

**INSTRUMENT TO RECORD
DEDICATORY INSTRUMENT**

This Instrument is being recorded by WESTCHESTER OWNERS COMMITTEE, INC., a Texas non-profit corporation (the "Association"), pursuant to Section 202.006 of the Texas Property Code.

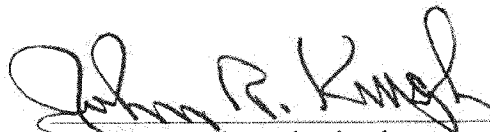
Section 202.006 of the Texas Property Code requires a property owners' association to record each dedicatory instrument in the real property records of the County in which the property to which the dedicatory instrument relates is located, if such instrument has not previously been recorded; and

In addition to the dedicatory instruments currently of record, the following is an additional dedicatory instrument, which has not been previously recorded, to-wit:

ARCHITECTURAL CONTROL COMMITTEE DESIGN GUIDELINES

Pursuant to Section 202.006 of the Texas Property Code, the Association does hereby record such additional dedicatory instrument, a copy of which is attached hereto. The dedicatory instrument attached hereto is subject to amendment pursuant to the amendatory procedures applicable thereto.

EXECUTED on the 21st day of July 2014.



John R. Krugh, authorized representative of
WESTCHESTER OWNERS COMMITTEE, INC.
a Texas non-profit corporation

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on the 21st day of July 2014 by John R. Krugh, an authorized representative of and on behalf of WESTCHESTER OWNERS COMMITTEE, INC., a Texas non-profit corporation.



Seal Showing Name and
Commission Expiration



Notary Public in and for the
State of Texas

ER 059 - 10 - 1556

Architectural Control Committee
Design Guidelines
WESTCHESTER OWNERS COMMITTEE, INC
WESTCHESTER SECTIONS ONE (1) AND TWO (2)
HOUSTON, TEXAS
Effective January 1, 2002

**Revisions: June 17, 2002, September 16, 2007, July 21, 2009, February 13, 2010, May 15, 2012,
October 16, 2012, November 8, 2013 and May 20, 2014**

Introduction

1.01 Authority. This Design Guidelines' document is adopted pursuant to authority granted to the Architectural Control Committee (ACC) of the Westchester Owners Committee, Inc. (Association) under Article V, Section 3 of the Westchester Section One (1) and Section Two (2) (Westchester) Declaration of Covenants, Conditions and Deed Restrictions, recorded in the Official Public Records of Real Property of Harris County, Texas on June 15, 2012 under Clerk's File No. 20120264552. These Design Guidelines are aimed at modifications, additions and new construction. These Design Guidelines replace and supersede those Design Guidelines that were last revised November 8, 2013 and recorded in the Official Public Records of Real Property of Harris County, Texas on December 20, 2013.

1.02 Purpose and General. The ACC was created to enhance and protect the value, desirability and attractiveness, for the benefit of present and future owners, of all lots within Westchester. Plans must be submitted to and approved by the ACC pursuant to the Deed Restrictions and these Design Guidelines for the sole and exclusive purpose of assuring that all structures within Westchester are in harmony of external design in terms of massing, general styling and size and that all structures conform to a high standard of quality construction as established by existing standards of the neighborhood. These Design Guidelines are not intended to provide absolute rules for every situation. There will be situations where the ACC will grant exceptions to the Design Guidelines. Similarly there will be situations where the ACC will determine that literal compliance with these Design Guidelines in a particular situation does not reflect the high standards of the community.

1.03 Application of Design Guidelines. Approval by the ACC is required for any modification to the external appearance of a lot or any structure on a lot. The approval requirements are all encompassing and include by way of illustration and not limitation any changes to drainage, the replacement of a structure, any repainting of a structure, the placement of any object on a lot and the erection of any fence or gate. All property owners are responsible for obtaining the necessary review and approvals to comply with the terms of the Deed Restrictions. There are no exemptions or automatic approvals, and each application is reviewed on an individual basis. If an Owner proceeds with any modification prior to approval by the ACC, the Owner runs the risk of having to correct any violation at his/her own expense. In making its determination, the ACC generally will impose a higher, more formal standard for modifications in a front yard and in all yards visible from a street.

1.04 Application for Review. Applications for review must be made on the form prescribed for this purpose. The form should be submitted to all members of the ACC. The application should contain the information described in the submittal requirements outlined below and in Appendix A. Approval of a modification by the ACC shall be made by a written document, which should be preserved by the applying Owner. The procedural rules applicable to the ACC are described in further detail below in these Design Guidelines.

1.05 Application by Owner and ACC Review Process. Article V, Section 5, Deed Restrictions.

The Modification Request Form (MRF) and all related documents and materials must be submitted in person or by email to each member of the ACC by the Owner. Contact information for the ACC members can be

found in the RAP or at the Westchester website.

The Review Starting Date (RSD) is determined when the MRF is received by and logged in by the ACC member who is also on the Westchester Owner's Committee Board of Trustees (Lead ACC.) Within seven (7) days, the Lead ACC will notify the ACC and the applicant Owner by email or in writing at the street address listed on the MRF that he is in receipt of the MRF and that it is being reviewed. That street address will be used by the ACC for all written communications from the ACC unless the applicant Owner has supplied another mailing address in the MRF. If such notice of receipt and review has not been received within seven (7) days, the applicant Owner will contact the Lead ACC to effect such notice.

The ACC, acting individually or as a group, will review the MRF to determine if it is complete. If the MRF is complete, the ACC will respond by email or in writing to the MRF within thirty (30) days of the date of the ACC's written acknowledgement of the receipt of the MRF. If it is not complete, the applicant Owner will be informed in an email or in writing what is needed to make the MRF complete. It is the applicant Owner's responsibility to ensure that all needed information is supplied to all ACC members in a timely fashion from any and all Owner agents and contractors by email or in any other format requested or required by the ACC. A request for more information by the ACC will be made by email or in writing, and such request automatically disapproves the MRF and cancels the RSD whether so stated in the written communication or not.

The ACC, acting individually or as a group, will notify the applicant Owner by email or in writing when the MRF is complete. At that time, the MRF will be assigned a new RSD. A new MRF will not have to be submitted unless the Owner is requested by the ACC to prepare such a form or amend the existing MRF.

All MRFs will be approved by two or more members of the ACC. The nature of the project and other factors determine how many members will review each MRF. The ACC will review each complete MRF as quickly as possible. The ACC will respond to the Owner applicant within 30 days of a complete MRF.

All responses of the ACC are deemed given when: emailed to the applicant Owner as of the send date shown on the email; mailing a response to an applicant Owner by regular U.S. mail, postage pre-paid, properly addressed to the applicant Owner, as of the date mailed; or delivered to the applicant Owner.

Where more than one Owner resides at the same street address residence, the mailing, emailing or delivery of a response to any one of the Owners constitutes notice to all such Owners.

Homeowners are encouraged to call an ACC member before they contemplate a project and begin the MRF. The ACC member can advise the homeowner as to what is needed for approval saving both the homeowner and the ACC valuable time.

The Design Guidelines

2.01 Additions, Remodels or New Construction. Additions, remodeling and new construction of any type shall comply with all building setbacks as set forth on the recorded plat of the subdivision and in the Deed Restrictions.

The exterior materials and colors of all structures on all lots shall be harmonious and complimentary to the residence and the neighborhood.

- a. Exterior Materials. Recommended materials include brick, stone, stucco, wood lap siding, vinyl siding, hard board lap siding, and hardi-plank siding. Large sheet siding (i.e. 4' x 8' sheets) shall not be used unless approved by the ACC. Metallic and aluminum siding shall not be used. There shall be no bright red, orange or white looking brick. All brick mortar shall be in subdued colors and samples must be submitted for ACC approval. The ACC will encourage the use of brick blends instead of monochromatic colors. Old used brick will be accepted in special circumstances, as will be the painting of brick. Stucco and Hardi-plank are acceptable house finishes, but are not counted towards the 51% masonry percentage requirement and are subject to the 49 percent limitation as stated in Section 3.04. Exterior materials must fit the streetscape and overall community standards and must be

approved in writing by the ACC.

- b. Colors. The exterior colors of the walls, roofs, gutters, rain harvesting systems, doors and trim of a residential structure shall be compatible and harmonious with the colors of nearby residential structures. Highly reflective and bright colors shall be prohibited. Painted large areas shall be in subdued natural colors. Primary colors, when allowed, shall be limited to architectural details such as fascia, frames, shutters, front door, etc. Colors for all proposed exterior repainting, siding replacement and similar materials must be submitted to the ACC for consideration and approval.

2.02 Attic Ventilation/Rooftop Appendages. Attic ventilators are recommended to be the "pancake" low profile type or silent turbines. Low profile ridge vents are recommended. Attic ventilators and other rooftop appendages shall be located on the rear slopes of the roof and shall not to be visible from the street. Attic ventilators shall not be above roof ridge.

Submittal Requirements:

- a. Cut sheets or photographs showing the type of ventilators.
- b. Roof plan showing location.

2.03 Awnings. Awnings shall be solid earth tone colors. Scalloped-edge or decorative edged awnings are not allowed. Brightly colored or multi-colored awnings are not allowed. Awnings are limited to the rear or side facade of a house. Awnings must be maintained so as to avoid a "worn" appearance.

Submittal Requirements:

- a. Photographs, color samples and other information as appropriate showing the type and color.
- b. Site plan indicating affected windows.

2.04 Basketball Goals. Basketball goals are allowed if applied for and approved, and if they are properly maintained. Backboards with a basketball goal are allowed to be mounted to the roof of a garage. Portable pole mounted backboards with goals are also acceptable if located on the lot's driveway on the rear portion of the lot behind the building set back line. Backboards for portable goals preferably shall be transparent acrylic, but white or gray backboards are acceptable. Only one basketball goal per lot is allowed. Materials and colors of basketball goals must be approved by the ACC. Placement of basketball backboard and goal and portable pole shall be located so as to minimize impact on neighboring properties.

Submittal Requirements:

- a. A site plan showing the location with respect to the residence, street, property lines and nearby residences.
- b. A description of the color and materials.

2.05 Birdhouses. Pole mounted birdhouses shall not exceed twenty (20) feet in height. Only one pole mounted birdhouse per lot is allowed. All posts or poles for the support of birdhouses must be wood, metal or fiberglass, be neutral in color or coordinate with the colors of the house. All poles or posts shall be maintained in a vertical and upright manner. The birdhouse itself shall be neutral in color or a color complementary to those of the house. Hanging birdhouses may be placed in trees, on accessory structures, or on the house itself and shall not impede the natural development of the tree.

Submittal Requirements:

- a. A plot plan showing the location of the birdhouse, existing structures and property lines.
- b. Drawings, photographs, or construction documents showing the size and dimensions of the birdhouse and pole, if any.
- c. A description of the color and materials of the birdhouse.

2.06 Burglar Bars to Doors or Windows. The style and color of burglar bars should be in harmony with the existing structure and require prior approval by the ACC before installation.

Submittal Requirements:

- a. A description of the color and materials to be used and their location on windows or doors.

2.07 Clotheslines. All clotheslines shall be kept screened by adequate planting or fencing so as to conceal them from view at ground level by neighboring residences and streets and may be maintained in the rear yard on a lot only. Article IV, Section 14 of Deed Restrictions.

2.08 Decks and Patios. Decks shall be constructed of industry recognized decking materials. Decks and patios are permitted in rear or side yards only. Patios may be concrete, concrete stepping blocks, brick, concrete pavers, stone, or other materials as approved by the ACC. Decks and patios shall be screened from public view by fencing or adequate plantings as approved by the ACC.

Submittal Requirements:

- a. A plot plan showing the house, the location of the deck, and the property line.
- b. Building plans, including height, railing, bench, screening and other details.
- c. Photographs or sketches of the existing house showing where the proposed deck will be located.

2.09 Disallowed Items. Disallowed items shall include but not be limited to the following:

- a. Chain link or wire mesh property fencing. Article IV, Section 15 of Deed Restrictions
- b. Above ground swimming pools
- c. Window unit or wall mounted air conditioners

2.10 Dog Houses/Dog Runs. Dog houses/dog runs shall be located in rear yards only. Dog houses and dog runs must be fully screened behind privacy fences or otherwise screened so as not to be seen at ground level from the street or a residence. Dog runs fencing shall not exceed five (5) feet in height. Only one doghouse and dog run is allowed per lot. Doghouses shall be of construction materials to match that of the house and roof and shall be painted to match or complement the house. Plastic doghouses may be approved by the ACC in special circumstances. Dog runs shall be well maintained with regard to smell and appearance. Article IV, Section 12 of Deed Restrictions.

Submittal Requirements:

- a. Site plan showing proposed location.
- b. Drawing, photograph or brochure showing dog run fence or dog house.

2.11 Driveways/Parking Pads. Additions to existing driveways will be approved by the ACC only if they are determined by the ACC to be in harmony with existing construction and landscaping. Driveways and additional parking pads shall be constructed of concrete, brick or pavers being built using steel reinforcement on a sub base of sand. The surrounding pads should match the concrete texture of the driveway. No driveway shall be constructed closer than one foot from any one side or rear property setback line.

Note that RVs, boats, recreational vehicles, trailers, etc, may be stored on a lot only if they are kept in an enclosed space and are screened from public view so as not to be seen at ground level from the street or a neighboring residence. Article IV, Section 9 of Deed Restrictions.

Submittal Requirements:

- a. A site plan showing proposed driveway in relation to existing structures, fences, driveways, sidewalks, property lines, etc and statement that materials will match existing materials. If pavers are to be used for driveways, the pavers plus its underlying surface must be as strong as the original concrete driveway. Provide information regarding this requirement.

2.12 Erosion and Siltation and Drainage. No activity which may cause erosion or siltation or drainage problems may be undertaken without prior approval by the ACC of plans for the prevention and control of such erosion or siltation or drainage. Any excavation or grading of a lot or construction which may affect the

natural flow of water must be approved by the ACC. New construction plans must also include a drainage plan. See Section 3.03. Other construction plans, such as pools, exterior remodeling, home additions, listed here as examples, may require the submission of a drainage plan.

2.13 Fencing and Gate Guidelines. Fences may be wood construction or masonry (brick masonry or stone) construction. Chain link and wire mesh fences are prohibited. Gates across driveways will be painted wrought iron. Fence height shall not be greater than is necessary for its intended use. Fence heights are limited to a maximum of seven (7) feet (as measured from the finished grade). Article IV, Section 15 of Deed Restrictions.

Wrought iron driveway gates height may vary across their length and maximum height will not exceed eight (8) feet. Gateposts will be iron or steel columns and must be imbedded in concrete. Wrought iron gates must be open; the bottom of driveway gate may contain more vertical bars than the top, but must remain open like the top. The gate and gateposts must be properly prepared, primed, and painted black or another dark color in keeping with homeowner's and neighbors' homes.

Lot fence posts may be steel pipe columns, cedar, redwood or pressure treated pine. Posts must be imbedded in concrete. A minimum of three 2"x4" stringers are to be used between posts. Posts are to be spaced no farther than eight (8) feet apart. Pickets must be either cedar, redwood or pressure treated pine. Spruce pickets are not acceptable. Pickets are to be placed on the exterior face where the fence parallels or is adjacent to a street or Common Area and cannot be alternated from side to side.

Fence placement is subject to various restrictions relative to location. The following basic rules must be strictly adhered to. Fences shall not be placed beyond the front yard building line. Fencing will not be permitted in a front yard. Front yard is defined as that area between the curb and the building setback. Fences located in the side yard of a corner lot that face the street must not extend closer to the street than the facade of the house facing the side street.

It is recommended that wood fencing receive an initial and periodic protective finish. Any finish requires ACC approval and must be clear color or muted earthtones in the brown or gray range. Finishes should be applied to both sides of the fence. Fences of one material should be of one color. Brick masonry in fence construction must match that of the dwelling. If an easement occurs within a property, it is to be maintained by the property owner. Fence construction within any easement is at the risk of the owner. Fences shall not obstruct lot drainage easements.

Fence lines should adjust to existing trees or stands of trees by weaving among, jogging around, or abutting to. A fence may not be attached to a tree. Fences shall not encroach beyond the property line to encompass a tree. Fencing shall not encroach onto Common Area or another homeowner's lot.

Replacement wooden fences of a same or similar type of wood and of the same height as the fence being replaced do not require approval of the ACC. Article V, Section 5 of Deed Restrictions.

Use of temporary fencing on the lot to secure materials during new construction is acceptable as long as such fencing is prior approved in writing by the ACC. Upon completion of construction, any unused materials and temporary fencing shall be promptly removed from the lot and from Westchester and in any event not later than thirty (30) days after construction is completed.

Submittal Requirements:

- a. A site plan showing the location of the fence, existing structures, and property lines.
- b. A description of the type and height of fence and materials to be used inclusive of fence post and picket placement.

2.14 Flagpoles/Flags. Flags may be mounted on a house, flagpole or tree, but must be approved by the ACC prior to installation. If tree mounted, mount shall not impede the natural development of the tree. Flagpoles may be located on the lot, subject to prior written approval by the ACC. Flags conveying an offensive message are not allowed. U.S. and Texas state flags must be displayed in accordance with the US/Texas flag code.

Flagpoles intended for permanent installation (freestanding or attached to a dwelling) must be constructed of

permanent, long-lasting materials, with an appropriate finish that is harmonious with the dwelling. Installation and display must comply with all applicable zoning ordinances, easements, and setback requirements. Any flag and flagpole must be maintained in good condition and any deteriorated flag or structurally unsafe flagpole must be repaired, replaced, or removed.

No more than two flags may be displayed at any one time. The maximum height for one flagpole on the lot is twenty (20) feet in height. If the second flag is displayed on a flagpole it must be less than twenty (20) feet in height. The size of the flag(s) must be in keeping with the height or length of the pole, the residential structure on the lot, and any noise that may be created by the flag during windy conditions. No lighting of the flag(s) is allowed. Owners are not allowed to place flags or flagpoles on Common Areas. The Association is allowed to display flag(s) at the Swim and Tennis Facility.

Submittal Requirements:

- a. A site plan showing location and height of pole on house or yard.
- b. A description of the flag including its dimensions.

2.15 Front Yard Appurtenances. Items such as benches, chairs, tree swings, fountains, statuary and other similar front yard appurtenances shall be allowed if applied for and approved, properly maintained, in continual use, and if their collective appearance meets the standard for a formal front yard as determined solely by the ACC. Colors must be neutral. White and black are neutral colors for the purposes of this section. Bright and/or fluorescent colors are not allowed.

Tree swings will be limited to a maximum of two per front yard or less depending on other appurtenances in the front yard. Color wheel colors are acceptable for tree swings.

Each and every appurtenance is subject to submittal review and ACC approval inclusive of color approval before installation. No play equipment is allowed in front yards except as provided for by Section 2.26 below.

Submittal Requirements:

- a. Drawings, photographs, or brochures showing height, color and design of fountain/statuary.
- b. A site plan showing location of fountain/statuary.

2.16 Garages and Porte-Cocheres. Article IV, Sections 1 and 4, Deed Restrictions.

- a. **Garages.** Each lot on which there exists a residential dwelling is required to have an attached or detached garage capable of housing not less than two (2) nor more than three (3) vehicles. The ground floor of a detached or attached garage may not be enclosed or converted to living area. This does not prohibit garages from being used as “workshops” or for storage or in any other manner otherwise consistent with the Deed Restrictions and Design Guidelines. Servants’ quarters may be included in connection with the garage for use of bonafide servants, family members or dependents domiciled with the owner, but only on the second floor of the garage. No garage or living area above a garage shall be used for any commercial or business or professional purpose, inclusive of garage apartments. See Deed Restrictions Article IV, Section 4 (a).

If, at the time plans for a residential dwelling are submitted to the ACC for approval, a detached garage for not less than two (2) nor more than three (3) vehicles does not exist on the lot, plans for the residential dwelling must include an attached or detached garage and an attached or detached garage for not less than two (2) nor more than three (3) vehicles must be constructed in conjunction with the construction of the residential dwelling. If a detached garage for not less than two (2) nor more than three (3) vehicles exists on the lot at the time the plans for a residential dwelling are submitted to the ACC for approval (i.e., the detached garage was not razed at the time the previously existing residential dwelling was razed or is not to be razed at the time the existing residential dwelling is razed) an attached or detached garage is not required to be constructed in conjunction with the construction of the residential dwelling so long as the existing garage remains and continues to be used for housing and sheltering vehicles. For the purposes of this paragraph, an attached garage is a garage which has at least one wall (or a portion thereof) in common with the residential dwelling on the lot.

An attached or detached garage on a lot must meet design and location standards the ACC may reasonably require. A “detached garage” is one without a common wall attached to the main building. A garage which is separated from the residential dwelling but connected to the residential dwelling by a covered walkway or open breezeway is considered to be a detached garage, not an attached garage. The height of a detached garage must be reasonable, in conformity with community standards of the subdivision and approved in writing by the ACC prior to the commencement of construction.

- b. **Non corner lots**--An attached or detached garage on a lot may face the street in front of the lot, provided that an attached or detached garage must be located at the rear of the residential dwelling and no portion of the attached or detached garage shall be nearer than to the front elevation of the residential dwelling on the lot than twenty (20) feet, measured from the nearest point of the garage and the front corner of the residential dwelling that is nearest to the garage.
- c. **Corner lots**-- An attached or detached garage on a Lot may face a side street ninety degrees (90 degrees) from the front face of the residence on the Lot, provided that the attached or detached garage must be located on the Lot so as to meet all setback requirements of corner lots and be in keeping with existing location and other standards for corner lot garages in the subdivision and other design and location standards the Architectural Control Committee may reasonably require.
- d. **Porte-Cocheres.** For the purposes of this paragraph a porte-cochere is a covered but otherwise open shelter for a vehicle which extends from, and is an integral part of the residential dwelling from the standpoint of both appearance and construction. Porte-cocheres must comply with Deed Restrictions and Design Guidelines, especially sections regarding setback requirements as described in this 2.16. A porte-cochere at the front of a building (i.e., with a circular driveway) is expressly prohibited.

The addition of a porte-cochere to a residence or a garage could possibly create a setback violation. A porte-cochere attached to the residence must satisfy the setback requirement of the residence, not of a detached garage. The style and plan must be in harmony with the existing residence and garage. Plans must receive prior written approval by the ACC before commencement of the project.

The height of a porte-cochere is limited to sixteen (16) feet above the top of the slab. A second story living area above a porte-cochere is not permitted. Car ports are prohibited on all lots. See Deed Restrictions Article IV, Section 4 (b).

- e. **Setbacks and location.** The setback requirements for an attached garage, a detached garage and a porte-cochere are the same: No nearer than ten (10) feet to any side street line nor nearer than five (5) feet from the rear lot line, nor nearer than three (3) feet from any inside lot line if situated at the rear of the main residence building. See Deed Restrictions, Article IV, Section 5.

A garage or a porte-cochere must be located at the rear of the residential dwelling, meaning no nearer to the closest part of the front wall of the residential dwelling than twenty (20) feet.

2.17 Gutters/Downspouts. The color of gutters and downspouts shall be in harmony with the exterior house and trim colors. Downspouts must direct water to your property, not to your neighbors. Water from your property must "sheet flow" before it enters into the drainage easements. No piped drains are allowed to have an outlet that directs water to adjoining lots or common areas. The ideal outlet for piped drainage is toward the street.

Submittal Requirements:

- a. Roof plan showing location of new gutters and downspout.

2.18 Hot Tubs/Spas. Hot tubs and spas shall not protrude more than twenty-four (24) inches above grade, unless mitigating measures are taken with landscape or other methods to fit the improvement into the site. Concentrated drainage (i.e., pipes) to the Common Areas or neighboring properties is not allowed. Spas and hot tubs must be located and screened from public view. Spas and hot tubs are limited to side and rear yards. Only one spa or hot tub is allowed per lot. Homeowners should consult the City of Houston for fencing requirements around hot tubs and spas. All hot tub/spa equipment must be fully screened from public view.

Submittal Requirements:

- a. A catalogue clipping, photograph or other description indicating the color, materials and dimensions of the improvements.
- b. A site plan showing the location of the equipment, existing structures and property lines.

2.19 House Numbers. House numbers placed on residences shall be metal (i.e., brass, wrought iron), artificial cast stone or wood. Fluorescent or brightly colored numbers are not allowed. Curbs and mailboxes may contain painted or other tasteful house numbers.

Submittal Requirements:

- a. A description of the numbers with dimensions.
- b. A description of the color of the numbers and the house.
- c. A diagram showing the location of the numbers.

2.20 Lighting. Outdoor lighting shall be functional and enhance the overall appearance of the residence. Outdoor lighting shall not be obtrusive or glare unduly toward streets, neighboring properties, walkways or housing units. In no event shall the lighting illuminate beyond the boundaries of the lot on which the lighting is located or be directed to shine in a manner which disturbs the occupants of an adjacent lot. Incandescent, reflector, down-directed or floodlights are preferred over radiant light style or mercury vapor lights. Hoods on floodlights to shield glare may be required. Soffit mounted downlighting and building mounted lighting shall be subtle and use attractive fixtures and enclosures. No security light fixture shall be allowed more than ten (10) feet from the ground. All outdoor lighting must be reviewed and approved by the ACC. Tree up lights shall be concealed underground or in shrub masses. Colored lights are not permitted except as part of holiday decorations. Wattage is limited to 75 W maximum on the front or side of a house facing a street and 150 W maximum on the back of a house. Holiday decorations may be displayed from Thanksgiving to January 14.

Submittal Requirements:

- a. Photos or cut sheets showing fixture type.
- b. Site plan showing location.

2.21 Landscaping. Landscaping and related items that conform to the Deed Restrictions do not need ACC approval. However, exceptions do require ACC approval. In the event of new construction, landscaping in the front and side yards must be completed within ninety (90) days after construction. Article V, Section 5 of Deed Restrictions.

2.22 Mailboxes. All mailboxes should be mounted on suitable wooden posts as normally used in Westchester and must meet US Postal requirements. Freestanding one-piece metal or cast iron mailboxes and masonry enclosed mailboxes are also acceptable as long as they are in keeping with similar mailboxes in Westchester.

2.23 Maintenance of Structures, Landscaping and Trees. All applicable provisions of city of Houston Tree and Shrub Ordinance and Planning Department rules shall be complied with. Each Owner shall maintain, in a reasonable time period, his lot, structures on the lot, and landscaping in good condition and repair, including but not limited to:

- a. Repairing and painting all structures so as to retain a high level of maintenance consistent with the Association's standard of maintenance for the Common Areas;
- b. Seeding, mowing and watering of all lawns, front, side and rear;
- c. Pruning and trimming of all trees, hedges and shrubbery to present a neat appearance and to avoid obstructing the view of motorists and pedestrians of street traffic;
- d. Removing and replacing any trees or shrubbery that dies;
- e. The front of each lot is required to have a minimum of two live trees of quality species typical to the subdivision. No tree having a diameter at breast height of four (4) inches or more shall be removed from a lot without prior written approval of the ACC. The ACC may require the homeowner to

replace any such tree removed with another tree having a diameter of four (4) inches or more at breast height of like or similar quality at the homeowner's expense to be located on the lot to maintain the overall lot appearance. All tree stumps must be entirely removed or ground to below ground level. Replacement tree plantings will be in accordance with industry standard protocols for the species being planted as to trunk caliper, gallowage, staking and other such factors. However, any replacement tree shall be 45 gallons or larger;

- f. Trees damaged by storms or hurricanes and dead and diseased trees may be removed without ACC approval. Such trees however, may need to be replaced pursuant to (e) above; and
- g. When a residence is raised or rebuilt or added onto, the front facing side of the lot is required to each have a minimum of two quality species trees upon completion of the construction. Such trees shall consist of existing healthy mature trees or new replacement trees as long as the total is two or more. If all trees on a lot are removed, then two or more 150 gallonage trees must be used as replacements. Each new replacement tree shall be of similar or better quality having a diameter of four (4) or more inches at breast height and shall be 150 gallons or larger. Replacement tree plantings shall be in accordance with industry standard protocols for that species. Tree plantings will be at the homeowner's expense. Lots on corners have two front faces and may require more than two trees.

These maintenance requirements also extend to the curbing of the right of way bordering the lot. Article IV, Section 14 and Article V, Section 5 of Deed Restrictions.

2.24 Painting/Staining/Color Changes. Any color/stain change on any exterior surface (wood, stucco, brick, trim, fencing, shutters, doors, siding, etc) must be submitted to the ACC for approval. If a homeowner wishes to repaint the exterior of his/her home with the same existing color, no submission is required. Refer to the color guidelines set forth in Section 2.01 b.

Submittal Requirements:

- a. Sample of stain or paint color, manufacturer and color specifications (color name and number) for exterior of home or garage.

2.25 Patio, Pool and Deck Covers. Patio, pool and deck covers are permitted as long as they are harmonious with the residence and in keeping with the general tenor of Westchester. Patio, pool and deck covers shall be constructed of materials that complement the existing residence and comply with all height and set back requirements and other provisions of the Deed Restrictions and Design Guidelines. Plans for all covers and related systems such as gutters and drains must be prior approved by the ACC. Plans may vary for each cover, but some general guidelines are:

- a. Covers shall not be seen from the street and shall be no more than two hundred fifty (250) square feet;
- b. The lowest point of a patio cover should be in harmony with the existing residence. The patio cover shall not exceed ten (10) feet in height;
- c. The patio covered area shall not contain any air conditioning or heating; and
- d. Pool covers shall not exceed eight (8) feet in height.

Submittal Requirements:

- a. A plot plan showing the house, the location of the patio, pool, deck and the property lines.
- b. Building plans, including height, square footages, materials, and other details.
- c. Photographs or sketches of the existing house showing where the proposed improvements will be located and how they will fit in with the existing structures.

2.26 Play Equipment. Play equipment and play structures are allowed only in rear yards, must be set back a minimum of three (3) feet from all property lines and shall not extend beyond the sides of the house. No portion of the play equipment (including banners) shall extend higher than eight (8) feet above grade. Awnings, coverings or banners must be earth tone or other unobtrusive color. Brightly colored awnings, covers

or banners are not allowed.

Playground equipment such as a swing set or climbing apparatus shall be of high quality materials in the least obtrusive colors available. Brightly colored, molded plastic components are discouraged. Wood play structures must be assembled and maintained in a workmanlike manner. The visible exterior portion must be of redwood or cedar or pressure treated pine.

Play equipment shall not interfere with any drainage easements.

Day Use In Front Yards

Certain play equipment items like pitching nets, batting cages, soccer goals, play forts, sand boxes, are allowed to be used temporarily in front yards or driveways during the day as long as they are completely removed from the front yard or driveways at the end of the day and stored completely out of sight. Removal is required at the end of any day of the week including weekend days. For such day use, no prior approval from the ACC is required.

Play equipment shall not violate the privacy of neighbors as determined by the ACC. Article IV, Section 7 of Deed Restrictions.

Submittal Requirements:

- a. A description of the play equipment with its dimensions and colors (photographs where available).
- b. A plan showing the location of the play equipment, adjacent buildings and property lines.

2.27 Playhouses. Playhouses must be located in rear yard areas and must be screened from public view. Playhouses shall be no taller than eight (8) feet at its tallest point and shall not exceed sixty-four (64) square feet in size. Playhouses shall be constructed of the same or similar materials as were used in constructing the residence, being limited to wood, masonry and stucco construction. Finish and color must match or complement that of the residence. Roofing must match that of the residence. No electrical, plumbing or air conditioning may be installed in the interior or exterior of the playhouse. Playhouses must have a three (3) foot minimum clearance from any fence or property line. Tree playhouses are not permitted. Only one playhouse is allowed per lot. Article IV, Section 7 of Deed Restrictions.

Submittal Requirements:

- a. A description of the playhouse with its dimensions and colors (i.e., photographs, drawings, color samples).
- b. A plan showing the location of the playhouse, adjacent buildings, and property lines.

2.28 Pools/Equipment. All swimming pools and associated decks shall be located in side and rear yards. They may not be located in utility easements. Pool equipment must be located where it will not cause a nuisance to neighbors and must be fully screened with a privacy fence or with evergreen shrubs or other landscaping. Above ground pools, masonry block, vinyl lined and low hung vinyl lined pools are not allowed. Pneumatic pool enclosures are not permitted. Article V, Section 5 of Deed Restrictions.

Submittal Requirements:

- a. A site/grading plan showing the proposed pool, decking, drainage system, fencing, existing structures and property and setback lines.
- b. The location and description of accessory equipment, lighting, etc.
- c. A description of the landscaping/fencing to be used to screen pool equipment.

2.29 Rain Barrels and Rainwater Harvesting Systems. Owners are permitted to install and use certain rainwater harvesting devices if they meet certain architectural and other requirements as set forth below in this section. Rainwater harvesting systems are to be used to harvest water for outdoor purposes only, and all water harvested will be for non-potable uses like landscape and plant watering. Such systems have to comply with City of Houston Department of Public Works and Engineering Infrastructure Design Manual, all city permits and any other applicable city and state ordinances and statutes.

Owners are prohibited from installing a rainwater harvesting system on:

- a. Property owned by the Association or another lot owner;
- b. On Common Areas; or
- c. An Owner's Lot between the front building line (front of the residence) and the street.

Colors of all components of the rain-harvesting system must be consistent with the existing colors of the residence so they will blend in with the residence. Owners are not allowed to install components that are a different color than or inconsistent with the home's color scheme. Owners are prohibited to install devices that display language or other content that is not typically displayed as manufactured.

Other than gutters and downspouts conventionally attached to a residence or garage, all components of the rainwater harvesting systems such as tanks, rain barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or Common Area. Screening may be accomplished by:

- a. Placement behind a solid wooden fence, a structure or tall vegetation;
- b. By burying the tanks or barrels; or
- c. By placing the equipment in an outbuilding otherwise approved by the ACC.

The size, type and materials used in the rainwater harvesting system and in its construction and installation shall meet all lot setback requirements, be appropriate in size and location for the relevant residence or garage roof area, and be designed and installed so that they reduce all potential sources of contamination.

Design Criteria:

- a. Screens are required on gutters to prevent clogging;
- b. Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering barrels, tanks or other storage devices;
- c. Open top storage containers are not allowed. Only finished tanks and rain barrels sold exclusively for rainwater collection can be installed. Second-hand or self-made rain barrels or used tanks cannot be used;
- d. Above ground tanks and rain barrels must not exceed 55 gallons and must be equipped with a drain spigot. Overflow outlet must be provided to bypass tank or rain barrel from large rainfall events;
- e. Rain barrels or tanks must be designed with removable, child resistant covers and mosquito screening;
- f. Minimum rain barrel capacity is equal to one inch (1 in.) of runoff from roof top surface area; and
- g. Piping and gutter type materials to collect and channel water from the roof should blend in with traditional roof gutter systems especially if visible to the public.

Harvested water must be used after each rainfall event and not allowed to become stagnant or a threat to health. Rain barrels should be installed above the ground to improve water flow and allow for easier cleaning. All installed rainwater harvesting systems must be maintained in good repair and inspected at least annually. Unused systems should be drained and disconnected from the gutters.

All rainwater harvesting materials, plans and specifications must be submitted to the ACC for prior written approval before installation is begun. If required, all city permits and Approved Stormwater Management Techniques Application Forms must be obtained prior to installation. Article V, Section 5 of Deed Restrictions.

Submittal Requirements:

- a. Complete description of all parts that will be installed including the size of the containers that will hold the water.
- b. Pictures of the barrels or other containers that will hold the water panels.
- c. Location and placement of all planned barrels and other equipment.

- d. Description of the components used to gather and filter the water once it hits the roof but before it enters the barrels. This includes gutters and gutter screens.
- e. Colors of all materials that will be visible once installed.

2.30 Religious Displays. Owners are permitted to display religious items on their front door or doorframe, with certain permissible limitations. The religious display may not:

- a. Contain language or graphics patently offensive to a passerby;
- b. Be larger than 25 cumulative square inches in size; or
- c. Use a material or color for an entry door that is prohibited by the Deed Restrictions or Design Guidelines.

The Board or the ACC has the right to "self help" under the Texas law-- i.e., they may remove a religious display item that violates the Design Guidelines or Deed Restrictions, provided the Design Guidelines or Deed Restrictions do not conflict with Texas statutes.

2.31 Replacement Windows and Doors. Replacement windows and doors that fit existing openings do not have to be approved by the ACC. However, if such replacements also involve an exterior color change, then the replacements do require prior approval by the ACC. Replacements that involve changes to openings, either larger or smaller, do require ACC prior approval.

Submittal Requirements:

- a. Color of replacement products
- b. Statement regarding whether any size openings are part of the project. If yes, provide details as to new size and description of the products.

2.32 Roof Materials. See Storm Shingles, Section 2.42.

2.33 Satellite Dishes and Antennas. No exterior antennas, aerials, satellite dishes, or other apparatus for receiving television, radio, satellite or other signals of any kind shall be placed, allowed or maintained on any lot or residential dwelling if visible from any street, Common Area or other lot unless it is not possible to receive an adequate signal from a location that is not visible from a street, Common Area or another lot. In the event that an adequate signal can only be received from a location that is visible from a street, Common Area or another lot, the visible location of the antenna must be approved by the ACC prior to installation. The ACC may require an antenna to be screened in whatever manner is deemed appropriate so long as the screening does not substantially interfere with reception. No satellite dish antenna which is larger than one (1) meter in diameter is permitted under any circumstances. No exterior antennas, aerials, satellite dishes, or other apparatus shall be permitted which transmit television, radio, satellite or other signals of any kind apparatus shall be placed, allowed or maintained on any lot or residential dwelling. The provisions of this paragraph are intended to be consistent with the Telecommunications Act of 1996 (the "Act") and FCC regulations promulgated under the Act, as same presently exist or may hereafter be amended; the provisions of this paragraph shall be construed to be as restrictive as possible without violating the provisions of the Act or applicable FCC regulations.

Submittal Requirements:

- a. For ground mounted, a site plan showing proposed dish location, mounting height, and details of post upon which the dish will be mounted.
- b. For roof mounted, a site plan showing proposed dish location on roof, wiring schematic and the location of neighboring houses.
- c. A brochure or other description indicating dish profile and color.

2.34 Shutters. When used, shutters shall be no more than half the width of the adjacent window (i.e., 3' x 6' window equals 1'-6" x 6' shutter). The intent is to provide for a visually operable shutter. Shutters shall be painted to match or complement the existing home.

Submittal Requirements:

- a. A description or picture of the shutters.
- b. A diagram or photograph showing the shutters' location.
- c. A color sample of the proposed shutters and samples or a photograph of the existing house colors.

2.35 Siding. See Section 2.01 a. Exterior Materials.

2.36 Signs. All signs placed on lots other than For Sale or For Rent signs (limited to one per lot not more than five (5) feet square) and the Yard of the Month sign must be approved by the ACC prior to installation unless as otherwise provided below in Section 2.36. Article IV, Section 13 of Deed Restrictions.

No sign may be placed on Common Areas except for notices of the Westchester meetings or Westchester sponsored activities. Such signs may be displayed at Common Areas as deemed appropriate by the Association.

Signs promoting Westchester sponsored activities or neighborhood school activities are allowed on owner lots as long such signs are limited to a two week promotion period and only one sign of any type on a lot is posted at any given time. Activity signs are limited in size to no more than five (5) feet square and do not require ACC prior approval. All such signs must be in good taste and inoffensive.

No signs of any kind are permitted on city sign poles except for those placed there by the city or authorized by the city. Commercial signs such as those advertising roofing, pool installations or other home improvements are prohibited except for one sign during the period of construction or remodeling. These particular commercial signs are limited in size to no more than five (5) feet square and do not require ACC prior approval.

Advertising balloons, etc. used to advertise a house for sale are treated as signs and must be approved in advance by the ACC. Balloons to announce a special event such as a birthday or birth of a child are allowed for the day of the event only and do not require ACC approval.

School spirit and team recognition window signs are permitted to be placed in owner residence windows and do not require ACC approval. There shall be no more than one sign for each child under the age of eighteen (18) residing in the residence, and said signs are to be displayed only during the school year. All such signs must be in good taste and inoffensive.

Lost animal signs are not permitted on lots or city sign poles. Such signs and notices are to be posted at the Swim and Tennis facility bulletin board.

Political Signs. Political signs advertising a political candidate or ballot item for an election (a "Political Sign") are permitted, subject to the following:

- a. No Political Sign is permitted earlier than the 90th day before the date of the election to which the sign relates, and each Political Sign must be removed in its entirety by the 10th day after the election date;
- b. No more than one Political Sign for each candidate or ballot item may be displayed per lot;
- c. Each Political Sign must be ground-mounted;
- d. No Political Sign may
 - (1) contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping or nonstandard decorative component;
 - (2) be attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object;
 - (3) include the painting of architectural surfaces;
 - (4) threaten the public health or safety;
 - (5) be larger than four feet by six feet;
 - (6) violate a law;

- (7) contain language, graphics or any display that would be offensive to the ordinary person; or
- (8) be accompanied by music or other sounds or by streamers or be otherwise distracting to motorists;

- e. The ACC or Association may remove the Political Sign displayed in violation of this section, and may dispose of same as debris without liability for trespass, conversion or otherwise;
- f. The Association's Board is specifically authorized to amend this section to the extent permitted or required to conform this Section to the provisions of Section 202.009 of the Texas Property Code, as amended and/or as subsequently construed or applied by a court of competent jurisdiction, any such amendment to be effective from and after the date of filing of same in the Official Public Records of Real Property of Harris County, Texas; and
- g. Political Signs are not permitted on Common Areas.

2.37 Solar Panels. Owners are permitted to install and use solar panels on their residence or lot if they meet certain architectural and other requirements as set forth below in this section.

To meet Texas and federal standards, the solar panels and dedicated instruments ("the Panels") must not threaten public health or safety or violate a law. The Owner's Panels must be located on the Owner's residence or garage roof or other allowed structure or in the Owner's fenced yard or rear yard patio subject to the following:

- a. If mounted to the roof, the Panels must not extend beyond the roofline.
- b. If mounted to the roof, all edges must be parallel to the roofline and all Panels must conform to the slope of the roof.
- c. Are mounted to the area of the roof not readably visible from the street, i.e. the rear roof side, unless another roof location would increase the estimated annual energy production by more than 10%.
- d. Frames, support brackets or visible piping and wiring be silver, bronze or black tone commonly available in the marketplace.

Owners are prohibited from installing Panels on:

- a. Property owned by the Association;
- b. On Common Areas; or
- c. An Owner's Lot between the front building line (front of the residence) and the street.

Colors of all components of the solar system should be as consistent with the existing colors of the residence so they will blend in with the residence. Owners are prohibited to install solar devices that display language or other content that is not typically displayed as manufactured.

All solar devices if located at the side of the house or visible from the street, another lot, or Common Area, shall be shielded from public view by wood fencing or other appropriate materials consistent in color and material with the residence and/or its existing fencing.

The size, type and materials used in the solar panel system and in its construction and installation shall meet all lot setback requirements, be appropriate in size and location for the relevant residence or garage roof area or lot area.

All solar panels and hardware materials, plans and specifications must be submitted to the ACC for prior written approval before installation is begun. City permits if needed must be obtained prior to installation.

All installed solar systems will be properly maintained.

Submittal Requirements:

- a. Complete description of all parts that will be installed.
- b. Pictures of the panels.
- c. Location and placement of all planned solar panel equipment.

- d. Colors of all materials that will be visible once installed.

2.38 Solid Waste Containers and Trash Collection Materials and Trash Recycling.

- a. **Trash and Garbage.** All garbage and other solid waste containers shall be stored out of public view as will lawn bags and other such special containers. Trash and garbage containers will be emptied by the contracted carrier at the homeowner's back door or side of house as close to the back area as possible and concealed from public view. Special containers for lawn and garden waste and other collection materials (lawn bags, boxes, yard clippings, etc) shall be placed at the curb for collection no earlier than the evening prior to the day of collection and shall be removed from the curb on the day of collection. Removal of special collection materials such as large and heavy items, moving boxes, used furniture and appliances, old bicycles, etc shall comply with special garbage collection procedures as may be approved from time to time by the Association and will normally not be placed at the curb on regular collection days. Article III, Section 1(f) and Article IV, Sections 14 of Deed Restrictions.
- b. **Recycled Trash and Trash Recycling Programs.** Removal of recycled materials shall comply with special recycling collection procedures as may be approved from time to time by the Association. At a minimum, such procedures will require that recycled materials be stored and collected at the back door or side of house out of public view and recycling bins not be placed at curb side. The Association will be the contracting authority for recycling services. Article III, Section 1(f) and Article IV, Sections 14 of Deed Restrictions.

2.39 Sports Courts. Sports courts are prohibited except for the tennis courts on Common Area.

2.40 Screen and Storm Doors. Screen and storm doors shall have a nine (9) inch maximum wide frame, which shall be finished to match or complement the window mullions or the house trim. Storm doors shall have transparent glass. There shall be no cross members or ornamentation. Storm doors with glass inserts are permitted on the front façade of the residence. Storm and screen doors are permitted on the rear façade of the residence. Silver finished aluminum doors are prohibited.

Submittal Requirements:

- a. Photograph or cut sheet showing door style and color.

2.41 Storage Sheds. Storage sheds can only be located in rear yard areas. They may not exceed eight (8) feet in height and must not impede any easements on the property. Storage sheds shall be constructed of the same or similar materials as were used in constructing the residence, being limited to wood, masonry and stucco construction. Finish and color must match or complement that of the residence. Roofing must match that of the residence. Storage sheds shall have a maximum square footage of sixty-four (64) square feet. Storage sheds must have a three (3) foot minimum clearance from any fence or property line. Only one storage shed is allowed per lot. Any storage shed that impedes an easement may be removed at homeowner's expense and without prior approval of the homeowner. Article IV, Section 7 of Deed Restrictions.

Submittal Requirements:

- a. A site plan showing the location of the shed, existing structures and property lines.
- b. A description and the dimensions of the shed (i.e., construction drawing).
- c. A description of materials and color for the shed and those of the house.

2.42 Storm Shingles. Roof material shall be a high quality composition shingle of equal to or better than 240 lbs and have a stated warranty of at least 25 years. Asphalt shingle products will conform to the 2006 International Residential Code (IRC) and 2006 International Building Code (IBC), as modified with the 2006 Texas Revisions, effective January 1, 2008 and revised August 5, 2011. The Texas revisions require asphalt shingle roof coverings to conform to ASTM D 3161, Class F, or as an alternative, ASTM D6381 and UL 2390. The GAF Timberline and other products used in the subdivision meet these standards. No three tab shingles shall be allowed except for use as a starter row and cap rows. Go here for a list of approved shingles:

<http://www.tdi.texas.gov/wind/documents/asphltshnglslst.pdf>

Other roofing materials may include: Natural slate; clay tile, aluminum shingles and others as approved by ACC. In no event shall the pitched portion be comprised of more than one material. Bay window roofs, dormers, entry door roofs and covers and similar items shall be constructed of high quality materials suitable for the purpose intended. Roof material colors must be approved by the ACC.

Owners are allowed to install shingles of certain materials made to resist wind and hail, provide heating/cooling efficiency, or generate solar energy. The shingles will be allowed, as long as they:

- a. Resemble other approved shingles in the subdivision;
- b. Are more durable or of better quality than "normal" shingles, and
- c. They match the aesthetics of the property surrounding the Owner's Lot.

Storm Shingles material and colors must be prior approved by the ACC.

Submittal Requirements:

- a. Description and color of roof shingle.

2.43 Sunscreens. Adhesive-backed sunscreens/window films must be approved by the ACC prior to installation and must be professionally installed so as to assure that it presents a neat appearance. Sunscreen must be integral to the window or the screen.

Submittal Requirements:

- a. Photographs, color samples and other information as appropriate showing the type and color.
- b. A sample of adhesive-backed window film.
- c. Site plan or elevations indicating affected windows.

2.44 Woodpiles. All woodpiles shall be kept screened by adequate planting or fencing so as to conceal them from view by neighboring residences and streets.

Construction

As used below in Sections 3.01-3.09, Construction includes all forms of New Construction (new homes, garages, etc), Exterior Remodeling (homes, garages, etc) or Additions (homes, etc) or exterior improvements (driveways, patios, etc) to a lot. Articles IV and V, Deed Restrictions.

3.01 Approval of Plans. No exterior improvement shall be commenced, erected, placed, altered or demolished nor existing trees removed on any lot until the final construction plans, specifications, elevations and plot plan showing:

- a. The nature, kind, color, shape, height, materials, and location of the improvement; and
- b. The locations, sizes and types of trees to be removed and any replacements shall be submitted in writing to the ACC and approved in writing by the ACC. See Section 2.23 (e) through (g) above.

The proposed new construction will be reviewed by the ACC for:

- a. Conformity and harmony of external design and color with existing improvements in Westchester;
- b. Location of the improvement with respect to topography and finished ground elevation;, and
- c. Compliance with any of these Design Guidelines and Deed Restrictions.

As part of this approval process the ACC requires that there be a mandatory meeting between the lot Owner and the ACC to review the process, the submittal requirements and for the ACC to understand the nature of the project. The general contractor is encouraged to attend this meeting. During this meeting any questions about the Contractor Responsibilities and Site Maintenance Rules will be answered. See 3.09 and Appendix A for more information.

Construction shall not begin until the ACC approval has been obtained and City of Houston building permits have been received. In the case of new home construction, an existing residential dwelling or garage shall not

be raised until plans for the new residential dwelling to be constructed have been submitted and approved by the ACC and have received all required City of Houston building permits and other required approvals.

3.02. Land Use and Building Type. All lots shall be used for single-family residential purposes only. No lot shall be subdivided nor more than one residence be constructed on a lot within the subdivision. No building shall be erected, altered, placed, or permitted to remain on any lot other than one single family house not to exceed three stories in height, a private garage for not fewer than two (2) nor more than three (3) vehicles, a porte co-chere connecting the house and garage, and one (1) or more auxiliary structures permitted by the Deed Restrictions, and all require prior written approval by the ACC.

3.03 Residence Size and Elevation. The minimum allowable area of interior living space in a residential dwelling shall be 2,000 square feet. Livable space in the attic is permitted and is included in the residential minimum square footages. In calculating the interior living space, the area within an attached garage (used as a garage) shall not be included, but the living area above an attached garage shall be included. For the purposes of this paragraph, the term “interior living space” is determined by measuring outside dwelling dimensions and includes everything under air conditioning but excluding steps, porches, exterior balconies, and detached garages, excluding space used as a garage, but including living space above the detached garage.

The total area of the footprints of the residential dwelling, garage, accessory buildings and any other improvement on a lot which has a foundation, and any impermeable hardscape on the lot, including, by way of example and not in limitation, driveways, sidewalks, pool, pool decking and patios, shall not exceed sixty-five percent (65%) of the total area of the lot.

Here is a sample impermeable ratio (percentage) calculation using statistics for average homes for Westchester assuming new home construction of 5,000 sq ft divided evenly between two floors:

Lot area -square feet (HCAD)	8,960
House - as measured on outside	2,500
Garage	453
Driveway and apron	928
Patio and other	372
Front walkway and other	244
Back door pavement	130
Pool and surround walkway	750
Total impermeable area on lot	5,377
Total Impermeable percentage	60.0%
$5377/8960 = .60$	
Total impermeable area on lot w/o house	2,877

All new construction plans and related items must be prior approved in writing by the ACC prior to the commencement of construction. The height of a new residential dwelling constructed on a lot and the maximum allowable area of interior living space must be reasonable, in conformity with community standards of the Subdivision and approved in writing by the ACC prior to the commencement of construction.

New construction plans must also include a drainage plan that demonstrates that such new construction and improvements will not cause surface water to drain onto an adjacent lot. Other construction plans may require drainage plans depending on the nature of the project. The drainage plan requires the prior written approval of the ACC.

3.04 Construction. The front and each side exterior wall of a residence shall consist of not less than fifty-one percent (51%) brick, brick veneer, and natural stone or other approved masonry material. Stucco and Hardi-plank shall not be an acceptable masonry material for the purpose of complying with the fifty-one percent (51%) brick, brick veneer, natural stone or other masonry requirement; stucco and Hardi-plank may be used in addition to, but not in lieu of, brick, brick veneer, natural stone or some other approved masonry material on the front and side exterior walls; provided that, in no event shall the aggregate area of the exterior walls of a residence (front, rear and sides) consist of more than forty-nine percent (49%) stucco or Hardi-plank. The

ACC may limit the number of masonry materials used in the construction of a residence.

If the residential dwelling or garage on a lot is remodeled, or if there is an addition to a residential dwelling or garage (as approved by the ACC), the addition or alteration must incorporate the same or similar exterior masonry materials that exist on the remainder of the residential dwelling or garage. In addition, the mix of materials must be substantially similar to the remainder of the residential dwelling or garage (as a percentage) so that the addition or alteration is compatible with the remainder of the residential dwelling or garage. All alterations and additions to an existing residential dwelling or garage must comply with the Design Guidelines and must be approved in writing by the ACC prior to the commencement of construction.

All doors, windows, roof areas, and dormers shall be excluded when calculating the percentages of exterior masonry. If there is a detached garage on a lot, the detached garage shall be excluded when calculating the percentage of masonry on the exterior of the residential dwelling; however, an attached garage shall be included.

The exterior walls and materials used on the exterior of detached and attached garages and all porte-cocheres must be constructed with approved materials that are compatible with the exterior materials used on the residential dwelling. All such materials must be prior approved in writing by the ACC; the ACC, in its discretion, may limit or prescribe the materials to be used as necessary for consistency and compatibility. See Section 2.01 a. Exterior Materials.

All foundations must comply with all local, state and national building codes and all building setback lines. A foundation façade, if any, must be congruent with the style of the surrounding homes. All foundations must be prior approved in writing by the ACC prior to the commencement of construction.

Garages and porte-cocheres must fully comply with the provisions of Section 2.16. The ground floor of a garage may not be enclosed or converted to living area. This does not prohibit garages from being used as “workshops” or for storage or in any other manner otherwise consistent with the Deed Restrictions and Design Guidelines.

All improvements shall be new construction. No temporary structure, trailer, mobile home, tent, shack, garage, barn or out building shall be used as a residence or construction office, either temporarily or permanently.

3.05 Building Setbacks. No structure, building or residential dwelling shall be located nearer to the front lot line or nearer to the side street lot line than the building setback shown on the respective Westchester plat. No structure, building or residential dwelling shall encroach onto any easement shown on the plat. No structure, building or residential dwelling shall be located nearer than ten (10) feet from any side lot line adjacent to a street, or nearer than five (5) feet from the rear lot line, or nearer than five (5) feet from any interior side lot line, except a garage or porte-cochere, which may be located no nearer than three (3) feet from any interior side lot line but then only if the garage or porte-cochere is located at the rear of the residential dwelling, meaning no nearer to the closest part of the front wall of the residential dwelling than twenty (20) feet. Refer to your lot’s plat for these specific setback lines. Article IV, Section 5 Deed Restrictions.

3.06 Maximum Period for Completion of New Construction. The approval of plans and specifications for a proposed improvement or modification of an existing improvement shall be effective for a period of twelve (12) months from the date set forth in the written approval submitted by the ACC. If construction of the improvement or modification has not commenced, as defined in this section, within twelve (12) months of the date of approval, the approval shall be deemed to be automatically revoked by the ACC and no construction shall be commenced without first resubmitting plans and specifications for the proposed improvement or modification to the ACC in accordance with these Deed Restrictions and receiving its written approval.

Upon commencement of construction of a single family residence or any other form of exterior remodeling, the work thereon must be prosecuted diligently to the end that the same will not remain in a partly finished condition any longer than reasonably necessary for completion thereof. In any event construction must be substantially completed within twelve months after teardown of the original residence or pouring of the slab for a single family residence or modification of an existing slab or structure. The foregoing period will be extended in the event of any only for the duration of delays due to strikes, war, acts of God or other good

causes beyond the reasonable control of a builder or owner as determined in the sole opinion of the ACC. Article V, Section 7 Deed Restrictions.

3.07 Storage of Materials and Cleanup. No building materials on any kind or character shall be placed or stored upon any lot more than thirty (30) days before construction is commenced. Except as otherwise permitted in writing by the ACC, all materials permitted to be placed on a lot shall be placed within the boundaries of the lot. Builder or owner shall use a covered dumpster on the lot for disposal of construction materials. Use of temporary fencing on the lot to secure materials is acceptable as long as such fencing is prior approved by the ACC. Upon completion of construction, any unused materials and temporary fencing shall be promptly removed from the lot and from Westchester and in any event not later than thirty (30) days after construction is completed.

3.08. Builder and Sub-contractor Vehicles and Dumpsters. Dumpsters for waste building or construction materials are not permitted on streets in the subdivision at any time as part of a new construction, exterior remodeling or home addition or similar projects. All builder or sub-contractor vehicles and trailers are allowed to be parked on subdivision streets only at times they are performing active services at a lot. Such vehicles must be removed from the subdivision streets at the end of each day and are not allowed to be parked overnight on subdivision streets, inclusive of weekends and holidays. Article IV, Section 9 of Deed Restrictions.

3.09. Contractor Responsibilities and Site Maintenance Rules. All new construction and exterior remodeling and addition projects will require the Lot Owner(s) to sign a Contractor Responsibilities and Site Maintenance Rules agreement. This agreement spells out the rules and regulations covering construction activities, including but not limited to permissible hours of construction, maintenance of the construction site, parking of contractor and other construction related vehicles, storage of building materials and similar items that may affect the aesthetics of the subdivision and/or the Owner's use of the lot. See Appendix A for the agreement.

Submittal Requirements:

Exterior Additions and/or Remodels:

- a. Three sets of floor plans, roof plans, drainage plans, plats, and site plans are to be submitted to the ACC for review. Plans must be in sufficient scale to show needed details.
- b. All colors and materials (roofing, siding, masonry, etc.) should match or complement the existing home and be in keeping with the general tenor of the neighborhood. Submit color samples, manufacturer, color name and number for review.
- c. Property owner must verify that the addition or new construction complies with all City of Houston ordinances and codes.
- d. Additions and remodels must maintain the percentage of masonry that exists for the residence prior to the addition and as specified in the Deed Restrictions and Guidelines, 51%. Homeowner or builder must verify that percentage of masonry is maintained and show the ACC the calculations used in the percentage determination.
- e. All requirements must be presented completely and clearly. Incomplete submissions will be rejected in their entirety and will not be reviewed until all information required is submitted in triplicate to the ACC.

New Construction:

- a. Three sets of floor plans, roof plans, drainage plans, and site plans inclusive of elevation plans are to be submitted to the ACC for review and approval. These plans must clearly show the lot size, the placement of the structure on the lot, the height of the structure, all setbacks and other relevant information related to the project. Plans must be in sufficient scale to show needed details.
- b. All colors and materials (roofing, siding, masonry, windows, etc.) should be in keeping with the

general tenor of the neighborhood. Submit color samples, manufacturer, color name and number for review.

- c. Property owner must verify that the new construction complies with all City of Houston ordinances and codes.
- d. New construction must meet the 51% masonry requirement as specified in the Design Guidelines and Deed Restrictions. Homeowner or builder must verify this percentage of masonry and show the ACC the calculations for each side of the residence and for the residence as a whole, if applicable. Homeowner or builder must calculate the impermeable ratio percentage and show the ACC the calculations used in the percentage determination. An example appears in Section 3.03.
- e. All new construction requirements must be presented completely and clearly. Incomplete submissions will be rejected in their entirety and will not be reviewed until all information required is submitted in triplicate to the ACC.

Miscellaneous

4.01 Enforcement. The provisions for enforcement of the Deed Restrictions as contained in Article VIII, Section 2 of the Deed Restrictions shall apply to the enforcement of these Design Guidelines in addition to any other available remedies. Owners who fail to comply will bear the expense of forced compliance taken by the Association.

4.02 Waiver, Amendment and Third Party Benefit. The ACC maintains the right from time to time at its sole discretion, to waive, amend or modify these Design Guidelines. Neither the ACC nor its agents, representatives or employees shall be liable for failure to follow these Design Guidelines as herein defined. These Design Guidelines confer no third party benefit or rights upon any person.

4.03 Non-Liability of the ACC. Neither the ACC nor its agents, representatives or employees shall be liable for damages or otherwise to anyone submitting plans to it for approval by reason of mistake in judgment, negligence or non-feasance, arising out of any action of the ACC with respect to any submission, or for failure to follow these Design Guidelines. The role of the ACC is directed toward review and approval of site planning, appearance, architectural vocabulary and aesthetics. The ACC assumes no responsibility with regard to design or construction, including, without limitation, the civil, structural, mechanical, plumbing or electrical design, methods of construction or technical suitability of materials.

4.04 Accuracy of Information. Any person submitting plans to the ACC shall be responsible for verification and accuracy of all components of such submission, including, without limitation, all site dimensions, grades, elevations, utility locations and other pertinent features of the site or plans.

4.05 Conflicts with the Deed Restrictions. In the event of a conflict between these Design Guidelines and the terms of the Deed Restrictions, the latter shall prevail.

4.06 Regulatory Compliance. Plans submitted for ACC review must comply with all applicable building codes, zoning regulations and the requirements of all agencies having jurisdiction over the building project. It is the responsibility of the property owner to obtain all necessary permits and ensure all governmental compliance. Regulatory approvals do not preclude the authority and responsibility of the ACC for design review and approval by the ACC does not preclude the property owner from obtaining any necessary governmental approvals.

APPENDIX A--CONTRACTOR RESPONSIBILITIES AND SITE MAINTENANCE RULES

The intent of these rules is to limit as much negative and destructive activity as possible while allowing the reasonable construction and completion of building improvements. Compliance with all of the regulations requires a sincere effort to familiarize oneself with the rules and continued diligence to abide by them.

The general contractor SHALL PROVIDE A SINGLE PROTECTED AREA FOR ALL PERMITS AND RECORDS issued for the site.

SANITARY WASTE: All sanitary waste shall be collected in an enclosed portable waste collection unit (portable toilets) approved by the Westchester Owners Committee, Inc. Board or its ACC. All portable toilets shall be screened from view from any adjacent private property or any public or private roadway with privacy fencing, of a height of not less than, or greater than, the height of the portable toilet. Each portable toilet shall be serviced at least one (1) time per week. Portable toilet must be placed or located as discreetly as possible without impeding service access to help hide it from the public view. Placement should be at or near the corner of the house at least 25 feet from the street for inside lots and 15 feet for corner lots.

TREE PROTECTION: All trees to be left on the site MUST HAVE TREE PROTECTION IN PLACE BEFORE ANY CONSTRUCTION INCLUDING DEMOLITION TAKES PLACE. Tree protection shall consist of fencing, at least forty-eight (48) inches in height, which shall be placed at the drip line of the canopy of each tree to be preserved. Fencing shall be of either metal hurricane variety with steel posts no greater than eight (8) feet apart, or a wooden rail fence with vinyl construction fencing attached, with staples every twelve (12) inches. An opening shall be left in each fence enclosure of not more than eighteen (18) inches to allow access for maintenance of grass and vegetation. No such tree protection area shall be used to store materials or equipment.

DRAINAGE/SITE RUN OFF: ALL STREETS, ADJACENT LOTS AND PUBLIC DRAINAGE AREAS MUST BE PROTECTED FROM SITE RUNOFF WITH A SILT FENCE.

TRASH AND MUD CLEAN UP: ALL TRASH, DEBRIS, AND LITTER MUST BE PICKED UP DAILY. Food waste and packaging must be placed in a sturdy container with a secure cover. All debris from workers' lunches will be placed in containers "each day." Any tracking of mud or debris MUST BE CLEANED DAILY. Dirt clumps deposited in streets from vehicles leaving muddy job sites must be removed when the work is completed and may not remain for longer than 12 hours.

CONSTRUCTION DEBRIS: construction debris such as plywood, excess lumber, bricks, etc., shall be collected and stored in a secure, roll-off type dumpster and be removed from the project site as soon as it is filled. Dumpsters or storage containers are to be located on Owner's lot and not on the subdivision's streets or Common Area.

CONCRETE WASHOUT: All concrete washout, from both trucks and mixers, must occur within the building envelopes of the building site in a location where it will ultimately be concealed by structure or covered by backfill. Washout in road rights-of-way, setbacks, adjacent properties, or anywhere outside the Building Envelope is strictly prohibited.

ON-SITE PARKING FOR WORKERS: All vehicles belonging to construction workers shall be parked on the job site unless special approval by the ACC or Board is received. The builder shall provide an all-weather temporary drive to minimize tracking dirt, mud, etc., onto the adjacent street or streets. Vehicles and trailers may not be parked in the street overnight or on weekends. The intent is to prevent parking of trailers and trucks for use as long term storage facility. During very busy construction periods involving multiple trades, overflow vehicles may be temporarily parked along the edge of the roadway, along one side only, to allow

continual unconstrained access by normal traffic and emergency vehicles, including fire trucks.

MATERIAL DELIVERIES: All building materials, equipment and machinery required to construct a residence must be delivered to and remain on the lot and be neatly maintained. Delivery of materials and equipment should be staged to meet construction schedules and minimize storage time on the lot.

NOISE DISTURBANCE: At all times loud and raucous noise emanating from any construction or delivery site, whether in the form of broadcast or amplified music which is audible on any property other than the property from which it emanates is prohibited. Repeated violations of this provision will result in the total prohibition of any on-site use of radios or audio equipment during construction and/or a fine.

CONSTRUCTION SIGNAGE: Temporary construction sign shall be limited to one sign per site not to exceed 4 square feet total surface area and 4 feet in height (measured from the ground). It must be removed within two weeks of the issuance of a certificate of occupancy by the City of Houston, or immediately upon the passage of 30 calendar days without significant construction activity as deemed by the Westchester Owners Committee, Inc. Signage must be maintained in good repair and not allowed to sag, lean, etc.

WORK HOURS: 7:30 am-6:00 pm M-F, 8:00 am- 6:00pm on Saturday and Sunday. **HOURS OF WORK NOTICES MUST BE VISIBLY POSTED.** Please provide these notices in English and Spanish. The general contractor is to place them in a protective sleeve or have them laminated and post both at the site.

CONTACT #: 24 hour emergency contact # must be provided to the ACC and posted, so that it is readily visible along with permits and other construction documents that are displayed and stored. The posted contact # should be kept in condition so that is easily readable.

Repeated violations of any of the above could result in fines to property owner, as determined by the Westchester Owners Committee, Inc.

By signing this agreement, the Lot Owner *acknowledges receipt* of Responsibilities and Maintenance Rules and agrees to *comply*

(Lot Owner Signature and Date)

By signing this agreement, the Lot Owner *acknowledges receipt* of Responsibilities and Maintenance Rules and agrees to *comply*

(Lot Owner Signature and Date)

ER 059 - 10 - 1578

**Westchester Architectural Control Committee
Modification Request Form (MRF)**

Mail or hand deliver or email completed form to Lead ACC member, Clay Roth at clay.roth@cbre.com and other ACC members. Member's names, email addresses and phone numbers are listed in the Westchester Rap and/or at the website. Lead ACC will notify you within 7 days that MRF has been received. If you have not heard in 7 days, you are to contact the Lead ACC to effect such notice.

Owner's Name: _____ **Address:** _____

Day Phone: _____ **Evening Phone:** _____ **Email:** _____

No Submission will be approved unless the following items are included:

Sketches, site plan, etc, showing house and planned changes, lot lines, setbacks, dimensions and easements, elevations (including side views) showing dimensions, **percentage calculations**, and photos sufficient to describe the project in complete detail. For any exterior painting requests, a photo of the brick must be included with the application **along with color samples**.

Description of Project:

Location of Improvement: _____

Materials Necessary for Improvement: _____

Construction start date: _____ **Completion date:** _____

Homeowner's Signature _____ **Date:** _____

ACC Comments: _____

Approval: _____ **Date:** _____ **Approval:** _____ **Date:** _____

Disapproval: _____ **Date:** _____ **Disapproval:** _____ **Date:** _____

ER 059 - 10 - 1580

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Pages 25
07/21/2014 14:13:45 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 108.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS