

6-25-15
Annotated

EXHIBIT "A"

ADDITIONAL USE RESTRICTIONS FOR

WALDEN ON LAKE CONROE

SECTION NINE

SECTION A-1. Definitions.

(a) **"Golf Course"** shall mean Walden on Lake Conroe.

(b) **"Golf Course Lot"** shall mean a Lot which abuts the Golf Course.

(c) **"Interior Lot"** shall mean a Lot which abuts neither Lake Conroe nor the Golf Course.

(d) **"Patio Home Lot or Lots"** shall mean and refer to the Lots restricted hereby to use for Patio Homes only. Lots 1 through 36 in Block 52 are Patio Home Lots.

(e) **"Residential Lot or Lots"** shall mean and refer to those Lots restricted hereby to use for single-family residential dwellings only. All Lots in Walden on Lake Conroe, Section Nine are residential Lots except Lots 1 through 36 in Block 52 which are Patio Home Lots.

(e) **"Waterfront Lot"** shall mean a Lot which abuts Lake Conroe.

I-3 SECTION A-2. Unrestricted Reserves. The Unrestricted Reserves "A", "B", "C", "D", "E", "F", "G", and "I" are not subject to the Declaration of Restrictions for Walden on Lake Conroe, Section Nine.

III 4a SECTION A-3. Building Material. No residences (including garages) shall have less than a hundred (100) percent masonry construction (which can include HardiPlank and other similar cement-based products, but not wood) with at least twenty-five (25) percent of the masonry to be fired brick, natural stone or stucco.

SECTION A-4. Building Type.

III 1 A (a) Residential Lots. No structure shall be erected, altered, placed or permitted to remain on any Residential Lot other than one (1) single-family dwelling not to exceed two (2) stories in height, a detached or an attached garage for not less than two (2) nor more than four (4) cars, with detached garages not to exceed one (1) story in height, and bona fide servants quarters which structures shall not exceed the main dwelling in height or number of stories and which structure may be occupied only by a member of the family occupying the main residence on the building site or by domestic servants employed on the premises. Two (2) story dwellings shall not exceed a height of thirty-five (35) feet. No carport may face on any street on which any Residential Lot fronts.

III 1 B (b) Patio Home Lots. No structure shall be erected, altered, placed or permitted to remain on any Patio Home Lot other than one (1) single family patio home not to exceed a height of thirty-five (35) feet, a detached or an attached garage or carport for not less than two (2) nor more than three (3) cars as set out in Section A-5 hereof.

SECTION A-5. Building Location Details.

III 5 A (a) Building Location on Residential Lots. No building shall be located nearer than five (5) feet to any interior side Residential Lot line. No house or garage may be located closer than fifteen (15) feet of the rear property line on Interior Lots, however, a garage or other permitted accessory building may be located no closer than five (5) feet from the rear property line. Driveways for houses located on Lots 1 through 10 inclusive in Block 49 must exit on Pine Chase Drive.

III 5 B (b) Building Location on Patio Home Lots. The location of the building in relation to Lot lines must comply with the following requirements. For these purposes the "left" shall be to

the left-hand side when facing the rear property line from the front lot line, and the “right” shall be to the right-hand side when facing the rear lot line from the front lot line. For the purposes of these restrictions, the front line of a Waterfront or Golf Course Lot shall be the lot line adjoining the street and the front of each Lot shall coincide with and be the property line having the smallest or shortest dimension abutting a street.

1. At least ten percent (10%) of the length of the side of the residential structure must be built on the left property line on the following Lots: Lots 1 to 16 inclusive and Lots 21 to 28 inclusive in Block 52.
2. Eaves over hanging the property line shall be no more than eighteen (18) inches wide and shall be guttered. The eaves of all roofs which drain water onto adjacent property must be guttered. Except on corner Lots, and on Lots on which the property line coincides with the Golf Course, a six (6) foot high fence may be built continuously along the left property line from the front building line to the back property line except on that part of the line occupied by the residential structure, and except that on Golf Course Lots the fence shall extend no closer to the back Lot line than the back of the house. All fences shall also comply with the requirements of Section A-9. This fence shall have no gate or other openings in it. The main residential structure except for garage or carport shall be no closer than fifteen (15) feet to the right property line except that sixteen (16) feet of the length of the main residential structure and the carport or garage may be placed no closer than three (3) feet from the right property line. The exterior wall of any house or garage that is parallel to and within five (5) feet of any side property line shall have no

window, door or other opening in it unless the side property line is on the street side of a corner Lot or adjoins the Golf Course. All fences shall also comply with the requirements of Section A-9.

3. On those lots which have utility easements on the left property line, the side of the easement nearest the right property line shall be considered the left property line for building location purposes. The main residential structure may be built no closer than twelve (12) feet of the right property line except that sixteen (16) feet of the length of the main residential structure and the carport or garage may be placed no closer than three (3) feet from the right property line. A six (6) foot fence may be built without gates or openings along the left property line from the front building line to the back property line except that on Golf Course Lots the fence shall extend no closer to the back property line than the back of the house. All fences shall also comply with the requirements of Section A-9.
4. A three (3) foot building easement is provided along the right property line of each Lot to be used only by the adjoining property owner for the construction or repair of the exterior side wall of his house. The adjoining property owner must replace any existing fence on the property line with his house wall but shall not disturb any part of the fence not replaced by his house wall. This easement when used must be left clean and neat and any grass removed or damaged must be replaced. The adjoining property owner must notify the property owner of his intent to do any construction or maintenance at least

fifteen (15) days before work is started in order that the property owner may at his option remove his fence and protect his landscaping.

5. For the purpose of locating homes on corner lots, side street set back lines shall be treated as property lines for building location purposes.
6. At least ten percent (10%) of the length of the side of the residential structure must be built on the right property line on the following Lots: Lots 17 to 20 inclusive and 29 to 36 inclusive in Block 52.
7. Eaves over hanging the property line shall be no more than eighteen (18) inches wide and shall be guttered. The eaves of all roofs which drain water onto adjacent property must be guttered. Except on corner Lots, a six (6) foot high fence may be built continuously along the right property line from the front building line to the back property line except on that part of the line occupied by the residential structure, and except that on Golf Course Lots the fence shall extend no closer to the back property line than the back of the house. All fences shall also comply with the requirements of Section A-9. This fence shall have no gate or other openings in it. The main residential structure except for garage or carport shall be no closer than fifteen (15) feet to the left property line except that sixteen (16) feet of the length of the main residential structure and the carport or garage may be placed no closer than three (3) feet from the left property line. The exterior wall of any house or garage that is parallel to and within five (5) feet of any side property line shall have no window, door or other opening in it unless the side property line is on the street side of a corner lot or adjoins the Golf Course.

8. On those lots which have utility easements on the right property line, the side of the easement nearest to the left property line shall be considered the right property line for building location purposes. The main residential structure may be built no closer than twelve (12) feet of the left property line except that sixteen (16) feet of the length of the main residential structure and the carport or garage may be placed no closer than three (3) feet from the left property line. A six (6) foot fence may be built without gates or openings along the right property line from the front building line to the back property line except that on Golf Course Lots the fence shall extend no closer to the back property line than the back of the house. All fences shall also comply with the requirements of Section A-9.
9. A three (3) foot building easement is provided along the left property line of each Lot to be used only by the adjoining property owner for the construction or repair of the exterior side wall of his house. The adjoining property owner must replace any existing fence on the property line with his house wall but shall not disturb any part of the fence not replaced by his house wall. This easement when used must be left clean and neat and any grass removed or damaged must be replaced. The adjoining property owner must notify the property owner of his intent to do any construction or maintenance at least fifteen (15) days before work is started in order that the property owner may at his option remove his fence and protect his landscaping.
10. For the purpose of locating homes on corner lots, side street set back lines shall be treated as property lines for building location purposes.

11. No house or garage may be located closer than fifteen (15) feet to the rear property line on Golf Course Lots. No house may be located closer than fifteen (15) feet to the rear property line on Interior Lots; however, a garage may be located no closer than five (5) feet of the rear property line.

III 3 SECTION A-6. Building Size.

(a) The total living area of the main residential structure of any Patio Home Lot, exclusive of open porches, garages, and/or carports shall not be less than 1,400 square feet, except that the total living area of the main residential structure of any Patio Home Waterfront Lot, exclusive of open porches, garages, and/or carports shall not be less than 1,600 square feet.

(b) The total living area of the main residential structure of a one story dwelling on any Residential Waterfront or Golf Course Lot, exclusive of open porches, garages and/or carports, and servants quarters, shall not be less than 2,000 square feet. The total living area of the main residential structure on any Residential Interior Lot, exclusive of open porches, garages and servants quarters, shall not be less than 1,800 square feet. The total living area of the main residential structure of a one and a half (1-1/2) or a two (2) story dwelling shall not be less than 2,000 square feet.

NEW SECTION A-7. Garage Size. For new or remodel construction, garages may be attached or detached but shall be for no less than two (2) or more than three (3) cars for Patio Home Lots. For new or remodel construction, garages may be attached or detached but shall be for no less than two (2) or more than four (4) cars for Residential Lots.

(a) Two (2) car garages must be a minimum of twenty-two (22) feet in width as measured from the inside of sill plate or brick ledge, whichever provides the larger dimension

and a minimum depth or length of twenty-two (22) feet as measured from the bottom of garage door to garage side of sill plate of inside wall or exterior wall sill plate or brick ledge.

(b) Three (3) car garages must be a minimum of thirty-four (34) feet in width as measured from the inside of sill plate or brick ledge, whichever provides the larger dimension and a minimum depth or length of twenty-two (22) feet as measured from the bottom of garage door to garage side of sill plate of inside wall or exterior wall sill plate or brick ledge.

(c) Four (4) car garages must be a minimum of forty-six (46) feet in width as measured from the inside of sill plate or brick ledge, whichever provides the larger dimension and a minimum depth or length of twenty-two (22) feet as measured from the bottom of garage door to garage side of sill plate of inside wall or exterior wall sill plate or brick ledge.

(d) Garage doors must be a standard double, eighteen (18) foot roll up, hinged, aluminum, steel or wood door or standard single eight (8) foot roll up, hinged, aluminum, steel or wood door, or a combination of the two.

III 6

SECTION A-8. Minimum Lot Area. No Lot shall be resubdivided without the express written approval of the Board of Trustees, nor shall any lot resulting from the resubdivision be smaller than the smallest of the lots from which it is resubdivided.

III 13

SECTION A-9. Walls and Fences.

(a) Residential and Patio Home Interior Lots. All fences on Interior Lots must be approved by the ACC in writing. No walls or fences shall be erected or maintained nearer to the front of any Interior Patio Home Lot than the front building line. All walls and fences on any Interior Lots must be a maximum of six (6) feet in height unless approved in writing by the ACC. Side fences on corner lots shall extend no closer to the street than the side building line. Fences must be of ornamental metal, wood or masonry construction, unless otherwise approved

in writing by the ACC. No chain link or wire fences are permitted. A landscaping plan must be submitted for street side fencing.

(b) Waterfront Lots. All fences on Waterfront Lots must be approved by the ACC in writing. No walls or fences shall be erected or maintained nearer to the front lot line of a Waterfront Lot than the front building line. On corner lots, the side fence shall extend no closer to the street than the side building line. The side fences from the front building line to the rear plane of the house must be a maximum of six (6) feet in height unless approved in writing by the ACC. The side fence which extends behind the rear plane of the house must be a maximum of four (4) feet in height and of an open design as not to block views of adjoining properties. All fences behind the rear plane of the house must be black and constructed of ornamental metal; except the ACC may approve other materials that have the finished appearance of ornamental metal.

(c) Golf Course Lots. All fences on Golf Course Lots must be approved by the ACC in writing. No walls or fences shall be erected or maintained nearer to the front lot line of a Golf Course Lot than the front building line. On corner lots, the side fence shall extend no closer to the street than the side building line. The side fences from the front building line to the rear plane of the house must be a maximum of six (6) feet in height unless approved in writing by the ACC. The side fences shall not extend behind the rear plane of the house on Golf Course Lots. Fencing that would follow the golf course side property line (“cross-fencing”) is prohibited, except the ACC may approve a fence in the following circumstances:

1. a fence used to enclose a small patio which is an integral part of the house structure; or

2. a fence that is primarily designed to enclose a swimming pool or water feature that is at least two (2) feet deep and could present a safety hazard.

If the ACC approves fencing on Golf Course Lots based on either one of these two circumstances, the fence must be a maximum of four (4) feet tall in height; of an open design as not to block views of adjoining properties; and be black and constructed of ornamental metal; except the ACC may approve other materials that have the finished appearance of ornamental metal.

(d) Lots 1 through 10 inclusive in Block 49 which back up to Walden Road shall have a fence across the full length of the rear property line. The fence shall be a six (6) foot high solid fence of vertical 1 x 6 boards. The good side of the fence must face Walden Road. The design of the fence must be approved by the ACC. This fence shall be considered a protective screening.

(e) Any wall or fence erected as a protective screening on a Lot by the Association shall pass ownership with title to the property and it shall be the Owner's responsibility to maintain said protective screening after it is erected. In the event of default on the part of the Owner or occupant of any Lot in maintaining said protective screening and such failure continuing after ten (10) days written notice thereof, the Association may, at its option, without liability to the Owner or Occupant in trespass or otherwise, enter upon said Lot and cause said protective screening to be repaired or maintained or to do any other thing necessary to secure compliance with this restriction, so as to place said protective screening in a satisfactory condition and may charge the Owner or Occupant of such Lot for the cost of such work. The Owner or Occupant, as the case may be, agrees by the purchase or occupancy of the property to pay such statement immediately upon receipt. If the charge remains unpaid after thirty (30) days, the Association may add the

charges to the assessment account of the delinquent Owner and may collect it as it would a delinquent assessment. The charges shall be secured by the Association's lien.

III 13 SECTION A-10. Piers, Boat Lifts or Ramps. No pier, boat lift, ramp or any other structure which projects into the water shall be constructed on any lot without the approval of the ACC. The Committee will only consider plans and proposals presented to it in writing and will immediately reject any plans for a "home-made" type deck such as one floating on barrels. Should the ACC grant permission for a floating deck or ramp, the Owner thereof agrees to maintain and keep it in a sightly manner, free of litter, fishing poles, buckets, and etc. The above structures are also subject to the approval of the San Jacinto River Authority.

III 13 SECTION A-11. Bulkheading. No bulkheading shall be permitted on any Waterfront Lot except by written consent of the ACC and the San Jacinto River Authority. No "home-made" type bulkheading will be allowed. Should permission for the construction of bulkheading be given, the Owner agrees to maintain the bulkheading and to keep it in a sightly manner. Request and permission shall be given in writing.

NEW SECTION A-12. Additional Rental Restrictions for Waterfront Lots.

(a) Definitions.

(1) "**Lease**" and "**Leasing**" shall refer to the regular, exclusive occupancy of a residence on a Waterfront Lot or the Waterfront Lot (hereinafter "**Waterfront Lot and/or residence**") itself by any person other than the Owner, for which the Owner receives any consideration or benefit including, without limitation, a fee, service, or gratuity. "**Rent**," "**rentals**," or "**renting**" shall have the same meaning.

(2) "**Waterfront Lot**" shall mean a Lot which abuts Lake Conroe.

(b) Leases of Waterfront Lots Prohibited. Leasing of residences on a Waterfront Lot, or the Waterfront Lot itself, including but not limited to short-term or vacation rentals, temporary housing, transient housing, or for retreat purposes is prohibited.

(c) Leases Approved. However, if the lease or leasing strictly complies with the following terms and conditions, the lease shall be deemed approved without further action by either the Owner or the Board:

1. Written Lease. All leases for any Waterfront Lot and/or residence must be in writing and shall provide that:

(a) such lease is specifically subject to the provisions of this Declaration and all other Governing Documents of the Association;

(b) any failure of the tenant to comply with the terms of the Declaration and all other Governing Documents shall be deemed to be a default under such lease; and

(c) the Owner acknowledges giving to the tenant either copies of the Declaration and all other Governing Documents or the Association's web site address for access to these documents.

2. Notice to Association. Within 10 days of a lease being signed, the Owner of the leased Waterfront Lot and/or residence shall notify the Association of the lease and provide any additional information the Association or Board may reasonably require.

3. Whole House. Any residence that is leased shall be leased only in its entirety; separate rooms, floors, or other areas within a dwelling may not be separately leased. However, the separate leasing of a detached "in-law suite" or detached "guest house" or detached "servants' quarters" may be approved by the Board.

4. One House. The Owner and any other Owners to whom such Owner is related or affiliated shall not individually or collectively lease or offer for lease more than one Waterfront Lot and/or residence at the same time.

5. One Family. It is expressly forbidden to rent or lease an Owner's Waterfront Lot and/or residence to more than one Single-Family.

6. Signs. No signs shall be posted on the Waterfront Lot and/or residence, any other place within the subdivision, Common Area, or on any right-of-way adjacent to the subdivision, advertising the availability of the Waterfront Lot and/or residence for rent or for lease. However, an Owner may post one sign advertising renting or leasing so long as the sign is in compliance with the "Signs" section of this Declaration.

7. Lease Term. The lease shall provide for a minimum initial term of at least 30 days. The Waterfront Lot and/or residence may not be subleased and the lease may not be assigned during the initial 30-day term.

8. Termination. In the event of termination of the lease after the tenant has taken occupancy and prior to the end of the minimum initial term, the Owner may not enter into a new lease with a term commencing prior to the date on which the previous lease would have expired without prior approval of the Board. The Board may grant approval for such a new lease if it determines that the Owner acted in good faith with no intent to circumvent the requirements of this subsection and could not have reasonably anticipated the early termination of the previous lease at the time the previous lease was signed.

(d) Additional Rules. The Board may adopt Rules and Regulations governing leasing and subleasing in accordance with this section on "Additional Rental Restrictions for Waterfront

Lots” that are in addition to but consistent with this Section. The Association shall have the right to enforce the Declaration, all other Governing Documents, and any additional Rules and Regulations, against the Owner and the tenants, individually and collectively. This Declaration, all other Governing Documents, and any additional Rules and Regulations shall apply to the leased property whether or not the Owner gives notice to the tenant of such.

(e) Business. Leasing of a Waterfront Lot and/or residence for residential purposes shall not be considered a “business” within the meaning of the Declaration or any other Governing Documents, provided that the Owner, and any other Owners to whom such Owner is related or with whom such Owner is affiliated, comply with this section on “Additional Rental Restrictions for Waterfront Lots.” This provision shall not preclude an institutional lender from leasing a residence upon taking title following foreclosure of its security interest in the residence or upon acceptance of a deed in lieu of foreclosure. Nor shall this provision preclude the reasonable short-term rental (no more than 30 days) by a seller or buyer pursuant to a legitimate residential sales transaction in order to facilitate such sale.