

**BUILDING HEIGHT POLICY  
LA BUENA VIDA PROPERTY OWNERS ASSOCIATION, INC  
Effective 18 October 2012**

This Building Height Policy was approved by the Architectural Committee and the Board of Directors of the La Buena Vida Property Owners Association, Inc., on the 18th day of October 2012. It shall be in effect until such time that Article 3.4 is subsequently revised.

The original Declaration of Covenants, Conditions and Restrictions (CCR's) for La Buena Vida Phase I stated "Article 3.4 Building Height. No Improvement greater than 35 feet in height may be constructed on Lots 1 through 10, and no Improvement greater than 35 feet in height may be constructed on any other Lot without the prior written approval of the Architectural Committee. For purposes of this paragraph, height shall be measured from the top of the foundation slab or floor of the first floor living area to the mid-point of the highest ridge line of the roof."

In 2009, the Board proposed a revision to Phase I Restrictions "to remove the confusing reference to a highest ridge-line mid-point", suggested consistent with Architectural Committee current practice when considering height restriction." In December 2009, the Restriction amendment was approved by Lot owner vote in accordance with the By-laws, changing the last paragraph to "For purposes of this paragraph, height shall be measured from the top of the foundation slab or floor of the first floor living area to the highest ridge line of the roof."

No two-story houses have applied for construction approval since 2009. However, it has come to the Board's attention that the amended Phase I Restriction effectively reduced the allowable building height. Whereas the intent of the December 2009 amendment was not to reduce the allowable building height, the Board and Architectural Committee have adopted the following Building Height Policy for Phase I and Phase III in the interim:

- a) No Improvement greater than 35 feet in height may be constructed on Phase I Lots 1 through 9, or Phase III Lots 1 through 3.
- b) No improvements greater than 35 feet in height may be constructed on Phase I Lots 11 through 45, without the prior written approval of the Architectural Committee.
- c) For purposes of paragraph a) and b), height shall be measured from the top of the foundation slab or floor of the first floor to: i) the mean height between the eave and the highest point on the roof for a pitched or hip roof, or gable roof, ii) the deck line for a mansard roof, or iii) the highest point of the coping for a flat roof (refer to Exhibit A). Only slender structural elements not intended for human habitation are excluded from building height measurement, such as chimneys, smoke and ventilation stacks, etc.

Note the original-rule "living area" designation has been intentionally omitted to avoid conflict for house plans with the lowest living area located on the second floor, and therefore may have been interpreted to allow a taller house if built with no air-conditioned living space on the ground floor. The Restrictions cannot effectively prevent a homeowner from later air-conditioning the ground floor and using as living space – effectively bypassing the building height limits. The intent of the Restrictions is clearly to limit the height of the bay-front row of houses.

325919

File No. \_\_\_\_\_  
County Clerk, Aransas County, Texas

CERTIFICATION

"I, the undersigned, being the President of La Buena Vida Property Owners Association, Inc. hereby certify that the foregoing Resolution was adopted by at least a majority of the La Buena Vida Property Owners Association Board of Directors."

*Michael Zotzky*  
\_\_\_\_\_  
Michael Zotzky  
President of LBV Property Owners Association, Inc.

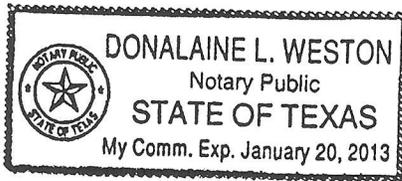
[Notary signature on the next page]

THE STATE OF TEXAS

§  
§  
§

COUNTY OF HARRIS

This instrument was acknowledged before me on the 18<sup>th</sup> day of October, 2012, by Michael Zotzky, President of LBV Property Owners' Association, Inc., on behalf of said Association.



*Donalaine Weston*  
\_\_\_\_\_  
Notary Public, State of Texas

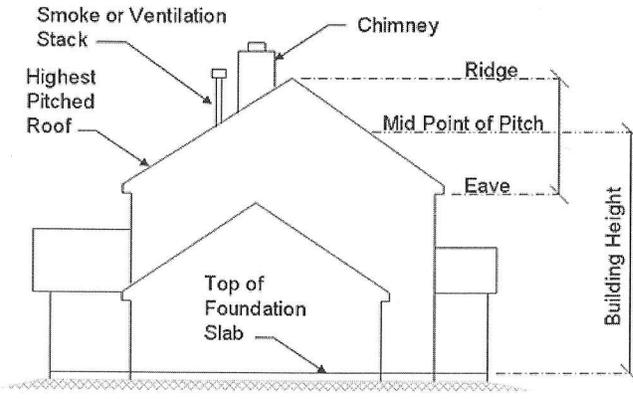
My Commission expires: 1-20-2013

AFTER FILING, RETURN TO:

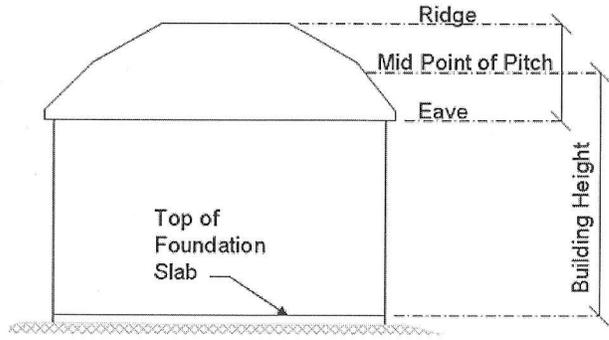
✓ Jeanne Hunter  
Secretary, LBV Property Owners' Association, Inc.  
19 La Buena Vida Drive  
Aransas Pass, Texas 78336

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**LA BUENA VIDA PROPERTY OWNERS ASSOCIATION, INC**  
Effective 18 October 2012

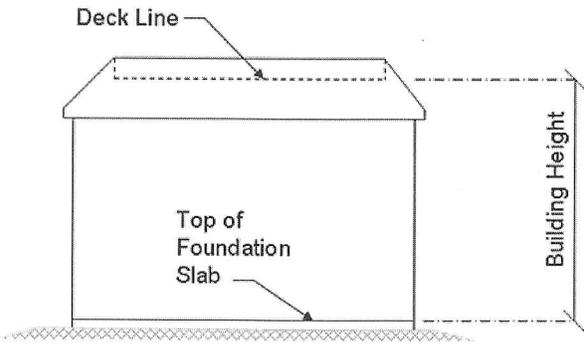
**Exhibit A – Measurement of Building Height**



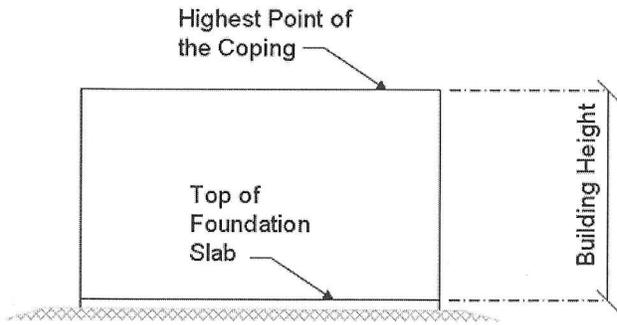
Pitched or Hip Roof



Gable Roof



Mansard Roof



Flat Roof

**INDEXED**

STATE OF TEXAS  
COUNTY OF ARANSAS

**FILED FOR RECORD IN OPR**  
**AT 11:14 A.M.**

**SCANNED**

I hereby certify that this instrument was FILED on the date  
and at the time affixed hereon by me and was duly  
RECORDED in the OFFICIAL PUBLIC RECORDS of ARANSAS  
COUNTY, TX, as stamped hereon by me on 10-26-2012.

OCT 26 2012

3/24



*Peggy L. Friebele*  
PEGGY L. FRIEBELE, COUNTY CLERK  
ARANSAS COUNTY, TEXAS

PEGGY L. FRIEBELE, COUNTY CLERK  
ARANSAS COUNTY, TEXAS

*Filed by & Return to: La Buena Vida P.O. Assoc. Inc.*