

# Architectural Control Committee

## Design Guidelines

WESTCHESTER OWNERS COMMITTEE, INC

WESTCHESTER SECTIONS ONE (1) AND TWO (2)

HOUSTON, TEXAS

Effective January 1, 2002, Revised June 17, 2002

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### 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 2 of the Westchester Section One (1) and Section Two (2) (Westchester) Declaration of Covenants, Conditions and Deed Restrictions, recorded in Volume 145, page 102 and Volume 154, page 93, respectively; and the amended and restated Deed Restrictions recorded in the Official Public Records of Real Property of Harris County, Texas on December 20, 1991 and January 16, 2002 in their current form (Deed Restrictions). The requirements and provisions of the Design Guidelines shall be in addition to and not in lieu of the requirements and provisions of the Deed Restrictions. These Design Guidelines are aimed at modifications, additions and new construction.

**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 a member of the ACC. The application should contain the information described in the submittal requirements outlined in Appendix A. The ACC must act on an application within 30 days of the filing of a complete application. 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.

## **The Design Guidelines**

**2.01 Additions and/or Remodels.** Additions shall comply with all building setbacks as set forth on the recorded plat of the subdivision. Materials and colors are governed by the guidelines set forth in Appendix B.

**2.02 Attic Ventilation/Rooftop Appendages.** Attic ventilators are recommended to be the "pancake" low profile type. 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 be visible from the street. Attic ventilators shall not be above roof ridge.

**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.

**2.04 Basketball Goals.** Backboards shall be pole mounted and shall be preferably transparent acrylic. White or gray backboards are acceptable. They must be located adjacent to the driveway. Portable goals are recommended. Only one goal per lot is allowed.

Materials and colors of basketball goals must be approved by the ACC. Placement of basketball goal and pole shall be located so as to minimize impact on neighboring properties.

Basketball goals are not allowed to be roof mounted.

**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. Posts shall be painted an earth tone color, coordinating with the colors of the house. All poles or posts shall be maintained in a vertical and upright manner. The birdhouse itself shall be 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.

**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.

**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 13 of Deed Restrictions.

**2.08 Decks and Patios.** Decks shall be of redwood, cedar or pressure treated pine. Decks and patios are permitted in rear or side yards only and shall be screened from ground level view by fencing or adequate plantings. Patios may be concrete, concrete stepping blocks, brick, concrete pavers, stone, or other materials as approved by the ACC.

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

- Chain link or wire mesh property fencing. Article IV, Section 14 of Deed Restrictions
- Above ground swimming pools
- 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 houses/dog runs fencing shall not exceed five (5) feet in

height. Doghouses shall not exceed fifteen (15) square feet in size. Only one doghouse or dog run is allowed per lot. Doghouses shall be of wood or brick construction with roof material to match that of the house and shall be painted to match or complement the house. Plastic doghouses may be approved by the ACC in special circumstances. Dog runs shall have concrete slab and shall be well maintained with regard to smell and appearance. Article IV, Section 11 of Deed Restrictions.

**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 8 of Deed Restrictions.

**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.**

**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 14 of Deed Restrictions. Wrought iron driveway gates height may vary across their length and maximum height will not exceed eight (8) feet.

Wrought iron gateposts will be iron or steel columns and must be imbedded in concrete. Wrought iron gates must be open and properly prepared, primed, and painted black or another dark color in keeping with homeowner's and neighbors' homes.

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.

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 III, Section 3 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.

**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. No more than two flags may be displayed at any one time. Flags conveying an offensive message are not allowed. Flags must be maintained so as to avoid a "worn" appearance.

**2.15 Fountains/Statuary.** Fountains and statuary must comply with building setbacks. Fountains and statuary will be permitted in a front yard if they meet the standard for a formal front yard as determined by the ACC. Colors must be earth tone in nature. Bright and/or fluorescent colors are not allowed. All fountains and statuary are subject to submittal review and ACC approval before installation.

#### **2.16 Garages and Porte-Cocheres.**

**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) vehicles. 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. Servants' quarters may be included in connection with the garage for use of bonafide servants, family members or dependents domiciled with the owner as long as such space is on the second floor of the garage. The garage is part of the dwelling and is to be used for residential purposes only, and the garage cannot be used for any commercial or business or professional purpose inclusive of garage apartments. See Deed Restrictions Article IV, Section 1.

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) 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) vehicles must be constructed in conjunction with the construction of the residential dwelling. If a detached garage for not less than two (2) 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.

**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 thirty (30) feet, measured from the nearest point of the garage and the front corner of the residential dwelling that is nearest to the garage.

**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.

There are different setback requirements for an attached garage and a detached garage. Since an attached garage is part of the residence, the setback requirement for the residence applies to the attached garage: 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 five (5) feet from any side lot line. For a detached garage the setback requirements are: three (3) feet from any inside lot line if situated at the rear of the main residence building. A "detached garage" is one without a common wall attached to the main building. See Deed Restrictions, Article IV, Section 4.

No detached garage shall exceed a height of twenty-eight (28) feet above the top of the slab. A garage, which is separated from the residence but connected to the residence by a covered walkway or open breezeway, is not considered as being attached.

**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 could possibly make a detached garage into an attached garage and possibly create a setback violation. Likewise, 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.

**2.17 Gutters/Downspouts.** Gutters and downspout shall match the color of the existing trim of the house. Downspout 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.

**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.

**2.19 House Numbers.** House numbers placed on residences shall be metal (i.e., brass, wrought iron), cast stone or wood. Fluorescent or brightly colored numbers are not allowed. Curbs and mailboxes may contain painted or other tasteful house 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 uprights shall be concealed underground or in shrub masses. Colored lights are not permitted except a 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.

**2.21 Landscaping.** Landscaping and related items that conform to the Deed Restrictions do not need ACC approval. However, exceptions do require ACC approval. Article V, Section 3 of Deed Restrictions. In the event of new construction, landscaping in the front and side yards must be completed within ninety (90) days after construction.

**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 and Landscaping.** 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:

1. 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.
2. Seeding, mowing and watering of all lawns, front, side and rear.
3. 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.
4. Removing and replacing any trees or shrubbery that dies. Tree stumps must be entirely removed.

This maintenance requirement also extends to the curbing of the right of way bordering the lot. Article IV, Section 13 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 Appendix B.

**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: (1) covers shall not be seen from the street and shall be no more than two hundred fifty (250) square feet; (2) covers shall not extend any higher than eight (8) feet; (3) the covered area shall not contain any air conditioning or heating; and (4) side enclosures shall consist of screening and not windows.

**2.26 Play Equipment.** Play equipment is 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. Play equipment shall not violate the privacy of neighbors as determined by the ACC. Article IV, Section 6 of Deed Restrictions.

**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 6 of Deed Restrictions.

**2.28 Pools/Equipment.** All swimming pools and associated decks shall be located in side and rear yards. They may not be located in 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, Sections 3 of Deed Restrictions.

**2.29 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.

**2.30 Roof Materials.** Required roof materials are specified in Appendix B.

**2.31 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.

**2.32 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.

**2.33 Siding.** See Appendix B, A. Exterior Materials.

**2.34 Signs.** All signs are subject to Article IV, Section 12 of Deed Restrictions, which requires that all signs other than For Sale or For Rent signs (limited to one per lot) and the Yard of the Month sign must be approved by the ACC prior to installation.

No sign may be placed on Common Area 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. 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.

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.

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 Club 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:

(1) No Political Sign is permitted earlier than the 90<sup>th</sup> day before the date of the election to which the sign relates, and each Political Sign must be removed in its entirety by the 10<sup>th</sup> day after the election date;

(2) No more than one Political Sign for each candidate or ballot item may be displayed per lot;

(3) Each Political Sign must be ground-mounted;

(4) No Political Sign may (a) contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping or nonstandard decorative component; (b) 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; (c) include the painting of architectural surfaces; (d) threaten the public health or safety; (e) be larger than four feet by six feet; (f) violate a law; (g) contain language, graphics or any display that would be offensive to the ordinary person; or (h) be accompanied by music or other sounds or by streamers or be otherwise distracting to motorists;

(5) 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;

(6) 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.

Political Signs are not permitted on Common Areas.

**2.35 Solid Waste Containers and Collection Materials.** All garbage and other solid waste containers shall be stored out of public view. Containers 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 moving boxes, used furniture, old bicycles, etc shall comply with special garage 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 IV, Sections 13 of Deed Restrictions.

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

**2.37 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. Screen doors shall have screen mesh with an even transparent look. Screen doors and storm doors are prohibited on the front facade of a residence. Silver finished aluminum doors are prohibited.

**2.38 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 6 of Deed Restrictions.

**2.39 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.

**2.40 Tree Removal.** No tree having a diameter of three inches or more (measured from a point two feet above ground level) shall be removed without prior approval of the ACC. If a tree is removed without the prior approval of the ACC, the homeowner will be required to replace the tree with one of like size or quality at the homeowner's expense. All tree stumps must be entirely removed or ground to below ground level. Trees damaged by storms or hurricanes and dead and diseased trees may be removed without ACC approval.

**2.41 Woodpiles.** All woodpiles shall be kept screened by adequate planting or fencing so as to conceal them from view by neighboring residences and streets and may be maintained in the rear yard on a lot only.

### **New Construction**

**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 (1) the nature, kind, color, shape, height, materials, and location of the improvement, and (2) the locations, sizes and types of trees to be removed and any replacements have been submitted in writing to the ACC and approved in writing by the ACC. The proposed new construction will be reviewed by the ACC for (1) conformity and harmony of external design and color with existing improvements in Westchester, (2) location of the improvement with respect to topography and finished ground elevation, and (3) compliance with any of these Design Guidelines and Deed Restrictions.

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.

All foundations must meet all local, state and national building codes must be inside all building setback lines, and the resultant foundation façade, if any, must be congruent with the style of the surrounding homes. All foundations must be prior approved in writing by the Architectural Control Committee.

**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 Restrictions, and all require prior written approval by the Architectural Control Committee.

**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 residential minimum interior living square footages, attached garages are not included in the interior living space square footage, but living area above an attached garage is 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 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 landscape on the lot, including, by way of example and not in limitation, driveways and sidewalks, shall not exceed sixty-five percent (65%) of the total area of the lot.

All new construction plans and related items must be prior approved in writing by the Architectural Control Committee. The height of a new residence constructed on a Lot must be reasonable and in conformity with community standards and must be prior approved in writing by the Architectural Control Committee which may limit the height in its sole discretion. The maximum allowable area of interior living space in a residential dwelling must be reasonable and must be prior approved in writing by the Architectural Control Committee which may limit the maximum allowable area of interior living space in its sole discretion.

New construction plans must also include a drainage plan prepared for review and written approval by the Architectural Control Committee that demonstrates that such new construction will not result in any additional stress to common systems for drainage and also retain acceptable exterior appearance as required by the Restrictions and Guidelines. If additional stress on drainage is created by such new construction, then the drainage plan must address its correction while fully complying with the Restrictions and Guidelines.

**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.

All doors, windows, roof areas, detached garages and ground materials are excluded for the purposes of calculating the percentages of masonry. Other exterior construction materials may be used only with the prior written approval of the ACC and, if used, must comply with all City of Houston codes and requirements. See Appendix B.

Garages and porte-coheres 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 residence shall be located nearer to the front lot line or nearer to the side street lot line than the building setback lines shown on the recorded respective Westchester plat or encroach on any easement shown on the plat. Refer to your lot’s plat for this specific setback line. No structure, building or residence shall be located nearer than ten (10) feet to any side street line nor nearer than five (5) feet from the rear lot line, nor nearer than five (5) feet from any side lot line, except a detached garage, which may be located no closer than three (3) feet of any inside lot line if situated at the rear of the main residence building.

**3.06 Maximum Period for Completion of New Construction.** Upon commencement of construction of

a single family residence, 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 six months after teardown of the original residence or pouring of the slab for a single family residence or modification of an existing slab. 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.

**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.

## **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 SUBMITTAL REQUIREMENTS**

ADDITIONS AND/OR REMODELS 1. Three sets of floor plans, roof plans, and site plans are to be

submitted to the ACC for review. 2. 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. 3. Property owner must verify that the addition or new construction complies with all City of Houston ordinances and codes. 4. 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 calculations. 5. 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** 1. Three sets of floor plans, roof 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. 2. 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. 3. Property owner must verify that the new construction complies with all City of Houston ordinances and codes. 4. New construction must meet the 51% masonry requirement as specified in the 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. 5. 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.

**ATTIC VENTILATION / ROOFTOP APPENDAGES** 1. Cut sheets or photographs showing the type of ventilators. 2. Roof plan showing location.

**AWNINGS** 1. Photographs, color samples and other information as appropriate showing the type and color. 2. Site plan indicating affected windows.

**BASKETBALL GOALS** 1. A site plan showing the location with respect to the residence, street, property lines and nearby residences. 2. A description of the color and materials.

**BIRDHOUSES** 1. A plot plan showing the location of the birdhouse, existing structures and property lines. 2. Drawings, photographs, or construction documents showing the size and dimensions of the birdhouse. 3. A description of the color and materials of the birdhouse.

**DECKS AND PATIOS** 1. A plot plan showing the house, the location of the deck, and the property line. 2. Building plans, including railing, bench, screening and other details. 3. Photographs of the existing house showing where the proposed deck will be located.

**DOG HOUSES/DOG RUNS** 1. Site plan showing proposed location. 2. Drawing, photograph or brochure showing dog run fence or dog house.

**DRIVEWAYS/PARKING PADS** 1. 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.

**FENCES** 1. A site plan showing the location of the fence, existing structures, and property lines. 2. A description of the type and height of fence and materials to be used inclusive of fence picket placement.

**FLAGPOLES/FLAGS** 1. A site plan showing location of pole on house. 2. A description of the flag.

**FOUNTAINS/STATUARY** 1. Drawings, photographs, or brochures showing height, color and design of fountain/statuary. 2. A site plan showing location of fountain/statuary.

**GUTTERS/DOWNSPOUTS** 1. Roof plan showing location of new gutters and downspout.

**HOT TUBS AND SPAS** 1. A catalogue clipping, photograph or other description indicating the color, material, and dimensions of the improvements. 2. A site plan showing the location of the equipment, existing structures, and property lines.

**HOUSE NUMBERS** 1. A description of the numbers with dimensions. 2. A description of the color of the numbers and the house. 3. A diagram showing the location of the numbers.

**LIGHTING (Exterior)** 1. Photos or cut sheets showing fixture type. 2. Site plan showing location.

**PAINTING/STAINING/COLOR CHANGES** 1. Sample of stain or paint color, manufacturer and color specifications (color name and number) for exterior of home or garage.

**PLAY EQUIPMENT** 1. A description of the play equipment with its dimensions and colors (photographs where available). 2. A plan showing the location of the play equipment, adjacent buildings and property lines.

**PLAY HOUSES** 1. A description of the playhouse with its dimensions and color (i.e., photographs, drawings, color samples). 2. A plan showing the location of the playhouse, adjacent buildings, and property lines.

**POOLS/EQUIPMENT** 1. A site/grading plan showing the proposed pool, decking, fencing, existing structures and property lines. 2. The location and description of accessory equipment, lighting, etc. 3. A description of the landscaping/fencing to be used to screen pool equipment.

**SATELLITE DISHES** 1. For ground mounted, a site plan showing proposed dish location, mounting height, and details of post upon which the dish will be mounted. 2. For roof mounted, a site plan showing proposed dish location on roof, wiring schematic and the location of neighboring houses. 3. A brochure or other description indicating dish profile and color.

**SHUTTERS** 1. A description or picture of the shutters. 2. A diagram or photograph showing the shutters' location. 3. A color sample of the proposed shutters and samples or a photograph of the existing house colors.

**SCREEN AND STORM DOORS** 1. Photograph or cut sheet showing door style and color.

**STORAGE SHEDS** 1. A site plan showing the location of the shed, existing structures and property lines. 2. A description and the dimensions of the shed (i.e., construction drawing). 3. A description of materials and color for the shed and those of the house.

**SUNSCREENS** 1. Photographs, color samples and other information as appropriate showing the type and color. 2. A sample of adhesive-backed window film. 3. Site plan or elevations indicating affected windows.

**YARD FURNITURE.** 1. For furniture in front or side yards, a description (color, materials, design) of the furniture.

## **APPENDIX B MATERIALS AND COLOR GUIDELINES**

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 sated in Section 3.04. Exterior materials must fit the streetscape and overall community standards and must be approved in writing by the ACC.

**B. Roof Material.** Roof material shall be a high quality composition shingle of equal to or better than 240 lbs., e.g. Prestique II. No three tab shingles shall be allowed. 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.

**C. Colors.** The exterior colors of the walls, roofs, 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.

**Westchester Architectural Control Committee**

**Modification Request Form**

**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, dimensions and easements, elevations (including side views) showing dimensions 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.

**Description of Project:**

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**Location of Improvement:** \_\_\_\_\_

**Materials Necessary for Improvement:** \_\_\_\_\_

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**Construction start date:** \_\_\_\_\_ **Completion date:** \_\_\_\_\_

**Homeowner's Signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Mail or hand deliver or fax completed form to an ACC member. Member's names and phone numbers are listed in the Westchester Rap.**

**ACC Comments:** \_\_\_\_\_

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**Approval** \_\_\_\_\_ **Approval:** \_\_\_\_\_

**Disapproval:** \_\_\_\_\_ **Disapproval:** \_\_\_\_\_

**Date:** \_\_\_\_\_