

ARCHITECTURAL CONTROL GUIDELINES FOR SANDERLING SUBDIVISION

STATE OF TEXAS

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COUNTY OF GALVESTON

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WHEREAS, Johnson Beach Development, LLC, a Texas limited liability company (“Declarant”), is the owner and developer of that certain subdivision known and designated as **SANDERLIN SUBDIVISION** (the “Subdivision” or “Property”), situated in Galveston County, Texas, as shown in the Map or Plat of said Subdivision filed of record under File No. 2023037334 of the Plat Records of Galveston County, Texas (the “Plat” or “plat”);

AND WHEREAS, on December 19, 2023, Declarant filed with respect to the Subdivision that certain **Declaration of Covenants, Conditions and Restrictions for Sanderling Subdivision** dated December 18, 2023, recorded under File Number 2023058739 of the Official Public Records of Galveston County, Texas (the “Master Declaration”);

AND WHEREAS, Section 1.07 of the Master Declaration defines the term “**Architectural Control Guidelines**” to mean “the guidelines, rules and specifications established and set forth from time to time by the Architectural Control Committee defining requirements for construction, maintenance, alterations and repairs of any and all structures and improvements within the Property and setting forth all other applicable rules and regulations pertaining to any matter over which the Architectural Control Committee has been granted control under this Declaration. The Architectural Control Guidelines may be prepared and filed of record at any time by the Architectural Control Committee and may be amended and restated from time to time as determined in the discretion of the Architectural Control Committee”;

AND WHEREAS, Section 6.05 of the Master Declaration provides that the Architectural Control Committee shall develop and promulgate policy Architectural Control Guidelines for the application of the architectural review provisions in the Master Declaration, and further provides that the Architectural Control Guidelines may be modified and supplemented from time to time; and

AND WHEREAS, pursuant to Section 6.05 of the Master Declaration, the Architectural Control Committee (the “Committee”) for the Subdivision has developed and promulgated the Architectural Control Guidelines for the Subdivision in the form attached hereto as **Exhibit “A”** and Declarant desires to publish and record the Architectural Control Guidelines by filing this instrument of records.

NOW THEREFORE, in consideration of the premises, Declarant hereby adopts, publishes and files for the record the **Architectural Control Guidelines** for the Subdivision in the form attached hereto as **Exhibit "A"** and incorporated herein by reference. As provided in Section 6.05 of the Master Declaration, the Guidelines may be modified and supplemented from time to time by the Architectural Control Committee.

EXECUTED this 23rd day of January, 2024.

Declarant:

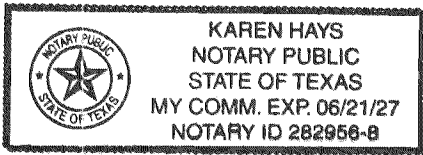
JOHNSON BEACH DEVELOPMENT, LLC, a Texas limited liability company

By: [Signature]
Jim Hayes, Manager

STATE OF TEXAS §

COUNTY OF GALVESTON §

This instrument was acknowledged before me on January 23rd, 2024, by Jim Hayes, Manager of **Johnson Beach Development, LLC**, a Texas limited liability company.



[Signature]
Notary Public, State of Texas

My Commission Expires:

6/21/27

Karen Hays
(Printed or Typed Name of Notary)

AFTER RECORDING RETURN TO:

Lance Fox
Creighton, Fox, Johnson & Mills, PLLC
3535 Calder Avenue, Suite 310
Beaumont, TX 77706

EXHIBIT “A”

SANDERLING SUBDIVISION

Galveston County, Texas

ARCHITECTURAL CONTROL GUIDELINES

Notes:

The following functional areas are subject to these architectural guidelines with respect to the established intent, character and quality.

- Vehicular Traffic and Motor Courts
- Main Structure
- Site Amenities (patios, pools, courtyards, decks, etc...)

Variances to the Architectural Guidelines may be granted on the basis of architectural merit and/or approval of the Architectural Control Committee (ACC).

These guidelines are aesthetic in their intent. In cases of contradiction with local safety codes, these guidelines shall be overruled, with written notification given to the ACC. The guidelines do not exempt any structures from compliance to applicable codes.

These guidelines are applicable as of the date below and will be updated periodically. All subsequent changes will apply to all buildings which have yet to complete the schematic design phase.

Effective January 19, 2024

MINIMUM BUILDING AREA GUIDELINES

Minimum 1,500 sq. feet

Maximum - NONE

Areas indicated refer to heated / cooled / conditioned space.

All construction of residences shall be completed within 12 months from start of construction.

These Guidelines may be altered based upon architectural merit and the approval of the Architectural Control Committee, which approval may be granted or withheld in its discretion for any lot.

ELEMENTS

MATERIALS

All construction materials shall be typical to standard coastal construction methods.

All exterior surfaces shall be clad in treated, cementitious (fiber-cement), or otherwise weather resistant materials.

No vinyl or aluminum siding will be allowed.

CONFIGURATION & TECHNIQUES

Piers or pilings shall be no less than 12" x 12" concrete or pressure treated wood. Alternate steel piling will be allowed.

Posts shall be no less than 6" x 6".

Exterior surfaces must be painted or sealed with an opaque or semisolid stain, except walking surfaces which may be left natural.

ELEVATORS

GENERAL

In general, elevators are encouraged. All elevators shall be professionally designed for residential and or commercial use and shall be installed to manufacturer specifications by a contractor who is approved by the ACC. All elevators shall be enclosed in a manner that matches the building materials for the main dwelling or such other materials as approved by the ACC. No external elevators or any other vertical lifts will be allowed.

LANDSCAPING

GENERAL

Each Lot shall be landscaped in accordance with the landscaping standards and requirements established from time to time by the ACC.

New plantings are to be used to help define use areas on the lot and screen outdoor service areas and equipment from adjacent lots and off-site views.

Landscape improvements shall utilize indigenous species and minimize areas of intensive irrigation.

A list of proposed plants, shrubs, flowers and trees shall be submitted for ACC approval prior to installation.

OPENINGS

MATERIALS

Windows shall be made of wood (painted, stained or vinyl clad), lifetime vinyl, or other quality materials conducive to the environment and climate of the Southeast Texas / Gulf Coast region, and shall be glazed with clear glass or tinting approved by the ACC. No mirrored tinting will be allowed.

Doors (including garage doors) shall be wood or other materials that are approved by the ACC and conducive to the vernacular conditions and climate of the Southeast Texas / Gulf Coast region. Doors shall be painted or stained.

No window air conditioning units will be allowed

CONFIGURATION & TECHNIQUES

Storm Windows and Screens shall be integral with the window. Screens shall be made of brass, bronze, stainless steel or black vinyl.

Driveway Gates shall be in-swinging.

Shutters shall be operable, sized and shaped to match the openings.

WATER FEATURES

GENERAL

All pools, spas, fountains and other water features shall be constructed of concrete or other masonry materials approved by the ACC. No above ground pools shall be permitted. Plans and specification for each water feature shall be approved by the ACC prior to installation. All pumps, filters and other equipment shall be screened and shall not be visible from street or adjoining property.

Non-masonry spas will only be permitted if installed on decks located above the base flood elevation, where such decks are part of the primary residence. Proper screening shall be required for privacy.

ROOFS

MATERIALS

Roofs shall be clad in one of the following materials: wood shingles, galvanized steel (in its natural color, no colored roofs permitted, corrugated preferred, 5 V crimp or standing seam also allowed), copper or other architectural grade roofing material approved by the ACC and suitable for the Texas Gulf Coastal Region.

Gutters and Downspouts, when used, shall be made of galvanized steel, copper (not copper-coated), anodized or ESP aluminum. Metal chains may be used in lieu of downspouts. Downspouts shall be placed at the corner(s) of the building in the least visible locations from the street. Splash blocks shall be made of concrete, brick or gravel.

Copper roofs, flashing, gutters and downspouts shall be allowed to age naturally (not painted or sealed).

CONFIGURATION & TECHNIQUES

Principal Roofs on all freestanding buildings shall have a slope of 4:12 to 12:12.

Ancillary Roofs (attached to walls or roofs) may be sheds sloped no less than 3:12. Roofs on towers shall be flat or have a slope which matches the primary structure.

Flat Roofs shall be permitted only when designed to be occupied and accessible from an interior room no less than 100 SF in size.

Eaves shall be continuous, unless overhanging a balcony or porch. A broken pitch roof (a roof which becomes shallower in slope at one-third of the distance from the eave to the peak) is encouraged. Eaves on the main building shall have an overhang that is deep (recommended 30" – 40"). Eaves on outbuildings shall match the eaves of the main building, or shall be approximately half the size of the eaves of the main building in proper proportion.

Dormers shall be placed a minimum of 3' from side building walls and have shed roofs with a minimum slope of 3-12 or roofs with a slope to match the principal structure. Eyebrow dormers are also encouraged.

Roof Penetrations, except chimneys, shall be placed so as not to be easily visible from streets or paths, and shall be painted to match the color of the roof, except those of certain metal,(lead, copper, architectural iron, etc.) which may be left unpainted.

WALLS

MATERIALS

Building Walls shall be finished in stucco, cedar, cypress or fiber-cement shingles, wood or fiber-cement clapboard, board and batten, or board on board, and then sealed with paint or stain.

Lattice (horizontal and vertical only) may be installed between piers and pilings, and brick screens may be installed between concrete piers and pilings.

Walls and Fences shall generally be constructed of the same material as the first floor of the primary building:

CONFIGURATION & TECHNIQUES

Horizontal or vertical siding is allowed.

Stucco or plaster coating may be applied to concrete block or poured concrete. Stucco shall be steel troweled.

Trim shall be minimum grade "B" trim lumber or fiber-cement. Exceptions may be granted for shingle structures and for classical detailing.

Where a wall or fence on one property meets a taller or shorter wall or fence on another property, it is the responsibility of the latter designer to transition their wall or fence to the height of the former.

SPECIAL RESTRICTIONS – FOR LOTS 1-15

For Lots 1-15 improvements such as pools, cabanas, sheds, et. May be constructed within the seventy-five (75) feet building setback line indicated on the Plat of the Sanderling Subdivision. However, any structures within the area defined by the 75 ft building setback, shall not be any higher than the Base Flood Elevation in effect as prescribed by the FEMA flood maps.

FILED AND RECORDED

Instrument Number: *2024003037*

Recording Fee: 49.00

Number Of Pages: 8

Filing and Recording Date: 01/23/2024 3:31PM

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

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*