

# **SUNRISE LAKES**



## **DESIGN GUIDELINES**

**Design Guidelines and Construction  
Standards for Single-Family Residences**

Adopted By

**SUNRISE LAKES  
Architectural Control Committee**

Prepared By  
**M2L Associates, Inc.**

June 05, 2006

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# 1.0 GENERAL

The community of *Sunrise Lakes*, a single-family residential development of 597 detached residential units, is located in Pearland, Texas. *Sunrise Lakes* has been planned and designed to offer a quality single family residential living environment. In order to ensure that not only each individual living unit is of a high standard, but the entire community maintains a cohesive and consistent quality, the following guidelines have been established as Design Guidelines for the Sunrise Lakes community.

The Design Guidelines are intended for use by the residents and homeowners who wish to make improvements and the consultants they may engage regarding lots in the *Sunrise Lakes* development. **The guidelines are supplemental to the Covenants, Conditions, and Restrictions and contain the construction, development and aesthetic standards adopted and administered by the *Sunrise Lakes* Design Guidelines Committee (SLDGC) and Architectural Control Committee (ACC). Non-compliance with these guidelines is grounds for disapproval of plans by the SLDGC or ACC (See Section 6).** Prior to commencing design of a project, the property deed, the recorded subdivision plat and the "Declaration of Covenants, Conditions and Restrictions" should also be reviewed and adhered to by homeowners. In addition, *Sunrise Lakes* is located within the City Limits of Pearland and is therefore subject to Pearland development ordinance and any other ordinance City of Pearland may impose. The development regulations for Brazoria County shall also apply. Local, County and City standards, regulations and ordinances have precedence over this document.

**All proposed improvements and any subsequent improvements, grading, plantings and exterior construction must be reviewed and approved by the SLDGC prior to the commencement of any building or construction activity on the site. No improvement shall be permitted without approval by the SLDGC or the ACC. Refer to Section 6 Architectural Review Submittal and Process in this document.**

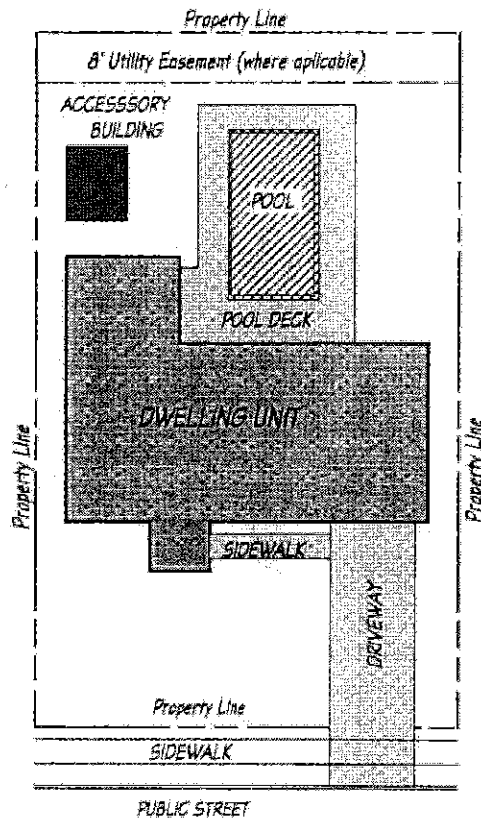
## 2.0 SITE PLANNING CRITERIA

### 2.1 Site Coverage

The total site coverage of primary and accessory buildings, walks/sidewalks, patios, and driveways shall adhere to the requirements as set forth in the diagram below. Site coverage refers to the total non-permeable surface coverage as defined below. Total site coverage shall not exceed 55% to the total lot area.

#### Definitions

- a. **Building Coverage** – The total square footage of the primary building in addition to all accessory buildings.
- b. **Accessory Buildings** – Buildings and /or structures attached or detached from the main dwelling unit which have a solid roof.
- c. **Non-permeable Surface Coverage** – The total square footage of the primary and accessory buildings including all hard surfaced walkways, decks or patios (including pool decks), driveways, and water fountain / features. Non-moveable or permanent swimming pools and/or spas are excluded from this category.
- d. **Lot Area** – Means the total area of the lot within the lot lines as measured on a horizontal plane and as defined on the recorded subdivision plat.



**DEVELOPMENT LEGEND:**

-  PRIMARY OR ACCESSORY BUILDING
-  SIDEWALK OR DECK
-  SWIMMING POOL OR SPA (n.i.c. in max. non-permeable surface coverage)

**TYPICAL LOT**  
Not To Scale

**2.2 PAVING**

**A. Driveways**

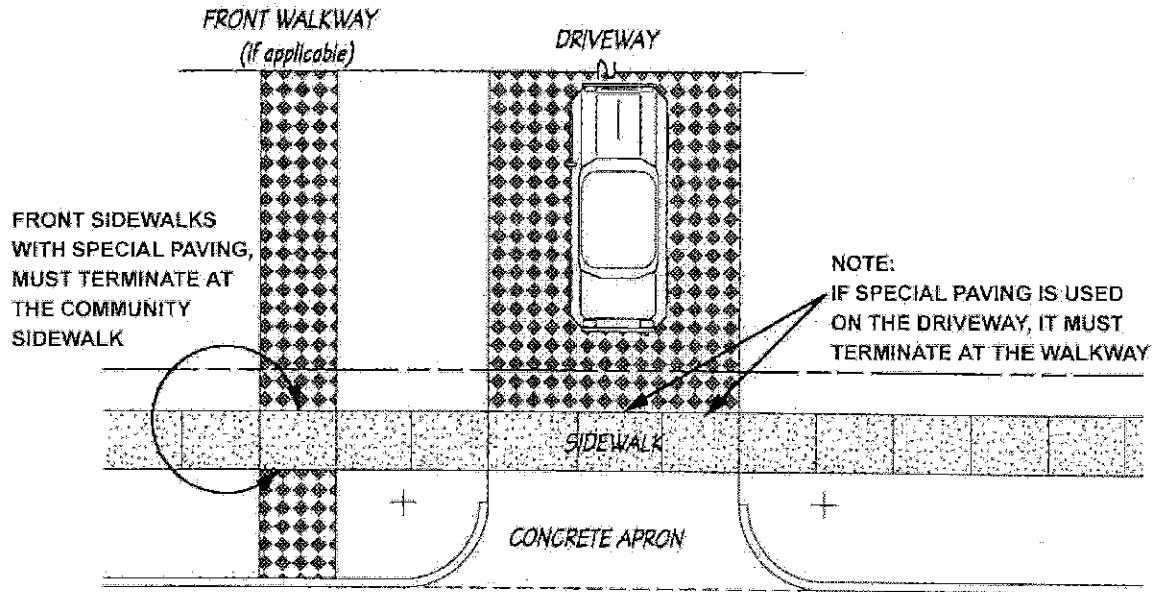
The following guidelines apply to additions to or replacement of driveways.

1. Materials:

Driveways shall be of a hard paved surface. Approved materials include, special finished concrete, concrete unit pavers, brick pavers, and brick borders (no cored brick may be used in a manner which the core holes show). Special finished concrete includes coloring, stamping, and other texturing applications. Materials not permitted include

asphalt paving, loose gravel, stone or pea gravel, or other aggregate paving materials, and timber borders

2. Circular Drive and Auto Courts are not allowed.

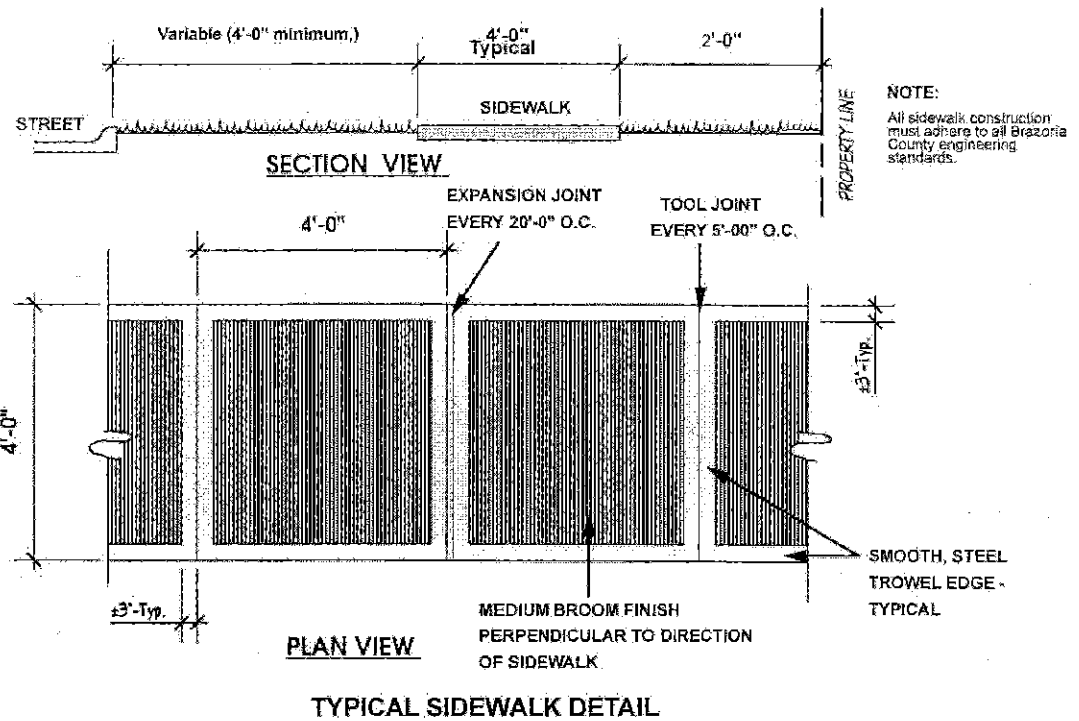


### SPECIAL PAVING @ FRONT WALKS/DRIVEWAYS

#### B. Sidewalks

##### 1. Public Sidewalks:

Sidewalks shall meet the Americans with Disabilities Act (ADA) requirements in size, location and handicapped specifications. The color is to be natural gray concrete with standard finish throughout the neighborhood. Sidewalks shall continue uninterrupted visually or physically through both driveways and front walk paving



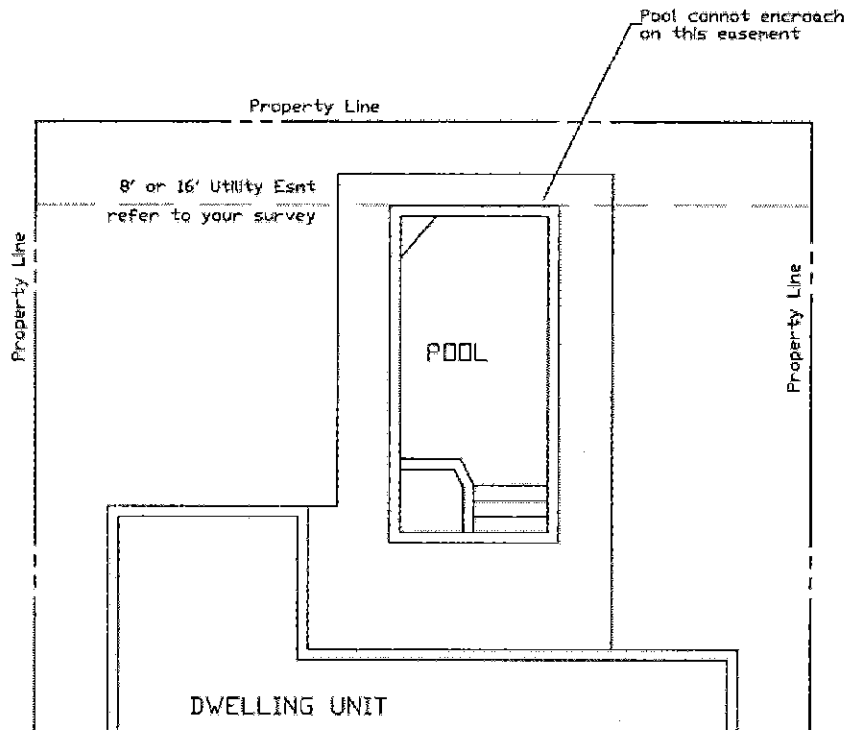
2. Front Walks:

The front walk should complement the architectural style of the house in terms of alignment and material finishes. Front walk materials may be tile, concrete unit pavers, brick, stone, and plain or special finished concrete. Special finished concrete includes coloring, stamping, and other texturing applications. Pea gravel or other aggregate paving materials are not acceptable in the front yard for sidewalk materials.

### **C. Pool, decks, and other structures**

1. Swimming Pools and Spas – Pools may be constructed within the architectural building lines of each lot and in the rear of the lot only. Pool decks may extend beyond the building line, but must allow adequate room for landscaping and fencing. Allowances must be made to provide for positive drainage from the back of the lot to the front and shall not drain on to adjacent lots. Pool surface, deck, and equipment must be screened from public view, including public streets, common areas, and reserves. (See Appendix A)





**POOL DIAGRAM**

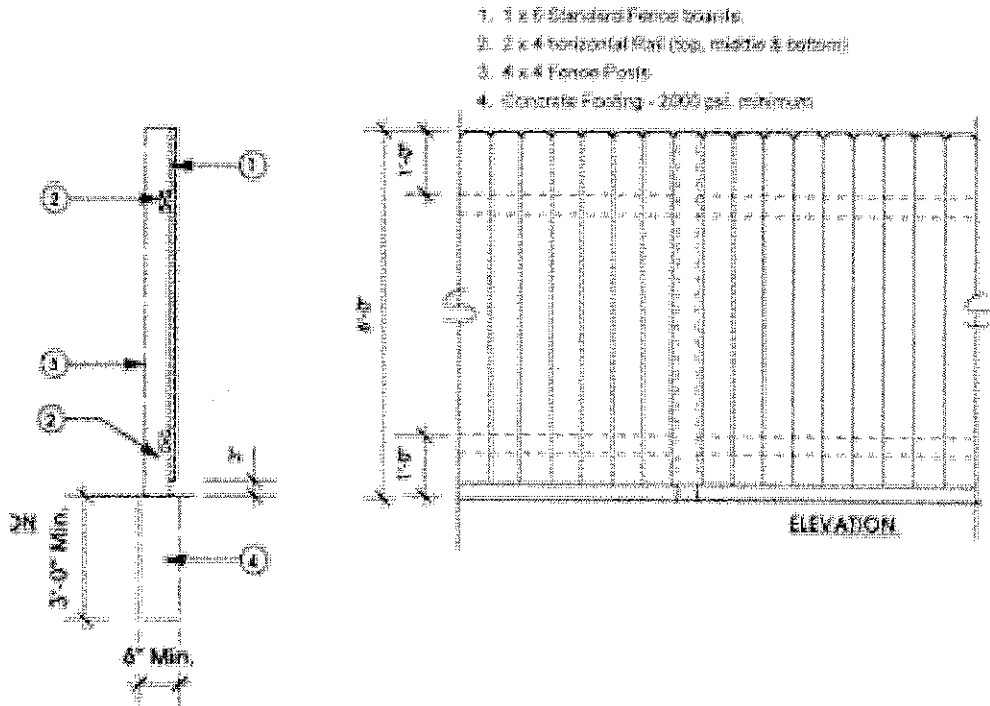
2. Other Structures – All structures including gazebos, playhouses, storage buildings, arbors, and trellis or shade structures must be submitted to the **SLDGC** for specific approval, and may require screening from public view.

## **2.3 FENCES**

### **A. Wood Fencing.**

All lots with exception to those that abut the Lake, shall have wood fencing along the rear and side property lines. The fence shall be at a minimum height of a six foot (6') and a maximum of eight (8'). Fencing may not be erected at a height that is greater or less than the adjoining fencing and is not permitted in the front yard of any lots. No stain or paint will be allowed on wood fences. Use of a clear wood sealant is allowed. Wood fences not visible to the public such as side property lines on interior lots shall be constructed with alternating panels and exposed rails along common interior lot lines. See Diagram below. The following

fences are not permitted under any circumstances: plastic, chain link, bamboo, or corrugated metal.



### Wood Fencing

#### B. Lake Perimeter Fencing.

Residential lots whose rear yards abut the Lake are required to have metal fences made of tubular steel or wrought iron. Replacement fences shall be replaced with identical height, style and color as originally installed by the Builder. No additional ornamentation to the fence or modification to the color is allowed.

#### C. Pool Fencing.

All yards containing swimming pools must be enclosed by a fence of a minimum of four (4') feet in height and have a self closing latch on the gate (or motorized gate) in accordance with the City of Pearland and safety requirements. Back yard perimeter fencing serves this purpose provided that the self closing gate is provided.

#### D. Driveway Gates

If proposed by the Property Owner and approved by SLDGC, driveway gate may be installed provided that they meet the following criteria. Gates shall not extend beyond the front facade of the home. The gates

shall be made of tubular steel, aluminum or wrought iron, not exceed six feet (6') in height and shall be black in color unless otherwise approved by the SLDGC. Use of a highly thematic gate is not allowed. Where a gate is powered, the motor cover and related equipment are to be screened from adjoining public right-of-way with landscape. Where similar metal fence is used to accompany the gate, it must also meet criteria defined above.

## **2.4 OTHER**

### **A. Lighting**

All exterior lighting visible from the street and common areas shall meet the following criteria.

#### **1. Floodlighting:**

Floodlighting fixtures must be attached to the house or other architectural structure and must not illuminate adjacent public or private properties. Light sources should be mounted in an inconspicuous manner and location. Soffit mounted spotlights shall be carefully positioned to prevent glare from impacting neighboring properties.

#### **2. Exterior Lighting Fixtures:**

Decorative fixtures must be of an understated design and complement the architectural style of the residence. All electric lamps shall be white incandescent. All lighting is required to be installed in such a manner that the light source (bulb) is concealed, as much as possible from direct view and positioned to avoid light spill onto adjacent property. Professionally installed gas lights may be allowed with SLDGC approval.

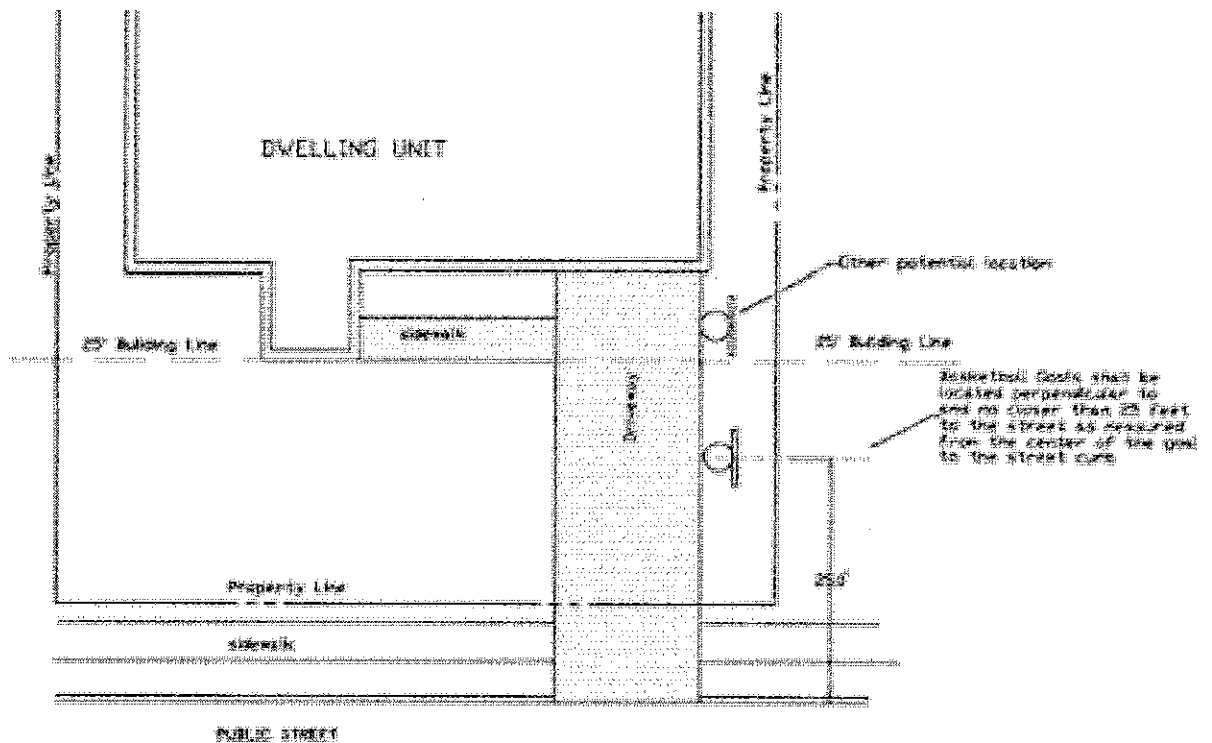
#### **3. Landscape Lighting:**

Low voltage landscape lights may be located at ground level on the lawn or in the planting beds. The lights should in no way resemble "Christmas or Holiday Lighting". The design should complement the architecture and be of an understated design. The lighting may be used to delineate planting border, pathways or accent a specimen plants. Lighting shall not be used to line the driveway. Landscape lighting will need to be maintained and kept in good repair.

### **B. BASKETBALL OR GAMES REQUIRING POLES**

Permanent and portable basketball goals and backboards are permitted in back yards, side yards, or behind the front plane of the dwelling.

Backboards may be permitted in the front plane of the dwelling provided that the backboard is perpendicular to the street, no closer than 25 feet to the street, and the grade between the backboard and the street does not stray balls to continually roll into the street. Backboards shall be a solid background with or without a border and either clear, grey, black or white in color. The backboard, goal, pole and net shall be appropriately maintained to avoid an unsightly appearance. No metal nets are permitted. See diagram below regarding acceptable locations.



### C. FLAGPOLES, FLAGS, AND BANNERS

#### 1. Flagpoles:

Freestanding flagpole structures in front yards will not be allowed unless submitted to the SLDGC for approval prior to installation. They are allowed in rear yards provided they are not visible from the fronting street

#### 2. Flags – Building Mounted:

Flags shall be permitted by a bracket mounted on the first floor level either by the entry door or garage portion of the house. No building mounted flags are allowed at the second floor level.

3. Banners & Flags:

The American Flag and the State of Texas Flag are permitted for display year round. Display of all other flags visible from the front street must be submitted for SLDGC approval. Temporary flags or banners for a special event such as birthday, congratulations, graduation, etc will be allowed provided the temporary flags are removed within three (3) days after the event.

**D. ANTENNAE, SATELLITE DISHES, RADIO TOWERS, VIDEO CAMERAS**

Antennas and satellite dishes shall be installed in such a manner that they are not to be visible from the fronting street. In the instance that the line of site necessary to receive transmission requires installation that will be visible from the street, the visibility should be kept to a minimum. All such cases must be submitted to the SLDGC with documentation from the provider. Radio towers and video cameras visible from the street front or adjacent residences are not allowed without SLDGC approval.

**E. PLAY STRUCTURES**

Play structures to include swing sets, gym sets, and trampolines are permitted only in the rear and side yards. Equipment shall be set back a minimum of 6 feet from the perimeter fencing. Any structures that will be visible from the street or common areas must be submitted to the ACC with documentation from the provider prior to installation.

## **3.0 ARCHITECTURAL CRITERIA**

### **3.1 Percentage Masonry**

The exterior materials of the main residential structure shall be no less than 51% brick on the ground floor with exception to lots that abut the Lake which shall be at 100%.

### **3.2 Exterior Materials**

The following are approved exterior architectural building materials. Materials shall be limited to three materials per residence excluding glass and trim.

Brick	Must meet standard specifications established by the Brick Institute of America.
Siding	Wood siding or concrete Hardi-plank only. Siding materials may not extend down to or near the grade except for box-out windows and garages.
Wood	All wood must be painted or stained. Naturally weathered wood is prohibited. If a stain is used, a wood sealant must be used.
Stone and Cultured Stone	The use of stone on the exterior of a residence is permitted.
Metal	Exposed metals shall be anodized metal, bronze, copper or painted galvanized steel.
Trim	All trim shall be wood or Hardi-plank and shall be smooth, high quality finish-grade stock, stained or painted as approved by the SLDGC. The use of MDO (Medium Density Overlay) will be allowed.
Mortar Joints	All mortar joints shall be tooled;
Not Permitted	Metal and vinyl siding; Minimum siding may be acceptable on a case-by-case basis. In no instance will the entire rear wall of a second-story be approved with 100% siding or reflective metal; The use of a combination of stone, brick and/or stucco to create a rustic or distressed or Old World look is not permitted.

### **3.2 EXTERIOR PAINT**

Paint colors must be in harmony or complement the masonry material(s). Pastel and primary colors are prohibited. Premier grade paint or better is required. If colors other than those original to the home are planned to be used, submission of the color selection to the SLDGC is required prior to commencing the work.

### **3.3 ROOFING MATERIAL**

Replacement roofing material shall be of the following criteria.

Composition Shingles	25 year warranty or better
Acceptable Alternatives	Slate or tile with SLDGC approval
Unacceptable Materials	Wood shingles, clay, standing metal seam for entire roof
Bay Windows and Porches	Copper roofing and standing metal seam permitted over these areas
Colors	Black or dark gray only; Red tile not permitted
Exposed Roof Metal	All exposed roof metal must be located to the rear or side slopes of all buildings away from public rights of way and painted to match the roofing material. Roof metal must be kept to a minimum.
Breezeways	Breezeway roofing material must be the same as the residence.
Skylights and Solar Collectors	Skylights must be integrated into the roof with the roof design and in a manner parallel to the roof pitch. Skylight glazing should be clear, solar bronze or gray. Skylight framing must match the color of the roofing materials. Solar collectors are permitted but are not allowed on any roof slope visible from the street that passes in front of the house..

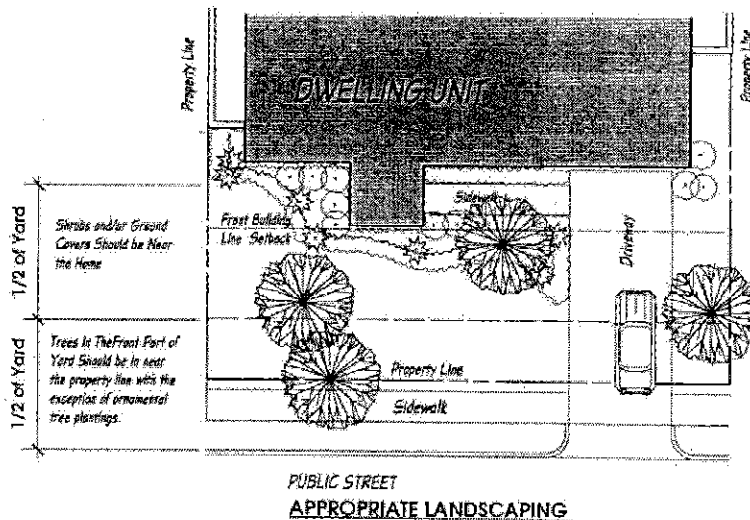
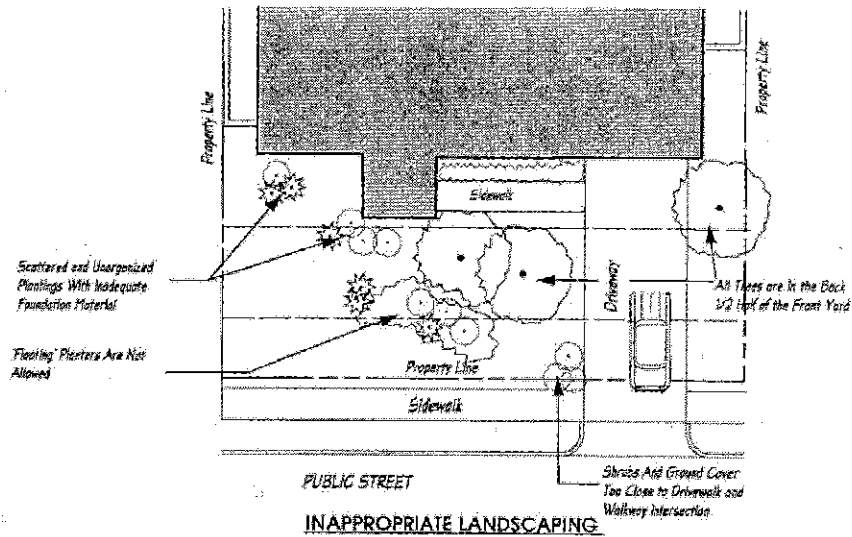


## 4.0 LANDSCAPE CRITERIA

New landscaping or significant changes to existing landscape designs must be approved by the ***Sunrise Lakes Design Guidelines Committee*** or ACC to ensure compatibility with the Sunrise Lakes community. Shrubs and/or ground cover landscaping in the rear yard enclosed by the perimeter fencing and not visible from Common Areas or adjacent properties do not require approval. Trees and/or large shrubs whose projected height will extend beyond the height of the perimeter fences or walls; or whose canopy extends beyond common fence lines DO require approval by the SLDGC.

### **4.1 FRONT YARDS**

The front yards should depict a natural, free flowing landscape design that provides for an aesthetic presentation of plant material associations. Shrubs and ground cover should be planted near the building in the rear portion (rear half) of the front yard with street tree plantings being located in the front half of the front yard. (Reference Section 5.0 Plant Palette for approved trees and shrubs)



**FIGURE 5 : Front Yard Landscaping**

#### 4.2 LAKE LOTS

Criteria regarding lots that abut the Lake are defined specifically in the "Declaration of Covenants, Conditions and Restrictions". The front or "street side of these lots shall also depict a natural, free flowing landscape design that provides for an aesthetic presentation of plant material associations. Shrubs and ground cover should be planted near the building in the rear portion (rear half) of the front yard with street tree plantings being located in the front half of the front yard. Rear yards abutting the

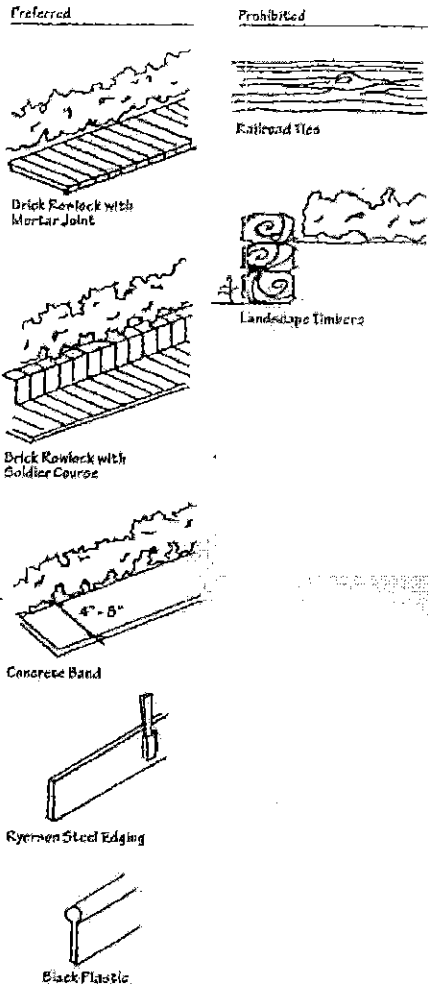
Lake may plant a screen hedge along the wrought iron fence to provide privacy. All Lake lots must have pre-approval from the SLDGC prior to planting or re-planting trees or shrubs.

#### **4.3 PLANTING BEDS AND EDGING**

All planting beds are required to be mulched with shredded pine or hardwood bark. Planting beds shall be of a minimum width of five feet (5') from front of residence but should not exceed nine feet (9'). See Section 5 regarding planting palette. Shrubs or trees between the sidewalk and the street curb are prohibited.

Bed Edging permitted includes ryerson steel edging (or similar), brick set in mortar, natural stone, or concrete unit pavers. Edging materials not recommended (because its appearance tends to deteriorate quickly) include cored brick, gravel or rock mulch, concrete scallop edging; corrugated metal edging and small picket fencing. Approval of such materials is contingent on regular upkeep and maintenance by the homeowner. Prohibited materials include loose brick edging wire wickets, railroad ties or timbers; chicken coop wire attached to stakes; and continuous concrete bands.

All plant material shall be sound, healthy specimens, with well-formed tops and roots, and shall be free from all injurious insects, insect eggs or larvae, diseases, serious injuries to bark, root or foliage, broken branches, or any other types of disfigurement. All plants that fail to make new growth from a dormant condition, decline or die shall be replaced. A plant is considered dead if at least 60% of its growth is dead during the peak of the growing season. All replacements shall conform to the original intent of the planting design.



#### 4.4 MAINTENANCE REQUIREMENTS

All front yards are to be kept in a healthy maintained state year round. Regular maintenance includes watering, mulching planting beds with shredded pine bark, mowing the lawn, pruning and shaping trees and shrubs, practicing weed control; edging of all driveways, walkways and curbs; and winter protection as required. Replacement of dead or diseased plants, removal of insects and disease control, fertilization and watering are

also required. Plant and grass clippings shall be swept, vacuumed, or picked up after being cut. Cuttings should not be blown into the street or neighbor's yard.

## 5.0 PLANT PALLETTE

The following is a list of plant materials considered appropriate. Other plant material may be used, but priority should be given to plants from this palette..

### 5.1 TREES

	<u>Botanical Name</u>	<u>Common Name</u>
<b>SHADE TREES</b>	Acer rubrum'Drummondii'	Drummond Maple
	Carya illinoensis	Pecan
	Fraxinus texensis	Texas Ash
	Liquidambar styraciflua	Sweet Gum
	Magnolia grandiflora	Southern Magnolia
	Pistache chinensis	Chinese Pistache
	Pistache texana	Texas Pistache
	Platanus mexicana	Mexican Plane Tree
	Quercus macrocarpa	Burr Oak
	Quercus nigra	Water Oak
	Quercus shumardii	Shumard Oak
	Quercus virginiana	Live Oak
Ulmus parvifolia 'Drake'	Drake Elm	
<b>EVERGREEN TREES</b>	Ilex opaca	American Holly
	Ilex opaca Savannah	Savannah Holly
	Pinus thunbergi	Japanese Black Pine
	Pinus taeda	Loblolly Pine
	Taxodium distichum	Bald Cypress
	Taxodium montezuma	Montezuma Cypress
<b>FLOWERING TREES</b>	Lagerstroemia indica	Crape Myrtle
	Pyrus calleryana	Flowering Pears
	'Aristocrat' or 'Capitol'	
	Magnolia stellata	Star Magnolia
<b>ORNAMENTAL TREES</b>	Betula nigra	River Birch
	Cercis canadensis	Redbud
	Chionanthus virginica	Chinese Fringe Tree
	Crateagus marshallii	Parsley Hawthorn
	Halesia diptera	Silver Bell
	Koelreuteria bipinnata	Goldenrain Tree

Magnolia soulangeana	Saucer magnolia
Myrica cerifera	Wax Myrtle
Prunus mexicana	Mexican Plum
Sophora secundiflora	Texas Mountain Laurel
Vitex agnus-castus	Chaste Tree

## 5.2 SHRUBS

<u>Botanical Name</u>	<u>Common Name</u>
Aspidistra elatior	Aspidistra
Azalea species	Azalea
Buddleia davidii	Butterfly Bush
Callistemon citrinus	Dwarf Bottlebrush
Camellia sasanqua	Camellia
Chanomelis speciosa	Flowering Quince
Cassia corymbosa	Senna
Cleyera japonica	Japanese Cleyera
Cycas revoluta	Sago Palm
Eleagnus macrophylla	Eleagnus
Eriobotrya japonica	Coppertone Loquat
Fatsia japonica	Aralia
Fiejoa sellowiana	Pineapple Guava
Gardenia jasminoides	Gardenia
Hydrangea quercifolia	Oakleaf Hydrangea
Ilex cornuta 'Burfordii' compacta	Dwarf Burford Holly
Ilex vomitoria 'Nana'	Dwarf Yaupon
Juniperus	Juniper species
Leucophyllum frutescens	Texas Sage
Lorapetulum chinensis	Chinese Witch Hazel
Ligustrum japonicum	Wax Leaf Ligustrum
Mahonia aquifolium	Oregon Grape
Mahonia bealei	Leatherleaf
Myrica cerifera	Southern Wax Myrtle
Myrica pussila	Dwarf Wax Myrtle
Nerium oleander	Oleander

Osmanthus fragrans	Sweet Olive
Pittosporum tobira 'Variegata'	Variegated
Pittosporum	
Pittosporum tobira	Dwarf
	Pittosporum 'Wheeleri'
Raphiolepis indica	Indian Hawthorn
Spirea sp.	Spirea dwarf varieties

### 5.3 GROUND COVER & VINES

<u>Botanical Name</u>	<u>Common Name</u>
Ajuga reptans	Ajuga
Ardisia Crenulata	Ardisia
Asparagus sprengeri	Sprengeri Fern
Carex morrowii	Japanese Sedge
Cuphea hyssopifolia	Mexican Heather
Cyrtomium falcatum	Holly Fern
Dryopteris normalis	Wood Fern
Ficus pumila	Climbing Fig
Gelsemium sempervirens	Carolina Jasmine
Hemerocallis species	Daylily
Hedera helix	English Ivy
Iris Louisiana	Louisiana iris
Lantana camara	Lantana
Liriope muscari	Liriope
Millettia reticulata	Evergreen Wisteria
Ophiopogon jaburan	Giant Liriope
Ophiopogon japonicum	Monkey Grass
Trachelosperum asiaticum	Asian Jasmine
Trachelosperum jasminoides	Confederate Jasmine
Wisteria sp.	Wisteria



## 6.0 ARCHITECTURAL REVIEW SUBMITTAL AND PROCESS

As established in the “Declaration of Covenants, Conditions, and Restrictions” of Sunrise Lakes, the Architectural Control Committee (ACC) shall have full and complete authority to approve construction of any improvement on any lot and its judgment shall be final and conclusive. Submittal to the Architectural Control Committee serves to assure conformance to guidelines and standards adopted by the Committee. The ACC will appoint a committee called the “Sunrise Lakes Design Guidelines Committee (SLDGC) to support the review and approval of all submissions. Members of the SLDGC serve at the discretion of the BOD and may be appointed or removed with or without cause by a simple majority vote of the BOD. The SLDGC will be made up of six (6) homeowners with two (2) members from each section of the Sunrise Lakes subdivision. The makeup of the committee may be adjusted if no individual is willing to serve on the SLDGC in one or more of the sections. A call for nominations will be announced publicly and self nominated individuals will be interviewed by the entire BOD prior to their appointment. The BOD will avoid conflicts of interest in the appointment of committee members.

All new construction, subsequent construction, remodeling with exterior exposure, expansion, and demolition of structures must be reviewed and approved by the SLDGC or the ACC prior to commencement of any on-site building or construction activity. The approval process will be expedited by complete and high quality submittal documentation. The ACC reserves the right to alter the review process in order to ensure an adequate review of all submissions while accommodating the needs of the home owners. The SLDGC will conduct the initial review of all submissions for construction of any improvement. The SLDGC will vote to approve or deny submissions and shall approve requests by vote of a simple majority. If the SLDGC is unable to reach a simple majority on a submission it will forward that action to the ACC for review and approval. Homeowners may appeal decisions of the SLDGC to the ACC. The decisions and determinations of the ACC are final and conclusive and may not be appealed or litigated to any other authority.

Submittals shall be delivered / sent to the attention of the Architectural Control Committee, care of:

**Architectural Control Committee  
c/o Houston Community Management Services  
1833 Egret Bay Boulevard  
Suite #445**

Houston, Texas 77058  
281/333-5173

Minimum submittal requirements are as follows (additional information is encouraged):

### SUBMITTAL REQUIREMENTS:

1. Site Plan including:
  - a. Owner name, address, and phone number,
  - b. Block, lot and section number.
  - c. House address with all adjacent street names.
  - d. Identify existing tree locations over 8" diameter.
  - e. Distances (with dimension lines) of residence and garage from front and rear property lines
  - f. Building setbacks, easements, and R.O.W. identification (reference survey)
  - g. Utility service locations
  - h. Site improvements, first floor building pad and elevation, driveways, sidewalks, etc.
  - i. Overall drainage plan (use arrows to indicate the intended flow of storm water run-off to the street).
  - j. Location of air conditioning unit(s)
  - k. Landscape Planting Plan showing locations, sizes, types, and quantities of all plant materials with critical dimensions of shrub beds clearly labeled on the drawing.
  - k. Irrigation Plan showing layout, location and type of equipment propose.
  - l. Fence plan showing the elevation of any proposed fencing. The plan must include material selections, elevations, and construction details and methods.
  
2. Architectural Plans including:
  - a. Floor Plans
  - b. Exterior elevations
  - c. Outline specifications describing all materials to be used on the project including masonry selection. (Material Samples will be required)

## **REVIEW SCHEDULE**

The *Sunrise Lakes Design Guidelines Committee (SLDGC)* shall review and approve in writing, each submittal or recommend revisions to those aspects of the plans that are inconsistent with the Design Guidelines. The SLDGC requires a **20 working days** for review and approval of submitted plans. The 20 day review time period begins when the requests are received by the SLDGC. Submissions of additional information or revisions to a request restart the review time. If an applicant has not received a response after thirty (30) days, please contact the Architectural Control Committee. More timely responses will require a written notice of the expedited request at the time of submittal.

## **ONGOING REVIEW**

Construction shall proceed only after approval of the final set of drawings and specifications. Changes that occur during actual construction that differ from approved drawings shall require alterations at the Owner's expense to restore compliance with approved drawings. No drawings or changes at the time of construction are considered approved unless they are approved in writing by the SLDGC. Construction may not commence without written permission by the SLDGC.

## **VARIANCES**

Reasonable variances may be granted upon written request as long as the variance shall be in conformance with the overall intent of the design guidelines for the improvement and development of the property as well as the preservation of existing natural and man-made features. Variances may be granted with conditions for approval to alleviate the impact that granting the request may have. All applicants must comply with the conditions for approval that may be imposed on a variance. Each applicant must address the variance requested in writing and the reason(s) why the request should be granted. Any request for a variance shall be deemed to have been disapproved in the event of either;

- (a) written notice of disapproval for the SLDGC; or
- (b) failure by the SLDGC to respond within 20 days to the request for variance.

Submissions of additional information or revisions to a request restarts the review time

## **DISCLAIMER**

Neither *Sunrise Lakes* or the members of the Architectural Control Committee or its representative, their successors or assigns, shall be liable in damages to anyone submitting plans to them for approval, or to any owner or lessee of any parcel affected by these restrictions, by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any plans submitted. Every person who submits plans to the ACC for approval agrees by submission of such plans, and every owner or lessee of any parcel within the property agrees, by acquiring title thereto or interest therein, that he will not bring any action or suit against *Sunrise Lakes*, the members of the Architectural Control Committee, or its representatives, to recover any damages.

## 7.0 APPENDIX

### APPENDIX A. SWIMMING POOLS

Installation of an in-ground, gunite swimming pool will be approved with the following conditions. Above ground or other types of pools are not allowed.

1. The pool shall meet the requirements of City of Pearland.
2. State law requires that a self-latching, self-locking spring enclosure gate be installed. If it is necessary to have water in the pool during construction, then a construction fence sufficient to prohibit entry by children shall be provided at all times that work is not in progress.
3. Any above ground lights shall not be directed toward neighbor's property, public streets, common areas or thoroughfares.
4. Backwash must drain to sanitary sewers. No pools or decks may drain onto neighboring properties or common areas. Drainage must occur from rear of lot to the street. No curbs may be destroyed, cut or broken for purposes of draining pool decks or landscape beds.
5. No construction materials or equipment shall be left on the street overnight.
6. The contractor shall remove excavated material from the area. Any unauthorized dumping or damage done to adjoining properties will be the responsibility of the owner. All lots with existing trees on *Sunrise Lakes* are tree preservation areas. Leaving excavated material on site would be harmful to the future of existing trees and must be removed.
7. Compliance with the National Electrical Code is required. This specifically includes the installation of a ground fault circuit interrupter as required.
8. Access will be limited to the lot being considered for review only. Any surface damage done to community property or neighbor's property shall be restored to

ACC or neighbor's satisfaction.

9. If consent to encroach utility easements is necessary for any improvements, the responsibility for obtaining such falls upon the contractor. The ACC does not hereby authorize any encroachment over easements on the property and will not approve any plans that depict such encroachment.
10. All pool equipment must be located in the least obtrusive location of the rear yard and may not be visible from the street, neighboring lots or common areas. If necessary, pool equipment must be screened with an evergreen hedge.

By approving a request for construction of a swimming pool, the ACC is not endorsing the specific named pool contractor as we do not attempt to screen nor qualify the various firms contracting with individuals. We do encourage applicants to investigate the contractor's background and financial responsibility before executing a contract with the pool company. Please be aware that the ACC will consider applications within the context of the governing documents for the property. The applicant is responsible for ensuring the adequacy, fitness of design, and construction. The Committee does not warrant compliance with laws, ordinances, or regulations not promulgated by the Association. The Committee does not inspect, guarantee, or warrant the workmanship of your improvements, including the design construction and fitness for intended use. The Architectural Control Committee is not authorized and does not hereby approve any encroachments relating to easements, building or property lines which may affect the property.