

ANNEX A-5

Additional Construction Standards for Miramont Section 12

The Block and Lot designations set forth in this Annex A-5 shall mean and refer to the designations for such Blocks and Lots set forth on the Final Plat (the "Plat") for Miramont Section 12, recorded on June 26, 2003, in Volume 5395, Page 90 of the Records.

1. Minimum Floorspace.

<u>Lots</u>	<u>Minimum Floor Area</u>
Block 4, Lots 1-43	2,000 square feet, at least 1,500 square feet of which shall be contained within the first floor

In addition, no residential dwelling constructed on any Lot shall contain a floor area (exclusive of all porches, garages and breezeways attached to such dwelling, and exclusive of servants quarters which are not contiguous to the main quarters of the residence), determined using measurements to the outside face of the applicable walls or windows, which is larger than 4,000 square feet; provided, however, a residential dwelling constructed on a Lot may contain more than 4,000 square feet if the Architectural Review Committee determines that the design, finish treatments and overall character of the proposed residential dwelling will not adversely affect the overall quality and character of the Residential Property as a whole; provided, however, that such determination shall be within the sole, absolute and unfettered discretion of the Architectural Review Committee.

2. Front Setbacks.

<u>Lots</u>	<u>Front Setbacks</u>
Block 4, Lots 1-8, 10-30, and 32-43	25 feet
Block 4, Lots 9 and 31	20 feet

3. Rear Setbacks.

<u>Lots</u>	<u>Rear Setbacks</u>
Block 4, Lots 1-8, 10-11, and 31-43	25 feet
Block 4, Lot 9	15 feet
Block 4, Lots 12-30	10 feet

4. Location of Residential Dwellings on Lots.

(a) Definitions. As used in this Annex A-5, the following words shall, unless the context shall otherwise clearly indicate or prohibit, have the following meanings:

- (1) "Residence" shall mean the principal residential dwelling constructed or to be constructed on a Lot.
- (2) The "Left Side" of any Residence shall mean the left side of such Residence, as viewed from the front of such Residence; and the "Left Side" of any Lot shall mean the left side of such Lot, as viewed from the public or private street bordering such Lot; provided, however, that any dispute or ambiguity concerning the identification of the Left Side of a Lot shall be resolved by the Architectural Review Committee.
- (3) The "Right Side" of any Residence shall mean the right side of such Residence, as viewed from the front of such Residence; and the "Right Side" of any Lot shall mean the right side of such Lot, as viewed from the public or private street bordering such Lot; provided, however, that any dispute or ambiguity concerning the identification of the Right Side of a Lot shall be resolved by the Architectural Review Committee.

- (4) The “Courtyard Side” of any Residence shall mean, with respect to such Residence, the side of such Residence designated as the Courtyard Side pursuant to Section 4(b) of this Annex A-5. The Courtyard Side of a Residence shall be either the Left Side or the Right Side of such Residence.
- (5) The “Privacy Side” of any Residence shall mean, with respect to such Residence, the side of such Residence designated as the Privacy Side pursuant to Section 4(b) of this Annex A-5. The Privacy Side of a Residence shall be either the Left Side or the Right Side of such Residence, and shall be the side of such Residence which is opposite the Courtyard Side of such Residence.
- (6) The “Privacy Boundary” of any Lot shall mean the side boundary of such Lot which coincides with the Privacy Side of the Residence on such Lot. For example, if the Privacy Side of the applicable Residence is the Left Side of such Residence, the Privacy Boundary of such Lot shall be the Left Side of such Lot.
- (7) The “Courtyard Boundary” of any Lot shall mean the side boundary of such Lot which coincides with the Courtyard Side of the Residence on such Lot. For example, if the Courtyard Side of the applicable Residence is the Left Side of such Residence, the Courtyard Boundary of such Lot shall be the Left Side of such Lot. Any dispute or ambiguity concerning the identification of the Courtyard Boundary of a Lot shall be resolved by the Architectural Review Committee
- (8) The “Courtyard Area” of any Lot shall mean the area located between the Courtyard Side of the Residence on such Lot and the Courtyard Boundary of such Lot. The front boundary of the Courtyard Area shall coincide with the front of the Residence on such Lot, and the Courtyard Area shall extend back to the rear of such Lot.
- (9) The “Excluded Lots” shall mean Lots 4, 9-12, and 39-40, Block 1.

(b) Determination of Privacy Side and Courtyard Side. The Privacy Side and Courtyard Side of each Residence shall be as follows:

<u>Lots</u>	<u>Privacy Side</u>	<u>Courtyard Side</u>
Block 4, Lots 1-3, 5-8, and 31-38	Right Side	Left Side
Block 4, Lots 13-30 and 41-43	Left Side	Right Side

The Architectural Review Committee shall, upon request by any Lot Owner, furnish information to such Owner identifying the Courtyard Side and the Privacy Side of such Owner’s Lot.

- (c) Requirements for Courtyard Side. The Courtyard Side of any Residence and all walls and other structural elements of such Residence shall be located at least fifteen (15) feet from the Courtyard Boundary of the Lot upon which such Residence is situated (the “Courtyard Side Setback”); provided, however, that the eaves, roofs, gutters, and associated improvements of such Residence shall not project more than two (2) feet into such Courtyard Side Setback. No structure shall be constructed or erected within the Courtyard Area of any Lot except in compliance with all applicable fire and building codes (which compliance shall be the sole responsibility of the owner of such Lot).
- (d) Requirements for Privacy Side. The Privacy Side of each Residence shall be located immediately adjacent to the Privacy Boundary of the Lot upon which such Residence is situated. The Privacy Side of any Residence shall be designed and constructed without exterior doors or windows on such Privacy Side; provided, however, that the Architectural Review Committee may, in its sole and absolute discretion, permit installation of glass blocks, translucent glass and/or other window materials on the Privacy Side of a Residence, if the use of such materials complies with all applicable fire and building codes (which compliance shall be the sole responsibility of the

owner of such Residence), and if the Architectural Review Committee reasonably determines that such glass blocks, translucent glass and/or other window materials do not significantly and unreasonably impact the privacy of the Courtyard Area of the Lot adjacent to such Privacy Side.

- (e) Front of Residences. The front of each Residence shall be located as near as possible to the front setback line of the Lot upon which such Residence is situated. Notwithstanding the immediately preceding sentence, the Architectural Review Committee may, in its sole discretion, permit a Residence to be located back from the front setback line of the applicable Lot.
 - (f) Courtyard Walls. The Owner of each Lot shall construct a fence or wall (the "Courtyard Fence") comprised of brick and/or aluminum or wrought iron, as specified by the Architectural Review Committee, which Courtyard Fence shall be located along the front of the Courtyard Area of such Lot and shall span the full width of such Courtyard Area. Each Courtyard Fence shall comply in all respects with the provisions of this Declaration, including, without limitation, the provisions of Section 13.30(2) of this Declaration. Each Courtyard Fence shall be constructed contemporaneously with the completion of the Residence on the applicable Lot.
 - (g) Easement for Eaves, Gutters and Other Above-Ground Protrusions. Each Lot (the "Benefitted Lot") shall have an aerial easement along the side of the immediately adjoining Lot that is adjacent to the Privacy Boundary of the Benefitted Lot for the construction, placement and maintenance, at heights at least eight (8) feet above ground level, of eaves, roofs, gutters and associated improvements; provided that such eaves, roofs, gutters and associated improvements shall not project more than two (2) feet into the immediately adjoining Lot.
 - (h) Interpretation. All ambiguities and questions regarding the interpretation and application of this Section 4 shall be resolved by the Architectural Review Committee and such determination by the Architectural Review Committee shall be conclusively binding upon all owners of the applicable Lots, absent manifest error on the part of the Architectural Review Committee.
 - (i) Excluded Lots. Notwithstanding anything to the contrary contained herein, the provisions of this Section 4 shall not apply to the Excluded Lots; provided, however, that each Excluded Lot shall be burdened with an easement as described in Section 4(g) of this Annex A-5. Any Residence or other structure constructed on any portion of the Excluded Lots shall comply with the then applicable City of Bryan planning and zoning codes with respect to side setback lines (without allowance for variances); provided, however, that any Residence or structure constructed (A) on Lot 4, Block 4, shall be located at least fifteen (15) feet from the common boundary line between Lot 3 and Lot 4, Block 4, (B) on Lot 9, Block 4, shall be located at least fifteen (15) feet from the common boundary line between Lot 8 and Lot 9, Block 4, (C) on Lot 10, Block 4, shall be located at least fifteen (15) feet from the boundary line of such Lot that borders on Miramont Boulevard, (D) on Lot 12, Block 4, shall be located at least fifteen (15) feet from the common boundary line between Lot 12 and Lot 13, Block 4, (E) on Lot 39, Block 4, shall be located at least fifteen (15) feet from the common boundary line between Lot 38 and Lot 39, Block 4, and (F) on Lot 40, Block 4, shall be located at least fifteen (15) feet from the common boundary line between Lot 40 and Lot 41, Block 4.
5. Garages. The location and orientation of the garage on any Lot shall be subject to the approval of the Architectural Review Committee.
6. Golf Course Lots. Block 4, Lots 12 through 28 are hereby identified as "Golf Course Lots" for the purposes of this Declaration.