



**AFTER RECORDING RETURN TO:**

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**MIRABELLA**  
**MODIFICATION DESIGN GUIDELINES**

These Modification Design Guidelines constitute Design Guidelines as defined by the Declaration. The Modification Design Guidelines are intended to apply to modifications proposed to be incorporated on a Lot after completion of residential improvements and after the Lot with a residential improvement constructed thereon has been conveyed by a Homebuilder.

[SIGNATURE PAGE FOLLOWS]

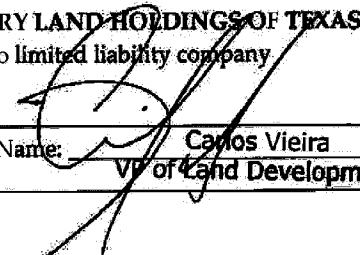
Cross reference to Declaration of Covenants, Conditions and Restrictions for Mirabella, recorded as Document No. 2025-2512745, in the Official Public Records of Waller County, Texas.

MIRABELLA  
MODIFICATION DESIGN GUIDELINES

IN WITNESS WHEREOF, the undersigned has executed this Community Manual on the 10th day of October, 2025.

**DECLARANT:**

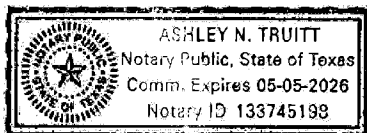
**CENTURY LAND HOLDINGS OF TEXAS, LLC**, a Colorado limited liability company

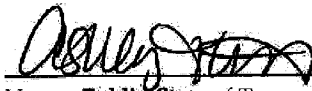
By:   
Printed Name: Carlos Vieira  
Title: VP of Land Development

STATE OF TEXAS           §  
  §  
COUNTY OF Harris     §

This instrument was acknowledged before me this 24<sup>th</sup> day of September, 2025 by Carlos Vieira VP of Land Dev of Century Land Holdings of Texas, LLC, a Colorado limited liability company, on behalf of said limited liability company.

(seal)



  
Notary Public, State of Texas

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## I. Introduction

Any notice or information required to be submitted to the ACC under these Modification Design Guidelines will be submitted to Community Solutions Attn: Rachel Schmutz, P.O. Box 5191, Katy, Texas 77491; Email: rschmutz@csutx.com.

### A. **Background**

Mirabella is a master planned community located in Waller County, Texas (“**Mirabella**”). The community is subject to the terms and provisions of the Declaration of Covenants, Conditions and Restrictions for Mirabella, recorded as Document No. 2025-2512745, in the Official Public Records of Waller County, Texas (the “**Declaration**”). The Lots located in Mirabella are subject to the terms and provisions of these Modification Design Guidelines (the “**Modification Design Guidelines**”). Notwithstanding anything contained herein to the contrary, these Modification Design Guidelines shall not apply to Improvements constructed by Declarant.

### B. **Modification Review Authority**

*Article 7* of the Declaration includes procedures and criteria for the construction and/or modification of improvements within the Mirabella community. *Section 7.02* of the Declaration provides that any and all improvements must be erected, placed, constructed, painted, altered, modified or remodeled in compliance with the requirements of the Design Guidelines. These Modification Design Guidelines constitute Design Guidelines as defined by the Declaration.

## II. Governmental Requirements

Governmental ordinances and regulations are applicable to all Lots within Mirabella, including, but not limited to federal, state, county and local requirements, AND universal building codes, if adopted. It is the responsibility of each Owner to obtain all necessary permits and inspections. Compliance with these Modification Design Guidelines is not a substitute for compliance with the applicable ordinances and regulations. Please be advised that these Modification Design Guidelines do not list or describe each requirement that may be applicable to a Lot within Mirabella. Each Owner is advised to review all encumbrances affecting the use and improvement of their Lot prior to submitting plans to the Architectural Control Committee (“ACC”) for approval. Furthermore, approval by the ACC should not be construed by the Owner that any Improvement complies with the terms and provisions of all encumbrances that may affect the Owner’s Lot.

The ACC shall bear no responsibility for ensuring plans submitted to the ACC comply with any applicable building codes, zoning regulation and other government requirements. It is the responsibility of the Owner to secure any required governmental approvals prior to construction on such Owner’s Lot.

### III. Interpretation

In the event of any conflict between these Modification Design Guidelines and the Declaration, the Declaration shall control. Capitalized terms used in these Modification Design Guidelines and not otherwise defined in this document shall have the same meaning as set forth in the Declaration.

### IV. Amendments

The ACC may amend these Modification Design Guidelines. All amendments shall become effective upon recordation in the Official Public Records of Waller County, Texas. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or approved and in progress. It is the responsibility of each Owner to ensure that they have the most current edition of the Modification Design Guidelines and every amendment thereto.

### V. Architectural Review Overview

#### A. **Objective**

The objective of the review process is to promote aesthetic harmony in the community by providing for compatibility of specific designs with surrounding buildings, the environment and the topography to protect, maintain, and enhance values and a sense of place. The design concepts and implementation techniques set forth in these guidelines are not meant to discourage unique design solutions, rather they embody the intent of the design and standards for Mirabella. The review process strives to maintain objectivity and sensitivity to the individual aspects of design.

#### B. **Responsibility for Compliance**

An applicant is responsible for ensuring that all of the applicant's representatives, including the applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Modification Design Guidelines and all requirements imposed by the ACC as a condition of approval.

#### C. **Submittals, Approval and Review Fees**

Requests for approval of proposed Improvements, landscaping, or exterior modifications must be made by submitting the information and materials outlined in the Plan Review Process, set forth herein. No Improvements may be commenced until the Owner has received a written "Approval" from the ACC. The ACC may adopt a schedule of fees for plan review.

#### D. **Inspection**

Upon completion of all approved work, the Owner must notify the ACC. The ACC may inspect the work at any time to verify conformance with the approved submittals.

## VI. Architectural and Aesthetic Standards

### A. **Building Materials**

- Brick, Stucco, Stone and Cultured Stone: Brick, stucco, stone and cultured stone are the preferred building materials for siding the main residence or additions. The thickness, visible width, spacing and mortar of the brick, stone or cultured stone must be consistent with that of the original exterior and surrounding community. Each Modification Design Review Application submitted to the ACC shall include a sample of the proposed material.
- Exterior Siding: When exterior siding is to be added or replaced on any existing structure or new improvement on the Lot, it must be of the same type, quality, size, and color as the existing siding on the main residence (unless all exterior siding is being replaced at one time). Only fiber-cement (*JamesHardie Hardiplank*<sup>®</sup> or equivalent) shall be used as exterior siding, and must be approved by the ACC. The following additional guidelines apply to replacement or additional exterior siding:
  1. Minimum of a 20-year warranty from a reputable manufacturer (warranty information should be submitted with the application);
  2. Thickness, visible width, and spacing of siding must be consistent with that of the original exterior siding; each application submitted to the ACC shall specify the thickness, width and spacing of the existing and proposed siding, and shall include a sample of the proposed siding material;
  3. Color of all siding (including siding that is not painted) must comply with the guidelines for Painting as set forth herein; each application must include at least two (2) color samples of the proposed siding color. Siding with impregnated permanent color (*JamesHardie ColorPlus*<sup>®</sup> or similar) must be approved for color in the same manner as paint samples.
  4. Must be installed and maintained to avoid sagging, waving, warping or irregular coloration; the ACC may require the homeowner (at homeowner's sole responsibility and expense) to repair or replace siding that fails to adhere to these Modification Design Guidelines.
  5. Siding shall be installed over a high density polyethylene moisture barrier (*DuPont Tyvek*<sup>®</sup> or equivalent) to match original construction.

**B. Roofing Shingles.** All roofing must material must be approved in advance of construction by the ACC and must comply with the roofing provisions in the Declaration.

- All roofing shingles must be dimensional (architectural) shingles having a minimum 25-year warranty and be equal in appearance and quality to the existing roofing. A sample of the proposed shingle to be placed on any existing roof, or any new improvement (including outbuildings) must be attached to each application submitted to the ACC. Corrugated metal, corrugated aluminum, acrylics and such materials are not approvable for roofing.
- The ACC may maintain a chart depicting examples of the acceptable type, quality and color of roofing materials for homes and other Improvements within the Mirabella community. Each shingle shall be compared to the samples set forth on the roofing materials chart to assure that the proposed shingle is of an acceptable type and quality and that its color is harmonious with the color scheme established for the Mirabella community.
- Composition shingle roofs shall be comparable in color to weathered wood shingles and comparable in surface textural appearance to wood shingles. Underlayment material shall be minimum Type 30 felt for all composition roofs.

**C. Painting**

- Approval. No exterior surface of any new improvement on any Lot shall be painted or repainted with a different color selection from the original color without the prior approval of the ACC. Color samples or “paint chips” of the proposed exterior color(s) must be attached to each application submitted to the ACC.
- Harmonious Colors. The proposed colors must be harmonious with each other and with the colors of exterior brick and roofing materials. The ACC may maintain a chart depicting examples of the acceptable shades of earthtone colors (i.e. shades of beige, brown, gray and white). The color samples or paint chips shall be compared to the colors and shades of colors set forth on the color chart to assure that each approved color is harmonious with the color scheme established for the community.
- Trim. Soffit, fascia board, window and door trim and rain gutters must also be an earthtone color; however, the shades of trim color may be deeper than the principal color of the dwelling or garage.
- Accents. Shutters, window hoods, the side panels of doors and windows and the exterior surfaces of doors may be painted any acceptable earthtone color, including trim colors and certain acceptable shades of dark green, black, blue-gray, rust or dark blue. Window hoods may also be painted in a coppertone metallic based paint. Only one accent color is permitted for any single residence. Exterior doors may be stained

a natural wood color or may be painted to match the other accents, trim, or main house color.

- Storm doors. Storm doors shall be permitted with the following guidelines:
  1. Must be full view – all glass.
  2. Screening or decorative scroll work is not permitted.
  3. Door trim must match the exterior colors of the homes.
  4. Unfinished aluminum or wood screen doors are not permitted.
  5. Installation must be in accordance with the plans and specifications submitted with your appeal.

#### D. Decks and Patios

- Decks are typically constructed from treated pine joists, beams and posts and decking planks of treated pine, cedar or synthetic wood material such as *Trex*®. The overall height of the deck, exclusive of railing, may not exceed one foot (1') in height, although the ACC may grant variances to this limitation on a case-by-case basis. Where railing is installed, it must meet local codes and may not be greater than forty-two inches (42") above the decking planks. Benches and tables may be incorporated into the deck itself. Patios may be constructed of slab-on-grade concrete, brick, stone, or other masonry material.
- While there is no maximum or minimum size for a deck or patio, no deck or patio shall impede drainage on the Lot or cause water to flow on an adjacent lot, and may not be within five feet (5') of any property line.

#### E. Patio Covers

- The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence; provided, however, that corrugated roofs for patio covers and aluminum patio covers shall not be permitted under any circumstances. If siding is used on patio covers, it must be of the same type, quality, and color as the siding on the main residence. Roofing materials on patio covers shall conform to the provisions relating to roofing materials set forth in the Declaration and these Modification Design Guidelines. Louvered or trellis-style patio cover roofs may be allowed as long as the quality of materials is approved. Pressure treated wood may be stained or painted provided the color shall conform to the provisions relating to painting set forth in these Modification Design Guidelines. Any patio cover, which is not attached to the house, shall be subject to the guidelines set forth for gazebos and restricted to twelve (12) feet.

- The location of a patio cover must not encroach on any easement, nor shall it violate the building setback lines applicable to the residential dwelling on any Lot. Patio covers must not interfere with drainage or cause water to flow onto any adjacent lot.
- All patio covers must be adequately supported and constructed of sturdy materials so that the patio cover has no visible sagging or warping. This also applies to any lattice attached to the sides of the structure.
- Patio covers which are attached to the house shall be securely attached at a height not less than seven (7) feet nor more than twelve (12) feet from the ground. Patio covers which are attached to a detached garage or breezeway must be securely attached at a height below the eaves of each structure at a height of not less than seven (7) feet nor more than nine (9) feet from the ground. The patio cover roof shall provide an attractive slope away from the house at an angle which does not exceed that of the roof on the house.
- The roof of all patio covers (other than arbor or trellis type) must be covered with shingles meeting the roofing provisions and guidelines set forth herein. Where the patio cover is gabled, the roof pitch should match the roof pitch of the portion of the home where the cover is attached. If the patio cover is not gabled, it should have a 3:12 slope.
- Second story decks will only be allowed as part of the original overall design of the home. The addition of a 2<sup>nd</sup> story deck, after the original home plan has been designed and approved, will not be allowed.
- If a fireplace is proposed for a covered patio area (associated with structures which are attached to the house), the fireplace requires the written approval of the ACC prior to installation or construction, as well as compliance with the requirements and limitations set forth below. Among other reasons, the ACC may disapprove a proposed fireplace in a covered patio area on the basis of the proximity of the open area of the fireplace and the chimney to other improvements on the Lot on which the covered patio area is located, including the patio cover itself, and improvements on an adjacent Lot. Fireplaces shall be constructed in a manner required by all applicable building codes.
  1. A fireplace is only permitted in a covered patio area that is located in the rear yard of a Lot and the rear yard of the Lot must be fully enclosed by a fence.
  2. No part of the fireplace may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
  3. No part of the fireplace may be located on an easement.

4. The exterior of a fireplace must be a stone or masonry material.

**F. Patio Enclosures**

- A “patio enclosure” is any patio cover which has exterior walls and/or screens (other than “sunrooms” as defined elsewhere in these Modification Design Guidelines).
- All structural components of patio enclosures, including roofing materials, shall be subject to the Modification Design Guidelines set forth herein for “patio covers”. This section describes additional requirements for walls, screens and frames used to enclose a covered patio or deck.
- The standard, type, quality and color of the materials used in the construction of a patio enclosure must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence. Exterior walls of a patio enclosure shall be constructed of brick or siding which is of the same type, quality, and color as those of the main residence on the Lot, and in accordance with Article VI, Section A above. No visible part of the enclosure may be made of metal other than screens, frames, and storm doors. Patio enclosure screens must be the same color as existing window screens on the main dwelling and must have adequate cross-member support to avoid sagging. The exterior color of doors, sills, beams, frames, or other visible supports must match the exterior colors of the main dwelling or the color of existing window frames.
- If a fireplace is proposed for an enclosed patio, the fireplace requires the written approval of the ACC prior to installation or construction, as well as compliance with the requirements and limitations set forth the below. Among other reasons, the ACC may disapprove a proposed fireplace in an enclosed patio on the basis of the proximity of the fireplace to other improvements on the Lot on which the enclosed patio is located and improvements on an adjacent Lot. Fireplaces shall be constructed in a manner required by all applicable building codes.
  1. A fireplace is only permitted in an enclosed patio that is located at the rear of the home on the Lot.
  2. No part of the fireplace may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
  3. No part of the fireplace may be located on an easement.
  4. The exterior of a fireplace must be a stone or masonry material.

## G. Sunrooms

- A “sunroom” is any room with glass-enclosed walls or a glass ceiling. The ACC may reject any application to construct a sunroom on a Lot on the basis of its overall design and conformity with existing structures regardless of whether or not the proposed sunroom complies with the technical specifications set forth below.
- Applications must be accompanied by a detailed scale drawing or blueprint showing the three dimensional relationship of the sunroom to the existing structure. Applications must also include a plot plan showing the location of the sunroom in relation to all lot boundary lines, the residence, the easements and the building setback lines. Applications must also include a detailed material list and include the name, address, and business phone number of the contractor or installer. Applications may be rejected for failure to provide any of these required items.
- A sunroom may be added to the rear of the residence only. Applications for sunrooms on corner lots or lots where the rear of the house faces a street or other community property will be considered on a case-by-case basis.
- Supporting structural members must be of a color and shade similar to and harmonious with the exterior color of the residence. Glass must be tinted in a shade compatible with the exterior of the residence. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Applicants may be required to submit actual samples of the glass with the proposed shading/tinting material applied for approval.
- The floor of the sunroom must be of reinforced concrete slab construction with 3” minimum thickness. No other flooring material will be permitted.
- Only safety glass will be permitted for the panes. No fiberglass, plexiglass, plastic, acrylic, mesh, or other materials will be allowed. Safety glass must be a minimum 3/16” thick if tempered glass or a minimum 1/4” thick if laminated glass. Maximum width of glass between support trusses will be 36” measured center-to-center.
- Support trusses (glazing bars) must be constructed of aluminum or aluminum alloys with electrostatically applied coloring/paint to withstand a minimum of 100 M.P.H. wind and 25 lbs. per square foot or as dictated by Waller County. No natural aluminum oxidation coloring will be allowed. No wood, composite, steel, fiberglass, or plastic trusses will be allowed. Trusses must be of structural box or I-beam construction. Round, oval, or “T” shaped trusses will not be allowed.
- The roof of a sunroom must have a minimum pitch of 1” per 12” of projection. The sunroom may not project more than twenty (20) feet measured from the rear facing plane of the residence. The sunroom may not project beyond either side-facing plane of the residence. A sunroom may not encroach on any existing setbacks or easements.

- Sunrooms are only permitted as ground structures. The maximum height of the roof, measured from the concrete floor, may not exceed either twelve (12) feet or the height of the eaves of the wall that the sunroom projects from, whichever is lower.
- All electrical installation (lights, ceiling fans and electrical outlets and low voltage speakers and controllers) shall be in accordance with the applicable version of the National Electric Code. If ceiling lighting is installed, it must be downward directed, focused, low wattage track lighting.
- Sunrooms may not have turbine type or forced fan roof ventilators installed. Only natural draft/convection flow panels that open may be installed. Panels that open may not exceed 36" x 36" in size and must be at least 36" in any direction away from adjoining opening panels.
- Sunrooms may not have exposed air conditioning or heating ductwork installed on the exterior thereof. Vents must be attached to the main residence. No ductwork shall be visible.
- Window-coverings are not required. However, only interior coverings will be permitted; there shall be no exterior covering of the sunroom glass allowed. The side of the window-covering facing the exterior must be of a neutral, earth-tone color, which must also blend with the exterior color of the home. If there is covering on any one window, then all windows must be covered with the same treatment. Color and material samples of coverings may be required to be submitted for approval, at the discretion of the ACC. All temporary or disposable coverings not consistent with the aesthetics of the Mirabella community, such as reflective materials, sheets, newspaper, aluminum foil, plastic, cardboard, etc. are prohibited.

#### H. Gazebos

- Gazebos require the written approval of the ACC prior to installation or construction and are subject to the requirements and limitations set forth below; provided that, in the case of a Gazebo, the ACC has the authority to impose more stringent requirements as to location and dimensions when deemed necessary on the basis of relevant factors, such as by way of example and not in limitation, the type and/or location of another structure on the Lot, the visibility of the Gazebos from a street, another Lot or Common Area, builders model home or the obstruction of a view from an adjacent Lot.
- A "Gazebo" is a free-standing, open-framed structure. Gazebos are typically circular or octagonal-shaped structures, but may be irregularly shaped. Pergolas, arbors and similar freestanding structures are considered gazebos for all purposes in these Modification Design Guidelines. The application for construction of a Gazebo must include a plot plan showing the location of the structure in relation to the property lines, building lines, easements, existing structures and existing or proposed fences.

The Gazebo must be a minimum of ten (10) feet from any other improvement in the back yard.

- Gazebos must be predominately open, but may have railing or half walls not to exceed forty-two inches (42") in height. Any open columns must be painted or stained. If the Gazebo is painted it shall match or compliment the structure of the home. The ceiling of the Gazebo may be open to the rafters or closed-in and finished. All materials must be consistent in quality and appearance to the structure of the home.
- The overall size of the Gazebo shall not exceed two-hundred and fifty (250) square feet. The maximum overall height (including the flooring or decking) is limited to twelve (12) feet when measured from natural ground to the highest peak of the structure.
- Flooring may be concrete slab-on-grade or raised decking of wood or synthetic wood material such as *Trex*®. Flooring may be painted or stained, or tiled. If raised decking is used, it may not exceed eighteen inches (18") in height.
- All Gazebos must have a permanent roof, the quality and color of which shall match the home on the Lot. A double roof is permitted and encouraged. Corrugated plastic roofing is not permitted.
- All pipes and cables must be underground. Any electrical installation (lights, ceiling fans and electrical outlets and low voltage speakers and controllers) shall be in accordance with the applicable version of the National Electric Code.
- Gazebos must be located in the rear or side yard. Gazebos shall not be located in any rear or side lot building line. Regardless of whether any building line exists, Gazebos may NOT be located within ten (10) feet of a property line. No Gazebo shall be located on a utility easement, impede drainage on the Lot, or cause water to flow onto an adjacent Lot. Gazebo's will not be approved if proposed to be installed in a location to limit the adjacent property owners view of amenities.
- The ACC reserves the right to review the location of the Gazebo and further has the right to require that portions of Gazebos be altered to include walls, screening, or similar features as to limit exposure (sound, smoke from grills, outdoor televisions, noise, etc.) to adjacent property owners during pre-approval of the structure or at any time the Gazebo has been completed.

#### **I. Swimming Pool and Spas**

- A swimming pool is an in-ground structure which may or may not include a spa, diving board, slide or water features. These Modification Design Guidelines do not limit the size or layout of the pool apart from the below stipulations. However, any

above ground pool is prohibited and any such pool installation must be professionally designed and is subject to all permitting ordinances of Waller County.

- The application for the construction of a swimming pool or spa must include a plot plan showing the proposed location of the swimming pool or spa in relation to the property lines, building lines, easements, existing structures and existing or proposed fences. Any trees that are to be removed or relocated must be noted. The application shall also include a timetable for the construction.
- Both the pool and pool decking may not be any closer than five feet (5') from any property line (i.e., at least 5' separation from side and rear fences). Any extension of the pool, pool decking, or any other feature associated with the pool into a building setback line shall be limited to a vertical height above grade of eighteen inches (18").
- The pool, pool decking, waterfalls or any features associated with the pool may not encroach on any back lot or side lot easement including, without limitation, any easements on the subdivision plat, any easements granted by separate easement, or easements granted by deed.
- Construction of the pool, decking, waterfalls or other features may not change the lot drainage in such a way as to direct water on to any other residential lot or open space.
- No swimming pool or spa shall be approved unless the area in which the pool is to be located is either enclosed by a barrier or fence that is compliant with Waller County.
- Swimming pools and spas must also have an adequate drainage system according to the requirements of any governmental agency having jurisdiction or, in the event there is no governmental agency having jurisdiction, as deemed appropriate by the ACC. Under no circumstances shall water from a swimming pool or spa be permitted to drain onto the surface of the Lot on which the swimming pool or spa is situated or onto any adjacent Lot.
- During construction, the pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists. If a portion of an existing fence is removed during construction, a temporary fence or barrier must be erected to fully enclose the area in which construction is taking place. Further, no building materials shall be kept or stored in the street overnight. Any dirt in the streets generated by construction traffic shall be cleaned at the end of the day on a daily basis. Excavated material shall either be used on site or removed from the premises and legally disposed off-site by the pool contractor, and Owner shall be responsible to the Association for any damage and/or costs arising from the failure to properly dispose of such excavated material. A One Thousand Dollar (\$1000) fine will be imposed if the pool contractor has been discovered illegally dumping excess material within the development.

- The pool mechanical equipment may be placed within the side yard setback, but must be located within the fenced area of the home. The pool equipment may not be placed in such a way as to impede the three (3) foot wide side yard drainage easement or be within three (3) feet of a side property line and at least twenty (20) feet away from any adjacent property owner windows. The ACC reserves the right to require that pool equipment be located in a manner to not distract or be a nuisance to any Lot. The ACC must approve any swimming pool filter tanks.
- Features such as rock waterfalls shall not exceed eight (8) feet in height and all above-ground features like waterfalls or walls on lake lots must be finished on the back side and screened with landscaping from public view.
- A one thousand five hundred dollar (\$1500) returnable deposit will be required for any pool construction in the development. A written notification of completion shall be submitted to the ACC for a final inspection of the construction areas in public view. The deposit will be returned after the inspection provided that all areas impacted by construction have been returned to their original condition.
- No pool, pool bowl, pool decking, spa, diving board, slide, water features, or anything associated with swimming pool amenities (horizontal or vertical) shall be located within any easement including, without limitation, any easements on the subdivision plat, any easements granted by separate easement, or easements granted by deed. If no easement exists then no pool or amenity shall be located within five (5) feet of any property line.
- Pool contractors are not permitted to use reserves, easements, or any other Lot to access a Lot to install a pool.
- Any violation of these construction guidelines could result in forfeiture of deposit.

#### J. **Outbuildings**

- Outside storage buildings located in a fenced rear yard of a Lot are only allowed with the prior written approval of the ACC. One (1) permanent storage building will be permitted if: (i) the surface area of the pad on which the storage building is constructed is no more than one hundred twenty (120) square feet; (ii) the height of the storage building, measured from the surface of the Lot to the peak of the roof of the storage building, is no more than eight (8) feet; (iii) the exterior of the storage building is constructed of the same or substantially similar materials and of the same color as the principal residential structure constructed on the Lot; (iv) the roof of the storage building is the same material and color as the roof of the principal residential structure constructed on the Lot; and (v) the storage building is constructed within all applicable building setbacks. No storage building may be used for habitation or visible from the street.

- Building materials, including siding and roofing must be consistent with these Modification Design Guidelines. Rubbermaid or vinyl storage sheds may be permitted with prior approval.
- Outbuildings must conform to the building front and side setback restrictions set forth in the Documents and Plat. No outbuilding shall impede drainage from the Lot or cause water to flow onto an adjacent Lot.
- Outbuildings or storage sheds are not permitted on non-fenced lots, or lots with wrought iron fencing. All outbuildings must be installed in the fenced rear yard of a Lot, not installed within any easements and can't be seen from a public area. Example: If homesites backup to a public street then the shed shall be lower than the fence in order to screen it from public view or on a lake lot then a storage shed will not be allowed on that home site. There will be no variances approved.
- The ACC reserves the right to require that outbuildings be located in a manner to not distract or be a nuisance to any Lot.

#### K. Landscaping

- Yard Trees: All Lots and homes shall require front yard trees, the number and location of which is outlined below.
  1. 45 foot Lot – one 25 gallon trees
  2. 50 foot Lot – two 25 gallon trees
  3. 60 foot Lot – one 25 gallon tree and two 45 gallon trees

If a tree dies, it shall be replaced by the Owner. Yard trees are to be of an approved species (see Approved Plant List below) with trees having a minimum of two and one half (2.5") in caliper width and a minimum height of eight feet (8') as measured at the tree trunk from the ground as planted.
- Accent Trees. The supplemental planting of additional trees in the front and back yards is encouraged. The supplemental or "Accent Trees" include a wide variety of trees including Bottlebrush, Crape Myrtle, Holly, Little Gem Magnolia, Mexican Plum, Sago Palm, and Texas Mountain Laurel. Accent Trees must be common nursery stock with a minimum of fifteen (15) gallon container. While the location of the Accent Trees is not specified, they may not be planted in such a way as to impose on an adjacent residence. The planting of trees within the side setback is discouraged. Accent trees may not be used to replace the required Yard Trees or Street Trees.

APPROVED PLANT LIST

Yard Tree	Ornamental/Vertical Accent Tree	Evergreen/Foundation Shrubs	Flowering Shrubs	Small Groundcovers
Bald Cypress	Bottlebrush Tree	Boxwood	Butterfly Bush	Asian Jasmin
Burr Oak	Crepe Myrtle	Cleyera	Camelia	Bulbine
Live Oak	Holly Spp	Coppertone Loquat	Esperanza	Hamelin Grass
Magnolia Tree	Little Gem Magnolia	Ligustrum	Fox Tail Fern	Lantana
Mexican Sycamore	Mexican Plum	Loropetalum	Indian Hawthorne	Mexican Feather Grass
Nuttall Oak	Texas Mountain Laurel	Pittosporum	Iris	Mondo Grass
Red Maple		Upright Rosemary	Knock Out Rose	Seasonal Color
Red Oak			Mexican Bush Sage	Wedelia
River Birch			Plumbago	Weeping Rosemary
Shumard Oak			Verigated Ginger	
Water Oak				

- Palm Trees. Palm trees are not approved for use in the front yard of any home or Lot.
- Trash Trees. The planting and/or propagation of “trash trees” is discouraged. Trash trees are trees that are weak wooded, weak branched, disease and insect prone and/or messy. Common trash trees are the Chinese tallow, Mimosa, Blackjack Willow, Cottonwood and Hackberry.
- Other Landscape Additions. The addition of shrubs, decorative grasses, ground cover and flowering plants is encouraged. In general, such plantings are acceptable without a formal review by the ACC. Exceptions are landscaping that is, or will, act as a non-compliant fence, items that obstruct access to a vital community service (such as a fire hydrant), items that obstruct visibility causing a hazard to vehicular or pedestrian traffic, items that create a hazardous condition or any item that generates a complaint from a resident of the community. These Modification Design Guidelines apply both to items that create a non-acceptable condition upon installation and items that grow to become non-acceptable.
- Irrigation Systems. Any irrigation system (sprinkler system) that is connected to a public or private potable water supply must be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality (“TCEQ”). Where required by local municipalities the design and installation of any irrigation system must be by licensed irrigator. Any installation must comply with Chapter 344 of the Texas Administrative Code. Irrigation systems must be placed entirely within the Lot and not encroach upon any community open area or

neighboring Lot. Care must be taken to prevent overspray onto any neighboring Lots. Location of any improvement within an easement or street right-of-way is at the owner's risk and subject to removal.

- Hardscape and Edging. Landscape timbers or railroad ties are **not** permissible within the portion of the yard visible from any street. The use of rock, stone, colored concrete, *Windsor Stone*® as edging or retaining walls for planting beds is permissible, however the location and color of the edging is subject to ACC approval. Standard brick similar to what is used for home construction will **not** be allowed as edging for planter beds. No edging or retaining walls may exceed eighteen inches (18") in height, unless in the case of replacing the retaining wall from the original construction. Tree wells and bed edging must match.
- Back Yard Landscaping. Back yard landscaping must follow the general guidelines set forth as follows.
  1. No plantings may intrude into neighboring yards. An example would be trees planted on the property line that overhang adjacent properties or the installation of a plant species that may spread onto neighboring yards.
  2. The back yard may not be graded or planted such way as to impede drainage on the Lot or cause water to flow on an adjacent lot.
  3. No planting shall impede any existing views of amenities.
- Mulch. Only Brown or Black mulch will be allowed. All other colors are prohibited.
- Benches; Furniture. One (1) wood or wrought iron bench is permitted either on the front porch of the residential dwelling or within a front landscape bed; provided that the style and location of the bench must be approved in writing by the ACC prior to placement. Gliders with "A" frames are prohibited. Other types of furniture, such as a rocking chair, is permitted on the front porch of a residential dwelling, but only with the prior written approval of the ACC as to type, size and number. Plastic and stackable types of furniture are prohibited on the front porch of a residential dwelling.
- Yard Art. All "yard art" (including, but not limited to, birdbaths, bird houses, fountains, planters, clay pots, barrels, sculptures, spinners, statues, etc.) must be submitted for and approved in writing by the ACC. All yard art shall be limited in both scale and quantity, and must be in tastefully similar color, tone, material, and application as that of the home and surrounding area. Bright, neon, active, or otherwise "bold" art will not be allowed, except for in temporary application allowed in the "Yard Signs" paragraph below.
- Yard Signs. Restrictions related to signs are covered in the Declaration, and this paragraph is intended to supplement such restrictions. Yard signs of all types (plastic,

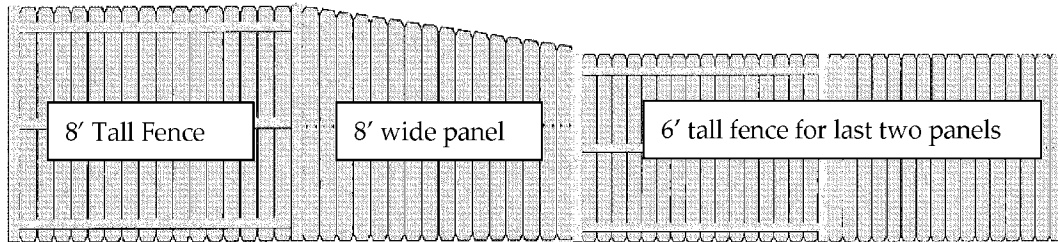
metal, stone, wood, etc.) are allowed in temporary application such as for parties, school activities, and other announcements, but are limited to a max of 15 days use unless specifically applied for and approved by the ACC.

#### L. Fencing

- No fence may be constructed on a Lot without the prior written consent of the ACC.
- Materials. Fencing must be wood. Fences of steel, wire or chain link are prohibited.
- Wood Fence Construction.
  1. Pickets must be cedar to match original construction. Pressure treated pine is not an acceptable material. All pickets must be 1" x 6" nominal. In cases where the original fence material is capped, any replacement fence must also be capped. Fence pickets shall be secured to the fence posts and rails with hot-dipped galvanized nails or other non-corrodible method.
  2. Structural materials (rails and posts) may be either cedar or pressure treated pine. Posts must be buried a minimum of two (2) feet in the ground with a minimum of five (5) feet exposure, plumbed vertical and anchored in a concrete pack.
  3. Wooden fences facing the front street, along any side street, rear street property line, detention pond (where iron is not required) or greenbelt or any public view shall be constructed with all pickets on the outside so that no posts or rails are visible from the street. Most fences viewable from public location (front of home and side lot conditions) also require a cap and trim.
  4. All other wooden fences must be constructed in the manner described above or must be constructed in panels (each of which is 6 to 8 feet in length) erected in a "good neighbor" fashion so that posts and rails are exposed only on alternate panels when viewed from either side of the fence.
  5. The use of a "rot board" below the pickets is generally not acceptable due to cross-lot drainage in Mirabella. Therefore, "rot boards" must be specifically approved by the ACC if determined to not impede drainage.
- Gates: All gates shall be constructed with the same materials as the fence. The hinges and latches used on the gate should be of the same style and quality of those used throughout the Community. The ACC shall consider driveway gates on homes with detached garages on a case by case basis. Pedestrian gates are allowed, but not

required on all lake and greenbelt lots. The gates shall not exceed forty-two inches (42") in width, inclusive of gate hardware.

- Color:
  1. Wood Fences: No portion of a wood fence on a lot which is visible from any street may be painted or stained without prior approval. Portions of a fence which are not visible from any street may be stained in acceptable earthtone colors of brown, beige or gray. The ACC may maintain a chart depicting examples of earthtone colors and shades of earthtone colors for stains on wood fences. Each stain color sample submitted by a homeowner shall be compared to the colors and shades of colors set forth on the fence stain color chart to assure that each approved stain is harmonious with the color scheme established for the Community.
- Height: Fences are generally limited to six (6) feet in height, unless special considerations warrant taller fences which must be approved by the ACC.
  1. Eight Foot (8') Fences: Certain 8' tall wood fence may be approved by the ACC when used in location with dramatic elevation change between homes or in community perimeter locations. **Applications for 8' tall fences must be submitted along with written consents from all adjacent property owners who share the fence in question.** If approval by the ACC is given, all 8' tall fences must be built according to the following specifications:
    - a. Only to be approved in locations with elevation differences of at least 6' between front building lines, as shown on the final grading plan for that section. ACC to confirm this difference.
    - b. Eight foot (8') tall cedar pickets or treated pine, nominal 1"x6".
    - c. Single length treated pine posts (not scabbed together to raise) set 8' apart on-center.
    - d. 3, treated pine stringers, distanced to create two equally sized halves between the outside stringers.
    - e. No "rot board" will be approved in conjunction with an 8' tall fence increasing the height.
    - f. Side lot fences may be 8' as well, but must transition back down to 6' tall across the length of one 8' wide panel and finish at 6' tall for at least the last two panels towards the front of the home. See below diagram detailing the side lot transition.



### M. Exterior Lighting

The addition of exterior lighting, including ground-level lighting, stand-alone lamp posts and lighting mounted on a home or approved structure must be compatible with the general tone and design of the neighborhood and be located inconspicuously. In all cases, lighting fixtures must adhere to the “eight (8) foot maximum height” rule. Residents are encouraged to consult with affected neighbors prior to installing or changing exterior lighting. Wattage of exterior light should be kept to a minimum because excessive wattage can create a nuisance to neighbors.

- Changes to Existing Lighting: Outside lighting which was installed at the time of original construction or which was installed after original construction with the approval of the ACC may be replaced with a new fixture provided that the wattage of the new fixture is comparable to the wattage of the existing fixture.
- Security Lighting: Security lighting shall be mounted behind the back plane of the home and below the eaves of the home. No pole mounted lights will be permitted. Mercury vapor/sodium vapor lights, which are considered incompatible with the neighborhood, are not permitted. Any security lighting must be shielded to cut-off light pollution from adjacent residences.
- Low Voltage Lighting: Low voltage landscape lighting is permitted as long as the lighting fixtures are located in flower beds, shrubs, and similar landscaping. Tree mounted landscape lighting will be permitted as long as the fixture is not mounted higher than eight (8) feet above ground level. Flood lighting (except for seasonal decorations) is not allowed in landscape beds or trees.
- Post Lamps: No more than one (1) post lamp shall be permitted in any front yard, subject to ACC approval. The post lamp may be on a switch, timer or photocell and must be a minimum of five (5) feet behind the front property line. The lamps must have tops to prevent light pollution and must be dark bronze or black in color. The use of gas post lamps is permitted subject to these Modification Design Guidelines.
- Annoyances: All new lighting which is approved by the ACC shall be subject to a 90-day trial period after installation to assure that the lighting is not objectionable to surrounding residents. The 90-day period will commence on the date of installation.

If, at the end of the 90-day period, the ACC determines that the lighting is unreasonably offensive or an annoyance to surrounding neighbors, the lighting will be required to be modified or be removed in accordance with the ACC's decision.

#### **N. Garages**

- All garages, carports and other open automobile storage units must be approved in advance of construction by the ACC. No garage may be permanently enclosed or otherwise used for habitation.
- A tandem garage is a garage constructed so that one car parks in front of the other. For purposes of this section, if a tandem garage scenario exists, it is considered a two-car garage.
- All residences in the Mirabella community must have attached or detached garages for not less than two midsize or full-size vehicles.
- The conversion of a garage to a family room, or similar modification, is not permitted, even if the appearance of a garage is maintained from the street (i.e., the garage doors are still intact).
- Two car garages are to have two side-by-side doors or one double garage door. Three car garages may be detached, split hook, or front load. Front load three-car garages are to be constructed with one double door and one single door. Side out garages (from the side street of the corner lot) are not permitted.

#### **O. Driveways and Sidewalks**

- The design, construction material, and location of: (i) all driveways, and (ii) culverts incorporated into driveways for ditch or drainage crossings, must be approved by the ACC. Each Owner will be responsible, at such Owner's sole cost and expense, for properly and on a timely basis (both standards to be determined by the Board in the Board's sole and absolute discretion) maintaining and repairing the driveway on such Owner's Lot.
- Replacement driveways and sidewalks must be to the same quality, line, grade and location as the original driveway for the residence. Additional sidewalks are subject to ACC approval.
- Driveways and sidewalks may be paved with concrete or other masonry materials which relate to the architecture of the residence. The masonry material must be compatible, not only with the home, but with any other walkways or terraces on the Lot. Materials such as textured concrete, stamped concrete, colored concrete, interlocking pavers, brick border pavers, and cut stone shall not be permitted on driveways or front sidewalks leading to the street (except as a border to driveways as

outlined below or in custom sections as defined by ACC). Materials provided in this section are allowed on sidewalks located on the side of the home leading to the backyard only and must be approved by the ACC.

- The maximum driveway width is seventeen (17) feet at the front property line. The ACC may consider driveway borders of patterned concrete or interlocking pavers on a case by case basis. Driveway extensions will be reviewed on a case by case basis. Driveways must be a minimum of 3 feet from the side property line.
- Each owner shall maintain, repair, and replace, when necessary, the sidewalk along the front of their lot, the driveway, as well as the sidewalk on the side of corner lots.

**P. Basketball Goals**

- Basketball Goal restrictions are covered in *Section 2.27* of the Declaration. The following guidelines supplement and clarify the restrictions.

**Q. Playscapes and Recreational Courts**

- Playscapes and Recreational Courts restrictions are covered in *Section 2.32* of the Declaration.

**R. Antennas**

- Antenna restrictions are covered in *Section 2.17* of the Declaration.

**S. Signs**

- Sign restrictions are covered in *Section 2.19* of the Declaration.

**T. Address Treatments**

- Each Lot shall have a house number identifying its address made of materials and a color harmonious with the rest of the community numbers. House numbers shall be kept free and clear from all trees, shrubbery, etc. House numbers may need to be painted or maintained from time to time and shall be visible from the street at all times. No peel and stick numbers.

**U. Generators**

- Generator restrictions are covered in that certain Generator Policy included in the Mirabella Community Manual, recorded in the Official Public Records of Waller County, Texas.

## V. Window Units

- No window or wall type air conditioners shall be permitted to be used, erected, placed or maintained on or in any single family residence, outbuilding, patio, or other Improvement.

## W. Miscellaneous

- Birdhouses. Birdhouses shall be permitted subject to the prior approval of the ACC. No birdhouse shall be situated higher than four (4) feet above the ground and no more than one (1) birdhouses shall be permitted on a lot. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the home and other improvements on the Lot. Any birdhouse must be within the fenced area of the Lot.
- Rain Gutters. Rain gutters may be plastic or aluminum items, and must be painted a color compatible with the home on which they are installed. Application should be made showing the extent of guttering and location of downspouts. Downspouts may not be directed toward any adjacent Lot or open space.
- Awnings. Awnings visible from the front street or side street shall not be permitted. Awnings on the rear portion of a Lot must be approved by the ACC.
- Solar Screens.
  1. All solar screens must be approved by the ACC.
  2. Solar screens are restricted to black, dark brown, or dark gray and must be constructed and installed to professional standards.
  3. Solar screens may be permitted in the front of the home if they are constructed with grids that that match the window-lites of the windows being covered, so as to not distract from the architectural harmony of the home. If solar screens are installed on the front of the home, all windows on the front must have solar screens. Screens on the front of the home are required to have upgraded frames to simulate window panes.
- Emergency and Disaster Reaction: Disasters such as fire and weather may cause significant construction and repair activity to take place. Temporary repairs or structures (those that are present for no longer than 6 months during reconstruction) will be acceptable under such a condition. Reconstruction in the form that existed before the disaster will be acceptable without approval by the ACC.
- Temporary protective action in the event of certain weather conditions, such as hurricane warnings, will not require approval of the ACC. All such installations must

be completely removed and the property restored to its original condition within 15 days of the passing of the emergency. This rule specifically applies to, but is not limited to, the boarding of windows and doors during a hurricane threat.

- Burglar Bars. The use of burglar bars on the exterior of any window or doors is prohibited.
- Holiday Decorations: Holiday decorations are permitted and will not require approval. Decorations may be installed no sooner than 30 days prior to the holiday and must be removed within 15 days after the holiday for which they are intended. The ACC reserves the right to require the removal of decorations that either generate complaints or are deemed offensive.
- Chimneys: A chimney attached to a home is deemed to be a part of the home and therefore must comply with all applicable building setbacks.
- Outdoor Fire Pits and Fireplaces (not associated with structures which are attached to the house): Outdoor fire pits and outdoor fireplaces require the written approval of the ACC prior to installation or construction and are subject to the requirements and limitations set forth below and in the Declaration; provided that, in the case of both a fire pit and an outdoor fireplace, the ACC has the authority to impose more stringent requirements as to location and dimensions when deemed necessary on the basis of relevant factors, such as by way of example and not in limitation, the type and/or location of another structure on the Lot, the visibility of the fire pit or outdoor fireplace from a street, another Lot or Common Area, or the obstruction of a view from an adjacent lot.
  1. Outdoor Fireplaces:
    - a. An outdoor fireplace must be located in the rear yard of a Lot and the rear yard of the Lot must be fully enclosed by a fence.
    - b. No part of the fireplace may be nearer to any other structure on the Lot than ten (10) feet.
    - c. No part of the fireplace may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
    - d. No part of the fireplace may be located on an easement.
    - e. The fireplace may not exceed twelve feet (12') in height measured from grade to the highest point of the fireplace.

- f. The fireplace may not exceed twelve feet (12') in width up to a distance of six feet (6') measured from grade and may not exceed five feet (5') in width above six feet (6') from grade.
- g. The fireplace may not exceed four feet (4') in depth, measured from the exterior surfaces of the front and the back of the fireplace.
- h. The exterior of a fireplace must be a stone material.

2. Outdoor Fire Pits:

- a. An outdoor fire pit must be located in the rear yard of a Lot and the rear yard of a Lot must be fully enclosed by a fence.
- b. No part of the fire pit may be nearer to any other structure on the Lot than ten feet (10').
- c. No part of the fire pit may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
- d. No part of the fire pit may be located on an easement.
- e. If a round fire pit, the diameter of the fire pit, measured at each point at the exterior of the fire pit, may not exceed four feet (4').
- f. If a square or rectangular fire pit, no side of the fire pit may exceed a width of more than four feet (4').
- g. The fire pit may not exceed two feet (2') in height, measured from grade to the highest point of the fire pit.

**X. General**

- Quality of Repairs and Improvements: Repairs and improvements are required to be of equal or better quality than original construction. The quality of such work may come under the scope of the ACC's responsibilities if the repair is done in such a way as to detract from the appearance of the community.
- Easement Encroachments: It is not the responsibility of either the ACC or the Board to police encroachment into utility easement areas. The ACC may advise the Owner of a possible encroachment and recommend that the Owner seek approval or waiver from the appropriate utility company. However, the ACC will not be liable for any expense incurred by an Owner as a result of action by a utility company if such encroachment occurs, even if the ACC approved the change or addition without comment.

Y. **Aesthetic Appeal**

- **The ACC may disapprove the construction or design of any Improvement on purely aesthetic grounds. Any prior decisions of the ACC regarding matters of design or aesthetics shall not be deemed to have set a precedent if the ACC feels that the repetition of such actions would have any adverse effect on the community.**

VII. **Plan Review Process**

The construction or installation of any improvements, changes to existing improvements, or the reconstruction of improvements, will require the submission of the “**Modification Design Review Application**” attached hereto as **Exhibit “A”** along with plans and specifications for approval of the ACC before any such construction or installation activity is commenced. The ACC may waive plan and specification requirements for certain modifications or improvements at its discretion.

The ACC will attempt to review all Modification Design Review Applications and submittals within thirty (30) days after submission. Please plan construction activities to allow sufficient time for submittals and review as outlined above, and for obtaining Final Approval prior to commencement.

VIII. **General**

A. **Material and Equipment Storage**

All construction materials and equipment shall be neatly stacked, properly covered and secured. Any storage of materials or equipment shall be the Owner’s responsibility and at their risk. Owners may not disturb, damage or trespass on other Lots or adjacent property.

B. **Insurance**

The ACC may require an Owner to procure adequate insurance during construction naming the Association, the Declarant and the ACC as additional insureds in an amount to be determined, from time to time, by the ACC.

C. **Site Cleanliness**

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming an eyesore.

1. **Fencing.** Brightly colored construction fence must be installed before the start of construction on all side lot lines where a home is being constructed next to an existing occupied home.
2. **Trash Containers.** Owners shall clean up all trash and debris on the construction site. Trash and debris shall be removed from each

construction site on a timely basis. The ACC will have the authority to require that one (1) dumpster be provided.

Trash receptacles must be emptied periodically and will not be permitted to overflow. Chain link fencing is not an acceptable enclosure material for temporarily containing trash. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site.

3. No Dumping or Burning. **The dumping, burying or burning of trash is not permitted anywhere in Mirabella.**
4. Heavy Equipment and Debris. When moving heaving equipment, precautions must be taken to prevent damage to pavement, curbs, and vegetation. Track loaders are not to be operated on paved or concrete surfaces. Mud, dirt and other construction debris that is tracked off the construction site shall be cleaned on a daily basis. Skid steer loaders are not to be used to clean the streets by scraping them.

#### **D. Construction Hours**

The time of construction will be limited to between the hours of 7:00 AM and 7:00 PM, Monday - Friday, and from 9:00 AM to 5:00 PM on Saturday, unless otherwise approved by the ACC. Construction activities may not occur on Memorial Day, the 4th of July, Labor Day, Thanksgiving and Christmas. Essentially quiet activities that do not involve heavy equipment or machinery may occur at other times subject to the review and approval of the ACC. Personnel are not to remain at the construction area after working hours.

**EXHIBIT "A"**

**MODIFICATION DESIGN REVIEW APPLICATION**

*[Application Follows]*

**ACC  
Modification Design Review Application**

Date: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Detailed description of alteration and materials to be used:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(If additional space is needed, please attach to this form)*

This Modification Design Review Application (this "**Application**"), for any Improvement, which occurs outside the exterior walls of the residence, **must** be accompanied by a copy of the Lot survey, a detailed rendering which includes the location, size, and type of Improvement(s), along with *(if applicable)* the contractor's contact information, and a site plan which outlines style, color, height, and any additional information pertinent to the approval of this Application.

Please refer to the Mirabella Modification Design Guidelines for details regarding applicable standards and restrictions.

The ACC shall have up to thirty (30) days to review and respond to any completed Application. An approval or denial letter shall be mailed to the Owner's address on file.

**Note:** Do not begin or contract for any work to be done prior to the receipt of the approval letter from the ACC.

After approval of this Application, construction must be commenced within one hundred eighty (180) days and completed within twelve (12) months from the date of the approval. If the approved construction is not completed within twelve (12) months, another Application must be submitted and approved.

If approval is granted, it is not to be construed to cover the approval of any county or city code requirements. A building permit from the appropriate building department is needed on most property alterations and improvements. The ACC shall have no liability or obligation to determine whether such improvement, alteration, addition, or otherwise complies with any and all Applicable Law, rules, regulations, codes, or ordinances.

As a condition precedent to granting approval of any request for a change, improvement, alteration, or addition to an existing basic structure, the Owner, and its assigns, shall hereby assume sole responsibility for the repair, maintenance, or replacement of any such change, alteration, improvement, or addition.

It is understood and agreed that the ACC is not required to take any action to repair, replace, or maintain any such approved change, alteration, improvement, or addition, of any structure or any other property. The Owner, and its assigns, assumes all responsibility and cost for any addition or change and its future upkeep and maintenance.

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please mail your completed Application along with the outlined application fee (*see schedule below*) to the ACC or drop it off at the Manager’s office as follows:

**MIRABELLA HOMEOWNERS  
ASSOCIATION, INC. ATTN: ACC**  
Attn: Community Solutions  
P.O. Box 5191  
Katy, Texas 77491  
Email Address: rschmutz@csutx.com

Applications submitted by Owners will not be considered if: (i) there are outstanding restriction violations; (ii) delinquent amounts are due; (iii) the Application is not complete; and/or (iv) the application fee is not included.

Application fees must be paid by check or money order and made payable to the Mirabella Homeowners Association, Inc.

Application Fee Schedule

- **Major Modification \$250.00 Processing Fee and \$250.00 Deposit (payable to Mirabella)**

Major modifications include, but are not limited to:

- Pool/spa
- Porch/patio
- Cabana, gazebo, storage building
- Outdoor kitchen
- Water feature
- Room addition
- Other: Subject to Review

<b>Mirabella ACC Office Use Only:</b>	Date Submitted: _____
<input type="checkbox"/> APPROVED	Check No.: _____
<input type="checkbox"/> APPROVED WITH CONDITIONS: <i>(Explanation of Conditions)</i>	
_____	
_____	
<input type="checkbox"/> DENIED: <i>(Explanation of Denial)</i>	
_____	
_____	
Authorized Signature of ACC Member: _____	Date: _____

## FILED AND RECORDED

**Instrument Number: 2512817**

Filing and Recording Date: 10/10/2025 09:21:16 AM Pages: 34 Recording Fee:

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



A handwritten signature in black ink that reads "Debbie Hollan".

---

Debbie Hollan, County Clerk  
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

simplifile, Deputy

Returned To:  
WINSTEAD PC - AUSTIN  
401 CONGRESS AVENUE, SUITE 210  
AUSTIN, TX 78701