

EXHIBIT B

ARCHITECTURAL AND CONSTRUCTION DESIGN GUIDELINES FOR COMFORT FALLS AVIATION ESTATES SUBDIVISION

DESIGN GUIDELINES OBJECTIVES

- ✓ Preserve the beauty and character of the existing natural environment.
- ✓ Develop a cohesive, aesthetically pleasing visual, architectural and landscape style throughout Comfort Falls Aviation Estates.
- ✓ Promote the use of a "Texas Hill Country" architectural style through planning and design, and through the use of materials such as native stone, plaster or stucco, and standing seam metal or other approved roofs.
- ✓ Promote water conservation and wildlife management throughout the development.

NO IMPROVEMENTS OF ANY KIND MAY COMMENCE ON A LOT WITHOUT THE PRIOR WRITTEN APPROVAL OF THE COMFORT FALLS AVIATION ESTATES ARCHITECTURAL REVIEW COMMITTEE.

THE COMFORT FALLS AVIATION ESTATES ARCHITECTURAL REVIEW COMMITTEE DOES NOT REVIEW THE PLANS FOR THE PURPOSE OF DETERMINING IF THEY ARE IN COMPLIANCE WITH THE APPLICABLE BUILDING CODES OR WHETHER THE STRUCTURAL AND FOUNDATION PLANS ARE ADEQUATE OR SUITABLE FOR THE PARTICULAR SITE. EACH OWNER IS STRONGLY ENCOURAGED TO USE AN ARCHITECT AND/OR A PROFESSIONAL ENGINEER TO DESIGN THEIR HOME AND LANDSCAPE.

SITE PLANNING REQUIREMENTS

It is the objective of the *Comfort Falls Aviation Estates Architectural Review Committee* (hereafter "the Architectural Review Committee" or "ARC") to protect the view of lots within the development. Accordingly, the *Architectural Review Committee* reserves the right to approve home site locations and building heights before construction permits will be issued.

ARCHITECTURAL AND CONSTRUCTION REVIEW AND APPROVAL PROCESS

The Architectural Review Committee will review designs only after determining that it has all necessary information required to perform such review. The following items shall be of particular importance to the Architectural Review Committee:

- Site planning for all building improvements, including location, and how such improvements will affect the views and privacy of other lots in the development.
- Building heights and rooflines.
- Exterior elevations of residences to maintain a high level of aesthetic quality.
- Building materials and finishes, including, but not limited to, paint and pre-painted materials..
- Landscaping provisions within the lot, including preservation of natural vegetation where required in order to maintain the natural character of Comfort Falls Aviation Estates (hereafter "CFAE").
- Use of drought-resistant, native plants and materials, and the use of sound water conservation practices.

Pre-Design Meeting - Prior to preparing any drawings other than sketches for a proposed improvement, the Owner and/or the Owner's Architect and/or Builder shall meet with the Architectural Review Committee to discuss the proposed residence and resolve any questions regarding the Architectural and Construction Design Guidelines or the design review process.

Plan Review Meeting - All elements of the design proposed for the lot development will be reviewed, including, but not limited to, the architecture design of any building improvements, the site plan, building materials, paint colors, and other proposed and future improvements will be reviewed. A topographic survey and a tree survey may be required in order to identify the preferred location of building improvements on the property. During this

meeting, pre-construction requirements will be discussed and the responsibilities of property owner and builder are covered. Builders are required to follow gate and access procedures. Approval of plans by the Architectural Review Committee does not relieve the applicant from complete responsibility for compliance with the Design Guidelines, the Declarations and any governmental regulations.

Submittals - The following must be submitted to the Architectural Review Committee after the Pre-Design meeting:

- A site plan at a scale no less than 1" = 40' on a 24"x 36" or a 30"x 42" sheet showing all building improvements, driveway, parking areas, patios, pools, walls, proposed utility service facilities and routes, building setbacks, drainage or water flow plan, including existing and proposed contours at two foot intervals, and elevations of all building floors, patios, and terraces, shown in relation to site contour elevations. Each Owner submitting drawings for approval shall be responsible for the accuracy of all information contained therein.
- The submitted drawings should include floor plans at 1/4" = 1' scale and roof plans with a scale of no less than 1/8" = 1'. Roof plans must illustrate sloped and flat roof areas, porch roofs, roof-mounted equipment, and skylights, if any.
- Exterior elevations must include all sides of the residence, at the same scale as the floor plans, with proposed grade lines. Exterior materials and colors shall be indicated, as well as the elevations of all roof ridgelines, cupolas, or parapets.
- The identity of the general contractor for the improvements must be approved in writing prior to construction of any improvements. Comfort Falls Aviation Estates has a list of preferred builders, which Owner's are encouraged to utilize. If an Owner wishes to propose a non-preferred general contractor, the name of the contractor and 4 references (including at least one banking reference) must be submitted to the Architectural Review Committee. In addition, the Owner must provide a list of all homes (including final cost) built by the proposed contractor in the prior 2 years. Any proposed builder must have completed a minimum of six homes with a minimum contract value of \$375,000 not including the cost of the lot. By giving approval of a proposed general contractor, the ARC provides no express or implied warranty for the performance of the approved contractor. All non-preferred general contractors must be approved on a project-by-project basis; no blanket approvals will be provided.
- Generally, roofing material may include standing seam metal (24 gauge), tile, or composition shingles not less than 300 lb., all subject to written approval of the ARC. All roof-mounted equipment and penetrations (fans, ventilators, vents, etc.) must be located in a manner that conceals such items (e.g. towards the rear of the residence or hangar) whenever possible.
- Before the final plan approval is granted, a stake-out of all improvements, installation of the vegetation fence, payment of all fees, and any plan revisions must be approved in writing. Changes to any approved plans must also be approved in writing.
- Driveways shall be constructed of concrete, exposed aggregate concrete, brick pavers, or hot mix asphalt. Concrete may be stamped and/or colored, subject to approval. Culverts and low water crossings may require county permit, and such improvements may be subject to approval by the Comfort Falls Aviation Estates civil engineer at the Owner's expense. Driveways may not be constructed of any material that will generate loose material that may be driven by aircraft-generated turbulence.
- A Design Review Fee of \$200 must be provided to the Comfort Falls Aviation Estates Home Owners' Association prior to review of architectural and landscaping plan.
- The Owner may be required to provide preliminary staking at the locations of the corners of the residence or major improvements, if requested by the Architectural Control Committee.
- A complete landscape plan at the same scale as the site plan must be submitted prior to completion of the improvements to the property. The landscape plans should include all areas to be irrigated, locations and sizes of all proposed plants and any decorative features such as pools or imported rocks.
- Any changes to the approved drawings prior to or during construction must be submitted for approval to the ARC.
- The ARC shall have the authority to inspect the construction project to ensure that the improvements are in compliance with the approved plans. Any notice of non-compliance with the approved drawings must be resolved promptly.
- Swimming pools, tennis courts, fences, walls and gates may be constructed only after prior, written approval of the ARC.

FENCING

Fencing is not required on any Lot except as required for swimming pools. Where fencing is to be constructed, however, plans and specifications of the fences require prior written approval of the Architectural Review Committee. Fences may be constructed on the side and rear property lines (no setback from property line is required) except on the front property line, where fences must be setback a minimum of 50 feet (except Cloud Nine Lots where setback is determined on a case by case basis, and must conform to the general nature of the Comfort Falls Aviation Estates development).

Generally, the following guidelines are required for all fencing:

- All corner posts shall be peeled cedar with a minimum diameter of 8" and shall be set in concrete at a minimum dimension of 36" deep for posts.
- No deer-proof fencing allowed on any lot except along the boundary of Lot W, where such fencing may be installed at the discretion of the Board or the Association..
- Wire fencing shall be a "King Ranch" type wire mesh. Barbed wire may only be installed at the bottom of the fence.
- Maximum fence height shall be 50"-54". Line posts shall be peeled cedar with a minimum diameter of 4", set a minimum of 24" deep, at a minimum spacing of 18'. Green 6' T-posts may be used for line posts only on side fences, starting at a point adjacent to the rear elevation of the primary residence, and rear fences. Cedar stays shall be a minimum of 1" in diameter at a minimum spacing of 6'.
- Gateposts or columns may be constructed out of the following materials: a) Cedar or steel (painted), not less than 8" in diameter; b) Stone; c) CMU or concrete with a plaster/stucco finish.
- Fences along street right of ways shall be set back a minimum of 50' from the street right of way.
- Typically, only one entry/gate will be allowed from any lot. A second gate may be allowed for unusually large lots, lots with extreme topographical conditions, and Lots 27, 29, 37, 38, 39, 40, 41, 42, 43, and 44 may install one approved gate for access to the Common Area..
- Entry gates shall be constructed from steel or wrought iron and painted. No standard galvanized ranch-type gates will be permitted. Gate design shall be approved by the Architectural Review Committee prior to installation.

ANIMAL/HORSE MANAGEMENT

- All reasonable efforts must be made to maintain pasture grass throughout the year. In some cases the animal(s) may need to be 'dry-stalled' or otherwise kept off the pasture so the pasture grass can grow/spread and not become a dust or erosion problem. Proper pasture grasses will be determined. Supplemental feed is required. Grazing must be kept to a minimum. Some lots may not be practical for keeping horses.
- In some cases, cross fencing may be required that allows for moving horses to different areas of the lot so the pasture can recover. Fence material other than 'King Ranch' wire mesh, will be given consideration.
- The design, color and material of all gates must be approved in writing by the Architectural Review Committee.
- Horse trailers and other horse management implements must be screened from view from adjacent lots or streets.
- Proper fly and waste management must be an on-going management practice and cannot become a nuisance to the community.
- Horses are allowed on the nature trails throughout the community. Please be courteous to other horsemen, walkers and joggers.
- All pets must be confined to the property owners' lot or house. Dogs must be on a leash when off the owner's property. Animals will not be allowed to become a nuisance. Horses and other animals are welcome, but they must be kept in a manner that is healthy for the animal(s), the property, and the community as a whole.

EXTERIOR LIGHTING AND ANTENNAE

CFAE is committed to ensuring the development maintains the beauty and character of the natural environment and adopts the following guidelines to minimize light pollution of the night sky. Accordingly, the following

requirements must be followed by all Owners:

- All exterior fixtures must minimize the light source and brightness. No exposed bulb lights or wrap-around lens “yard lights” will be permitted. Any unnecessary lighting is discouraged.
- Exterior lights must have housings that shield or directionally focus the light source. Light housing shields shall be a minimum of 8” in length, must extend a minimum of 3” beyond the face of the bulb, and may only use lamps of up to 1200 lumens.
- The maximum angle of the fixture from the wall of the house shall be 30 degrees.
- Bulb output will be reviewed on a case-by-case basis, and the output for single bulb fixtures should be no more than 600 lumens. Multiple bulb fixtures should be no more than 200 lumens each, with a maximum of 600 lumens total.
- The location and type of all antennae and satellite dishes (18” maximum”) must be approved in writing by the ARC. Where possible, standard wire frame antennae should be concealed within the attic of any residence.

SEPTIC SYSTEM GUIDELINES

- Kendall County septic permit required.
- Septic systems may not be constructed within the sanitary control easement - 150’ radius/around the public water well.
- Texas Commission on Environmental Quality and Kendall County OSSF construction standards are required.
- Kendall County may supply a list of approved installers.

LANDSCAPE GUIDELINES

Comfort Falls Aviation Estates property owners are encouraged to maintain the existing natural character of the Hill Country property. Additionally, Owners are also encouraged to utilize drought-tolerant landscaping. Water conservation is encouraged. All lots must be kept groomed to 25 feet from the front lot line and to at least 30 ft from the residence. Irrigation must be installed for the groomed 30 ft area and is limited to the 30 ft area. Residents must comply with Kendall County rules regarding irrigation during times of drought. No living vegetation of any kind including trees, shrubs, grasses or any other plants shall be removed, cut or damaged in any way within the Natural Vegetation Preserve located on Lots 5, 7, 9, 11, 13 and 15 without approval of the Architectural Review Committee.

MINIMUM REQUIREMENTS FOR LANDSCAPING:

- Minimum setbacks for all buildings from lot lines are 50’ on the front or road right of way, 25’ on each side and 50’ on the back lot line, except setback lines for the back of Lots containing a Natural Vegetation Preserve is 75’. Lots located on Cloud Nine Drive shall have different setbacks, to be determined on a case-by-case basis consistent with these minimum setback requirements.
- Additional site planning approval concerning vegetation removal, site grading, surface drainage, erosion control, and landscaping shall be a part of the architectural review process. The Architectural Review Committee may require detailed plans on each of the above.
- Before any initial landscaping, the landscape layout and plans shall first have been approved in writing by the Architectural Review Committee. Such landscape layout and plans shall include all landscaping, plant materials, irrigation, walls, walks, swimming pools, fences, or other features to be installed or constructed on any portion of the Lot. Landscaping may be limited to prevent excessive use of water. The Architectural Review Committee shall, in its sole discretion and authority, determine whether the landscape layout and plans submitted to it for review, including but not necessarily limited to, drainage, grass, shrub and tree planting, are acceptable. At the sole discretion of the Architectural Review Committee, additional irrigation, restoration and/or different types of landscaping may be required following the final inspection of any Lot.
- Landscaping plans must be submitted for review by the Architectural Review Committee at least thirty days (30) prior to home completion. Landscaping installation must be completed within sixty days (60) after the completion of home construction.

- Landscaping may be installed in phases. The minimum Phase I landscaping shall be a well-designed balance of mature trees, shrubs, lawn grass and/or existing native plants around the perimeter of each new home. Plants must screen most of exposed foundation. This area must be watered by an automatic irrigation system. All areas disturbed by construction must be restored to their natural state or enhanced with native plant additions, including but not limited to, utility line, culvert area and right of way.

LANDSCAPE -PLANS/DEPOSIT

- In accordance with Comfort Falls Aviation Estates Covenants and Design Guidelines, a complete set of landscape plans) are required to be submitted to the Comfort Falls Aviation Estates Architectural Review Committee thirty days (30) prior to the substantial completion of the residence. The landscape work must be installed and completed within sixty days (60) of substantial completion of the residence.
- To insure that the landscape plans and installation are submitted and completed as stated above, a \$3,000 deposit is required at the time final house plans are submitted for review and approval. Residential construction will not be allowed to start until the deposit is submitted and approved by the ARC and Owner signs a Landscape Deposit Agreement and an original delivered to the ARC.
- Typical costs of plans, plants, irrigation and possible water storage will exceed \$3,000. If the plans or installation are not completed on time, the ARC will cause such plans and installation to be completed and the deposit will be used by the ARC to perform the work. If the costs of the plans and installation exceed \$3,000, then the ARC will perform the work and invoice the homeowner. If the homeowner fails to reimburse the Comfort Falls Aviation Estates Home Owners Association within thirty days (30), then as provided in the Covenants and in this acknowledgment the CFAEHOA will assess or place a lien on the property to pay for all costs associated with landscaping. Please refer to the Landscape Deposit Agreement.
- Upon completion and written approval of the landscape installation, the deposit will be refunded.
- The use of track-mounted equipment on any Lot is discouraged, as the natural appearance will be severely damaged. Damaged vegetation (which includes the ground surface) shall be immediately replaced and/or repaired at the expense of the Lot Owner. Damaged vegetation that is not replaced in a timely manner may be installed by the Architectural Review Committee at the expense of the Owner.
- All property owners shall use horticultural practices recommended by the Texas Forest Service for the prevention of the spread of oak wilt. Property owners and their contractors are required to paint over tree pruning and wounds. Firewood should be covered.

CONSTRUCTION GUIDELINES

In order to assure that the natural landscape of Comfort Falls Aviation Estates is not unduly damaged during construction, the following Construction Guidelines shall be made apart of the construction contract documents for each residence or other improvements on a Lot. All Builders and Owners shall be bound by these Guidelines and any violation, regardless if by a Builder, shall be deemed to be a violation by the Owner of the Lot.

- **Builder's Bond** - To guarantee that these Guidelines are adhered to, each Builder, before beginning any construction, shall post a cash bond or other acceptable means of surety in the amount of \$2,500.00 with the Architectural Review Committee. Should it become necessary for either the Architectural Review Committee or the Board to remedy any violation of these Design Guidelines, the costs of such remedy will be charged against the bond. The determination of a violation shall be at the sole discretion of the Architectural Review Committee.
- **Occupational Safety and Health Act Compliance (OSHA)** - All applicable OSHA regulations and guidelines must be strictly observed at all times. All County, State and Federal regulations must be followed.
- **Temporary Facilities** - Any Owner or Builder who desires to temporarily install or bring a construction trailer, field office, or the like to Comfort Falls Aviation Estates shall first apply for and obtain written approval from the Architectural Review Committee. To obtain such approval, he shall submit a copy of the architect's site plan with proposed locations of the construction trailer or field office, the portable toilet, and the trash receptacle noted thereon. The location should be out of site from the street and adjacent neighbors to the extent possible. Such temporary structures shall be removed upon completion of construction.
- Portable toilets are required and must be regularly serviced during construction.
- Trash containers must be provided by the Builder at all times during construction, and no blowing trash or debris will be permitted. No trash containers will be provided by Developer or CFAEHOA.
- No signs allowed except those for Preferred Builders.

- The natural landscape of each lot will be protected during construction. The Builder will erect a construction fence containing a minimum area needed surrounding the building improvements to allow for access of construction and shall have a single driveway entrance. Any trees within the construction fencing will be further protected with construction fencing to prevent vehicles from damaging roots or limbs. The construction fencing will contain construction trailer (if any), portable toilet, construction material storage, dumpsters and parking areas. The construction fence will remain intact until the completion of construction.
- Removal of Trees. Trash and Care of Lots During Construction of Residence - Unless located within ten feet (10') of a building or a recreational or parking facility, no Owner other than Declarant shall be entitled to cut, remove, or mutilate any trees, shrubs, bushes, or other vegetation having a trunk diameter of six (6) inches or more at a point four feet (4') above ground level, without obtaining the prior approval of the Architectural Review Committee, provided that dead or diseased trees, shrubs, bushes, or other vegetation, shall be cut and removed promptly from any Lot, by the Owner of such Lot.
- Excavation Materials - Excess excavation materials must be hauled away from Comfort Falls Aviation Estates.
- Pollution Protection - Properly installed silt fences are required.
- Daily Operation - Daily working hours for each construction site shall be, 6:30 AM until 7:30 PM - Monday through Friday, 8:00 AM until 5:00 PM- Saturday, No work on Sunday, unless other hours are designated in writing by the Architectural Review Committee.

THE COMFORT FALLS AVIATION ESTATES DESIGN GUIDELINES ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AS RECORDED IN KENDALL COUNTY, TEXAS ("DECLARATIONS"). IN THE EVENT OF CONFLICT OR INCONSISTENCY BETWEEN THE DESIGN GUIDELINES AND THE DECLARATIONS, THE DECLARATIONS SHALL CONTROL. DECLARANT, THE BOARD, THE ASSOCIATION, AND COMFORT FALLS AVIATION ESTATES RESERVES THE RIGHT TO AMEND THE DESIGN GUIDELINES AS NEEDED TO PROTECT THE ARCHITECTURAL AND ENVIRONMENTAL INTEGRITY OF COMFORT FALLS AVIATION ESTATES.