

2007

**MEMORANDUM OF DEDICATORY DOCUMENTS**

**Whereas**, the Board of Trustees of WALDEN ON LAKE CONROE COMMUNITY IMPROVEMENT ASSOCIATION, INC., a Texas non-profit corporation (the "Corporation") has Dedicatory Documents governing the Corporation and its business; and

**Whereas**, the Corporation seeks to include the documents in a single filing that supercedes previous filings, save and except for the various Walden Deed Restrictions; and

**Whereas**, the Memoranda being superceded (excluding Deed Restrictions) are recorded at Montgomery County Clerk's file No. 2000-010504; 2000-086359; 2005-043792; 2006-073735; and other locations; and

**Whereas** the Corporation has adopted and approved various policies, rules, regulations, elements, standards and statements related to their operation and governance within the Walden on Lake Conroe subdivision;


**THEREFORE KNOW ALL MEN BY THESE PRESENTS**, that the Corporation hereby files for record as Dedicatory Instruments the following written rules, regulations, policies, by-laws and/or guidelines related to the operation of the Corporation:

1. Walden on Lake Conroe Community Improvement Association, Inc. By-Laws (adopted May 24, 2007, effective May 24, 2007).
2. Walden on Lake Conroe Community Improvement Association, Inc.'s Home Building Requirements (as Amended June 7, 2007).
3. Walden on Lake Conroe Community Improvement Association, Inc.'s Board Policy Manual (as Amended September 28, 2006).
4. Walden on Lake Conroe Community Improvement Association, Inc.'s Design Guidelines (as Amended July 2006)

This Memorandum is NOTICE TO THE PUBLIC of the existence and establishment of these by-laws, as amended, and adopted policies. Pursuant to the Texas Property Code, the document herein named and filed for record is intended to be a Dedicatory Document affecting the specific community defined within Walden on Lake Conroe.

**WITNESS MY HAND**, to this document this 10<sup>th</sup> day of July, 2007.

**Walden on Lake Conroe Community Improvement Association, Inc., a Texas non-profit corporation**

BY:   
**James H. Stilwell, as Agent and Attorney in Fact**

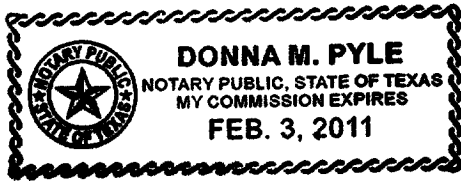
The State of Texas

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County of Montgomery

Before me, the undersigned authority, on this day personally appeared James H. Stilwell as Agent and Attorney in Fact for WALDEN ON LAKE CONROE COMMUNITY IMPROVEMENT ASSOCIATION, INC., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes therein expressed, in the capacity therein stated, and as the act and deed of said Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 10<sup>th</sup> day of July, 2007.



*Donna M. Pyle*  
\_\_\_\_\_  
Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:  
Walden on Lake Conroe, C.I.A.  
Attn: Nancy Renfroe  
13301 Walden Road  
Montgomery, Texas 77356

(REVISED MAY 2007)

**BY-LAWS OF  
WALDEN ON LAKE CONROE  
COMMUNITY IMPROVEMENT ASSOCIATION**

**ARTICLE I.  
NAME AND LOCATION**

**Section 1.** The name of the Corporation is Walden On Lake Conroe Community Improvement Association, hereinafter referred to as "the Association" located at *13301 Walden Road, Montgomery, Texas 77356.*

**Section 2.** Meetings of Members and trustees may be held at such places either within or without the State of Texas, as may be designated and directed by the Board of Trustees.

**ARTICLE II.  
DEFINITIONS**

**Section 1.** "Architectural Control Committee" shall mean that standing Committee appointed by the Board of Trustees and empowered to oversee and protect the general scheme and development of WALDEN ON LAKE CONROE for the benefit of all Members of the Association.

**Section 2.** "Association" shall mean and refer to Walden On Lake Conroe Community Improvement Association, a Texas Non-Profit Corporation, its successors and assigns.

**Section 3.** "Candidate Applicant" shall mean and refer to a Member, in good standing, of the Association who is standing for election to the position of a member of the Board of Trustees and has filed the appropriate candidate application containing the requisite candidate information and necessary signatures.

**Section 4.** "Corporation" shall mean and refer to Walden On Lake Conroe Community Improvement Association.

**Section 5.** "Declarants" shall mean and refer to Jerry H. Deutser, Trustee and S. Conrad Weil, Jr., Trustee, the Declarants in the Declarations of Restrictions.

**Section 6.** "Declarations" shall mean and refer to the Declarations of Restrictions for Walden, Sections One, Two and Three and all additional Sections currently platted as a Section of Walden On Lake Conroe.

**Section 7.** "Elections Committee" shall mean that standing Committee appointed by the Board of Trustees and empowered to oversee and manage the general election of Trustees to the Board of Trustees and to suggest policies, procedures, rules, and regulations for the conduct of those elections.

**Section 8.** "Good Standing" shall mean and refer to the payment of all maintenance fees and special assessments which have been assessed and compliance with the Declarations and Restrictions for Walden, Sections One, Two and Three and all additional Sections currently platted as a Section of Walden On Lake Conroe together with all policies and procedures adopted by the Board of Trustees.

**Section 9.** "Lot" shall mean and refer to a plot of land subject to the jurisdiction of the Association as is more fully specified in the said Declarations of Restrictions.

**Section 10.** "Member" shall mean and refer to those persons who are the Owners, as such term is defined in this article, of property which is subject to a maintenance charge assessed by the Walden On Lake Conroe Community Improvement Association and are thus entitled to membership in the Association. The Association shall have only one class of voting membership.

**Section 11.** "Nominating Committee" shall mean that standing Committee appointed by the Board of Trustees and empowered to nominate Members for those positions and appointments deemed appropriate by the Board of Trustees.

**Section 12.** "Owner" shall mean and refer to the owner of a fee, undivided fee interest or other fee estate or a purchaser thereof under a contract of sale whether one or more persons or entities of any properties or portions thereof which are subject to a maintenance charge assessment by the Walden On Lake Conroe Community Improvement Association, but excluding those having such interest merely as security for the performance of any obligation and those having only an interest in the mineral estate.

**Section 13.** "Properties" or property shall mean and refer to that certain property and portions thereof, described in the Declarations of Restrictions for Walden On Lake Conroe Sections One, Two and Three, Subdivisions in Montgomery County, Texas, and any additional Sections or Reserves and portions thereof of Walden On Lake Conroe as may have been or may hereafter be platted into Subdivisions, condominiums, townhouse development, patio homes, residential lots, or similar residential divisions of real property known as Walden On Lake Conroe.

**Section 14.** The masculine and neuter pronouns used in this instrument shall include the masculine, feminine and neuter genders.

**ARTICLE III.**  
**MEETINGS OF MEMBERS**

**Section 1. Annual Meetings.** The regular annual meeting of the Members of the Association shall be held at 10:00 a.m. on the fourth Saturday in January each year, or on such other day as designated by the Board of Trustees, at a place to be designated by the Board of Trustees.

**Section 2. Special Meetings.** Special meetings of the Members may be called upon the written request of one-fourth (1/4) of all of the Members who are entitled to vote.

**Section 3. Notice of Meetings.** Written notice of each special meeting of the Members shall be given by, or at the direction of, the Secretary or any person or persons authorized to call a meeting, by mailing a copy of such notice, postage paid, at least fifteen (15) days, but not more than fifty (50) days before such meeting to each Member entitled to vote thereat, addressed to the Member's address last appearing on the books of the Association, or supplied by such Member to the Association for the purpose of the notice. Such notice shall specify the place, day and hour of the meeting, and the purpose of the meeting. Notice of annual meetings shall not be required, but may be given in a like manner.

**Section 4. Quorum.** The presence at the meeting of the Members in person or by proxy of one-tenth (1/10) of the total votes of all Members shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or by these By-Laws. If, however, such quorum shall not be present or represented at any meeting, the Members entitled to vote thereat shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented. The proxy shall be used solely for the purposes of obtaining a quorum and for voting on matters at the Annual Members' Meeting other than the election of Trustees.

**ARTICLE IV.**  
**BOARD OF TRUSTEES**

**Section 1. Board of Trustees.** EFFECTIVE THE FOURTH SATURDAY OF JANUARY 2007, the Board of Trustees shall begin to transition from having fifteen (15) members, to having nine (9) members. The transition shall occur in the following fashion:

- (a) In the election occurring in 2006, three (3) Trustees shall be elected to the Board for a three (3) year term beginning the fourth Saturday of January 2007. From that point forward through 2007, the Board shall consist of a maximum of thirteen (13) Trustees.
- (b) In the election occurring in 2007, three (3) Trustees shall be elected to the Board for a three (3) year term beginning the fourth Saturday of January 2008. From that point forward through 2008, the Board shall consist of a maximum of eleven (11) Trustees.

- (c) In the election occurring in 2008, three (3) Trustees shall be elected to the Board for a three (3) year term beginning the fourth Saturday of January 2009. From that point forward through 2009, the Board shall consist of a maximum of nine (9) Trustees.
- (d) In each annual election thereafter, three (3) Trustees shall be elected to the Board for a three (3) year term, beginning the fourth Saturday of January following the election.

**Section 2. Term of Office.** Each Trustee elected, beginning with the election in 2006, shall serve a three (3) year term that begins the fourth Saturday of January following the election, or the date of the Annual Members meeting (whichever comes later). In the event of a vacancy or resignation of a Trustee, the Board of Trustees shall have the power and authority to appoint a replacement Trustee to serve the remainder of the position's unexpired term. The total number of Trustees utilized in defining a quorum, as defined by Article VI, Section 3, shall be the total authorized number of Trustees, without regard to vacancies.

**Section 3. Election.** Election of new Trustees to the Board of Trustees shall be made by as provided in Article V.

**Section 4. Positions.** Effective the fourth Saturday of January 2007, the Board of Trustees shall begin its transition to nine (9) members or positions, with the transition ending the fourth Saturday of January 2009 with a nine (9) position Board consisting of three (3) separate classes of three (3) Trustees each and serving staggered three (3) year terms.

**Section 5. Removal.**

**A. Removal by the Members -** Any Trustee may be removed from the Board, with or without cause, by a majority vote of a quorum of the Members of the Association. A meeting to consider the removal of a Trustee may be called and noticed following procedures provided in these By-Laws. The notice calling such meeting shall give notice of the intention to act upon removing the Trustee and that the vacancy caused by such removal may be filled at such meeting by a majority vote of a quorum of the Members.

**B. Automatic Removal -** Further, a Trustee shall be automatically removed without the necessity of holding a Members' meeting:

1. Any Trustee who is absent from three regular meetings of the Board of Trustees during a calendar year unless an absence is excused by the President;
2. Any Trustee who fails to timely pay maintenance charges after being notified in writing by the Association that such charges are overdue;
3. Any Trustee who fails to correct any deed restriction violation upon written notification by the Association of such violation and a demand to cure;

4. Any Trustees who resign or die; and
5. Any Trustee who does not meet the qualifications of either being a "Member", "Owner", or "Trustee", as those terms are defined in these By-laws.

In the event of the automatic removal of a Trustee as stated herein, his or her successor may be elected by a majority of the remaining Trustees of the Board of Trustees and shall serve the unexpired term of his or her predecessor.

**Section 6. Compensation.** No trustee shall receive compensation for any service he may render to the Association; provided, however, any trustee may be reimbursed for his actual expenses incurred in the performance of his duties.

**Section 7. Action Taken Without a Meeting.** The trustees shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all of the trustees. Any action so approved shall have the same effect as though taken at a meeting of the trustees.

**Section 8. Conflict of Interest.** The objective of this section is to prevent a trustee who has an interest in a business either by ownership or employment from benefiting or having the appearance of benefiting his employer at the expense of Walden property owners. In the circumstance of litigation wherein one of the trustees is either a litigant against or an owner or employee of a litigant against the Association, the objective of this Section is to prevent that individual from participating in discussions or votes pertinent to that matter. Because it is difficult to identify and set forth all potential conflict of interest circumstances that might arise in the future, it is also the objective that this section be interpreted liberally in favor of preventing conflicts or potential conflicts of interest. In order to fulfill these objectives:

- (a) No trustee shall participate in any vote regarding any business, transaction, deed restriction, Board of Trustees Policy, architectural control committee issue, existing contract, or proposed contract that involves the trustee, his family, his employer, his principal or any company or entity in which the trustee has an ownership of ten percent (10%) or more.
- (b) Each trustee shall make full disclosure to the Board of Trustees of each and every fact reasonably material to any business, transaction, deed restriction, Board of Trustees Policy, architectural control committee issue, existing contract, or proposed contract that involves the trustee, his family, his employer, his principal or any company or entity in which the trustee has an ownership of ten percent (10%) or more involving the Association or matter before the Board of Trustees.
- (c) Any such business, transaction, deed restriction, architectural control committee issue, Board of Trustees Policy, existing contract, or proposed contract that involves the trustee, his family, his employer, his principal or any company or entity in which the trustee has ownership interest of ten percent (10%) or more shall be valid, if and only if, such matter is authorized or ratified in good faith by an affirmative vote of the

disinterested trustees, even if the disinterested trustees are less than a quorum, after said disinterested trustees have been made aware of all material facts as to the interested trustee's relationship or interest.

- (d) *This prohibition against voting shall not preclude any trustee from participating in discussion by the Board of Trustees of adoption of any business, transaction, deed restriction, architectural control committee issue, Board of Trustee Policy, existing or proposed contract unless said discussion shall include discussion of any potential, pending or existing legal action by that trustee, his family, his employer, his principal or any company or entity in which the trustee has ownership interest of ten percent (10%) or more – in which case the conflicted or potentially conflicted trustee shall neither participate nor be present for the discussion of the issue, and also shall not vote.*

**Section 9. Term Limitations.** A Member shall not serve as a Trustee if that Member has previously served two (2) consecutive terms [of three (3) years each] immediately preceding his election to a third term; **PROVIDED HOWEVER** that any Trustee serving an unexpired term shall not have any portion of that unexpired term computed in calculating time served as a Trustee; and **PROVIDED FURTHER** that any Member who has not served as a Trustee within the preceding Three Hundred Sixty-Five (365) days to such election shall be eligible for election to the Board of Trustees.

**Section 10. Ex Officio Members.** (a) The immediately out-going President of the Board of Trustees shall serve as an ex-officio and non-voting member of the Board for one (1) year with the right to discuss and propose all matters; (b) Jerry H. Deutser and S. Conrad Weil, Jr., shall serve as an ex-officio and non-voting member of the Board of Trustees with the right to discuss and propose all matters; **PROVIDED** that nothing herein shall preclude Jerry J. Deutser or S. Conrad Weil, Jr., from serving as a Trustee on the Board of Trustees subject to the provisions of Section 9 hereof.

## **ARTICLE V.** **ELECTION OF TRUSTEES**

**Section 1. Annual Elections.** At the Annual Election to be held the first Saturday of November 2006 and annually thereafter, the Members shall elect up to three (3) Trustees for a three year term.

**Section 2. Filing for Candidacy/Candidate Application.** Any Member of the Association, who is in good standing, may obtain an application from the Association to stand as a candidate for the position of Trustee. The Association shall make such candidate applications available during regular business hours during the calendar month of September commencing September 2004. Such candidate application shall require the candidate's name, telephone number, street address, and street address of each property owned in Walden.

**Section 3. Filing Deadline.** No candidate application shall be distributed by the Association prior to 1 September. A candidate application may be delivered to the Association's office only during regular business hours or may be mailed postage prepaid to the Association's office and addressed as follows: *Walden on Lake*



*Conroe C.I.A., 13301 Walden Road, Montgomery, Texas 77356.* No candidate application mailed to the Association's office shall be accepted by the Association if that candidate application is received later than 5PM of the last business day of September. No candidate application shall be received by the Association without all of the requisite candidate information. Only the candidate applications provided by the Association shall be employed in the election process and no other candidate application shall be accepted by the Association.

**Section 4. Campaigning, Forms, Political Signs.** All campaigning for the office of Trustee by any candidate applicant shall be limited to the period between 1 September and the first Saturday of November of each year beginning 2004. The Association shall arrange for two candidate applicant forums. One forum shall occur during the regular business week in the evening. The second forum shall occur on a Saturday. Both forums shall be scheduled during the month of October. The Association shall determine the rules and protocol for each such forum which shall include the length of each forum, the order of appearance, and the questions asked. The Association shall also designate several areas within the subdivision known as WALDEN ON LAKE CONROE for the posting, exhibiting, and placing of campaign posters. Each candidate applicant may place, post, and exhibit any election or campaign posters only within the designated areas. In all respects, each candidate applicant shall observe and comply with the applicable Deed Restrictions related to signs as well as all established policies and procedures which have been adopted by the Association.

**Section 5. Voting.** The Association shall hold a general election for the Trustee positions annually on the first Saturday of each November beginning in 2004. Only members in good standing are entitled to vote.

- (a) All Voting shall be by secret ballot.
- (b) In person voting shall occur at a location designated by the Board of Trustees. In the absence of a designation, in person voting shall take place at the Walden Administration Building, 13301 Walden Road.
- (c) Members who are voting in person shall be required to identify themselves and shall be entitled to one (1) vote per property owned.
- (d) Members may cast, in respect of each position, as many votes as they are entitled to cast under the provisions of the Declarations. Cumulative voting shall not be permitted. The persons receiving the largest number of votes shall be elected.
- (e) The hours of in person voting on the general election day shall commence at 9:00 am U.S. Central Standard Time and close at 5:00 pm U.S. Central Standard Time.
- (f) The Election Committee may recommend, and the Board of Trustees may approve an "in person early voting period" for a set duration and for specified hours.
- (g) The Election Committee may recommend, and the Board of Trustees may approve any additional method of voting, so long as all Members are offered the same voting method choices. All ballots shall be in the form promulgated by the Association.
- (h) Only those ballots received by the Association or their designated agent by the close of the poll on general election day shall count.

**Section 6. Election and Assumption of Office.** The candidate applicants receiving the most votes shall be elected to the open Trustee positions. In the event of a tie vote for a Trustee position, a coin will be tossed to determine the elected Trustee. In the event there are three (3) or less candidate applicants for the election of Trustees, the election will be canceled and the candidate applicants shall be considered elected to office and will take office as scheduled. The membership shall be notified by mail of the cancellation, which will include candidate biographies and any other candidate information. Each candidate applicant elected to a Trustee position shall take office at the commencement of the Board of Trustee's meeting scheduled for the fourth Saturday in the following January.

**Section 7. Rules, Procedure, Policies.** The Board of Trustees is empowered and authorized to make any and all rules, regulations, policies and procedures necessary to effectuate the election process. The Board of Trustees shall receive and consider any and all suggestions made or proposed by the Elections Committee.

**Section 8. Elections Committee.** The Board of Trustees shall establish and appoint a standing Elections Committee of the Association.

- (a) The Elections Committee shall have three (3) or more members. One member shall be a Trustee who shall serve as Chairperson of the Elections Committee.
- (b) The Board of Trustees shall receive nominations from the Nominating Committee of Members of the Association for additional committee members who may be Trustees or Members. From those nominations, the Board of Trustees shall appoint no less than two (2) additional members to the Elections Committee. Elections Committee members serve a one (1) year term, with no limit on the number of terms they may serve.
- (c) The Elections Committee shall oversee the election process related to electing Trustee members. The Elections Committee may review and suggest election policies rules and procedures.
- (d) The Election Committee shall initially hear and resolve any and all questions, disputes, controversies arising as a result of any elections under this Article of the By-Laws. Any determination made by the Elections Committee of any such question, dispute, or controversy may be appealed to the entire Board of Trustees within twenty (20) days of such determination. The decision of the Board of Trustees shall be final.

**Section 9. Dispute Resolution.** The Board of Trustees as then constituted shall be the final arbiter of any and all questions, disputes, controversies arising as a result of any elections under this Article of the By-Laws. The said Board of Trustees shall resolve and determine all such matters and its resolution and determination shall be final, conclusive, and binding upon all Members and all candidate applicants.

## **ARTICLE VI.** **MEETING OF TRUSTEES**

**Section 1. Regular Meetings.** Regular meetings of the Board of Trustees shall be held at least annually with notice, at such place and hour as may be fixed from time to time by resolution of the Board.

**Section 2. Special Meetings.** Special meetings of the Board of Trustees shall be held when called by the President of the Association or by any trustee after not less than three (3) days' notice to each trustee, which such notice may be waived at or prior to such meeting.

**Section 3. Quorum.** A majority of the Trustee members shall constitute a quorum for the transaction of business. Every act or decision performed or made by a majority of the Trustees present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board of Trustees.

**Section 4. Meetings and Records.** Meetings shall be conducted and records shall be maintained in accordance with the Texas Non-Profit Corporation Act.

**Section 5. Rules of Order.** In order to facilitate the Board's due consideration of its business, meetings of the Board of Trustees shall be run in accord with Robert's Rules of Order (most recent edition), with the Board being considered a "small board" under those rules. In cases of conflict between Robert's Rules and these by-laws or any duly established policy of the Association, the latter will govern.

## **ARTICLE VII.** **POWERS AND DUTIES OF THE BOARD OF TRUSTEES**

**Section 1. Powers.** The Board of Trustees shall have power to:

- (a) Suspend the voting rights and right to the use of any facilities or services provided by the Association of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days for infraction of published rules and regulations and for violation of the applicable Deed Restrictions;
- (b) Exercise for the Association all powers, duties and authority vested in or designated to this Association and not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation, the Declarations, and the Texas Non-Profit Corporation Act;
- (c) Declare the office of a member of the Board of Trustees to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Trustees;
- (d) Employ a manager, independent contractors, or such other employees as the Board may deem necessary, and to prescribe their duties and the terms of employment or service;
- (e) Exercise for the Association all powers, duties and authority necessary in the operation and management of all properties and amenities owned by the Association.
- (f) Exercise control, management, and oversight of all programs, staff, employees, funds, property, and assets of the Corporation, including the power to sell, mortgage, lease and contract;
- (g) Add to, change, modify, discontinue, alter, terminate any and all programs, amenities, staff, or facilities owned, managed or operated by the Corporation;
- (h) Maintain the harmony and uniformity of the subdivision and to enforce the deed restrictions affecting all sections of Walden On Lake Conroe;

- (i) Appoint, from time to time, select committee(s) for particular and specialized projects and activities, which committee(s) may consist of Members of the Corporation and Trustees but which committee(s) shall only provide recommendations and proposals but have no voting privileges on the Board of Trustees; and

**Section 2. Duties.** It shall be the duty of the Board of Trustees to:

- (a) Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the Members at the annual meeting of the Members, or at any special meeting when such statement is requested in writing by one-fourth (1/4) of the Members who are entitled to vote;
- (b) Hire, terminate, employ, set compensation and benefits, and supervise all officers, agents, and employees of this Association, and to ensure that their duties are properly performed;
- (c) To fix the amount of the annual assessment against properties subject to the jurisdiction of the Association and to take such actions as it deems appropriate to collect such assessments and to enforce the liens given to secure payment thereof;
- (d) Issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;
- (e) Procure and maintain such liability, hazard insurance, or other insurance as the Board may deem appropriate on any property or facilities owned by the Association and on any employer, contractor or activity;
- (f) Cause any officers or employees having fiscal responsibilities to be bonded, as the Board may deem appropriate;
- (g) Exercise oversight and management in all matters related to the operation of the Association, including, but not limited to all fiscal matters, employment issues, property use, property disposition, architectural control matters and policies;
- (h) Exercise, or cause to be exercised, such actions, policies, procedures, activities, or resolutions reasonably necessary to fulfill the powers granted in these By-Laws, the Articles of Incorporation, the applicable Deed Restrictions, and in the Texas Non-Profit Corporation Act; and
- (i) Oversee and manage the annual election of Trustees as provided by Article V of these By-Laws.

**ARTICLE VIII.**  
**OFFICERS AND THEIR DUTIES**

**Section 1. Enumeration of Officers.** The officers of this Association shall be a president, who shall be at all times a member of the Board of Trustees; a vice president; a secretary; and a treasurer, and such other officers as the Board may from time to time create by resolution.

**Section 2. Election of Officers.** The election of officers shall take place at the first meeting of the Board of Trustees following each annual meeting of the Members.

**Section 3. Term.** The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year, unless they shall sooner resign, or shall be removed, or otherwise be disqualified to serve.

**Section 4. Special Appointments.** The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

**Section 5. Resignation and Removal.** Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time by giving written notice to the Board, the president or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

**Section 6. Vacancies.** A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

**Section 7. Multiple Officers.** No person shall simultaneously hold more than one office except the office of Vice President, Secretary, Treasurer and/or special offices created pursuant to Section 4 of this Article.

**Section 8. Duties.** The duties of the officers of the Association are as follows:

**PRESIDENT**

- (a) The President shall preside at all meetings of the Board of Trustees and of the Association; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments and shall sign all checks and promissory notes. Authority for any other person to sign checks and promissory notes may be granted by the Board of Trustees.

**VICE PRESIDENT**

- (b) The Vice President shall act in the place and stead of the President in the event of his absence, inability or refusal to act and shall exercise and discharge such other duties as may be required of him by the Board.

**SECRETARY**

- (c) The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board of Trustees and of the Members, keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board of Trustees and of the Members; keep appropriate current records showing the Members of the Association together with their addresses, and shall perform such other duties as required by the Board.

**TREASURER**

- (d) The Treasurer shall receive and deposit in appropriate bank accounts, all monies of the Association and shall disburse such funds as directed by resolution of the Board of Trustees; shall

sign all checks and promissory notes of the Association; keep proper books of account; and keep accurate books and records of the fiscal affairs of the Association and to make the same available for inspection by Members of the Association during normal business hours. All duties of the Treasurer may be delegated to any other person by the Board of Trustees.

### **ARTICLE IX.** **COMMITTEES**

The Board of Trustees shall appoint an Elections Committee, a Nominating Committee, and an Architectural Control Committee as provided in these By-Laws and the respective Restrictions affecting each Section of Walden On Lake Conroe. The Board of Trustees may also appoint other committees and task forces as deemed appropriate and necessary to carrying out the work of the Board and the business of the Corporation.

### **ARTICLE X.** **BOOKS AND RECORDS**

The books, and records and papers of the Association shall at all times and during reasonable business hours be available to inspection by any Member. The Declarations, the Articles of Incorporation and the By-Laws of the Association shall be available for inspection by any Member at the principal office of the Association, where copies may be purchased at reasonable cost.

### **ARTICLE XI.** **ASSESSMENTS**

As more fully provided in the Declarations, each Member is obligated to pay the Association certain annual and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of six percent (6%) per annum, and the Association may bring an action at law against the Owners personally obligated to pay the same or foreclose the lien against the property, and interest, costs and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessment provided for herein by nonuse of any of the facilities or services provided by the Association or by abandonment of his lot.

All annual assessments not paid in full within Forty-Five (45) days after the due date, shall be subject to a late charge of TWENTY-FIVE DOLLARS (\$25.00), which shall be added to the amount of the delinquent assessment. Such late charge may be imposed on each year's delinquent assessments.

In the event a lot owner becomes delinquent in the payment of any maintenance fees and a suit for the collection of those fees has been commenced in a court of competent jurisdiction, then any monies paid to and received by the Association or its agents shall be applied in the following order, sequence, and priorities:

1. Payment of attorney's fees, filing fees, court costs, other costs and expenses incurred by Walden in the collection process;
2. Then payment of accrued late charges, penalties, and accrued interest; and
3. The remainder to assessed and unpaid maintenance fees.

## **ARTICLE XII.** **ARCHITECTURAL CONTROL COMMITTEE**

**Section 1. Designation of Committee.** The Association shall have an Architectural Control Committee (the "Committee") which shall consist of no fewer than three (3) Members who shall be natural persons, and who shall be appointed by the Board of Trustees of the Association and who shall have a term of appointment of three (3) years. The Board of Trustees shall have the exclusive right and power at any time and from time to time to create and fill vacancies on the Committee. The Board's discretion in such matters shall be absolute and not subject to review.

**Section 2. Architectural Control Subcommittee.** The Association shall have an Architectural Control Subcommittee (the "Subcommittee") which shall consist of no fewer than three (3) Members who shall be natural persons, and who shall be appointed by the Board of Trustees of the Association and who shall have a term of appointment of three (3) years with the initial Subcommittee to have one member appointed to a one (1) year term, the second member appointed to serve for a two (2) year term and the third member appointed to serve a three (3) year term. The Board of Trustees shall have the exclusive right and power at any time and from time to time to create and fill vacancies on the Committee. The Board's discretion in such matters shall be absolute and not subject to review. The Architectural Control Subcommittee shall assist the Architectural Control Committee by receiving, reviewing, considering, and recommending approval or disapproval of all architectural issues pursuant to the dedicatory documents affecting WALDEN ON LAKE CONROE save and except any and all new home construction and major additions or improvements which shall be reviewed by the Architectural Control Committee described in Section 1 above.

**Section 3. Function of Architectural Control Committee.** No Improvement (as defined in any of the Declarations which affect each Section of WALDEN ON LAKE CONROE) shall be commenced, erected, placed, maintained or permitted to remain on any portion of any lot or to any Improvements thereon until plans and specifications in such form and detail as the Committee may deem necessary shall be submitted and approved in writing by the Committee. The Committee shall implement and oversee all policies and procedures adopted by the Board of Trustees or found in the applicable Deed Restrictions and all work and recommendations of the Architectural Control Subcommittee. The Committee shall have the power (a) to employ professional consultants to assist it in discharging its duties, (b) to charge any applicant a reasonable fee to defray its cost of reviewing such plans and specifications, (c) to delegate to the Architectural Control Subcommittee the receipt, review, consideration, and recommendations of approval or disapproval of all architectural issues pursuant to the dedicatory

documents affecting WALDEN ON LAKE CONROE save and except any and all new home construction and major additions or improvements, and (d) to oversee, review, reconsider and approve or disapprove all architectural issues submitted to the Architectural Control Subcommittee. **SUBJECT TO the appeal procedures adopted by the Board of Trustees**, the decision of the Architectural Control Committee shall be final, conclusive and binding upon the applicant. "Improvement" shall mean and include all buildings, roof structures, parking areas, loading areas, trackage, fences, walls, hedges, mass plantings, poles, driveways, grading and site preparation work, concrete or asphalt pads, ponds, illumination, changes in any exterior color or shape, satellite dishes and other reception devices, utility connections, exterior construction or exterior Improvement that may not be included in any of the foregoing. "Improvement" shall include both original Improvements and all later changes and Improvements.

**Section 4. Content of Plans and Specifications.** One (1) set of written plans and specifications prepared by a licensed architect, the contractor or a licensed engineer shall be submitted to the Committee for approval **PRIOR** to commencement of construction. Upon submission of such plans and specifications the Committee shall issue a written receipt with date signifying such submission. Plans and specifications to be submitted and approved shall include, at a minimum, the following:

- (a) A topographical plot showing two foot contour grades and showing the location of all improvements, structures, walks, patios, driveways, fences and walls. Existing and finished grades shall be shown at lot corners and at corners of proposed Improvements. Lot details if any appreciable change in the lot contour is contemplated;
- (b) Exterior elevations, exterior materials, colors, textures and shapes;
- (c) Structural design, including soil test information upon request;
- (d) Landscaping plan, including walkways, fences and walls, elevation changes, watering systems, vegetation and ground cover;
- (e) Parking area and driveway sizes;
- (f) Screening, including size, location and method;
- (g) Utility connections;
- (h) Exterior illumination, including location and method;
- (i) Fire protection system, if any, to be provided;
- (j) Signs, including size, shape, color, location and materials;
- (k) Trash container storage locations and related screening;
- (l) Proposed use of Parcel and improvements thereon, and estimated building occupancy and parking load;
- (m) Such other matters as may be required by the Committee including but not limited to the grade, quality and composition of materials to be used; and



- (n) Such plans and specifications of all construction must meet the minimum requirements and provisions set forth and contained within (i) the International Residential Code and One and Two-Family Dwellings, 2000 edition and as amended, and (ii) the International Energy Conservation Code as amended.

**Section 5. Rules, Regulations and Design Review Guidelines.** Subject to the approval of the Board of Trustees, the Committee may promulgate such rules and regulations as it deems proper to govern the submission of plans and specifications, including a requirement of design submission in phases, as well as format and content. A copy of such rules and regulations shall be made available to all Owners upon request. Subject to the approval of the Board of Trustees, such rules and regulations may be amended at any time and from time to time as the Committee may see fit; **provided, however**, that once final approval has been given, no subsequent change in rules or regulations shall affect such approval.

**Section 6. Basis of Approval.** Approval of plans and specification shall be based, among other things, on adequacy of site dimensions, quality of materials, conformity and harmony of external design and of location with neighboring structures and sites, relation of finish grades and elevation to neighboring sites, conformity to both the specific and general intent of the restrictions and covenants set forth herein, and in conformity with existing neighborhood standards. If plans and specifications are not sufficiently complete or are otherwise adequate, the Committee may reject them totally or may approve them in part, conditionally or unconditionally, and reject the balance.

**Section 7. Failure of Committee to Act.** If the Committee fails to approve or disapprove plans or specifications or to reject them as being inadequate within thirty (30) days after proper written submission thereof, it shall be conclusively presumed that the Committee has approved such plans and specifications; **provided, however**, that the Committee shall have no right or power either by action or failure to act, to waive or grant any variances from the requirements set forth in the respective Declaration.

**Section 8. Limitation of Liability.** Neither the Association, the Committee, nor any of the Members thereof shall be liable in damages or otherwise to anyone submitting plans and specifications for approval or to any Owner affected by the Deed Restrictions by reason of mistake of judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any plans or specifications.

**Section 9. Conflicts.** In the event of a conflict between the powers of the Architectural Control Committee set forth in the By-Laws and those set forth in the Declarations, the respective Declarations shall control.

**Section 10. Deeds Restriction Officer.** To facilitate and enforce the general scheme of development in WALDEN ON LAKE CONROE, the General Manager shall be empowered to employ one or more Deed Restrictions Officers. Such Officers' duties shall include, but not be limited to, verifying the conformity of all construction with the plans and specifications approved by the Committee as well as the general review of all Sections of WALDEN ON LAKE CONROE for compliance with the respective Declarations.

**Section 11. Enforcement.** The Committee is hereby authorized to enforce compliance with the respective Declarations and with the decisions of the Committee through any appropriate legal and equitable proceedings on behalf of and in the name of the Association.

**Section 12. Reporting.** Upon request, the Committee shall report all of its activities to the Board of Trustees which shall retain overall supervision and oversight.

**Section 13. Approval for New Home Construction.** The approval granted by the Architectural Control Committee shall expire on or before nine (9) calendar months after the date of posting and approval of the Compliance Bond described below in Section 14. After the expiration of the nine (9) month period and in the event construction is not completed, new Architectural Control Committee approval shall be required for any uncompleted work. Failure to obtain such approval shall be deemed a violation of the applicable Deed Restrictions as a failure to obtain approval prior to construction and a failure to complete construction within a reasonable time. Nothing in any approval granted by the Architectural Control Committee shall constitute any express or implied guarantee, warranty or representation by the Corporation as to the quality, integrity, outcome, or usefulness of the plans hereby approved.

**Section 14. Approval for Improvements Other Than New Home Construction.** The approval granted by the Architectural Control Committee shall expire on or before six (6) calendar months from the date of posting and approval or the Compliance Bond described below in Section 14. After the expiration of the six (6) month period and in the event construction is not completed, new Architectural Control Committee approval shall be required for any uncompleted work. Failure to obtain such approval shall be deemed a violation of the applicable Deed Restrictions as a failure to obtain approval prior to construction and a failure to complete construction within a reasonable time. Nothing in any approval granted by the Architectural Control Committee shall constitute any express or implied guarantee, warranty or representation by the Corporation as to the quality, integrity, outcome, or usefulness of the plans hereby approved.

### **ARTICLE XIII** **PROHIBITION OF TIMESHARE INTERESTS**

**Section 1. General Intent and Purpose.** The purpose of this Article is to prohibit the use of any interests in a Timeshare Program as the basis for membership in the Walden On Lake Conroe Community Improvement Association. Furthermore, the purpose of this Article is to prohibit the use of any lot, common area, improvement, parcel, single family dwelling, multiple family dwelling, townhouse, patio home or any other property or land within the Walden On Lake Conroe community for Timeshare Programs, taking into account the impact of the development of such a Program on the existing development within the Walden On Lake Conroe community and the impact on the use and enjoyment of property within Walden On Lake Conroe by the development of Timeshare Programs at Walden On Lake Conroe. In addition, the further intent of this Article is to preserve the character of

Walden On Lake Conroe and membership in the Corporation for intended owners of property being owners in a residential community of lower density than allowable through Timeshare Programs.

**Section 2. Definitions.** For the purpose of this Article, the following words shall have the meaning prescribed herein:

- (a) "**Accommodations**" means any lot, apartment, improvement, condominium or cooperative unit, townhouse, patio home, cabin, lodge, hotel or motel room, single family dwelling, multiple family dwelling, living unit, or any other private or commercial structure designed for occupancy by one or more individuals.
- (b) "**Person**" means one or more natural persons, corporations, partnerships, associations, trusts, clubs or other entitles, or any combination thereof.
- (c) "**Purchaser**" means any person who is buying, who has bought or who acquires an interest in a Timeshare Interval or Timeshare Program.
- (d) "**Timeshare Estate**" means an ownership or a leasehold estate subject to a Timeshare Program, including tenants in common, interval ownership, joint ownership, timespan ownership or any other type of ownership or leasehold Timeshare Program.
- (e) "**Timeshare Interval**" means a Timeshare Estate or Timeshare Use.
- (f) "**Timeshare Program**" means any arrangement, plan, scheme, or similar device, whether by membership agreement, tenancy in common, joint tenancy, sale, lease, deed, rental agreement, license, right to use agreement or by any other means, whereby a Timeshare Interval is created and whereby the use, occupancy or possession of the Accommodation subject to such Timeshare Interval circulates among purchasers thereof according to a fixed or floating time schedule on a periodic basis occurring annually over any period of time in excess of one (1) year in duration.
- (g) "**Timeshare Use**" means any contractual or membership or use right of exclusive occupancy or use whereby a Timeshare Program is created, or exists, whether fixed for a specific period or not, which does not fall within the definition of a "Timeshare Estate", including, without limitation, a vacation license, prepaid hotel reservations, club membership, limited partnership, trust agreement or vacation bond.

**Section 3. Prohibition of Timeshare Programs as Basis for Membership in Walden On Lake Conroe Community Improvement Association.** Unless otherwise authorized, in writing, by the Board of Trustees of the Walden On Lake Conroe Community Improvement Association, any interests based upon a Timeshare Program shall not entitle the holder of such interest, whether by ownership or otherwise, to any membership interest whatsoever in the Walden On Lake Conroe Community Improvement Association and, as such, the holder thereof shall not be entitled to any membership rights of use to the Walden On Lake Conroe Community Improvement Association, including by way of example but not limitation, membership rights of use to the Walden On Lake Conroe Community Improvement Association. Furthermore, unless otherwise authorized by the Board of Trustees of the Walden On Lake Conroe Community Improvement Association, Timeshare Programs are expressly prohibited in any respect within the development and community of Walden On Lake Conroe.

**Section 4. Miscellaneous.** No participant, owner, user, occupant, tenant or other person involved in a Timeshare Estate, Timeshare Internal, Timeshare Program or Timeshare Use shall be considered an "Owner" as defined under these By-Laws or the Articles of Incorporation of the Walden On Lake Conroe Community Improvement Association, but instead shall solely be considered in accordance with the terms of this Article, subject to such exceptions as previously authorized by the Board of Trustees prior to the date of this Amendment to the By-Laws.

**Section 5. Integration Clause.** Despite anything to the contrary contained herein, this Article shall be read in the conjunction with the remaining parts of the By-Laws of the Walden On Lake Conroe Community Improvement Association.

**Section 6. Savings Clause.** If any Section, subsection, subdivision, paragraph, sentence, clause, phrase or word in this Article or any part hereof is for any reason held to be unconstitutional, invalid, ineffective or otherwise unenforceable by any court of competent jurisdiction, such decision shall not effect the validity of effectiveness of the remaining portions of this Article or any part thereof. The Corporation and its Board of Trustees, by adoption hereof, does hereby declare it has enacted each Section, subsection, subdivision, paragraph, sentence, clause, phrase or word of this Article irrespective of the enactment of any other and irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, phrases or words be declared unconstitutional, invalid, ineffective or otherwise unenforceable.

#### **ARTICLE XIV.** **CORPORATE SEAL**

The Association shall have a seal in circular form having within its circumference the name of the Association and the word "Texas".

#### **ARTICLE XV.** **AMENDMENTS**

**Section 1. Amendments.** These By-Laws may be amended, at a regular or special meeting of the Members, by a vote of a majority of a quorum of Members present in person or by proxy or by the Board of Trustees.

**Section 2. Conflict.** In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control; and in the case of any conflict between the Declarations and these By-Laws, the Declarations shall control.

**ARTICLE XVI**  
**MISCELLANEOUS**

**Section 1. Fiscal Year.** The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year, except that the initial fiscal year shall begin on the date of incorporation.

**Section 2. Clubs and Rights of Use.** The facilities which have historically been identified as the Walden On Lake Conroe Yacht Club (the "Yacht Club") and the Walden On Lake Conroe Racquet Club (the "Racquet Club") shall be deemed to be clubs, wholly owned by the Association, to be operated for the benefit of Members of the Association, and separate and apart from other facilities of the Association. By virtue of being a Member of the Association, each Member shall also be a Member of the Yacht Club and the Racquet Club.

**Section 3. Conflict.** The 2007 Revised By-Laws shall supersede, modify, amend, and replace all preceding and prior By-Laws. And to the extent that the 2006 Revised By-Laws conflict with any prior or preceding By-Laws, then these 2007 Revised By-Laws shall control.

**ARTICLE XVII**  
**INDEMNIFICATION**

**Section 1. Indemnification.** The Corporation shall indemnify any person who was, is or is threatened to be made a named defendant or respondent in a proceeding because the person is or was a trustee, General Manager, or Committee Member of one of the Corporation's Committees or, while a trustee of the Corporation, is or was serving at the request of the Corporation as an officer of the Corporation or as a trustee, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise only if it is determined in accordance with Section 5 below that the person:

- (a) conducted himself in good faith;
- (b) reasonably believed:
  1. in the case of conduct in an official capacity as a trustee of the Corporation, that such trustee's conduct was in the Corporation's best interests; and
  2. in all other cases, that such trustee's conduct was at least not opposed to the Corporation's best interests; and
  3. in the case of any criminal proceeding, had no reasonable cause to believe such trustee's conduct was unlawful.

The Corporation may indemnify any person who was, is or is threatened to be made a named defendant or respondent in a proceeding because the person is or was an officer, employee or agent of the Corporation to the same extent that it shall indemnify the trustees of the Corporation under this Section 1.

**Section 2. Limitations on Indemnity.** Except to the extent permitted by Section 4 below, no person shall be indemnified under Section 1 above in respect of a proceeding:

- (a) in which the person is found liable on the basis that personal benefit was improperly received by such person, whether or not the benefit resulted from an action taken in the person's official capacity; or
- (b) in which the person is found liable to the Corporation.

**Section 3. When Person is Liable.** The termination of a proceeding by judgment, order, settlement or conviction or on a plea of *nolo contendere* or its equivalent shall not be of itself determinative that the person did not meet the requirements set forth in Section 1 above. A person shall be deemed to have been found liable in respect of any claim, issue or matter only after the person shall have been so adjudged by a court of competent jurisdiction after exhaustion of all appeals therefrom.

**Section 4. Indemnification Coverage.** A person shall be indemnified under Section 1 above against judgments, penalties (including excise and similar taxes), fines, settlements and reasonable expenses actually incurred by the person in connection with the proceeding; but, if the person is found liable to the Corporation or is found liable on the basis that personal benefit was improperly received by the person, the indemnification (a) shall be limited to reasonable expenses actually incurred by the person in connection with the proceeding and (b) shall not be made in respect of any proceeding in which the person shall have been found liable for willful or intentional misconduct in the performance of such person's duty to the Corporation.

**Section 5. Determination of Right to Indemnity.** A determination of indemnification under Section 1 above shall be made:

- (a) By a majority vote of a quorum consisting of trustees who at the time of the vote are not named defendants or respondents in the proceeding;
- (b) If such a quorum cannot be obtained, by a majority vote of a committee of the Board of Trustees designated to act in the matter by the affirmative vote of a majority of the full Board of Trustees, consisting solely of two or more trustees who at the time of the vote are not named defendants or respondents in the proceeding; or
- (c) By special legal counsel selected by the Board of Trustees or a committee of the Board of Trustees by vote as set forth in Subsection (a) or (b) of this Section 5, or, if such a quorum cannot be obtained and such a committee cannot be established, by the affirmative vote of a majority of the full Board of Trustees.
- (d) In the instance that 2/3 of the Trustees are unavailable to make the determination, the determination shall be made by a special committee of past presidents of the Board of Trustees available and willing to serve, of no fewer than three past presidents.

**Section 6. Other Determinations.** Authorization of indemnification and determination as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible, except that if the determination that indemnification is permissible is made by special legal counsel,

authorization of indemnification and determination as to reasonableness of expenses shall be made in the manner specified by Section 5C. above for the selection of special legal counsel.

**Section 7. Expenses.** Reasonable expenses incurred by a person who was, is or is threatened to be made a named defendant or respondent in a proceeding may be paid or reimbursed by the Corporation in advance of the final disposition of the proceeding and without the determination specified in Section 5 above or the authorization or determination specified in Section 6 above, after the Corporation receives a written affirmation by the person of his good faith belief that such person has met the standard of conduct necessary for indemnification under this Article and a written undertaking by or on behalf of the person to repay the amount paid or reimbursed if it is ultimately determined that he or she has not met that standard or if it is ultimately determined that indemnification of the person against expenses incurred by such person in connection with that proceeding is prohibited by Section 4 above.

**Section 8. Modifications.** The provisions of this Article shall be modified to the extent the Texas Non-Profit Corporation Act may be amended in the future, but in the case of such amendment, only to the extent such amendment permits the Corporation to provide broader indemnification rights than such Act permitted the Corporation to provide prior to such amendment.

**Section 9. Non-exclusive Rights.** The right to indemnification and the advancement and payment of expenses conferred in this Article shall not be exclusive of any other right that a person indemnified pursuant to this Article may have or hereafter acquire under any law (common or statutory), provision of the Articles of Incorporation or these Bylaws, agreement, vote of disinterested trustees or otherwise.

**Section 10. Interpretation.** If this Article or any portion hereof shall be invalidated on any ground by any court of competent jurisdiction, then the Corporation shall nevertheless indemnify each trustee, and may indemnify any other person indemnified pursuant to this Article, as to costs, charges, expenses (including attorneys' fees), judgments, fines and amounts paid in settlement with respect to any proceeding to the fullest extent permitted by an applicable portion of this Article that shall not have been invalidated and to the fullest extent permitted by applicable law.

**Section 11. Prior Resolution on Indemnification.** These provisions shall be effective immediately, superceding that Resolution dated January 18, 1992, and shall apply to all present and future litigation as defined in Section 4.

IN WITNESS WHEREOF, these Amended By-Laws of the Corporation are hereby certified by the Board of Trustees of Walden On Lake Conroe Community Improvement Association, Inc. on this 24th day of May, 2007, as the true and correct Amended By-Laws of the Corporation.

EXECUTED EFFECTIVE the 24th day of MAY, 2007.

ATTEST:

WALDEN ON LAKE CONROE  
COMMUNITY IMPROVEMENT  
ASSOCIATION, INC.

Michael J. Pigiaccia  
MICHAEL J. PIGIACCIA, Secretary

Jeff C. Eustman  
JEFF C. EUSTMAN, President



***Walden C. I. A.  
Architectural Control  
Committee***

***Home Building  
Requirements***

***Revised June 7, 2007***

**Walden on Lake Conroe Community Improvement Association, Inc.  
Architectural Control Committee  
Home Building Requirements**

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**Walden on Lake Conroe Community Improvement Association, Inc.  
Architectural Control Committee  
Home Building Requirements**

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06-07-07

389-11-0585

***Walden C. I. A.  
Architectural Control Committee***

***Milestones***

**Walden on Lake Conroe Community Improvement Association, Inc.  
Architectural Control Committee  
Construction Milestones**

**I. General:**

The Walden on Lake Conroe Community Improvement Association, Inc. (WCIA) and the Architectural Control Committee (ACC) have established certain construction policies to ensure uniformity in construction practices and documentation. This document will assist the builders in meeting the specific construction milestones and documentation outlined in the policies; however, the builder ***must*** review the *Home Building Requirements* to ensure a complete understanding of the policies. ***It is the builder's responsibility to ensure that a construction project is in compliance with all WCIA and ACC policies at all times.***

**II. Plan Submission:**

- Review the plan submission policies and develop a set of construction plans and specifications that meet the policy requirements.
- Submit a complete set of plans and specifications to the ACC for review and approval. Cut-off for submissions is 12:00 pm on Friday.
- In most circumstances, the ACC will review the plan on the second Tuesday after submission.
- The builder will be notified, in writing, of the plans approval, disapproval or tabling. The builder should read the approval letter carefully as it may contain special requirements set forth by the ACC.

**III. Site Preparation:**

- Site preparation may not commence until the builder has received his approval letter.
- The builder must contact Henry Burton at (936) 203-1726 for a tree inspection before any tree can be removed from the site.
- After the lot is cleared, the builder must provide a portable toilet for the workers. The WCIA will immediately shut down any job site that does not have a portable toilet.
- The builder should provide a dumpster, or other trash containment system, and safety fencing.

Revision: 8/23/2006

**Page Two – Construction Milestones****IV. Construction:**

- After the foundation form is set, the builder must order a form survey to ensure that the foundation is located within the building lines. A copy of the survey must be submitted to the WCIA within 10 days of the survey date.
- Prior to pouring the foundation, the builder must order a foundation inspection. A copy of the inspection report should be submitted to WCIA within 10 days of the pour. (**Important note:** If piers are required, a separate inspection is required prior to pouring the piers.)
- When copies of the form survey and foundation inspection are received and approved by the WCIA and/or ACC, a portion of the builder's compliance deposit will be returned.
- The portable toilet, trash containment, and safety fences **MUST** be in place before commencement of framing. The WCIA will shut down any job site that does not have all of these items in place.
- During framing, Henry Burton will return to the site and confirm that all designated trees have been retained. If all trees have been retained, a portion of the compliance deposit will be returned.
- When the framing is complete and the Mechanical, Electrical, and Plumbing have been roughed in, the builder should call for framing and MEP inspections. A copy of the inspection reports should be submitted to WCIA within 10 days of the inspection date.
- After insulation has been installed in the walls, but before sheetrock, the builder should call for an Energy Inspection. A copy of the inspection reports should be submitted to the WCIA within 10 days of the inspection date.

**IV. Prior to Occupancy:**

- When the structure is substantially complete, the builder should call for a Final Inspection. A copy of the inspection report should be submitted to the WCIA within 10 days of the inspection date.
- When the site has been fine graded for landscaping, the builder should call for a Final Grade Inspection. The WCIA will require a Final Grade Certificate from the inspector.
- The builder must submit a landscape plan for approval by the ACC prior to installing the landscape. The approved landscape must be installed prior to occupancy.

Revision: 8/23/2006

**Page Three – Construction Milestones**

- The General Manager will issue a Certificate of Occupancy after the following conditions have been satisfied:
  1. Copies of all inspection reports submitted to the WCIA. The structure must have passed all of the required inspections.
  2. The landscape installed according to the approved plan.
  3. Site drainage established according to the Drainage Plan submitted to the ACC.
  4. All trees originally tagged by the builder have been retained.
  5. All curbs intact and all debris removed from the site, including debris deposited on adjacent lots.
  6. All special requirements outlined in the deed restrictions, such as gutters, have been met.
- When all of the above conditions have been met, the WCIA will refund the balance of the Compliance Deposit in accordance with the policies and procedures outlined in the *Home Building Requirements* (or in accord with the Builder's Compliance Deposit Agreement, if applicable).

Revision: 8/23/2006

389-11-0589

***Walden C. I. A.  
Architectural Control Committee***

***Policies***



**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Review Fees Policy**

**I. Purpose:**

The Walden on Lake Conroe Community Improvement Association guides the community's development through the administration of the Architectural Control Committee and by enforcement of deed restrictions and the design guidelines. The image, quality of life and the highly desirable overall character of Walden are, in part the result of this process. Maintaining these values is important to all Walden property owners. The deed restrictions and design guidelines will become increasingly important as the community grows and matures if standards are to be maintained. The fee structure set for various phases of the review and project completion process are intended to reimburse the association for out-of-pocket review costs, but also to ensure certain standards relating to building locations, completion of landscaping, etc.

**II. Policy:**

**A. Design Review Fee Structure: New Home Plans**

A compliance deposit will be required for each new home plan submitted for review. Two complete sets of construction drawings presented in a professional manner will be required. Upon submission, the set of drawings will remain in the possession of the association. Drawings required are as follows:

1. All exterior elevations;
2. Floor plan(s);
3. Electrical plan;
4. Foundation plan;
5. Site plan;
6. Roof plan;
7. Drainage plan;
8. Typical detail sheet.

All plans are to include sufficient detail such as dimensions, scale, square footage or other appropriate information.

Revised 12/12/05  
2nd Revision 7/1/06

**Page Two - Architecture Control Committee Fees****B. Fees**

The compliance deposit for new home construction will be applied as follows:

\$1500.00 Non-refundable fee for architectural review.

\$1000.00 Refundable deposit with exception of inspection fee upon satisfactory completion of site clearing and all requirements contained in the Tree Preservation Policy.

\$1000.00 Refundable deposit upon review of satisfactory engineered foundation plan, soil report, forms survey with no encroachments and engineer's affidavit, *Ref: Foundation Policy*.

\$2440.00 Refundable deposit upon satisfactory site conditions throughout construction period, repair of any broken curbs and acceptable installation of approved drainage plan and landscaping plan, *Ref: Drainage Plan Policy and Landscape Specification Policy*.

\$ 60.00 Non-refundable to the extent professional inspectors are paid by Walden C.I.A. to insure satisfactory compliance with Tree Inspection.

**\$6000.00 Total Compliance Deposit**

Builders who build simultaneously on multiple sites within Walden may inquire about filing a Multi-site Compliance Agreement in lieu of the refundable deposits.

**C. Forms/Slab Survey**

The Architectural Control Committee requires the submission of a forms/slab survey for its review. The obvious intent of this requirement is to ensure prior to pouring of the slab, the proposed building will be located on the lot as approved and required by the applicable restrictions and plot. The survey should be submitted to the Architectural Control Committee within ten (10) days of the slab being poured verifying that there are no encroachments or violations to building location restrictions. The actual minimum slab elevation must be noted on the survey to qualify for all deposit refund.

**D. Maintaining the Construction Site**

The Architectural Control Committee requires that safety fencing be installed along both side and rear lot lines on all lots under construction. The fence height should be four feet (4') with steel "T" posts every eight feet (8) to secure the fencing material. the fence must be maintained in a neat and orderly manner throughout the construction phase.

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The site should be maintained throughout the construction to include daily pick-up of trash with no less than weekly removal of trash and construction debris. It is recommended that a commercial dumpster be placed on-site to contain all trash and that regular pick-up service be scheduled. Should the site not be maintained properly and the builder not comply with requests to clean it up, the Deed Restrictions Officer will order a contract service to clean the lot and the cost deducted from the owner's deposit.

The Architectural Control Committee requires that a portable toilet facility be provided for construction workers.

Revised 12/12/05  
2nd Revision 7/1/06

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Foundation Plan Policy**

**I. Purpose:**

The restrictions for each platted section of Walden on Lake Conroe provide that the Architectural Control Committee may require the submission of such plans, specifications, and plat plans, together with such other documents as it deems appropriate and in such form and detail as it may elect at its entire discretion. It is the intent of the Walden on Lake Conroe Architectural Control Committee to enhance and protect the value, desirability and attractiveness of improved property throughout the community by requiring certain minimum standards for foundations constructed for any new home at Walden.

**II. Foundation Design Policy:**

A. Each new home construction plan must be accompanied by a foundation plan when submitted for Architectural Control Committee review.

B. The foundation plan must be prepared by a State of Texas registered professional engineer and must be stamped and signed by the plan's designer.

C. The foundation plan must be based on an appropriate analysis of soil sample(s) taken from within 200 ft. No home may be constructed without at least one such test. WCIA and its ACC do not identify whether this is a sufficient or acceptable distance for construction purposes as soil conditions in and around Walden vary significantly. Home buyers and Home Builders must determine what is the proper number and spacing of soil tests for the lot and home desired. Each soil test shall be made by an approved agency using an approved method.

D. A copy of each soil test must be submitted to the Architectural Control Committee along with the engineered foundation plan.

**III. Foundation Construction**

A. Foundation construction shall be capable of accommodating all loads according to Sections R301 and R401 of the International Residential Code for One and Two-Family Dwellings and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accord with accepted engineering practice.

B. The finished floor elevation for golf course or interior homes shall be one foot (1') above the nearest downstream sanitary man hole cover. Should for any reason the slab be built below the elevation of the nearest man hole cover, a backflow valve must be installed.

C. The finished floor elevation of any waterfront home shall be one foot (1') above the nearest downstream sanitary manhole cover or a minimum of 207' mean sea level, whichever is higher.

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**Page Two -Foundation Plan Policy**

D. The finished floor elevation must be indicated on a slab survey to be reviewed by the Architectural Control Committee. If the elevation is not indicated on the slab survey, *the slab survey deposit will not be refunded.*

E. An engineer's affidavit of foundation construction in compliance with the approved plan shall be required prior to continuance of any further construction.

**IV. Topography**

A. The foundation must be designed and constructed in a manner to maintain harmony with respect to existing neighboring structures and with respect to natural topography and finished grade elevation.

B. Structures which are constructed adjacent to existing homes should provide an appropriate level of fill outside the forms to coordinate with and enhance existing soil elevations. Fill outside of forms should also be graded at final grade to provide appropriate drainage.

C. If the slab is to be constructed more than one foot (1') above the nearest manhole, the slab must include an appropriately engineered grade beam and include other foundation features such as a lowered brick ledge to improve the home's appearance in relation to natural topography.

D. Any foundation will impede natural sheet flow, therefore, a well designed drainage plan must also be submitted for A.C.C. approval. See Drainage Plan Policy for related details.

**V. Foundation Plan Security Deposit**

A. A Foundation Plan Security Deposit shall be required as part of the New Home Construction Deposit.

B. The Foundation Plan Security Deposit shall be divided to ensure submission and compliance with the requirements for a soil test, engineered foundation design and receipt of an engineer's affidavit attesting to the final construction in accordance with the foundation design.

C. The final approval for a refund of this deposit shall be based on an inspection by an assigned inspector licensed by the State of Texas and a final review of all documents required herein.

D. The Foundation Plan Security Deposit will not be refunded where there are encroachments, no matter how slight and/or approved variances due to construction error by the builder.

Revised 12/12/05  
2nd Revision 7/1/06

**Walden on Lake Conroe Community Improvement Association, Inc.  
Architectural Control Committee Construction Standards  
Front Elevation Repetition Policy**

**I. General:**

The Walden on Lake Conroe Community Improvement Association is responsible for enforcing the various design covenants, including the decisions of the Architectural Control Committee. Successful administration of the design covenants enhances and protects the value, desirability and attractiveness of all property at Walden.

Walden was planned and developed around Lake Conroe and the recreational amenities including the marina, golf course and tennis facility. The interior of the community is, for the most part, wooded.

As Walden continues to develop, it is essential that future development maintain a respect for and harmony with that which exists, both in character and in the high quality of design. This requires additions and new construction to have an agreeable relationship with, and in some instances, actual continuity of architectural style, visual size and proportions, rhythm, scale and the similar use of materials, color and design details without over duplication. This policy seeks to address and prevent over duplication in new residential construction.

**II. Purpose:**

It is the intent of the Board of Trustees of the Walden Community Improvement Association to set specific limitations on repetitious use of identical front elevations on similar or identical floor plans. Limited application of the same elevations will serve to maintain the look and feel of the community.

This policy recognizes the relatively large size of the community and the complexity of the restrictions which deviate in building requirements from section to section. In addition, this policy acknowledges the dense wooded environment, curvature of streets and other inherent features which make it reasonable to allow limited and controlled repeat usage of front elevation designs.

**III. Definitions:**

**Duplicate Elevation:** Elevations shall not be considered Duplicate Elevations (i.e. shall be "a different elevation") when one front elevation utilizes different architectural features and materials to distinguish it from the other in a fashion sufficient to make it no longer readily apparent that the residences are the same or approximately the same plan/footprint. A front elevation which has at least 3 out of the following 4 items shall be considered a different elevation:

- A) a different roof line;
- B) a different front entry;

**Page Two - Front Elevation Repetition Policy**

- C) a different architectural accent (e.g.: shutters, keystones, windows in garage doors, stucco accents, etc. Quoins are only considered an accent if they are of a different material or color);
- D) different window placement, or size or number

**Different roof line:** A different roof line is one that has different stylistic features (e.g.: different gable and hip configuration).

**Different front entry:** A different front entry is one that uses different types of columns (e.g. round white vs. square brick) or different architectural designs (e.g. square vs. arched) or other distinguishing characteristics (e.g. addition of a front porch) to change its appearance in comparison to another entry for same footprint home.

**Line of Sight:** If a straight line, drawn from a point created by the centerline of the street and the extension of the property line of the lot bearing the existing elevation closest to the duplicate elevation, can be drawn through any property line of any lot without passing through another property line, that lot shall be considered to be within the line of sight of the existing elevation. The controlling document will be the section plat recorded in Montgomery County, Texas.

**IV. Policy:**

A. A residential plan submission for construction of a residence within any of the following sections that is a Duplicate Elevation of another residence already built within that same section may NOT be built. This policy applies to the following sections:

- 1. The Estates of Walden;
- 2. Sections 2, 7, 7A, and 12A.

B. A Duplicate Elevation may not be built on any lot facing Walden Road within 1250 feet along Walden Road of another Duplicate Elevation (on either side of the road).

C. A residential plan submission for construction of a residence that is a Duplicate Elevation of another residence already built within the section may be built in the remaining sections of Walden subject to the rules set forth below:

- (1) A Duplicate Elevation cannot be built within 8 consecutive lots of an existing residence with that elevation ("consecutive lots" means in linear order beginning with the adjacent lot, and extending on both sides of the residence for 8 lots in each direction, but not turning corners) or in the instance of duplicate submissions, of the lot involving the first filed submission; AND

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**Page Three - Front Elevation Repetition Policy**

- (2) A Duplicate Elevation cannot be built on any lot within a 300 foot radius of another residence (255 feet for patio home lots) or submission with that elevation (as measured from any point on the front property line of the applicant lot to any portion of the front set back line of the Duplicate Elevation); AND
- (3) A Duplicate Elevation cannot be built within line of sight or 400 linear visual feet, whichever is less; AND
- (4) Duplicate Elevations shall use different brick and paint when built on the same street or within 1250 linear visual feet, whichever is less encompassing; AND
- (5) Application of criteria C1 through C4 may cross adjacent section boundaries.

D. The contractor is strongly encouraged to vary the look of the residence and residential site when a duplicate elevation is submitted, however, this shall not be grounds for denial of a residence meeting all other aspects of this policy.

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**Walden on Lake Conroe Community Improvement Association, Inc.  
Architectural Control Committee Minimum Construction Standards Policy  
New Home Plan Classification With Respect to Harmony With Other Structures**

**I. General:**

The Deed Restrictions of the various sections of the unincorporated area commonly referred to as Walden on Lake Conroe each provide that “No building shall be erected, placed, or altered on any Lot until the construction plans and specifications and a plot plan showing the location of the structure, have been approved in writing as to harmony of exterior design and color with existing structures, as to location with respect to topography and finished ground elevation, and as to compliance with minimum construction standards . . . .”

Because each section contains different standards (including minimum square footage – which can impact the exterior design of a home; and minimum masonry requirements – which can also impact the exterior design of a home), it is important that a policy outlining the method for examination of the deed restriction’s harmony requirement be established.

**II. Purpose:**

- A. To provide guidelines for the Architectural Control Committee to appropriately consider new residence plans in each section of Walden on Lake Conroe.
- B. To recognize and establish a guideline for judging new residence plans in comparison to other residences in the same section in Walden and to fulfill deed restrictions regarding harmony.

**III. Definition:**

Harmony: A pleasing combination of at least two things. The phrase “in harmony” is synonymous with “in agreement”; “in accord”; or “in congruence” and also generally means “not in discord”; or “not clashing”.

**IV. Policy:**

- A. In considering the harmony requirement found in each section’s deed restrictions, the Architectural Control Committee shall review new residence plan submissions based on the following governing, control and support documents and materials.
  - 1.) Section Plat Map as recorded in Montgomery County Map Records for the section in which the new residence is proposed to be built.
  - 2.) Deed Restrictions as recorded in Montgomery County Deed Records for the section in which the new residence is proposed to be built (including square footage and masonry requirements).

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- 3.) By-Laws of Walden on Lake Conroe Community Improvement Association as amended.
  - 4.) Board Policy Manual regarding construction issues.
  - 5.) Walden's Home Building Requirements.
  - 6.) Design Review Guidelines.
  - 7.) Residential Classification Map.
  - 8.) Residential Classification Guide as prepared by Montgomery Central Appraisal District.
  - 9.) Photos and/or Construction Plans of Existing Homes in Walden for the section in which the new residential plan submission is made.
  - 10.) Proposed House Plans drawn to American Institute of Building Designers (A.I.B.D.) standards as set forth in the checklist, a copy of which is attached hereto as Exhibit "1" including (but not limited to) front elevation depictions; as well as specifications as to exterior materials and colors.
  - 11.) Subsequent site improvement plans to include landscaping, fencing, swimming pools, etc.
- B. When considering the harmony requirement found in each section's Deed Restrictions, the proposed residential plan shall be reviewed based on its exterior to include exterior elevations, exterior materials and exterior colors. Additionally, consideration can be given to continuity of architectural style, rhythm, and the similar use of materials, color and design details in comparison to other residences in the section in which the residence is proposed to be built. (Please refer to Design Guidelines, for further detail.)
- C. The Architectural Control Committee shall make a reasonable attempt to judge the merit of a new residential plan as it relates to harmony of exterior design, color, and materials with existing structures in the section in which the residence is proposed to be built. In order to be approved for construction, the exterior design, color, and materials of the proposed residence must be in harmony with the existing structures in the section in which the residence is proposed to be built. The Architectural Control Committee shall exercise its authority to disapprove any new residential plan that is not in harmony of exterior design, color and materials with other existing structures in the section in which the residence is proposed to be built.

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**Page Three - New Home Plan Classification With Respect to Harmony With Other Structures**

- D. In sections where different minimum square footage requirements are set forth in the deed restrictions, yet the deed restrictions still require consideration of harmony of the structures with one another – assuming other factors such as exterior materials, architectural style, color and compliance with Walden's Elevation Repetition Policy are not in issue, a submitted plan for construction of a residence on a lot meeting the minimum square footage requirements opposite a residence or residences with larger minimum square footage requirements shall be deemed harmonious as follows:

**FOR ALL SECTIONS:**

If the plan submission is for a lot directly across from a golf course or lake lot and the submission contains a roof pitch with a ratio of at least 8:12 (33.75 degree slope), provided the highest point of the roof above ground, adjacent to the residence's foundation, does not exceed 35 feet then the submission shall be considered harmonious. The roof pitch ratio 8:12 means an eight (8) inch rise in twelve (12) inches of horizontal length in the same plane of sight. The above-referenced pitch is for automatic approval, however, the Architectural Control Committee may, in its discretion, approve a submitted plan with a lower pitched roof if it is harmonious with the area. (Examples of submissions being harmonious even though the roof pitch is below 8/12 (e.g. 6/12), would be a submission for a one story home with a 6/12 pitch where the area is predominantly one story homes or vacant lots; a submission for a two story house with a 6/12 pitch will usually be considered harmonious as it pertains to mass and scale; or where the architectural style of the residence (i.e. Italian Renaissance or Prairie) is specifically defined by a low pitched roof.)

**FOR ALL REMAINING LOTS IN SECTIONS AS FOLLOWS:**

Sections 2, 6A, 8A, 9, 10, 11, 12, 12A, 14 and 16:

If the interior lot plan submission contains a roof pitch with a ratio of at least 8:12 (33.75 degree slope), provided the highest point of the roof above ground, adjacent to the residence's foundation, does not exceed 35 feet then the submission shall be considered harmonious. The roof pitch ratio 8:12 means an eight (8) inch rise in twelve (12) inches of horizontal length in the same plane of sight. The above-referenced pitch is for automatic approval, however, the Architectural Control Committee may, in its discretion, approve a submitted plan with a lower pitched roof if it is harmonious with the area. (Examples of submissions being harmonious even though the roof pitch is below 8/12 (e.g. 6/12), would be a submission for a one story home with a 6/12 pitch where the area is predominantly one story homes or vacant lots; a submission for a two story house with a 6/12 pitch will usually be considered harmonious as it pertains to mass and scale; or where the architectural style of the residence (i.e. Italian Renaissance or Prairie) is specifically defined by a low pitched roof.)

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**Page Four - New Home Plan Classification With Respect to Harmony With Other Structures****Section 1:**

For each of the following streets in Section 1, the submitted plan with a roof pitch ratio of at least 6:12 (26.56 degree slope), provided the highest point of the roof above ground, adjacent to the residence's foundation, does not exceed 35 feet shall be considered harmonious: Thoreau, Rainforest, Fairhaven, Hawthorne, and Woodrock Ct. (The roof pitch ratio 6:12 means a six (6) inch rise in twelve (12) inches of horizontal length in the same plane of sight.) For all other streets in Section 1, Emerson, Hickory Hill, Wind Hill, Pine Hollow, Concord Ct., Whittier and Walden Road, a submitted plan must consist of a home of two or more stories or a roof pitch with a ratio of at least 8:12 (33.75 degree slope), provided the highest point of the roof above ground, adjacent to the residence's foundation, does not exceed 35 feet, in order for the submission to be considered harmonious. (The roof pitch ratio 8:12 means an eight (8) inch rise in twelve (12) inches of horizontal length in the same plane of sight.)

The above-referenced pitch requirements are for automatic approval, however, the Architectural Control Committee may, in its discretion, approve a submitted plan with a lower pitched roof if it is harmonious with the area. An example of a submission being harmonious even though the roof pitch is below the ratios dictated above would be where the architectural style of the residence (i.e. Italian Renaissance or Prairie) is specifically defined by a low pitched roof.

**Section 17:**

For each of the following streets in Section 17, the submitted plan with a roof pitch ratio of at least 6:12 (26.56 degree slope), provided the highest point of the roof above ground, adjacent to the residence's foundation, does not exceed 35 feet shall be considered harmonious: Hidden Valley, Vail Ct., Vail Drive, Breckenridge, and Steamboat Springs. (The roof pitch ratio 6:12 means a six (6) inch rise in twelve (12) inches of horizontal length in the same plane of sight.) For all other streets in Section 17, Copper Mountain, Aspen Circle, Sun Valley and Windswept, a submitted plan must consist of a home of two or more stories or a roof pitch with a ratio of at least 8:12 (33.75 degree slope), provided the highest point of the roof above ground, adjacent to the residence's foundation, does not exceed 35 feet, in order for the submission to be considered harmonious. (The roof pitch ratio 8:12 means an eight (8) inch rise in twelve (12) inches of horizontal length in the same plane of sight.)

The above-referenced pitch requirements are for automatic approval, however, the Architectural Control Committee may, in its discretion, approve a submitted plan with a lower pitched roof if it is harmonious with the area. An example of a submission being harmonious even though the roof pitch is below the ratios dictated above would be where the architectural style of the residence (i.e. Italian Renaissance or Prairie) is specifically defined by a low pitched roof.

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**Page Five - New Home Plan Classification With Respect to Harmony With Other Structures**

Sections 3, 4, 5, 6, 8, 15, 18:

If the plan submission contains a roof pitch with a ratio of at least 6:12 (33.75 degree slope) provided the highest point of the roof above ground, adjacent to the residence's foundation, does not exceed 35 feet then the submission shall be considered harmonious. (The roof pitch ratio 6:12 means a six (6) inch rise in twelve (12) inches of horizontal length in the same plane of sight.) The above-referenced pitch is for automatic approval, however, the Architectural Control Committee may, in its discretion, approve a submitted plan with a lower pitched roof if it is harmonious with the area. (An example of a submission being harmonious even though the roof pitch is below 6/12 would be a submission where the architectural style of the residence (i.e. Italian Renaissance or Prairie) is specifically defined by a low pitched roof.)

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**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Garage Dimensions Policy**

**I. Purpose**

The purpose of this policy is to provide a minimum construction standard for garage and/or carport dimensions on residential building plans submitted to the Architectural Control Committee (ACC). These standards shall not conflict in anyway with the deed restrictions but otherwise apply, as allowed, to amplify and clarify existing deed restrictions.

**II. General**

The deed restrictions for various sections of Walden on Lake Conroe specify a minimum and maximum number of garages (or carports) for single-family dwellings. Garages and carports are specifically designed to provide storage space and weather protection for passenger vehicles; however, the deed restrictions do not address the issue of minimum or maximum garage size. Garage dimensions should be based on the size of an average passenger vehicle, SUV, or light truck, taking into account the ability of the passengers to open the doors and properly enter or exit the vehicle. Consideration must also be given to the homeowner's ability to access the garage or carport from the residence and safely walk around the vehicles.

Furthermore, the *International Residential Code for One- and Two-Family Dwellings, 2003 edition* (IRC 2003), outlines wind bracing requirements for residential buildings, including the minimum wall width on each side of a garage door. These wind-bracing requirements must be considered when designing garages and carports.

**III. Professional Guidance**

The American Institute of Architects (AIA) has published two books that contain standards for one- and two-car garages:

- *Architectural Graphic Standards for Residential Construction* © 2003, page 29, Garages and Carports.
- *Architectural Graphic Standards, tenth edition* © 2000, page 869, Garages and Carports.

The IRC 2003 contains specific code requirements for wind bracing. These requirements are found in Section R602.

The APA – *The Engineered Wood Association* has published documents that will help builders better understand the IRC 2003 wind bracing requirements. The following documents can be found on their website [www.wallbracing.org](http://www.wallbracing.org).

**Page Two – Garage Dimension Policy**

- *Narrow Walls That Work*, Form D420.
- *Introduction to Wall Bracing*, Form F430.

**IV. Policy**

A. The minimum recommended dimensions for single-car garages and carports on any residential dwelling in Walden on Lake Conroe should be an outside dimension of twelve feet (12') in width (measured at the frame excluding brick or other exterior face material) by twenty feet (20') in depth (measured at the frame inside to inside). A preferred depth of at least twenty two feet (22') is further recommended.

B. The minimum recommended dimensions for two-car garages and carports on any residential dwelling in Walden on Lake Conroe should be an outside dimension of twenty feet (20') in width (measured at the frame excluding brick or other exterior face materials) by twenty feet (20') in depth (measured at the frame inside to inside). A preferred depth of at least twenty-two feet (22') is further recommended.

C. The minimum acceptable dimensions for two-car garages and carports on any residential dwelling in Walden on Lake Conroe shall be nineteen feet (19') in width outside dimension (measured at the frame excluding brick or other exterior face materials) by twenty feet (20') in depth inside dimension (measured at the frame inside to inside).

D. The minimum dimensions for three- and four-car garages, where permitted by the deed restrictions, shall be proportional to the minimum dimensions for a two-car garage.

E. The minimum garage dimensions cited above are based on the size of an average passenger vehicle and shall apply to all dwellings regardless of lot size.

F. The ACC shall have the authority to approve garages or carports with dimensions larger than outlined above subject to space requirements for shop space, open utility rooms, storage space, or other open space connected with car parking spaces, provided the requested enlargement of the garage or carport does not negatively impact the subject residential building plan or existing adjacent dwellings.

Revised 01/16/07

**Walden On Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Minimum Masonry Requirements & Masonry Product Substitutes**

**I. General:**

The Deed Restrictions for the various sections of Walden on Lake Conroe specify a minimum percentage requirement for masonry construction or its equivalent on exterior wall areas. Some sections allow for Architectural Control Committee discretion regarding this minimum standard.

Masonry construction is an esthetic quality. Masonry materials are generally defined as brick, stucco and stone.

New building products are periodically brought to market that are proposed by architects, builders and owners as substitutes for traditional materials. One example of this type of routinely proposed substitute is Hardi brand cement siding products.

**II. Purpose:**

It is the intent of the Architectural Control Committee of the Walden on Lake Conroe Community Improvement Association, Inc. to preserve the "look and feel" of Walden for the benefit of both present and future owners. One method of preserving these esthetic qualities is to enforce the minimum masonry requirements as indicated by the Deed Restrictions for each section.

**III. Policy:**

A. The Architectural Control Committee will not accept Hardi brand cement products or similar products by other manufacturers as a substitute for the minimum percentage requirements for masonry construction. Example: Hardi Panel (4' x 8' sheet material with a stucco-type finish) or similar cement products will not be approved as a substitute for the minimum stucco requirement.

B. There may be discretionary considerations as allowed by the restrictions in certain sections for Hardi type materials to be utilized in place of minimum masonry requirements when esthetic design standards would dictate wood or wood substitutes. (Example: The contemporary designed cedar siding homes in Section 5 or "porch" plans such as certain country style or Victorian style homes applicable to various Sections of Walden.)

C. The Architectural Control Committee may allow on a discretionary basis "manufactured stone" products of a cement base that have suitable stone-like esthetic qualities.

Revision 7/17/2001



**Page Two - Minimum Masonry Requirements Policy**

D. The Architectural Control Committee may allow Hardi type materials to be utilized in most applications specifying "siding". This would include fascia and soffit applications of cement-based products.

E. The seams of all panel materials approved in any application must have all joints sealed and primed prior to finish paint coats so as to eliminate the appearance of seams. A silicon based calk product for sealing joints is recommended.

Revision 7/17/2001

**Walden on Lake Conroe Community Improvement Association, Inc.  
Architectural Control Committee Requirements  
Requirements for New Homes**

1. All plans for new homes submitted to the Walden on Lake Conroe Architectural Control Committee will need to include the following:

Two complete sets of drawings to include:

1. "ACC Plan Submission For New Home Construction" Form
2. A site plan
3. Front, rear and side elevations
4. An engineered foundation plan with a soil report
5. Electrical plan
6. A brief description of roofing materials - type and color, brick and paint colors.
7. A detailed drainage plan, which may be included on the site/plot plan or ideally on a separate topographical drawing. Elements which should be reflected are surface or subsurface drainage improvements, and gutters if utilized.
8. A detail sheet

2. The ACC Plan Submission for New Home Construction form must be filled out by the builder, signed and submitted with each packet for construction. All plans submitted to the committee remain the property of Walden on Lake Conroe Community Improvement Association, Inc.

3. All plans submitted must be legible. 1/8 inch equal to 1 foot scale plans are acceptable so long as legible.

4. A compliance deposit is required at the time of application and will be applied in accordance with the Review Fee Policy. The compliance deposit may be increased at the discretion of the A.C.C. and/or management.

5. The Architectural Control Committee requires that a form survey be submitted within ten (10) days of the slab being poured verifying there are no encroachments or violations to the deed restrictions of referenced property. The actual slab elevation must be noted on the survey along with the engineered soil report to receive a deposit refund. If the top of the slab is below the nearest manhole cover on the sewer line serving the home, a back flow preventer should be installed in the sewer main serving the home.

6. Grading of land is to be such that the water from improvements does not drain onto adjacent property and that the building is so situated that the water drains away from the building. **Temporary drainage improvements are required during construction until final grade is established.**

Revised 12/12/05  
2nd Revision 7/1/06

**Page 2 - Architectural Control Committee Requirements**

7. The Architectural Control Committee requires that a portable toilet facility be provided for the workers in accordance with OSHA standards. Construction debris needs to be picked up on a daily basis and removed from the site at least weekly.
8. A suitable trash container must be maintained on the building site and removed in a timely manner.
9. Safety fencing is to be installed along the side and rear property lines at the height of 4' with steel t-posts every 8' to secure the fencing. The fence must be installed and maintained in a neat and orderly manner throughout the construction process.
10. It is recommended that two or three (2 - 3) smoke detectors be installed in all homes for your protection.
11. All required governmental permits must be obtained. Please contact the building permit department of Montgomery County for the application for permits.
12. The operator for the Montgomery County Utility Districts (MUD) 8 and 9 is Hayes Utilities. Please contact them for water and sewer service at (936) 588-1166.
13. Electrical service will be provided by Entergy. (800) 340-4478
14. Some areas have natural gas service provided by CenterPoint Energy. Call (936) 756-4431 for installation.
15. A complete Design Guideline booklet is available upon request for more specific individual information.
16. The A.C.C. meets every Tuesday at 2:00 p.m. in the Administrative Offices of the Walden Office Center. Plans for review should be submitted to the Deed Restrictions office by end of day on Fridays. Should you have any questions, please contact:

Myra Scott - Administrative Assistant	(936) 582-1622
Andy Helms - General Manager	(936) 582-1622

Revised 12/12/05  
2nd Revision 7/1/06

**Walden on Lake Conroe Community Improvement Association, Inc.  
Architectural Control Committee  
Section Review - New Home Plans**

**I. Purpose:**

The Architectural Control Committee is charged with the responsibility through new home plan review to enhance and maintain the value, desirability and attractiveness of the land to the benefit of each owner. This policy is created to expand the new plan review process to include the input of section review committees prior to Architectural Control Committee approval decisions.

**II. General:**

It is the intent of the Board of Trustees of the Walden on Lake Conroe Community Improvement Association, Inc. to conduct a thorough review of each new home plan submitted for Architectural Control Committee (ACC) review. The deed restrictions for each platted section of Walden on Lake Conroe and the Walden C.I.A.'s By-Laws speak to the authority, duties and membership of the A.C.C.

The number of platted lots, the value of waterfront lots, golfcourse lots, view lots, interior lots and density of development vary greatly from section to section. Each new structure must be designed to be in harmony with other existing structures in the subject section.

It is considered reasonable to allow resident input on a section by section basis into the A.C.C. review process prior to a final A.C.C. decision regarding a new home plan.

**III. Policy:**

A. This policy does not alter the existing ACC structure, review procedures or administrative agreement existing with the Estates of Walden. Section review input is not determinative. The A.C.C. has sole authority over submissions.

B. Each platted section of Walden on Lake Conroe shall be authorized to appoint a Section Architectural Control Committee to review new home plans prior to Walden A.C.C.'s weekly review.

C. Each section committee shall be comprised of two or more members who reside in the subject section.

D. The appropriate section committee shall be provided one review set of plans upon determination by WCIA staff of substantial compliance with the WCIA's plan checklist. The review set shall be returned to Walden C. I. A. upon completion of section review.

03-24-04  
2nd Revision 7/1/06

**Page Two - Section Review - New Home Plans**

E. The appropriate section committee shall review the proposed plan in its entirety in comparison to deed restrictions, Design Review Guidelines and harmony policy.

F. The section committee shall provide a brief written statement to the Walden C. I. A.'s Architectural Control Committee of its recommendation for approval or disapproval with any appropriate supporting comment(s).

G. The Walden A.C.C. shall give the section committee's recommendation appropriate consideration in making its final review decision. However, the recommendation of the Section Review shall not relieve the duty of the A.C.C. to make the final decision over each submission.

H. An untimely response from a section committee may cause the Walden A.C.C. to complete its review process without section input. Section Review shall not extend the time of the A.C.C. review.

03-24-04  
Revision 7/1/2006

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Administrative Rejection of New Home Plans**

**I. General:**

Various controlling documents grant authority to the Walden Architectural Control Committee (ACC) to approve or reject new home plans, based on minimum standards for plan submission, minimum construction standards, non-discretionary and discretionary deed restrictions and general guidelines for developing improvements on lots. These same controlling documents do not address causes for administrative rejection of plans prior to ACC review.

**II. Purpose:**

The Walden on Lake Conroe Community Improvement Association Board of Trustees wishes to establish criteria for administrative rejection of new home plans which would eliminate the time consuming necessity for ACC review of certain unapprovable or unacceptable plans.

**III. Definition:**

“Administrative rejection” shall be defined as that authority granted to the General Manager to disapprove non-qualifying plans for causes specific to this policy without review of the plan by the Architectural Control Committee.

**IV. Policy:**

- A. The General Manager shall be directed and authorized by the Walden on Lake Conroe Community Improvement Association Board of Trustees to administratively reject certain new house plans for the following causes:
1. Incomplete plan as compared to Walden’s checklist.
  2. A builder’s failure to provide a Certificate of Registration issued by the Texas Residential Construction Commission (TRCC) which appropriately registers the builder and/or his company with the TRCC.
  3. A builder’s failure to provide proof of home registration with the Texas Residential Construction Commission of a home(s) previously constructed in Walden on Lake Conroe, but after January 1, 2004.
  4. Report of a mechanics lien(s) filed of record against a property which has not been released prior to closing transfer of title or which is reported filed after closing.
  5. Failure of a Builder to obtain or pass required home inspections or failure of a Builder to comply with WCIA policy as to prior submissions.

Revision 7/1/2006

**Page Two - Administrative Rejection of New Home Plans**

- B. The General Manager shall notify the new home plan applicant in writing of the administrative rejection on behalf of the Architectural Control Committee.
- C. An administrative rejection shall be considered the same as a disapproval by the Architectural Control Committee and shall be so noted in the rejection notification letter.
- D. Administrative rejection of a new home plan shall not be a waiver of the restriction which requires the Architectural Control Committee to act on a plan within thirty (30) days of submission. However, a new home plan will not be considered as submitted to the ACC until such time as all requirements or corrections of Items A. 1 - 5 above are completed.

Revision 7/1/2006

**Walden on Lake Conroe Community Improvement Association, Inc**  
**Architectural Control Committee**  
**Appeal Policy**

**I. Purpose:**

The Board of Trustees of the Walden on Lake Conroe Community Improvement Association wishes to maintain conformity to established standards of the deed restrictions of each platted section of Walden, the Design Guidelines and any requirements of the Architectural Control Committee (ACC). However, periodically a property owner may disagree with a decision rendered by the ACC. There needs to be fair and equitable hearing of any resulting disagreements.

**II. Policy:**

A. Should a property owner disagree with a decision of the ACC, the property owner may request to appeal that decision for a secondary review by the ACC by requesting in writing to be placed in the committee's agenda to submit additional information or to clarify an issue.

B. All ACC members shall be notified by the General Manager's Administrative Assistant in advance of the scheduled appeal and provided with any additional preliminary information available.

C. The property owner shall be allowed to make a personal presentation in order to provide any compelling information required of the subject application.

D. Should the ACC's original decision be upheld, the property owner may appeal ultimately to the Board of Trustees of the Walden of Lake Conroe Community Improvement Association, Inc.

E. Prior to being presented to the Board of Trustees, the appeal shall be reviewed by the WCIA attorney for recommendations.

F. The Board may schedule a special meeting to review an appeal at its own discretion.

Revision: 9/28/2006



**Walden on Lake Conroe Community Improvement Association, Inc.  
Architectural Control Committee  
Inspection Policy**

**I. Purpose:**

To provide reasonable assurance that construction plans for new dwellings are completed in a satisfactory and workman like manner and in accordance with the design approved by the Walden on Lake Conroe Architectural Control Committee and in accordance with the International Residential Code for One and Two-Family Dwellings. (IRC)

**II. General:**

- A. The WCIA Board of Trustees has adopted the IRC as a minimum building code for new residences at Walden effective February 1, 2003.
- B. The provisions of the IRC shall apply to the construction, alteration, enlargement, replacement, repair, equipment, use, occupancy and location of one and two-family dwellings and townhomes at Walden on Lake Conroe.
- C. The IRC provides the minimum building requirements that are intended to safeguard health and public welfare.

**III. Policy:**

- A. All new construction at Walden on Lake Conroe shall be inspected by a code certified building inspector appropriately licensed by the State of Texas. A list of approved inspectors is available at the WCIA offices.
- B. The following phases of new construction shall require professional inspection:
- 1.) Foundation Inspection - Inspection of the foundation shall be made after piers are set or after trenches for grade beams are excavated and any required forms are erected and any reinforcing steel is in place and prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs for the support of bearing walls, partitions, structural supports, fireplaces, or other equipment. An engineer's affidavit shall also be required. *(See also Foundation Policy.)*
  - 2.) Plumbing, Mechanical, Gas and Electrical Inspection - Rough inspection of plumbing, mechanical, gas and electrical system shall be made prior to covering or concealment, before fixtures or appliances are set or installed and prior to framing inspection.
  - 3.) Slab Elevations - No later than ten (10) days after completion of the foundation for the lowest floor and prior to commencement of vertical framing construction, the ACC shall require the submission of a forms survey prepared by a Texas registered engineer or land surveyor indicating the elevation of the slab (lower floor).

Revision 7/1/2006

**Page Two - Inspection Policy**

- 4.) Frame and Masonry Inspection - Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough-in inspections are approved. This inspection may be combined with B.2 above.
- 5.) Other Inspections - The ACC shall be authorized to require whatever other inspections it deems necessary to ensure compliance with the IRC, deed restrictions, Design Guidelines or other ACC policies. (e.g., firewall inspection for commonwall dwellings and insulation inspection.)
- 6.) Final Inspection - The final inspection shall be made after construction is completed and prior to occupancy. Final grade shall be evaluated for purposes of a grade certificate.

C. A Certificate of Occupancy shall be issued after all inspections, fees and other requirements (such as landscaping requirements, *ref: Landscape Specifications*) have been deemed completed by a Walden Deed Restrictions Officer. The issuance of a certificate of occupancy shall not be construed as an approval, acceptance or waiver of any requirement of the IRC, deed restrictions or ACC policy.

**IV. Security Deposit:**

- A. The various requirements for phased inspections as outlined in this policy shall be bonded by a security deposit sufficient to pay for a licensed inspector to perform the required inspection.
- B. Work stoppage shall be demanded by an authorized inspector or deed restrictions officer and shall be further supported by a temporary restraining order in an appropriate court at law if necessary should any unauthorized work commence in avoidance of an inspection or prior to acceptable completion of the last appropriate inspection.
- C. The entire remaining balance of a construction deposit shall be subject to forfeiture should action in item IV. B above be required.

Revision 7/1/2006

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**International Residential Building Code as Construction Standards Policy\**

**I. Purpose:**

The restrictions for each platted section of Walden on Lake Conroe provide that the Architectural Control Committee may require the submission of such plans and specifications, together with other documents as it deems appropriate and in such form and detail as it may elect at its entire discretion. It is the intent of the Walden on Lake Conroe Architectural Control Committee to enhance and protect the value, desirability and attractiveness of improved property throughout the community by requiring certain minimum standards for residential construction for any new home or townhome at Walden on Lake Conroe.

**II. General:**

The Architectural Control Committee recognizes the need for a comprehensive building code addressing the design and construction of one and two-family dwellings and townhouses at Walden. The 2000 edition of the *International Residential Code (IRC)* was designed to meet the needs for model code regulations that safeguard the public health and safety while considering dwelling affordability. The prescriptive provisions of the IRC provide a comprehensive code, which as a stand-alone document, establishes minimum standards for one and two-family dwellings and townhouses. Additionally, the IRC was designed to be compatible with other generally accepted code documents published by the Building Officials and Code Administrators International (BOCA), the Southern Building Code Congress International (SBCCI), and other recognized agencies.

“The basic principles of the IRC are intended to establish provisions that adequately protect public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not prevent the use of new building materials, products or construction methods; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.” (2000 IRC preface, p. III.)

**III. Policy:**

A. Each new home plan and subsequent construction project approved by the Walden on Lake Conroe Architectural Control Committee (ACC) shall be required to comply with the applicable specifications of the *International Residential Code for One and Two-Family Dwellings*, 2000 edition and its approved revisions and supporting documents. (See: *International Energy Conservation Code Policy*)

B. Each new home plan submitted to the ACC shall be accompanied by a compliance deposit sufficient to ensure compliance with the code provisions, both in design standards and construction completion. (See: *Review Fee and Compliance Deposit Policy*)

Revision: 7-25-06

**Page Two - Residential Building Codes As Construction Standards**

C. Upon approval of a new home plan, the builder shall assign an approved professional inspector to perform compliance inspections. The approved list of inspectors is available at the Walden C.I.A. office. (See the *Inspection Policy* for details.)

D. The ACC shall not accept a plan for review for an additional new home from a builder who is substantially in noncompliance with IRC standards, other deed restrictions requirements, or the home building requirements on a project under construction.

Revision 7/25/2006

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**International Energy Conservation Code Policy**

**I. Purpose:**

It is the intent of the restrictions of each section of Walden on Lake Conroe to protect and enhance the value, desirability and attractiveness of the properties by imposing certain standards. It is within the authority of the Architectural Control Committee (ACC) to require the submission of plans and specifications for new home projects in such form and detail to accomplish the standards which it may adopt.

**II. General:**

The ACC recognizes the need, as do certain code officials, for a comprehensive energy code that addresses energy efficiency in building design and construction. The International Code Council, Inc. has established model code regulations which were adopted by the State of Texas to be effective in 2000. These codes "establish standards for the design and construction of energy efficient mechanical, lighting and power systems through requirements emphasizing performance. The code is designed to . . . optimize the utilization of fossil fuel and nondepletable resources. . ." (See: *International Energy Conservation Code, 2000, Preface, p.III*)

**III. Policy:**

A. Each new home plan and subsequent construction project approved by the Walden on Lake Conroe Architectural Control Committee shall be required to comply with the applicable specifications of the *International Energy Conservation Code, 2000* edition and its approved revisions. There are other related documents. (See: *International Residential Building Code as Construction Standards Policy*.)

B. Each new home plan submitted to the ACC shall require a compliance deposit sufficient to ensure compliance with the code provisions, both in design and throughout completion of construction. (See the *Review Fee and Compliance Deposit Policy*)

C. Upon approval of a new house plan, the builder shall assign a professional inspector to perform compliance inspections during construction. (See the *Inspection Policy* for details).

Revision: 7/25/2006

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Tree Preservation Policy**

**I. Purpose:**

To provide guidelines for the reasonable preservation of specimen native trees on lots, to prevent the indiscriminate clear-cutting of lots and to encourage sensitivity towards the woodlands environment in an effort to maintain the naturally wooded image of the Walden subdivision.

**II. General:**

- A. Walden was planned and developed around Lake Conroe and recreational amenities of the marina, golf course and tennis facilities. The community, for the most part, is considered heavily wooded. These are the essential elements that create the image and character of Walden, and they must not only be protected, but also enhanced. As Walden continues to develop, it is essential that future development maintain a respect for and compatibility with that which exists, both in character and in the quality of the natural environment.
- B. The Board of Trustees of the association has designated the Architectural Control (ACC) as its representative to review every application for developmental improvement of Walden property.
- C. The Board of Trustees is authorized to enforce compliance with the standards set forth in the deed restrictions, the *Design Guidelines*, this policy statement, and the decisions of the ACC through any appropriate legal and equitable proceedings on behalf of and in the name of the association.

**III. Policy:**

- A. Clearing of any lot may not commence until a new home plan has been approved by the ACC. The WCIA may consider brush clearing as part of a preliminary site plan review prior to submission of final construction drawings; however, the builder must notify the WCIA tree inspection representative prior to brush clearing on any lot.
- B. Existing trees, which have a six-inch (6") or greater caliper trunk, measured one foot (1') above natural grade shall be preserved and protected to the greatest reasonable extent possible. The lot owner and the ACC will consider the relatively small size of the lot when compared to the proposed home construction and finished improvements.

Revision: 1/08/2006

**Page Two – Tree Preservation Policy**

- C. Unless otherwise approved by the ACC in writing, no trees as described above shall be cut or removed except to provide adequate and reasonable room for construction of improvements. Those trees, which are of smaller size than described above, dead, unsightly or unhealthy trees or those, which present a hazard to the structural integrity of the slab may be removed without limitation.
- D. When designing the required landscape plan, the lot owner shall consider appropriate replacement species for trees removed for construction. See the *Landscape Specification Policy* for details.
- E. The Provisions of this policy shall be bound by a compliance deposit to be administered according to the *Review Fee and Compliance Deposit Policy*. The *Tree Preservation Policy* shall be administered in the following manner:
1. After the ACC approves the plan, the property owner or his' designee, and the WCIA tree inspection representative will tag the tree(s), which must NOT be cut down. To ensure that only trees on the approved site are tagged and/or removed, the lot must be surveyed and staked by a registered surveyor and the building permit issued by Montgomery County must be posted (as required by law) prior to tagging any trees.
  2. Upon completion of the site work, the WCIA will be notified in order to count the remaining trees and confirm that debris has been removed. Violation of the *Tree Preservation Policy* will result in forfeiture of the deposit, which may be used for replanting of trees and for cleanup.
  3. If additional trees must be removed during the construction period, the builder must notify the WCIA *before* removing the trees. A final tree count will be performed before the *Certificate of Occupancy* is issued and the builder will forfeit an amount equal to the refundable deposit cited in the *Review Fee and Compliance Deposit Policy*, if additional trees are removed without permission.
  4. If a builder is found to be in violation of paragraph 1 above by cutting unauthorized trees, subsequent deposits will be increased to three thousand dollars (\$3,000) per property. The remaining provisions of paragraph 1 will apply.
  5. Any subsequent violations may result in additional sanctions to include administrative rejection of any subsequent new home plans. Please see the *Administrative Rejection of New Home Plans Policy* for details.

Revision: 1/08/2006

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Drainage Plan Policy**

**I. Purpose:**

The restrictions for each platted section of Walden on Lake Conroe specifically state that natural drainage of lots shall not be impaired. However, any construction on a lot such as a foundation for a new home will impede natural sheet flow to some extent. Therefore, it is incumbent upon each new home builder and/or owner to provide for appropriate drainage improvements during construction and as part of final grade and landscaping installation to insure that drainage is revised in relation to the improvements to be constructed.

**II. Policy:**

- A. A drainage plan must be submitted as part of the construction drawings to be reviewed by the Architectural Control Committee for each new home site.
- B. Surface drainage shall be diverted to the most appropriate storm sewer conveyance or other approved point of collection so as to not create a hazard, pooling, hindrance or annoyance of any kind. Lots shall be graded so as to drain surface water away from foundation walls as required by Section R401.3 of the International Residential Code for One and Two-Family Dwellings. (IRC).
- C. Foundation drainage shall also comply with the requirements of Section R405 of the IRC.
- D. The drainage plan should appropriately direct or redirect natural sheet flow away from the new home's foundation to the street(s) abutting any interior or golf course lot or to the lake or street abutting a waterfront lot. Under no circumstances shall sheet flow be redirected onto any adjacent lot.
- E. Final grade improvements such as gentle swells or improved slope may be employed to direct any surface flow to the street or lake.
- F. Subsurface improvements such as french drains, perforated or non-perforated drain pipes are encouraged where appropriate for draining gutters and downspouts, landscaped areas, berms which slope away from slab perimeter, etc.
- G. Drainage plans must include information regarding gutter installation and consideration for flow from resulting use of downspouts.
- H. Driveways and other paving must be sloped to adequately drain to the abutting street.

Revision: 1/21/2006



**Page Two - Drainage Plan Policy**

**III. Drainage Plan Security Deposit**

- A. A security deposit shall be required to ensure the completion of final drainage improvements.
- B. The refund criteria will give consideration for appropriate installation of all required drainage improvements to include final grade, gutters, down spouts, sub-surface drainage systems, landscape drainage, slope, etc.

Revision: 1/21/2006

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Wall and Fence Policy**

**I. Purpose:**

The Board of Trustees of the Walden on Lake Conroe Community Improvement Association wishes to maintain the established standards of the Deed Restrictions (as applicable to each platted section of Walden), Policies, Design Guidelines, and any other legally recorded requirements of the Architectural Control Committee (ACC). The Deed Restrictions Article III item addressing Fencing (Walls, Fences, Hedges, Piers, and Bulkheads) is specific to each section and will be enforced as it applies to that Section of Walden. In all cases, if there is a conflict with Texas State Statutes or building codes, statute or code will take precedent over the Deed Restriction. Article IV, Section 4: Minimum Construction Standards states that “[t]he [ACC] may from time to time promulgate an outline of minimum acceptable construction standards.” These Standards shall not conflict in any ways with the Deed Restriction but otherwise apply, as allowed, to amplify and clarify existing deed restrictions.

**II. Policy:**

Prior to installing a fence, the following items must be submitted to the Architectural Control Committee (ACC) for review and approval:

- A site plan showing the property lines, location of all buildings and structures, and the proposed location of the fence.
- A drawing, photograph, brochure, or written description of the fence. The descriptive information should include, as a minimum, fence height, materials, and general design description.
- Fence color and finish information.

**A. Protective Screening:**

1. The ACC must approve or disapprove in writing all walls and fence plans submittals. No walls or fences shall be constructed unless the plan for said wall or fence has been approved in writing by the ACC.
2. All walls and fences must conform to the **IRC 2003** or the most recent code mandated by the State of Texas for municipalities.
3. No walls or fencing shall be erected or maintained nearer to the front of any lot than allowed by the Deed Restrictions for the specific section where the lot is located.
4. On corner lots, no fence is permitted nearer to the side street property line than the platted building line.

Revision: 8/24/2006

5. All walls and fences, used as protective screening on any lot, shall be no less than 6 feet and no more than 8 feet. The wall or fence shall be constructed of ornamental iron, wood, or masonry. The ACC may approve materials that have the finished appearance of ornamental iron, wood, or masonry. The ACC, at its discretion, may request that an actual sample of the fence or wall material be submitted for review.
6. If a fence has, as part of its design, a finished side and a structural side (i.e. typical wood fence), the finished side must be viewed from the exterior of the fenced area and the structural side must be viewed from the interior of the fenced area.

**B. Swimming Pool and Water Feature enclosures:**

1. "Water features" are defined as any man-made structure containing water, such as a pool, pond or waterfall that is deep enough to present a drowning hazard.
2. The Architectural Control Committee (ACC) must approve all walls and fences used as pool and or water feature enclosure in writing.
3. All walls and fences used as pool and/or water feature enclosures must conform to the **IRC 2003** or most recent edition of the code mandated by the state for municipalities.
4. The **Health and Safety Code, Chapter 757: Pool Yard Enclosures** is recommended by the ACC to be used as a guideline for design of enclosures around pools and water features.
5. A pool or water feature enclosures shall be at least four feet, but not more than 6 feet tall, and must be constructed of ornamental iron, wood, or masonry. The ACC may approve materials that have the finished appearance of ornamental iron, wood, or masonry. The ACC, at its discretion, may request that an actual sample of the fence or wall material be submitted for review.
6. The ACC may approve the installation of chain link fences to enclose swimming pools located anywhere on a lot provided the fence is not visible from the street, waterfront or golf course. A chain link fence shall not be visible to any adjoining property.

**C. Waterfront and Golf Course Lots:**

1. The rear yards of Waterfront lots in Sections 2 through 6 may be fenced. The fence height is recommended by the ACC to be no more than 4 feet tall and of an open design as not to block views of adjoining properties.
2. The rear yards of Waterfront lots in Section 7 shall not have any view of the lake obstructed by any structure therefore any fence must be of an open design as viewed from the home interior or deck.

Revision: 8/24/2006

3. The rear yards of Waterfront or Golf Course lots in Sections 9 through 17 may not be fenced closer to the rear property line than the back of the house unless such fence is used to enclose a small patio that is integral part of the house structure, or the fence is used to enclose a pool/water feature. The fence shall be an "open" design as not to block any view. ACC approval is required before any fence or other structure is built in the rear yards of any lot in these Sections.
4. Fences installed in the rear yards of Waterfront or Golf Course lots in Sections 9 through 17 shall be 4 feet tall, black, and constructed of ornamental iron; except the ACC may approve other materials that have the finished appearance of ornamental iron.
5. The rear yards of Waterfront lots in the Estates of Walden (Section 19) may be fenced. Fences must be 5 feet tall and of ornamental iron of a design that conforms to the ACC's pre-determined plan for such improvements. ACC approval is required.

**D. Colors or Finishes:**

No walls or fences shall be erected on any lot in Sections 9 through 19 (Estates) until the ACC has approved, in writing, the colors and finishes to be used in construction. The colors and finishes used for the wall or fence should compliment the colors and finishes of the residential structure. Finishes that enhance the natural beauty of materials should be used whenever possible. All ornamental iron shall be black unless otherwise approved by the ACC.

**E. Compliance Requirements:**

1. Upon recording of this document, these shall be the wall and fence policies of Walden on Lake Conroe. All future walls and fences constructed shall comply with this policy.
2. All existing fences on significant repair or replacement must be approved by the ACC and be in compliance with this policy.
3. All existing fences found not in compliance with this policy will have the property owner given notice. Any significant repair/replacement of the fence or change in ownership of the property will require the wall or fence to be brought into compliance with this policy.

Revision: 8/24/2006

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Landscape Specification Policy**

**I. Purpose:**

To provide reasonable guidelines for initial landscaping installation at new homes and to provide minimum standards and specifications to encourage upgrading to existing properties.

**II. General:**

A. The deed restrictions for each section of the Walden on Lake Conroe subdivision require that a front yard landscaping plan be submitted for approval by the Architectural Control Committee and installed prior to occupancy. However, the restrictions do not specify minimum standards for bedding areas or materials, the minimum standards for size, quantity or spacing of shrubbery, the minimum standards for replacement of specimen quality native trees removed during site preparation, landscape drainage, sprinkler systems, etc.

B. It is the intent of the Walden on Lake Conroe Community Improvement Association to provide basic minimum landscaping specifications as essential elements to create and maintain the image and character of Walden and to enhance the quality of its natural environment.

C. The Board of Trustees of the Walden C. I. A. has designated the Architectural Control Committee (ACC) as its representative to review every application for improvement to Walden properties.

D. The Board of Trustees is authorized by the deed restrictions to enforce compliance with standards set forth in the covenants, Design Guidelines, board policies and the decisions of the ACC through any appropriate legal and equitable proceedings on behalf of and in the name of the association.

**III. Policy:**

A. Removal of trees from any lot is not authorized until a new home plan has been approved by the ACC. Initial clearing should take into consideration the maximum preservation of quality native trees. Appropriate and approved clearing shall be bonded by a security deposit of \$1,000 or more. (*Ref: Tree Preservation Policy*).

B. Appropriate temporary drainage during construction and final grade shall be considered to provide the maximum efficiency for site drainage to an approved collection point and further conveyance into the storm drainage system.

Revision: 7/01/2006

**Page Two - Landscape Specifications**

C. Approved bedding areas shall be prepared with an appropriate mulching or soil enhancing material to enrich the native soil. Nursery shrubbery plants should not be planted directly into native soil without tilling and enrichment. Bedding areas should be sufficiently raised to provide adequate drainage away from home foundations and into approved collection and conveyance systems.

D. Owners and builders are encouraged to limit selection of shrubbery from the plants listed as Appendix A in quantity, plant size and scale relative to the subject home.

E. Placement of shrubbery shall be no less than the minimum quantity and center points than the standards provided at Appendix B by plant specie and size.

F. Owners are encouraged to install at least double or triple depth plans to improve projects in scale. Plantings in landscape areas are expected to create attractive depth of view through layered plantings in two to three layers from front to back of bed areas. In most cases, single row plantings are insufficient in scale and will not be approved unless otherwise approved in writing by the ACC.

G. Owners are encouraged to provide additional bedding spaces for annuals to further enhance the minimum required evergreen areas and to further personalize their own garden areas.

H. Owners are strongly encouraged to install adequate automatic irrigation systems. In accordance with Texas State Law, all automatic irrigation systems not installed by individual homeowners, must be installed by a Texas Licensed Irrigator or a Texas Licensed Plumber. All irrigation systems, potable or lake drawn, must have a proper backflow prevention device. Irrigation systems should also have a rainfall sensing device which deactivates the system during rainfall.

**IV. Specifications:**

A. Owners and builders are referred to Appendix A for a Recommended Plant List and Appendix B, Recommended Installation Specifications.

B. Native plants should be used wherever possible to promote longer term survival and continuity with the natural landscape. Native plants include the following:

1. Trees - Various Oaks, Sweet Gum, Crepe Myrtle, Birch, Pines, Willows, Magnolia, Dogwood, Red Bud and Bradford Pears.
2. Shrubs - Various Hollies, Yaupon, Wax Myrtle.
3. Ground Cover - Honeysuckle, Asiatic Jasmine, Carolina Jasmine and Confederate Jasmine.

Revision: 7/01/2006

**Page Three - Landscape Specifications**

C. Landscape plans are required by the deed restrictions to be approved and installed prior to occupancy. Landscape plans are to include a site plan depicting property lines, easements, setbacks, slab footprint, driveway, decks, patios, pool, terraces, paving and other hardscapes and drainage systems. Areas to be sodded should be noted as should bedding areas. The plan should indicate location and identification of proposed plants in accordance with Appendix A and Appendix B. The plan should indicate location, type, quantities and sizes of proposed plants. Shrubbery areas should be properly prepared by tilling with soil enhancing material and top dressed with an attractive mulch.

D. If the plan preserves natural vegetation, these areas should be clearly indicated as well.

E. The ACC reserves the right to require additional plants after approved landscape plans are installed if deemed necessary during final site inspection and prior to the release of the Walden Occupancy Permit.

F. Sod, approved grass seeding or approved groundcover shall be installed in front and side yard areas of the lot not developed with structure, flatwork, native areas or landscape zones; however on corner lots, front, side, and back yards must be sodded.

G. Appropriate plantings shall be installed so as to visually screen air conditioning, pool equipment and other obtrusive utility installations from front or side views.

**V. Security Deposit:**

A. The minimum requirement of this policy shall be bonded by a security deposit. Ref: ACC Review Fee Policy.

B. The landscaping deposit shall not be refunded until the front yard landscaping is completed as approved on interior lots by the ACC and front and rear yard landscaping is completed as approved by the ACC on golf course and lakefront lots. The side yard abutting the street of any corner lot shall also be appropriately landscaped to include sodding to the rear lot line.

Revision 7/1/2006

## Appendix A

## SHRUBS

Botanical Name

Ilex vomitoria.....  
 Myrica cerifera.....  
 Calicarpa americana.....  
 Rhus copallina.....  
 Hibiscus militaris.....  
 Rhododendron oblongifolium.....  
 Hibiscus coccineus.....

Common Name

Yaupon Holly  
 Southern Wax Myrtle  
 American Beautyberry  
 Flameleaf Sumac  
 Rose-Mallow  
 Texas Azalea  
 Texas Star Hibiscus

## GROUNDCOVER

Botanical Name

Lonicera sempervirens.....  
 L. japonica purpurea.....  
 Trachelospermum asiaticum.....  
 Ophiopogon jaburan.....  
 Liriope Muscari.....  
 Vinca Major.....  
 Cynodon dactylon.....  
 C. dactylon "Tifgreen".....  
 Eragrostis curvula.....  
 Wildflowers.....

Common Name

Coral Honeysuckle  
 Purpleleaf Honeysuckle  
 Asian Jasmine  
 Giant Liriope  
 Liriope  
 Vinca  
 Common Bermuda Grass  
 Hybrid Bermuda Grass  
 Weeping Lovegrass

## COLOR

Botanical Name

Verbena spp. ....  
 Gelsemium sempervirens.....  
 Lantana spp. ....

Common Name

Verbena  
 Carolina Jessamine  
 Lantana



## Appendix A (Continued)

## TREES

<u>Botanical Name</u>	<u>Common Name</u>
Pinus Taeda.....	Loblolly Pine
Pinus palustris.....	Longleaf Pine
Pinus echinata.....	Shortleaf Pine
Pinus elliottii.....	Slash Pine
Quercus virginiana.....	Southern Live Oak
Magnolia grandiflora.....	Southern Magnolia
Fagus grandifolia.....	American Beech
Taxodium distichum.....	Bald Cypress
Carya cordiformis.....	Bitternut Hickory
Nyssa sylvatica.....	Black Gum
Ulmus crassifolia.....	Cedar Elm
Quercus macrocarpa.....	Bur Oak
Quercus prinus.....	Nuttall Oak
Quercus shumardii.....	Shumard Red Oak
Quercus texana.....	Texas Red Oak
Quercus nigra.....	Water Oak
Quercus alba.....	White Oak
Carya ovata.....	Shagbark Hickory
Acer barbatum.....	Southern Sugar Maple
Acer rubrum Drummondii.....	Red Maple
Liquidambar styraciflua.....	Sweet Gum
Ilex opaca.....	American Holly
Prunus caroliniana.....	Cherry-Laurel
Myrica cerifera.....	Southern Wax Myrtle
Pistachia texana.....	Texas Pistachio
Ilex vomtoma.....	Yaupon Holly
Rhus copallina.....	Flameleaf sumac
Cornus florida.....	Flowering Dogwood
Koelreuteria bipinnata.....	Golden Rain Tree
Lagerstroemia x.....	Hybrid Crape Myrtle
Crataegus Marshallii.....	Parsley Hawthorn
Red bud.....	Cercus canadensis

*Italics = Specialty Shrub*

\* = Blooming Plant

## Appendix A (Continued)

### Other Suggested Landscape Plants:

#### Shade Trees

Ash, Green  
 Bald Cypress  
 Bay, Swamp  
 Elm, Cedar  
 Elm, Chinese  
 Elm, Lacebark  
*Magnolia Southern*  
 Maple, Drummond Red  
 Maple, Silver  
 Mulberry, Fruitless  
 Oak, Live  
 Oak, Pin  
 Oak, Red  
 Oak, Water  
*Pecan*  
 Pine, Loblolly  
 Pine, Slash  
 River Birch  
 Sweet Gum  
 Sycamore  
 Willow Standard  
 Willow, Weeping

#### Accent Trees

Chinese Pistache  
 Crape Myrtle\*  
*Dogwood, White\**  
*Golden Rain Tree\**  
 Holly, Greenleaf  
 Holly, Savannah  
*Japanese Blueberry*  
*Loquat, Japanese*  
*Mimosa\**  
*Mulberry, Weeping*  
 Pear, Aristocrat\*  
 Pear, Bradford  
 Pine, Japanese  
 Purple Leaf Plum\*  
 Red Bud\*  
 Tulip Magnolia\*  
 Vitex\*  
 Wax Myrtle

#### Accent Trees (Cont'd)

Yaupon, Standard  
*Yaupon, Weeping*

#### Tall Shrubs

Althea - Rose of Sharon\*  
 Azalea, Indica Var.\*  
 Bamboo, Buddha's Belly  
 Bamboo, Golden  
 Banana, Common  
*Camellia, Japonica\**  
 Eleagnus (Silverberry)  
 Gardenia, August Beauty\*  
*Japanese Blueberry*  
*Japanese Yew*  
 Juniper, Hollywood  
 Juniper, Skyrocket  
 Leyland Cypress  
 Ligustrum, Wax  
 Nandina, Heavenly  
 Bamboo  
 Oleander, Standard\*  
 Pineapple Guava  
 Pittosporum, Green  
 Pittosporum, Var.  
 Pyracantha\*  
 Red Tip Photinia  
 Sweet Olive  
 Viburnum, Japanese  
 Viburnum, Suspensum  
 Viburnum, Sweet  
 Wax Myrtle  
 Xylosma

#### Medium Shrubs

Abelia\*  
 Azalea, Glendale Var.\*  
 Banana Shrub - Michelia\*  
 Banana, Rojo  
*Camellia, Sasanqua\**  
 Cleyera Japonica  
*Gardenia, Veitchii\**  
 Gold Dust Aucuba

#### Medium Shrubs (Cont'd)

Holly, Dwarf Burford  
 Indian Hawthorn, Pinkie\*  
 Indian Hawthorn, Snow\*  
 Juniper, Pfitzer  
 Juniper, Sea Green  
*Loquat,*  
*Bronze\*/Coppertone*  
 Lorepetulum\*  
*Mohonia, Chinese*  
 Mohonia, Leatherleaf  
 Nandina, Compacta  
 Oleander, Dwarf\*  
 Privet, Variegated  
 Spirea, Bridal Wreath\*  
*Texas Sage, Silverado\**  
 Virginia Sweet Spire\*

#### Small/Dwarf Shrubs

Azalea, Gumbo Var.\*  
 Barberry, Crimson  
 Boxwood, Japanese  
*Dwarf Gardenia\**  
 Dwarf Yaupon  
 Holly, Dwarf Chinese  
 Nandina, Nana Dwarf  
 Pittosporum, Dwarf  
 Lirope, Giant  
 Lirope, Green  
*Pampas, Pink*  
 Pampas, White  
 Purple Fountain Grass  
 Maiden Grass  
 Umbrella Grass

*Italics = Specialty Shrub*

\* = Blooming Plant

**Appendix A (Continued)**

**Other Suggested Landscape Plants:**

**Palms**

Canary Island Date  
 Chinese Fan Palm  
 Mediterranean Fan Palm  
 Mexican Fan Palm  
 Pindo Palm  
 Queen Palm  
 Sago Palm  
 Texas Sabal Palm  
 Windmill Palm

**Annuals/Perennials**

**Tropical**

Allamanda\*  
 Bird of Paradise\*  
 Bougainvillea\*  
 Ginger, Dwarf\*  
 Ginger, Standard\*  
 Ginger, Variagated\*  
 Heliconia\*  
 Hibiscus\*  
 Ixora\*  
 Philodendron, Split Leaf  
 Costas\*

**Vines & Groundcovers**

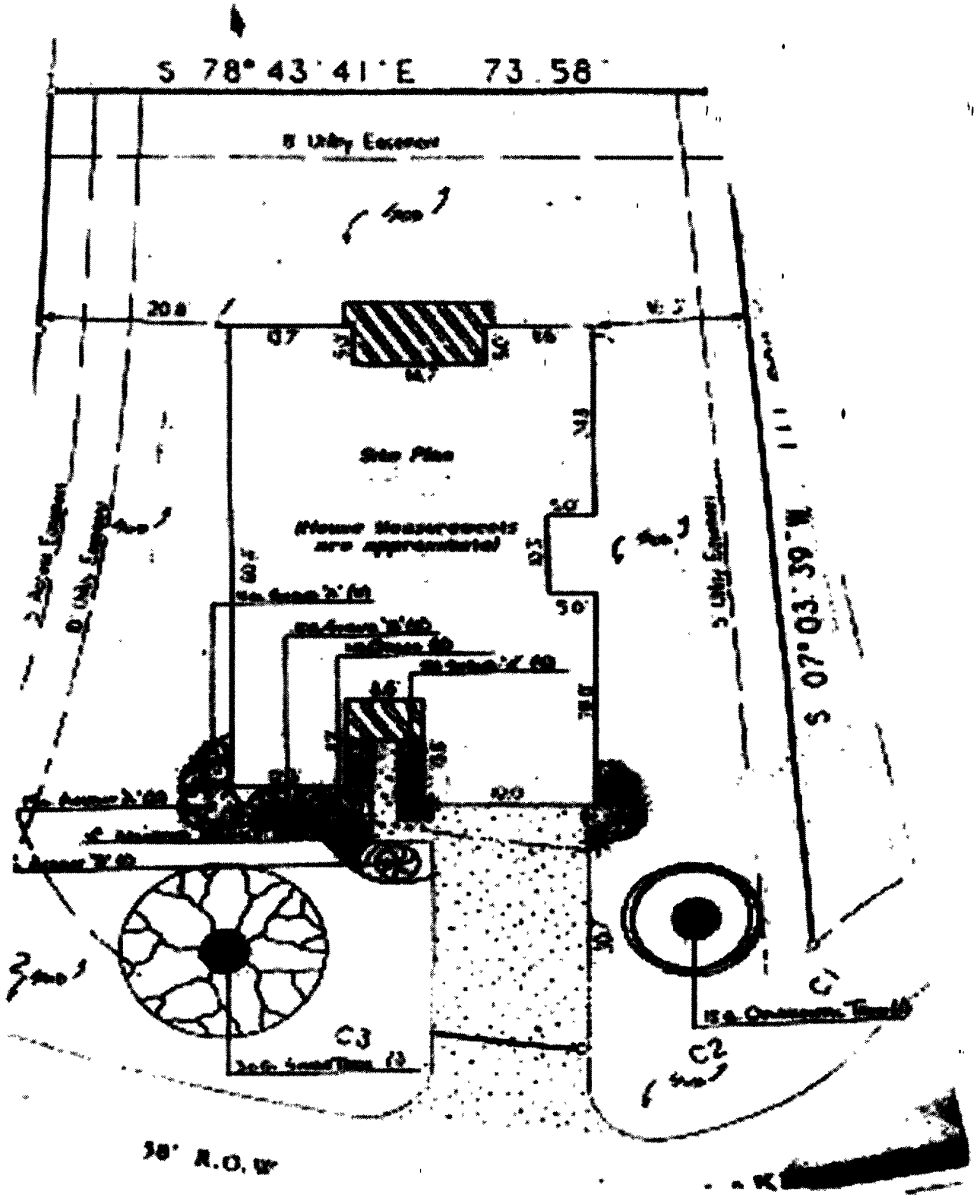
Ajuga\*  
 Angel Wing Jasmine\*  
 Asian Jasmine, Green  
 Asian Jasmine, Tri-color  
 Asparagus Fern  
 Blue Sky Vine\*  
 Carolina Jessamine\*  
 Coral Vine\*  
 Honeysuckle, Cape\*  
 Honeysuckle, Halls\*  
 Honeysuckle, Pink Lemonade\*  
 Honeysuckle, Purple\*  
 Ivy, English  
 Ivy, Fig  
 Japanese Ardesia, Green  
 Japanese Ardesia, Var.  
 Juniper, Green Mound  
 Liriope, Giant\*  
 Liriope, Green\*  
 Liriope, Var. Aztec Grass\*  
 Mandivilla\*  
 Mondo (Monkey) Grass, Dwf.  
 Mondo (Monkey) Grass, Std.  
 Nandina, Harbor Dwarf  
 Star Jasmine\*

**Appendix B**

Minimum landscape requirements are set forth below for all lots. Please see the attached sample landscape plan which corresponds to a similar project.

**Minimum Landscape Material Listing**

- 20 – 3/5g shrubs
- 7 – 1g shrubs/perennials/ornamental grasses
- 3 – 15g accent plants
- 2 – 15g ornamental tree
- 2 – 30g shade tree
- Sod in accord with Section IV F., above
- Landscape Zone: 20% of underdeveloped front yard square footage



**Walden On Lake Conroe Community Improvement Association, Inc.  
Architectural Control Committee  
Model Home Policy**

**I. Purpose:**

The restrictions for each section in Walden On Lake Conroe establish a uniform plan for development, improvement and sale of each lot to insure the preservation of this uniform plan not only for present but also for future lot owners. The purpose of these restrictions are to enhance and protect the value, desirability, and attractiveness of each and every lot in Walden. The association has established a uniform policy for the construction and use of Model Homes on improved lots in Walden in conformity with the respective restrictions and with the intent of protecting the uniform plan of development as well as the attractiveness and desirability of every lot.

**II. Policy**

A. No structure of any type shall be placed on the subject property without the prior written approval granted by this Model Home Policy.

B. "Model Home" shall mean any residential structure built by a Builder/Owner to demonstrate the design, type and quality of home product available by builder's construction company in Walden on Lake Conroe.

C. "Builder/Owner" as defined in the restrictions for each section of Walden on Lake Conroe shall be any person who acquires a lot or lots for the purpose of engaging in the business of construction and sales of single-family residential dwellings for the purpose of resale.

D. The Builder/Owner may not engage in any other business or businesses from the temporary office allowed by this policy. This includes the resale of vacant lots and homes previously occupied as a residence. Neither the temporary office nor any other portion of the model home shall be utilized for construction storage. It is the intent of this policy to limit temporary office usage to that activity of new home sales by the Builder/Owner.

E. "Temporary Office" shall be defined as space taken from within the air-conditioned/heated interior floor plan to be utilized as an administrative/sales office of the Builder/Owner. "Temporary" is further defined as lasting only for a short time or limited to twelve (12) month duration. Extensions of this initial time period may be approved in writing in six-month periods at the option and sole discretion of the Association.

F. The Builder/Owner must limit use of the temporary office to that activity which relates directly and solely to the sale of homes constructed or to be constructed by the Builder/Owner in the Walden on Lake Conroe community.

G. The garage of the model home may not be enclosed to create temporary office space. "Enclosed" shall mean the partitioning of the minimum standard garage space that is required by the restrictions of each section of Walden on Lake Conroe. The temporary office may be located in the garage space so long as it is not altered from the original functional garage plan as approved by the Architectural Control Committee.

**Page Two - Model Home Policy**

H. The Builder/Owner must also execute and abide by the Sign Policy Agreement of the Walden on Lake Conroe Community Improvement Association.

I. No other attention getting device of any kind may be utilized.

J. The model home must be fully landscaped in both the front and back of the lot as approved by the Architectural Control Committee.

K. The Builder/Owner must allow a sufficient portion of the driveway to be utilized for personal or client parking so as not to obstruct normal traffic in the street abutting the subject lot.

L. The model home may not be occupied as a residential dwelling during the term of this agreement.

M. The home sales activities conducted from the subject model home shall not become an annoyance to the neighborhood. A noxious, offensive or annoying activity shall be judged as such in the sole discretion of the Architectural Control Committee.

Revision: 1/22/2000

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Construction of Home on Combined Patio Lots**

**I. General:**

There are several platted sections within Walden on Lake Conroe that include Patio Home lots. These sections are Sections 3, 5, 9, 10 and 16. "Patio Home lot or lots" shall mean and refer to the lots specifically restricted to use for patio homes only. Each Patio Home section's deed restrictions designate which lots are to have Patio Homes constructed on them versus Town homes or Residential Homes.

**II. Purpose:**

The deed restrictions for the various Patio Home sections specifically designates the building location requirements on single lots. However, the deed restrictions do not specifically address the issue of building location on combined lot configurations. This policy shall serve to clarify the requirements for building location on multiple or combined Patio Home lots.

**III. Policy:**

- A. Multiple contiguous Patio Home lots may be combined into one building parcel.
- B. A home may be located on combined Patio lots other than the "zero" side as designated in the applicable restrictions.
- C. The home may be centered on the combined Patio Lots, but must be set back from left and right side property lines by no less than five (5) feet.
- D. The minimum square footage of a home placed on combined lots shall be not less than seventy-five percent (75%) of the minimum combined footage required for each separate lot.
- E. Homes may not be constructed across utility easements in any configuration, unless a release of easement is obtained from each applicable utility service entity.



**Walden on Lake Conroe Community Improvement Association, Inc.  
Architectural Control Committee  
Commercial Development Policy**

**I. Purpose:**

The Walden Architectural Control Committee and the Walden C. I. A. Board of Trustees wish to provide general guidelines for the development of commercial tracts abutting Walden Road in Section 18. It is intended that these properties be developed architecturally in a pleasing manner and be occupied by businesses that would maintain, if not enhance, the image of the residential community.

**II. Policy:**

- A. All new development designs shall be prepared as complete construction drawings and submitted to the Walden Architectural Control Committee for review.
- B. All new construction is subject to Walden's Commercial Building Requirements including International Commercial Building Codes and Landscape Standards.
- C. Business signage shall be reviewed and approved by the Walden Architectural Control Committee prior to construction and installation.
- D. Walden C. I. A. Board of Trustees reserves the exclusive right to disapprove the operation of any business in Walden on Lake Conroe. Businesses which will be disapproved include, but are not limited to teen halls, billiard parlors, auto repair shops, second hand shops, open air or ice house type alcoholic beverage facilities and sexually oriented businesses.
- E. Any business must operate in a manner to be in complete harmony with the residential community.

Revision: 1/24/2004

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Variance Policy**

**I. Purpose:**

The Board of Trustees of the Walden on Lake Conroe Community Improvement Association wishes to maintain conformity to established standards of the Deed Restrictions (of each platted section of Walden), Policies, Design Guidelines and any other legally recorded requirements of the Architectural Control Committee (ACC). Periodically a property owner may disagree with a decision rendered by the ACC. The ACC may only make approvals based on the compliances with the established Standards. In the event there is disapproval, the property owner may resubmit the request after adjustments to be in compliance with the standard. The existing appeals policy (Architectural Control Committee Appeal Policy) allows the property owner to resubmit and provide any additional preliminary information available, make a personal presentation and provide any compelling information required to demonstrate compliance with the established standards. Following the appeal, if there remains disagreement, the property owner may request a Variance from the Board of Trustees if there are extraordinary situations or conditions that cause exceptional or undue hardship upon the owner of the property. **Note: A variance cannot be granted for the requirements of the Deed Restrictions except when federal, state, or local laws prevail. The variance must be in keeping with the intent of the original restrictions, which were to maintain the beauty and value of property in Walden on Lake Conroe.**

**II. Policy:**

- A. Should the ACC's original decision be upheld, the property owner may appeal ultimately to the Board of Trustees of the Walden on Lake Conroe Community Improvement Association, Inc.
- B. The property owner may request a variance from the Board of Trustees after the ACC's second disapproval. The grant of a variance in no way is considered an approval and non-compliance will still exist. Any significant repair or replacement of the item or change in ownership of the property shall require a new request to the ACC to determine if any change has occurred to alleviate the extraordinary situation or condition.
- C. It is the responsibility of applicant who is seeking the variance to provide "proof" that enforcement of the established standard will result in a legal hardship. A variance cannot be granted as a convenience to the property owner.
- D. The legal hardship must come from the established standards of Walden on Lake Conroe. A self-imposed hardship cannot serve as justification for a variance; i.e., the problem was self-created by the action or negligence of the applicant.

Revised 01-23-07

**Page Two – Variance Policy**

- E. The legal hardship or difficulty stated as the reason why a variance is necessary must be peculiar to the particular property in question and different from that of other properties. The applicant for a variance must clearly show the Board that the request is due to the very unusual qualities of his property.
- F. The expenditure of money does not constitute a legal hardship. When a hardship is created by the applicant's own acts, he is not entitled to relief via a variance.
- G. Non-compliance by others in the area, nonconformity of structures on other properties or other variances given in the area does not automatically entitle an applicant to approval of his variance request. What constitutes a legal hardship and substantial justice is a matter to be determined by the Board from the facts and circumstances of each individual appeal.
- H. In granting variances, the Board may impose special conditions to ensure that the public's welfare will not be damaged.
- I. An applicant shall provide agreements in writing from all adjoining or effected property owners and others deemed necessary by the Board relative to the variance request either agreeing or disagreeing with the request. A variance will not be granted simply because there is no objection to it or because those who do not object outnumber those who do.
- J. A variance grant request involves legal process; therefore a non-refundable filing fee shall be required at time of submittal of the Variance Application.
- K. The Variance Application will be completed with no omissions. (See exhibit A for the Variance Application format.)

Revised 01-23-07

***Walden C. I. A.***  
***Architectural Control Committee***

***Guidelines***

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**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Design Guidelines**

**Available as a Separate Document**

**“Design Guidelines”**

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Construction Site Guidelines**

**I. Purpose:**

The Walden on Lake Conroe Community Improvement Association (WCIA) guides the community's development through the Architectural Control Committee (ACC) and certain Board approved policies. The ACC renders its decisions based on the restrictions for each individual section and on the *Design Guidelines*. It is the intent of this statement to provide recommended guidelines for construction entities that build or provide related services to any owner at Walden.

The guidelines might normally be considered "common courtesies" that generally create a "good neighbor" relationship. It is not the intent of these guidelines to usurp anyone's right to work or impose unenforceable rules, which inhibit the work process. However, good relations between workers at a new construction site and existing neighboring homeowners is good for the community and should be good for the contractor's business as well.

**II. Construction Site Infrastructure Guidelines:**

A. **Portable Toilets:** The ACC requires that a portable toilet facility be provided for the workers in accordance with OSHA standards.

B. **Safety Fencing:** Safety fencing shall be installed along the rear and both side property lines on all lots under construction. The fence shall be four (4) feet high, with steel T-posts every eight (8) feet to secure the fencing. The fencing must be installed and maintained in a neat and orderly manner throughout the construction phase.

C. **Silt Fencing:** Silt fencing shall be installed along the lowest property line to prevent silt or topsoil from running off the construction site and onto adjacent property or into the street during rain storms. The fencing must be installed and maintained in a neat and orderly manner throughout the construction phase.

D. **Trash Containment:** A suitable trash container must be maintained on the construction site throughout the construction phase. The containment system may be either a metal dumpster or a 6 ft. x 6 ft. fenced area. Dumpsters must be emptied when full and must not be allowed to overflow onto the construction site. Fenced containment areas must be emptied WEEKLY, preferably on Fridays, to present a clean worksite for weekend visitors.

**III. Construction Site Operation and Maintenance Guidelines:**

A. **Lot Clearing and Dirt Work:** General contractors should ensure that trucks leaving a work site are covered in accordance with the law and the work site, street in front of the lot, and adjacent lots are left clean and unaffected by the clearing and fill process.

Revision: 1/22/2006

**Page Two – Construction Site Guidelines**

B. **Construction Equipment:** Use of any necessary equipment for construction purposes is expected. However, the use of machinery and power tools should be limited to 7:00 a.m. – 7:00 p.m. Storage of heavier equipment is not allowed on any lot except during actual use periods.

C. **Construction Noise:** The WCIA acknowledges every contractor's general "right to work;" however, earlier than normal working hours create adverse community relationships. It is requested that construction not begin before 7:00 a.m. nor continue after 7:00 p.m. Should circumstances dictate that work be done outside these parameters, such as pouring a slab earlier in the morning, the general contractor should attempt to give reasonable notice to nearby neighbors.

D. **Site Clean-up:** Each construction site must have a suitable trash container at all times. Each site must be maintained in a reasonably clean and adequately safe condition at all times. Construction sites must be cleaned of all loose debris on a daily basis. It is equally important that food trash and loose papers, which can blow onto adjacent properties, be cleaned on a daily basis. Construction debris and trash should be placed in the trash containment and the containment system should be emptied according to the requirements of Section II-D above. Under no circumstances should any organic materials, trash, or construction debris be dumped or stored on an adjacent property.

E. **Personal Vehicle Parking:** Every effort should be made to avoid negative impact on neighbors when workers park personal vehicles at or near any work site. All vehicles should be parked along the same side of the street to prevent bottlenecks. Furthermore, driveways, mail boxes, trash pick-up areas, etc. should not be blocked. Vehicles shall not be parked on the right-of-way.

F. **Deliveries and Deliveries Vehicles:** Delivery of construction materials should be restricted to 7:00 a.m.-7:00 p.m. Every effort should be made to avoid negative impact on adjacent lots, rights of way or easements. Any damage such as ruts, spills, broken curbs, etc. should be appropriately handled by the delivery company, but if not, by the general contractor.

G. **Pets at Construction Site:** It is preferred that pets not be brought to a work site. However, pets in the company of a construction worker must be controlled as required by Montgomery County Animal Control Ordinance. The WCIA employs a state licensed animal control officer charged with the duty of enforcing the ordinance and deed restrictions regarding pets.

H. **Music or Noxious Activity:** Any music played at work should not impact neighbors. No noxious activity of any kind should emanate from a work site that adversely affects neighboring home owners or the community in general.



**Page Three – Construction Site Guidelines**

I. **Maintenance of Adjacent Lots:** Contractors shall not use adjacent lots or easements for storage of construction materials or construction debris. If the adjacent lot or easement is disturbed by the contractor, the site shall be returned to its original condition, including removal of any construction debris, smooth grading of any disturbed soil, and replacement of disturbed ground cover with a suitable material to prevent site erosion (i.e. sod or hydro-mulching).

IV. **Compliance Deposit:**

Subcontractors and their employees should be made aware that their actions can result in sanctions against the builder, including forfeiture of a portion of the compliance deposit. See the *Review Fees and Compliance Deposit Policy* for additional details.

V. **Flip Plans:**

The Walden on Lake Conroe Architectural Control Committee will accept house plans that are marked “flip”, under the following conditions:

- A. The Site plan must be drawn exactly as the home will be built (it may not be drawn “flipped”).
- B. The foundation plan must be drawn exactly as the home will be built (it may not be drawn as “flipped”).
- C. Other plans submitted to the ACC may be flip plans.

Revision:1/22/2006

***Walden C.I.A.  
Architectural Control  
Committee***

***Guidelines for Submission Of  
Residential Building Plans***

***Revised May 12, 2005***

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Architectural Control Committee**  
**Guidelines for Submission of Residential Building Plans**

## **1.0 Submission Criteria**

### **1.1 Introduction:**

On February 1, 2003, the Walden on Lake Conroe Community Improvement Association (CIA) instituted a policy requiring that all houses constructed in the subdivision after that date meet the minimum construction requirements of the *International Residential Code for One- and Two-Family Dwellings*, 2000 Edition (IRC 2000). To assist the building inspectors in implementing code compliance, the CIA established minimum requirements for residential building plans submitted to the Architectural Control Committee (ACC) for approval.

Several builders have requested a check-off sheet to assist their designers in providing the required information on building plans. This document provides the necessary information in two parts: the text will outline and briefly describe the requirements for a complete set of residential building plans, and the check-off sheet will assist the designer/builder to ensure that the minimum requirements have been met. Designers and builders are encouraged to provide design details and specifications beyond the scope of the check-off sheet, where appropriate. Additionally, a list of commonly overlooked code requirements, provided by the building inspectors, is included to assist designers and builders in producing a complete and comprehensive set of plans.

The intent of this new procedure is to streamline and improve the approval process by providing builders with a specific and written set of requirements. The check-off sheet has been developed by Walden CIA as a tool to help to verify that all of the required elements are included in the plans. The plans will be reviewed for completeness and technical accuracy, based on the items listed on the check-off sheet. If the plans are complete and accurate, they will be forwarded to the ACC for review. Incomplete or inaccurate plans will be returned to the builder for correction, without ACC review.

### **1.2 Design Criteria:**

Several design criteria are being used in the development of the check-off sheet. The primary basis for the design criteria is the American Institute of Building Design (AIBD) design requirements for light construction. The AIBD design requirement has been edited by the WCIA to eliminate extraneous data, such as electrical, gas, and water service connections. In addition

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to the AIBD criteria, the check-off sheet will contain requirements from the IRC 2000, such as smoke detectors, and requirements found in the Walden Deed Restrictions, such as garbage disposals.

Another reference for design criteria is *Architectural Graphic Standards for Residential Construction* (ISBN: 0-471-24109-1) and both designers and builders are encouraged to use this valuable reference when developing residential building plans

### **1.3 General Considerations:**

The builder must submit two complete sets of plans for review. Once accepted by Walden CIA, the plans will not be returned. If the plans are disapproved, the builder must resubmit two complete sets of corrected plans for approval. The ACC reviews over 200 plans per year and this is necessary for accurate recordkeeping. Partial sets of plans can create confusion and will be returned to the builder without review.

The most important aspect of the building plans is that they be legible. One may think this is obvious, but the ACC occasionally receives a set of plans that cannot be read. This includes both the size (scale) of the plan and the quality of the reproduction. Minimum recommended drawing scales are included in the check-off sheet. Plans on which the print is too small to read or the reproduction is too faint will be returned without review.

The check-off sheet is broken down into different drawing types (i.e. site plan, foundation plan, elevations, etc.) based on the AIBD design requirements; however, the WCIA realizes that different designers have different styles and techniques. The information required on the building plans is requested in the AIBD format, but will be accepted in other forms as long as all the requested information is cited somewhere within the plans and specifications.

The State of Texas has adopted the *International Residential Code for One-and Two-Family Dwellings, 2000 Edition*, as the state residential building code. Any tables, charts, or graphs shown on the plans, or any references to code compliance must be cited relative to the IRC 2000. Documentation that does not comply with IRC 2000 standards should be clearly crossed out using a felt tip marker.

Some builders purchase generic plans and submit a separate foundation plan stamped by a professional engineer. This is perfectly acceptable; however, all references to the generic foundation design or specifications must be crossed out with a felt tip marker. Furthermore,

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some builders provide generic plans that contain several design options. If a builder submits a plan with "options," the builder must cross out all design options that do not apply, using a felt tip marker. The builder must also be careful to ensure that the same design option is consistently identified on each sheet. Plans that are not clearly marked for the same design option throughout will be returned to the builder for correction.

## **2.0 Plan Criteria**

### **2.1 Site Plan:**

The primary purpose of the site plan is to ensure that the proposed building will fit within the building lines and utility easements of the proposed lot. Occasionally, the ACC will receive a building plan that does not fit on the specified lot. For this reason, Walden requires that *all* property lines, building lines, easements and other encumbrances be shown on the site plan. Furthermore to assist the ACC in identifying the specific lot location, the street location(s) relative to the lot should be shown and the legal description of the lot must be included on this sheet, as well as a north point to help determine the orientation of the lot. The site plan must show all proposed driveways, walkways, retaining walls and other hardscape items to ensure that they do not encroach on the adjacent property.

### **2.2 Drainage Plan:**

This plan consists of a Site Drainage Plan and site cross section, showing corner elevations and any drainage improvements, such as swales. The lots in Walden are narrow and drainage flow is often a problem, especially on patio lots and lots with steep grades. The ACC now requires a drainage plan that shows the slope of the lot and the direction of drainage flow. The drainage plan may be included as part of the site plan or submitted as a separate sheet. The ACC realizes that this is a *proposed* drainage plan and that civil/structural requirements or tree locations may affect the final plan; however, this plan will provide a starting point to ensure that the water sheet across the lot is not redirected onto adjacent property, per deed restriction and code requirements.

Revision: 5/12/2005

The drainage plan should show the location of the building and all proposed driveways, walkways, retaining walls and other hardscape items; the relative elevation at each corner of the property; and a typical site cross section showing the maximum slope across the lot.

The site cross section must show a minimum of three elements: a) the existing grade, b) the proposed finish grade, and c) the proposed location of the slab relative to the proposed finish grade. Furthermore, the direction of the cross section, either front-to-rear or side-to-side, should reflect the direction of greatest slope.

Lots with a change in elevation exceeding five feet (5 ft.) from property line to property line must take into consideration what, if any, additional action the builder must take to ensure proper drainage, such as French drains or retaining walls. Additionally, contour lines or spot elevations should be shown when the change in elevation exceeds 5 ft. across the lot.

### **2.3 Foundation Plan:**

The foundation plan and details may be on the same sheet or may be on separate sheets. The foundation plan and any foundation details must be stamped and signed by a professional engineer registered in the State of Texas. Plans that have not been stamped will be returned to the builder without further review.

The most common error found on foundation plans is that the foundation's outer dimensions do not match the floor plan's outer dimensions. This usually occurs because the floor plan and foundation plan are drawn by two different individuals. Builders are encouraged to verify the dimensions on both plans before submittal.

### **2.4 Floor Plan:**

The floor plan is the heart of the design and must be fully dimensioned and labeled. The check-off sheet has a comprehensive list of items to be included, as a minimum, on the floor plan. The designer is encouraged to add any relevant information not listed on the check-off sheet.

The electrical details may also be included on the floor plan. If the electrical details are included on the floor plan, the sheet must conform to the minimum requirements for both the floor plan and the electrical plan.

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**2.5 Electrical, Plumbing, and Mechanical Plan:**

The electrical and plumbing mechanical plan will contain information on electrical, plumbing, and ventilation, as well as heating and cooling equipment. The plumbing information should include the location of hot water heaters, hose bibs, and any other plumbing details not shown elsewhere in the plans. Ventilation for kitchen, bathrooms, and utility room, as required by code, must be shown on this plan.

**2.6 Elevations:**

Elevations for all four sides of the house should be shown. The elevations must show the location of windows and exterior doors, including an indication of header heights. The elevations should show finished floor and plate heights for each floor. A generic description of materials to be used for siding, roofing, and trim should be shown on the elevation, as well as any design details, such as soldier bricks, quoins, or keystones. The elevations should also show the roof pitches. The front elevation should be detailed as completely as possible to assist the ACC in visualizing the finished product.

**2.7 Cross Sections and Details:**

The plan should contain a cross section through the entire house to show typical ceiling heights and details, stair details for multi-story houses, trim details, etc. The plan should also contain typical cross section details for walls and cornice work, as well as any unusual design details. For buildings with less than 2'-0" of wall on each side of the garage door, details that show the reinforced bracing required to meet code should be shown.

Two-story houses *must* include a cross section of the stairs showing rise, run, railings and head clearance. This is required because, in the past, plans have been submitted with stairs that could not be constructed as drawn on the floor plan.

**2.8 Ceiling and Floor Joist Plans:**

All building plans must include a ceiling joist plan. Multi-story building plans must also include floor joist plans. Joist plans should show the size, direction, spacing, and species of all joists. Additionally, all support beams not identified in the IRC 2000, such as glulams, must be specified by a professional engineer registered in the State of Texas, or by a qualified individual using an engineered wood products computer program supplied to wholesale lumber yards by an

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engineered wood manufacturer. All major wholesale lumber yards operating in the Conroe area have staff that is qualified to specify engineered wood support beams.

### **2.9 Roof and Rafter Plans:**

Rafter plans should show the size, direction, spacing, and species of all roof rafters, as well as the size, location, direction, and species of all ridges, hips, and valleys. The plan should show the chimney, and any crickets or other roof framing details. The plan should also show any support members, such as knee walls or purlins.

Roof plans must indicate the pitch for each area of the roof, since the pitch may not be the same for every surface. The roof plan must also show the chimney and any crickets or other trim details. Finally the ventilation details, such as ridge vents, air hawks, and ventilation fans, should be shown on the roof plan to ensure proper ventilation of the attic space.

### **2.10 Written Specifications:**

Designers are encouraged to include a set of written specifications to cover any details not shown on the plans, such as manufacturer's specifications for a fireplace. The FHA specification sheet is an excellent reference for the type of detail typically found in written specifications.

### **2.11 Landscape Plan:**

The original deed restrictions require that a landscape plan be submitted to the ACC for approval before the property is landscaped and that the property be landscaped before the dwelling is occupied. The landscape plan is not required for the initial submission of residential building plans; however, the landscape plan must be submitted before the property is landscaped. The requirements for plant size and quantities can be found in the **Landscape Policy** in the policy section of the **Home Building Requirements**.

### **2.12 Exceptions:**

These guidelines are intended to assist the builder and designer in producing a complete set of plans that will be acceptable to the Walden ACC; however, not every circumstance can be covered in this type of document. Builders and designers are encouraged to contact David Whiteley, Building Plans Administrator, at (936) 582-1646 to discuss any questions or problems not covered in this document.

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### 3.0 Appendix A: Plan Check-off Sheet

#### Walden on Lake Conroe Community Improvement Association, Inc.

#### Building Plan Check-off Sheet

##### SITE PLAN

YES NO N/A

YES	NO	N/A	
			All property lines properly labeled (i.e. N 37°16'32" E - 120.34')
			ALL set backs, building lines and easements shown and labeled
			Street address shown and properly labeled
			North point shown on plan
			Footprint of structure shown on plan with dimensions to property lines.
			All driveways, walkways, patios, steps, decks, retaining walls, etc. shown
			Patio lots only: show both 3' and 15' building lines, or on lots with 5' building line on the zero side, 3' and 12' building lines.

##### DRAINAGE PLAN

YES NO N/A

YES	NO	N/A	
			Property lines with existing grade elevations at each corner.
			Footprint of structure shown on the plan
			All driveways, walkways, patios, steps, decks, retaining walls, etc. shown
			Direction of drainage flow for finished grade shown.
			Swales that direct water away from adjacent property shown (if applicable)
			Cross section of the property drawn in the direction of greatest slope (either front-to-back or side-to-side)

##### FOUNDATION PLAN AND DETAILS

YES NO N/A

YES	NO	N/A	
			Drawn to an established and identifiable scale (prefer 1/4" = 1'-0")
			Plan is stamped and signed by a Professional Engineer registered in the State of Texas.
			Complete dimensions (verified with floor plan)
			Slab thickness, type and thickness of fill, membrane vapor barrier, and steel reinforcement (welded wire mesh or rebar).
			Show location and size of footings, stem walls, piers, grade beams, etc. (including footings and piers for independent structures such as carports and decks).
			Show location and size of anchor bolts and hold or tie downs (graphically shown or noted).
			Show location of variances in elevation for floor slabs.

**Note:** Foundation details may be included on the foundation plan or submitted as a separate sheet. If a separate detail sheet is submitted, it must also be stamped and signed by a Professional Engineer registered in the State of Texas.

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**FLOOR PLAN****YES/NO/N/A**

			Drawn to an established and identifiable scale (prefer 1/4" = 1'-0")
			Show square footage for various areas (living, garage, porches, etc.)
			Full dimensions, as required for layout and construction (must verify with foundation plan)
			Label all rooms and closets.
			Show all attached structures (garages, carports, porches, decks, balconies, terraces, and steps).
			Show location, size, and swing of all doors.
			Show location and size of all windows.
			Confirm bedroom windows meet egress code requirements.
			Show location of all plumbing fixtures to scale (must verify with foundation plan).
			Kitchen sink must indicate a garbage disposal (Deed Restrictions).
			Show layout of all cabinets, countertops, vanities, bookcases, wet bars, and desks, and other built-in furnishings.
			Show layout of all appliances.
			Show all stairs, including number of treads, and handrails (if applicable).
			Confirm stairs meet all applicable codes for tread width (if applicable).
			Show all disappearing stairways and/or hidden ladders, etc. used for access to other levels attic access.
			Show location and type (masonry, zero-clearance, etc.) of fireplaces, including direct venting details if applicable.
			Show general notes as required adequately describing the conditions shown.

**ELECTRICAL, PLUMBING, and MECHANICAL PLAN****YES/NO/N/A**

			Drawn to an established and identifiable scale (prefer 1/4" = 1'-0")
			Show location of all electrical outlets, with GFCI outlets labeled.
			Show location of all light fixtures and switches.
			Show all room fans, vent fans and hood fans.
			Show garbage disposal, with switch (Deed Restriction)
			Show all smoke detectors (Code requirement)

**NOTE:** The Electrical Plan may be included on the Floor Plan; however, all of the above elements must be shown.

**ELEVATIONS****YES/NO/N/A**

			Drawn to an established and identifiable scale (prefer 1/4" = 1'-0")
			Show all openings, windows, doors, etc.
			Show all exterior wall finish materials (Generic description: brick, hardi-plank, etc.)
			Show all roof pitches, crickets and/or saddles, overhangs, eaves, rakes, etc. and roofing materials (for exposed roofs).
			Show all gutters and downspouts, where applicable.
			Show foundation (above finished grade), chimneys, and vents, where visible.
			Confirm chimney height meets code requirements.
			Confirm elevation height does not exceed 35 ft. (Deed Restrictions).
			Show grade lines, finish floor lines, and ceiling heights.

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**CROSS SECTIONS and DETAILS****YES NO N/A**

YES	NO	N/A	
			Drawn to an established and identifiable scale (prefer 1/4" = 1'-0")
			Show at least one complete cross section through the building.
			Show all foundation conditions with adequate dimensions.
			Show all floor framing connections to foundations and walls.
			Show all ceiling and roof framing connections to walls and beams.
			Show any critical or unusual connections or combinations of materials.
			Show stair construction including (if applicable); landings, headroom, tread, and riser dimensions, handrails, etc.

**NOTE:** Cabinet details are not required under the AIBD standard, but inclusion is recommended.

**FRAMING PLAN****YES NO N/A**

YES	NO	N/A	
			Drawn to an established and identifiable scale (prefer 1/4" = 1'-0")
			Show size, direction, spacing, and species of all floor joists.
			Show size, direction, spacing, and species of all ceiling joists.
			Show size, direction, spacing and species of all roof rafter, or trusses. Indicate the location of any purlins, knee walls, or other support members.
			Show size, direction, and location of all beams, girders, and headers, including support posts; and location of hips, valleys, ridges, cants, crickets, scuppers, roof drains, etc.
			Specify all support beams. Support beams not identified in the IRC 2000 should be specified by a professional engineer registered in the State of Texas or approved engineered wood computer program (See note).

**IMPORTANT NOTE:** Floor construction must comply with the IRC 2000, section R501.2 and R301.1.2 or the approved revisions. These sections state that construction containing structural elements not conforming to the code shall be designed in accordance with **accepted engineering practice**. Joist Plans containing support beams with long spans that are not codified must either be stamped by a **Professional Engineer registered in the State of Texas** or be generated using a computer program provided to wholesale lumber yards by an engineered wood manufacturer.

**LANDSCAPE PLANS****YES NO N/A**

YES	NO	N/A	
			Landscape Plan submitted with building plans (Optional).

**Landscape plans may be submitted for ACC approval at any time prior to installation of the landscape.** A portion of the builder's deposit will be withheld until the landscape plan is approved and the installation is inspected for compliance.

**Approved landscaping MUST be installed prior to occupancy, per Deed Restrictions.**

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## 4.0 Appendix B: Code Requirements for Designers

### Introduction:

The building inspectors have identified several areas that are commonly overlooked by designers when developing a set of plans. This document identifies the code requirement and relevant section reference. Designers are encouraged to review this document, as well as the cited codes, and include any relevant design information in the building plans.

- **R303.3 Bathrooms:** This section outlines window and ventilation requirements for bathrooms and other “similar” spaces.
- **R303.4 Stairway Illumination:** This section covers locations of lighting and switches for stairways.
- **R308.4 Hazardous Locations:** This section covers the requirements for glazing in hazardous locations.
- **R310.1 Emergency Escape and Rescue Required:** This section covers the requirements for windows and doors in key locations, such as bedrooms.
- **R312.1 General Landings:** This section covers requirements for landings on stairways, at doors, and other locations.
- **R314.2 Treads and Risers:** This section covers the requirements for construction of stairs.
- **R315.2 Handrail Grip Size:** This section covers handrails.
- **R316.1-2 Guards Required:** This section covers the height of guardrails and the allowable space between openings.
- **R317.1 Smoke Detectors:** This section covers the requirements for smoke detectors.
- **R325.1 Premises Identification:** This section covers the requirements for house numbers to be clearly posted.
- **R401.3 Drainage:** This section covers drainage requirements for lots.
- **R403.1 Foundation Anchorage:** This section describes methods for anchoring the structure to the foundation.
- **R323.3 Fasteners:** This section covers requirements for nails used with pressure treated wood products.

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- **R807.1 Attic Access:** This section covers the minimum access for any attic area in a house.
- **M1305.1.3 Appliances in Attics:** This section covers the mandatory passageways and access to appliances in the attic.
- **R1004.2 Hearth Extensions:** This section covers the requirements for hearths in front of fireplaces.
- **E3305.1 Working Space and Clearances:** This section covers the requirements for a clear work area around electrical equipment, such as circuit breaker panels.
- **M1501.3 Length Limitation:** This section covers the maximum length of clothes dryer exhaust ducts.
- **E3801 Receptacle Outlets :** This is a large section that addresses the requirements for electrical receptacle placement throughout the dwelling.
- **E3802 Ground-fault and Arc-fault Interrupter :** This section covers placement of receptacles protected by GFCIs, such as in garages and outdoors.
- **E3803 Lighting Outlets:** This section covers the requirements for lighting outlets throughout the dwelling, including remote spaces, such as the attic.

# ***Walden C. I. A.***

## ***Board Policy Manual***

***Revised September 28, 2006***

389-11-0660

**Office use only:**

**Margins:**

Top 0.6

Bottom 0.6

Left 1.0

Right 1.0

**Font:**

Normal

Times New Roman

Size 12

**Alignment:**

Justify

**Walden On Lake Conroe Community Improvement Association, Inc.  
Board Policy Manual**

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Board Policy Manual**

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**Walden on Lake Conroe Community Improvement Association, Inc.  
Policy Manual**

**I. Purpose:**

The Board of Trustees wishes to consistently administer the various rules and regulations of the association. The association is, as a Texas not-for-profit corporation, obligated to conform to its governing documents. However, in the absence of specific direction from its governing documents, the Board has established certain policies and procedures. Procedures are documented separately by subject matter and generally deal with the direct management of retail operations and standards of service. Policies, on the other hand, are Board directed and usually initiated by a resolution of the Board of Trustees. These various resolutions are, hereby, presented as a collective statement of Board policy.

**II. Review:**

These collective policies shall be reviewed no less than annually by the Board of Trustees and/or a specially appointed Policy Committee.

**Walden On Lake Conroe Community Improvement Association, Inc.**  
**Open Board Meetings Policy**

**I. General:**

The Board of Trustees of the Walden on Lake Conroe Community Improvement Association formally approved an open meeting policy on May 23, 1998, as reflected in the minutes of its meeting held on that date. An ad hoc committee was appointed at that time to develop "format and rules for these meetings." However, records do not reflect a follow-up report. Therefore, it is the intent of this statement to clarify the Board's practice since then of allowing any member to attend Board meetings.

**II. Purpose:**

Clearly, the Board of Trustees wishes to conduct its meetings openly and without secrecy; to encourage member input and participation when appropriate and to communicate effectively and directly with its membership when practical.

**III. Rules:**

A. Regular Board of Trustees meetings shall be scheduled annually in advance and published in the February newsletter. Periodic notices of each meeting shall also be noted in the newsletter in the month preceding each scheduled meeting.

B. Agendas are posted at the Administration Office, Yacht Club, and Racquet Club prior to each meeting.

C. A member may have a subject scheduled to appear on the agenda of any meeting merely by directing a written request to the general manager or president of the association. A member may then have his written question(s) or comment(s) read before the Trustees or may choose to make a personal presentation to the Board. The Board will respond directly during the meeting or follow-up after the meeting in an appropriate manner.

D. Members may attend any Board meeting in person and are encouraged to do so. The Board Chairperson has allowed members attending to make presentations even when not scheduled formally on the agenda.

E. Substantial time be scheduled at each annual meeting for members to address the Board on any matter affecting the association. In addition, comment/question cards shall be distributed to encourage input from those not choosing to verbally address the Board. Written responses shall than be mailed to the member by the appropriate Board member or general manager.

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**Page Two - Open Board Meetings**

F. Members are encouraged to address comments or questions to the general manager at any time between scheduled meetings by phone, letter or in person at the administration office. All records of the association are open and available for review by members. It is the intent of the Board of Trustees and management to address each member's concern with a prompt and direct response for the benefit of all concerned.

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Inspection of Association Records**

**I. Purpose:**

To provide reasonable access to information regarding financial performance of the association to include both operating statements and annual audits, records of Board of Trustees and Committee meetings, policy and procedure, etc. It is the intent of the Board of Trustees to be as open as is reasonable with regard to any information produced on behalf of the corporation.

**II. Policy:**

A. The association will allow any Walden on Lake Conroe property owner to inspect the records. When a member requests to inspect the records, an appointment will be established during regular business hours. Assistance will be provided by the association's Controller or General Manager to the degree necessary to answer any questions.

B. Should the property owner require a copy of any document, every effort will be made to do so in a reasonable time, manner, and at a minimal charge.

C. Copies of annual financial summaries and annual audited financial statements are available at no charge.

D. Copies of corporate documents such as corporate charter, by-laws, deed restrictions, etc. are available at a nominal per page copy charge.

E. Personnel records of association employees will not be made available for open inspection. However, certain general employment information regarding an individual employee may be available at the discretion of management or the Board of Trustees.

**Walden on Lake Conroe Community Improvement Association, Inc.  
Design Guidelines Review Policy**

**I. Purpose:**

The Board of Trustees of the Association has established the *Design Guidelines* as a detailed supplement to the deed restrictions for each section of Walden on Lake Conroe. Property Owners wishing to make improvements to the exterior of their residence or to their property are required to first obtain approval from the Architectural Control Committee (ACC). The *Design Guidelines*, intended as a guide to maintaining standards and overall image of Walden, will help in planning and making such improvements. Periodic review of the guidelines will ensure that the standards remain current compared to the latest building codes and the newest materials available.

**II. Policy:**

A. The Board of Trustees of the association has appointed the Architectural Control Committee (ACC) as its designated representative to review every application for improvement to Walden property. The ACC shall report to the Board of Trustees any need for revisions, additions, deletions or other recommendations and act accordingly to revise the manual.

B. In addition to input from the ACC, the Board will review the *Design Guidelines* periodically to ensure conformity to current building standards and acknowledgement of new acceptable building materials in an effort to preserve the overall image of Walden.

C. The Board of Trustees is authorized to enforce compliance with the standards of the *Design Guidelines*, the deed restrictions, and the decisions of the ACC through any appropriate legal and equitable proceedings on behalf of and in the name of the association.

D. To facilitate enforcement, the association shall employ Deed Restrictions Officers and a General Manager's Administrative Assistant whose duties include verifying the conformity of all sections of Walden for compliance with the respective restrictions, covenants, and *Design Guidelines*.

**Walden on Lake Conroe Community Improvement Association, Inc.  
Maintenance Fee for Home on Combined Lots**

**I. Purpose:**

It is the intent of the Board of Trustees to align its maintenance fee assessment policy to clearly reflect the intention of the deed restrictions regarding uniformity.

**II. Deed Restrictions:**

The language utilized in the deed restrictions as filed in the Montgomery County Deed Records for each plotted section of Walden on Lake Conroe is virtually identical. A sample is as follows:

"...Every person or entity who is an owner of more than one lot... shall pay the full assessed rate on one lot and twenty percent (20%) of the assessed rate on all additional lots owned..."

**III. Definition:**

Combined Lot(s) shall refer to any combination of lots which have been configured into a single parcel on which one house is constructed.

**IV. Change in Policy (January 10, 1998):**

For some time the Walden on Lake Conroe Community Improvement Association allowed a policy which waived the maintenance fee for the additional lot(s) in a combined lot/house configuration. More specifically, one full fee was assessed for the first lot and no fee for the additional lot(s) on which the house was positioned. This policy was in direct conflict with the language of the restrictions. The recorded deed restrictions document is clearly recognized as the controlling document. Therefore, when presented to the Board, the former waiver policy was rescinded.

The policy regarding the assessment of maintenance fees is, hereby, conformed strictly to the language of the deed restrictions for each section. Each lot of Walden will be assessed the appropriate full fee or allowable discounted fee as stated in the restrictions.

**Walden on Lake Conroe Community Improvement Association, Inc.  
Capital Reserves Study Policy**

**I. General:**

The Board of Trustees of the association recognizes its responsibility to effectively manage and maintain its physical and real property assets. In addition, the Board realizes it must periodically determine the useful life expectancy of these assets and the need to project an estimated cost of replacing them in the future. This responsibility has been addressed by conducting a thorough engineering study in 1990 of all association assets and individual components. Subsequently, this study has been updated every three years (see Replacement Reserve Report). In addition, the Board of Trustees of the association recognizes its fiduciary responsibility to manage its cash designated for future asset replacements in a prudent manner. Accordingly, the Board has set forth an investment strategy, security selection criteria, and control and review procedures to pursue the stated objectives as goals (see Investment Policy).

**II. Purpose:**

A. The Board of Trustees wishes to establish and maintain a reasonable, unchanged yearly reserve contribution necessary to meet future expenditures for major replacements or repairs of the common area elements owned and operated by the association.

B. The underlying, if not primary purpose, of conducting, updating, funding and **implementing** the various projects for repair and replacement is to maintain the highest possible property value of all association assets for the long term at the least possible cost.

C. By conducting periodic updates and appropriate annual funding, the Board will avoid the necessity of a special assessment.

**III. Definition:**

A. Reserves for Replacement are estimates of that amount of money which must be put aside to replace major issues such as building components that will wear out before the entire facility or project wears out.

B. Replacement Cost is the cost to replace an item or component which will perform the same function and have the same usage.

C. Useful Life is the average expected life of a component when new.

D. Estimated Remaining Life is the life expectancy of an item or building component based on the condition and state of repair.

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**Page Two - Capital Reserves Study**

**IV. Policy:**

A. The Board of Trustees shall review its capital funding requirements annually and shall set its annual assessment accordingly.

B. The Board shall review the component study periodically and have a professional engineer and/or CPA or other qualified professional appraiser update the 10-year reserve plan at least every 3-5 years.

**Walden on Lake Conroe Community Improvement Association, Inc.  
Guest Policy**

**I. Purpose:**

It is the intent of the Board of Trustees of the Walden on Lake Conroe Community Improvement Association to allow certain non-property owners to utilize the amenities of the association when that utilization is considered beneficial to the association in the sole discretion of the Board. Allowing certain selected guests is intended to add value to property ownership and increase revenues in retail outlets without negatively impacting space available to members of the association.

**II. Types of Authorized Guests:**

- A. Overnight house guests of property owners;
- B. Day guests of property owners;
- C. Recognized rental program guests;
- D. Lessees of a Walden residence;
- E. Time Share/Vacation Rentals International or Resort Condominiums International guests;
- F. Contracted catering and tournament group guests;
- G. Reciprocal program guests;
- H. Guests of the Board on Management.

**III. Amenities of the Association:**

The following amenities are impacted by this policy:

- A. Walden Yacht Club;
- B. Walden Racquet Club;
- C. Yacht Club Pool;
- D. Breakwater Grill;

**Page Two - Guest Policy**

- E. North Boat Ramp;
- F. South Boat Ramp;
- G. Baseball Park;
- H. Breakwater Peninsula Park.

**IV. Guest Privileges:**

A. Overnight House Guests of property owners may have access to any of the amenities listed above without guest fees when accompanied by a property owner. Guest fees at the Racquet Club will apply when the "house guest" is unaccompanied or when the term of their visit requires a green guest card to be issued.

B. Day Guests of property owners may have access to any amenities listed above without guest fees when accompanied by the property owner. Guest fees at the Racquet Club will apply when the day guest is unaccompanied.

C. Recognized Rental Program Guests should be issued a green guest card assigned by unit number and are subject to guest fees and court fees at the Racquet Club.

D. Lessees of a Walden residence (whether single family, condominium or town house) may be issued a green guest card for the term of their lease upon meeting the following requirements:

1. The tenant must be an individual (not a corporation or other commercial entity).
2. The term of the lease must be at least three (3) months.
3. A copy of the lease must be placed on file with the Walden on Lake Conroe Community Improvement Association.
4. The lessee must pay a monthly assessment in advance for the entire term of the lease as an administration fee for the use of WCIA facilities.
5. The lessee must agree to abide by the policies and rules of the association.
6. A lessee must pay appropriate fees for his guests when accessing the Yacht Club Pool and Walden Racquet Club.
7. The lessor does not waive any of his property owner privileges upon leasing his Walden residence.

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**Page Three - Guest Policy**

E. Time Share guests (utilization of a time share unit outside the week of ownership or as a result of a trade program) must pay appropriate guest and court fees when accessing the Walden Racquet Club.

F. Group guests contracted by the Yacht Club or Racquet Club will be assessed appropriate access fees under the terms of the catering contract or tournament contract. Walden green guest cards will not be issued to individual members of the group.

G. Reciprocal club programs will be honored upon management approval of individual requests.

H. Guests of the Board are considered those allowed dining privileges in the Commodore Dining Room and are usually members of other area dining clubs. Guests of management are usually dining guests generated as a result of gift certificates or other promotional programs. No access fees are assessed in the case of either.

**V. Guest Fees:**

A. Racquet Club - Tennis  
Weekdays, \$4/day  
Weekends, \$6/day

B. Racquet Club - Exercise  
\$3/day

C. Yacht Club Pool  
Weekdays, \$2/day  
Weekends, \$3/day  
Holidays , \$3/day

**D. Yacht Club Commodore Dining Room**

The Board of Trustees has approved a special discount program available to all property owners/members of the Walden on Lake Conroe Community Improvement Association when dining a la carte in the Commodore Room or when ordering from the banquet menu for special events. The 15% discount, effective April 1, 1998, will apply to any food purchases by the property owner, his family or accompanied guests. In order to receive the discount, the property owner must present a current property owner identification card upon payment. The purpose of this policy is to provide an obvious benefit to owners while continuing to allow authorized guests to access the dining club. Guests of programs such as rental programs, reciprocation, members of local clubs, etc. will pay full menu price.

**E. Marina Slip Rental Guests**

The former policy of issuing green guest cards to Walden Marina slip renters has been rescinded effective January 10, 1998, or until the current slip lease term expires.

5-30-98

**Walden on Lake Conroe Community Improvement Association, Inc.  
Single Family Residential Trash Service**

**I. Purpose:**

The Board of Trustees of the association wishes to maintain a uniform plan for removal of residential trash. The nature of the Walden community makes this goal difficult when recognizing the high percentage of secondary home ownership and the resulting part-time, if not infrequent, occupancy of those homes. Additionally, it is important to maintain the image of the community by limiting the visibility of trash containers.

**II. Policies:**

- A. The association shall require every single-family residence to participate in the association managed trash removal system.
- B. The association shall maintain a service agreement with a reliable, professional residential trash contractor.
- C. The association shall require the service contractor to provide garage door area pick-up in order to prevent, to the best degree possible, public view of trash containers. This service allows secondary owners to participate in the trash service program without having to deal with the typical problems of a curbside program.
- D. The association shall maintain a billing service agreement with the local MUD's or other convenient billing service.
- E. The association shall also maintain a recycling drop-off container in a generally central location to allow property owners an opportunity to recycle certain materials.

**Walden on Lake Conroe Community Improvement Association, Inc.  
Managing Deer Population**

**I. Purpose:**

Part of the attraction of the Walden on Lake Conroe community is its natural beauty to include the wooded environment and its indigenous wildlife. As attractive and desirable as the wildlife can be, it can become a nuisance if not also dangerous to vehicular traffic.

As late as 1982 the Board of Trustees informally endorsed a voluntary program to feed the local deer population to hold them in the subdivision even as development increased. Ironically, as the subdivision has grown, so has the deer population. It is desirable to maintain natural animal resources and integrate that animal population within the human residential population's activities. However, when conflict occurs, control must be implemented.

**II. Protective Devices and Feeder Devices:**

**A. Warning Signs**

Roadside warning signs will be maintained where approved by Montgomery County Commissioners Court or the Precinct One County Commissioner. Signs, such as deer crossing signs, are intended as reminders to drivers to exercise caution and develop awareness of the presence of deer activity while driving through the community. Hopefully, vehicular/deer accidents can be avoided by creating awareness.

**B. Feeding**

Feeding devices are discouraged. Some natural dissipation of deer populations may occur if they are not artificially encouraged to stay near feeding stations. Life long exposure to feeding stations trains deer as wildlife to be dependent on unnatural food sources. If these unnatural food sources are interrupted or discontinued they will feed on the next available source of food which typically is urban landscape material. One owner's love of wildlife may only serve as an attractive nuisance to another owner who may be less tolerant of destructive wildlife habits.

**C. High Frequency Noise Devices**

All Walden residents are encouraged to attach "Game Saver" type devices to their vehicles to serve as a deterrent to deer grazing near or crossing our roadways. Samples of these devices and purchasing information are available in the administration office.

**III. Managed Programs:**

It is not the desire of the Board of Trustees to enter into a licensed trapping program to prevent deer overpopulation. However, if natural occurrences do not balance deer population with increases in human activities, then managed control programs may be implemented.

5-30-98

**Walden on Lake Conroe Community Improvement Association, Inc.  
Pet Policy**

**I. Purpose:**

One of the reasons Walden on Lake Conroe is a special place to live is that all property is subject to Deed Restrictions. The intent is to:

1. Provide for a uniform plan to preserve the image and character of the subdivision;
2. Maintain the overall quality of life that has been achieved;
3. Encourage sensitivity between neighbors so that all may reside in harmony;
4. Uphold and enhance property values;
5. Prevent the deterioration of these desirable qualities;
6. Encourage responsible pet ownership.

**II. Deed Restrictions:**

The covenants recorded in Montgomery County Deed Records for each of the platted sections of Walden on Lake Conroe contain similar language under the heading of Article III. USE RESTRICTIONS, subtitle, Pets:

"No horses, cows, hogs, poultry or livestock of any kind (other than house pets of reasonable kind and number) may be kept on any lot. Should such pets become a nuisance in the opinion of the Declarants, they must be removed from the premises and the subdivision. No pets are to run at large."

**III. Definitions:**

Reasonable. Fair, proper, just, moderate, tolerable, suitable under the circumstances. Fit an appropriate to the end in view. Rational, governed by reason. Not immoderate or excessive.

Kind. The genus or generic class; Description.

House pet(s). Animal(s) belonging to the house and/or family. Domestic, but not intended to include animals normally considered raised or used on a farm. It is not intended to include animals normally living in the wild, but raised domestically in captivity or fur bearing animals raised in captivity.

Nuisance. That activity which arises from unreasonable, unwarranted or unlawful use by a person of his own property; obstruction to the right of another. Producing such material annoyance, inconvenience and discomfort that will presume resulting damage. That which annoys and disturbs.

5-30-98

**Page Two - Pet Policy**

one in possession of his property, rendering its ordinary use physically uncomfortable to him; e.g. odors, or noise. An offensive annoying, unpleasant or obnoxious thing or practice; a cause or source of annoyance especially a continuing or repeated invasion or disturbance of another's rights.

Declarants. The Board of Trustees of The Walden on Lake Conroe Community Improvement Association, Inc.

Pets at Large. Pets which are not contained within the owner's property; free, unrestrained, not under control.

**IV. Rules**

A. No animals, whether livestock, wildlife, bees, poultry, or even household pets shall be raised, bred or maintained on any lot for commercial purposes.

B. No animals other than dogs, cats or other normal household pets of reasonable and limited number or specie may be kept on any lot.

C. No owner shall allow his pet to become a nuisance or threat to other owners, guests or neighbors.

D. No owner shall allow his pet, whether dog, cat or other domestic pet under his ownership control to leave such owner's lot unless leashed or under firm personal control and accompanied by a responsible member of the owner's family.

E. Owners shall at all times conform to the Montgomery County Health Department's Animal Restraint and Rabies Control Ordinance.

F. Owners wishing to report a complaint against another owner's pet shall be required to do so in writing by filing a Pet Grievance Form.

G. Grievances shall be reviewed by association management and if appropriate, referred to the Association's Pet Committee for review. The Pet Committee shall make recommendations to the W.C.I.A. Board of Trustees regarding serious corrective action such as legal process.



**Walden on Lake Conroe Community Improvement Association, Inc.  
Use of Yacht Club Pool After Scheduled Hours**

**I. Purpose:**

It is the intent of the Board of Trustees of the Walden On Lake Conroe Community Improvement Association to operate the Walden Yacht Club swimming pool in as safe a manner as possible while meeting all maintenance guidelines of the Montgomery County Health Department. In addition, the Board wishes to allow a liberal schedule of operating hours that will maximize the pool's usage by various age and user groups on a year-round basis.

**II. Policy:**

A. Walden Yacht Club swimming pool will be available for property owners in good standing and authorized guests. Access will be allowed on a daily, off-season schedule without lifeguards on a "swim at your own risk" basis. Proper posting of the Health Department's required signage in this regard will be maintained. Off-season hours of operation will be 10:00 a.m. until 6:00 p.m., generally from Labor Day to Memorial weekend.

B. In summer season, Memorial weekend until Labor Day, Walden Yacht Club swimming pool will be available to property owners in good standing and authorized guests with life guards on duty 10:00 a.m. until 10:00 p.m.

C. Access prior to 10:00 a.m. in the summer season will be limited to participants in scheduled programs such as swim lessons, swim team and aquatic exercise groups.

D. Gates to the pool will be locked at 6:00 p.m. off-season and 10:00 p.m. summer season and all users will be required to leave the pool premises at closing.

E. Swimming "after hours" or after posted hours of operation will not be allowed. This after hours period will be utilized for proper maintenance and obviously as an observance of all normally recognized safety precautions.

**Walden on Lake Conroe Community Improvement Association, Inc.  
Boat Ramp Storage Violation/Towing Policy**

**I. Purpose:**

To provide reasonable guidelines for access to and usage of the two boat ramps and adjacent parking areas known as the North and South Boat Ramps. These areas are designated for parking during watercraft day usage only, not as temporary or permanent storage under any circumstances.

**II. Policy:**

A. Access to the boat ramps and respective parking areas is limited to Walden property owners in good standing and authorized guests. Authorized guests will include house guests of owners, guests of the W.C.I.A. Board or Management, overnight guests of recognized rental programs, lessees of a Walden residence and authorized boat repair shop representatives.

B. The ramps may be utilized for launching or re-trailering of owners' and guests' watercraft. The related equipment to include trailer and vehicle used to launch the watercraft may be parked in the adjacent lot for the period of watercraft usage.

C. Vehicles and trailers should be appropriately identified by display of property owner decals or a guest launch pass. Guest launch passes may be obtained with proper identification from the W.C.I.A. Administration Office or Walden Marina. Authorized rental programs will issue the approved guest(s) a Walden guest card (green card) with magnetic strip to operate the security gate at either ramp.

D. Extended parking up to 72 hours may be preapproved at either the Administration Office or Walden Marina for extenuating circumstances.

E. The Walden Deed Restrictions Officer will check each ramp daily to identify users. The following circumstances will result in a tow order to be initiated with a recognized storage-for-fee lot (all related tow and storage fees to be paid by violator/owner of equipment towed).

- 1) Watercraft without TX numbers or trailers without license plate.
- 2) Any vehicle or trailer without Walden owner identification of guest pass.
- 3) Any vehicle or trailer stored past expiration date of special 72-hour pass.

5-22-99

**Walden on Lake Conroe Community Improvement Association, Inc.**  
**Storage of Small Watercraft on Private Docks**

**I. General:**

Walden on Lake Conroe, as its name implies, is a waterfront community, which depends greatly on the quality of life the lake, as an amenity, affords waterfront property owners. The lake provides one of the major recreational amenities around which this community was developed. It would follow, therefore, that the various watercraft and water-based recreational "toys" are critically related to the overall enjoyment of the lake as an amenity. Perceived value of property is impacted by accessibility of the lake by waterfront owners. The storage of this type of equipment, in turn, has impact on the image or the "look and feel" of the community.

The restrictions for each platted Section of the community specifically address the issue of boat trailers, boats, travel trailers, inoperative automobiles, campers, vehicles of any kind or portable buildings being stored permanently or semi-permanently in public view. "Public view" is generally considered to be the front or street-side of the property such as the driveway or in the street right-of-way. The restrictions do not specifically address the storage of smaller watercraft or water related recreational equipment on waterfronts except to address approval of construction of boat slips, docks and bulkheads.

**II. Purpose:**

The Board of Trustees of the Walden on Lake Conroe Community Improvement Association wishes to create a reasonable plan to allow the normal usage of equipment such as jet skis or similar watercraft, canoes, kayaks, paddleboats, etc., and that the storage of such equipment at the shoreline be controlled so as not to negatively impact the surrounding community.

**III. Policy:**

A. Jet skis (or similar watercraft) are to be stored in the water at the shoreline, on a ramp designed into and constructed as part of the bulkhead and dock or stored on a mechanical lift device. Should a lift be utilized, the top of the watercraft, when raised to its maximum height position, should be no higher than 207' MSL (or approximately 4' above normal bulk heading of 203' MSL). This height and size of this category of watercraft must not unreasonably restrict views from adjacent property. It is intended that this height not exceed that of normally accepted boat covers installed over boat lifts. In addition, consideration should be given to limiting storage of jet ski type craft to a reasonably limited number.

B. Paddle craft to include canoes, kayaks, paddleboats, flat bottom boats, etc. should also be limited in number and kind. These items may be stored neatly at the shoreline in a safe and secure manner so as not to create an unreasonable visual obstruction or to create a nuisance by their presence. Clearly, the preferred or most acceptable storage of this type of watercraft would be in a garage or behind a side yard fence.

**Page 2 - Storage of Small Watercraft on Private Docks**

C. As with any other play or work equipment, it should be returned to proper storage after each use.

D. Storage of any watercraft on the lawn or landscaped areas is prohibited.

**Walden on Lake Conroe Community Improvement Association, Inc.  
Garage Sales Policy**

**I. General:**

Occasionally, property owners may wish to conduct a garage sale at their personal residence to rid themselves of unnecessary or unwanted, but generally useful items. A typical garage sale is advertised to the general public, but interested shoppers experience difficulty in finding a home strictly by an address. A typical garage sale may be conducted from early morning to mid-afternoon and may utilize the drive-way for display. The typical garage sale can be somewhat unsightly, attract atypical guests to Walden and can create short-term traffic and parking problems in the immediate area.

**II. Purpose:**

To establish rules to prevent garage sales from negatively affecting the image of Walden and to prevent inconvenience to neighbors near garage sale locations.

**III. Policy:**

- A. All garage sales must be registered with Walden C. I. A. This information shall be distributed to Walden Deed Restrictions Officers and Walden security.
- B. Walden Deed Restrictions shall monitor the host residence to prevent negative impact on neighboring properties. The sale activity shall be limited in scope and space.
- C. Display of items for sale shall be limited to one's residence, garage or driveway no further forward on the property than the front property line. Lawn areas in front (or side abutting a sidestreet) of the home shall not be utilized for display.
- D. Clothes and other hanging displays shall not be visible from the street.
- E. Walden security personnel shall monitor the area to prevent parking which might become an impairment to traffic or emergency vehicles.
- F. Roadside directional signage is not allowed and shall be removed by Walden Deed Restrictions Officers.

**Walden on Lake Conroe Community Improvement Association, Inc.  
Increased Minimum Building Requirements for  
Walden CIA Administrative Resale of Residential Lots**

**I. General:**

Periodically, Walden CIA may acquire by purchase, foreclosure or deed in lieu of foreclosure process, certain residential lots. The association may designate certain lots as common area green space or may resell the property. Texas Property Code allows restrictive encumbrances to be included in conveyance documents, which may exceed and supercede the deed restrictions filed of public record.

**II. Purpose:**

This policy shall determine the additional restrictions under which any transfer of residential property from Walden CIA may be conveyed.

**III. Policy:**

- A. Any deed for conveyance of a residential lot from Walden CIA to an individual or builder shall contain certain increased minimum building standards compared to the deed restrictions filed of record.
- B. The Walden CIA General Manager shall continue to be authorized to convey such properties on behalf of the corporation.
- C. The General Manager shall be directed and authorized to increase certain minimum building standards compared to individual section deed restrictions as designated in the attached Exhibit A entitled Increased Minimum Building Requirements for Walden CIA Administrative Resale of Residential Lots.
- D. The Increased Minimum Building Requirements for Walden CIA Administrative Resale of Residential Lots shall be specified in the individual deed for any conveyance from Walden CIA and shall be considered constructive notice to any future buyer when filed of public record.
- E. The Increased Minimum Building Requirements for Walden CIA Administrative Resale of Residential Lots shall be filed of record in the deed records of Montgomery County in its entirety and shall be noted in the Walden CIA's annual affidavit of records for disclosure filed as Memorandum of Dedicatory Documents.
- F. The Increased Minimum Building Requirements for Walden CIA Administrative Resale of Residential Lots shall be included in the Walden CIA's disclosure package as required by Texas Property Code.

3-24-04

**Page Two - Increased Minimum Building Requirements for Walden CIA  
Administrative Resale of Residential Lots**

- G. Individuals conveying residential properties shall be encouraged and authorized to include identical requirements of the Increased Minimum Building Requirements for Walden CIA Administrative Resale of Residential Lots on a section-by-section basis providing, however, that the restrictive language requiring the increased standards be pre-approved by the Walden CIA General Manager and that a copy of the publicly filed deed be provided to the Walden CIA.

**Exhibit A**  
**Increased Minimum Building Requirements for**  
**WCIA Administrative Resale of Residential Lots**

The minimum building standards listed below shall be required as a matter of WCIA Board Policy. These standards shall be made a part of the deed in the conveyance process by Walden on Lake Conroe Community Improvement Association, Inc. to the party purchasing any WCIA lot after March 24, 2004. Walden C.I.A. shall also encourage and allow the same minimum standards to be included in private individual conveyance transactions subject to prior approval of the deed language regarding enhanced standards.

**Minimum Building Standards**

<u>Section</u>	<u>1 Story/1½ - 2 Story</u>				
	<u>Waterfront</u>	<u>Golf Course</u>	<u>Residential</u>	<u>Patio/TH</u>	<u>Minimum Masonry</u>
One	N/A	N/A	2400/2800	N/A	100%
Two	2800	N/A	2400/2800	N/A	100%
Three	2800	N/A	2400/2800	1800	100%
Three A	N/A	N/A	N/A	1800	100%
Four	2800	N/A	2400/2800	N/A	100%
Five	2600 Patio	N/A	2400/2800	1800	100%
Six	2800	N/A	2400/2800	N/A	100%
Six A	2100	N/A	2400/2800	N/A	100%
Seven	1800	N/A	N/A	1600	100%
Seven A	2800	N/A	2400/2800	N/A	100%
Eight	N/A	N/A	2400/2800	N/A	100%
Eight A	N/A	N/A	2100/2400	N/A	100%
Nine	2800	2800	2400/2800	1800	100%
Ten	2600	2400	N/A	2100/2400	100%
Eleven	N/A	2400	2100/2400	N/A	100%
Twelve	2800	N/A	N/A	2400/2800	100%
Twelve A	2800	N/A	2400/2800	N/A	100%
Fourteen	2800	N/A	2400/2800	N/A	100%
Fifteen	2800	N/A	2400/2800	N/A	100%
Sixteen	2600	N/A	N/A	2100	100%
Seventeen	2800	N/A	N/A	2400/2800	100%
Eighteen	N/A	N/A	*2100/2400	N/A	100%
The Estates	N/A	N/A	N/A	N/A	N/A

\* No duplex residential dwellings



**Walden on Lake Conroe Community Improvement Association, Inc**  
**Parking and Storage of Vehicles and Equipment**

**I. General:**

The Board of Trustees of the Association is obligated to interpret and enforce the deed restrictions of the various sections and to mitigate known safety hazards in order to protect members. The Parking of automobiles and other motorized equipment must conform to deed restrictions and must be accomplished in a safe manner.

**II. Purpose:**

The purpose of this policy is to provide guidelines for parking and storage of vehicles and equipment.

**III. Policy:**

- A. There shall be no parking or storage of boats, marine craft, hover craft, boat trailers, travel trailers, campers, trailers of any kind, inoperable automobiles, operative vehicles, vehicles of any kind, non-motorized vehicles, aircraft, portable buildings, machinery or equipment of any kind upon the following areas:
1. any grassy area, including but not limited to the front and side yard of any lot, common areas, easements or right-of-way;
  2. a vacant lot; or
  3. an adjacent lot to an owner's lot;
- B. There shall be no permanent or semi-permanent storage of boats, marine craft, hover craft, boat trailers, travel trailers, campers, trailers of any kind, inoperable automobiles, operative vehicles, vehicles of any kind, non-motorized vehicles, aircraft, portable buildings, machinery or equipment of any kind, on any portion of any lot unless such is concealed from public view within the garage, behind a fence which encloses the rear of a lot, or other ACC approved enclosure. "Semi-permanent storage" shall mean storage for three (3) or more consecutive days.
- C. Parking in the driveway is allowed for passenger automobiles, passenger vans or pickup trucks that: are in operating condition; have current registration and inspection stickers; and are in daily use as motor vehicles.

**Walden on Lake Conroe Community Improvement Association, Inc  
Property Owner Complaint Procedure**

**I. Purpose:**

It is the intent of the Board of Trustees of the Walden on Lake Conroe Community Improvement Association to establish a clear, easy to understand procedure for property owners who wish to register a complaint about the services and amenities administered by the Board. The objective is to respond to complaints in a timely manner and provide a satisfactory resolution to the property owner's concern.

**II. Policy:**

- A. A property owner may call, write or email the WCIA office or the department heads of the Racquet Club and/or Yacht Club. Staff will respond within 24 hours of receipt of complaint.
1. W.C.I.A. Office: (936) 582-1622
  2. Deed Restrictions/Animal Control: (936) 582-4275
  3. Racquet Club: (936) 582-1022
  4. Security: (936) 760-5800
  5. Yacht Club: (936) 582-4150
- B. If complainant is dissatisfied with response, he or she should speak to the general manager.
1. General Manager: (936) 582-1622
- C. If complainant is dissatisfied, then he or she may request a meeting with the Board committee with oversight of the area being complained about.
1. Please contact the WCIA office to set up a meeting with any committee.
- D. If complainant remains dissatisfied, he or she may appeal to the Board of Trustees.
1. Please contact the WCIA office to set up a meeting with the Board of Trustees.

**Walden on Lake Conroe Community Improvement Association, Inc.  
Coalitions Outside Formal Board Meetings**

**I. General:**

The Board of Trustees is to conduct meetings and make decisions guided by the By-Laws of Walden on Lake Conroe C.I.A. In Article VI, Section 3 of the By-Laws, it States: “[a] majority of the Trustee members shall constitute a quorum for the transaction of business. Every act or decision performed or made by a majority of the Trustees present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board of Trustees.” This policy is in response to the concern of some homeowners that coalitions of Trustees of the Board may make decisions outside formal meetings of the Board.

**II. Purpose:**

To provide guidance to Trustees to limit the possibility of coalitions forming among Trustees, inhibiting the free and open discussion of issues by the entire Board.

**III. Policy:**

A. There should never be more than three (3) members of the Board of Trustees serving on any one committee of Walden on Lake Conroe Community Improvement Association, Inc. (WCIA)

B. No Trustee or Trustees should circumvent the By-Laws by meeting in numbers of a quorum or more at any time for the purpose of secret deliberations or for binding decisions regarding the affairs of WCIA.

C. Decisions made in a regular or special Board meeting because of such secret deliberations, straw votes, or commitments to vote a certain way, made outside of regular or special Board meetings, where there is a quorum of Trustees present, may not be valid.

D. Any Trustee found by the Board to be in violation of this policy may be removed by the Board or the President, as the By-Laws allow, as an officer, committee chair, or committee member.

E. Before a Trustee votes on a matter, the Trustee should exercise independent judgment concerning that matter. After seeking advice from others, the Trustee should decide how to vote independently based on his or her own understanding of the situation. A Trustee should not vote one way or the other based solely on some other Trustee's vote. A Trustee should not vote for something he or she does not understand.

**Walden on Lake Conroe Community Improvement Association, Inc.  
Capital Purchasing Policy**

**I. General:**

The following sets forth the policies of the Walden on Lake Conroe Community Improvement Association, Inc. (WCIA) for capital expenditures. The WCIA General Manager has authority to make capital expenditures, which are specifically approved by the Board of Trustees.

**II. Purpose:**

Goods and services for capital expenditures must be procured in a manner so as to assure the prudent and economical use of WCIA funds, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to conform to sound internal control practices. To further these objectives, the WCIA Board of Trustees has adopted the following internal policy governing capital expenditures:

**III. Policy:**

**Any capital expenditure expected to exceed \$10,000 shall be supported by the acquisition of three (3) competitive quotations from independent vendors.**

A. Exceptions – Competitive quotes will not be required for any of the following conditions:

1. An extreme emergency involving risk to public health, safety, or property;
2. Limited sources from which to procure goods or services so that there is no possibility of competition;
3. Contracts for professional services based upon proven past performance with the WCIA involving the application of specialized expertise, a professionally established relationship of trust and confidence, the use of professional judgment, or a high degree of creativity in past performance of a WCIA contract.

B. Documentation –

1. In the absence of the required number of quotations, the WCIA will also maintain written documentation defining the exception that applies.
2. The WCIA General Manager will provide justification and documentation for any contract award to a vendor other than the lowest bidder, setting forth the reasons why such award was concluded.
3. Suitable documentation may include but is not limited to verbal or written quotes, Board resolutions, memoranda, telephone logs, e-mails, requests for quotes, quotes, contracts, and other appropriate forms of documentation

9-28-06

*Walden  
On Lake Conroe  
Design  
Guidelines*

**July 2006 Amendment**

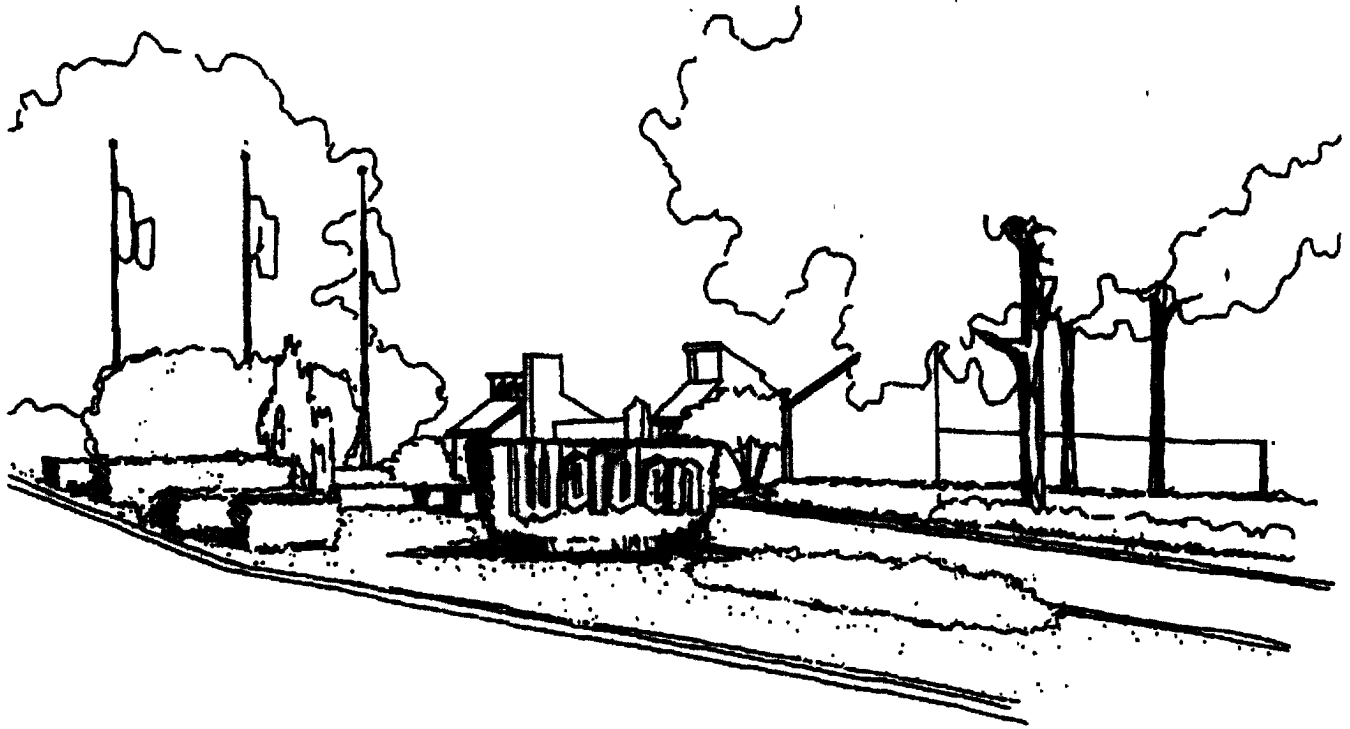


**COMMUNITY IMPROVEMENT ASSOCIATION**

***Walden  
On Lake Conroe  
Design  
Guidelines***

June 30, 1992  
As Amended July 2006

**Walden on Lake Conroe  
Community Improvement Association  
13101 Melville Drive  
Montgomery, Texas 77356  
(409) 582-4222**



*The Entrance to Walden*

*These guidelines are for the exclusive use of the Walden on Lake Conroe Community Improvement Association and property owners for use within the community of Walden on Lake Conroe, Montgomery, Texas*

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## How To Use This Guideline

In Walden on Lake Conroe, property owners who want to make improvements to the exterior of their residence or to their property are required to first obtain the approval of the Architectural Control Committee (ACC). This Design Review Guidelines Manual will help in planning and making any such improvements.

To know everything there is to know about the design review process, as applicable to any improvements, additions and/or alterations, read this entire booklet, including the Appendices.

To know why Walden on Lake Conroe has design guidelines and how the process works, read the Introduction and the Appendices.

To know how to prepare and submit an application to the ACC for a change to your property, read the following:

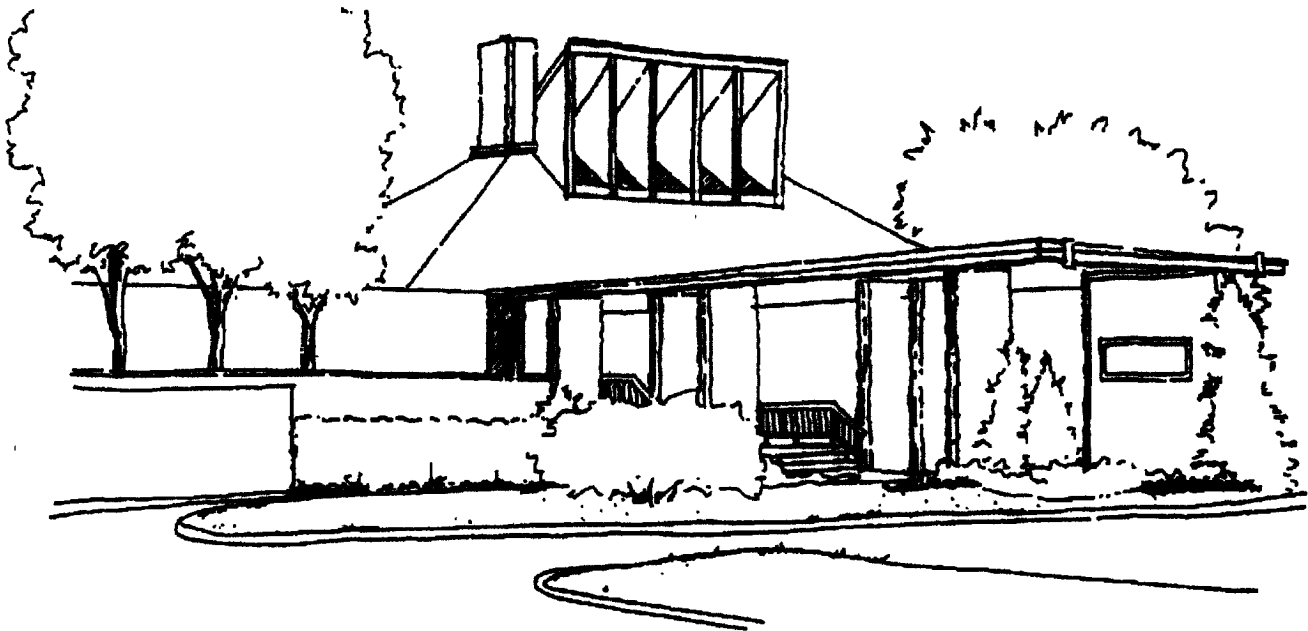
**Design Review** – the Purpose, Objectives and Design Criteria that relate to the overall Community;

**Design Review Guidelines** – the Introduction and the subsection that relates to the specific improvement you want to make; and

**Appendix** – the ACC Approval Process and Application Procedures.

If your application concerns townhouse or condominium, commercial/institutional or public use property, read the applicable section.

If your application is for initial construction, read this section and contact the WCIA office to obtain the most current version of the Initial Construction Submission Checklist.



*Walden Yacht Club*

## Introduction

### Walden on Lake Conroe

A typical planned community may have 200-500 units, all one style of architecture and usually only one type of housing or use. Walden on Lake Conroe is planned for 5,239 dwellings. Virtually all of the properties have been sold and over 1,500 dwelling units exist today. There are single family detached houses, patio homes, townhouses and condominiums, and a variety of commercial and institutional buildings, including the Walden Yacht Club, Racquet Club and Golf Club-house.

Walden on Lake Conroe is located on a peninsula in Lake Conroe, Montgomery County, Texas. The Lake, together with a 536 slip marina, an 18 hole golf course, and 16 court tennis facility, provide the major recreational amenities around which this primarily, second-home community was developed.

Walden continues to grow and changes are continuing to occur. Year round residency is increasing, as is

the average size of the residential dwellings. Additions and alterations to existing older residences are also increasing in number; and replacement (residing, reroofing, painting, etc.) is increasingly required.

Through the administration of the Deed Restrictions and Covenants, the Walden Community Improvement Association (WCIA) and the Architectural Control Committee (ACC) guide the Community's development. The image, quality of life and the highly desirable overall character of Walden are, in part, the result of this process. Maintaining these values is important to all Walden residents. The Deed Restrictions and Covenants are more important than ever to the future of the Community as Walden continues to grow and age. As Walden grows older, the Community will mature gracefully and maintain the standards initially set out if the Covenants are understood and adhered to by all property owners.

## Deed Restrictions

Walden on Lake Conroe is a planned community. Walden residents live together under the terms of an agreement that is spelled out in the applicable Deed Restrictions which are recorded in Montgomery County. These Restrictive Covenants are legally incorporated into the deed of each individual property and run with the land.

The Deed Restrictions or Use Covenants are intended to protect the integrity of the entire Community by establishing a uniform plan for the development, improvement and sale of properties; and to insure the preservation of the image and character (the "look" and "feel") of Walden for the benefit of both the present and future owners.

How things look does matter. Appearances are a form of courtesy. Article III of each Section's Restrictions specifically addresses this concept of protecting the "look" of Walden, and maintaining its value as residential property. Use Restrictions (as Article III is entitled), have a direct impact on the quality of everyday life in the Community. Use Restrictions remain an integral part of the overall plan, section and more specifically each individual property.

They are carefully thought out regulations that contribute to the ambiance of Walden by governing how each property is to be utilized and maintained.

## The Community Improvement Association (WCIA)

The Walden on Lake Conroe Community Improvement Association (WCIA), a non-profit corporation, was formed for the following purposes:

- To provide for the preservation and maintenance of the properties subject to the Deed Restrictions, Covenants and other conditions applicable to the various Sections of Walden on Lake Conroe;
- To promote the health, safety, welfare, civic pride and aesthetic values of the residents within the Community; and
- To exercise all of the powers and privileges, and to perform all of the duties and obligations of the Walden Community Improvement Association (WCIA), as set forth in the Declaration of Restrictions for each of the Sections of Walden on Lake Conroe.

The Association (WCIA) may make whatever rules or by-laws it may choose to govern the organization, provided that they are not in conflict with the provisions of the Deed Restrictions. It also (with the ACC) sets Minimum Construction Standards.

Every property owner of any of the properties within Walden, shall be a member of the Walden on Lake Conroe Community Improvement Association. Ownership shall be the sole qualification for membership. Each lot in Walden is subject to an annual maintenance charge and assessment, for the purpose of creating the "maintenance fund." The WCIA uses the proceeds of the maintenance fund for the use and benefit of all residents of the Community. The uses and benefits include the following: the maintenance and operation of the swimming pools, tennis courts, boat ramps, right-of-ways, easements, esplanades, parks

and other public areas; the payment of all expenses incurred in connection with the enforcement of all charges and assessments, covenants, restrictions, and conditions affecting the properties; and all reasonable and necessary expenses in connection with doing anything desirable or necessary to keep the properties neat and in good order and which is considered of general benefit to the members.

**Architectural Control Committee (ACC)**

**Designation**

The By-laws of the Community Improvement Association empower the Association to designate an Architectural Control Committee (ACC). The ACC shall have no fewer than three (3) members appointed by the Board of Trustees of the Association.

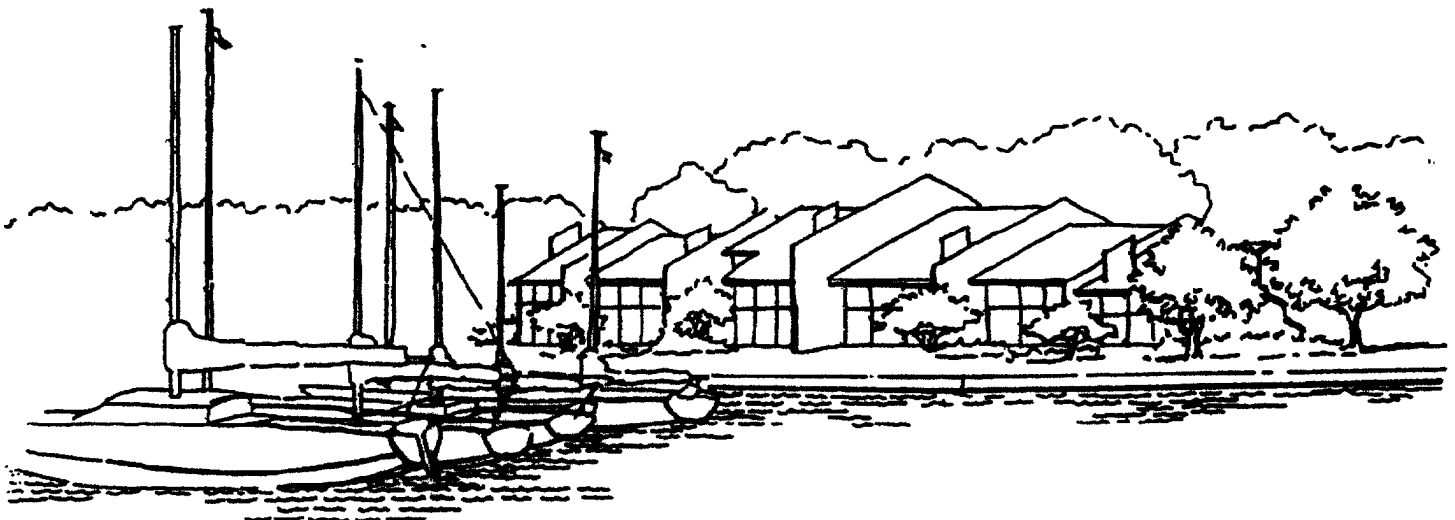
Members have a term of three (3) years. In addition, the Board has the exclusive right and power, at any time, to create and fill vacancies on the Committee.

**Function**

While the Deed Restrictions give the WCIA the responsibility for administering the Covenants, the power to make decisions involving the "Design Covenants" (design review and approval) is given solely to the Architectural Control Committee (ACC).

No improvement, as defined in any of the Declarations which affect each Section of Walden, shall be commenced, erected, placed, maintained or permitted to remain on any portion of any property, or to existing improvements, until plans and specifications, in such form and detail as the ACC may deem necessary, are submitted and approved in writing by the ACC. The decision of the ACC shall be final and binding upon the applicant.

The ACC has the power to employ professional consultants to assist in discharging its duties and has the right to charge a reasonable fee to defray the cost of review.



*Townhouses on the Marina*

### **Rules and Regulations**

The Architectural Control Committee (ACC) may establish such rules and regulations as it, in its sole discretion, deems proper to establish Minimum Construction Standards; and to govern the submission and review of initial construction or subsequent improvements such as additions and/or alterations. These rules and regulations are applicable to the Community and, with few exceptions, may be amended at any time as the ACC sees fit.

The Design Guidelines and other WCIA policies are available to all property owners upon request. These documents have also been filed with Montgomery County in accord with the Texas Property Code, and are available to the public among the real property records.

### **Enforcement**

The Community Improvement Association is authorized to enforce compliance with the Deed Restrictions and the decisions of the ACC, through any appropriate legal and equitable proceedings on behalf of and in the name of the Association. In other words, the WCIA, not the ACC, is responsible for enforcing the Deed Restrictions, rules and policies, including the decisions of the ACC.

To facilitate enforcement, the WCIA employs *Deeds Restrictions Staff* whose duties include, but are not limited to, verifying the conformity of all construction with the plans and specifications approved by the ACC, as well as the general review of all Sections of Walden on Lake Conroe for compliance with the respective Deed Restrictions.

Enforcement of Walden's Deed Restrictions, including all policies and procedures, enhances and protects the value, desirability and attractiveness of all property at Walden.

Successful administration of the Deed Restrictions, policies and procedures requires striking a balance between the special design quality of Walden and a concerted effort not to over-regulate. This requires property owners to play an active role in the process. In return for compliance each property owner has the right to expect every other property owner to abide by the Deed Restrictions and the decisions of the ACC. Together the Architectural Control Committee, the Community Improvement Association and the individual property owners help create and maintain the value of all property in the Community.

## Design Review

### Purpose

One of the reasons Walden on Lake Conroe is a special place is that all property is subject to the Deed Restrictions, policies and procedures. The intent is to:

- Preserve the overall image and character of Walden on Lake Conroe, especially the preservation of views of the lake and the golf course, and the related open space and woodlands;
- Maintain the overall quality of life, including the aesthetic standards that have been established, the design integrity that has been achieved, and the overall high quality of architecture;
- Encourage environmental sensitivity toward the waterfront and the protection of woodlands, open space and other natural areas;
- Uphold and enhance property values; and
- Prevent the deterioration of those qualities that have been established over time.

These objectives are accomplished primarily through the Architectural Control Committee (ACC) and the design review process, as defined in the Deed Restrictions and in the By-Laws of the Walden Community Improvement Association (WCIA) as and applied to all property.

The Design Review Guidelines manual is intended to provide the information needed to work within this process. Specifically, in order to make any improvement to the external appearance of your property, you must first obtain the approval of the ACC. The Design Review Guidelines outline the why, who, and what involved in obtaining this approval.

## Objectives

Specific objectives of the Design Review Guidelines are to preserve and maintain those "special" characteristics of Walden on Lake Conroe that existed when the Community was first planned and have been enhanced through its development. Paramount among these are the following:

- Preservation and enhancement of the views and vistas, especially those of the waterfront, the golf course and related open space and woodlands;
- Maintenance of the integrity and character of development on the waterfront and golf course; in particular, the consistent design treatment of the water's edge and the open character of properties on the golf course;
- Preservation of the woodlands the overall existing natural environment of the Community; and
- Preservation of the look and feel of the "custom" or individual design characteristics of the single-family home areas and the specific avoidance of obvious duplication of exterior elevation plan designs.

Walden was planned and developed around Lake Conroe and the recreational amenities of the marina, the golf course and tennis facility. The interior of the community is, for the most part, wooded. These are the essential elements that create the image and character of Walden; and they must not only be protected but also enhanced. As Walden continues to develop, it is essential that future development maintain a respect for and compatibility with that which exists, both in character and in the high quality of design.

Future development must provide continued sight lines and views of the water and the

golf course. Existing interior woodlands should be conserved to the greatest extent possible; and, where required to be removed for construction,

replacement trees should be provided. Supplemental planting is also encouraged around existing native tree stands.



*Home on the Golf Course*



## **Design Guidelines**

### **Introduction**

The design guidelines presented on the following pages address site, architectural and landscape design guidelines that apply to a broad range of exterior improvements that a property owner may wish to undertake; including major new construction, additions, renovations, modifications and numerous both site and architectural improvements.

The great variety of differing contextual relationships makes it impossible to address each specific design condition; however, these guidelines define the primary factors to be considered when considering improvements.

Where applicable the guidelines include "General Considerations" for the initial planning and design of the improvement(s). These are followed by specific guidelines and specifications which describe acceptable, and sometimes unacceptable, design solutions to assist in the design of your improvement. In many cases the guidelines are very clear as to not only intent but also what is an appropriate improvement; however, these guidelines should not restrict the development of a well thought out alternative solution, nor are they intended to be all inclusive.

The Design Review Guidelines apply in general to all of Walden, and specifically to Residential and Patio Home Lots. Sections specific to multi-family (Townhouse and Condominium), Commercial and Institutional development are

also included. (See Special Considerations for Townhouses and Condominiums, p. 51; and Commercial/Institutional Design Guidelines, p. 55.) There is also a section specific to Initial Construction, p. 59.

### ***General Considerations***

Where applicable the guidelines are presented under the headings of Site Design, Architectural Design and Landscape Design Guidelines. Although most improvements are architectural or building related, some are primarily site and/or landscape improvements. Furthermore, many architectural improvements also involve both site and landscape improvements as well.

The general considerations contained in the Design Review Guidelines are those described in the Purpose and Objectives set forth earlier in this manual. The Guidelines seek to protect the existing character and image of the Community.

General Considerations for Site, Architectural and Landscape Design Guidelines follow:

### **Site Design Guidelines**

Walden on Lake Conroe is a planned community. The overall plan for Walden, together with the Deed Restrictions and Restrictive Use Covenants has resulted in a high quality living environment, both functionally and aesthetically. The design of each section and each lot is and should continue to be distinctive, yet cohesive in character with that of other properties in order to create and maintain the overall unified character of the Community.

The overall identity of Walden on Lake Conroe is that of a wooded waterfront community; one of both natural and man-made amenity. This is achieved through well planned and organized site design and the quality of architectural and landscape design.

The site design includes sound site planning and engineering relationships between streets, buildings/structures, open space and utilities; also incorporating screening and buffers. Of particular significance to the maintenance and enhancement of this character is the preservation of the views to the water and the wooded interior lots, while at the same time maintaining the privacy that exists between residences.

### **Architectural Design Guidelines**

Walden on Lake Conroe presents the image and character of a distinctive community of richly differentiated and high quality architecture. Single family residences, and patio homes, townhouses and condominiums, as well as commercial and institutional architecture, all express the overall goals, reinforce the design intent, and reflect the high level of quality of the Community.

### **Landscape Design Guidelines**

As with site design and architecture, the landscape design of Walden on Lake Conroe is integral to the overall character of the Community. Landscape design must not only be consistent with the overall character, including preservation of the natural environment, but must also act as an extension of this theme. Similar, if not identical, paving and plant materials are used throughout; and, although the landscape design may vary from property to property, maintaining the existing unified high quality visual environment is paramount. For this reason, WCIA's ACC has adopted a Landscape Policy, a copy of which may be obtained from the WCIA office.

## **Additions**

### ***General Considerations***

Additions should be planned and designed with the same care and consideration as initial construction.

All ordinances, codes, restrictive covenants and guidelines set forth for initial construction shall apply to additions.

The design of an addition must be compatible in character, scale, massing, materials and color with the original residence.

Additions often will have an impact on adjacent properties and plans must minimize any adverse impact. Applicants are encouraged to consult with adjacent property owners.

Concept drawings or preliminary plans may be submitted for an informal review and comments by the ACC before final plans are completed.

### ***Specific Guidelines***

#### **Site Design Guidelines**

The location of a major addition should not have an adverse impact on adjacent properties through either the elimination of privacy or the removal of existing views.

Additions should be located to minimize the removal of trees and the destruction of natural areas.

Changes in grade or drainage must not adversely affect adjacent properties.

## **Architectural Design Guidelines**

The design must be compatible in architectural style, scale, massing, materials and color with the existing dwelling.

The new roof pitch should, if possible, match that of the existing roof.

New windows and doors should match, and be located to relate well to those of the existing dwelling.

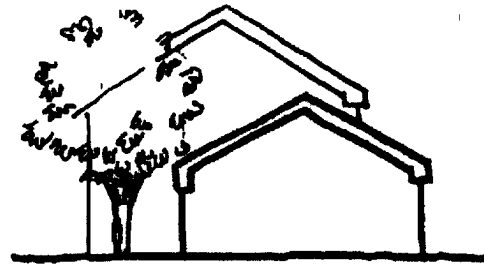
## Landscape Design Guidelines

The ACC may require supplemental landscape treatment to compensate for the removal of vegetation, or to visually soften the addition.

### *Application Requirements*

The submission requirements for Additions are the same as those for Initial Construction, (see Initial Construction Submission Checklist, Appendix A-3, p. 69); and should include:

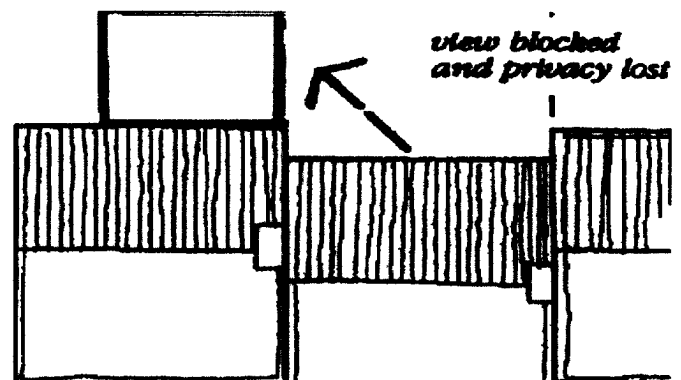
- A site plan (plat, site plan or reasonable facsimile) showing the location of the proposed addition or alteration, the existing residence and any accessory building/structures, property lines, easements, building lines, etc.;
- Detailed construction drawings to scale, including drawings showing the affected elevations with the proposed changes;
- Drawings or photographs showing the existing conditions before the proposed changes;
- Samples of materials and colors;
- Catalogue clippings or manufacturer's "cut sheets" of outdoor light fixtures and other "off-the-shelf" items; and
- A landscape plan, as applicable and/or required.
- The submission of perspective drawings (sketches) and/or models is recommended for complex projects.



*Addition Preserves/  
Maintains Trees*



*Addition Roof Slope and Materials  
Match Existing Dwelling*



*Addition Considers Impact on  
Adjacent Properties*

## Exterior (Architectural) Elements

### *General Considerations*

Residences must retain the overall appearance of quality.

There should be no substantial difference between front, sides and rear elevations in that residences are often seen from all sides. This is especially important on waterfront and golf course properties.

All architectural elements, including building accessories, must be designed as part of the total design of the residence whether or not they are standard or optional items.

Materials, color and detailing should relate well to the existing building architecture and design.

Detailing should be thorough, consistent and sensitive throughout.

### **Walls (Residing)**

The exterior walls of all residences are preferred to be primarily of masonry construction and, in all cases, shall be no less than 25% masonry, unless approved in writing by the ACC. (Stucco is considered masonry.)

Masonry is preferred on the front wall of all residences.

Masonry is also recommended on the sides of residences facing the water or the golf course.

Brick is the preferred building material. Sympathetic uses of stone, tile and stucco are encouraged.

The type and color of brick should be compatible and in harmony with that of the adjacent residences.

All wood siding shall be a No. 1 tongue and groove material; cyprus is preferred.

All wood siding is required to be painted/stained; clear preservatives are not permitted.

(See Painting/Staining p. 12.)

Any accessory building/structure, including exposed foundation walls, etc., must be finished in a manner compatible with the finished walls of the residence and the overall design and character of the building.

Additions and/or alterations should incorporate the same (brick, wood, or other) siding material as in the original construction; and, if not available, a substitute that best matches the original material, should be submitted for ACC approval.

All additions and/or alterations and/or replacements shall incorporate materials of equal or better quality than the original/existing materials.

### *Application Requirements*

A catalogue clipping, "cut sheet" or sample of the proposed siding material, including color; and

The construction and trim details to be used at the corners, windows, doors, and soffits.

### **Roofing/Reroofing**

Applicable roofing materials include slate, tile, metal, built-up roofing, and composition shingles of a type, weight, quality and color approved by the ACC.

Composition roofing materials are recommended to be 320 lbs. per square and shall be a minimum of 280 lbs. Shingles should have a minimum manufacturer's warranty of 30 years.

Wood shingles, including cedar shakes, are not permitted due to their lack of fire retardant qualities.

Shingle colors shall be "Weathered Wood" or similar in color as may be approved by the ACC. Colors should be consistent throughout the Community. Though the ACC does not make recommendations of any specific manufacturer, approved shingles include:

- Elk Prestige I, Weathered Wood Grey
- GAF Timberline, Weather Wood Blend
- Gen Star Architect 80, Driftwood
- Owens Corning Oakridge, Weathered Wood

Roofing material colors should be compatible between residences of like style and in harmony with adjacent residences.

Replacement roofs are encouraged to use the same roofing material and color as the original roof.

Partial reroofing will not be allowed.

Additions and/or alterations must incorporate the same roofing material and color as the original roof and, if not available, submit a sample of the desired substitute for ACC approval.

Roof vents, vent stacks, roof valleys, flashing and other roof items must be painted to match the color of the roofing material. Galvanized metal must be primed before painting.

#### ***Application Requirements***

A catalogue clipping, manufacturer's "cut sheet" and/or sample shingle or other roofing material;

A sample of the predominant color and/or a photograph showing the true colors of the residence.

#### **Painting/Staining (Color Changes)**

In order to maintain the natural character of the Community, paint/stain colors are recommended to be kept to the very low chroma range (muted tones).

Selected paint colors must be harmonious with the colors of other materials used on the residence, i.e., siding, roofing, etc.

Paint/stain colors must also be harmonious with the colors used on adjacent residences and throughout the Community.

Painting/staining color guidelines apply not only to the walls/siding of the residence, but also to all painted surfaces including, but not limited to, doors, windows, shutters, trim, etc.

Painted concrete sidewalks, stoops, steps and patios are not permitted.

#### ***Application Requirements***

No application/request for approval is required to re-use existing approved paint/stain colors or, if within a townhouse or condominium project, the approved cluster association palette.

For desired color changes, submit:

- Sample color chips of the proposed new colors and of the existing paint/stain colors to be retained;
- A description of what is to be painted; and
- A color photograph showing the existing colors of the residence, eg. brick, roofing, etc.

#### **Entries, Doors and Windows**

Entries, doors and windows should be conceived as reinforcing the design, character and quality of the residence.

Within a townhouse or condominium cluster, replacement doors/windows must be in accordance with the approved cluster association specifications. (See Special Considerations for Townhouses and Condominiums, p. 51.)

***Door/Window Additions/Replacements***

New or replacement doors/windows should match the design and color of the original existing doors and windows.

If all doors and/or windows are to be replaced, they should be harmonious with the architectural design and character of the residence.

The location of new doors and windows must be in harmony with the composition of the existing residence.

Trim detailing should be consistent.

Colors should be consistent or be compatible with the colors of the original/existing doors and windows.

Replacement glass should match the existing or original glass.

***Storm/Screen Doors and Windows***

Storm/screen doors and windows should not distract from or alter the appearance of the residence.

Storm/screen doors should have straight-lined framing and be without ornamentation.

The storm/screen door can be the standard "off-the-shelf" black, white or dark brown color; and/or may be painted to match the color of the door it fronts or the color of the surrounding trim.

Sliding storm or screen doors should match the size of the existing glass panels; and the frames should be the same width, color and thickness as the existing sliders.

Storm windows must have frames that;

- Have the same general configuration and are coincident with the existing window frames;

- Have a similar color value as the existing window frames, i.e., not contrasting.
- Scallops, ornamental grillwork, or decorative hinges will generally not be approved.

***Application Requirements***

A catalogue clipping or manufacturer's "cut sheet" and description of the proposed door/window, and the existing doors and windows;

A description of the color of the existing and proposed door/window frames; and

A diagram showing the location of the windows in relation to any existing windows or doors (for additions only).

**Building Accessories****Antenna/Satellite Dishes**

See Utilities (Mechanical Equipment), p. 44.

**Attic Ventilators**

All roof ventilation other than ridge ventilation, shall be located to the rear of the ridge line and/or gable and shall not extend above the highest point of the roof structure, so as not to be visible from the street.

On waterfront and/or golf course lots the location of ventilators and other major roof penetrations are encouraged to be located on side-sloping roofs so as not to be visible from the water and golf course, whenever possible.

Ventilators should be no higher than ten inches (10") above the surface of the roof.

All roof ventilators and other accessories must be painted with a flat paint to match the color of the roofing material, (see Roofing, p. 11).

Wall units may also be approved provided that they are located on side walls, do not extend excessively beyond the wall, and are painted to match the color of the material on which they are mounted.

### **Chimneys/Metal Flues**

All chimneys shall be of a masonry construction to match the residence.

A replacement chimney should match the design and material of existing chimney(s).

Wooden enclosures of flues are discouraged.

Spark arrestors and other metal extensions must be unadorned and non-ornamental. They should be flat black or painted to match the other roof accessories and the roof.

Metal roof top flues should extend no higher than the minimum required by the building code.

Flues should be black or painted the roof color.

### **Gutters and Downspouts**

All residences are recommended to have gutters and downspouts.

Gutters/downspouts should be located and installed to prevent water runoff from adversely affecting adjacent property.

Gutters/downspouts must be painted to match the surface to which they are attached.

### **Skylights**

Skylights should have a low profile and preferably be flat or with a slight curve.

The skylight should be installed so that it is parallel with the roof ridge and edges.

The skylight frame should be painted to match the color of the roof (roofing material).

### **Solar Collectors/Panels**

See Utilities (Mechanical Equipment), p. 44.

### **Security Devices**

Closed circuit security systems must be designed, located and installed so as to be an integral part of the architecture of the residence, and not detract from its design and appearance.

Closed circuit television cameras should be located behind windows or integrated within the architectural elements of the residence.

Cameras and housings, sirens, speaker boxes, conduit and related other exterior elements should be unobtrusive and inconspicuous. Such devices should be located where not readily visible, and shall be painted to match the surface to which attached.

Cameras and/or other security devices should not extend above the roof nor protrude from corners of buildings.

Barred or ornate metal security doors are discouraged. Grillwork on storm doors should be of simple design and painted flat black or the color of the door to which it is attached. Grillwork should not detract from or alter the appearance of the entryway.

The use of bars and/or grillwork on the outside of windows is discouraged and may not be approved by the ACC. Security window coating film or wiring should be considered in lieu of bars and grillwork.

Security Lighting; see Lighting (Illumination), p. 36.

### ***Application Requirements (for Building Accessories)***

A catalogue clipping or manufacturer's "cut sheet" and description of accessories, including dimensions;



Color specifications, chip or sample, including the existing colors of the residence, i.e., siding, roofing, trim, etc.;

A picture or drawing of the residence, accessory building/structure and a description showing where on the building the accessory(ies) will be located; and

Construction drawings showing custom design and details, where applicable.

## Accessory Buildings/Structures

**General Considerations:** None

### *Specific Guidelines*

#### **Site Design Guidelines**

No building shall be permitted on a residential or patio home lot other than a single family residence to include a fully enclosed garage and/or carport.

Detached garages and associated carports, where approved, must be attached to the residence by a covered walkway or other approved structure.

A bath/poolhouse, sunroom, greenhouse and other accessory buildings/structures may also be approved if attached to the residence.

A free-standing gazebo structure of not more than 150 square feet is permitted.

No attached accessory building may extend beyond the front wall of any single-family residence.

No attached accessory building may extend, nor may a gazebo or other free-standing structure be located, beyond the rear wall of the main residence on a waterfront or golf course lot.

No temporary structures shall be permitted on any property.

#### **Architectural Design Guidelines**

Any accessory building shall be of the same architectural design, materials and color as the residence to which attached or associated.

(See Miscellaneous Guidelines for Dog Houses/Runs and Storage Sheds, p. 46.)

## Landscape Design Guidelines

When selecting a location for an accessory building, views from the street and adjacent properties should be considered.

Accessory buildings/structures should incorporate appropriate landscaping, to include screening/buffers, where applicable.

The ACC may require additional landscaping if felt desirable to visually soften the accessory building/structure.

### **Submission Requirements**

Submission requirements are the same as those for Additions, p. 9. (Also refer to the Submission Checklist for Initial Construction, Appendix A-3, p. 69.)

## Driveways, Parking Pads and Sidewalks

### *General Considerations*

The design and treatment of circulation/ parking areas should be consistent with the overall image and character of the Community.

### *Specific Guidelines*

## Driveways and Parking Pads

### Site Design Guidelines

All residential and patio home lots shall have driveways.

All driveways shall be off of the street facing the front of the residence. Corner lots may receive ACC consideration from the side street.

Driveways shall be a minimum width of ten (10) feet and a maximum width of thirty-five (35) feet from the street to the front property line. Beyond the property line, the minimum width of the driveway shall be nine (9) feet,

If more than one driveway is constructed on one residential or "combined" lot, each driveway shall be separated by a minimum distance of twenty (20) feet.

Enlargement of driveways to include a parking pad and/or enlargement of parking pads should not adversely affect adjacent properties, natural areas or drainage.

### Architectural Design Guidelines

Driveways shall be of masonry construction (concrete, brick, stone and/or special paving) as approved by the ACC.

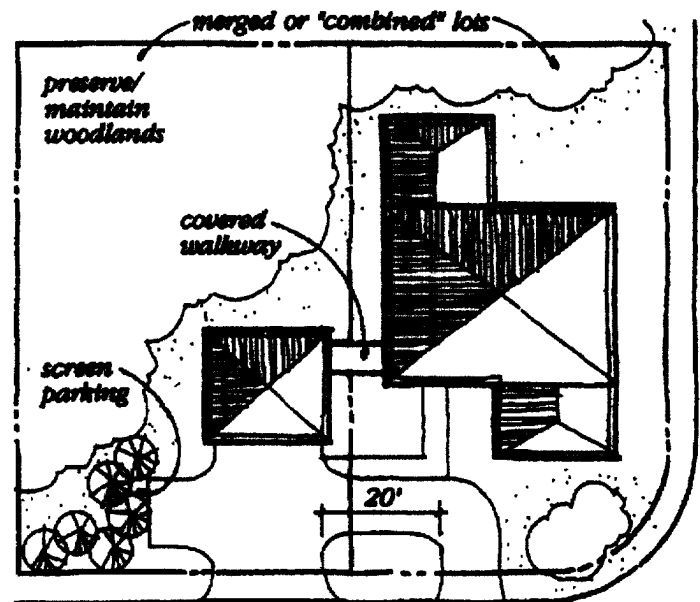
Driveway connections to subdivision streets shall be saw cut and not broken, with an expansion joint installed at each saw cut and at the property line.

Driveway additions/alterations must incorporate the same material(s), finish and color as the existing driveway.

### Landscape Design Guidelines

Large areas of paving/parking pads are recommended to be screened from streets and adjacent properties with appropriate landscaping.

Landscaping should emphasize a combination of evergreen and deciduous trees and shrubs, as identified in the Landscaping Policy which may be obtained from the WCIA offices.



*Garage (Accessory Building)  
Attached to the Residence*

## **Sidewalks/Walkways**

### **Site Design Guidelines**

No sidewalks or walkways shall be constructed across the front of any property, nor on the side of a corner property.

A sidewalk/walkway is recommended to parallel or lead from the driveway to the front entrance of the residence, as well as to connect other entrances and, where applicable, the pool, dock and other use areas.

### **Architectural Design Guidelines**

Sidewalks/walkways shall be a minimum of three (3) feet in width and a maximum of five (5) feet in width.

All sidewalks/walkways shall be of masonry construction, e.g., concrete, brick, stone or other approved special paving.

Sidewalk paving materials should be of compatible color and finish with the driveway, deck/patio and the residence.

Asphalt or gravel walkways are prohibited.

### ***Application Requirements***

A site plan showing the location of the existing driveway and/or parking pad, and proposed changes, the residence, accessory building(s), and property lines;

A description and/or sample of the paving material, including color;

A grading plan, if the grading is changed; and

A landscape plan, if applicable.

## **Garages and Carports**

### ***General Considerations***

See Accessory Buildings, p. 16.

### **Specific Guidelines**

#### ***Site Design Guidelines***

A garage and associated carport must be located on the same property as the residence with which it is associated, including "combined" lots consisting of one or more adjoining properties.

Garages must observe the setback requirements of the applicable Deed Restriction(s).

No garage shall open to the rear of a waterfront, or to the golf course side of a golf course lot.

#### **Architectural Design Guidelines**

Residential and patio home garages shall be for not less than two (2) or more than four (4) cars. (See the specific requirements of the applicable Deed Restrictions.)

Garages may be either attached to or detached from the residence.

A detached garage must be connected to the residence by a covered walkway or other approved structure.

A detached garage or carport is recommended not to exceed one story in height and shall not exceed the maximum height of the residence in either height or number of stories.

Garage and carport roofs must be of identical material and color as that of the associated residence.

The garage and/or carport is to be designed as an integral part of the residence and to incorporate the design, materials and color(s) of the building.

All exterior walls of garages on waterfront and golf course lots shall be of masonry construction.

Garages on interior lots may have wood siding to match the associated residence.

### **Landscape Design Guidelines**

Landscape screening of parking garages and carports from adjacent properties is desirable and encouraged.

### ***Application Requirements***

Submission requirements are the same as those for Additions, p. 9. (Also see the Initial Construction Submission Checklist, Appendix A-3, p. 69.)

## Decks, Porches and Patios

### *General Considerations*

The design of decks, porches and patios should be considered an integral part of the design of the residence and the property on which they are located.

Materials, detailing and color should relate well to building architecture.

The addition of a deck has a significant impact on the appearance of a residence, and may also affect the privacy and right of enjoyment of adjacent residences.

The addition of upper level decks must be carefully considered to include the impact of shadow patterns on the use of outdoor space, as well as the potential impact on grass and other plant materials.

### *Specific Guidelines*

#### **Site Design Guidelines**

Decks, porches and patios must be located to protect the visual and acoustical privacy of adjacent residences.

Ground level decks and patios should be located within a fully enclosed area or at the rear of the residence.

Patios are encouraged to be located in close proximity to the residence, pool/poolhouse, etc.

Wood decks may be approved for use in association with bulkheading, bridges, piers and docks/boat slips.

#### **Architectural Design Guidelines**

The configuration, detail and railing design of a deck, porch and/or patio should relate harmoniously with the architectural design of the residence.

Modifications to existing decks must provide

continuity in detailing; such as material, color, location of the posts, design of the railing, and use of trim.

Decks must be constructed with rot-resistant wood and may be left to weather naturally. In some instances the ACC may require that decks be stained to help integrate the deck with the residence and/or to coordinate with the overall context of the Community.

If decks are stained, the color must relate to the color palette of the residence.

Ground level wood decks shall be left to weather naturally.

Ground level decks must include a skirt board to screen any exposed structural elements.

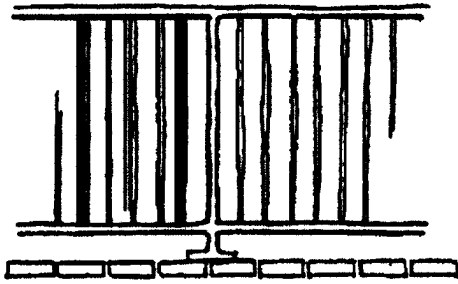
Patios are recommended to be constructed of masonry, e.g., concrete, brick, pavers, etc. to match the sidewalk and/or driveway and to be compatible with the residence and accessory buildings.

Railings should be of a simple design and constructed in a vertical plane, i.e., at a 90 degree angle to the deck.

Recommended railings include both "open" decorative iron and "semi open" wood railings. Solid railings/walls must be designed as an integral part of the building architecture. Other railing designs, including pipe railings, will be approved only where initially originally incorporated into the design of the residence.

Stairs and stair railings, if applicable, must conform to the design details of the deck.

Although approved, wood railings constructed of heavy timber and construction grade members, (e.g., 2x4s, 2x6s, etc.) are discouraged as not having the design detail and sophistication required to be compatible with the quality of architectural design of the Community.

**Deck Railings*****Decorative Iron Railing***

Railings can add unnecessary visual complexity to a ground level deck and, unless required for safety, may not be approved. The use of shrubbery or simple backless "T" benches is recommended to provide a visual boundary/enclosure.

Privacy walls/fencing must be designed to relate to the residence in scale, materials and construction details. As an alternative to such structures, wherever possible, the use of landscaping is encouraged. (See Walls and Fencing, p. 23, and Landscape Guidelines, below.)

Decks incorporating sunrooms, screened porches and other enclosures should be architecturally integrated with the residence. Integration is a function of size, color, design detailing, the height above ground, and the relationship to the ground.

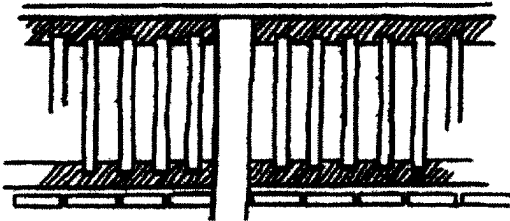
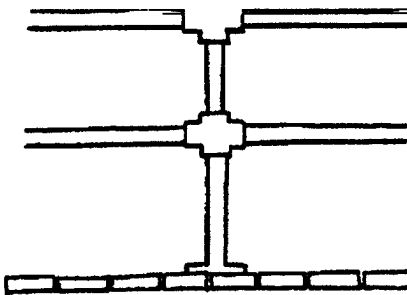
Enclosed upper level decks are discouraged unless located over similarly enclosed lower level areas designed as an integral part of the architecture. It is difficult to provide a visual "foundation" for major structures such as screened porches and sunrooms mounted on second level decks, and they are likely to be disapproved for this reason.

Approval of related modifications that may be associated with a deck/patio, such as trellises and/or arbors, must be submitted with the application for the deck. (See Sun Control Devices, p. 28.)

**Landscape Design Guidelines**

Landscaping should be provided at post foundations and around low decks to screen structural elements and to visually soften the structure.

The use of landscaping is preferred to walls/fencing.

***Wood Picket Railing******Pipe Railing***

***Application Requirements***

A site plan showing the location of the proposed deck/patio, the residence and accessory buildings, property lines;

A scale drawing, including plan and elevation of the residence and showing the relation of windows, doors, etc. to the proposed deck(s);

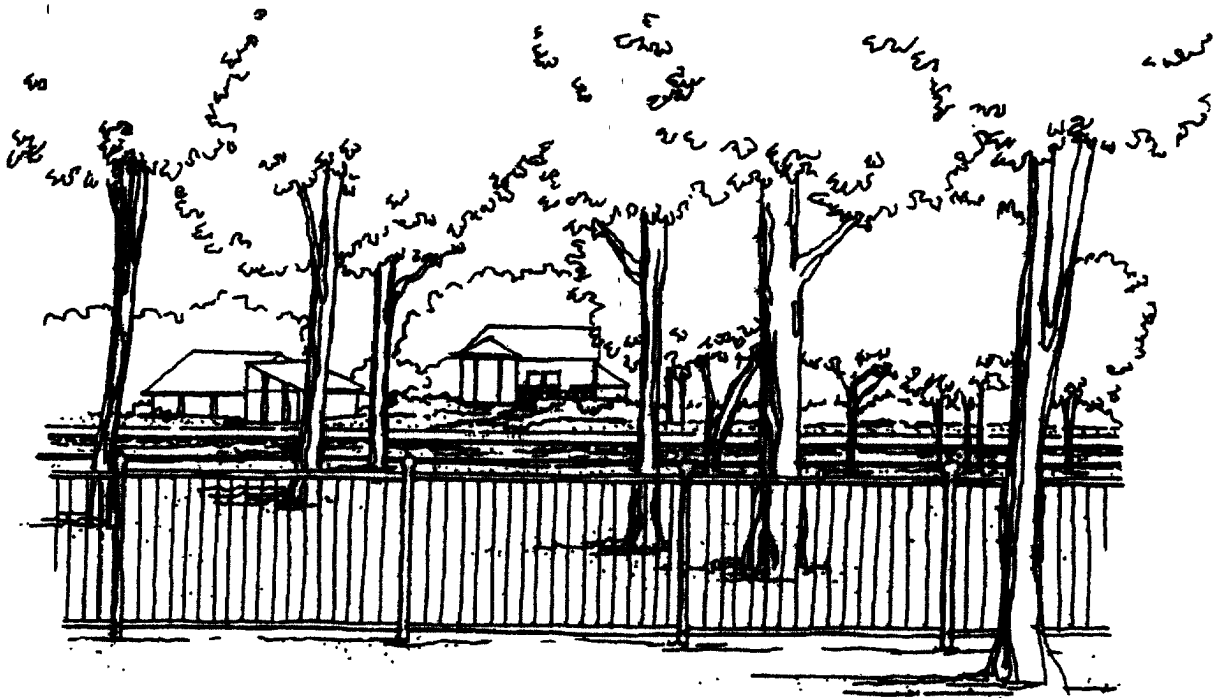
Construction plans of the deck and/or porch, including a section through the house at the

location of the proposed deck, and including details of railings, where applicable;

The dimensions of the deck/patio;

A description of the materials to be used, including proposed paint/stain colors, if applicable; and

Photographs of the existing condition of the residence and/or accessory building(s) to which the deck will be constructed.



***"Open" Fencing on Waterfront Lot***



## **Walls and Fencing**

### ***General Considerations***

Careful consideration must be given to the fencing concept and its execution. The location and design of walls and fencing should be considered part of the overall design of the property.

Materials, detailing and color should relate well to building architecture.

Fencing is usually an intrusion on the open character of property, and it may have both a visual as well as physical impact on adjacent property. This is especially important on Walden's waterfront and golf course lots.

Wherever possible, alternatives to fencing should be used. The use of landscaping and plant materials may achieve the sought-after result.

Fencing should be appropriate to its intended purpose, i.e.:

- Where privacy is not a factor security fencing should incorporate an "open" type fence design.
- Varying amounts of privacy may be achieved by choosing from several fencing designs, depending on the amount of screening desired. A spaced board or "semi-open" fence affords privacy while allowing natural ventilation. Greater privacy may be obtained, while still allowing ventilation, by the use of a staggered board fence, some-times called a board-on-board fence.
- The contextual relationship of the wall/fence to the site, topography, and adjacent properties is also important. The closer to the associated residence, the more the fencing should be integrated into the architecture of the residence and/or accessory building(s);

whereas, it may be more important to relate a property line fence to the natural setting and/or adjacent fencing.

### ***Special Considerations for Waterfront and Golf Course Properties***

Existing views of the water and the golf course are required to be protected. These views are a positive addition to the Walden environment and contribute to the overall image, character and quality of life of the Community.

Except for limited areas of privacy fencing in close proximity to the residence, fencing of waterfront and golf course properties is discouraged, and may not be approved in order to protect the views of adjacent residences facing the water/golf course. Where approved, only "open" fencing is permitted.

### ***Specific Guidelines***

#### **Site Design Guidelines**

No walls or fencing are permitted nearer to the front of any property than the front of the residence.

On adjacent "combined" lots, no walls or fences are permitted nearer to the front of the property than the front of the associated residence; or, if an attached structure (garage, carport, poolhouse, etc.) is constructed on this lot, not nearer to the front of the property than the front wall of this accessory building/structure.

On corner lots, no fence is permitted nearer to the side street property line than the side of the residence or associated accessory building(s) on this side street.

Privacy walls and fencing shall be six (6) to eight (8) feet in height.

Property line fencing shall be at least four (4) feet and not over six (6) feet in height.

**Special Site Design (Guideline) Considerations for Waterfront and Golf Course Properties**

No wall or fence shall be constructed nearer to the water or golf course side on any waterfront or golf course lot than the side wall of the residence facing the water and/or golf course.

No fencing is permitted across the rear of a waterfront or golf course property.

Fence location should be restricted to the area the fence is intended to serve; e.g., the privacy fencing of a deck/patio will be restricted to the patio area, etc.

Except for privacy walls/fences in close proximity and integral to the residence, all waterfront and golf course property fencing shall be of the "open," decorative iron type.

**Architectural Design Guidelines**

All walls shall be of masonry construction to match the construction, design, material and color of the associated residence.

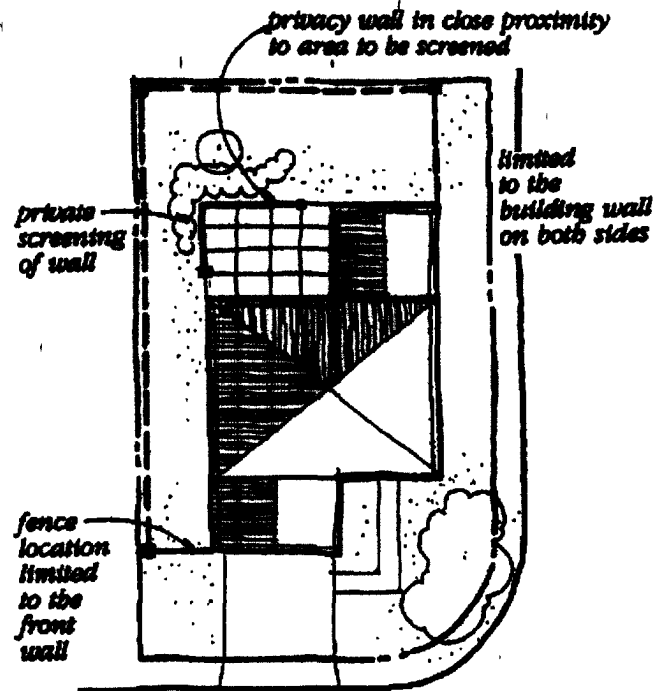
Fences may be of either decorative iron or wood.

No chain link fencing is permitted.  
 No picket fencing is permitted.  
 No lattice fencing is permitted.

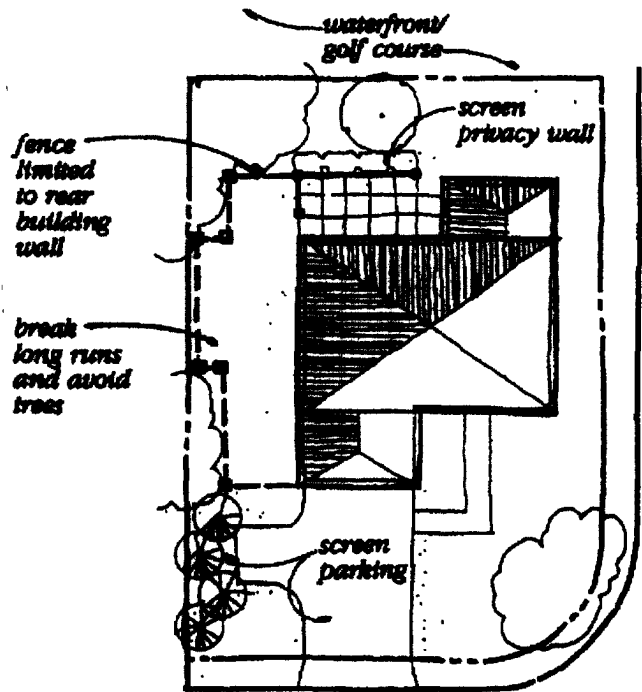
The preferred decorative iron fence shall incorporate masonry columns of the same material as the walls of the residence with which it is associated.

Decorative iron fencing shall be of a simple design that conforms to the Community standard; it should not incorporate ornate patterns and detail.

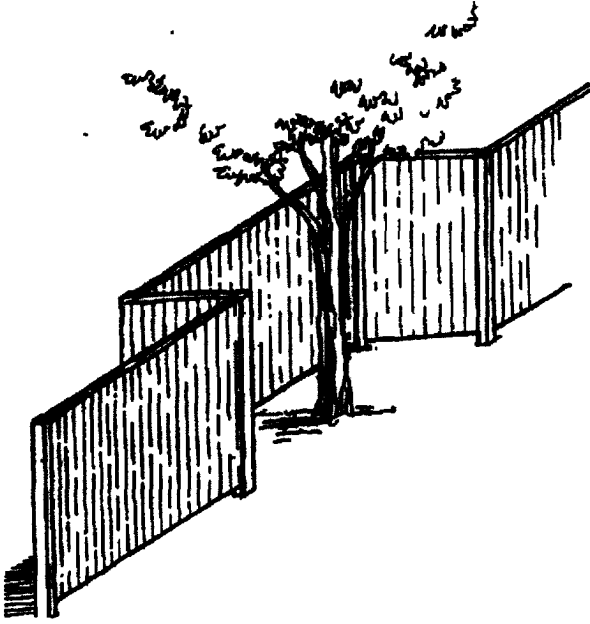
All decorative iron fencing shall be black in color.



**Privacy Wall and Property Line Fencing**



**Walls and Fencing on Waterfront and Golf Course Lots**



***Break Long Runs of Fencing  
and Avoid Trees***

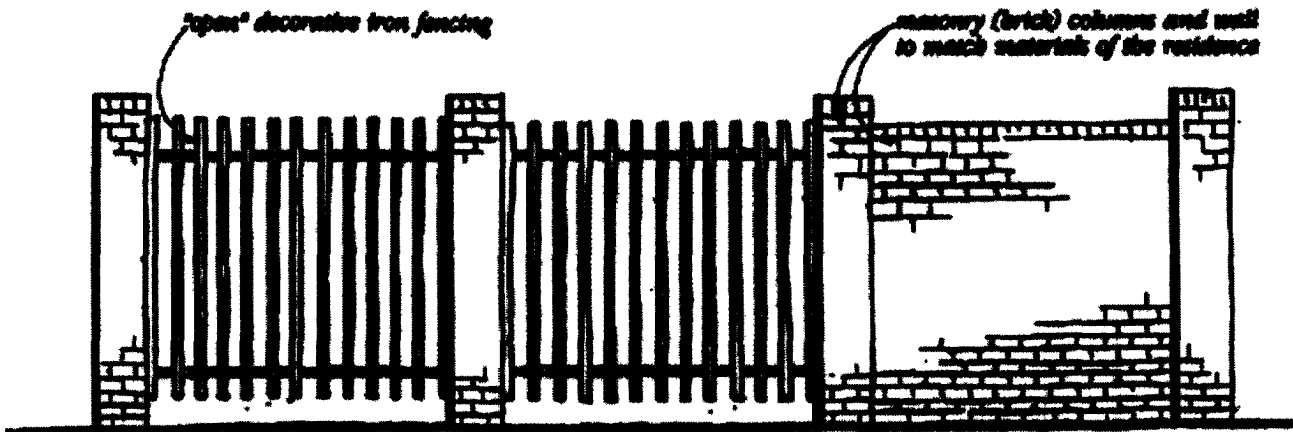
All wooden fences shall be constructed of No. 1 Western Cedar.

Wooden fences shall be constructed with the finished side facing to the street and to adjacent properties. Ideally, all wooden fences will be finished on both sides.

Wooden fencing may be either “semi-open” spaced or staggered board (board-on-board), or “closed” solid board in design. “Semi-open” wooden fencing may incorporate a cap board.

“Closed” solid board fencing is recommended to be limited to enclose small deck/patio areas in close proximity to the residence and/or associated accessory buildings/areas, e.g., pool/poolhouse, etc.; and is to be designed as an integral part of the residence (and/or accessory building/structure, etc.).

Patio home property line fencing may be appropriately painted/stained to match the color of the associated residence(s) to which



***“Open” Decorative Iron Fence with Masonry Columns***

it is a visual extension; and, if masonry, is recommended to be of the same material.

“Solid” board privacy fencing must be painted/stained the same color as the siding of the associated residence. All other wooden fencing must be painted/stained either an earthen tan, brown, or grey color that is in harmony with the color of the residence. The fence may also be painted/stained the color of the wood siding, if siding is incorporated on the residence.

Residential lot perimeter fencing should be left to weather naturally.

Gate design, material and color must conform to the design of the fence.

#### **Landscape Design Guidelines**

All fence tops must be level; if the ground slopes, step the fence. The distance between the fence and the ground grade should not exceed six (6) inches in height.

It is recommended that long lengths of continuous fencing be interrupted with recesses and landscaping to provide visual relief.

Where possible, locate the fence to avoid the removal of major trees.

#### **Application Requirements**

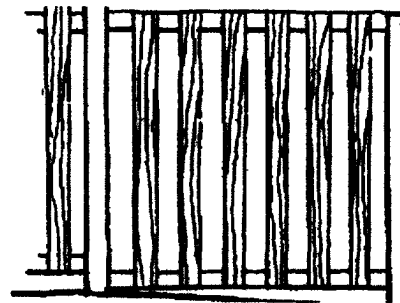
A site plan showing the location of the residence, accessory buildings/structures, the property lines and the proposed location of the fence and any gates;

A plan, section and elevation of the wall design, if proposed.

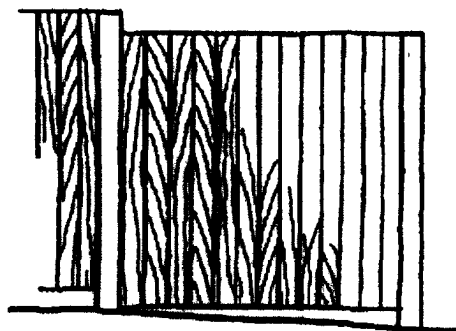
A catalogue clipping or manufacturer’s “cut sheet” and other materials describing the proposed wall/fence, including height(s), at other relevant dimensions; and

The materials and colors to be used.

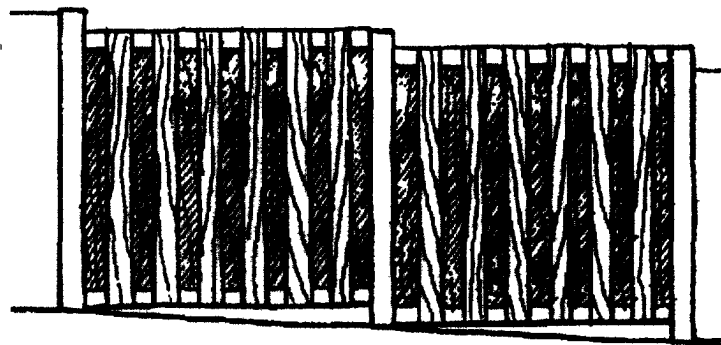
#### **Fence Types**



***“Semi-Open” Spaced Board Fence***



***“Closed” Solid Board Fence***



***“Semi-Open” Board-on-Board Fence***

**Sunrooms, Greenhouses and Gazebos**

See Accessory Buildings/Structures, p. 16.

## Sun Control Devices

### *General Considerations*

Awnings may be appropriate for the cover of decks and patios where justified for the purpose of sun control. Trellises are also appropriate for this purpose. The use of a trellis for solely ornamental purposes is discouraged.

Awnings and trellises should be compatible with and integrated into the architectural design of the residence.

Awnings may also be appropriate at the entrance to multi-family, commercial and institutional buildings, and in other special uses. If installed within a townhouse or condominium cluster, the awning must be in accordance with the approved cluster association specifications; see Special Considerations for Townhouses and Clusters, p. 51.)

### *Specific Guidelines*

#### **Awnings**

Awnings must have a straight-forward design and be consistent with the architectural design and scale of the residence and/or accessory building(s) to which they will be attached.

The color of the fabric must be compatible with the existing residence/building color palette.

Any exposed frames must be painted to match the trim or the dominant color of the residence/accessory building(s).

Metal, vinyl, plastic or other materials will generally not be approved.

“Roll-away” awnings/covers will be allowed in special situations; frames must be removed when the awning is removed.

Temporary overhead covers are prohibited.

## Trellises (Arbors)

A trellis and/or arbor must be designed as integral to the architecture of the residence and/or accessory building(s) to which attached.

Free-standing trellises and/or arbors usually will not be approved.

The application of lattice is not acceptable in the design of either trellises or arbors.

### *Application Requirements*

A plan of the residence/accessory building showing the location of the awning/trellis;

Construction drawings of the trellis and/or arbor;

A scale drawing of the awning configuration and the existing structure to which it is proposed to be attached; and

A sample of the material/fabric large enough to show the true color.

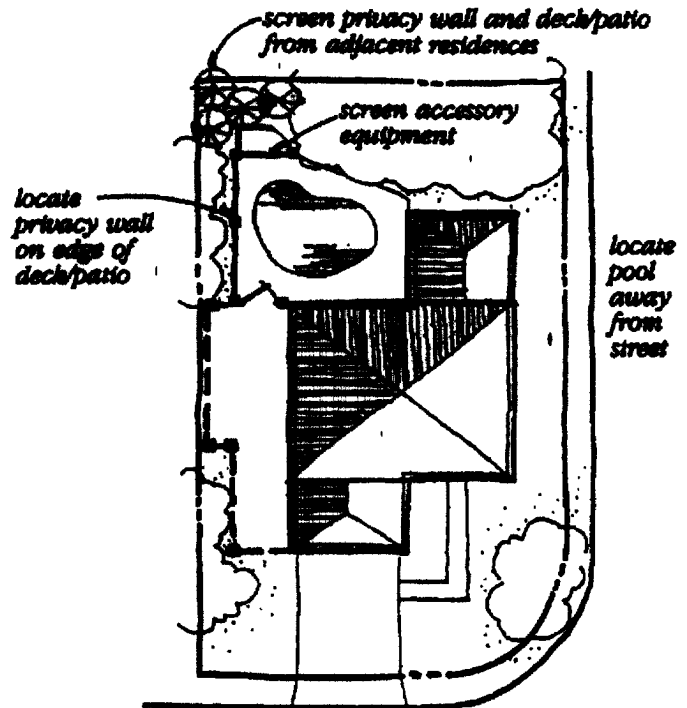
## Swimming Pools, Spas/Hot Tubs

### General Considerations

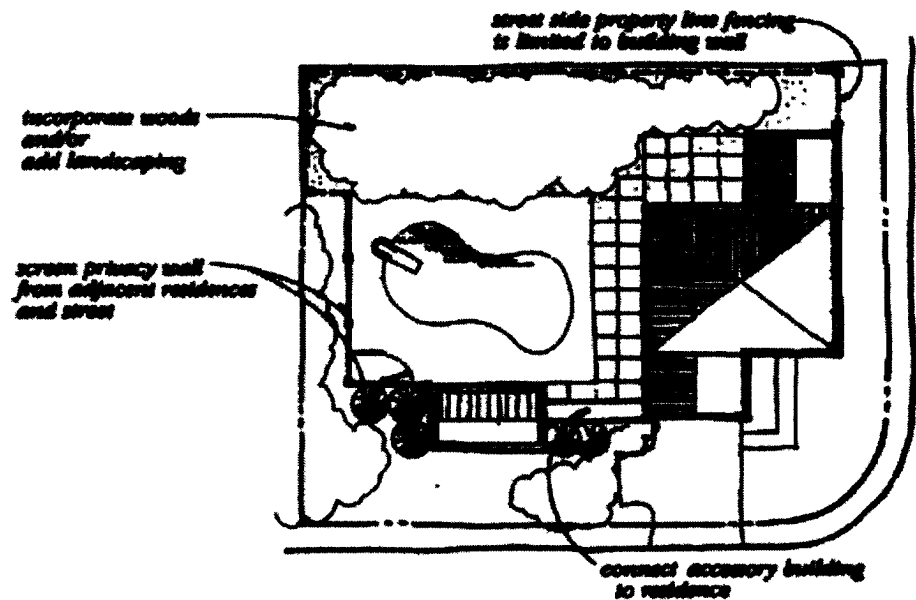
Plan and design swimming pools, related poolhouses, decks/patios, walls and fencing, and other accessories so as to harmonize with the architectural design of the residence, lot on which they are located, and the overall character of Walden on Lake Conroe.

Pool location and design must consider adjacent residences, views and site lines, woods and other natural areas, grading and drainage.

Consideration should be given to screening of the swimming pool, deck and associated accessory areas, (e.g., mechanical equipment and storage), for both visual and acoustical privacy, as well as for safety; so as not to present an intrusion to adjacent residences and public areas.



*Residential Lot Swimming Pool*



*"Combined" Residential Lot Swimming Pool*

**Specific Guidelines****Site Design Guidelines**

No swimming pools shall be located in front yards.

Pools on adjacent "combined" lots should be located so as to be an integral part of the associated residence.

The size of the pool and related deck/patio area and associated accessory buildings should be in relation to the size of the lot on which they are located.

Locate pools in rear or side yards away from adjacent residences.

Swimming pools must not be located beyond side setback lines or easements.

Locate and conceal all mechanical equipment where it will not have an adverse affect on adjacent residences.

Privacy walls/fencing should be limited to the deck/patio or pool area. The fence location and design must be considered at the time the pool is designed. (See Walls and Fencing, p. 23.)

**Architectural Design Guidelines**

See Accessory Buildings, p. 16.



*Residences on the Water*



**Landscape Design Guidelines**

Landscaping can also provide screening and will usually be required to soften the visual impact of the fence and other related pool structures.

***Application Requirements***

A site plan showing the proposed pool, deck/patio, and associated accessory buildings/structures; as well as the existing residence, property lines, setbacks, easements, and adjacent residences;

A proposed grading plan and drainage;

Construction plans;

Walls and fencing design, if applicable; and

A landscape plan.

## Bulkheads, Docks and Boat Slips (Including Boat Covers)

### *Special Considerations*

There are two standard bulkheads. The "soil cement" bulkhead on the north and east side of the peninsula is designed to accommodate wind driven waves and high water. This bulkhead is fixed and must be incorporated into the design of decks, docks and boat slips in these areas.

The remainder of Walden utilizes a timber bulkhead design incorporating 6x6 inch pilings at 5 foot centers and 2x10 inch sheathing (designed in accordance with specifications on file at the ACC). The 2x12 inch cap at the top of this bulkhead is installed at elevation 203 feet above mean sea level. Where the bulkhead terminates, it typically should incorporate a ten (10) foot wing wall.

### *Specific Guidelines*

#### **Site Design Guidelines**

All construction on the waterfront must first have the approval of the ACC and must subsequently receive the approval of the San Jacinto River Authority.

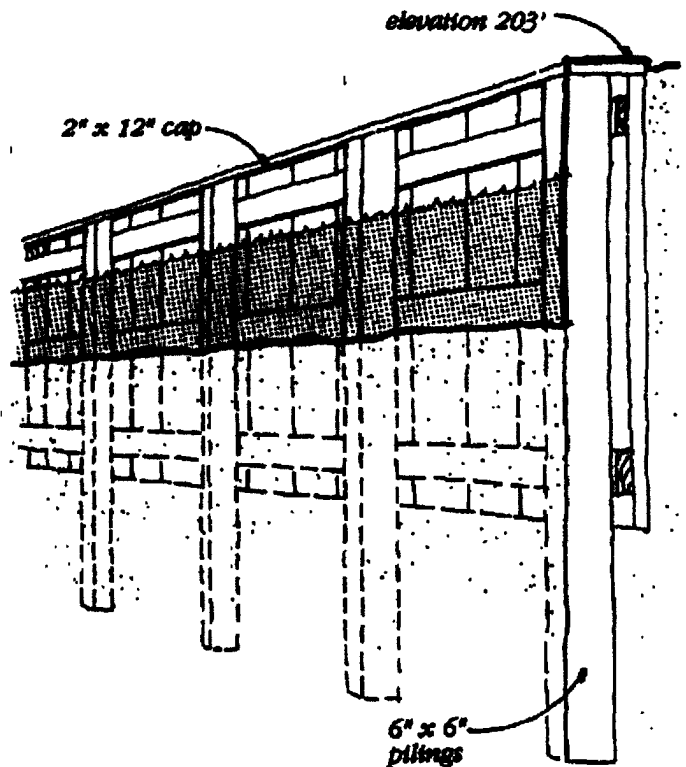
All additions and/or alterations to bulkheads, waterfront decks, docks, ramps, piers and/or boat slips must comply with the applicable Deed Restrictions as to location, elevation and design.

Additions and/or alterations to bulkheads must be designed and constructed to the same specifications as the existing bulkhead and located along the existing shoreline so as to not disturb the natural shoreline whenever feasible.

Docks, boat slips and other waterfront

structures are recommended to be constructed within the property and not project beyond the existing bulkhead. However, a deck and associated boat slip may be constructed over the existing "soil cement" bulkhead. The dock and associated boat slip must be constructed on the water beyond this bulkhead.

The width of any deck and/or dock or pier shall be no greater than ten percent (10%) of the waterfront property, and in no case greater than ten (10) feet. The minimum width shall be five (5) feet, except there is no minimum width for a bridge to any dock (as only applicable to the "soil cement" bulkhead).



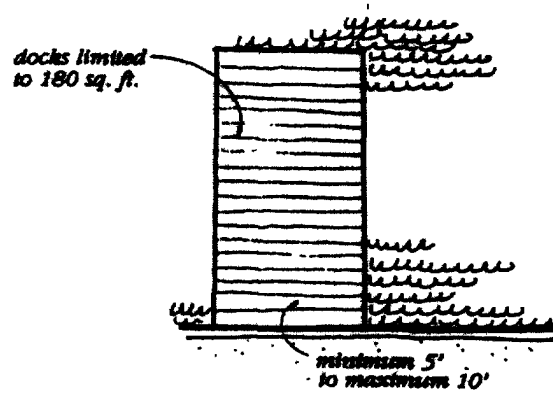
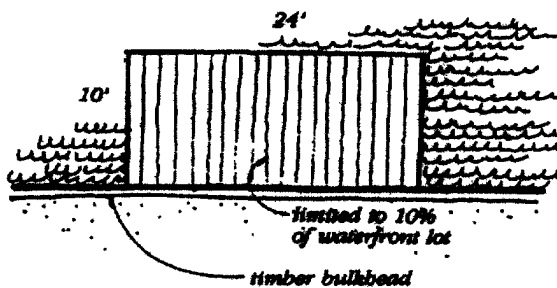
***Timber Bulkhead***

The length of any dock or pier, that which is perpendicular to the waterfront property line, shall not exceed thirty (30) feet from the bulkhead (the 201 foot elevation of the "soil cement" bulkhead).

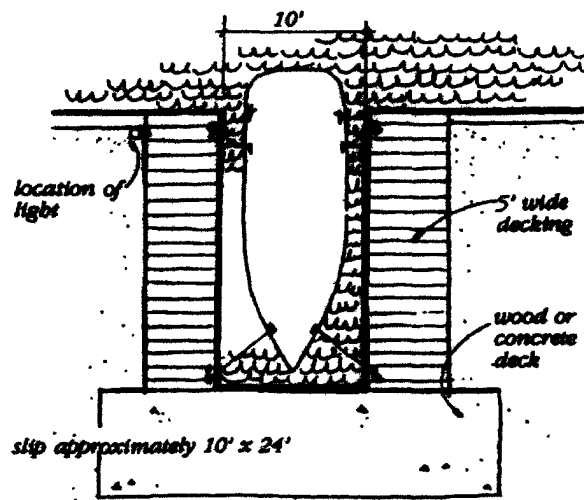
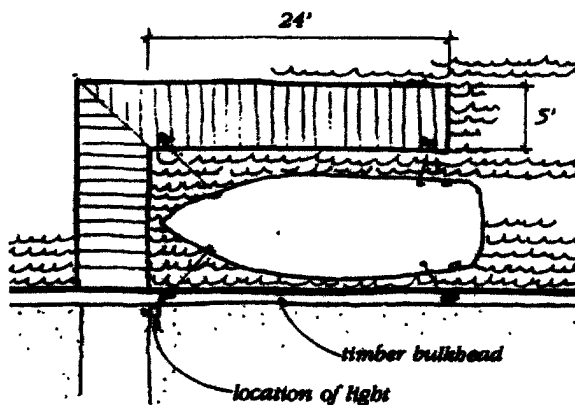
The recommended maximum size of a deck, dock or pier is one hundred and eighty (180) square feet in area.

Care must also be taken to insure that no dock, pier or ramp extends into any channel in a manner to obstruct navigation.

Decks/docks, piers on the water are recommended to be not more than sixteen (16) inches above the water (line) and in no cases shall they exceed the top of the timber bulkhead (elevation 203 feet).



**Docks on the Timber Bulkhead**

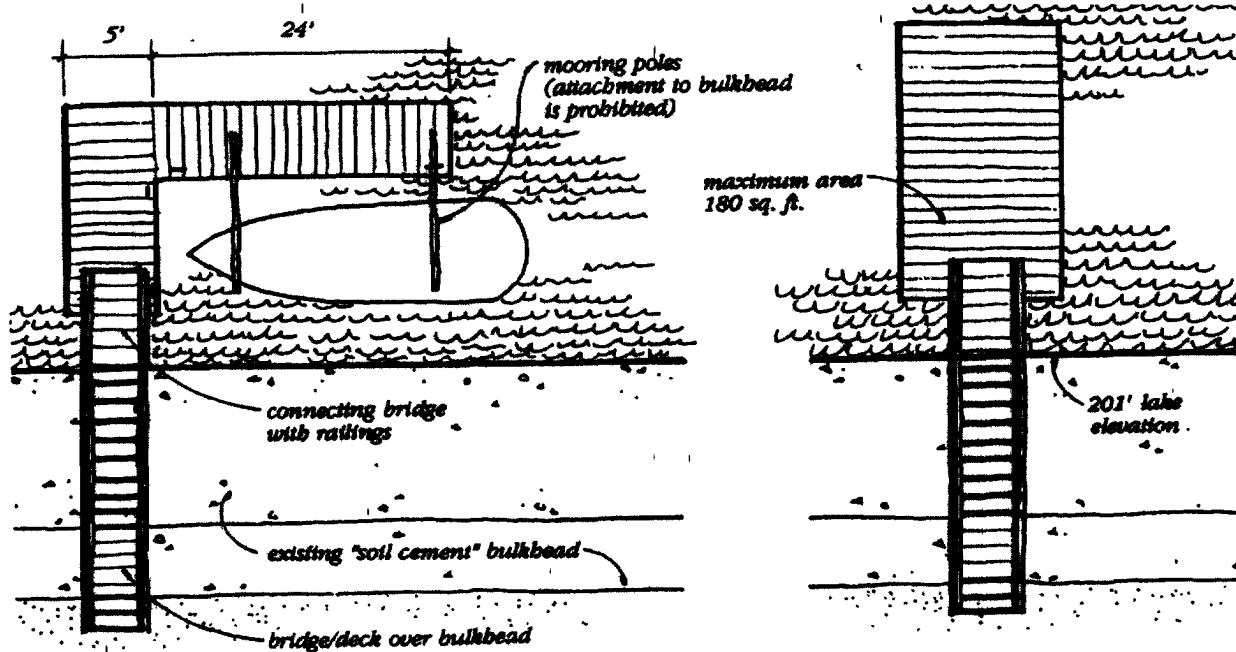


**Boat Slips on the Timber Bulkhead**

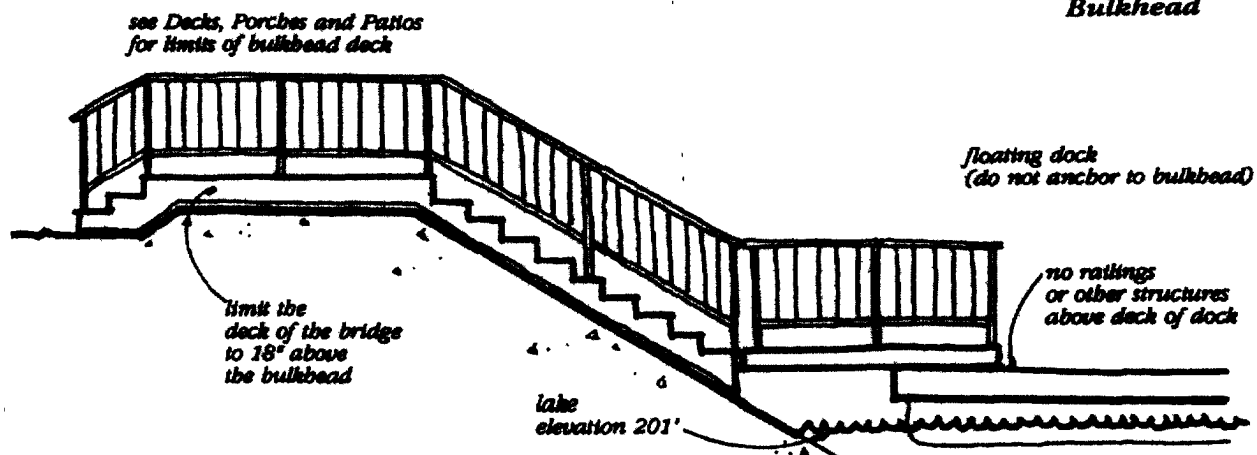
preferred location within lot

Walkways and decks may be constructed over the "soil cement" bulkhead to an elevation not to exceed eighteen (18) inches above the top of the bulkhead.

It is preferred that no more than two boat slips capable of docking one boat each or a double boat slip capable of docking two



**Boat Slip and Dock on the Soil "Cement" Bulkhead**



**Deck and Bridge Over the "Soil Cement" Bulkhead**

boats will be permitted on any one waterfront property. The preferred size of a single boat slip is ten (10) feet in width by twenty four (24) feet in length.

### Architectural Design Guidelines

No roof or other structure shall be built on any bulkhead.

No poles or other structures may be constructed above the height of the dock.

No railing may be constructed on any bulkhead, dock, pier or ramp, or in association with any boat slip; however, a railing may be constructed on bridge structures and on decks located on the "soil cement" bulkhead.

All railings above the top of the "soil cement" bulkhead, are recommended to be painted/stained an approved color compatible with the color of the associated residence.

No "homemade" type bulkhead, dock, boat slip, boat cover or related structure is permitted.

### Boat Covers

Boat covers shall be the "canopy" design approved and on file with the ACC.

No boat cover may be higher than five (5) feet above the existing bulkhead.

All boat covers shall be either dark green or dark brown in color.

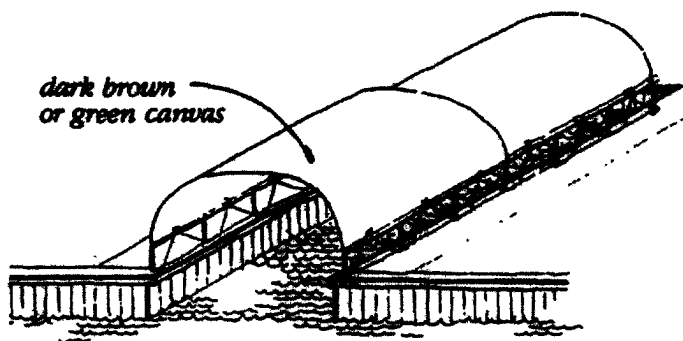
### Application Requirements

A site/grading plan or facsimile showing the natural shoreline and/or the existing bulkhead, property lines; and the location of the proposed bulkhead, deck, dock, piers, etc.;

A construction plan and section through the bulkhead that shows the relationship between the bulkhead and the proposed improvement, construction details;

Details of proposed railings, if applicable; and

The materials and colors, if any, to be used.



**Boat Cover**

## Exterior Lighting (Illumination)

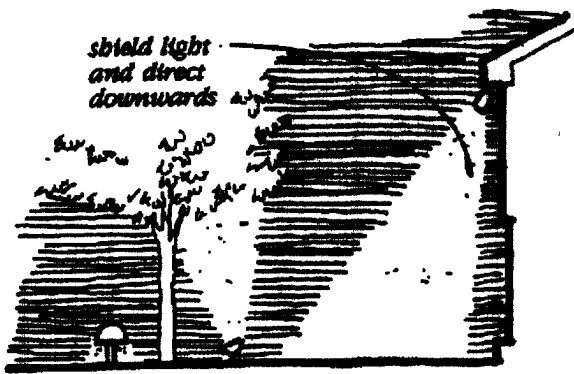
### *General Considerations*

It is important that lighting complement the overall image and character of the Community.

Exterior lighting should be consistent throughout Walden to maintain the quality and character of the Community.

Consideration must be given to the maintenance of privacy.

If installed within a townhouse or condominium project, lighting must be within the approved cluster association specifications. (See Special Considerations for Townhouses and Condominiums, p. 51.)



*Low Wattage Incandescent Lighting*

### *Specific Guidelines*

#### **Site Design Guidelines**

Light fixtures must be carefully located, and lamp intensities maintained so as to prevent glare and misdirected light.

The lights must be directed downwards, diffused, shielded and/or of low wattage.

Security lighting shall be located and shielded to prevent glare beyond the lot.

#### **Architectural Design Guidelines**

The lighting fixture design must be compatible with the architecture of the residence with which it is associated.

The type, color and quality of light must be consistent with other lights on the property and in the Community.

Incandescent-type lighting is recommended.

Sodium vapor lights are prohibited.

Bare-bulb floodlight fixtures normally will not be approved.

High wattage commercial/industrial type fixtures are not permitted in residential areas.

Exposed conduit or wiring is not acceptable.

#### **Landscape Design Guidelines**

Yard and landscape lighting is encouraged within the limits of the above guidelines.

#### *Application Requirements*

A site plan showing the proposed location(s) of the lights, existing lights, the residence and accessory buildings, property lines;

A catalogue clipping or manufacturer's "cut sheet" of the fixture providing descriptive and lamping data; and

Photographs or descriptions of existing lighting fixtures.

## Landscaping

### *General Considerations*

See the General Considerations for Landscape Design Guidelines at the beginning of the Design Guidelines section, p. 8. Also see the WCIA/ACC Landscaping Policy, which may be obtained from the WCIA office.

### *Specific Guidelines*

#### **Existing Natural Areas**

Because of the importance of the trees and other natural areas to the existing overall character of Walden on Lake Conroe, guidelines exist for the preservation of wooded areas and specimen trees, as well as for the addition/replacement of trees. (See Building Siting guidelines in the Initial Construction section, p. 60.; and, in particular, "Limits of Clearance", p. 60.)

The location and extent of any woods and specimen trees, as well as other natural areas, shall be identified on the site plan. The ACC may also require a tree survey for the identification of all trees larger than an eighteen (18) inch caliper.

After site plan approval, those trees and other natural areas which are to remain undisturbed shall be surrounded by a protection fence to prevent damage during construction.

Additional indigenous plant materials should replace vegetation lost to construction or those that are sick and dying in order to preserve these wooded areas.

The preservation of natural areas, both woodlands and open space, is especially important on "combined" lots.



*Typical Walden Cul-de-Sac  
Landscaping*

## Developed Open Space

Whereas existing open space shall be maintained in its natural state; where appropriate, new open space should have the open character of a lawn, framed by a mix of deciduous and evergreen trees.

The introduction of flowering trees is also encouraged.

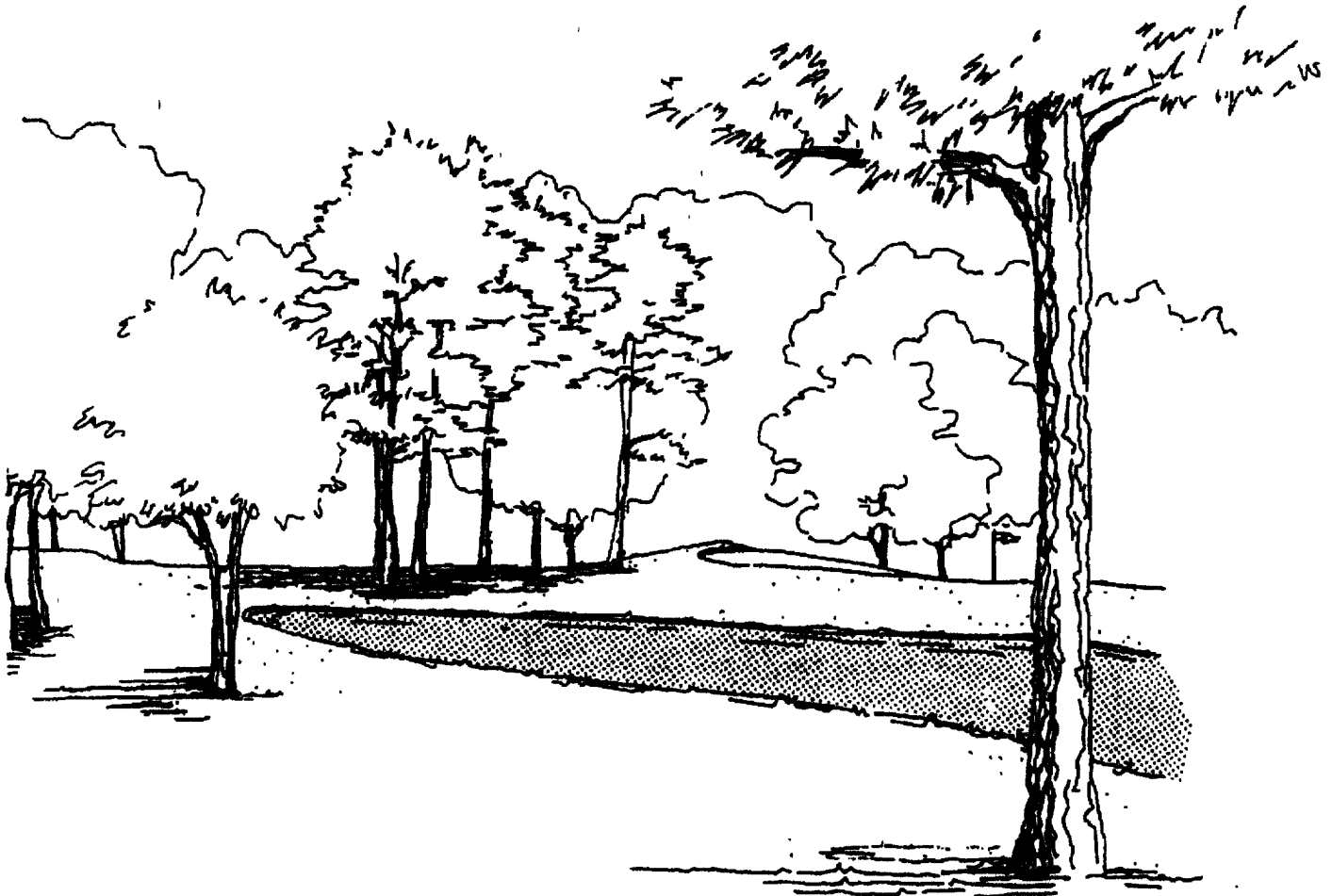
Where possible, adjacent existing woods shall be incorporated.

The development of open space is appropriate and encouraged on "combined" waterfront and golf course lots. This allows for the preservation of views of the water and golf course.

## Decorative Planting

Decorative Planting is encouraged in association with the development of all residential properties. Landscaping shall consist of the clustering of indigenous plant materials, including annual and perennial flowers and shrubs, ornamental/flowering trees, and deciduous and evergreen trees.

Adequate separation should be provided for large trees to allow for root growth and maintenance.



*Walden Golf Course*



**Foundation Planting** should be similar in character and relate to other decorative landscaping and the overall landscape character of the property. Plant materials should be indigenous and the overall effect should be natural in character.

Vegetable Gardens should be located in side or rear yards. Vegetable gardens are not allowed in front yards or side yards facing on side streets. Vegetable gardens are also discouraged in yards that face on the water or golf course.

**Landscape Edging** is recommended to reflect the primary materials used in the residence. Masonry (brick) is the preferred material. Where wood is used, square (not round) corner timbers are the appropriate material for edging. Edging shall have a flat top (not staggered). The use of pilings is considered inappropriate for landscape edging.

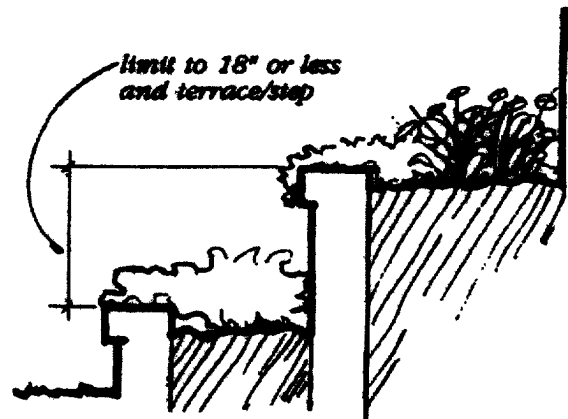
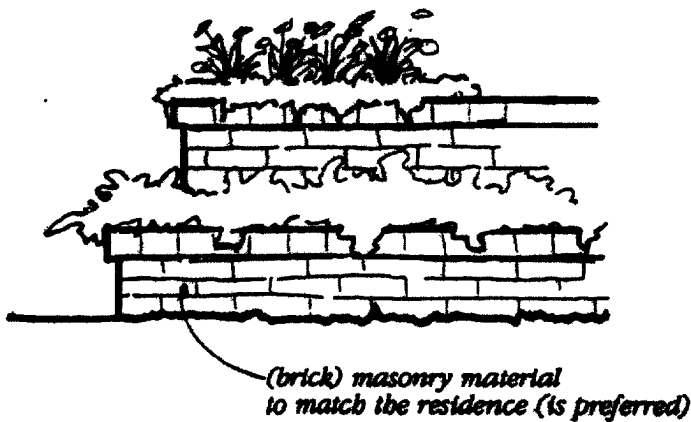
**Planters** should be of masonry construction. The use of planters should be limited to patio and/or deck areas. Planters should not be used in open space or natural areas.

### Retaining Walls

Retaining walls should be as unobtrusive as possible and built to the minimum height needed to serve their function.

Depending on location and contextual relationship, materials may be concrete, brick, natural stone, railroad ties or square corner timbers. Generally, rounded landscape timbers will not be approved due to their lack of stability when used to retain earth, their strong horizontal lines and their overall "log cabin-like" appearance.

Masonry is preferred over wood. Brick should match the materials of the residence with which associated.



### Landscape Edging/Retaining Walls

Wherever possible, walls should be connected to the residence and/or associated accessory buildings, walls and fencing.

Where retaining walls exceed eighteen (18) inches in height, consideration should be given to stepping the wall in a terracing effect.

The ends of walls should be tapered into the ground rather than ending abruptly.

The top of the wall must be level and stepped to accommodate a change in grade.

#### ***Application Requirements***

A site plan showing the location of the retaining wall, the existing residence, accessory buildings/structures, walls and fencing, property lines and adjacent residences;

A section view showing the construction details; and

A description of the material and color.

#### **Fountains, Sculpture/Statuary and Yard Art**

Ornamental elements introduced into the landscape should not be intrusive and must be appropriate to their surroundings. Size, scale, color and material are the appropriate criteria for approval.

Bird baths, fountains, sculpture, statuary and related landscape fixtures should be located in decorative planting areas. They should not be located in open space and are discouraged from placement in natural wooded areas.

The location of these elements in the front yard or in yards facing on the water, golf course, or other common area is discouraged.

Yard art that is not deemed appropriate to its surroundings and/or the overall image and

character of the Community will not be approved.

All structural and/or ornamental elements are recommended to be screened from public view.

Landscape screening may also be required by the ACC.

#### ***Application Requirements (for all Landscaping)***

A site plan showing the location of the plant material(s);

A schedule of plant material(s); and

A description and location of any structural elements.

Please also see the WCIA/ACC Landscaping Policy.

## Mailboxes

### General Considerations

Mailboxes are to serve functional purposes and, although they may be custom designed, they are not intended as signage, sculpture, art, etc.

### Specific Guidelines

#### Site Design Guidelines

Residential and patio home lot mailboxes shall be consistently located at the curb immediately adjacent to the driveway.

Where several mailboxes are in close proximity they must be in a similar, coordinated location.

Mailboxes shall be located so as to not obstruct any traffic sight lines.

#### Architectural Design Guidelines

The standard mailbox is a traditional rural style metal mailbox mounted on a 4x4 inch wood post.

The mailbox may be black or painted an earthtone color to be compatible with the color of the associated residence. The wood post should be left to weather naturally.

The preferred "custom" mailbox shall incorporate a masonry column constructed of the same material as the associated residence.

Mailboxes incorporating sculpture, art work or related decoration are not permitted.

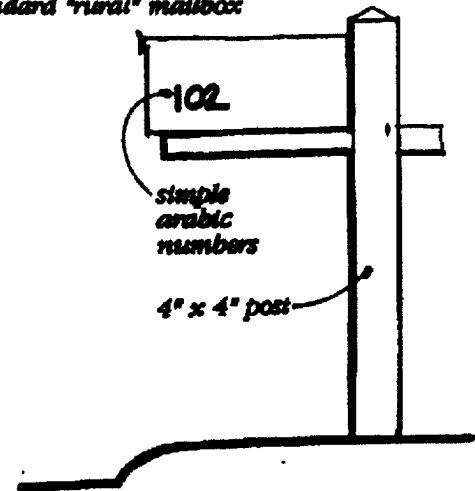
The mailbox should contain house numbers that are painted or applied in legible, arabic numerals. Numbers shall be either black, white, brass or dark brown in color. Metallic or reflective numbers are not permitted.

Numbers shall be no larger than three (3) inches in height and should be placed in a horizontal line.

Townhouse and/or condominium project mailboxes must be installed in accordance with the approved cluster association specifications. (See Special Considerations for Townhouses and Condominiums p. 51.)

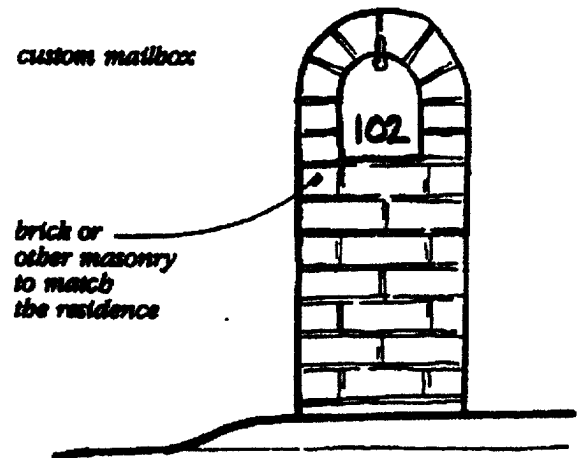
### Mailboxes

standard "rural" mailbox



Traditional Mailbox

custom mailbox



Custom Mailbox

***Application Requirements***

A description of the mailbox and its color; and the proposed location of the mailbox.

## **Signage**

### ***General Considerations***

Requests for approval regarding the use of temporary signs advertising the sale of the residence require completion of the WCIA's "Sign Policy Agreement" form.

All approved signs shall conform to the WCIA's predetermined sign policy. This policy constitutes the written consent application required by the Deed Restrictions for proper approval.

No signs, billboards, posters or advertising devices of any kind are permitted without prior approval of the ACC.

### **Site Design Guidelines**

No sign is permitted on a lot without a residence.

Only one sign is permitted on a residential lot with a dwelling.

In addition to the single "For Sale" sign, one "Open House" sign may also be incorporated.

The sign must be placed in the front yard facing the street, at twenty five (25) feet from the curb and ten (10) feet from the driveway; or as close as possible to allow adequate visibility.

The sign must be removed immediately after the sale has been consummated.

No sign may be placed on the waterfront or golf course side of any lot.

No signs are permitted in windows of residences, garages or other accessory buildings.

No directional signs, flags, banners, balloons or other attention getting devices, or advertising, are permitted (at any time).

Also see Special Considerations for Townhouses and Condominiums, p. 52; and Commercial/Institutional Guidelines, p. 55.

### **Architectural Design Guidelines**

Dimensions of the "For Sale" sign must be 24 inches vertically by 32 inches horizontally.

Dimensions of the "Open House" sign must be 8 inches vertically by 24 inches horizontally.

The sign must be PMS #155 Beige in color with graphics to be PMS #114L Brown in color. The sign must be painted on both sides.

The sign must be mounted on either a single metal stake or metal type frame.

### ***Application Requirements***

Completed "Sign Policy Agreement" form.

## Utilities (Mechanical Equipment)

### *General Considerations*

Exterior utilities and mechanical and electrical equipment such as air conditioners/heat pumps, condensers, meters, etc. must be housed or screened from view from streets, outdoor common and community areas, (e.g., the golf course, marina, etc.), and from adjacent properties.

Noise shall also be acoustically screened/buffered.

Property owners should investigate all alternatives to exterior mounted antenna(s) before submitting a request to the ACC.

### **Air Conditioners/Heat Pumps**

Air conditioners/heat pumps are prohibited in the front yards of all residences.

All air conditioners/heat pumps must be located so as not to be both visually and acoustically intrusive to adjacent residences.

Equipment should be hidden from view from all other property.

Equipment should be located on the ground, wherever possible.

Screen air conditioning/heat pump equipment by architectural treatment or landscaping.

The use of plant materials to provide required screening is preferred to fencing.

Through-the-wall air conditioning units are prohibited on all residences.

Window unit air conditioners are prohibited.

### **Antenna**

Antenna, satellite dishes, and other devices for receiving or transmitting any signal of any kind are discouraged and shall not be erected unless approved by the ACC.

Antenna(s) are recommended to be located in attics or within other structures.

No antenna of any style that will extend more than ten (10) feet above the highest ridge of the roof to which it is attached shall be permitted on a residential or patio home lot.

In no case shall a free-standing antenna or guide structure be permitted.

### **Satellite Dishes**

A satellite dish may be approved by the ACC if its location does not impact adjacent views and the overall aesthetics of the Community.

No satellite dish is, however, permitted in the front of any residence or beyond any wall facing onto either the water or golf course.

No dish shall exceed ten (10) feet in diameter and the top of the installed dish may not exceed six (6) feet from the grade level of the ground.

An expanded metal (see-through) type dish is preferred.

All approved satellite dishes shall be painted one solid color of black or an earthtone or dark brown, or grey.

No more than one dish will be approved on each property.

Wherever possible, dishes shall be located behind existing walls/fencing or in attics so as to be screened from view.

Landscaping is recommended and may be required to soften the visual impact and screen/buffer the dish from both adjacent properties and long-range views.

### **Telephone/Cable TV**

All telephone, electric cable, cable TV and other service lines shall be installed underground.

Telephone, cable TV and other utility boxes shall be located on the ground and screened from both private and public view.

For guidelines associated with closed circuit television systems. See Building Accessories, Security Devices, p. 14.

### **Meters**

The recommended screening of utility boxes, meters, etc. is through their location; preferably through their integration into the architectural design of the residence.

### **Solar Collectors (Panels)**

Solar collectors on pitched roofs must lie flat on the roof and be placed so that the top edge is parallel with the roof line.

Solar collectors on flat roofs must not be visible from the street or from adjacent properties.

No part of any installation shall be visible above the roof line.

All solar collector panels shall be installed in such a manner so that the associated structural members are not visible.

The installation framing shall, wherever possible, be integral to the architecture and in harmony with the residence/structure on which constructed.

All pipes, wires and related equipment shall also be concealed.

All framing, piping and other exposed equipment, as well as the collector frames, must be painted to match the roof.

Although discouraged, where solar collectors may be required to be installed on the ground; they should be located in side yards and not present a visual intrusion to adjacent residences.

Ground level solar collectors shall be screened through landscaping.

No solar collectors shall be located in front yards or on waterfront or golf course lots so as to be visible from the Lake or the golf course.

### **Storage Tanks**

The installation and use of propane, butane, LP gas or other gas tank, bottle or cylinder of any type shall be located, wherever possible, in the side yard and screened from view.

Gas fuel tanks in excess of twenty-five (25) gallons (outside of vehicle gas tanks) are prohibited. (Is this appropriate to the guidelines?)

### ***Application Requirements (for all Utilities)***

A catalogue clipping or manufacturer's "cut sheet" and description of the equipment, including dimensions, materials and color;

The location of the equipment with respect to the residence, property lines and adjacent residences and/or the location of the equipment installation on the building; and

A landscape plan of proposed screening/buffers.

## Miscellaneous (Guidelines)

### Barbecue Pits and Smokers

Permanent free-standing grills, barbecue pits and smokers are prohibited.

Where desired, permanent grills, barbecue pits and smokers should be incorporated into the design of the residence, accessory buildings, or walls and fencing.

Barbecue pits and smokers are not allowed in front yards, nor should they be located where visible from the street, including side streets, or from the water or golf course.

Consideration should also be given to the location and design of these items to avoid adverse impacts to adjacent residences from the associated smoke, noise, etc.

Barbecue pits, smokers, etc. shall be black or painted earthtone colors.

Approval may require screening/buffering with landscaping.

#### *Application Requirements*

A catalogue clipping and description including color; and

A site plan showing the proposed location of the equipment in relation to the residence, accessory buildings, walls and fencing, property lines and adjacent residences.

### Clotheslines

Exterior clotheslines are prohibited.

### Dog Houses/Runs

No dog houses/runs shall be located in front or side street yards; nor shall any dog house or run be located on the water or golf course side of waterfront or golf course lots.

Dog houses and runs should be located so as to be unobtrusive.

It is recommended that dog houses be integrated into the architecture of the residence, accessory building/structure, walls and/or fencing.

They should be painted to conform to match the color palette of the residence, or with earthtone colors to match their surroundings.

Dog runs must generally follow the guide-lines for fencing. (See Walls and Fencing, p. 23.)

Landscaping may be required for screening.

#### *Application Requirements*

A site plan showing the location of the dog house/run, the residence and accessory buildings, walls and fencing, property lines and adjacent residences;

A description of the dog house/run to include catalogue clippings, dimensions, pictures, etc., as applicable; and

The material(s) and color to be used.

### Flagpoles

A flagpole may be approved for flying the American flag.

The flagpole height and flag size should be in proportion to the residence.

The color of the pole can be black, white, tan or grey, or may relate to the trim color of the residence.

No polished metal or unfinished wood poles are allowed.

Illumination of the flag/flagpole may be approved, depending upon the location and intensity of the lighting. (See Lighting, p. 36.)



**Application Requirements**

Site plan showing the proposed location of the pole and lighting, if any;

Catalogue clipping and description, drawing and/or photograph of the pole, with dimensions and color sample; and

Specifications of lighting, if applicable.

**Fountains, Sculpture, Statuary (and Yard Art)**

See Landscape Guidelines, p. 37.

**Recreational/Play Equipment**

When considering play equipment, the size of the lot, equipment size, material, color, relationship to adjacent residences and the amount of visual screening are important factors.

Recreational/play equipment is not allowed in front yards, in side yards that face on the street, nor on the water or golf course side of waterfront and/or golf course lots.

Play equipment should be located no closer than twenty (20) feet to the nearest property line.

Equipment is recommended to be constructed from natural materials (predominantly of wood) and left to weather naturally.

Metal equipment, not including wearing surfaces (e.g., slides, sliding poles and climbing rungs), must be painted either black or a dark brown to blend with the natural surroundings. Bright, primary colors will not be approved.

Play equipment should be screened by natural vegetation and/or by the addition of additional landscaping.

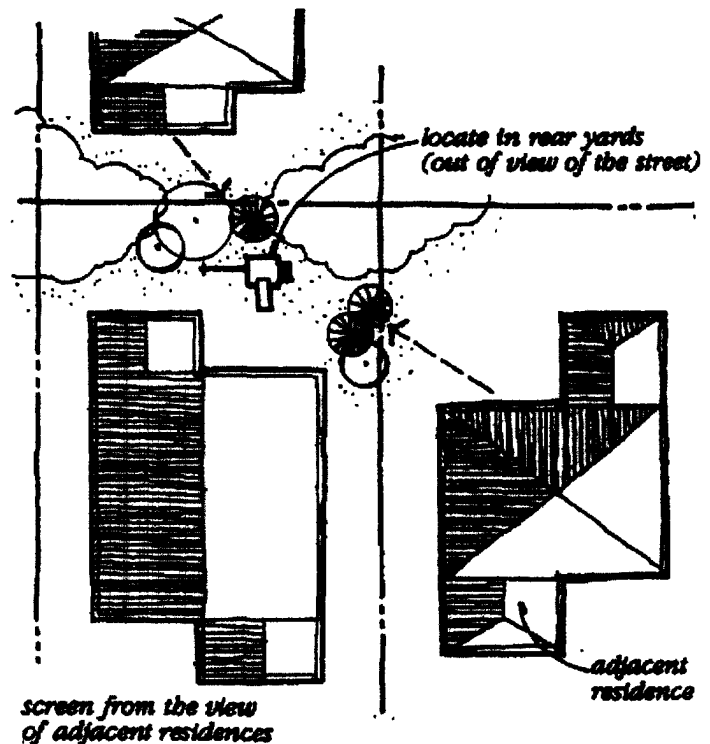
Treehouses are generally discouraged because of their visibility from adjacent properties.

**Application Requirements**

A catalogue clipping, and description of the recreational/play equipment, including dimensions, materials and colors;

A site plan showing the proposed location of the equipment in relation to the residence, accessory buildings, walls and fencing, property lines and adjacent residences; and

A landscape plan identifying existing woods and landscaping and indicating additional landscaping to be added for screening/buffers.

**Play Equipment**

## **Basketball Backboards**

Basketball backboards on residential and patio home lots should be located in such a manner as to be visually unobtrusive.

Consideration must be given to not only the visual impact of the backboard but also to safety considerations and the affect its normal use will have on adjacent residences.

The preferred location is centered over the garage or secured to a similar accessory building.

It is recommended that backboards be painted to match the color of the surface behind the backboard, the color of either the siding or the roof.

Free-standing basketball backboards and poles must be located over the driveway, at a distance from the nearest adjacent residence so as not to be obtrusive.

Poles can be black or painted dark brown to blend with the natural background; or, if made of wood, left to weather naturally. Exposed, unpainted metal poles will not be approved.

Pole and backboard shall be visually screened from the nearest property by existing or new trees.

### ***Application Requirements***

A site plan showing the proposed location in relation to the residence, accessory buildings, property lines, and adjacent residences;

A description of the proposed backboard and pole, including material(s) and color(s); and

A landscape plan identifying existing woods and landscaping and indicating proposed new plantings, if required.

## **Storage Sheds (also see Accessory Buildings)**

All of the locational guidelines applicable to Accessory Buildings apply to the location of storage sheds.

When selecting a location for a shed, views from adjacent residents must be considered.

Wherever possible, sheds should be designed as an integral part of the architecture of the residence, associated accessory building/structures, walls and/or fencing.

Sheds should also be compatible with the architectural design and details of the residence and/or accessory buildings; including siding materials, roofing and color(s).

If integrated into a wall and/or fence, the shed should not extend above the wall/fence.

The ACC may require additional landscaping to screen the shed.

### ***Application Requirements***

A site plan showing the location of the shed, residence, accessory buildings, property lines;

A drawing, dimensions and description of the shed;

The materials and color of the proposed shed and those of existing buildings; and

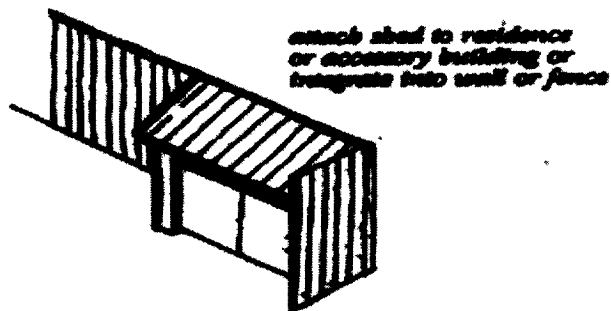
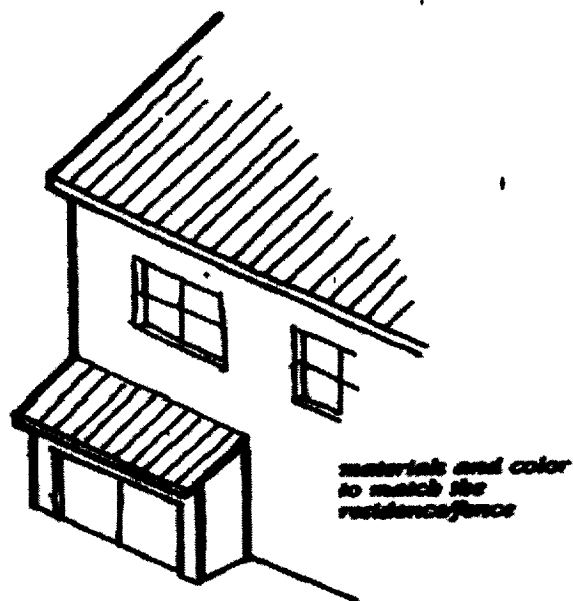
Any additional landscaping proposed for screening.

### Other (Miscellaneous) Elements

For improvements to your property that are not specifically described in the above guidelines, refer to the guideline that is most similar in concept to the project being proposed and use it as a guide in the planning, design and application to the ACC. You may also call the WCIA for assistance.

In general your application should include:

- A description of the proposed improvement to include dimensions, materials, color, etc., as applicable; and
- A site plan showing the proposed location of the improvement and the relationship to the existing residence, accessory buildings/structures, property lines, set backs, easements, etc.



**Storage Sheds**

## Guidelines for “Combined” Lots

### *General Considerations*

Where adjacent residential lots, including patio home lots, have been purchased by the same owner and merged to form what are referred to as “combined” lots, special considerations apply.

These “combined” lots offer a substantial opportunity to reinforce the image and character of Walden on Lake Conroe. Generally left undeveloped or only partially developed for additional parking and/or garage, or swimming pool/poolhouse and related uses; these properties provide the opportunity for the long-term preservation of woods, open space and other related natural areas. They also allow for the protection of views and site lines. This is especially important on waterfront and golf course lots.

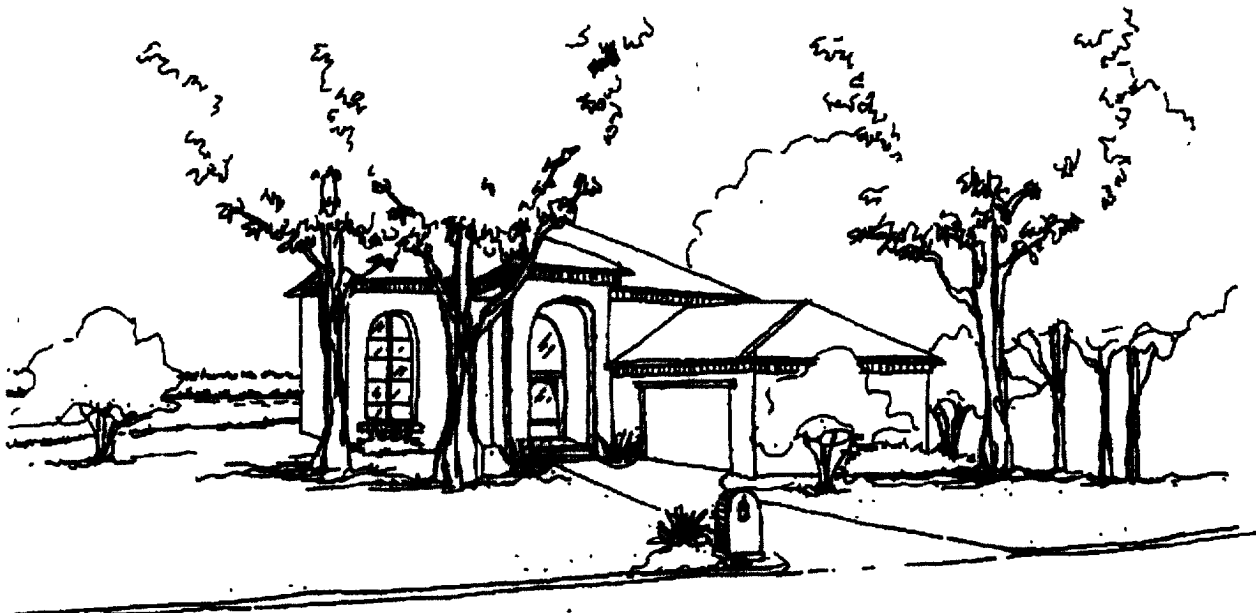
If inappropriately developed, however, “combined” lots will distract from the overall character of the Community. The unrelated design and placement of accessory buildings,

inappropriately designed and/or located walls and fencing, use as storage, and indiscriminate clearance, landscaping, and/ or lack of maintenance are just a few of the potential changes that can result in these properties, distracting from the associated residence, adjacent properties, and the overall Community.

Although all of the Design Guidelines apply to “combined” lots, the following require special attention consideration:

- Accessory Buildings/Structures;
- Garages and Carports;
- Decks, Porches and Patios;
- Walls and Fencing;
- Swimming Pools, Spas/Hot Tubs;
- Bulkheads, Docks and Boat Slips; and Landscaping.

Specific guidelines that apply to “combined lots” are identified within each of these guidelines. (See Design Guidelines, p. 7-49.)



## Special Considerations for Townhouses and Condominiums

### General Considerations

[Note: Townhouse and condominium projects are referred to as “clusters” and their related associations as “cluster associations.” Guidelines that are specific to townhouse and condominium clusters are referred to as “cluster association specifications.” Townhouse and condominium projects are also occasionally referred to as “multi-family” projects or developments.]

The development of townhouses and condominiums support the overall image and character of Walden on Lake Conroe. This is achieved through an orientation to the major amenities of the Lake, marina and golf course; and a consistency of design themes and recurring architectural and landscape elements.

The Purpose/Objectives, Design Principles and Design Criteria all apply to townhouses and condominiums; and all of the previously described Design Guidelines also apply. In addition, townhouse and condominium cluster association specifications also apply. For some guidelines “special considerations” are also applicable; see Special Considerations, p. 52.

Townhouse and condominium projects require a high degree of site, architectural and landscape design consistency and courtesy. Alterations to one property may affect privacy and may create adverse impact on adjacent residences and/or properties. For this reason the ACC may restrict individual improvements relative to the overall townhouse or condominium project and the Community.

**Building Character** – Townhouse and Condominium projects should incorporate materials and colors that are utilized in single

family residences. The buildings should be masonry with a predominance of brick. Architectural design and workmanship must be of the highest quality.

**Building Location and Orientation** – Townhouses and Condominiums should recognize the existence of natural features and the recreational amenities of Lake Conroe, marina, tennis center, golf course, woods and related open space. The primary living areas of these projects should orient to these amenities.

**Privacy** – Cross-views between multi-family residences must be carefully considered in the design of these projects. This is of special concern in the location of balconies, decks and outdoor living areas.

**Parking** – Townhouses and condominiums create the need for additional parking requirements. The location and design of surface parking lots, and possibly garages, must be consistent with the overall image of Walden. Parking lots should be sited to preserve woods and other natural areas and to maximize the open space available to the units. Parking lots should also limit the number of continuous spaces, incorporate planting strips, and be visually screened/ buffered from adjacent streets and properties.

Other areas such as lighting, signage and trash removal also deserve special consideration in the design and maintenance of townhouses and condominiums. (See Special Considerations, below.)

### Cluster Association Specifications

In approving the initial plans for a townhouse or condominium project the ACC established

specific cluster specifications for the project. Each multi-family project has its own cluster specifications. These typically include exterior colors and materials, decks, fencing, lighting, signage and other common elements.

Where townhouse and condominium cluster association specifications exist, requests for changes to individual units must conform to the approved cluster association specification. If a townhouse or condominium owner desires to make an exterior alteration and/or addition for which there are no cluster association specifications, the ACC will review the application both on its own merits and in terms of its broader acceptability as a cluster specification.

Consistent with the Design Guidelines, the ACC reviews existing cluster association specifications on a periodic basis to assure that they are current, are based on available products, and reflect the needs of the association members. The ACC encourages cluster association participation in this process.

As townhouse and condominium projects age, areas or elements that require periodic maintenance are of special concern. The most common of these include painting/staining, walls/siding, roofing, lighting and signage. Material substitutions should not wait until required.

Requests for revisions to cluster association specifications are handled similarly to requests for changes in single-family residential and patio home residences.

Design guidelines that are generally included in cluster association specifications include the following:

- Walls (Residing);
- Roofing (Reroofing);
- Painting/Staining (Color Changes);
- Entries, Doors and Windows, (including Storm/Screen Doors and Windows);
- Building Accessories;

- Decks, Porches and Patios;
- Walls and Fencing;
- Exterior Lighting (Illumination);
- Mailboxes; and
- Signage.

Generally unless otherwise approved by the ACC, improvements in these areas must conform to the applicable cluster association standards.

### Special Considerations

In addition to the guidelines that are included in cluster association specifications, there are special conditions that apply, to the following guidelines:

**Additions** – Additions are generally prohibited to individual townhouse and/or condominium units.

**Antenna/Satellite Dishes** – No exterior antenna/satellite dishes are allowed in association with individual townhouse or condominium units.

**Basketball Backboards** – Backboards are not allowed on individual townhouse properties.

**Decks and Patios** – New decks and/or additions to decks shall be sufficiently set back from common walls to assure visual privacy to adjacent residences.

Upper level decks/balconies must be located so as not to cast shadows on walls/windows or outdoor living areas (e.g., ground level decks/patios) of adjacent units.

Privacy walls/screens may be approved provided they do not block major views and sight lines. This is of special importance on waterfront and/or golf course properties.

**Swimming Pools, Spas/Hot Tubs** – Swimming pools are not allowed on individual

townhouse properties. The addition of spas/hot tubs is discouraged.

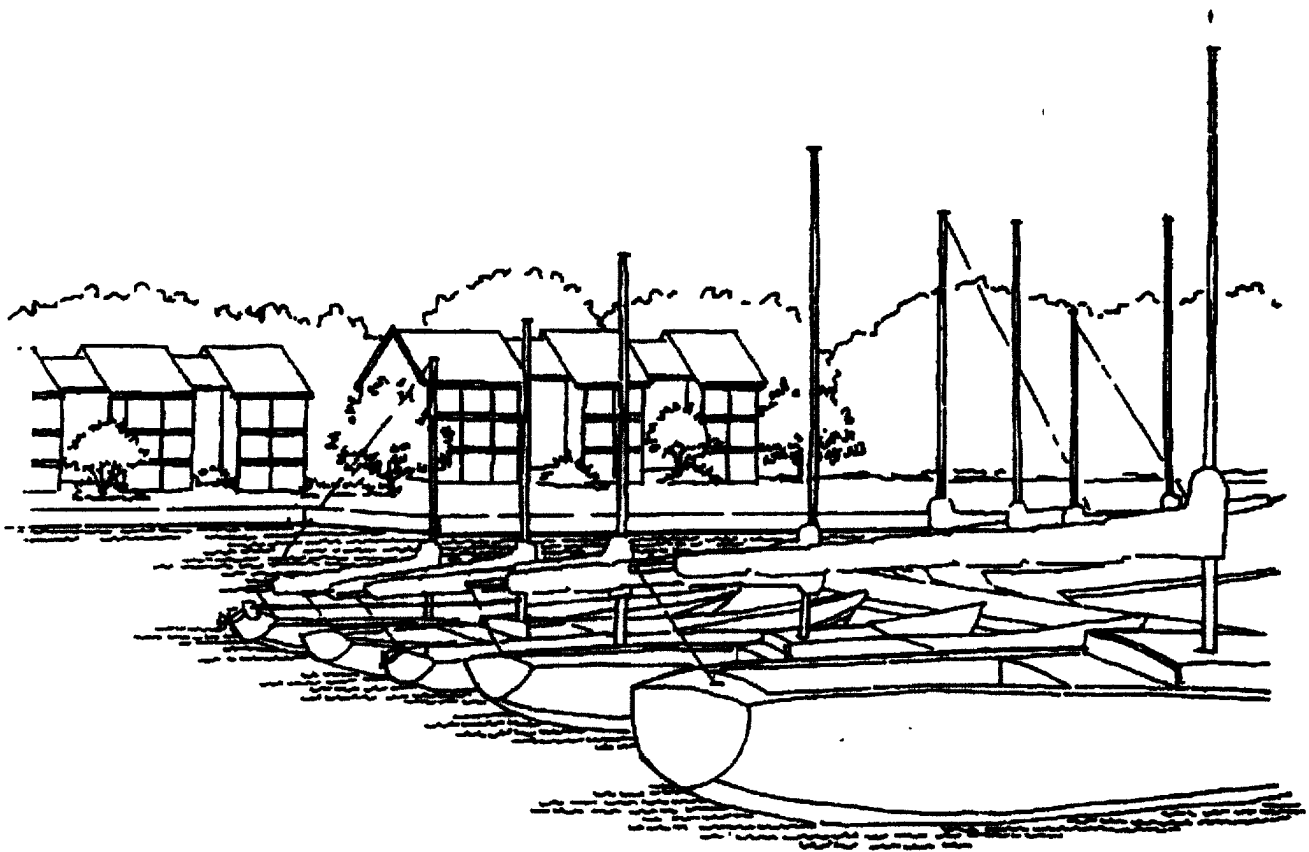
**Landscaping** – Landscaping is the responsibility of the cluster association.

The decorative landscaping of individual townhouse cluster properties is allowed to the extent that it is kept within the scale and

context of the overall cluster design concept.

**Lighting** – Lighting must be in accordance with approved cluster association specifications.

Colored or otherwise non-standard fixtures, bulbs, etc. will not be approved.



*Condominiums on the Marina*

**Mailboxes** – Where mailboxes are located together they must be of a similar, coordinated design and in accordance with the cluster association specifications. Supplemental identification and/or individual mailboxes are prohibited.

**Signage** – Unit identification numbers shall conform to the approved cluster association specifications. Supplemental identification is prohibited.



## Commercial/Institutional Guidelines

### General Considerations

This section is for owners and their agents who are considering additions and/or alterations to office, retail/convenience centers, institutional, recreational and community buildings.

Both commercial and institutional architecture should express the overall goals of Walden on Lake Conroe, reinforce the design intent, and reflect the highest level of quality and workmanship. The overall character of Walden on Lake Conroe is closely tied to the images presented by the entrance, yacht club and marina, golf clubhouse and tennis center. The architecture of these facilities is consistent and reinforces that of the townhouses and condominiums and the overall residential community.

**Building Character** – A consistency of site design, architectural and landscape theme is essential in maintaining this relationship of residential and non-residential development of the Community. Scale, form, texture and facade treatment are all important considerations in expressing a consistent character of commercial/institutional architecture.

**Building Facade** – Building materials should be limited to one or two facade materials with one material dominant. These materials should reflect durability, permanence, quality and harmony with the overall architectural character of the Community.

Acceptable materials include brick, stone, integral color/texture pre-cast concrete and wood. Reflective glass, poured-in-place unfinished concrete, concrete block and metal sidings are inappropriate.

A single material and color should comprise the majority of the building facade. Masonry, brick or stone of earth tones is encouraged in order to

harmonize with the residential architectural character and the natural landscape.

The use of consistent building materials in related circulation and landscape elements, e.g., streets, parking, plazas, walks, etc., is required; the use of the same materials is encouraged.

**Glazing** – Glazing shall be clear; reflective glass is not permitted. Punched window openings are encouraged. Large expanses of glass are discouraged. Metal frames should be kept to a minimum and compatible in color with facade materials. Bright metal and/or accent mullions are inappropriate.

**Roofing** – Commercial buildings should have penthouses to conceal rooftop mechanical equipment, etc. Shed or pitched roofs are encouraged. The architectural character of these elements should reinforce that of the overall Walden.

**Parking** – Parking lots should be kept to the minimum area required with the distance to building entrances minimized. Parking lots should be sited to maximize the preservation of woods and open space and other natural areas.

Parking lots should contain islands to break up the mass of paving, and all islands should be large enough to contain deciduous trees.

Street trees and woods, surrounding parking areas should be supplemented with additional landscaping. Parking lots must be screened/buffered where adjacent to residences.

**Service Areas** – All service areas, including loading docks, entrances to service bays, exterior storage areas, etc., shall be screened from view by walls of a material compatible with building architecture. Trash collection (dumpsters) shall be screened in a similar manner. Entrances to

these areas shall be buffered and screened through the use of appropriate landscaping.

Other areas such as walls and fencing, landscaping, lighting and signage also merit special consideration in the design of commercial/institutional properties.

Submission requirements for applications for improvements to include additions and/or alterations to commercial/institutional properties are handled similarly to requests for improvements to residential properties. (Also see ACC Application Procedures, p. 67; and the Initial Construction Submission Checklist, Appendix A-3, p. 69.)

### Special Considerations

The Purpose/Objectives, Design Principles and Design Criteria all apply to the commercial and institutional properties in Walden on Lake Conroe. Many of the considerations described in both the Design Guidelines, p. 7-49; and under Special Considerations for Townhouses and Condominiums, p. 51, also apply.

Below are additional design considerations for these commercial/institutional properties:

**Antennas/Satellite Dishes** – Wherever possible, antennas and/or satellite dishes should be made an integral part of the building architecture.

Ideally, antennas/satellite dishes should be located on the building roof and screened by the building architecture to not be visible from the street or adjacent properties. When location on the building is not possible, antennas or dishes should be located and screened so as not to be visible from public areas or adjacent properties. The ACC may require the addition of walls, fencing, berms and landscaping and a combination of these may be required to provide adequate screening/buffers.

**Walls and Fencing** – The limited use of walls and fencing to provide security or screening to certain limited areas will usually be approved by the ACC.

In most instances walls and fencing must be an integral part of the building architecture.

Perimeter or property line fencing is generally not permitted.

**Landscaping** – The landscaping of commercial/institutional properties should reinforce the overall landscape theme of the Community, as well as provide for the special considerations of:

- Preserving views and providing privacy;
- Providing property line screening/buffers, especially when adjacent to residential properties;
- Screening views of walls, parking, service areas and mechanical equipment,

**Lighting** – Commercial/institutional project lighting should be consistent with the lighting throughout the Community both in location, materials and color(s).

Site lighting should be limited to levels required for function and safety.

All lighting fixtures shall be designed and located to avoid glare and excessive brightness; especially as regards adjacent properties.

Any building to be washed or highlighted (with lighting) must receive ACC approval.

High pressure sodium (yellow-orange) lighting is prohibited.

(See Signage for illuminated signage guidelines.)

**Signage** – Commercial site and exterior building signage is considered integral to the

total project design and that of the Community. Signage will be reviewed both on its own merits and in relationship to adjacent properties and the overall Community.

Generally, signage should be discreet and minimized both in size and quantity.

Any monument or free-standing sign(s) should be located at the entrance to the project; (see Project Identification Signs below).

No building mounted sign shall protrude above the building or above the wall to which it is mounted. Roof mounted signs are not permitted.

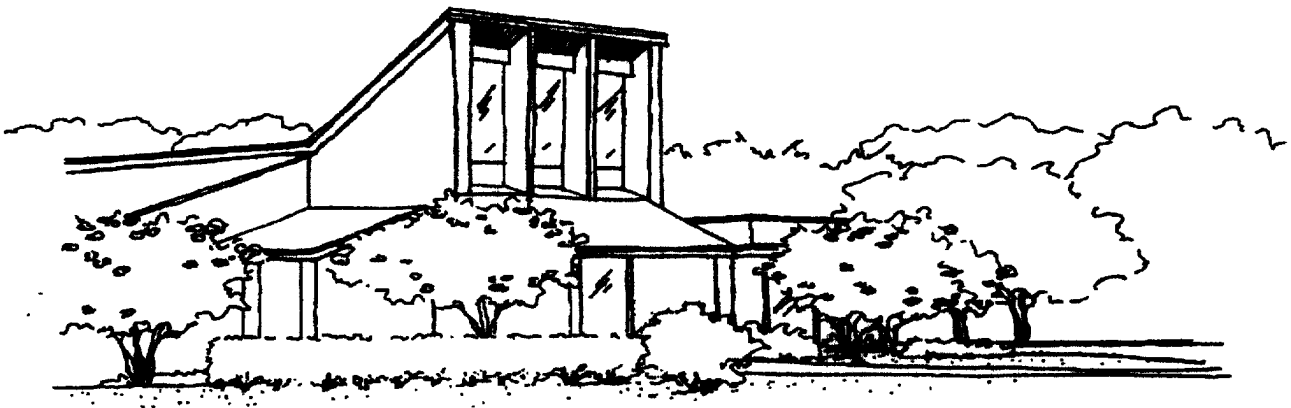
Illuminated signs should be internally or "halo" lit rather than by external fixtures.

Illuminated signs must not create excessive glare or intensity and must not disturb adjacent residential properties.

Project Identification Signs must be of a straightforward design without ornamentation and be located on the project, usually at the main entrance. If there is an additional entrance, a second sign of similar design may be approved.

A sign with a low profile, set in a landscaped area, with colors and material related to those of the buildings is most suitable.

The lettering style should also relate to the project architecture. Simple, straightforward lettering is preferred. The size of the



*Walden Golf Clubhouse*

letters should be scaled to the speed limit and the line of sight from the street. The size of the sign must be proportional to the size of the lettering.

An internally illuminated sign may be acceptable as long as the illuminated letters do not glare.

Directional and advisory signs must be straightforward, without ornamentation, and located within the project. Multiple signs should be clustered and be of a uniform design. Their size must be appropriate to the setting.

## Initial Development and Construction

### General Considerations

Initial construction and development of property in Walden on Lake Conroe is reviewed by the ACC in accordance with the standards provided by the Deed Restrictions and associated Restrictive Covenants that apply to the Section and lot.

The Purpose/Objectives, Design Principles and Design Criteria apply to all new construction and the Design Guidelines will be applied, as appropriate. Each project will be reviewed on its own merits in the context of its surroundings and within the overall context of the image and character of Walden. Both preliminary and final plans shall be submitted to the ACC for approval prior to the start of construction. (See ACC Application Procedures and the Initial Project Submission Checklist, available from the WCIA offices.) Numerous policies and procedures have been adopted regarding initial construction. Please check with the General Manager of WCIA at the WCIA offices to be sure you have the latest copies of all applicable policies and procedures.

### Site Design Guidelines

#### General Considerations

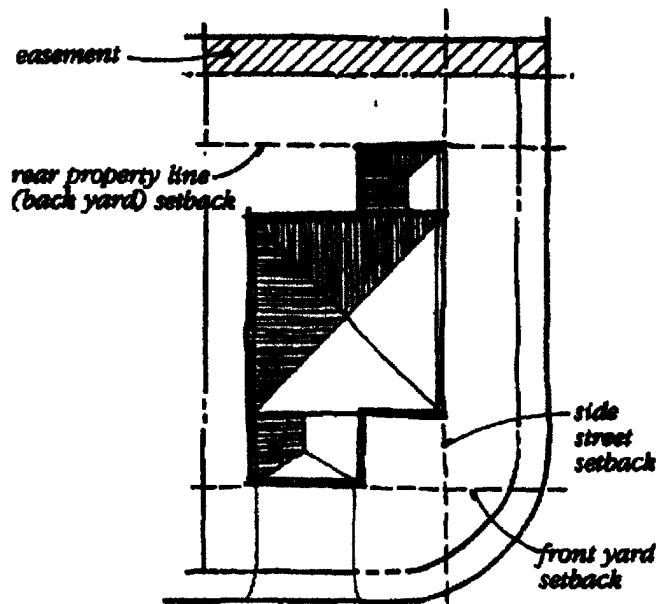
Walden on Lake Conroe is a planned community that provides an environment of high quality, both functionally and aesthetically. The design of each property should be distinctive, yet cohesive in character with other properties in order to reinforce the overall image and character of the Community.

Site design must include sound engineering and site planning relationships between streets, parking and buildings. It must also incorporate open space, buffer zones and screening. Of particular significance is the enhancement of the character of Walden through the preservation of the natural site features of woods and water.

### Specific Guidelines

**Setbacks and Easements** – Site design and building siting must adhere to all of the setback requirements and easements that are described in the Deed Restrictions pertaining to the lot. These restrictions provide a continuity of building setback from the street(s), and side and rear property lines; and they insure privacy and the preservation of views and sight lines.

Depending upon the size and location of the proposed residence, the ACC may require additional setback to insure visual privacy



### Setback and Easement Restrictions

and/or the preservation of view(s) and sight lines from adjacent properties. This is important on waterfront and golf course lots.

**Building Siting/Orientation** – Siting of residences should maximize existing topography, preserve existing vegetation, minimize grading, accommodate drainage requirements and, in general, allow for a variety of opportunities for building massing and orientation, the preservation of views, the provision of outdoor living areas and the maintenance of privacy. Primary living areas should orient to these site amenities, including where applicable the water and golf course.

**Grading and Drainage** – Residences should be designed to suit the topography of the site with a minimum of required clearing and grading.

Grading shall avoid disturbance of all natural areas to the greatest extent possible.

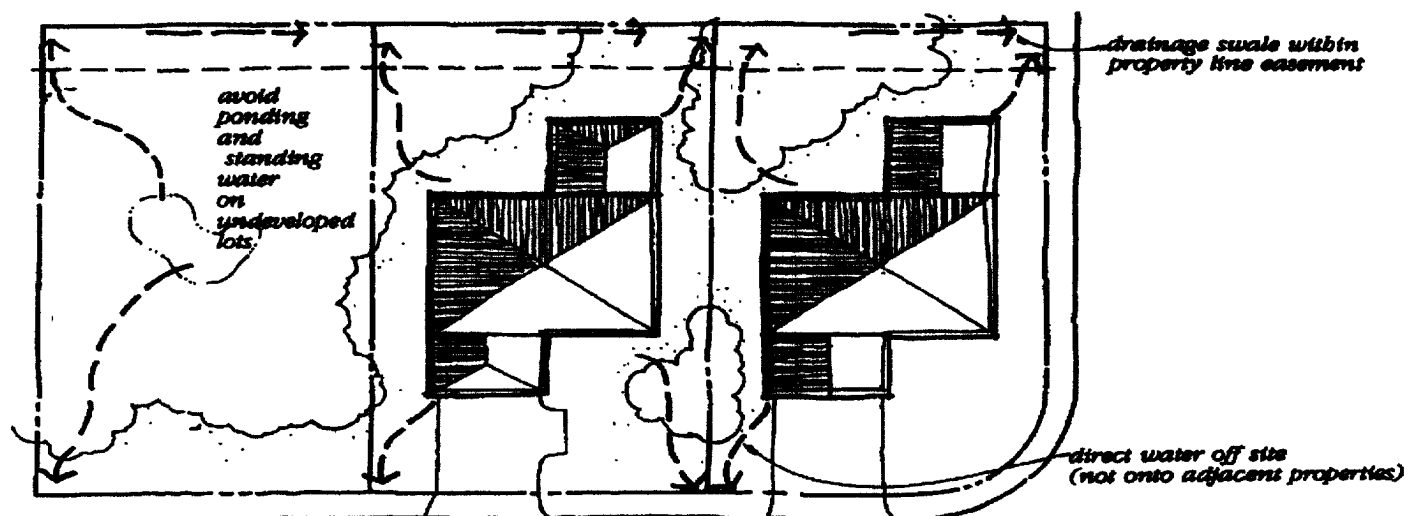
Owners are responsible for proper grading of lots to assure adequate drainage. Unimproved lots must also drain properly.

Storm drainage shall avoid creating erosion and shall not drain onto adjacent properties.

As a part of the preliminary site plan review a “limits of clearance” line shall be designated to identify the location and extent of any natural areas and specimen trees not to be disturbed during construction. The ACC may also require a tree survey identifying all trees larger than an eighteen (18) inch caliper.

After final site plan approval and before construction may proceed, the trees and other natural areas which are to remain undisturbed shall be protected with a fence located at the “limits of clearance” line. Specimen trees outside this area that are also to remain undisturbed shall be clearly flagged.

**Site Plan** – The site plan must include natural and finished grades by contour lines and, where applicable, spot elevations, limits of clearance, trees and tree clearance lines, grading, silt control, walls and fencing, driveway(s), parking pads, walks, decks and patios, and steps.



**Grading and Drainage**

## Architectural Design

### *General Considerations*

Building architecture should support the overall image and character of Walden. Consistent design themes and the recurring use of materials, color and architectural elements are of primary concern in reinforcing the image of a distinctive and unified Community.

The ACC's interest in architectural design is primarily concerned with the exterior elevations of the building(s), including accessory buildings/structures, the relationship to the site, and design compatibility with adjacent properties.

All exterior elevations and surfaces are considered in determining the acceptability of a design proposal. Size, bulk, organization, architectural style, attention to detail, materials and color are among the many criteria used by the ACC in evaluation. Particular attention is given to those elevations and roofs that are visible to adjacent residences and/or public view. Elevations on the water and/or the golf course are of particular concern.

Building form, including height, bulk, roofline, massing, fenestration, and composition is an important design consideration. The ACC will evaluate the total composition, including massing of the major building elements, proportions of solids and voids, colors, finishes, etc. The building design should incorporate a consistent level of architecture.

In general, architectural form and massing should develop as a natural response to the character of the site. The design is encouraged to take maximum advantage of site features such as topography, vegetation, and views while maintaining a respect and courtesy for adjacent properties. For specific policies of the ACC regarding Repetition and Harmony, please see the WCIA offices.

## Landscape Design

### *General Considerations*

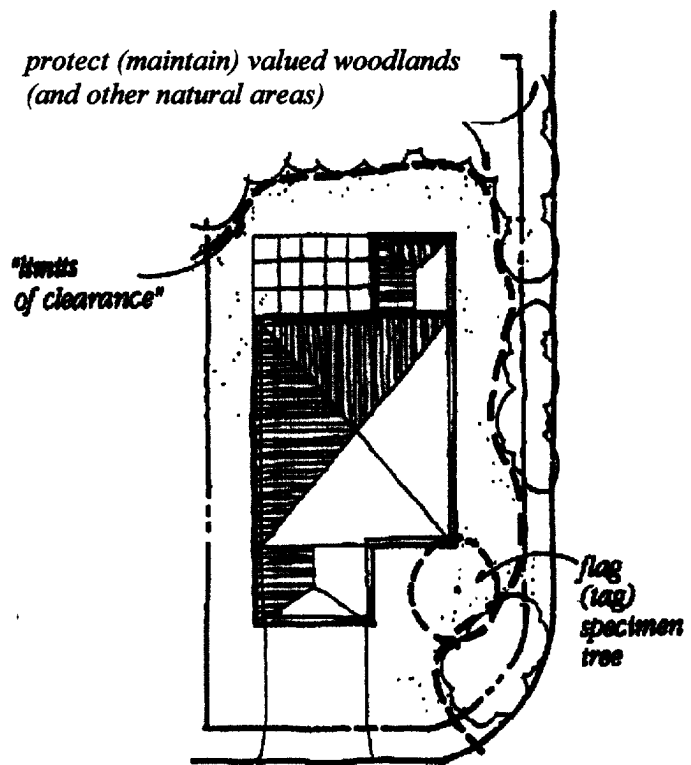
As with site design and architecture, the overall landscape design of Walden is an integral part of the overall image and character of the Community. The landscape design of each property must be consistent with the overall theme of the Community. Although the landscape is encouraged to vary from property to property, reinforcing the existing unified high quality visual environment is paramount.

### *Specific Guidelines*

A landscape plan is required for all initial construction.

A landscape plan is required for all townhouse and condominium projects and for all commercial/institutional buildings.

Please see the WCIA office to obtain the ACC's Landscaping Policy.



### *Limits of Clearance*

The ACC may require the submission of a landscape plan for improvements on residential lots where significant woods, and/or other natural features exist.

The ACC may also require a landscape plan to accompany the application of various other improvements where screening/buffers are required.



## **Maintenance Guidelines**

The removal of an approved architectural element must be approved by the ACC.

### **General Considerations**

In accordance with the covenants, the ACC has established the following minimum guidelines for the maintenance and improvements of property in Walden on Lake Conroe. The WCIA, pursuant to the Deed Restrictions, has the responsibility to administer the maintenance covenants.

### **Guidelines for the Maintenance of Improvements**

Owners of properties subject to the Deed Restrictions and Restrictive Covenants of Walden on Lake Conroe shall maintain their property in a clean, attractive, and serviceable appearance, substantially similar to its original condition. Such maintenance includes, but is not limited to, the following:

Replacement, repainting/restaining on a periodic basis, as needed, exterior wall surfaces which are significantly different in appearance from the original appearance approved by the ACC, by reason of weathering, or otherwise.

Replacement of missing elements or repair of exterior damage or deterioration, including, but not limited to:

- Siding, roofing, trim, gutters and downspouts, flues, doors and windows and other building accessories.
- Garages, carports and other accessory buildings, recreational structures (including pools, docks and boat slips), exterior lighting and signage;
- Walls and fencing, decks and patios, driveways, parking pads, sidewalks and other paving; and
- Landscaping.

## **Other Considerations (Things You Need to Know)**

### **Removal of Existing Buildings/ Structures**

The removal of any building, addition, wall, fence or structural element which may change the exterior appearance of a residence must be approved by the ACC.

Although the removal of the structure may improve the appearance of the property, it also may adversely impact the residence, may expose areas required to be kept screened, and may adversely impact adjacent properties and the overall appearance image of Walden on Lake Conroe.

### **Tree Removal**

Trees, regardless of size, located within woods and other natural areas may not be disturbed or altered without specific approval of the ACC.

No live deciduous or evergreen trees the trunks of which are four (4) inches or more in diameter, as measured two feet above the ground (grade), may be removed without specific approval.

No live ornamental trees (e.g., flowering trees) may be removed without specific approval.

Removal of live trees will be approved if there is imminent danger to people or property and their continued existence would be detrimental. "Detrimental" conditions include the physical intrusion by trees, roots, and branches on residences or other structures in a way that may cause damage, excessive shade, or could block views and sight lines. Overgrowth may also be considered detrimental.

The ACC may require the replacement of removed trees.

## **Other Approvals**

Many projects require county governmental review and permits in addition to ACC approval. The property owner is responsible for obtaining all required governmental (state, county, river authority and other agency) approvals.

Montgomery County authorities should be contacted before beginning any project in order to verify what permits and other approvals are required.

Plans submitted to the ACC must comply with all applicable zoning ordinances, building codes and other requirements of all agencies having jurisdiction over the project. It is the responsibility of the applicant to obtain all necessary permits and approvals. It is not the responsibility of the ACC to review submissions to determine whether they comply with applicable governmental regulations.

ACC approval does not relieve the applicant of the responsibility for complying with county and other agency regulations, nor do other approvals preclude the need for ACC approval.

## **Et Cetera**

### **Timing**

The submission of applications for ACC review and approval of initial construction and/or improvements such as changes, additions and/or alterations should not be delayed. Applications should be made as soon as the required submission materials are available.

Under normal conditions allow one (1) week from application to receipt of approval. This time may be reduced depending on the scheduled date of the next ACC meeting, applicant participation, other factors, etc. On the other hand, if modifications and a resubmission are required, and/or if disapproved and requiring resubmission is required, the time of approval may be substantially increased.

Work may not proceed without ACC approval. The ACC will require construction that is started without prior ACC approval to be stopped pending formal application, review and approval.

### **Changes by the Previous Owner**

Purchasers of a previously occupied residence may receive notice that, because of an unapproved exterior change made by the previous owner, they are in violation of the Covenants.

Current owners are responsible for any existing violations on their property. An owner in this situation should submit an application seeking approval and explaining the situation.

### **Don't Copy Your Neighbors**

When considering making an exterior improvement such as a change, addition or alteration to your property, do not rely on what others may have done. It may not have been approved; and/or it may have been disapproved and be awaiting modification. You are responsible for obtaining ACC approval for your improvement project.

## APPENDIX

### A-1, Architectural Control Committee Approval Process

The Deed Restrictions and Restrictive Covenants of Walden on Lake Conroe, as applicable to all properties within the Community, including townhouse and condominium projects and commercial/institutional projects, require Architectural Control Committee review and prior approval for not only initial construction, but for any subsequent improvements to the property, including but not limited to:

- Additions and/or alterations;
- Reroofing;
- Residing;
- Painting/staining (color changes);
- Walls and fencing;
- Decks and patios;
- Bulkheading, docks, piers and boat slips and
- Landscaping.

Approval is also required for the installation of many miscellaneous items, such as:

- Doghouses and dog runs;
- Recreational/play equipment; and
- Antennas and satellite dishes.

The first step in planning an improvement is completion and submission of the ACC application.

A detailed site plan must be submitted with the application for approval of any initial construction or improvement to your property. The detail provided by the site plan is reviewed by the ACC to determine the exact location of any improvement in relation to property lines, the required setbacks, easements or other criteria created by the recorded plat or by the Deed Restrictions.

The ACC evaluates all submissions on the individual merits of the proposed improvement as presented in the application. Besides

evaluation of the particular project, this includes consideration of not only the individual property, but also the impact on adjacent properties and the overall Community. What may be an acceptable design on one property in one instance may not be on another. For example, exterior changes to multi-family dwellings (townhouses and condominiums), due to their relative closeness to one another, usually are more noticeable and may have more of an impact on adjoining dwellings than the same changes to detached single family residences.

Decisions made by the ACC in reviewing applications are based on the restrictions in the applicable Section's Deed Restrictions, on the overall Purpose, Objectives and Design Criteria, and the applicable Design Guidelines presented in this manual.

Problems the ACC normally encounters are usually a result of lack of understanding of or failure to review the Deed Restrictions, Covenants and Design Review Guidelines, failure to submit an application, failure to submit a site plan and/or other submission requirements, initiating construction before the ACC review process is completed or failure to construct projects as they were approved.

Your on-going cooperation in familiarizing yourself with the details of your Deed Restrictions and the architectural review process will serve to enhance the entire Walden on Lake Conroe Community. Please do not hesitate to contact the Walden Community Improvement Association (WCIA) should you have questions or concerns.

## A-2, Architectural Control Committee Application Procedures

Following are the steps necessary to complete and submit the Architectural Control Committee's application for improvements of any kind to an existing improved property. (For initial construction refer to the following Initial Construction Submission Checklist, Appendix A-3, p. 69.)

- Pick up an application form from the Walden Community Improvement Association (WCIA) administration office, located in the lower level of the Walden Yacht Club; or call (409) 582-4222 and one will be mailed to you.
- Read the application form carefully and provide complete detail as requested on the form.
- Read your Deed Restrictions and Restrictive Use Covenants.
- Refer to the Design Review Guidelines and the guideline that applies to your proposed improvement. If your improvement is not specifically covered in the Guidelines, refer to the guideline that most closely resembles your proposed project.
- If you need clarification regarding the requirements of the restrictions and/or interpretation of the guidelines, call the WCIA general manager or deed restrictions officer at (409) 582-4222.
- Think about what you want to do. Consider the impact your proposed project will have on adjacent properties.
- Complete the application.
- Attach the supplemental materials specified in the guidelines. Some projects may require professional drawings.
- Always include a site plan.

- Deliver or mail your application along with the appropriate supplemental materials to:
  - Architectural Control Committee
  - Walden on Lake Conroe
  - Community Improvement Association
  - 13101 Melville Drive
  - Montgomery, Texas 77356
- A staff member will then review the application to determine if the information provided is sufficient for the ACC to review. If not, you will be asked to provide additional information.
- Your request will be included in the agenda for the next ACC meeting.
- Your application may be provided to the ACC members prior to the meeting so they will have a chance to review it and, if needed, visit your property to gain a better appreciation for the merits of the request.
- Your request will be reviewed by the ACC at a regularly scheduled meeting, usually on a Wednesday morning in the WCIA conference room.
- You may attend the meeting by notifying the WCIA administration office that you wish to be present or make a special presentation. An applicant who wishes to address the Committee must notify the WCIA administration office by 5:00 p.m. on the day preceding the meeting.
- The ACC may approve, approve with stipulations, disapprove, or defer its decision on the application.
- A letter providing the decision is sent following the ACC meeting. You may obtain a verbal decision regarding your application by calling the WCIA administration office after 2:00 p.m. on the day of review.

- Your application is filed in the ACC's records of your specific lot.
- If you disagree with the decision, you may appeal it. To do so, contact the WCIA administration office for help with the procedure.

**A-3, Initial Construction Submission Checklist**

Please contact the WCIA offices to obtain the current Initial Construction Submission Checklist.

**RECORDER'S MEMORANDUM:**

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All black-outs, additions and changes were present at the time the instrument was filed and recorded.

FILED FOR RECORD  
07 JUL 10 AM 10:42  
*Mark Turnbull*  
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in File Number Sequence on the date and at the time stamped herein by me and was duly RECORDED in the Official Public Records of Real Property at Montgomery County, Texas.

JUL 10 2007



*Mark Turnbull*

County Clerk  
Montgomery County, Texas

**RECORDER'S MEMORANDUM:**

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All black-outs, additions and changes were present at the time the instrument was filed and recorded.