwellings to be adjusted around existing trees. Dwellings should be arranged to provide outdoor living spaces for people. Key factors in determining variations in the front yard and side yard setback beyond the minimum requirements include:

- 1) Location of existing trees.
- 2) Setback compatibility of adjacent Dwellings on either side and across the street from the Lot.
- 3) Potential views towards a Common Area or sightlines beyond.
- 4) Detached garages and outside side entry garages are encouraged in Madeira. Front entry garages may not extend in front of the living area façade of the Dwelling and should be either flush with or recessed at least 4 feet behind the living area façade of the Dwelling.

**Final approval of setbacks is determined by the ARC when the Site Plan is submitted for approval.**

### 7.3 Imperious Cover.

#### 7.3.1 Goals.

Impervious cover means any concrete, black top, tile, or other material which inhibits the percolation of water into the ground. The goal is to minimize impervious cover.

Minimizing impervious cover serves 2 purposes: it encourages water to percolate into the substrata, and it minimizes erosion and limits sediment and pollution of water which eventually discharges into the Laguna Madre by reducing the volume and rate of water runoff. These actions help conserve Madeira's important natural amenities. Impervious cover includes driveways, parking areas, buildings, patios, walks, and other impermeable construction elements.7.3.2

#### *Recommendation.*

Limiting impervious cover is necessary for compliance with the applicable Brownsville Building Code or the restrictions of any governing jurisdiction.

### 7.4 Grading and Drainage.

#### 7.4.1 Goals.

Site grading which compliments and reinforces the overall architectural and landscape character. **The Owner should perform any necessary topographical surveys and geotechnical investigations, borings and mitigation (by adding fill and compaction) necessary to assure that the storm water runoff does not trespass on neighboring Lots and that the subsoil is sufficiently stable and properly graded to support the Improvements.**

#### 7.4.2 Requirements.

Grading must be done in conformance with the Grading Diagram attached to these Guidelines as **Exhibit E-1** and **Exhibit E-2** and the final plat notes. Minimizing cut and fill helps to preserve existing vegetation and the natural landform. The Owner must also consider the flow of storm water to and from adjacent properties and how it relates to the Owner's own drainage and make accommodations in accordance therewith. Internal on-site drainage is the responsibility of the Owner. Two types of drainage designs are recommended within Madeira:

- (1) For those Lots which do not back onto the hike and bike trail, the drainage design should provide for storm water to drain from the back yard to the front yard and into the street storm sewer. The Owner must therefore grade the Lot to provide for this type of drainage with 1% even drainage slope from back yard to front yard. The finish grade elevation must be 2.17 feet (or 32,17 feet when compared to the street elevation) and the top of the main Dwelling slab should be set at 2.5 feet above the street or 2 feet above the top of the curb. The side yard setback areas should NOT be designed and built to carry the storm water from the back yard to the front yard through the use of side yard swales because that will cause the height

of the side yard fences to be reduced below the 6-foot sight line height requirement.

- (2) For those Lots which do back onto the hike and bike trail, the drainage design should provide for the back yard storm water to drain to the storm sewers located on the hike and bike trail and for the front yard storm water to drain into the storm sewer on the street. The Owner must therefore grade the Lot to provide for 1% even drainage slope from back yard to front yard. The finish grade elevation must be 2.17 feet (or 32,17 feet when compared to the street elevation) and the top of the main Dwelling slab should be set at 2.5 feet above the street or 2 feet above the top of the curb. The side yard setback areas should NOT be designed and built to carry the storm water to either the back yard or the front yard through the use of side yard swales because that will cause the height of the side yard fences to be reduced below the 6-foot sight line height requirement. To the extent necessary, the back yard setback areas should be constructed so as to not impede or obstruct the flow of the back yard storm water to the hike and bike area.

## **8.0 ARCHITECTURAL GUIDELINES**

Good building design, along with the natural site characteristics, helps establish a positive identity for a community. An image is initially established through subdivision planning and landscape design. However, it is the construction of well-designed Dwellings that completes the picture. These Guidelines provide a framework for establishing consistency throughout Madeira. Attention to detail is critical in achieving this desired image.

### **8.1 Code and Declaration Compliance.**

Neither Declarant, nor the Association, nor the ARC is responsible for assuring or verifying that the Owner is in compliance with the codes, ordinances, and requirements of (1) the City of Brownsville; (2) FEMA; (3) the Texas Windstorm Insurance Association; (4) the Declaration; or (5) these Guidelines, or for assuring or verifying compliance with any federal, state, or local laws or requirements (collectively the "*Building Requirements*"). Compliance with the Building Requirements is the sole responsibility of the Owner.

### **8.2 Dwelling Size.**

The Enclosed Living Area of any one story Dwelling must be a minimum of 1,750 square feet and a maximum of 3,400 square feet.

Two story Dwellings may be built on certain Lots, subject to the sole discretion of the ARC, provided that such two story dwellings are situated in a manner which does not conflict with the ambience created by the surrounding Dwellings. The enclosed air-conditioned "living" space of any two-story Dwelling must be a minimum of 1,750 square feet and a maximum of 3,400 square feet.

In certain instances, the Board may, but is not obligated to, authorize a Dwelling with a larger Enclosed Living Area if the Dwelling is on a larger than normal Lot and if the Dwelling design does not conflict with the compatibility of the other neighboring residences.

### **8.3 Façade Design Requirements.**

#### **8.3.1. Goals.**

The goal is to design Dwellings that relate to their surroundings to create a harmonious blend of the built and natural environment within the Madeira and South Texas context. Scenic view compatibility should be considered in determining Dwelling location; however, view protection is not guaranteed. Neither Declarant nor the Association has a duty to protect a specific view.

#### **8.3.2 Requirements.**

The exterior and perimeter walls of a Dwelling must be constructed in conformance with the requirements set out in Section 8.6 of these Guidelines.

The use of recessed windows and the expression of columns and beams that create shadow and texture are encouraged to establish residential scale. Break up the elevations to provide shadow relief. Use recessed areas, offsets and "popped out" areas to create interest.

Colors must be approved by the ARC. Warm, earth-tone neutrals are required, with muted, complimentary colors suggested as accents. Bright, flashy colors or materials, such as reflective glass or shiny tile, are not permitted. Different color schemes are required on elevations that are repeated in the Property.

Different Masonry colors are required for the 2 Dwellings adjacent on each side of a subject Dwelling and the Dwellings directly opposite (across the street) from the subject Dwelling. A Masonry color, or one deemed too similar by the ARC, may not be used more than twice in any block. Stone (any color) may occur twice in a four-Dwelling block but may not be located to either side of the subject Dwelling.

The same Dwelling plan, regardless of elevation, may not be constructed within 2 Dwellings adjacent on either side or the 3 Dwellings directly opposite from the subject Dwelling. Variances may be considered on an individual basis for dramatically different elevations. A variance request form must be submitted to the Board for review and approval before site plan submittal.

Address number must be clearly indicated on the front of the Dwelling and must be illuminated. The use of pre-cast stone address blocks is encouraged.

The ARC must approve in writing all awnings.

## 8.4 Dwelling Elevation Requirements.

### 8.4.1 Goals.

Dwellings should be of a compatible height profile throughout Madeira to promote a residential character. Promoting scenic views from the maximum number of existing and proposed building sites is a Madeira goal.

### 8.4.2 Dwelling Floor Elevation.

The elevation at the top of the concrete slab floor of each Dwelling must be 24 inches above the top of the curb elevation (top of curb at middle of the property).

### 8.4.3 Garage Floor Elevation.

The elevation at the top of the garage floor must be between 18 inches and 20 inches above the top of the curb elevation (top of curb at the middle of the property). (See Exhibit E-1 and Exhibit E-2).

### 8.4.4 Ceiling Heights.

The ceiling height (finished floor to finished ceiling) of all Dwellings must be a **minimum of 9 feet and a maximum of 10 feet** (variance of 2 inches higher is allowed).

### 8.4.5 Ceiling Height Exceptions.

Exception Note 1: Ceiling heights at all ceilings that are either 9 feet or 10 feet in elevation height may have vaulted ceilings above the top wall plates to a maximum of 14 feet in elevation.

Exception Note 2: Ceilings at larger living areas, or in the main entry, may be higher, but (1) may not exceed 14 feet in total height, and (2) must be located near the middle portion of the Dwelling or façade.

### 8.4.6 Area Above Ceilings.

No occupied or usable space will be allowed above the ceiling.

Exception Note 1: Ceilings may be "vaulted" and project into the attic area.

Exception Note 2: Structurally engineered storage above a garage ceiling, accessible by an attic ladder, will be allowed.

### 8.4.7 Maximum Building Height.

No portion of any one-story single-family Dwelling will be allowed to exceed 22 feet in height elevation above the top of the slab floor. No portion of any two-story single-family Dwelling will be allowed to exceed 32 feet in height elevation above the top of the slab floor.

## 8.5 Roof Design Requirements.

### 8.5.1 Goals.

Roof profiles and roof treatments are to be visually integrated into the overall design concept. Careful consideration is to be given to roof design elements. Roofs often are the dominant visual element in a cluster Lot neighborhood where the Dwellings are closely spaced.

### 8.5.2 Guidelines.

A variety of rooflines is encouraged, both throughout the Property and on individual Dwellings. Consider varying both roof pitch and orientation. Complexity and variety will help to make an interesting streetscape.

Eaves and overhangs, designed to afford protection from the elements and provide shadow relief are encouraged. Exposed venting, stacks, and piping may not penetrate the roof on any roof slope facing a street except as noted below:

- 1) In locations where the backside of the Dwelling abuts a street, all exposed venting, stacks, and piping should penetrate the roof on interior side-yard facing elevations (where the roof design allows).
- 2) Fixed dormer attic ventilating devices.

Roof-mounted mechanical equipment may not extend above the highest architectural element or be mounted on any elevation facing the street. Skylights are allowed, provided they are "in scale" with the Dwelling and do not create a visual eyesore or are visible from the street. All projections or fixtures mounted to or penetrating the roof should be eliminated from view to the extent possible.

### 8.5.3 Requirements.

#### 1) Roof Design.

Roof venting stacks, piping, and other penetrations or other appurtenances must not distract from the overall roof elevation appearance. Projections must be trimmed square and clean. Lift top turbine style ventilators are acceptable if they are not visible from Public View. Skylights are allowed, provided they are "in scale" with the Dwelling, do not create a visual eyesore and are not visible from the street. All projections or fixtures mounted to or penetrating the roof should be minimized from Public View.

#### 2) Roof Colors.

Roofs must be an earth tone color. A range of earth tone shades in each section of the Property is recommended. Roofs in primary colors are prohibited. The color of each roof must be consistent and compatible with all roofs within Madeira and must receive prior written ARC approval. **The only ARC approved roof colors are Teak, Onyx Black, and Driftwood.**



All roof projections must match the color of the surface from which they project or must be an approved color. Gutters and downspouts must be a complimentary color to the exterior materials on the Dwelling and must blend in and not be visible. The guttering and downspouts must be the same colors as the fascia trim color. All skylights must be submitted to the ARC for review and prior written approval before installation.

3) Roof Pitch, Shapes, and Slopes.

The pitch (slope) of all roofs must be a **minimum of 5:12 slope and a maximum of 7:12 slope**. The following roofs have acceptable shapes: Gable Roofs and Hip Roofs. Exception to sloped roofs: flat roofs may ONLY be used as architectural features or short projections from the side street façade of the Dwelling. Flat roofs must have a slope of between ½” to 12” and 2” to 12”. Flat roofs must have prior written approval from the ARC prior to construction.

4) Roofing Material.

All roof material must be approved by the ARC. The following roofing materials are acceptable:

- a. Composition shingles must be **Owens Corning Brand** and must be used on all sloped roofs. A minimum of “300 pound” shingles (shingles per roofing square) is required and such shingles must have a 30-year minimum warranty and be laminated “Architectural” grade dimensional.
- b. TPO (Thermoplastic Polyolefin) Roofing – A single ply membrane (minimum 60 mil thickness) must be used over flat roofs.
- c. Seamed Metal Roofing – Either galvanized metal, “Galvalume,” or aluminum standing seam roofing will be allowed as dormers only or accent roofs and must be pre-approved for use by the ARC. The color of any Seamed Metal Roofing *must be preapproved in writing by the ARC* prior to being ordered or installed. White or gray Seamed Metal Roofing, if used, is recommended.

5) Prohibited Roof Materials.

Prohibited materials include, but are not limited to, asbestos, wood shakes, wood shingles, corrugated materials, concrete or clay roofs, and all types of reflective metals.

6) Roof Projections into side and rear yard setbacks.

Roof overhangs (horizontal projections) are allowed to project a maximum of 24 inches into side and rear yards (See **Exhibit F** attached). Guttering may extend a maximum of 6 inches beyond the end of any roof projection, but roof projections, including guttering, may extend into the side yard and rear yard setbacks a maximum of 24 inches (See **Exhibit F** attached). **A roof projection or guttering may not extend or project into the front yard setback of any Lot.**

7) Roof Penetrations.

Flues, plumbing vent stacks, exhaust vents, and other items that penetrate the roof must locate those penetrations on the rear or back side of the roof. No roof penetration should be visible from the curb or street side of the Dwelling.

**8.6 Exterior or Perimeter Wall Construction.**

**8.6.1 *Wall Construction Materials.***

All perimeter and exterior walls of all Improvements (Dwellings, garages, towers, gazebos, etc.) must be constructed of either (i) wood-framed conventional framing; (ii) CMU (concrete Masonry units), or (iii) ICF (insulated concrete forms) type construction. Walls must be engineered for structural and windstorm compliance.

**8.6.2 *Exterior Wall Finish and Materials.***

At least 70% aggregate total of the exterior walls of a Dwelling must be Masonry. Master plans are approved with the Masonry elevations as submitted. If changes in the Masonry configuration are made, an elevation noting the Masonry changes must be submitted with the site plan application. This includes any Masonry accents added around doors or windows, as well as a change in Masonry types. This does not apply if the change is made from stone to brick, or vice versa.

*Note:* Exterior window and door surrounds and trims, wainscot trim, entablature moldings, horizontal wall moldings, or other special trims may be constructed from the following materials: (1) stone or (2) rigid foam moldings with reinforced mesh and Stucco (or textured acrylic finish).

For single story Dwellings, any portion of the exterior which faces a street (including a side or rear façade) must be 100% Masonry and a single material type to match the Masonry (i.e., stone on the front requires stone on the back), unless submitted to and approved by the ARC in writing. This requirement applies to Lots backing up to major streets or Lots which have permanent Open Space to either side or on the rear façade when the Dwelling is visible from a street. This requirement may be modified in areas of specific architectural treatment or detailing created for particular design interest. These areas must be approved by the ARC.

For two-story Dwellings, any portion of the exterior which faces a street (including a side or rear façade) must be 100% Masonry and a single material type to match the first floor Masonry (i.e., stone on the first floor requires stone on the second floor), unless submitted to and approved by the ARC in writing. This requirement applies to Lots backing up to major streets or Lots which have permanent Open Space to either side or on the rear façade when the Dwelling is visible from a street. This requirement may be modified in areas of specific architectural treatment or detailing created for particular design interest. These areas must be approved by the ARC.

Exterior façade materials must be natural and authentic or specifically approved. Painted brick may be used if permitted in writing by the ARC; however, German Smear is allowed.

Approved exterior wall finishes: (1) Natural Stone; (2) Brick; (3) Stucco, or Textured Acrylic Finish System (TAFS); (4) Hardie Board and Batt; and (5) Hardie horizontal board siding.

Prohibited exterior wall materials include, but are not limited to, exposed smooth-faced concrete blocks, plywood, log, plastic or Masonite sheeting, vinyl siding, and metal siding.

#### **8.6.3 Exterior Wall Colors.**

The ARC approved choices of exterior wall colors and stucco colors are described on **Exhibit G**.

#### **8.6.4 Exterior Trim Colors.**

The ARC approved choices of exterior trim colors are described on **Exhibit G**.

### **8.7 Exterior Windows and Doors.**

#### **8.7.1 Exterior Windows and Doors.**

*Materials* – All exterior doors (except the garage and front door) and windows must be constructed of all vinyl, vinyl clad materials, or fiberglass. It is recommended that all window and door hardware (except for operating handles) be concealed (not exposed to weather). Operating hardware should be corrosive resistant.

#### **8.7.2 Window Types.**

Only (1) out-swinging casement type windows; (2) single or double hung windows; and (3) fixed windows are acceptable. Note: Only casement or fixed windows will be allowed to be used on the front façade of the Dwelling (or garage). The approved window types are set out on **Exhibit H** attached to these Guidelines.

#### **8.7.3 Façade Window Shape and Proportions.**

All windows on the front façade of a Dwelling will have a vertical appearance with the width of the window measuring 50% (or less) of the height dimension of the window. (See **Exhibit H** attached). Note: Comply with IRC 5.7 square foot egress requirement where needed at appropriate exits.

#### **8.7.4 Exterior Door Types.**

Sliding glass doors, French swinging glass doors, or atrium glass doors will be approved as “patio door types.” Fixed glass door panels may be used in combination with any of the approved types listed above. Solid wood, fiberglass, vinyl clad, or steel doors will be approved for use at the main entry to the Dwelling and for the garage doors.

#### 8.7.5 *Texas Windstorm Compliance.*

The Owner must assure that all windows and glass doors utilize the approved options for compliance with Texas Windstorm requirements. The design options available include (i) the use of impact rated glazing for a Coastal 1 geographic location (Madeira); (ii) the use of an impact rated shuttering system that is architecturally compatible with the design of the Dwelling (such as swinging shutters or Bahama shutters); or (iii) the use of approved plywood inserts (or plugs) into the exterior window frame opening, secured with attachment to the framing. Option 3 requires the storage of plywood "plugs," usually in the garage or a storage facility on site, and it is the responsibility of the Owner to install the plywood plugs during a storm threat. It is the Owner's sole responsibility to assure that windstorm compliance is confirmed by a Texas registered structural engineer who will issue a Windstorm Certification upon completion of the Dwelling.

#### 8.7.6 *Door and Window Colors.*

The ARC approved choices of exterior window and door color are black, bronze, white, and almond. The glass must be non-reflective with a clear or light gray tint. **The use of black color windows, however, is restricted to the Sherwin Williams SW6258, Tricorn Black, ProMar 200 color. Moreover, this black color is only to be used to match or complement the window and door frames if ordered in black and can only be applied to (i) fascia board at the eave, (ii) shutters or architectural attic vent louvers. All other window and door frames must use trim colors that are NOT black.**

#### 8.7.7 *Door and Window Installation.*

It is recommended that exterior doors and windows be recessed (in their openings) from the exterior wall façade surface. Extra care should be taken when water-proofing and sealing exterior windows and doors.

#### 8.7.8 *Divided Lights/Grills.*

Divided lights and muntins (grills) are approved for use. True divided lights are recommended but applied simulated muntin will be approved if the muntins are applied to both the interior and exterior surfaces of the windows or doors. Muntin design and placement must match the architectural style of the Dwelling.

#### 8.7.9 *Glazing.*

It is recommended that no tinting be applied to the glazing of windows and doors. If desired, a very light grey tint will be allowed on window and exterior door glass, subject to prior written approval by the ARC. After-market "films" or non-reflective applications will NOT be permitted on any glazing.

## **8.8 Driveways, Walkways, Verandas, and Patios.**

### **8.8.1 Goals.**

Vehicle parking location and driveway design should be both functional and ancillary to the residential development.

### **8.8.2 Requirements.**

Only one driveway and approach per Lot is permitted. Double or circular drives must be submitted to the ARC for review and prior written approval before installation. In all cases, a driveway must maintain at least a 5-inch distance from the side property line.

### **8.8.3 Materials.**

Cast in place concrete (“broom finish”) or stamped (but uncolored) concrete, and concrete pavers are acceptable materials to be used at all driveways and sidewalks. Front yard walkways, driveways, and parking areas must be constructed at a minimum with a textured finish; (i.e., broom or trowel finished concrete). Asphalt driveways and parking areas are prohibited.

Cast in place concrete (“broom finish”), stamped concrete, and concrete pavers are acceptable materials to be used at all pool decks, verandas, and patios. The color of the materials used in these areas must be approved by the ARC.

### **8.8.4 Patterns and Colors.**

The ARC approved patterns of exterior pavers to be used for the driveway and front walkways are: (1) Venetian; (2) Villa; or (3) Vintage (see “Pavestone” catalog or on-line information). The colors of the selected paver pattern must be submitted to the ARC for approval before use. No other colored pavers, stained or painted concrete driveways, parking areas, or walkways are permitted.

### **8.8.5 Driveway and Walkway Paver Pattern.**

If the Owner desires to use pavers for the driveway and front walkways, the approved stone pattern for the pavers will be either (1) Venetian; (2) Plaza; or (3) Vintage (see “Pavestone” catalog or online information).

### **8.8.6 Elevation.**

Driveways must permit entry by standard mid-size vehicles without “bottoming out” in the transition area between the curb and property line (or sidewalk) as well as the driveway area between the property line and garage. The finish grading process must conceal exposed edges of driveways and parking areas. Most importantly, where driveways cross any walkways (e.g., sidewalks) near the street, the cross-slope elevation of the sidewalk may not exceed 2% in order to maintain compliance with Texas Accessibility Standards (“TSA”) and American with

Disability Act ("ADA") standards.

## **8.9 Garages.**

### **8.9.1 *Number of Garages.***

All Dwellings must have garages that will hold a minimum of 2 vehicles. No tandem garage parking will be permitted.

### **8.9.2 *Size of Garage Doors.***

Recommended minimum size for garage door openings is 9 feet wide by 8 feet high for single car garage doors, and 16 feet (or 18 feet wide) by 8 feet high for double car garage doors. Any doors over these dimensions must be submitted to the ARC for prior written approval.

### **8.9.3 *Garage Door Material.***

It is recommended that garage doors be constructed of a composite or fiberglass material and have non-corrosive hardware. Steel garage doors may be permitted if a "premium" high-quality steel door brand is offered to be used and the ARC approves of its use in writing. Garage exterior walls must be constructed of the same materials and have the same architectural style as the rest of the Dwelling. All garage doors must be of a sectional type with smooth finished panels only unless prior approval is given by the ARC. All garage doors must be windstorm rated for the geographic area.

### **8.9.4 *Garage Door Design.***

The Owner must submit the design (and material) of the garage door(s) to the ARC for prior written approval. "Carriage House" garage door designs are recommended with faux aluminum hardware (hinges, handles, and clavos). This information can be noted on the plan elevation. If the design of the Dwelling provides for a "front-loaded" garage, the ARC will require a nicer design and quality for the garage door because it will be more visible than the door of a "side loaded" garage. The approval of the design and quality of the front-loaded garage will be at the sole discretion of the ARC.

### **8.9.5 *Garage Door Color.***

Garage door color must be neutral in appearance and must match or blend with the trim and exterior wall colors selected for the Dwelling. The proposed color must be submitted to the ARC for approval before use.

### **8.9.6 *Garage Placement.***

Dwellings on corner Lots must be oriented so garages are located adjacent to the interior property line on the Lot (away from the street corner). Side entry garages on corner Lots must be detached at the rear of the Lot or placed at the end of the Dwelling opposite from the street corner.

Garages with more than 2 car capacity are allowed based upon plan and site conditions, provided such garages receive prior written approval from the ARC.

## **8.10 Parking.**

### **8.10.1 Goals.**

Minimize cars and other vehicles from dominating the streetscape zone.

Vehicle parking location and driveway design should be both functional and ancillary to the residential development.

### **8.10.2 Requirements – Number of Parking Spaces.**

In addition to the required garage parking spaces for 2 vehicles, parking for 2 additional vehicles must be available in the driveway from the street.

### **8.10.3 Guidelines.**

Garages, whether detached or attached to the Dwelling, should relate in a positive coherent manner. Side entry garages and detached rear garages are strongly encouraged on all Lots when possible.

Detached garages located towards the rear of the Lot are encouraged to vary the streetscape. Variances to building setbacks may be considered by the Board in order to help encourage detached garages. Setback adjustments will be considered on a case-by-case basis.

A variety of garage doors is encouraged in each section of the Property, including double doors and side-by-side single doors. Twin single garage doors are encouraged as an alternative to one large double door.

## **8.11 Air-Conditioning Unit Locations.**

Air-conditioning condensing units must be placed in an area on the Lot that is away from outdoor patios, verandas, and play areas. Owners may elect to provide a mechanical closet to hold the air-conditioning condensing unit(s) that is located within the garage (or within the main Dwelling on the Lot with adequate in-take and exhaust design). Air conditioning condensing units may be located within a side yard setback, but particular attention must be taken to determine whether the noise will disturb the neighbors. No air conditioning condensing units will be allowed to be visible from the street or mounted on the roof. This requirement is intended to reduce visibility of the air conditioning condensing unit, reduce noise, and protect the unit from air salinity and accelerated corrosion. If an air conditioning condensing unit is placed on a side yard, then the side yard must be 7 feet wide.

## **8.12 Chimneys, Fireplaces, and Propane Tanks.**

### **8.12.1 Goals.**

Chimneys are important in the design of a Dwelling because they are usually the tallest vertical architectural element, sometimes rising well above the peak of the roof. As such, chimneys should be carefully designed so that they become a positive feature of the Dwelling's design.

### **8.12.2 Chimney Materials.**

All exterior and interior chimneys must be constructed of 100% of the following approved products: brick, stone, Stucco, or approved substitution, such as cement fiber board lap siding. Chimneys must complement the exterior material on the Dwelling in color and material. Chimney height must be designed as required by all applicable building codes and governing jurisdictions with regards to venting and fire safety.

### **8.12.3 Gas Fireplaces.**

Gas fireplaces are allowed. No wood burning fireplaces are permitted.

### **8.12.4 Propane Tanks.**

No above ground or below ground propane tanks will be allowed.

## **8.13 Awnings and Shading Devices.**

The design and location of window or door awnings and shading devices must be reviewed and approved by the ARC in writing. The use of awnings and Bahama shutters is encouraged for energy savings considerations. Label these devices on the submitted plans.

## **8.14 Swimming Pools.**

It is recommended that swimming pools be positioned on the site within rear yard areas in order to maximize privacy and minimize the transfer of noise to adjoining Lots.

### **8.14.1 Types.**

Only in-ground swimming pools may be permitted. Above ground pools are prohibited.

### **8.14.2 Equipment Placement.**

All swimming pool equipment must be placed in one of the following locations: (1) at an exterior closet of the garage (2) in a buried vault at an inconspicuous location, (3) at an exterior closet of the main Dwelling on the Lot, or (4) concealed in a waterfall or other architectural feature near the pool (with approval by the ARC). Where possible, keep noise of running pool equipment away from neighbors' recreational area.



### 8.14.3 *Swimming Pool Fencing.*

Swimming pool fencing is addressed in detail in the Swimming Pool Enclosures Policy for the Association, recorded or to be recorded in the Official Public Records of Cameron County, Texas.

### 8.14.4 *Dimensions.*

The pool coping and main deck elevation may not extend above the adjoining grade line more than 3 inches. Pool accessory structures, i.e., waterfalls, grotto slides, slides, and caves may not exceed 6 feet in height above natural grade. The pool, spa, patio, or pool accessory may not be erected any closer to the property line than 5 feet.

### 8.14.5 *Cabanas and Pergolas.*

For covered accessory Improvements (i.e., cabanas, arbors, pergolas, palapas, etc.) which exceed 10 feet in height, the portion over 10 feet in height may not be any closer to any side or rear property line than 10 feet, while the remaining portion under 10 feet in height may be no less than 5 feet from any side or rear property line. Additional screening may be required, at the discretion of the ARC.

## 8.15 **Hot Tubs.**

It is recommended that hot tubs be positioned on the site within the rear yard, or courtyard area in order to maximize privacy and minimize the transfer of noise to adjoining Lots.

### 8.15.1 *Types.*

In ground hot tubs and above ground hot tubs are allowed.

### 8.15.2 *Equipment.*

Hot tub equipment must be located (1) inside the garage; (2) in a buried vault at an inconspicuous location; or (3) at an exterior closet of the main Dwelling on the Lot.

## 8.16 **Fences, Gates, and Privacy Walls.**

### 8.16.1 *Goals.*

Fences, gates, and walls are designed for separation of functional activities, screening, and privacy. Fencing and walls should either be located such that they are unobtrusive or designed as an integrated and complimentary architectural design element. "*Fencing Improvements*" are defined as: 1) the construction and installation of the fence and appurtenances, as well as 2) removal or alteration of an existing fence.8.16.2 *ARC Approval Required.*

The ARC must approve all front and side yard Fencing Improvements which differ from the standard approved fencing, which is attached as **Exhibit I-1** ("*Standard Approved Fencing*"). Such submittal and approval must include, but is not limited to, approval of the design, details, heights, material selection, and color selection (paint or stain). The ARC may, in its discretion, prohibit the construction of any other proposed fence or require that any other proposed fence be screened by vegetation or otherwise so as not to be visible from Public View.

#### 8.16.3 *Fencing Locations.*

Fences or privacy walls are required on all Lots. Fences abutting a street or visible from Public View must be constructed with the finished side facing the street, Open Space, or Common Area. Fences may be double-faced. (See **Exhibit I-1**). The ARC approved fence for fence design and material must match the available options for continuity within the Property.

#### 8.16.4 *Fence Types and Heights.*

Fences are required "enclosing" the rear and side yard of each Lot.

#### **The ARC approved fence and privacy wall designs are:**

***Rear Fences:*** Rear Fences which back onto a hike or bike area or Open Space or any area visible from the street must consist of a vinyl or composite type fencing material and must be approved by the ARC (the "*Composite Fencing*").

Rear Fences which do not back onto a hike or bike area or Open Space or any area visible from the street may consist of (i) Composite Fencing, (ii) Standard Approved Fencing, or (iii) any other type of fencing pre-approved in writing by the ARC based on submittals by the Owner of the proposed design, details, heights, material selection, and color selection (paint or stain).

Rear fence heights may vary, but the height of the fence at the rear property line will be a minimum of 6 feet above grade and a maximum of 8 feet above grade.

***Wing Wall Fences:*** All Lots will be required to have a Wing Wall fence which extends from the edge of the Dwelling, at the proper setback location as described in Section 8.16.5 of these Guidelines, to the Side Yard Fence. The Wing Wall Fence must consist of the same type of Composite Fencing as utilized on the Rear Fences; provided, however, that the ARC may, in its sole discretion, approve Wing Walls consisting of materials other than Composite Fencing, taking into consideration factors including, but not limited to, the size and location of the Wing Wall on the Lot, the location of the Lot within Madeira-Phase 1, the existing fencing on the Lot, and the visibility of the Wing Wall from Public View.

***Side Yard Fences:*** Side yard and front yard fences may consist of (i) Composite Fencing, (ii) Standard Approved Fencing (See **Exhibit I-1**) or (iii) any other type of fencing **pre-approved in writing by the ARC** based on submittals by the Owner of the proposed design, details, heights, material selection, and color selection (paint or stain). Side yard fencing, in any event, must be a minimum of 6 feet above grade.

**Types of Posts:** The Owner is responsible for assuring that the structural integrity of any fence erected on the Lot is approved by the Owner engineer. In all events, all posts must be a minimum of 4 feet deep underground and secured in 12-inch diameter concrete piers (depth determined by the Owner structural engineer). Construction standards for fences will be consistent throughout Madeira.

#### **8.16.5 Fence Setbacks and Placement.**

The fence may not extend nearer to a street side of the Dwelling than 14 feet behind the front wall of the Dwelling and not nearer to any front street than the minimum set back line plus 14 feet. Any fence to be constructed on a Lot, other than the required fence, requires the prior written approval of the ARC. A fence may not be located within a front street building setback. The site plan must show the fence location and indicate the method that the fence will be screened with existing or proposed plant material to soften the visual impact of a fence in close proximity to the street. For any fences built on a Lot which is on a corner, the fence placement requirements must conform to the requirements set forth in Exhibit I-2. For any changes in fencing elevation, the fence elevation changes must be constructed in accordance with the requirements set forth in Exhibit I-3.

#### **8.16.6 Prohibited Fencing.**

Chain link fencing is not permitted except in areas specifically required by governing agencies. As an exception, chain link fencing is permitted at tennis courts, lift stations, and major water or waste water infrastructure apparatuses but must be appropriately screened with approved fabric, mesh, or landscape screening. No plastic or wire fences are permitted.

#### **8.16.7 Gate Requirements.**

Gates must be constructed of the same materials as the fence they are being installed in. Decorative or ornate hardware on the gate must be submitted to the ARC for approval. Gate openings are limited to a single gate not to exceed 4 feet in width or a double gate not to exceed 7 feet in width. One gate opening will be allowed on each side of the Dwelling. No gates will be allowed into Common Areas.

#### **8.17 Flag Poles.**

The display of flags and use of flag poles are discussed in detail in the Flag Display Policy for the Association, recorded or to be recorded in the Official Public Records of Cameron County, Texas.

#### **8.18 Site Statuary, Artwork, Fountains, and Water Features.**

Site statuary, art work, fountains, and water features will not be permitted within the front yard of any Lot. If desired, statuary, artwork, fountains and water features may be located within fenced rear yard as long as the objects are not visible from adjoining yards. The maximum height of site statuary, site art, fountains or water features is 5 feet above the main floor elevation of the

Dwelling.

## **8.19 Drainage, Finish Grade, and Yard Elevations.**

### **8.19.1 *Yard Elevations.***

It is required that the finish grade and yard elevations be consistent at all adjoining properties in order to avoid unequal storm water drainage to lower elevations on an adjoining Lot. Drainage is intended to run from the back yard toward the front street. However, for those Lots whose back yard abuts the hike and bike trail, the drainage for the street side half of the Lot is intended to run from the middle of the Lot toward the front street while the drainage for the hike and bike side half of the Lot is intended to run from the middle of the Lot toward the back of the Lot.

### **8.19.2 *Roof and Site Drainage.***

All roof and site drainage must be directed toward the street where possible. On Lots bordering the hike and bike trails and streets at the rear Lot line, drainage may be adjusted to move both to the rear of the property and the front street side of the properties with a crest near the middle of each Lot. Guttering, downspouts, and drainage from the roofs and the site must divert all water collected toward the front street and, if the Lot adjoins a hike and bike trail, toward the rear of the Owner's Lot. It is also recommended that the Owner provide "area drains" for collection of surface rain water in enclosed courtyards or low areas on the Lot that could collect standing water.

## **8.20 Rainwater Collection and Drainage.**

The use of rain barrels is addressed in detail in the Rain Barrel Policy for the Association, recorded or to be recorded in the Official Public Records of Cameron County, Texas.

## **8.21 Solar Energy Device Requirements.**

The use and installation of solar energy devices (e.g., solar panels) are addressed in detail in the Solar Energy Devices and Roofing Materials Policy for the Association, recorded or to be recorded in the Official Public Records of Cameron County, Texas.

Flat-glass type sky lights are acceptable but must not exceed 10% of the entire roof area. "Bubble" or dome type skylights will not be allowed. The glass, frame, flashing, and other skylight materials must blend with the roof.

## **8.22 Satellite Dishes.**

Exterior antenna, aerial, satellite dishes, and other apparatuses for the reception of television, radio, satellite, or other signals are addressed in detail in the Declaration.

### 8.23 Foundation Requirements.

The Owner is *responsible* for assuring that the Dwelling is constructed with a structural cast-in-place reinforced concrete "slab floor on grade" foundation, with sub surface grade beams (and if required, supported by augured concrete pilings). The Owner is responsible for assuring that the foundation is designed by a Texas registered structural engineer whose seal must be affixed to the submitted foundation plan and which engineer must have consulted with a geotechnical engineer in order to obtain and utilize the proper design specifications for the construction of the foundation.

### 8.24 Sidewalks and Entry Walks.

#### 8.24.1 Goals.

Sidewalk design which provides a functional and aesthetically pleasing means of pedestrian circulation.

Walks provide an important link between the driveway and the Dwelling's front door as well as along public streets. In general, the location of street sidewalks must provide for a landscape-planting separation immediately behind the street curb. Plant height must be maintained below 30 inches. Only approved ornamental trees may be located in this separation zone.

#### 8.24.2 Requirements.

Sidewalks are required within the street right-of-way as designated on the applicable plat and Lot Book. Sidewalks and entry walks must be constructed of broom or trowel finish concrete as a minimum level finish. The Owner may not disturb or modify the sidewalk since it shall constitute a public improvement.

Asphalt sidewalks are prohibited. The Owner is responsible for required street sidewalk construction by the completion date of Dwelling construction and prior to occupancy. Colored or stained sidewalks are not approved or allowed.

### 8.25 Screening.

#### 8.25.1 Goals.

Shielding unsightly areas from Public View.

#### 8.25.2 Requirements.

Areas that require screening include, but are not limited to, transformers, utility pedestals, lift stations, meters, air conditioning units, and garbage can storage areas.

Utility meters must be located on side or rear elevations of the Dwelling. The meters, if visible from the street, must be screened with shrubs. If it is not feasible to screen the meter with shrubs, it must be painted to match the color of the surface to which it is mounted. All meters on

sides of the Dwelling must be painted. Evergreen shrubs, which are 18 inches to 24 inches at installation (5-gallon) and reach 4 feet to 5 feet height at maturity, must be used to screen utility boxes that are within 20 feet of the curb.

All trash, rubbish, refuse, and recycling containers and trash cans must be screened from Public View (subject to the Declaration) by being stored in a garage, behind a solid fence or wall, or by another method that has been approved by the ARC.

#### 8.25.3 *Guidelines.*

Items requiring screening (see above) should be located on the rear or side yards when possible. These elements should be integrated into the Lot design. Methods of screening include the use of trees, hedges, shrubs, and fences. When plant material is used for screening, the material should be included in the overall landscape design and should be of an evergreen nature to provide screening year around. Screened areas should be adequately ventilated.

#### 8.26 **Site Lighting.**

##### 8.26.1 *Goals.*

**Site lighting should complement and reinforce the residential quality of Madeira and must comply with all applicable “dark sky” criteria.** Choice of fixtures should reflect the design theme of the Dwelling and the overall design character of Madeira. Courtyards and outdoor seating areas should be lighted to promote pedestrian use. Above-grade junction boxes for walk lights placed in grass areas or adjacent to walkways in shrub or ground cover areas may be used, provided the boxes are hidden from view by shrubs or landscape means. Lighting variety is encouraged to create design interest in conjunction with the character and lighting function.

##### 8.26.2 *Requirements.*

All Dwelling entries must be adequately lit and comply with all applicable “dark sky” criteria established by the ARC. Prior written approval from the ARC is required for all outdoor lighting.

Lights must be positioned and properly hooded towards the Dwelling’s or Lot’s yard so that light does not spill over into a neighbor’s property or public areas or face into street rights of way. All security or floodlighting attached to a Dwelling must be screened or shielded so that the light source is not visible from neighboring Lots. If the fixture is to be mounted directly to the wall of the Improvement, then it must blend with the existing material on the wall. No galvanized fixtures will be allowed.

The color of entry and landscape lighting must be white or off-white. No primary color lenses or bulbs may be used. Exterior lighting color should be near 3000 Kelvin.

Pole mounted floodlights are prohibited. High intensity lights are prohibited. Tennis court and sport court lighting are prohibited (except for courts in Common Areas).

## 8.27 Accessory Structures.

### 8.27.1 Goals.

Accessory structures designed for miscellaneous uses should be screened, not visible, and architecturally pleasing.

### 8.27.2 Requirements.

Examples of accessory structures include storage buildings, playscape structures, gazebo and trellis structures, outdoor kitchens, outdoor fireplaces and firepits, and trampolines. These Improvements are not permitted in the front yard of Lots. Views of these Improvements installed on corner Lots must be reduced from public streets and adjoining Lots and may require additional screening to soften the appearance at the ARC's discretion. Locate accessory structures so vegetation and slope conditions help in screening them from the street and adjacent Lots. Treehouses are not permitted.

Owners must receive prior written ARC approval before installing any accessory structure on their Lot. Please see the modification application for specific submittal requirements.

Accessory structures may not be located any closer to a property line than the established building setbacks. In general, accessory structures must be a minimum of 5 feet from the side or rear property line.

### 8.27.3 Playscape Structures.

Playscapes are reviewed on an individual basis by the ARC, but the following requirements should be kept in mind when designing or selecting a playscape:

- 1) The primary material for the playscape structure must be constructed with a lumber that resists rotting and deterioration, i.e., redwood or treated lumber. Metal playscapes and swing sets are prohibited.
- 2) Canopies on the playscape must be a solid color, preferably green or an earth tone. In all cases, the playscape may not exceed 15 feet in height.
- 3) Setbacks for playscapes up to 10 feet in height are to be no less than 5 feet from each side or rear property line. For playscapes, which exceed 10 feet in height, the portion over 10 feet in height may not be any closer to the side or rear property lines than 10 feet, while the remaining portion under 10 feet in height may be no less than 5 feet from the side or rear property lines. Additional screening may be required, at the discretion of the ARC. Playscapes in rear or side yards adjacent to open areas may not be installed any closer to the rear property line than 25 feet.

#### 8.27.4 *Storage Structures.*

Accessory storage structures may be constructed only with prior written ARC approval. The ARC, prior to installation, must approve design and location of storage structures. Storage structures must be residential type construction with roofing, paint color, and other construction materials and details that match the Dwelling. Vertical siding is prohibited. The peak of the structure may be a maximum of 8 feet, 6 inches from the ground and the sides a maximum of 6 feet above finish grade.

Storage structures may not be erected any closer to the property line than 5 feet. Maximum storage structure size is 8 feet by 10 feet. Metal and "barn-like" storage structures are prohibited.

#### 8.27.5 *Miscellaneous Structures.*

Non-portable basketball goals are not permitted in the front yard but are permitted in the back yard of a Lot. The backboard attachment to the roof or other parts of the Dwelling is not permitted. A single portable basketball goal is allowed provided it is stored on the driveway of the Lot no less than 20 feet from the back of curb and it has received the prior written approval from the ARC.

Trampolines, whether portable or non-portable, are not permitted in the front yard of a Lot but are permitted in the back yard, provided that they are placed no closer than 10 feet from any property line.

Patio covers and greenhouses must be of a high-quality approved material, specifically designed for that use and must receive written ARC approval prior to installation.

All pool or spa construction, including equipment, fences, and gates, must be in conformance with standards imposed by the local governmental agency and approved by the ARC. All pool drains must be constructed in accordance with applicable local government standards and may not drain into or across Common Areas or adjacent Lots without written ARC approval.

Firepits, fireplaces, and outdoor kitchens must be constructed of materials that are complimentary to the main Dwelling and must be approved in writing by the ARC prior to installation. Outdoor fireplaces and kitchens must be in scale with the house.

### 8.28 **Wood Decks.**

#### 8.28.1 *Goals.*

Locating wood decks to be unobtrusive and designed as an integral part of the overall architectural and site design.



### 8.28.2 *Requirements.*

All proposed decks and materials on either new or existing Dwellings must be submitted to the ARC for prior written approval. The deck color should match or compliment the Dwelling color palette. Earth tones are encouraged. Primary paint colors are prohibited.

Wood decks are not permitted in the front yard of a Lot.

No deck may be located closer to any property line than the building setback line with the exception of rear yard. Uncovered porches or patios may also extend into the rear setback with prior written approval from the ARC, but may not encroach into side yard setbacks.

Depending on the grade differential and the degree of public views to the deck location, the ARC may require additional setbacks and height limitations other than those described. Additional modifications may also be required for approval. The elevation of decks must be no higher than the corresponding finish floor of the Dwelling.

Second story decks will be evaluated on a case-by-case basis. Additional setbacks may be required, depending on the grade of the Lot and the elevation of the deck.

Storage areas located under decks must be adequately screened. The underside of ground floor decks must be screened using wood lattice or pickets (1 inch by 2 inch minimum) if the area below the deck is used for storage or when the height of the deck exceeds 4 feet above finish grade. Other materials may be considered. Exterior Masonry may be eliminated from areas under first floor decks that are screened with approved lattice or pickets.

Nothing may be stored under a deck or stairwell without adequate lattice or landscape screening.

## 9.0 LANDSCAPE GUIDELINES

### 9.1 **Goals.**

The final step in completing the neighborhood setting in Madeira is the finished landscape. The focus of these Guidelines is to distinguish Madeira as an environmentally friendly community through the preservation of designated native areas and Common Areas, the selection of native and adaptive plant materials, as well as the use of sustainable practices in planting and irrigation.

### 9.2 **Landscaping Requirements.**

#### 9.2.1 *Clearing/Tree Removal Requirements.*

Any Lot front yard clearing, tree removal, tree replacement or trimming/pruning must be submitted to the ARC for prior review. Review will be on a case-by-case basis.

No clearing, tree removal, trimming/pruning, mowing or access will be allowed in the native areas or Common Areas without written approval of the ARC.

### 9.2.2 *Lot Landscape Requirements:*

The following are landscape requirements for the Lots:

- 1) Lots less than 7,000 square feet in size will require for front yard: (i) minimum of 2 3-inch trees, (ii) 20 shrubs at a minimum of 3 gallon in size, (iii) 40 ornamental grasses, groundcover, or perennials at a minimum of 1 gallon in size, (iv) sod is required on all front and side yards. Lots with backyards that abut the hike/bike trail require sod and all other Lots may be seeded/hydromulched.
- 2) Lots greater than 7,000 but less than 8,500 square feet in size will require: (i) minimum of 2 3-inch trees (ii) 25 shrubs at a minimum of 3 gallon in size, (iii) 60 ornamental grasses, groundcover, or perennials at a minimum of 1 gallon in size, (iv) sod is required on all front and side yards. Lots with backyards that abut the hike/bike trail require sod and all other Lots may be seeded/hydromulched.
- 3) Lots greater than 8,500 square feet in size will require: (i) minimum of 2 4-inch trees or 3 three inch trees (ii) 30 shrubs at a minimum of 3 gallon in size, (iii) 80 ornamental grasses, groundcover, or perennials at a minimum of 1 gallon in size, (iv) sod is required on all front and side yards. Lots with backyards that abut the hike/bike trail require sod and all other Lots may be seeded/hydromulched.

### 9.2.3 *Lot Irrigation Requirements:*

Lots shall have an automatic irrigation system that should be designed to conserve water by separately watering turf, trees, and planting bed areas. Each should have its own zone to regulate the water according to the area's needs. Plants with similar water requirements should be grouped together in the same watering zone. A drip irrigation system is encouraged for all landscaped areas except turf.

### 9.2.4 *Variance.*

A variance request must be submitted to the Board if the Owner wishes to eliminate any of the required installed trees or landscaping.

Credit is provided for these tree requirements for existing 3" caliper or larger canopy trees which remain in each street yard, provided each are in healthy condition.

### 9.2.5 *Definitions.*

**"Screening Shrubs"** are shrubs contained in 3-gallon containers minimum, selected from the Approved Plant List, which reach a 5-foot height minimum at maturity. At the time of installation, "screening" shrubs must be large enough to immediately screen the item, containing dense evergreen or semi-evergreen foliage to provide year around screening.

**"Large Shrubs"** are shrubs contained in 3-gallon containers which will reach a mature height of 4 feet or larger.

“**Small Shrubs**” are 1-gallon container plants which reach a mature height of less than 4 feet.

“**Groundcovers**” are 1-gallon container plants which reach a mature height of less than 2 feet.

#### 9.2.6 *Sight Lines.*

To maintain sight line corridors, shrub heights within the street R.O.W. may not exceed 24 inches in height at maturity.

#### 9.2.7 *Use of “Screening” Shrubs.*

If an Owner chooses to use plant material to screen utility meters and air conditioning condensers in lieu of fencing, the following requirements must be followed:

- 1) Screening must not block the door or access to an electric transformer. Shrubs cannot be planted any closer than 48 inches to door side (or distance as required by utility company), to allow for access.
- 2) Air conditioning units should be screened with screening shrubs, as defined above, or with fencing. Locating the air conditioning unit behind the backyard privacy fence is preferable.

Using “screening” plants for the purpose of screening landscape elements as described above is in addition to the minimum number of required front yard plants.

#### 9.2.8 *Prohibited Landscaping Materials*

- 1) Artificial turf or plant materials are prohibited in the front yard areas.
- 2) Gravel is acceptable as a non-plant material ground cover in a grey or beige color. No white color or red lava rock is acceptable.
- 3) The use of railroad ties for landscape or decorative use in front yards is prohibited.
- 4) Black plastic edging is prohibited in front yards.
- 5) All lawn ornaments and bric-a-brac (i.e., flagpoles) constitute Landscape Improvements and therefore are subject to review and approval by the ARC. Without limiting the generality of the foregoing, no such landscape elements will be permitted in the front yard of any Lot without the prior written approval of the ARC.

### 9.3 Landscaping Maintenance.

#### 9.3.1 Goals.

Property Owners are expected to maintain their properties in a manner that reflects a high degree of care for their investment as well as consideration for the investment of their neighbors.

#### 9.3.2 Requirements.

All Lots are required to have an automatic irrigation system. The duty of maintenance, and the cost thereof, of the irrigation system on the front yard, back yard and side yard of each Lot shall be at the sole cost of the Owner. The Owner is required to apply sufficient water to maintain plants in a healthy condition year round, subject to water restrictions or any future water supplier. Owners are responsible for maintenance, grass cutting and landscaping along the side yards and back yards of their Lots, as addressed in detail in the Declaration.

Landscape irrigation should occur before 10 a.m. or after 7 p.m. and in conjunction with governmental jurisdictional recommendations or Association guidelines to avoid excessive evaporation.

#### 9.3.3 Weed Prevention.

Any growth of weeds or nuisance plants shall be controlled and removed to maintain a neat and manicured appearance of front yard landscaped areas.

A pre-emergent is recommended in front yard landscapes for weed control.

#### 9.3.4 Approved Tree and Plant List.

The Approved Tree and Plant List (See **Exhibit J**) contains the desired plant materials for Madeira. The use of these native plant materials has functional and aesthetic properties that are essential to the achievement of a sense of continuity and consistency in the Madeira landscape. Every effort should be made to incorporate these plants into the landscape design for all lots .

Plants not listed on the approved plant list are not necessarily prohibited but must be pre-approved by the ARC. Please see the prohibited plant list for a comprehensive list of plants currently not allowed for installation in Madeira. As regional and xeriscape gardening techniques become more mainstream, thereby increasing demand, additional plant species will become available in the marketplace. Therefore, the Approved Plant List of recommended plants will be amended from time to time.

Non-invasive plants are recommended for all Lots in Madeira, regardless of whether they are adjacent to Common Areas or greenbelts.

## 10.0 SIGN GUIDELINES

### 10.1 Goals.

Providing clear sign information in an un-obtrusive manner while reinforcing the overall Madeira theme. Controlling the location and type of sign within Madeira maintains aesthetic standards that should benefit all Madeira residents.

### 10.2 Requirements.

The display of certain signs, including, but not limited to, for sale and for lease signs, political signs, school spirit signs, and security signs and stickers, is permitted within Madeira subject to the requirements set forth in the Declaration.

All signs must be maintained in a neat and orderly fashion. Correction of any deficiencies must be made immediately and by the entity responsible for the maintenance of said sign.

Wood, corrugated plastic, aluminum, non-glare, non-reflective materials may be used for signs. No hand painted or spray painted signs may be used.

### 10.3 Declarant Signs.

Declarant may create and maintain a master marketing sign program to direct traffic to subdivision sections and model Dwellings.

### 10.4 Builder Signs.

The following signs are allowed for use by the Builders:

- 1) One for sale sign per Lot limited to a maximum size of 3 feet wide by 5 feet tall (overall height is measured from the ground level of the Homesite). The "for sale" sign must be located in front of the front building setback.
- 2) One 4 foot by 8-foot sign, not to exceed 10 feet in height overall, to designate the construction trailer for each Builder in a subdivision section

Model home monument and marketing signs not to exceed 4 feet by 6 feet for the sign face. Size, materials, and location of monument sign must be submitted to the ARC for review and prior written approval before installation.

All Builder signs, with the exception of "for sale/sold" signs, must be submitted to the ARC for approval of materials, colors, and locations. "Bandit" signs are not permitted within the property or along the frontage of either US Hwy. 77 or FM 100. "Bandit" signs are defined as any unapproved, temporary, directional signs, not installed on the Lot.

### 10.5 **Owner Signs.**

In addition to the signs permitted to be displayed upon a Lot as set forth in detail in the Declaration, the following signs are allowed for use by Owners with the prior written approval of the ARC: temporary signs for 24 hours or less, such as "Birthday," or "Anniversary." These signs must be no more than 2 feet x 3 feet and may not exceed 3 feet in height. Temporary signs for "New Baby" may be erected for 7 days.

### 10.6 **Prohibited Signs.**

The following signs are prohibited within Madeira:

- Notices on street signs, light poles, or any unauthorized locations within Madeira.
- Signs which obstruct the clear view of pedestrian or vehicular traffic or interfere with efficient operations of a vehicle.
- Off-premise signs (signs not located on the Lot), including signs or graphics applied to parked vehicles for nearby vendor identification. The only exception is the one "for sale" and one "open house" sign allowed at the entry of a driveway.
- Signs or graphics painted directly on exterior of buildings or displayed in windows.
- Landscaping that becomes a message or a sign.
- Graphics painted on or adhered to trash bins (with the exception of the trash company logo) or their enclosures.
- Signs not in compliance with other governmental agencies.

**EXHIBIT A**

EXHIBIT A

**EXHIBIT A**  
**MASTER PLAN REVIEW - APPLICATION FORM**

MADEIRA RESIDENTIAL ASSOCIATION, INC.  
ARCHITECTURAL REVIEW COMMITTEE (ARC)

Date Submitted: \_\_\_\_\_

Master Plan Number: \_\_\_\_\_

Builder/Applicant Name: \_\_\_\_\_

Builder/Applicant Address: \_\_\_\_\_

Builder/Applicant Phone No.: \_\_\_\_\_

Builder Email Address: \_\_\_\_\_

**REQUEST FOR MASTER PLAN APPROVAL:**

**Plans (and this completed form) must be emailed in .pdf format to [ARC@madeira-tx.com](mailto:ARC@madeira-tx.com). Title on subject line of email should be. Title on subject line of email should be "LOT NUMBER XXXXX -- - Master Plan Review - Application Form."**

**THE FOLLOWING DIMENSIONED AND LABELED PLANS MUST BE ATTACHED FOR THE ARC REVIEW OF THE MASTER PLAN:** (It is requested that plans be set on 24" x 36" sheet sizes so that the ARC may print hard copies of plans if needed.)

1. Floor Plan(s) (show ceiling heights on floor plans)
2. Exterior Elevations
3. Roof Plan
4. Typical Wall Section

**HOME PLAN SIZE:** \_\_\_\_\_ Square Feet

**Enter the square footage of the air-conditioned living area of this home plan. Do not include the garage area, but include all exterior walls within the area listed above.**

I, \_\_\_\_\_ (Applicant), certify to the best of my knowledge that the above answers and plans are correct and truthful and understand that the above are not all inclusive conditions and restrictions concerning the Madeira community.

Applicant Signature: \_\_\_\_\_

Note: Plans and specifications submitted for review are not being reviewed for structural integrity; compliance with zoning and building ordinances or any other applicable statutes.



ordinances or governmental rules or regulations, compliance with the requirements of any public utility, easement or other agreements, or preservation of any view.

Application is:     Approved    Not Approved    Date: \_\_\_\_\_

**Approval by ARC Committee:**

By: \_\_\_\_\_

Note: If you have specific questions concerning the completion of this form, please email Joe Logan (dpdm@sbcglobal.net).

**EXHIBIT B**

EXHIBIT B

**EXHIBIT B**  
**LOT & PLAN REVIEW – APPLICATION FORM**

MADEIRA RESIDENTIAL ASSOCIATION, INC.  
ARCHITECTURAL REVIEW COMMITTEE (ARC)

**REQUEST FOR REVIEW & PLAN APPROVAL FOR A SPECIFIC LOT:**

Plans (and this completed form) must be emailed in .pdf format to [ARC@madeira-tx.com](mailto:ARC@madeira-tx.com). Title on subject line of email should be. Title on subject line of email should be "LOT NUMBER XXXXX --  
- Lot & Plan Review Application Form."

Date: \_\_\_\_\_

**LOT NUMBER OF THIS HOME:** \_\_\_\_\_

**BUILDER COMPANY NAME:** \_\_\_\_\_

**MASTER PLAN NUMBER RELATING TO THIS HOME:** \_\_\_\_\_

**ELEVATION # FOR THIS HOME (if different from Master Plan):** \_\_\_\_\_

**MADEIRA PHASE #:** \_\_\_\_\_ **Lot Size:** \_\_\_\_\_ sq. ft.

**Owner Name (if other than builder):** \_\_\_\_\_

**Phone No.:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**BUILDER/CONTRACTOR:** \_\_\_\_\_

**Phone No.:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**DATE OF PROJECTED START OF CONSTRUCTION:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**THE FOLLOWING DIMENSIONED AND LABELED PLANS and/or SPECIFICATIONS MUST BE ATTACHED FOR THE ARC REVIEW OF THIS SPECIFIC LOT PLAN:**(It is requested that plans be set on 24" x 36" sheet sizes so that the ARC may print hard copies of plans if needed.)

1. Site Plan (showing all dimensions that place house on lot, and building setback lines)
2. Floor Plan (multiple sheets if this is a 2 story plan) (show ceiling heights on floor plans)
3. Four Exterior Elevations
4. Roof Plan
5. Typical Wall Section (label wall components)
6. Landscaping Plan (with labeled locations of plant specifications from Exhibit J)
7. Specifications and Colors identified on this form.

**DESCRIPTION OF EXTERIOR MASONRY MATERIALS:**

1. Attach separate pictures of the Brick, Natural Stone, or masonry moldings showing the **colors** to be used for each.
2. Attach separate pictures of the Stucco, Textured Acrylic Finish System (TAFS), or Hardie Board products and textures that you intend to use on this residence.
3. Verify that a minimum of 10% of exterior wall surface of the street façade uses Natural Stone or Brick material.

**COLORS:**

Using the available approved product information, provide responses to the color selections requested below (Use Exhibit G for approved colors)

1. Circle the roof shingle color used on this residence ( Teak ) or ( Driftwood)
2. Enter Stucco or TAFS Color (s) (Exhibit G): \_\_\_\_\_
3. Brick Color (manufacture's color name): \_\_\_\_\_
4. Hardi Board Paint Color(s) (Exhibit G): \_\_\_\_\_

5. Trim Color (s) (Exhibit G): \_\_\_\_\_

6. Garage Door and Front Entry Door Color (Exhibit G): \_\_\_\_\_

7. Color of Windows (Frames): \_\_\_\_\_

I, \_\_\_\_\_ (Applicant), certify to the best of my knowledge that the above answers are correct and truthful and understand that the above are not all inclusive conditions and restrictions concerning the Madeira community. I have read the Madeira Residential Design Guideline Manual and agree to abide by them.

Applicant Signature: \_\_\_\_\_

Note: Plans and specifications submitted for review are **not** being reviewed for structural integrity; compliance with zoning and building ordinances or any other applicable statutes, ordinances or governmental rules or regulations, compliance with the requirements of any public utility, easement or other agreements, or preservation of any view.

Application is:     Approved     Not Approved    Date: \_\_\_\_\_

**Approval by ARC Committee:**

By: \_\_\_\_\_

Note: If you have specific questions concerning the completion of this form, please email Joe Logan (dpdm@sbcglobal.net).

EXHIBIT C

EXHIBIT C

**EXHIBIT C**  
**PLAN MODIFICATION - APPLICATION FORM**

MADEIRA RESIDENTIAL ASSOCIATION, INC.  
ARCHITECTURAL REVIEW COMMITTEE (ARC)

Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Lot # \_\_\_\_\_ Phase: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Applicant Contact Phone Number(s): \_\_\_\_\_

Applicant E-mail Address: \_\_\_\_\_

General Contractor Name and Contact Information:

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Please list the modifications to the Residence or Structure and/or addition of accessory structure(s) for which you are requesting approval:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The following items in digital pdf. format must accompany this request:**

**Plans (and this completed form) must be emailed in .pdf format to [ARC@madeira-tx.com](mailto:ARC@madeira-tx.com). Title on subject line of email should be "LOT NUMBER XXXXX --- Plan Modification ---Application Form"**

1. Plan and elevation views of proposed improvements at a

minimum of 1/8 inch scale. Provide a description of materials to be used (including dimensions & color samples).

2. Site plan indicating location of proposed improvements and dimensions to adjacent property lines (the dimensions should be clearly marked in feet and inches)
3. Any addendum specific to the modification. (Ex: pool, deck, etc.)

The ARC may request that you provide additional information before a decision on your request can be determined. The application is not complete until all information requested has been received. All modifications must comply with applicable deed restrictions and design guidelines. The ARC has a maximum of thirty (30) days to render a decision. Any work commencing prior to receiving written approval is a violation and will constitute fines. Call the ARC if you have any questions.

Please read the following statements and initial next to each line to indicate that you have read and understand the statement:

1. I have read the guidelines and agree to abide with them in regards to the modification as proposed.
2. I hereby agree not to begin any improvements or changes until the Architectural Review Committee notifies me of their approval in writing.
3. I understand that any changes to the approved plans must be resubmitted to the Architectural Review Committee **before** the changes are implemented.

\_\_\_\_\_  
Owner Name (Print)

\_\_\_\_\_  
Signature of Owner

Application is:    Approved    Not Approved   Date: \_\_\_\_\_



**Approval by ARC Committee:**

By: \_\_\_\_\_

Note: If you have specific questions concerning the completion of this form, please email Joe Logan ([dpdm@sbcglobal.net](mailto:dpdm@sbcglobal.net)).

**EXHIBIT D**

EXHIBIT D

**APPENDIX D  
MADEIRA RESIDENTIAL ASSOCIATION, INC.  
VARIANCE REQUEST FORM**

**Requesting variance for the following address:**

Address: \_\_\_\_\_

Lot: \_\_\_\_\_ Phase: \_\_\_\_\_

Plan Set #: \_\_\_\_\_ Elevation: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Date Requested: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Contact Phone Numbers: \_\_\_\_\_

What provision of the Design Code are you requesting the variance from?

Reason for variance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Justification for variance:

**You must explain why your request is unique and should be granted.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date by which variance is needed:** \_\_\_\_\_

Please submit this form, pictures or detailed drawing and all applicable documentation to justify the variance request.

ALL VARIANCE REQUESTS MUST BE SUBMITTED A MINIMUM OF SEVEN DAYS BEFORE VARIANCE IS NEEDED. IF A VARIANCE IS REQUIRED AND SEVEN DAYS NOTICE IS NOT GIVEN, A \$100.00 FEE WILL APPLY FOR PROCESSING.

\_\_\_\_\_  
**Applicant Name (Print)**

\_\_\_\_\_  
**Signature of Applicant**

**EXHIBIT E-1**

EXHIBIT E-1

# EXHIBIT "E-1.1 TYPICAL LOT SECTION @ BACK UP LOT

MADEIRA RESIDENTIAL ASSOCIATION, INC.  
ARCHITECTURAL REVIEW COMMITTEE (ARC)

## General Information:

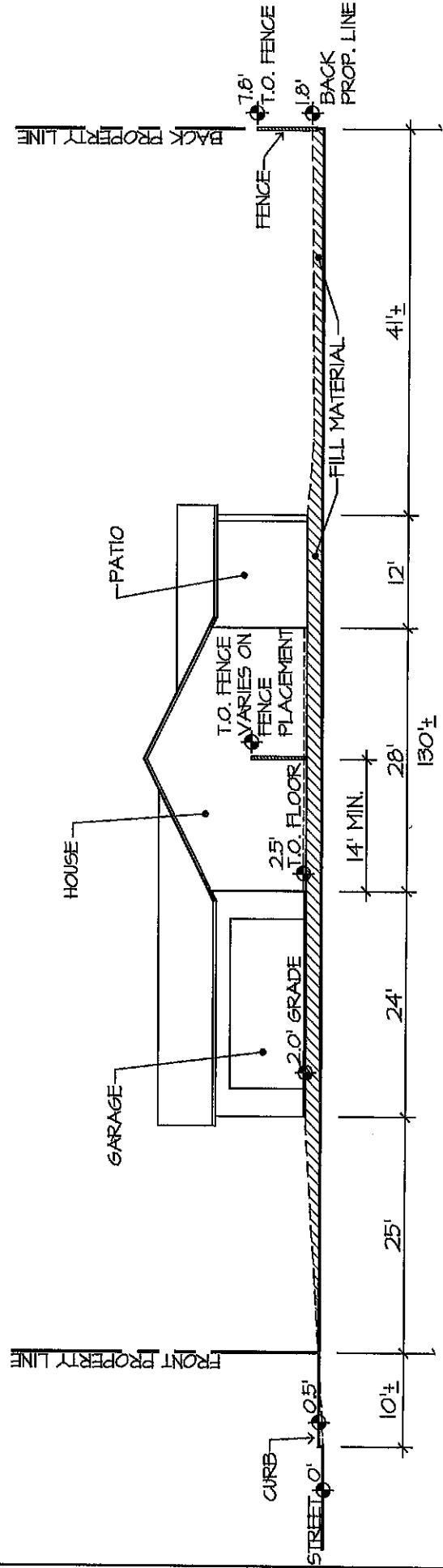
Top of Street	0.00'
T.O. Curb	0.50'
T.O. Garage Slab	2.38' [4" lower than main slab]
T.O. Main Slab	2.50' [2' higher than curb]
T.O. Patio Slab	2.32' [1 1/2' lower than main slab]

## Grade Elevations: [1% slope on grassed areas]

At Street near curb	.00'
T.O. Curb	.50'
Street side @ Property Line	.62' +/-
Street side of Garage	2.00' +/-
Street side of House	2.16' +/-
Rear side of House	2.32' +/-
Rear Property Line	1.8' +/-

## Top of Fence Elevations:

Side Yard 6' Fence	Varies with fence location
Rear Property Line 6' Fence	7.8' +/-
Eye Elevation [5']	7.50' +/-



**SITE SECTION - EXAMPLE  
LOOKING FROM SIDE YARD**

# EXHIBIT "E-1.2 TYPICAL SECTION @ HIKE & BIKE TRAIL LOT

MADEIRA RESIDENTIAL ASSOCIATION, INC.  
ARCHITECTURAL REVIEW COMMITTEE (ARC)

### General Information:

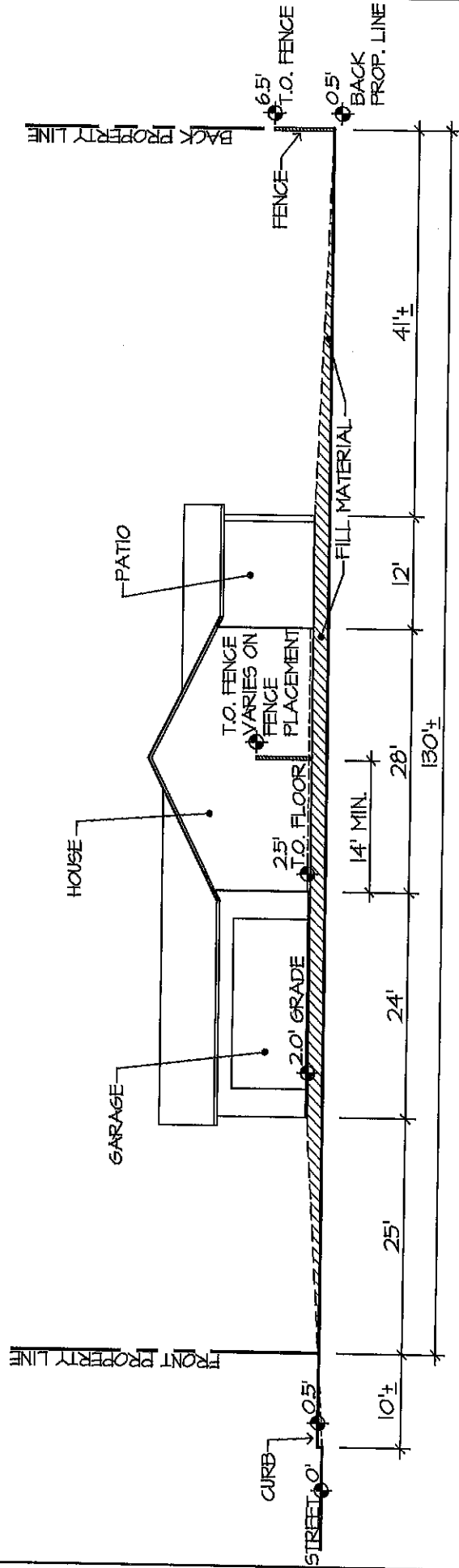
Top of Street	0.00'
T.O. Curb	0.50'
T.O. Garage Slab	2.38' [4" lower than main slab]
T.O. Main Slab	2.50' [2" higher than curb]
T.O. Patio Slab	2.32' [1 1/2" lower than main slab]

### Grade Elevations: [1% slope on grassed areas]

At Street near curb	.00'
T.O. Curb	.50'
Street side @ Property Line	.62' +/-
Street side of Garage	2.00' +/-
Street side of House	2.16' +/-
Rear side of House	2.32' +/-
Rear Property Line	.50' +/-

### Top of Fence Elevations:

Side Yard 6' Fence	Varies with fence location
Rear Property Line 6' Fence	7.8' +/-
Eye Elevation [5']	7.50' +/-



**SITE SECTION - EXAMPLE  
LOOKING FROM SIDE YARD**

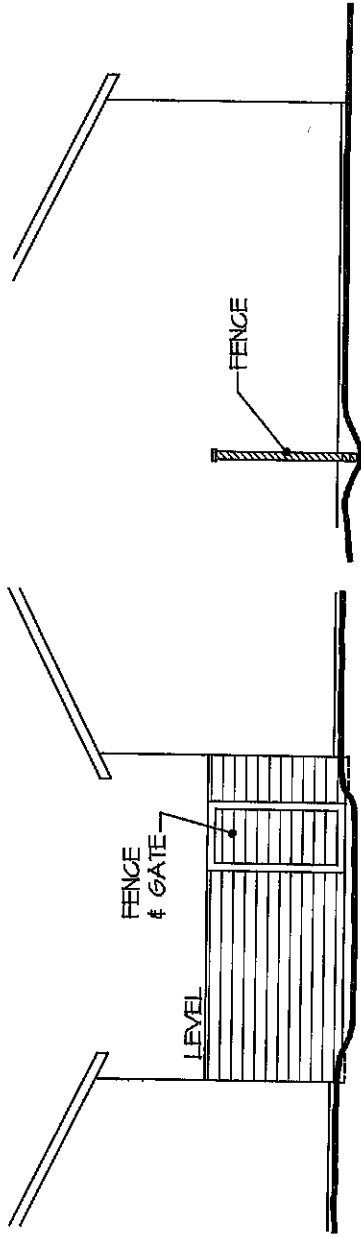
**EXHIBIT E-2**

EXHIBIT E-2



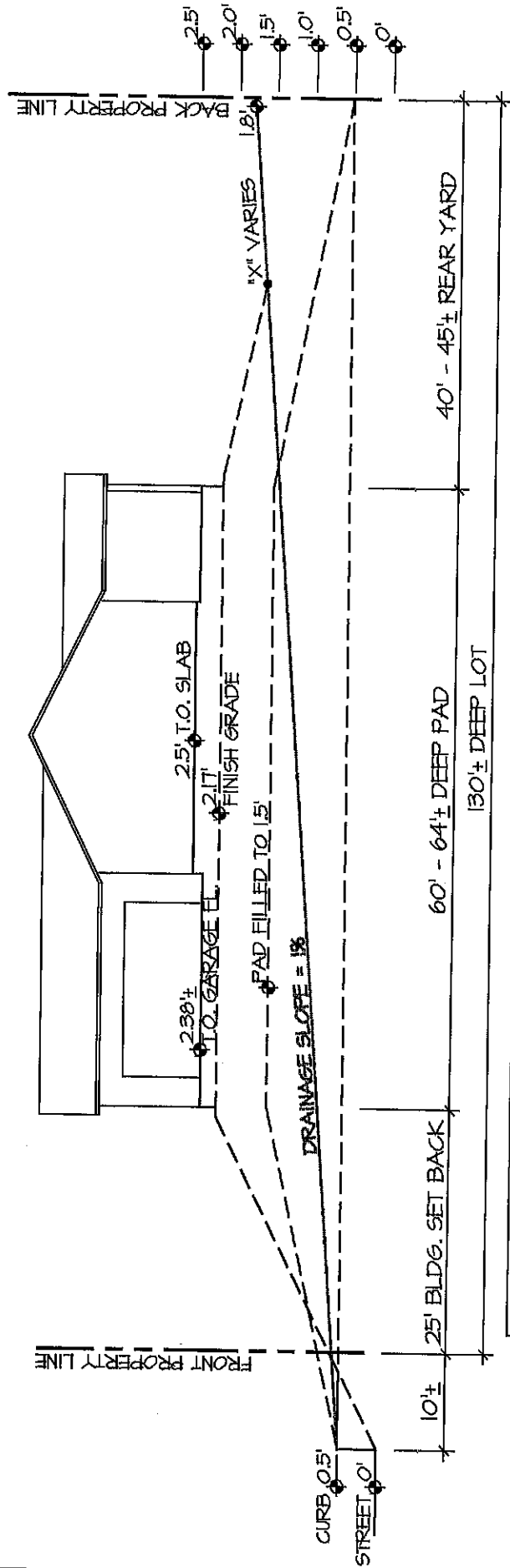
# EXHIBIT "E-2" GRADE ELEVATIONS @ LOT SECTION

MADEIRA RESIDENTIAL ASSOCIATION, INC.  
ARCHITECTURAL REVIEW COMMITTEE (ARC)



STREET VIEW

SIDE YARD VIEW



LOT SECTION

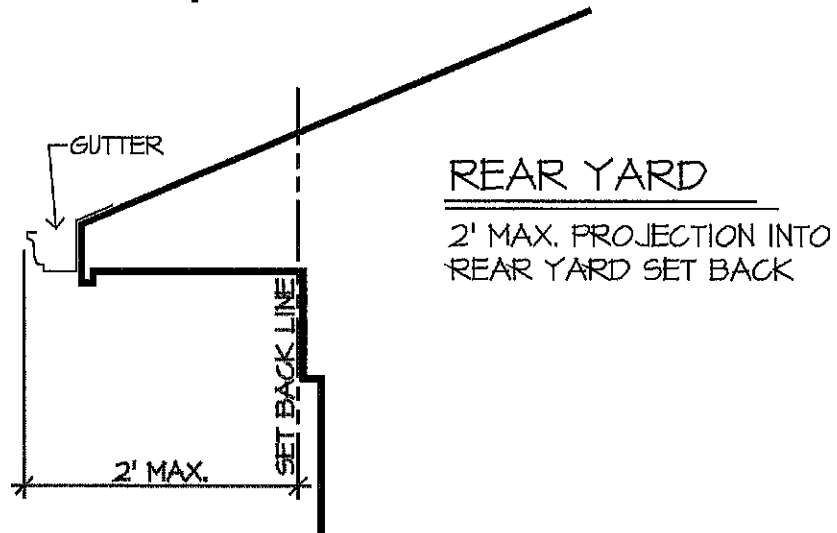
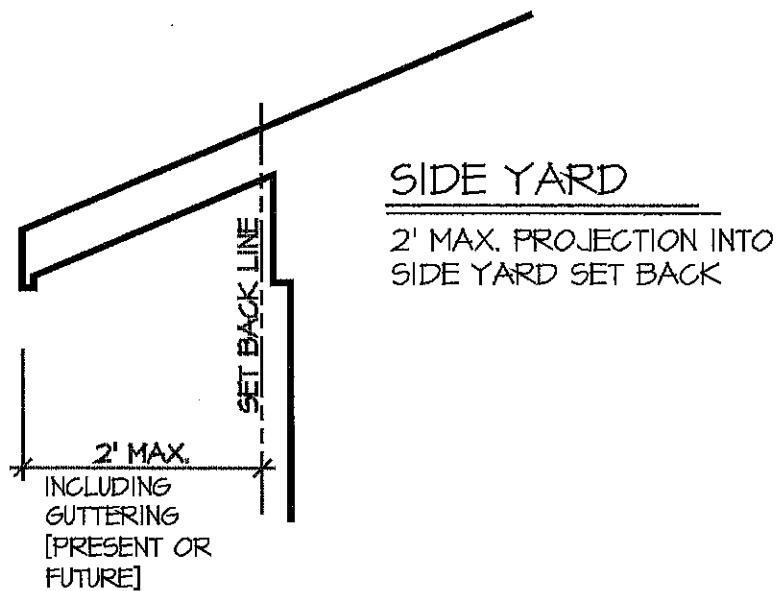
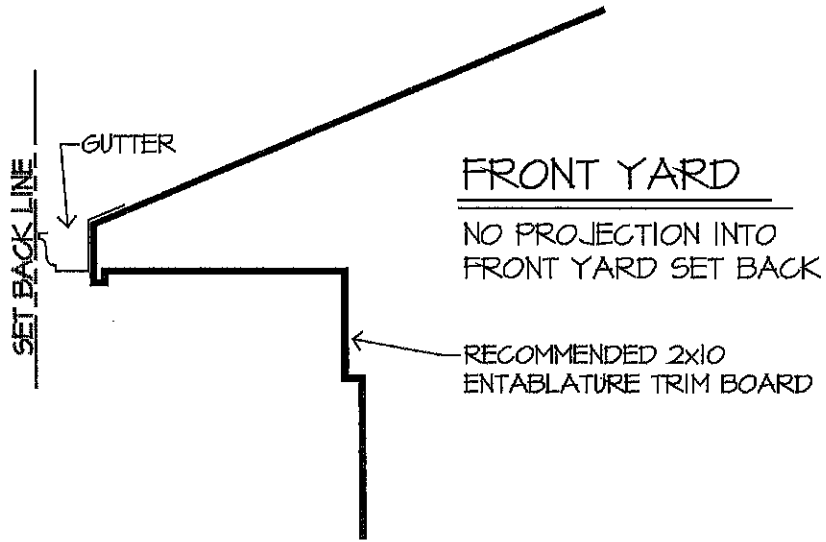
NOTE: THE VERTICAL SCALE IS EIGHT (8) TIMES LARGER THAN THE HORIZONTAL SCALE. THIS HAS BEEN SHOWN TO BETTER ILLUSTRATE THE REQUIRED SLOPE OF 1% FROM THE BACK OF THE LOT TO THE TOP OF CURB AT THE STREET.

**EXHIBIT F**

EXHIBIT F

# EXHIBIT "F" ROOF PROJECTIONS vs. BUILDING SETACK LINES

MADEIRA RESIDENTIAL ASSOCIATION, INC.  
ARCHITECTURAL REVIEW COMMITTEE (ARC)



**EXHIBIT G**

EXHIBIT G

APPENDIX G  
APPROVED EXTERIOR AND TRIM  
PAINT COLORS

**BRAND: SHERWIN WILLIAMS**

**EXTERIOR COLORS:**

OLYMPUS WHITE	SW6253
GOSSAMER VEIL	SW9165
SNOWBOUND	SW7004
FIRST STAR	SW7646
BIG CHILL	SW7648
SILVERPLATE	SW7649
ELLIE GRAY	SW7650
RESERVED WHITE	SW7056
CITY LOFT	SW7631
AGREEABLE GRAY	SW7029
COLONNADE GRAY	SW7641
ANEW GRAY	SW7030
GREEK VILLA	SW7551
GRECIAN IVORY	SW7541
USEFUL GRAY	SW7050
ANALYTICAL GRAY	SW7051
GRAY SCREEN	SW7071
SITE WHITE	SW7070
NATURAL TAN	SW7567
MISTY	SW6232
DRIFT OF MIST	SW9166
CEILING BRIGHT WHITE	SW7007
FLEUR DE SEL	SW7666
ICE CUBE	SW6252
TOQUE WHITE	SW7003
SEA SALT	SW6204
NEUTRAL GROUND	SW7568
WHITE HERON	SW7627

PEARLY WHITE	SW7009
POPULAR GRAY	SW6071
REFLECTION	SW7661
EIDER WHITE	SW7014
PEDIMENT	SW7634
ZURICH WHITE	SW7626
ANGORA	SW6036
ON THE ROCKS	SW7671
HERON PLUME	SW6070
INCREDIBLE WHITE	SW7028
MODERNE WHITE	SW6168
ALPACA	SW7022
CRUSHED ICE	SW7647
MODERN GRAY	SW7632
AESTHETIC WHITE	SW7035
WINDFRESH WHITE	SW7628
SIMPLIFY BEIGE	SW6085
PACER WHITE	SW6085
ACCESSIBLE BEIGE	SW7036
OYSTER WHITE	SW7637
NATURAL LINEN	SW9109
DOVER WHITE	SW6385
AGED WHITE	SW9180
KILIM BEIGE	SW6106
CANVAS TAN	SW7531

**TRIM COLORS:**

GREEK VILLA	SW7551
EGRET WHITE	SW7570
SPALDING GRAY	SW6074
GARRET GRAY	SW6075
TRICORN BLACK	SW6258, ProMar 200 (Sheen- Satin or Eg-Shel)

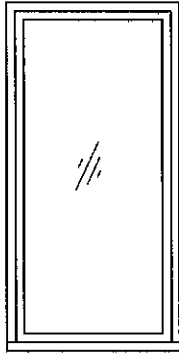
**EXHIBIT H**

EXHIBIT H

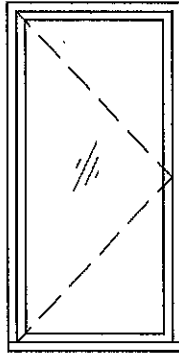
# EXHIBIT "H" APPROVED WINDOW TYPES

MADEIRA RESIDENTIAL ASSOCIATION, INC.  
ARCHITECTURAL REVIEW COMMITTEE (ARC)

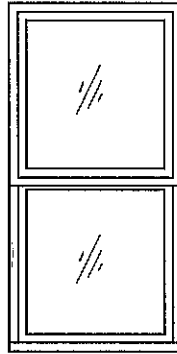
## APPROVED WINDOW TYPES:



FIXED

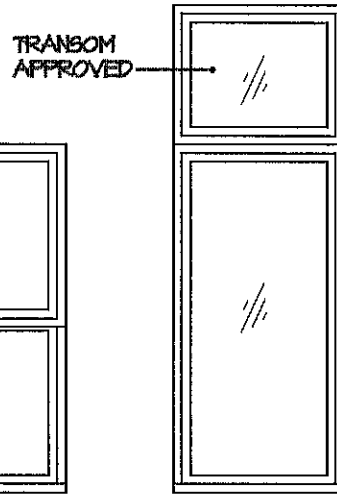


CASEMENT

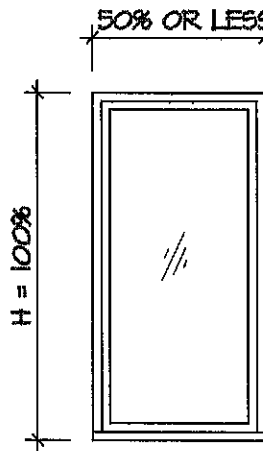


SINGLE/  
DOUBLE HUNG

\*NOT APPROVED FOR USE ON  
STREET ELEVATIONS OF HOMES



## APPROVED WINDOW PROPORTIONS:



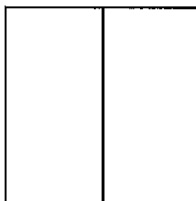
1. EXAMPLE: HEIGHT OF WINDOW = 6' [OR 72"]
2. MAX. WIDTH = 50% OF HT.  $\times .50$
3. MAX. WIDTH OF 72" H. WINDOW  $36"$

\*IRC REQUIREMENT: ALL WINDOWS USED FOR EGRESS PURPOSES MUST COMPLY WITH CURRENT INTERNATIONAL RESIDENTIAL CODE (IRC) REQUIREMENTS.

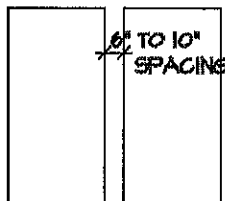
## APPROVED WINDOW CONFIGURATION:



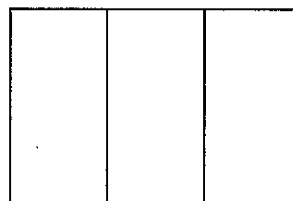
SINGLE



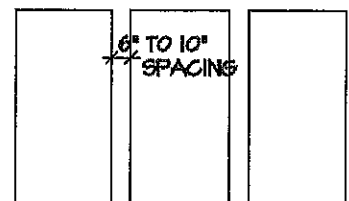
DOUBLE



DOUBLE



TRIPLE



TRIPLE



**EXHIBIT I-1**

EXHIBIT I-1

**EXHIBIT "I-1"**  
**REQUIRED GRADE ELEVATIONS**  
**SIDE YARD FENCE CONSTRUCTION DETAILS**  
MADEIRA RESIDENTIAL ASSOCIATION, INC.  
ARCHITECTURAL REVIEW COMMITTEE (ARC)

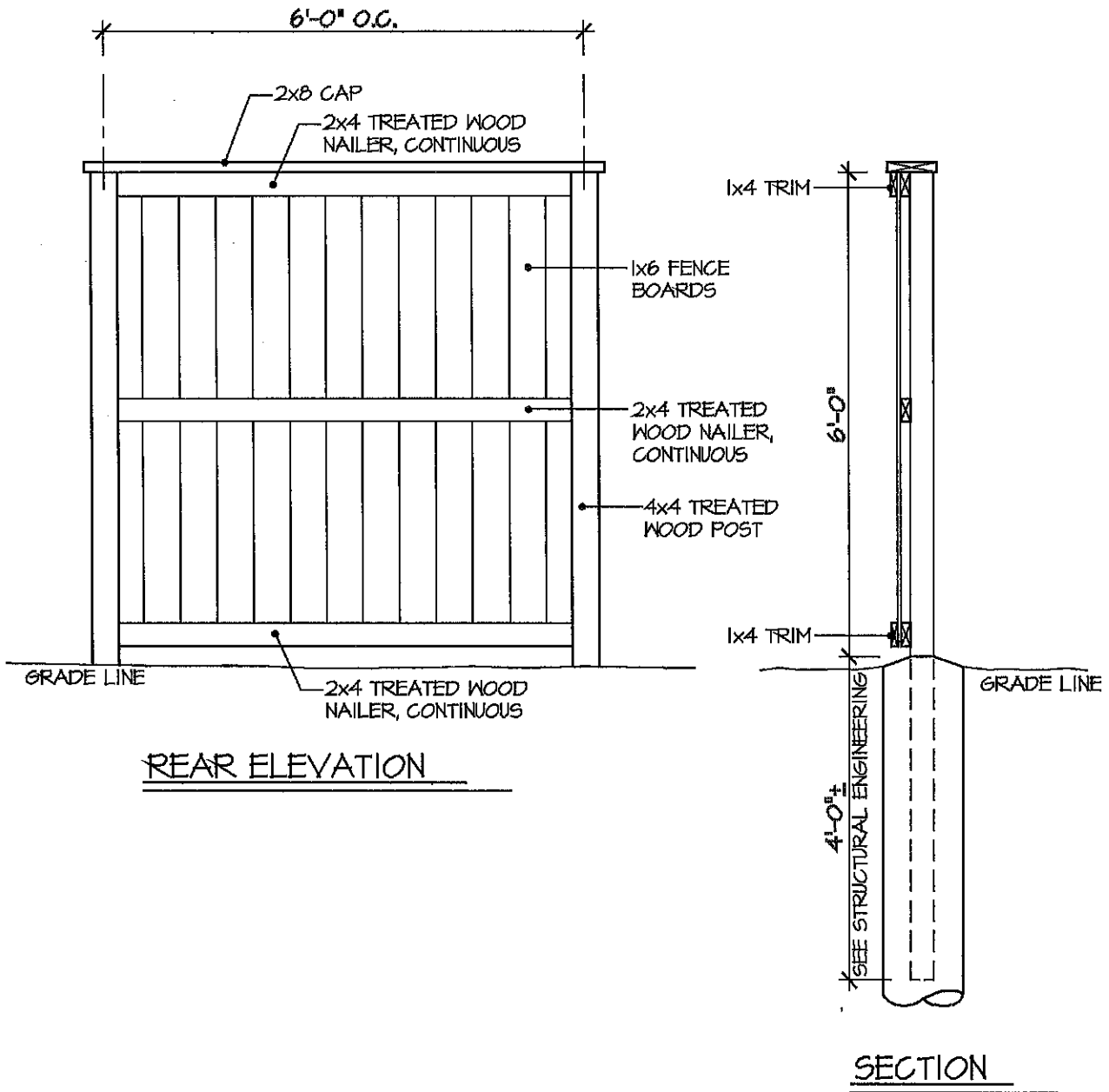


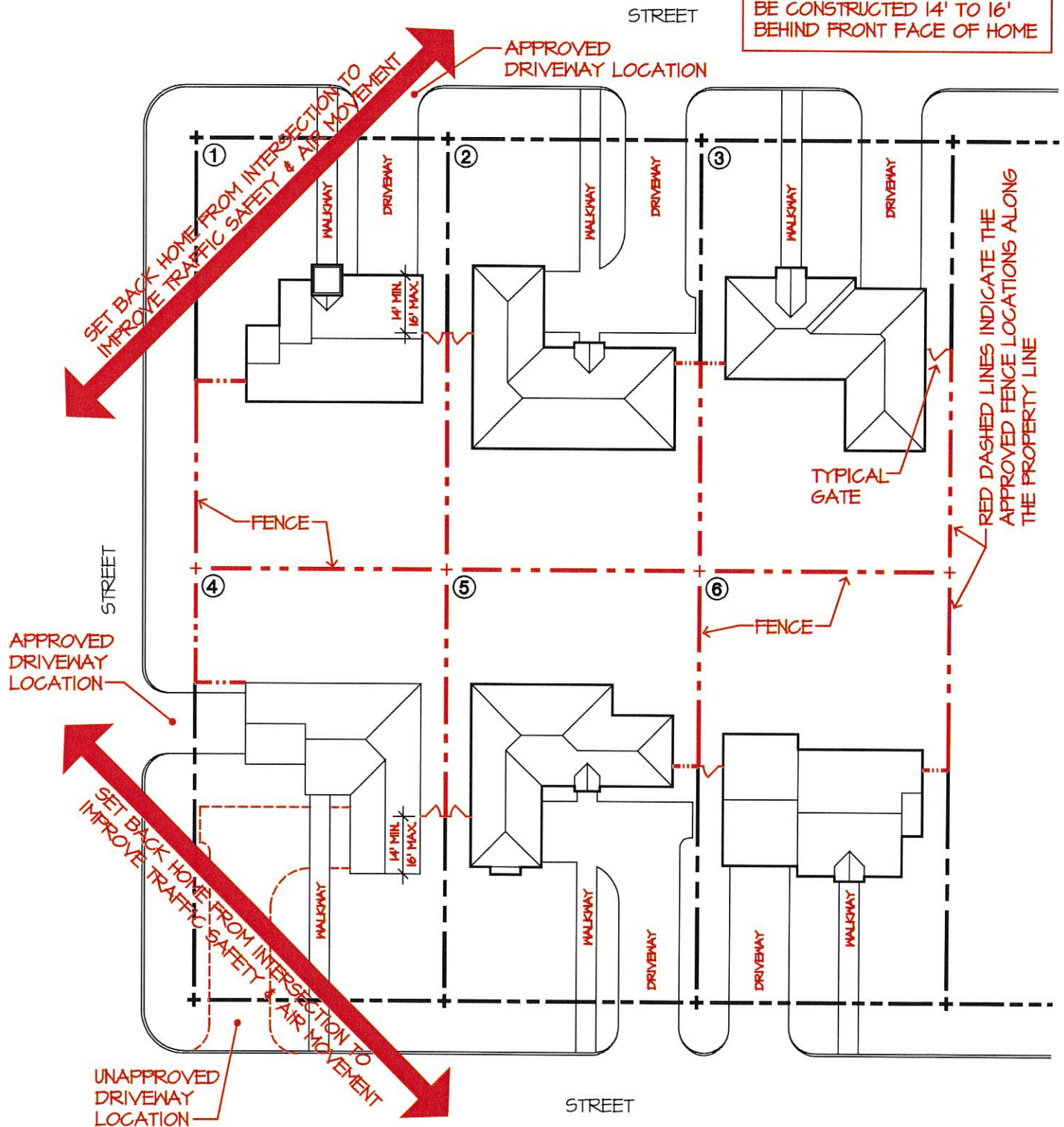
EXHIBIT 1-2

EXHIBIT 1-2

# EXHIBIT "I-2" APPROVED FENCE LOCATIONS

MADEIRA RESIDENTIAL ASSOCIATION, INC.  
ARCHITECTURAL REVIEW COMMITTEE (ARC)

ALL FENCES & GATES SHALL  
BE CONSTRUCTED 14' TO 16'  
BEHIND FRONT FACE OF HOME



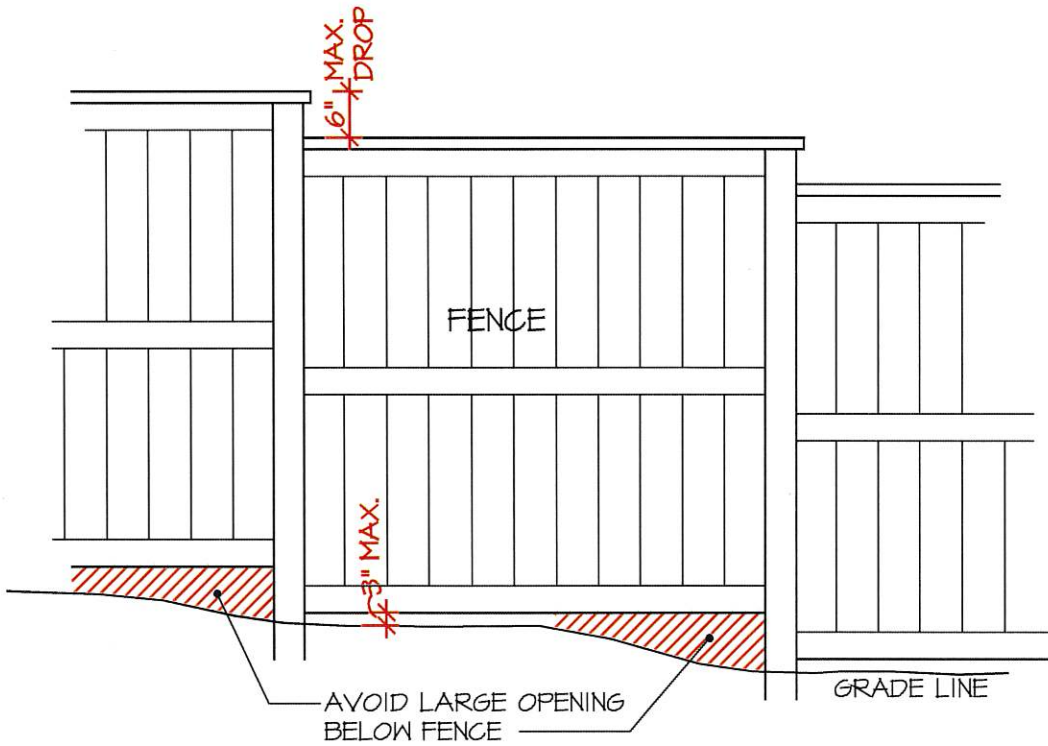
CORNER LOTS SHALL HAVE  
DRIVEWAYS AS FAR AWAY AS  
POSSIBLE FROM INTERSECTION

SOME LOTS MAY NOT BE ABLE TO COMPLY WITH THESE  
RECOMMENDATIONS. IF THIS OCCURS, PLEASE POINT THIS OUT  
TO THE DESIGN REVIEW COMMITTEE FOR ASSISTANCE IN  
DETERMINING FENCE LOCATIONS. FENCE LOCATIONS SHOULD  
BE ON THE SITE PLAN FOR EACH HOME TO BE CONSTRUCTED.

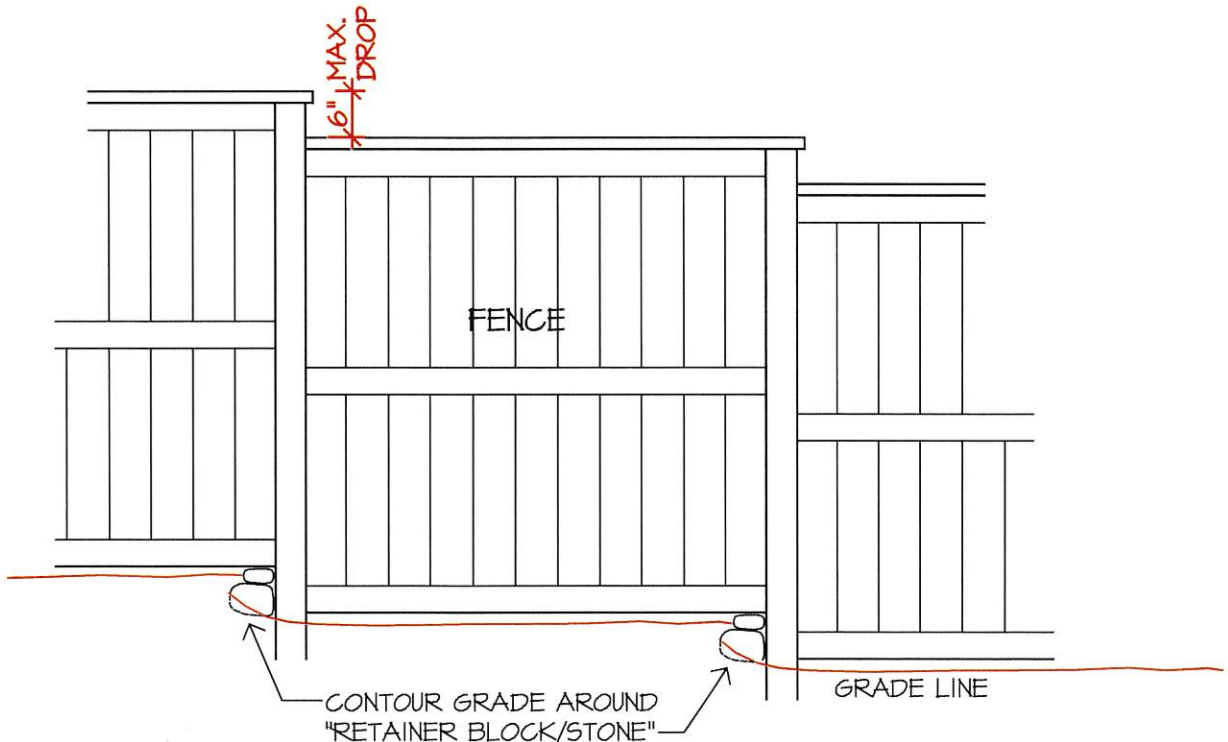
**EXHIBIT I-3**

EXHIBIT I-3

**EXHIBIT "I-3"**  
**FENCE ELEVATION CHANGES**  
MADEIRA RESIDENTIAL ASSOCIATION, INC.  
ARCHITECTURAL REVIEW COMMITTEE (ARC)



UNAPPROVED FENCE ELEVATION CHANGE



APPROVED FENCE ELEVATION CHANGE

**EXHIBIT J**

EXHIBIT J



**EXHIBIT J-1  
APPROVED TREES / PLANTS**

**Front Yard Requirements** (see Design Code section 9.2)

Lot sizes between 7,000 and 8,500 square feet = Minimum two (2) three inch (3") caliper trees.  
 Lot sizes larger than 8,500 square feet = Minimum two (2) three inch (4") caliper trees or three (3) three inch (3") caliper trees. The required trees in the front yards shall be Live Oaks or Cedar Blms only.  
 Required trees are available from the developer at wholesale cost. For additional trees in front yards, the following are approved tree species. Trees denoted with a (T) shall only be used on south or southwest facing front yards.

(T) denotes frost tender material, (S) denotes annual or perennial (X) denotes xeriscape plants/low water requirements

Large Trees	Small Trees
<input type="checkbox"/> Live Oak	<input type="checkbox"/> Mexican Olive (X)
<input type="checkbox"/> Cedar Elm	<input type="checkbox"/> Mexican Caesalpinia (X)
<input type="checkbox"/> Montezuma Cypress	<input type="checkbox"/> Texas Mountain Laurel (X)
<input type="checkbox"/> Texas Pecan	<input type="checkbox"/> Yellow Bells/Esperanza
<input type="checkbox"/> Texas Persimmon	<input type="checkbox"/> Bottlebrush (T)
<input type="checkbox"/> Coma del Sur	<input type="checkbox"/> Jatropha (T)
<input type="checkbox"/> Fan-Tex Ash	<input type="checkbox"/> Crape Myrtle
<input type="checkbox"/> Anacua	<input type="checkbox"/> Torchwood
<input type="checkbox"/> Jacaranda (T)	<input type="checkbox"/> Pomegranate
<input type="checkbox"/> Bur Oak	<input type="checkbox"/> Orchid Tree (T)
<input type="checkbox"/> Mesquite (X)	<input type="checkbox"/> Shower Tree or Cassia (T)
<input type="checkbox"/> Ebony (X)	<input type="checkbox"/> Barbados Cherry
<input type="checkbox"/> Mexican Sycamore (X)	<input type="checkbox"/> Plumeria/Frangipani (T)
<input type="checkbox"/> Retama (X)	<input type="checkbox"/> Pata de Chiva (T)

Large Palms (*)	Small Palms (*)
<input type="checkbox"/> Texas Sabal Palm (X)	<input type="checkbox"/> Mediterranean Fan Palm (X)
<input type="checkbox"/> California Fan Palm	<input type="checkbox"/> Roebelinii or Pygmy Date Palm
<input type="checkbox"/> Mexican Fan Palm	<input type="checkbox"/> Cardboard Palm
<input type="checkbox"/> Chinese Fan Palm	<input type="checkbox"/> Lady Palm (Rhaps Palm)
<input type="checkbox"/> Queen or Cocos Palm	<input type="checkbox"/> Fishtail Palm (T)
<input type="checkbox"/> Wild Date Palm (X)	<input type="checkbox"/> Alexander Palm (T)
<input type="checkbox"/> Florida Sabal Palm	<input type="checkbox"/> Areca Palm (T)
<input type="checkbox"/> Ribbon Fan Palm	<input type="checkbox"/> Christmas Palm (T)

\*Use of palms is allowed in backyard areas only. No palms are permitted in front yards.

Shrubs	Shrubs
<input type="checkbox"/> Dwarf Oleanders	<input type="checkbox"/> Yucca varieties (X)
<input type="checkbox"/> Standard/Hardy Oleanders	<input type="checkbox"/> Sage Cenizo varieties (X)
<input type="checkbox"/> Dwarf Yaupon Holly	<input type="checkbox"/> Red Yucca (X)
<input type="checkbox"/> Variegated Flax Lily	<input type="checkbox"/> Sotol varieties (X)
<input type="checkbox"/> Hamelia/Fire Bush	<input type="checkbox"/> Agave varieties (X)
<input type="checkbox"/> Bougainvillea varieties (T)	<input type="checkbox"/> Yellow Sophora (X)
<input type="checkbox"/> Bird of Paradise	<input type="checkbox"/> Zexmenia varieties (X)





**EXHIBIT J-1  
APPROVED TREES / PLANTS**

*Shrubs*  
(continued)

(T) denotes frost tender material, (S) denotes annual or perennial (X) denotes xeriscape plants/low water requirements

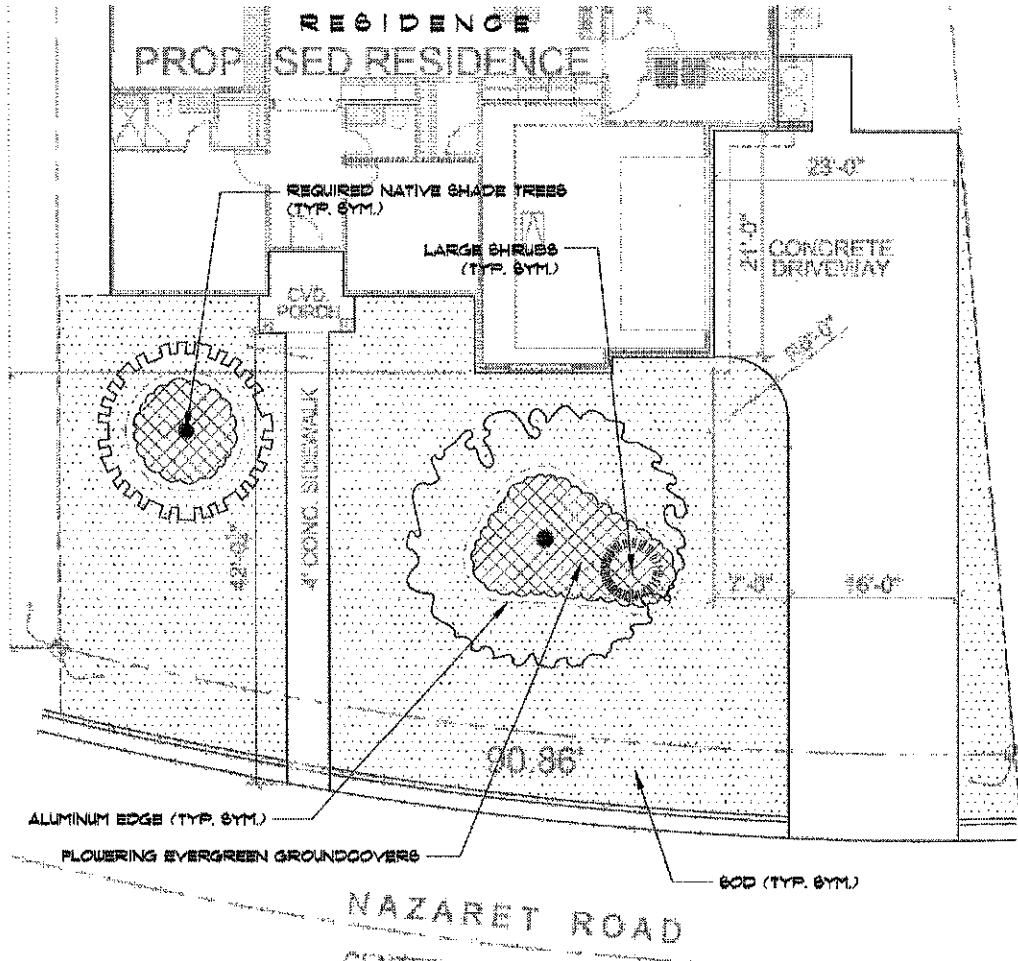
<b>Shrubs</b>	<b>Shrubs</b>
<input type="checkbox"/> <b>Roses (Knock-Out varieties)</b> <input type="checkbox"/> <b>Hibiscus varieties (T)</b> <input type="checkbox"/> <b>Lantana varieties</b>	<input type="checkbox"/> <b>Fiddlewood varieties (X)</b> <input type="checkbox"/> <b>Turks Cap (X)</b> <input type="checkbox"/> <b>Liriope varieties</b>
<input type="checkbox"/> <b>Fire Cracker Plant</b>	<input type="checkbox"/> <b>Indian Hawthorne 'Clara'</b>
<input type="checkbox"/> <b>Barbados Cherry</b> <input type="checkbox"/> <b>Natal Plum</b> <input type="checkbox"/> <b>Muhly Grass varieties</b> <input type="checkbox"/> <b>Duranta</b> <input type="checkbox"/> <b>African Iris</b> <input type="checkbox"/> <b>Plumbago</b> <input type="checkbox"/> <b>Ti Plant (T)</b>	<input type="checkbox"/> <b>Ginger varieties (T)</b> <input type="checkbox"/> <b>Dwarf Poinciana (T)</b> <input type="checkbox"/> <b>Dracacna varieties (T)</b> <input type="checkbox"/> <b>Croton varieties (T)</b> <input type="checkbox"/> <b>Gardenia varieties</b> <input type="checkbox"/> <b>Red Banana/Banana varieties (T)</b> <input type="checkbox"/> <b>Schefflera varieties (T)</b>

<b>Ground Covers</b>	<b>Vines</b>
<input type="checkbox"/> <b>Frog Fruit (X)</b> <input type="checkbox"/> <b>Asian Jasmine</b> <input type="checkbox"/> <b>Asparagus Fern</b> <input type="checkbox"/> <b>Wedelia</b> <input type="checkbox"/> <b>Confederate Jasmine</b> <input type="checkbox"/> <b>Dwarf Bougainvillea</b> <input type="checkbox"/> <b>Blue Shade Ruellia</b> <input type="checkbox"/> <b>Pothos (T)</b> <input type="checkbox"/> <b>Rhoeo (T)</b> <input type="checkbox"/> <b>Day Lilies</b> <input type="checkbox"/> <b>Salvia varieties (S)</b> <input type="checkbox"/> <b>Vinca varieties (S)</b> <input type="checkbox"/> <b>Verbena varieties (S)</b> <input type="checkbox"/> <b>Wildflowers (S)</b> <input type="checkbox"/> <b>Butterfly Plant varieties (S)</b>	<input type="checkbox"/> <b>Fig Vine</b> <input type="checkbox"/> <b>Passion Vine</b> <input type="checkbox"/> <b>Bougainvillea Spp.</b> <input type="checkbox"/> <b>Mexican Flame Vine</b> <input type="checkbox"/> <b>Butterfly Pea Vine</b> <input type="checkbox"/> <b>Cape Honeysuckle</b> <input type="checkbox"/> <b>Snail Vine</b> <input type="checkbox"/> <b>Malay Vine (T)</b> <input type="checkbox"/> <b>Mandevilla (T)</b> <input type="checkbox"/> <b>Pandora Vine (T)</b> <input type="checkbox"/> <b>Crucita</b> <input type="checkbox"/> <b>Allamanda (T)</b> <input type="checkbox"/> <b>Climbing Rose varieties</b> <input type="checkbox"/> <b>Hyacinth Bean</b> <input type="checkbox"/> <b>Morning Glory varieties</b>

<b>Prohibited Trees / Plants (Invasive)</b>	
<input type="checkbox"/> <b>Brazilian Pepper Tree</b>	<input type="checkbox"/> <b>Coral Vine</b>
<input type="checkbox"/> <b>Chinaberry Tree</b> <input type="checkbox"/> <b>Chinese Tallow</b> <input type="checkbox"/> <b>Mexican Petunia Plant</b>	<input type="checkbox"/> <b>Giant Reed</b> <input type="checkbox"/> <b>Salt Cedar</b> <input type="checkbox"/> <b>Buffelgrass / Rescuegrass</b>



**EXHIBIT J-2**  
**LANDSCAPE PLAN**  
 (see Design Code section 9.2.4)



① **LANDSCAPE OPTION 'A'**  
 SCALE: 1/8" = 1'-0"

**PLANT SCHEDULE**

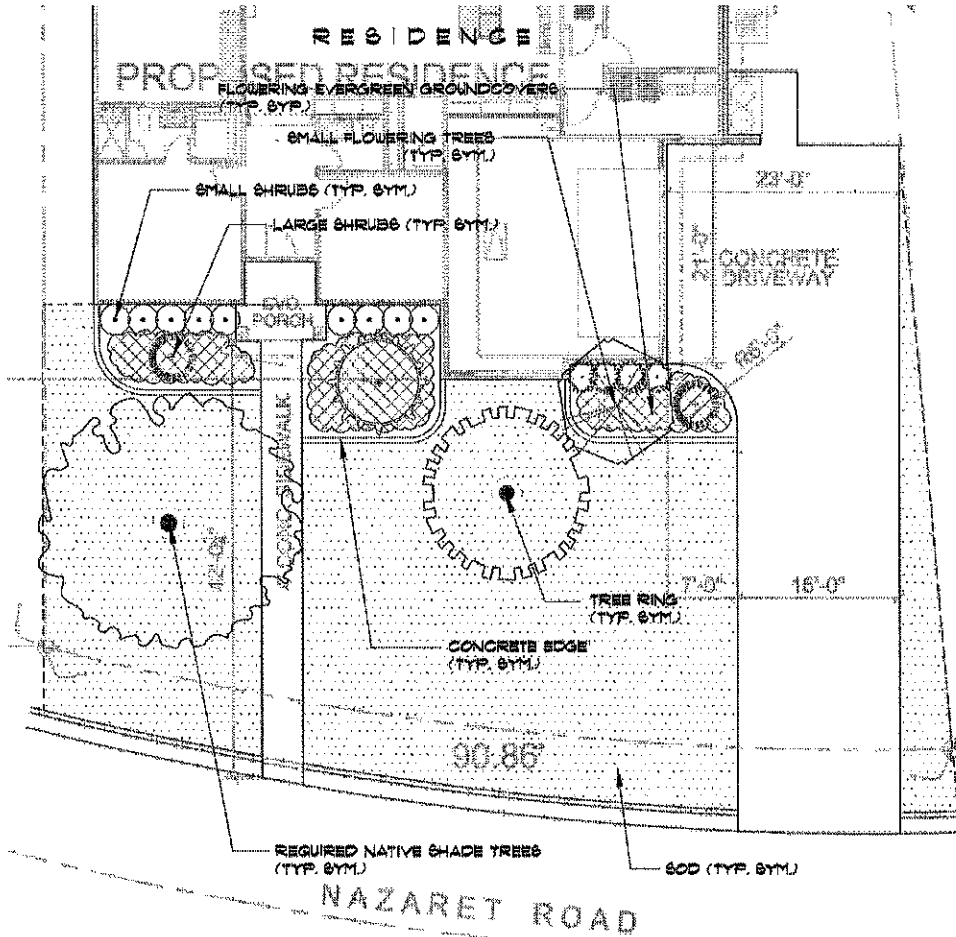
DESCRIPTION	SIZE	QTY
<b>TREES</b>		
REQUIRED NATIVE SHADE TREES	B/B 3-4" CAL.	2
<b>SHRUBS</b>		
LARGE SHRUBS	B GAL.	1
<b>GROUND COVER/VINES</b>		
FLOWERING EVERGREEN GROUNDCOVER	4" POTS 12" OC.	100
<b>GRASS</b>		
GRASS		280 S.Y.

**MATERIAL SCHEDULE**

DESCRIPTION	NOTES	QUANTITY
PREMIUM COMPOST	2" LAYER PREMIUM COMPOST (14 NINE KIDS COMPOST)	3 C.Y.
SCREENED TOP SOIL	6" LAYER FOR ALL NEW PLANTING BEDS	1 C.Y.
MULCH (HARDWOOD)	2" MIN. FOR ALL PLANTING BEDS AND WATERING BASINS 'TEXAS NATIVE'	20 BACS (2 C.Y.)
HERBICIDE	ALL PLANTING BED AREAS AS SPECIFIED	280 S.M.
FERTILIZER	ALL PLANT MATERIAL PER DETAILS	280 S.M.
PLANTING TABLETS	PER DETAILS / AS SPECIFIED	-
PRE-EMERGENT	ALL PLANTING BED AREAS AS SPECIFIED	280 S.M.
STAKES / STAKING	ALL TREES/PALMS PER DETAILS	-
ALUMINUM EDGE	6" BLACK ANODIZED ALUMINUM EDGE 'DREAMSCAPES'	90 L.F.
IRRIGATION SYSTEM	(FRONT YARD) AUTOMATIC IRRIGATION SYSTEM	-



**EXHIBIT J-2  
LANDSCAPE PLAN**



2 LANDSCAPE OPTION 'B'  
SCALE: 1/8" = 1'-0"

**PLANT SCHEDULE**

DESCRIPTION	SIZE	QTY
<b>TREES</b>		
SMALL FLOURISHING TREES	B/B 1-5" CAL.	1
REQUIRED NATIVE SHADE TREES	B/B 3-4" CAL.	2
<b>SHRUBS</b>		
SMALL SHRUBS	3 GAL.	13
LARGE SHRUBS	10 GAL.	3
<b>GROUND COVER/VINES</b>		
FLOURISHING EVERGREEN GROUNDCOVER	1 GAL 1" C.D.	110
GRASS		
BOD		210 SY.

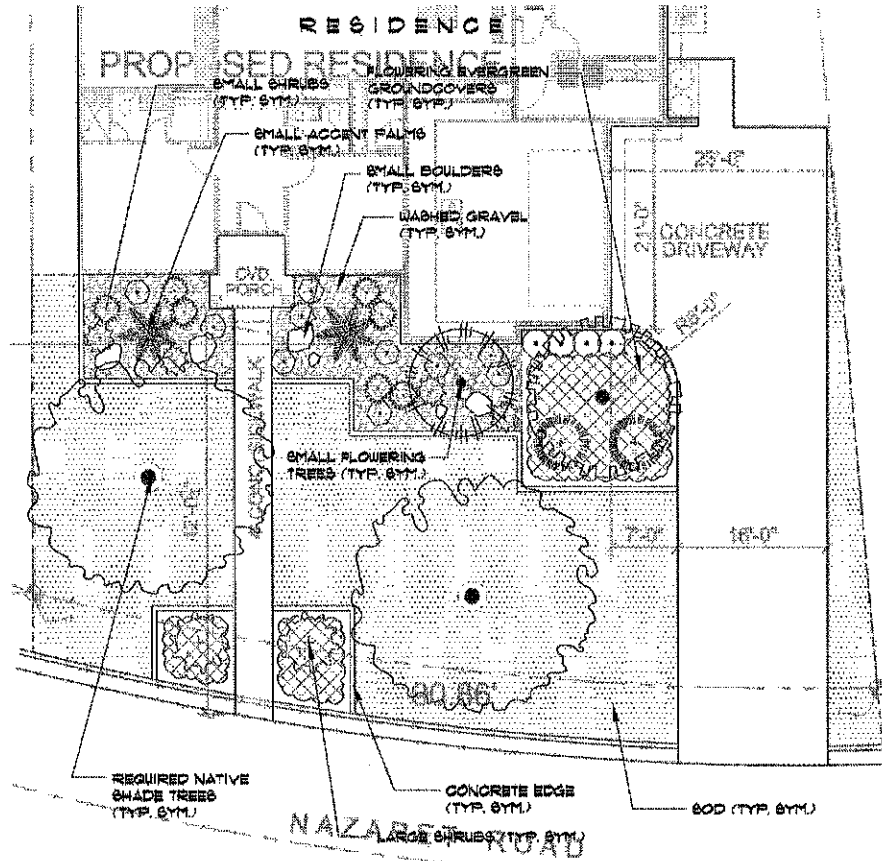
**MATERIAL SCHEDULE**

DESCRIPTION	NOTES	QUANTITY
PREMIUM COMPOST	2" LAYER PREMIUM COMPOST (FOR NINE KIDS COMPOST)	2 QTY.
SCREENED TOP SOIL	8" LAYER FOR ALL NEW PLANTING BEDS	8 QTY.
MULCH (HARDWOOD)	2" MIN. FOR ALL PLANTING BEDS AND WATERING BASINS 'TEXAS NATIVE'	35 BAGS (1 QTY)
HERBICIDE	ALL PLANTING BED AREAS AS SPECIFIED	300 SQ.
FERTILIZER	ALL PLANT MATERIAL PER DETAILS	300 SQ.
PLANTING TABLETS	PER DETAILS / AS SPECIFIED	-
PRE-HERBICENT	ALL PLANTING BED AREAS AS SPECIFIED	300 SQ.
CHAINS / STAKES	ALL TREES/PALMS PER DETAILS	-
TREE RINGS	36" DIA. BLACK ANODIZED ALUMINUM EDGE 'DREAMSCAPES' TREE RINGS	2
CONCRETE EDGES	6"x4" EXTRUDED CONCRETE 'SQUARE' EDGING	60' L.F.
IRRIGATION SYSTEM	(FRONT YARD) AUTOMATIC IRRIGATION SYSTEM	-



**MADEIRA**  
Landscape Architecture

**EXHIBIT J-2  
LANDSCAPE PLAN**



**3 LANDSCAPE OPTION 'C'**  
SCALE: 1/8" = 1'-0"

**PLANT SCHEDULE**

DESCRIPTION	SIZE	QTY
PALMS		
SMALL ACCENT PALMS	B/B 4" HT.	3
TREES		
SMALL FLOWERING TREES	B/B 3-3" CAL.	1
REQUIRED NATIVE SHADE TREES	B/B 3-4" CAL.	2
NATIVE SHADE TREES	B/B 3-4" CAL.	1
SHRUBS		
SMALL SHRUBS	3 GAL.	20
LARGE SHRUBS	15 GAL.	4
GROUND COVER/VERNS		
FLOWERING EVERGREEN GROUNDCOVER	1 GAL 2" CAL.	215
GRASS		
600		20 SY.

**MATERIAL SCHEDULE**

DESCRIPTION	NOTES	QUANTITY
PREMIUM COMPOST	2" LAYER PREMIUM COMPOST (14 NINE KIDS COMPOST)	2 CY.
SCREENED TOP SOIL	2" LAYER FOR ALL NEW PLANTING BEDS	2 CY.
MULCH (HARDWOOD)	2" MIN. FOR ALL PLANTING BEDS AND WATERING BASINS TEXAS NATIVE	20 BAGS (2 CY.)
HERBICIDE	ALL PLANTING BED AREAS AS SPECIFIED	200 GR.
FERTILIZER	ALL PLANT MATERIAL PER DETAILS	200 GR.
PLANTING TABLETS	PER DETAILS / AS SPECIFIED	-
PRE-EMERGENT	ALL PLANTING BED AREAS AS SPECIFIED	200 GR.
QUAYING / STAKING	ALL TREES/PALMS PER DETAILS	-
CONCRETE EDGE	6M" EXTRUDED CONCRETE SQUARE EDGES	120 LF.
WASHED GRAVEL	6" DEPTH OF 1" - 1/2" WASHED GRAVEL "TEXAS BLEND"	8 CY.
FILTER FABRIC	MARIPOSA 4 OZ. NON WOVEN FILTER FABRIC UNDER WASHED GRAVEL	425 SF.
SMALL BOULDERS	LIMESTONE BOULDERS (SIZE VARIES APPROX. 18"x24"x24")	5
TREE RINGS	36" DIA. BLACK ANODIZED ALUMINUM EDGE DREAMSCAPES TREE RINGS	2
ALUMINUM EDGE	5" BLACK ANODIZED ALUMINUM EDGE DREAMSCAPES	50 LF.
IRRIGATION SYSTEM	(FRONT YARD) AUTOMATIC IRRIGATION SYSTEM	-



**EXHIBIT J-3**  
**SUPPLIERS / VENDORS / CONTRACTORS**

**Suppliers / Nurseries / Garden Centers:**

1. Tree of Life Garden Center, 1001 E. Expressway 83, San Benito (956) 399-1315
2. Heeps Nursery, 1714 S. Palm Ct., Harlingen (956) 457-6834
3. Grimsell's, 213 W. Monroe Ave., Harlingen (956) 423-0370
4. Waugh's Nursery Center, 5012 N. Jackson Road, Pharr (956) 686-5591
5. 107 Garden Center, 10607 TX-107, Edinburg (956) 318-3911
6. Munoz Garden Center, 700 E Expressway 83, San Juan (956) 666-9024

**Contractors / Landscape Designers / Landscape Architects:**

1. Greenthumb Landscaping, 5818 N. Jackson Road, Edinburg (956) 380-2289
2. Southern Landscapes, 821 E. Beech Ave., McAllen (956) 618-1899
3. Earth Irrigation, 1101 E. Violet Ave., McAllen (956) 631-6686
4. Tree of Life Garden Center, 1001 E. Expressway 83, San Benito (956) 399-1315
5. 107 Garden Center, 10607 TX-107, Edinburg (956) 318-3911
6. SSP Design, 789 E. Washington St, Brownsville (956) 666-9024

FILED FOR RECORD  
AT 2:52 O'CLOCK P.M.

DEC 12 2024

SYLVIA GANZA-PEREZ  
CAMERON COUNTY CLERK  
By JA Deputy