

REGULATIONS AND GUIDELINES FOR RAINWATER RECOVERY SYSTEMS, COMPOST, IRRIGATION SYSTEMS, DROUGHT RESISTANT LANDSCAPING, POLITICAL SIGNS, SOLAR PANELS, CERTAIN ROOFING MATERIALS, FLAGS, FLAG POLES, AND RELIGIOUS ITEMS FOR FOREST COVE SECTION II HOMEOWNERS ASSOC.

THE STATE OF TEXAS *
* KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF GALVESTON *

WHEREAS, Forest Cove Section II Homeowners Assoc. (the "Association"), a Texas non-profit corporation, which is governed by its Board of Directors (the "Board") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Deed Restrictions for Forest Cove Section II (hereafter collectively referred to as the "Deed Restrictions"); and

WHEREAS, these Regulations and Guidelines apply to the operation and utilization of property within Forest Cove Section II, Dickinson, Galveston County, Texas, according to the maps or plats thereof, recorded on February 6, 2004 under Clerk's File Number 2004007812 under Volume 2004A, Page 23 of the map or plat records of Galveston County, Texas, replat recorded on June 9, 2004 under Clerk's File Number 2004037925 under Volume 2004A, Page 84 of the map or plat records of Galveston County, Texas, and the final replat recorded on March 4, 2005 under Clerk's File Number 2005013713 under Volume 2005A, Page 28 of the map or plat records of Galveston County, Texas.

WHEREAS, Chapter 202 of the Texas Property Code sets out in Sections 202.007, 202.009, 202.010, 202.011, 202.012, and 202.018 regulations for rainwater recovery systems, composting, irrigation systems, drought resistant landscaping, regulation of political signs, regulation of solar energy devices, regulation of certain roofing materials, regulation of flag display, and regulation of certain religious items.

WHEREAS, Chapter 202 of the Texas Property Code requires the Association to allow: rainwater recovery systems, solid waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass, irrigation systems, including underground drip or other drip systems, using the use of drought-resistant landscaping or water-conserving natural turf, political signs, solar energy devices, certain roofing materials, flags, flag poles, and religious items, and authorizes the Association to regulate such items; and

WHEREAS, the Board of Directors of the Association desires to regulate such items by establishing regulations and guidelines related to rainwater recovery systems, composting, irrigation systems, drought resistant landscaping, political signs, solar energy devices, certain roofing materials, flags, flag poles, and religious items in compliance with Chapter 202 of the

Texas Property Code and pursuant to the authority granted to the Board by the provisions of the Declaration:

NOW, THEREFORE, the Board has duly adopted the following *Regulations and Guidelines for Rainwater Recovery Systems, Compost, Irrigation Systems, Drought Resistant Landscaping, Political Signs, Solar Energy Devices, Certain Roofing Materials, Flags, Flag Poles and Religious Items.*

- I. Rainwater Recovery Barrels or Systems (“Barrels/System”), Composting, Irrigation Systems, and Drought-resistant Landscaping or Water Conserving Natural Turf, shall be permitted to the extent required by 202.007(d), subject to the following regulations:**
- 1) The Owner shall first apply to and receive written approval from the ACC prior to installation of any Barrels/System, Composting System, Irrigation Systems, and Drought-Resistant Landscaping or Water Conserving Natural Turf.
 - 2) The Barrels/System must be of a color that is consistent with the color scheme of the Owner’s home.
 - 3) The Barrels/System must not display any language or other content that is not typically included on the item when it is manufactured.
 - 4) The Association may regulate the size, type, materials and manner of screening for Barrels/System and Composting System, that would otherwise be visible from the street, another lot, or common area.
 - 5) Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Barrels/System, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area.
 - 6) Screening may be accomplished by an approved solid fence, structure or vegetation; by burying the tanks/barrels; or by placing the equipment in an outbuilding approved by the ACC.
 - 7) Overflow lines from a System must not be directed onto or adversely affect adjacent properties or common areas.
 - 8) Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are prohibited. However,

where space allows and where appropriate as determined by the Association, ACC approved ponds may be used for water storage.

- 9) Harvested water must be used and is not allowed to become stagnant or a threat to health.

II. Political Signs (“Political Signs”) shall be permitted to the extent required by Section 202.009 of the Texas Property Code, subject to the following regulations:

- 1) The Owner shall first apply to and receive written approval from the ACC prior to erecting Political Sign(s).
- 2) The Political Sign(s) may be erected on or after the 90th day before the date of the election to which the sign relates and removed before the 10th day after the election date.
- 3) The Political Sign(s) must be ground-mounted.
- 4) Only one Political Sign(s) for each candidate or ballot item is allowed.
- 5) Political Sign(s) cannot contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component.
- 6) Political Sign(s) cannot be attached in any to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object.
- 7) Political Sign(s) cannot be painted on any architectural surfaces.
- 8) Political Sign(s) cannot threaten public health or safety.
- 9) Political Sign(s) cannot be larger than four feet by six feet.
- 10) Political Sign(s) cannot violate the law.
- 11) Political Sign(s) cannot contain language, graphics, or any display that would be offensive to the ordinary person.
- 12) Political Sign(s) cannot be accompanied by music or other sounds or by streamers or are otherwise distracting to motorists.
- 13) Forest Cove Section II Homeowners Assoc. may remove a sign displayed in violation of the above.

III. Solar Panels are permitted to the extent required by Section 202.010 of the Texas Property Code, subject to the following regulations:

- 1) These guidelines apply to solar energy devices (“Devices”) as defined in Section 171.107(a) of the Texas Tax Code. A solar energy device means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.
- 2) The Owner shall first apply to and receive written approval from the ACC prior to installation of any solar panels or other solar items (collectively “Solar Panels”) permitted by 202.010 of the Texas Property Code.
- 3) Solar Panels shall be located in a fenced-in yard or patio, OR on the roof of the house or other approved structure, not visible from the front of the structure, and in a location approved by the ACC (subject to any limitation imposed by 202.010 of the Texas Property Code.
- 4) Solar Panels shall be located entirely on the property of the Owner erecting the Solar Panels and shall not be located on any other lot, property or common area.
- 5) When mounted on a structure, no Solar Panel may be higher or wider than the roofline of the structure it is mounted on.
- 6) When mounted on a structure, the top edge of all Solar Panels shall be parallel with the roofline and shall conform to the slope of the roofline.
- 7) If located in a fenced-in yard or patio, the Solar Panels shall be lower than the fence line of the yard or patio.
- 8) Solar Panel frames, brackets, wires and pipes shall be a shade of silver, bronze or black.
- 9) An Owner wishing to obtain approval of the installation of a Solar Panel or device that does not comply with any single criteria above must demonstrate that an alternative location will enable the panel or device to generate more than 10% greater production in the alternative location.
- 10) All Solar Panels must be installed in compliance with manufacturer’s instruction and in a manner which does not void material warranties. Licensed craftsman must be used where required by law. Permits must be obtained where required by law.

- 11) Installed Solar Panels may not threaten public health or safety; or violate any law; or substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner.
- 12) All Solar Panels must be maintained in good repair. Unused or inoperable Solar Panels must be removed.

IV. Texas Property Code, Section 202.011 sets out that Owners are entitled to install roof shingles designed primarily to be wind and/or hail resistant; shingles that provide heating and cooling efficiencies greater than those provided by customary composite shingles; and shingles that provide solar generation capabilities (collectively referred to as "Alternative Shingles"), subject to the following regulations:

- 1) All roofs shall be constructed so that the exposed material is minimum 30 year composition shingles of a GAF Timberline type and design, or such other material which is compatible in quality and appearance as may be approved by the Architectural Control Committee. Any fiberglass or asphalt shingle roofs should have a covered valley unless an uncovered valley is approved by the ACC. Tile and metal roofs will be allowed as approved by the ACC. Wood shingles of any type are prohibited on any building or structure.
- 2) Roofs may take a variety of forms; gabled and hipped roofs are preferable. Mansard roofs and other types of "exotic" roof forms may not be used unless by special written consent of the ACC. The minimum allowable roof pitch shall be a 9 in 12, except where a roof garden or deck is called for. Shed type roofs are specifically prohibited.
- 3) All roof ventilators (other than ridge ventilators) shall be located on the rear roof slope (behind the roof ridgeline and/or gable) or on a side roof slope of any structure on any Lot and shall not extend above the highest point of such structure, and shall be painted to match the color of the roof material of the structure. No roof ventilator (other than ridge ventilators) shall be placed on a roof slope facing the street side of any structure on any Lot. The Architectural Control Committee shall have the right to approve exceptions to the foregoing in cases where energy conservation and heating/cooling efficiency require ventilators that, because of a particular roof design, cannot be hidden from public view, but shall not permit a variance of the requirement that any roof

ventilator, irrespective of its placement, shall be painted the color of the roof material of the structure.”

- 4) Roof overlays are not allowed. Prior to roofing, all existing materials must be removed down to clean decking. Any damaged or deteriorated decking must be replaced.
- 5) Subject to Section 6 below and with advance written approval from the Architectural Control Committee, an Owner may install shingles (“Alternative Shingles”) which are designed primarily to:
 - a. Be wind and hail resistant; or
 - b. Provide heating or cooling efficiencies greater than traditional composition shingles; or
 - c. Provide solar energy capture capabilities.
- 6) Once installed, any such Alternative Shingles must:
 - a. Resemble the shingles used or authorized to be used on other structures within the Association; and
 - b. Be more durable than and of equal or superior quality to the shingles used or authorized to be used on other structures within the Association; and
 - c. Match the aesthetics of properties surrounding the Owner’s property.

V. **To the extent required by Section 202.012 of the Texas Property Code, Owners are entitled to display a United States Flag, a Texas State Flag, or a replica flag of any branch of the United States Armed Forces (“Permitted Flags”), and to install a flag pole on their property for the purpose of displaying the Permitted Flags; subject to the following regulations:**

- 1) The Owner shall first apply to and receive written approval from the Architectural Control Committee prior to installation any flag pole.
- 2) United States Flags must be displayed in accordance with 4 U.S.C. Sections 5-10.
- 3) The Texas Flag must be displayed in accordance with Chapter 3100 of the Texas Government Code.
- 4) Only Permitted Flags may be displayed within the Association.

- 5) Permitted Flags shall be displayed from a pole attached to a structure OR from a free-standing pole. Except for flags that are mounted in accordance with 4 U.S.C. Sections 5-10, Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage or entry door.
- 6) A flag pole attached to a structure shall be limited to one per lot, shall be no more than 6 feet long and shall be securely attached by a bracket with an angle of 30 to 45 degrees down from vertical. The flag pole shall be attached in such a manner as to not damage the structure. One attached flag pole is allowed on the front portion of a structure facing the street in a location approved by the Architectural Control Committee. Brackets which accommodate multiple flag poles are prohibited.
- 7) A flag pole, whether attached to a dwelling or freestanding, shall be constructed of permanent, long-lasting materials with a finish appropriate to the materials used in the construction of the flag pole and harmonious with the dwelling. Flag poles shall be commercially produced and not home-made, they shall not be constructed of wood or plastic.
- 8) Only one Permitted Flag may be displayed on a flag pole attached to a structure; up to two Permitted Flags may be displayed on an approved free-standing flag pole.
- 9) The flag display and flag pole shall conform to all setbacks, easements, and zoning ordinances.
- 10) Flags and flag poles must be maintained in good condition; flags and poles that are deteriorating or represent an unsafe condition shall be repaired, replaced or removed.
- 11) Free-standing flag poles are limited to one per lot, in a location approved by the Architectural Control Committee in writing, and the pole shall be at least fourteen (14) feet tall and shall not exceed twenty (20) feet in height (including any ornamental cap) and 9 inches in diameter. Free-standing flag poles shall be permanently installed in the ground according to the manufacturer's instructions.
- 12) Permitted Flags are limited in size to 3 feet tall by 5 feet wide.
- 13) Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting shall be:
 - a. Approved in writing by the Architectural Control Committee prior to installation.
 - b. Shall be ground mounted in the vicinity of the flag.

- c. Shall utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover.
- d. Shall point towards the center of the flag and face the main structure on the property or to the center of the property if there is no structure.
- e. Shall not provide illumination exceeding the equivalent of a 60 watt incandescent bulb.

14) Flag poles shall not generate unreasonable noise levels which would disturb the surrounding residents. In order to minimize noise all flag poles shall utilize vinyl or plastic snap hooks, shall utilize snap hook covers and may secure a rope around the flag pole with a flag pole clasp, or do whatever else is necessary to comply.

15) An Owner can only place a flag pole or flag on his own property and no other lot, property or common area.

16) Flag poles are permitted solely for the purpose of displaying Permitted Flags. If a flag pole is no longer used on a daily basis it shall be removed by the Owner.

VI. Religious Items related to any faith that is motivated by an Owner's sincere religious belief or tradition, may be displayed, as required by Section 202.018 of the Texas Property Code, subject to the following regulations:

- 1) Approval from the Architectural Control Committee is not required for displaying religious item(s) in compliance with these guidelines.
- 2) Approval from the Board of Directors shall be required prior to displaying religious item(s) not permitted by these guidelines.
- 3) An Owner may display or attach one or more religious items to each or any entry to their dwelling. Such items may include anything related to or motivated by the Owner's sincere religious belief.
- 4) To the extent allowed by the Texas State Constitution and the United States Constitution, the religious item cannot violate any law.
- 5) To the extent allowed by the Texas State Constitution and the United States Constitution, the religious item cannot contain language, graphics or other display that is patently offensive to a passerby.
- 6) The religious item must be located on the entry door or entry door frame and cannot extend past the outer edge of the door frame of the dwelling.

- 7) The maximum space allotted to a religious item or combination of religious items shall be no more than 25 square inches.
- 8) To the extent allowed by the Texas State Constitution and the United States Constitution, the religious item cannot threaten public health or safety.
- 9) As provided by Section 202.018 of the Texas Property Code, the Association may remove any item(s) that does not conform to these regulations.

WHEREAS, the Regulations and Guidelines for Rainwater Recovery Systems, Compost, Irrigation Systems, Drought Resistant Landscaping, Political Signs, Solar Energy Devices, Certain Roofing Materials, Flags, Flag Poles and Religious Items were approved by a majority vote of the Board of Directors at which a quorum was present and now appear in the books and records of the Association. This Policy is effective upon recordation in the Public Records of Galveston County, Texas and supersedes any policies which may have previously been in effect. Except, as affected by Chapter 202 of the Texas Property Code and/or by this Policy, all other provisions contained in the Deed Restrictions or any other dedicatory instruments of the Association shall remain in full force and effect. The Association through its Board of Directors, shall have and may exercise discretionary authority concerning the restrictive covenants contained herein.

TO CERTIFY which witness my hand this 28th day of August, 2014.

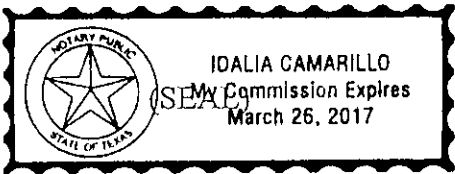
FOREST COVE SECTION II HOMEOWNERS ASSOC.

BY: Elizabeth L. Conner
Elizabeth L. Conner
President/Director
Forest Cove Section II Homeowners Assoc.

THE STATE OF TEXAS *
*
COUNTY OF GALVESTON *

BEFORE ME, the undersigned authority, on this day, personally appeared ELIZABETH L. CONNER, President and a Director for Forest Cove Section II Homeowners Assoc. known to me to be the person whose name is subscribed to the foregoing document and being by me first duly sworn, declared that she is the person who signed the foregoing document in her capacity as President and a Director, and that the statements contained therein are true and correct to the best of her knowledge and belief.

GIVEN under my hand and seal of office this 28th day of August, 2014.



Idalia Camarillo
Notary Public, State of Texas
Idalia Camarillo
Notary's Printed Name
My commission expires on March 26, 2017

After Recording, return to:
Forest Cove Section II Homeowners Assoc.
P.O. Box 237
Dickinson, Texas 77539

FILED AND RECORDED

Instrument Number: 2014048941

FILED FOR RECORD

Recording Fee: 62.00

Number Of Pages: 11

Filing and Recording Date: 08/28/2014 12:44PM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



Dwight D. Sullivan

Dwight D. Sullivan, County Clerk
Galveston County, Texas

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