AFTER RECORDING RETURN TO:

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CARLSON PARK
MODIFICATION DESIGN GUIDELINES

ADOPTED:

DECLARANT:

IMAGINE BUILT HOMES, LTD.,
a Texas limited partnership

By: B. F. MANAGING PARTNERS, L.L.C.,
a Texas limited liability company,
its General Partner

By: _____
Printed Name: James Bastoni
Title: Manager

THE STATE OF TEXAS §
§
COUNTY OF Bexar §

This instrument was acknowledged before me this 23rd day of April, 2020, by James Bastoni, Manager of B. F. MANAGING PARTNERS, L.L.C., a Texas limited liability company, the General Partner of IMAGINE BUILT HOMES, LTD., a Texas limited partnership, on behalf of said limited liability company and limited partnership.

(SEAL) COLLEEN TAYLOR
Notary Public, State of Texas
Comm. Expires 05-24-2024
Notary ID 341838

_____
Notary Public Signature

Cross reference to Declaration of Covenants, Conditions and Restrictions for Carlson Park, recorded under Document No. 20200084754, Official Public Records of Bexar County, 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 PMI Birdy Properties, 18830 Stone Oak Parkway, San Antonio, Texas 78258, Attn: Russell Birdy.

A. Background

Carlson Park is a planned community located in Bexar County, Texas which is subject to the terms and provisions of Declaration of Covenants, Conditions and Restrictions for Carlson Park, recorded under Document No. 20200084754 in the Official Public Records of Bexar County, Texas (the "**Declaration**"). The Lots located in Carlson Park 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 9 of the Declaration includes procedures and criteria for the construction and/or modification of improvements within the Carlson Park community. *Section 9.1* 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. 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.

II. Governmental Requirements

Governmental ordinances and regulations are applicable to all Lots within Carlson Park, including, but not limited to federal, state, county and local requirements, including but not limited to the requirements set forth in the PUD, as defined in the Declaration. 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 Carlson Park. Each Owner is advised to review all encumbrances affecting the use and improvement of their Lot prior to submitting plans to the 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 or modifications 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 a Declaration.

IV. Amendments

Pursuant to *Section 9.2.3* of the Declaration, the Declarant shall have the authority from time to time to repeal and amend these Modification Design Guidelines. All amendments shall become effective upon recordation in the Official Public Records of Bexar 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. 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.

B. Approval and Review Fees

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.

C. 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. Storage Sheds

Storage sheds are considered permanent structures and therefore must be constructed with materials equal in quality grade of those used for the construction of the home. The following restrictions are applicable for the construction of storage sheds:

- Color of both siding and trim must match the color of the paint on the home or another color approved by the ACC.
- Storage shed shingles must match those used on the home.
- Storage sheds constructed of metal are prohibited. Storage sheds constructed of plastic or plywood are prohibited.
- Maximum height permitted for storage sheds is ten (10) feet in height measured from the ground to the highest point of the structure.
- Maximum square footage of a storage shed should not exceed one hundred (100) square feet.
- No storage sheds shall be located nearer than ten (10) feet of the rear Lot line and five (5) feet of the side Lot line.

The height and square footage requirements will be determined by the ACC in its sole and absolute discretion. Each Owner who submits a storage shed for approval acknowledges and agrees that the methodology used by the ACC to measure height and square footage shall be conclusive.

B. Solar Energy Devices

See *Section 3.5* of the Declaration.

C. Satellite Dishes

See *Section 2.14* of the Declaration.

D. Flag and Religious Displays

See *Sections 2.17, 2.18* and *2.24* of the Declaration.

E. Arbors/Pergolas/Patio Covers/Decks

Plans shall be submitted to the ACC for review and approval prior to the commencement of construction.

F. Pools

An application must be submitted to the ACC in conjunction with the review of any application for any proposed swimming pool, spa, or hot tub. The materials, location and construction of all pools, spas and hot tubs must be approved in advance by the ACC. Above ground pools are strictly prohibited within Carlson Park. Each Owner is advised that a separate permit must be obtained from the applicable governmental authorities, which is a condition to approval by the ACC.

G. Playscapes, Trampolines and Sport Courts

Playscapes, swing sets, recreational or sport courts, batting cages, trampolines and any other recreational equipment to be located on a Lot must be approved in writing by the ACC prior to the commencement of construction or placement. Residences adjacent to Common Area and boulevards may be subject to additional requirements as determined, from time to time or based on a particular application, by the ACC.

- Location. Equipment must be installed and placed a minimum of ten (10) feet from rear Lot lines and five (5) feet from side Lot lines.

- Material. Equipment must be made of stained or painted wood, as to match the trim on the home, or a painted metal frame.

- Height. Equipment may not exceed nine and one half feet (9′ 6″) in height from the ground to the highest point.

The height requirements will be determined by the ACC in its sole and absolute discretion. Each Owner who submits recreational equipment for approval acknowledges and agrees that the methodology used by the ACC to measure height shall be conclusive.

H. Fence Stain

Approved stain colors will be determined by the ACC in its sole and absolute discretion.

Any part of the fence that is visible from any street shall be routinely re-stained (no less than every four years) in stain colors approved by the ACC.

I. Rainwater Harvesting Systems

See *Section 3.6* of the Declaration.

J. Room Additions

Each Owner is advised that the ACC may refuse to consider any request for proposed room additions, as determined in the sole and absolute discretion of the ACC. In addition, for all proposed room additions, the proposed exterior materials and color must match the exterior materials and colors of the existing residence unless otherwise approved in advance by the ACC.

VII. Landscape Guidelines

Significant landscaping changes from builders original landscaping require approval by the ACC. Each Owner is advised to contact the ACC prior to modifying or introducing additional landscaping on a Lot to determine if the modification or addition will require ACC approval. If the modification or addition is deemed significant by the ACC after installation, the Owner may be required to restore the Lot to the condition prior to modification or remove such additional landscaping. In addition: (i) all trees installed by an Owner must be located no closer than five (5) feet from an existing fence line; and (ii) all retaining walls must be approved in advance by the ACC. The installation of native or drought-resistant landscaping or water-conserving turf on a residential lot, which is a landscaping procedure known as xeriscaping ("**Xeriscaping**") will be allowed in certain instances in accordance with *Section 3.7* of the Declaration.

File Information

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LUCY ADAME-CLARK, BEXAR COUNTY CLERK

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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 4/27/2020 3:50 PM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk