

## **EXHIBIT C**

### **CONSTRUCTION AND DESIGN GUIDELINES MOBBERLY FARMS HOMEOWNERS ASSOCIATION, INC.**

From time-to-time unforeseeable circumstances may cause a number of setbacks or delays, such as, but not limited to, labor or material shortages, shipping delays, or other constraints which may create the need for modification to plans and/or use of alternate materials, etc. Should such circumstances occur, the Architectural Review Committee (the "ARC") will review requests received on a case-by-case basis. The allowance of a variance is at the sole discretion of the Declarant or the ARC and shall not require any consent or joinder of the Board or any Owner. Variances issued by the Declarant or the ARC may not be modified or revoked by the then current Board or ARC or any future Board or ARC, even after the Declarant Control Period ends. The issuing of a variance, whether temporary or permanent, shall not conflict with any city building ordinance in place for the Association and the ARC reserves the right to require proof of approval or permit from the city prior to the issuance of any variance or approval. All variances shall be issued in writing, NO verbal variance or approval shall ever be relied upon.

### **BEGINNING OF CONSTRUCTION AND DESIGN GUIDELINES**

#### **SECTION 1 MINIMUM FLOOR AREA**

The total air-conditioned living area of the main residential structure constructed on each Lot, as measured to the outside of exterior walls but exclusive of open porches, garages, patios and detached accessory buildings shall be:

1.1 40-foot Lots shall consist of a minimum of 1,200 square feet of air-conditioned living space.

1.2 50-foot Lots shall consist of a minimum of 1,400 square feet of air-conditioned living space.

#### **SECTION 2 LANDSCAPING AND OTHER EXTERIOR ELEMENTS**

Each Builder of a residence upon each Lot shall, before the first occupancy of a house, sod grass in the front, side and rear yards, plant the minimum size and number of trees and shrubs in the front yard against the foundation of the house as required by these Construction and Design. Thereafter, each Owner of a Lot shall have the responsibility to properly maintain such trees and landscaping and, if necessary, shall replace such trees or landscaping. Declarant and/or the Association shall have the right but not the obligation, to be exercised at its sole option, to remove and replace dead trees and landscaping and charge the costs thereof to the Owner's account as a Special Individual Assessment.

Upon completion of each residence, the following landscape elements shall be installed prior to occupancy of the residence:

2.1 **Sod**: Each residence shall have full sod installed for the entire front, side and rear yards. No artificial turf may be used in place of sod. Artificial turf is prohibited, however, small quantities for recreational purposes such as putting greens or dog runs may be allowed in back yards only and only upon written consent of the ARC.

2.2 **Trees**: Trees shall have a minimum caliper of three inches (3”), measured at a point twelve (12) inches above ground level. Each homeowner shall be responsible for maintenance and preservation of trees located on their property and shall promptly replace dead trees within thirty (30) days when favorable planting weather exists and ninety (90) days of loss occurrences when unfavorable planting weather exists.

2.2.1 **40-foot Lots** must have a minimum of **one (1) tree** in the front yard of every Lot.

2.2.2 **50-foot Lots** must have a minimum of **two (2) trees** in the front yard of every Lot.

2.3 **Shrubby and Planting Beds**: Each Residence shall have a minimum of eight (8) 1-gallon shrubs planted in a mulched planting bed along the foundation in the front of the home; the planting bed shall have V-trench or edging materials to separate the sod and bed mulch areas. The homeowner shall be responsible for the maintenance a preservation of the shrubs and planting bed, and shall promptly replace dead plants within thirty days when favorable planting weather exists and ninety (90) days of loss occurrences when unfavorable planting weather exists.

### **SECTION 3 FENCES AND WALLS**

Generally, walls must be constructed of masonry or ornamental metal or other material as may be approved by the Declarant. Residential fences shall be constructed of wood or ornamental metal or in the event any portion of a Lot borders a Common Area or the perimeter or boundary of the development, said Lot may contain some portions of the Lot which may be masonry or of another material approved by Declarant or the ARC for initial construction. Said wall or fence is not subject to removal and replacement with a different material without the express written consent of the Declarant and thereafter the ARC.

Fences constructed on a Lot or any portion thereof by the Declarant shall be accepted in “AS IS” condition and shall become the property and responsibility of the Owner as set forth in this Declaration. Fencing may not be installed in an easement, floodway, or drainage area. Absolutely no vinyl or chain link fences are permitted except on the Common Properties or school property which may be located within the subdivision.

During development, plans may change or some modification or alteration to fencing with regard to material, style, stain color, or placement may occur. Should this occur, all decisions for any such modification or alteration is at the sole discretion of the Declarant and/or the ARC.

3.1 Fences must remain a minimum of ten feet (10') back from the front wall on each side of any residence.

3.2 All fencing on corner lots and backing up to streets and major thoroughfares will be considered major thoroughfare fencing. Fencing which shall be standard board-on-board with steel posts and have a cap and trim for greater aesthetic appearance.

3.3 Interior lots shall be allowed the use of standard board-on-board fencing with metal/steel posts but no cap for only those portions of the fence that are not visible from any street or major thoroughfare, or corner Lot.

3.4 Side yard fencing on corner Lots or any Lot facing a Right-of-Way, shall be standard board-on-board with steel posts and run parallel to the curb and may be placed no nearer than five feet (5') inside the side Lot line and shall not extend beyond a point of ten feet (10') behind the front of the residence on that side or greater if the ARC deems it necessary to maintain a clear sight-line. Retaining walls with or without Fences on corner Lots are subject to approval at the sole discretion of the ARC.

3.5 Fences or walls erected by Declarant shall become the property of the Association and the Association shall be responsible for the maintenance and repair for all fences or walls located on or within common areas or making up the boundary of the development. The Association assumes no responsibility for fencing or walls otherwise located on an Owner's Lot or located on the common boundary of the Common Properties and the boundary lines of an Owner's Lot, which fencing and walls shall be maintained by the Lot Owner. Each Owner shall be responsible for all fencing located on their Lot unless otherwise stipulated or described herein. Should the Association deem it necessary or desirable to maintain fences or walls located on an Owner's property or should the Association be forced to maintain or repair because the Owner fails or refuses to do so, the Association shall levy upon the Owner's account all costs and expenses associated with maintenance and/or repairs performed on an Owner's fence or wall by the Association. Said costs and expenses shall be subject to collection by the Association the same as any assessment.

3.6 All fencing shall be so constructed so that all structural members and posts will be on the inside of the fence facing the backyard/home. All wood fencing making up the perimeter of the development shall be stained the same color to ensure consistency and to help enhance the aesthetic harmony of the development and community. The generally accepted height of any fence shall be six feet (6') measured from grade without the express written consent of the ARC.

3.7 Portions of lots facing or adjacent to a Common Area, Parks, Greenbelts, or other similar open areas may be required to use wrought iron or tubular steel fencing for that portion of the lot facing or adjacent to such an area. The remainder of fence not facing or adjacent to these areas shall be wood fencing that will comply with the restrictions shown above. The Declarant or the ARC shall be the only reviewing authority that may consider or issue variances from this rule. Notwithstanding, no such variance may be issued if it conflicts with City ordinance regarding such lots.

3.8 All such fencing facing major thoroughfare shall be stained and preserved with the following stain colors or of a similar color approved in writing by the ARC:

Color: Banyan Brown or similar color — Apply per product installation

Color: Sable Brown or similar color — Apply per product installation

#### **SECTION 4 MAILBOXES AND ADDRESS BLOCKS**

Mailboxes shall be cluster mailboxes of a standardized design for all Lots throughout the subdivision and shall be constructed in accordance with the U.S. Postal Service requirements. Placement of cluster boxes are at the sole discretion of the Developer and U.S. Postal Service.

4.1 In the event any cluster mailbox installed in the subdivision requires maintenance, replacement or repairs, such maintenance, replacement and/or repairs shall be performed by the Association and the costs and expenses incurred by the Association in connection therewith shall be charged on a pro rata basis (based on the total number of mailbox units within such cluster mailbox) as a Special Individual Assessment to the Owners with mailbox units within the cluster mailbox that has been maintained, repaired and/or replaced.

4.2 An address block shall be installed on the front facade of each residence. No address block may be obstructed and must be visible from the street. Backlighting or location under an outside light for illumination is recommended.

#### **SECTION 5 DOORS**

5.1 No owner or resident is authorized to use a material or color for an entry door or door frame of the owner's Lot or residence or make an alteration to the entry door or door frame that is not authorized by the ARC. Bright, neon, or unusual colors are prohibited. Storm doors shall be allowed upon written consent of the ARC and shall be limited to doors of a design approved by the ARC. No doors with symbols or writings other than the Texas star and other elegant and non-discriminatory designs are allowed.

## **SECTION 6 ROOFS**

6.1 Roof Pitch: All roof pitches shall have a minimum of 6-in-12 slopes. Lower roof pitches over doors, garages, porches and patios may be allowed upon written consent of the ARC. Variances to roof pitches are at the sole discretion of the ARC. No roof pitch shall be less than any city building or zoning ordinance may require.

6.2 Roofing Materials: Roofing materials shall be asphalt shingles with a 25-year rated warranty having a minimum weight of 220 pounds per square (100 square feet) and have a weathered brown or similar brown tone or gray and similar gray tone colors including charcoal gray. Any other color must receive the prior written approval of the ARC before installation.

6.3 Dormers & Above Roof Chimneys: Dormers and Chimney Chases, above roof structure and roofing materials, may be finished with an approved exterior grade siding material or masonry product to match and blend with the aesthetic exterior of the home. All fireplace flues shall be enclosed and finished; exposed pre-fabricated metal flue piping is prohibited. Roof penetrations are preferred to be kept to the back of the roof to allow for a cleaner and more aesthetically looking roof.

## **SECTION 7 CERTAIN ROOFING MATERIALS**

7.1 Roofing shingles covered by this Section are exclusively those designed primarily to: (i) be wind and hail resistant; (ii) provide heating and cooling efficiencies greater than those provided by customary composite shingles; or (iii) provide solar generation capabilities (collectively, "Roofing Shingles").

7.1.2 Roofing Shingles allowed under these Guidelines shall:

- (1) resemble the shingles used or otherwise authorized for use in the subdivision;
- (2) be more durable than and are of equal or superior quality to the shingles used or otherwise authorized for use in the subdivision; and
- (3) match the aesthetics of the property surrounding the property of the owner requesting permission to install the Roofing Shingles.

7.1.3 The owner requesting permission to install the Roofing Shingles will be solely responsible for accrediting, certifying and demonstrating to the Reviewer that the proposed installation is in full compliance with paragraphs a and b above.

7.1.4 Roofing Shingles shall be installed after receiving the written approval of the Reviewer which shall include any roof repair or replacement.

7.1.5 Owners are hereby placed on notice that the installation of roofing materials may void or adversely other warranties.

## **SECTION 8 EXTERIOR WALLS**

**8.1 Exterior Wall Materials:** Allowed masonry product shall include stone, stone veneer, cultured stone, brick and brick veneer. Architecturally finished material, such as stucco board, cementitious fiberboard and/or hardi board-type material or Board and Batten shall be considered a “secondary material” only and may not be used to calculate the required percentages of masonry material requirements. Exterior finish materials such as vinyl and wood siding, exterior insulation finishing system (EIFS), and manufactured wood products and shake siding are prohibited without the express written consent of the ARC.

**8.1.2 Front Walls:** The first floor of all front wall surfaces shall be full 100% masonry consisting of stone and/or brick. The second floor and all areas above the first floor for the front walls of a residence shall consist of 80% brick or stone unless brick over wood or cantilever situations would warrant the use of an approved secondary material.

**8.1.3** The remaining 20% on the second or upper floor levels of the front wall surfaces consisting of stucco board, cementitious siding and/or hardy-board or board and batten. Any other secondary material proposed for use shall require the prior written approval of the ARC. If siding is used for hidden or concealed wall surfaces, said surfaces may not be directly visible from the lot's front property line. The 20% “secondary materials” mentioned above are not intended to reduce the overall look of mason for the front wall surfaces, but to provide for an aesthetically pleasing blend of materials thereby creating a uniform and desirable appearance for all second and upper floors of front wall surfaces.

**8.2 Side Walls:** Side wall surfaces shall be 100% masonry consisting of brick or stone which shall be required to reach to the fence line notwithstanding, if fences are brought forward on one or both sides of the residence a minimum of ten feet (10') of brick or stone shall still be required to wrap around both sides of the residence from the front wall surface. The remaining portion of the side walls may be siding or an alternative material approved by the ARC. For the purpose of clarification and to ensure compliance with this rule, fences are not allowed to extend closer than ten feet (10') to the front wall surface on both sides of the residence.

**8.3 Rear Walls:** Rear wall surfaces of the first and second floors may be brick or siding or a combination of both. Other secondary materials may be used only upon written approval of the ARC.

**Homes siding or backing collectors, major roads, open spaces and amenity centers in certain locations may be required to be one hundred percent (100%) mason.**

8.4 Chimneys: Chimney wall structures that are a direct extension of an exterior wall shall match the requirement of said wall. Chimney wall structures may be siding upon written approval from the ARC.

8.5 Columns: Front Columns shall be a minimum of 6" x 6" in diameter.

**Notwithstanding the foregoing or anything to the contrary contained herein, in the event that the development standards of the City conflict with the foregoing requirements and the standards of the City are higher, the development standards of the City shall then prevail.**

## **SECTION 9 ELEVATION AND BRICK USAGE**

9.1 Same Plan with Same Elevation: The repeat of the same floor plan with the same elevation design shall be separated by a minimum of three (3) Lots.

9.2 Same Plan with different elevation shall be separated by a minimum of two (2) Lots.

9.3 The street right-of-way serves as the equivalent of (1) one lot. No plan using the same floor plan and elevation shall be side by side or directly across the street from one another.

9.4 Repeat Brick Usage: Painted brick is prohibited without the express written consent of the ARC. All residence submittals shall calculate the percentage coverage for each material as follows:

9.4.1 Same Side of Street: No combination of brick color shall be repeated for adjacent residences. Street and alley intersections are acceptable separation elements.

9.4.2 Opposite Side of Street: There are no restrictions for the use of brick color for residences on opposing sides of the street.

9.5 Exterior Material Area Calculations: All residence submittals shall calculate the percentage coverage for each material as follows:

9.5.1 Calculation Method: Calculations for material coverage percentages shall include all exposed areas of the wall surface, excluding window and door openings.

9.5.2 Calculation Format: Calculations shall indicate the area coverage for front, side, and rear wall areas.

## **SECTION 10 WINDOWS**

10.1 Windows shall be constructed of vinyl or similar quality type and style. Reflective glass is prohibited. In the event any Lot is considered a zero Lot or positioning of a window is thought to interfere with or infringe upon a neighboring owner's right to privacy, the ARC may require an obscure glass designed for letting in light only as well as a stationery window in some areas as deemed necessary or appropriate. Use of any other window type shall require the prior written consent of the Declarant of the ARC. Additional restrictions or prohibitions for installation of windows may apply.

## **SECTION 11 GARAGE**

11.1 Garage Doors shall be constructed of wood, be wood clad or metal garage doors with carriage hardware. The type and style of garage door should enhance the exterior aesthetics of the home. Any variation of garage door used except for those listed in this Section shall require the prior written consent of the ARC prior to installation. Use of an unauthorized material or style without the prior written consent of the ARC may result in a written request for removal of the non-conforming garage door and installation of an approved product.

### **TABLE:**

**ALL PLANS MUST SHOW THE PERCENTAGE OF MASON AND OTHER MATERIALS TO BE USED ON THE EXTERIOR OF A RESIDENCE IN A TABLE. FAILURE TO PROVIDE THE TABLE MAY RESULT IN THE RETURN OR DENIAL OF THE PLAN(S) SUBMITTED.**

## **SECTION 12 SOLAR PANELS OR SHINGLES**

12.1 Solar energy devices, including any related equipment or system components (collectively, "Solar Panels") may only be installed after receiving the written approval of the Reviewer.

12.2 Solar Panels or shingles may not be installed upon or within common area or any area which is maintained by the Association.

12.3 Solar Panels or shingles may only be installed on designated locations on the roof of a home, on any structure allowed under any Association dedicatory instrument, or within any fenced rear-yard or fenced-in patio of the owner's property, but only as allowed by the Reviewer. **Solar Panels or shingles may not be installed on the front elevation of the home and may not be installed to cover the entire roof.**

12.3.1 If located on the roof of a home, Solar Panels shall:

1. not extend higher than or beyond the roofline;



2. conform to the slope of the roof;
3. have a top edge that is parallel to the roofline; and
4. have a frame, support bracket, or wiring that is black or painted to match the color of the roof tiles or shingles of the roof. Piping must be painted to match the surface to which it is attached, i.e. the soffit and wall. Panels must blend with the color of the roof to the greatest extent possible.

12.4 If located in the fenced rear-yard or patio, Solar Panels shall not be taller than the fence line or visible from a Lot, common area or street.

12.5 The ARC may deny a request for the installation of Solar Panels or shingles if it determines that the placement of the Solar Panels or shingles, as proposed by the property owner, will create an interference with the use and enjoyment of land of neighboring owners.

12.6 Owners are hereby placed on notice that the installation of Solar Panels or shingles may void or adversely affect roof warranties. Any installation of Solar Panels or shingles which voids material warranties is not permitted and will be cause for the Solar Panels or shingles to be removed by the owner.

12.7 Solar Panels or shingles must be properly maintained at all times or removed by the owner.

12.8 Solar Panels or shingles which become non-functioning or inoperable must be removed by the owner of the property.

## **SECTION 13 FLAGS AND FLAGPOLES**

13.1 The only flags which may be displayed are: (i) the flag of the United States of America; (ii) the flag of the State of Texas; and (iii) an official or replica flag of any branch of the United States armed forces. No other types of flags, pennants, banners, kits or similar types of displays are permitted on a Lot if the display is visible from a street or Common Area.

13.2 The flag of the United States must be displayed in accordance with 4 U.S.C. Sections 5-10.

13.3 The flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code.

13.4 Any freestanding flagpole, or flagpole attached to a residence, shall be constructed of permanent, long-lasting materials. The materials used for the

flagpole shall be harmonious with the residence, and must have a silver finish with a gold or silver ball at the top. The flagpole must not exceed three (3) inches in diameter.

13.5 The display of a flag, or the location and construction of the supporting flagpole, shall comply with applicable zoning ordinances, easements, and setbacks of record.

13.6 A displayed flag, and the flagpole on which it is flown, shall be maintained in good condition at all times. Any flag that is deteriorated must be replaced or removed. Any flagpole that is structurally unsafe or deteriorated shall be repaired, replaced, or removed.

13.7 Only one flagpole will be allowed per Lot. A flagpole can either be securely attached to the face of the residence (no other structure) or be a freestanding flagpole. A flagpole attached to the residence may not exceed 4 feet in length. A freestanding flagpole may not exceed 20 feet in height. Any freestanding flagpole must be located in either the front yard or backyard of a Lot, and there must be a distance of at least 5 feet between the flagpole and the property line.

13.8 Any flag flown or displayed on a freestanding flagpole may be no smaller than 3'x5' and no larger than 4'x6'.

13.9 Any flag flown or displayed on a flagpole attached to the residence may be no larger than 3' X 5'.

13.10 Any freestanding flagpole must be equipped to minimize halyard noise. The preferred method is through the use of an internal halyard system. Alternatively, swivel snap hooks must be covered or "Quiet Halyard" Flag snaps installed. Neighbor complaints of noisy halyards are a basis to have flagpole removed until Owner resolves the noise complaint.

13.11 The illumination of a flag is allowed so long as it does not create a disturbance to other residents in the community. Solar powered, pole mounted light fixtures are preferred as opposed to ground mounted light fixtures. Compliance with all municipal requirements for electrical ground mounted installations must be certified by Owner. Flag illumination may not shine into another residence. Neighbor complaints regarding flag illumination are a basis to prohibit further illumination until Owner resolves complaint.

13.12 Flagpoles shall not be installed in Common Area or property maintained by the Association. All freestanding flagpole installations must receive prior written approval from the Reviewer.

## **SECTION 14 RAIN BARRELS OR RAINWATER HARVESTING SYTEMS**

14.1 Rain barrels or rain water harvesting systems and related system components (collectively, "Rain Barrels") may only be installed after receiving the written approval of the Reviewer,

14.2 Rain Barrels may not be installed upon or within common area of the subdivision.

14.3 Under no circumstances shall Rain Barrels be installed or located in or on any area within a Lot that is in-between the front of the property owner's home and an adjoining or adjacent street,

14.4 The rain barrel must be of color that is consistent with the color scheme of the property owner's home and may not contain or display any language or other content that is not typically displayed on such Rain Barrels as manufactured,

14.5 Rain Barrels may be located in the side-yard or back-yard of an owner's Residential Parcel so long as these may not be seen from a street, another Lot or any common area of the Association,

14.6 In the event the installation of Rain Barrels in the back-yard only of an owners' property in compliance with paragraph e above is impossible, the Reviewing Body may impose limitations or further requirements regarding the size, number and screening of Rain Barrels with the objective of screening the Rain Barrels from public view to the greatest extent possible, the owner must have sufficient area on their Lot to accommodate the Rain Barrels.

14.7 Rain Barrels must be properly maintained at all times or removed by the owner.

14.8 Rain Barrels must be enclosed or covered.

14.9 Rain Barrels which are not properly maintained, become unsightly or could serve as a breeding pool for mosquitoes must be removed by the owner from the Lot.

## **SECTION 15 RELIGIOUS DISPLAYS**

15.1 By statute, an Owner is allowed to display or affix on the Owner's Lot or occupant's residence one or more religious items, the display of which is motivated by the Owner's or occupant's sincere religious belief. Such display is limited according to the provisions contained herein.

15.2 If displaying or affixing of a religious item on the Owner's Lot or occupant's residence violates any of the following covenants, the Association may remove the item displayed:

- (1) threatens the public health or safety;
- (2) violates a law other than a law prohibiting the display of religious speech;
- (3) contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;
- (4) is installed on property:
  - (A) owned or maintained by the Association; or
  - (B) owned in common by members of the Association;
- (5) violates any applicable building line, right-of-way, setback or easement; or
- (6) is attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

15.3 No Owner or Resident is authorized to use a material or color for an entry door or door frame of the Owner's or Resident's Residence or make an alteration to the entry door or door frame that is not authorized by the Association, Declaration or otherwise expressly approved by the Architectural Reviewer.

**[END OF EXHIBIT C]**