

Architectural Guidelines
LAKE HOUSTON COMMUNITY ASSOCIATION

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the Enclave

LAKE HOUSTON COMMUNITY ASSOCIATION ARCHITECTURAL REVIEW COMMITTEE GUIDELINES

I. OVERVIEW

The Lake Houston Community Association Board of Directors and the Architectural Review Committee (ARC) has established these architectural guidelines in accordance with the authority granted to them by the provisions of the 2nd. Amended Declaration of Covenants, Conditions and Restrictions and grants made by the Declarant. The guidelines are established to assure uniform and fair interpretation of the Declaration and of these guidelines. The guidelines are intended to provide all lot owners in Lake Houston Community Association information about the type, color and quality and grade of materials, which may be used in the construction of various kinds of improvements, the size and location of such improvements, and the procedure followed by the Association for reviewing applications for proposed improvements. The Board of Directors may amend these procedures and guidelines for time to time, as it deems necessary and appropriate.

II. ARCHITECTUAL REVIEW PROCEDURES AND GUIDELINES

A. Application Procedure

1. Applications. All applications for approval to make any exterior changes, additions, or improvements must be submitted to the Architectural Review Committee (ARC) in writing by completing the application form currently in use by the ARC, or such form as may be adopted by the ARC. Plans and specifications for any exterior change, addition, or improvement should be attached to the application. For room additions and sunrooms, applications must be accompanied by a detailed scale drawing or blueprint showing the three-dimensional relationship of the room to the existing structure. Applications must also include a plot plan showing the location of the room in relation to all lot boundary lines, the residence, the easements and the building setback lines. Applications must also include a detailed materials list and include the name, address and business phone number of the contractor or installer. Applications may be rejected for failure to provide any of these required items. The ARC reserves the right to require certified architectural and/or engineering drawings.

The ARC reserves the right to request any additional information it deems necessary to properly evaluate any application. In the event that the ARC requests additional

information, the applications shall be considered incomplete until such information is submitted to the ARC and the forty-five (45) day requirement for approval of the application as described in the Declaration, shall not begin until such information is received. In the event that the ARC requests additional information and the information is not received with forty-five (45) days from the date of request, the application shall be denied. However, the applicant may thereafter submit a new application with the requested information to the ARC for its review.

2. **ARC Decisions.** ARC committee members shall consider each application for compliance with the restrictive covenants of the Declaration and with these guidelines. The decision of a majority of members to approve or disapprove and application shall be considered the decision of the ARC.

ARC decisions shall be conveyed in writing to the applicant and shall include a statement of the conditions under which the application is approved, if any, or the primary reason(s) for disapproving the application.

In accordance with the Declaration, any application that is not approved or disapproved within forty-five (45) days of the date of its receipt shall be deemed to have been automatically approved provided, however, that (i) any such approval shall extend to architectural guidelines and not to any of the use restrictions set forth in the Declaration and (ii) in no event shall non-action be deemed to constitute approval of an application for any change, addition, or improvement, or any other item that would violate the restrictive covenants in the Declaration. Unless otherwise stated in the ARC's written response, all approved exterior changes, additions or improvements shall be completed within forty-five (45) days of the date construction, installation or erection is commenced.

3. **Board of Directors Appeals.** In the event the ARC disapproves an application, the applicant may submit written appeal to the Board of Directors. The Board of Directors shall review the appeal at one of its next two meetings following the date upon which the request for appeal is received, and notify the applicant of the Board's decision. All decisions of the Board of Directors shall be final.
4. **Status of Applications During Appeal.** During the appeal period, the decision of the ARC on the original application shall remain in effect. Further, an appeal of a decision of the ARC shall not be considered a new application resulting in approval of the original application if a response to a request for reconsideration is not submitted by the ARC or the Board of Directors within forty-five (45) days of the date of its receipt.

B. General Guidelines

The ARC shall consider the following factors upon review of each application for an exterior change, addition, or improvement:

1. Size and dimension.
2. Harmony with existing structures and improvements.
3. Quality of materials and construction.
4. Location (NOTE: The ARC may not grant permission to construct or place an improvement upon or across any utility easement. Consent to encroach upon any utility easement must be obtained in writing from the owner of the easement. The ARC may grant permission to construct or place an improvement upon or across a drainage easement, provided that the ARC may revoke its consent if it determines that the improvement materially impedes or adversely affects drainage. In the event that the ARC evokes its consent, the homeowner shall bear the responsibility to remove the improvement at his sole cost and expense).
5. Color of exterior materials, their appropriateness within the neighborhood, and appropriateness with the existing structure.
6. The provisions of applicable statutes, ordinances, building codes and covenants, condition and restrictions.

Provided, however, that the approval of an application shall not be construed as a warranty of representation by the ARC that the change, addition or improvement, as proposed or as built, complies with any or all applicable statutes, ordinances or building codes, or as a warranty of representation by the ARC of the fitness, design, or adequacy of the proposed construction.

C. Fences

All fences shall be maintained in the color, location, and materials identical to the original fencing. Fencing may not be replaced or painted without ARC approval. Wood fencing must age, or turn gray, before it can be sealed.

D. Pools

An application for the construction of a swimming pool, spa or Jacuzzi, collectively referred to as "pool", must include a plot plan showing the proposed location of the pool in relation to the property lines, building lines, existing structures and existing or proposed fences. The application also must include a timetable for the construction of the pool, and indicate the direction for construction access on the plot plan.

During construction, the pool area shall be enclosed with a temporary fence of barrier, unless a fence already exists. If a portion of an existing fence is removed during construction, a temporary fence or barrier must be erected to fully enclose the area in which construction is taking place. Further, no building materials shall be kept or stored in the street overnight. Excavated material shall either be used on-site or immediately removed from the premises by the pool contractor.

The construction and/or installation of all pools must be in compliance with the National Electrical Code. The installation must include a ground fault circuit interrupter and a back-flow preventer device in the water supply line. There shall be no surface discharge on the lot or to an adjacent property. No swimming pool shall be constructed in a manner to impede drainage on a lot, or to cause water to flow on an adjacent lot.

E. Outbuildings

- 1. General Rules.** Any type of building that exists on a lot, which has a floor and/or walls and/or a permanent roof, but is not attached to the residential dwelling, or, to a detached garage on the lot, shall be considered an outbuilding. Gazebos and children's play structures, as hereinafter defined, are subject to separate requirements as set forth in Subparagraphs E.2 and M.5 respectively. Only one (1) outbuilding not exceeding ten feet (10') in width and eight feet (8') in height shall be permitted on a lot. The standard type, quality and color of the materials used in the construction of the outbuilding shall be harmonious with those of the main residence on the lot. No exterior portion of an outbuilding shall be made of metal, with the exception of the roof if the proposed roofing conforms to the provisions relating to roofing materials set forth in Section K of these guidelines and is otherwise compatible with the color and type of materials used in the construction of the remainder of the outbuilding.

An outbuilding shall be located in the rear portion of the lot, but may not be placed on the rear utility easement unless the outbuilding is moveable and the appropriate approval has been received from the utility companies with the easements. Outbuilding locations must also conform to the building front and side setback restrictions. Location of an outbuilding on a lot will be evaluated based on its orientation to surrounding properties and visibility from streets. No outbuilding shall impede drainage from the lot or cause water to flow onto an adjacent lot. A fence approved in conjunction with an application to construct an outbuilding must be completed within thirty (30) days of the date that the outbuilding construction begins.

2. **Gazebos.** For the purposes of these ARC guidelines, a gazebo shall be defined as a free-standing, open-framed structure with or without lattice-type walls whose purpose should not be for any type of storage. These typically are circular or octagonal shaped structures.

For gazebos structures, the maximum footprint area is one-hundred (100) square feet (typically 10' by 10'). All gazebos must have a permanent roof with materials as set forth in Section K of these Guidelines. The quality and color of gazebo roofing shall match that of the main residence on the lot. Louvered or trellis-style gazebo roofs may be allowed as long as the quality of materials is approved. Pressure-treated wood may be stained, painted or covered by shingles. Water and electricity may be permitted upon approval and according to the National Electrical Code. All pipes and cables must be underground. Gazebos must be located in the rear or side yard and a minimum six feet (6') from all property lines. No gazebo shall be located on a utility easement,, impede drainage on the lot, or cause water to flow onto an adjacent lot.

F. Patio Covers.

The standard, type, quality and color of the materials used in the construction of a patio must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence; provided, however, that corrugated roofs for patio covers shall not be permitted under any circumstances. Roofing materials on the patio covers shall conform to the provisions relating to roofing materials set forth in Section K of these guidelines.

G. Decks

All decks must be approved by the ARC with respect to location and the standard, type, color and quality of the materials used in construction. No deck shall impede drainage on the lot or cause water to flow on an adjacent lot. No deck other than a second level balcony attached to the main residence shall be constructed more than three feet (3') above the ground.

H. Landscaping:

Landscaping in the front lot area, forward of any front face of the house, shall conform to the following guidelines to enhance the overall image of the neighborhood and to provide unity in the landscape, which complements the unity of the architecture.

1. **Street trees:** Homeowners who have street trees located on their property are responsible for maintaining them and for replacing them with Red Oak(s) should they die. Replacement trees are to be a minimum of 15 gallons, planted 4 feet from the curb and staked with two metal posts.

Additional trees planted in the front yard, shall not be planted nearer than 10' to the line of the street trees planted parallel to the curb.

2. **Shrubs.** Shrubs located a distance greater than six feet (6') from any front fence face of the house shall not exceed three feet (3') in height.
3. **Ground cover.** The front lot area may be landscaped with grass, shrubs, and plants. Decorative landscaping materials such as rocks, timbers, and pavers may be used provided they do not cover more than 40% or 100 square feet of the front yard (excluding the driveway), whichever is greater. Any decorative plan that covers more than 20% of the front lot area (excluding the driveway), requires ARC approval. In no case shall any ground cover be used to extend the driveway or add parking area to the front of the house.

I. **Exterior Lighting:**

Changes to Existing Lighting. Outside lighting which was installed at the time of original construction or which was installed after original construction with the approval of ARC may be replaced with a new fixture provided that the wattage of the new fixture does not exceed the wattage of the original fixture of 150 watts, whichever is greater. Existing gas lighting may be converted to an electric incandescent bulb provided that (a) the incandescent bulb is a clear glass type, and (b) the lighting color is white.

New Lighting

- A. **Security Lighting.** Security lighting shall be permitted with the ARC's approval so long as the total wattage for all security lights does not exceed 300 watts. All security lighting shall be mounted behind the back plane of the house. No pole-mounted security lights (including sodium vapor and mercury vapor) shall be permitted. No security light fixture shall be allowed above the eaves of the house or garage. Exceptions to mounting security lighting behind the back plane of the house and/or allowing security lighting above eaves of the house or garage may be granted by the ARC if the design and location of the house or garage on a lot warrant an exception. No more than one (1) mercury vapor if not more than 150 watts shall be permitted on any lot unless a cul-de-sac or corner lot. Sodium vapor lights are permissible provided that each sodium vapor light does not exceed 70 watts.
- B. **Landscape Lighting.** Exterior landscape lighting shall be permitted with the ARC's approval so long as the lighting is located within the flowerbeds, shrubs and/or trees. Pole-mounted landscape and/or decorative lighting shall also be permitted with ARC approval so long as (i) the pole does not extend more than seven feet (7') above the ground, (ii) the light fixture is not situated more than six feet (6') above the ground, and (iii) the light is neither sodium vapor nor mercury vapor.
- C. **Gas Lights.** Two (2) gaslights per lot shall be permitted with the ARC's approval; provided that the gas lighting color is white.

- D. **Annoyances.** All new lighting, which is approved by the ARC, shall be subject to a ninety (90) day trial period after installation to assure that the lighting is not objectionable to surrounding residents. The ninety (90) day period shall commence on the date of the ARC's written approval of the lighting. If, at the end of the ninety (90) day period, the ARC determines that the lighting is not unreasonably offensive or an annoyance to the surrounding residents, the ARC's approval shall be final; otherwise the lighting shall be removed or modified in accordance with the decision of the ARC.

J. **Painting.**

The following colors are to be used throughout our community.

- Casino Tan (garage doors and shutters)
- Silver Mushroom (all trim including around garage doors)

To facilitate this, the Architectural Review Committee (ARC) has assembled guideline formulas that may be used by residents when purchasing/ordering semi-gloss paint from the following potential paint suppliers (flat paint is not acceptable):

- Alspaugh's Ace Hardware, Kingwood – Ace Paint
- Home Depot, Humble or Porter – Behr Paint
- Lowe's, Kingwood or Humble – Valspar Paint
- Pittsburgh Paint, Humble – PPG Paint
- Sear's, Kingwood -- Sears Paint
- Sherwin Williams, North Park Dr. – Sherwin Williams Paint

A. **Main Entrance Door Finish:**

1. The existing door of a home cannot be painted. It must be maintained in a natural wood state protected by a clear finish which has been proved to be durable in this climate.
2. A description and picture of a proposed replacement for an existing door must be attached to each application. Applications must be submitted to and approved by the ARC prior to the installation of a new door.

B. **Exterior Brickwork:**

1. The exterior brickwork on a home cannot be painted or its original finish in any way altered.
2. The exterior brickwork is to be kept clean and reasonably free from dirt, mildew and other stains by acceptable, non-hazardous, cleaning methods.

K. Roofing Materials and Additions

Materials. A sample of the proposed shingle to be placed on any existing roof or any new improvement must be attached to each application submitted to the ARC. Roofing material must have a minimum weight classification of 235 lbs. per square, or equivalent.

The approved roofing materials are:

- CertainTeed Landmark TL 30 Weathered Wood color (110 mph)
- GAF/ELK Timberline 30 Natural Shadow Weathered Wood color (100 mph)
- Owens Corning Duration 30 yr. Driftwood color (110 mph)

A minimum 100 mile per hour wind resistance shingle is strongly recommended for Kingwood homes.

Roofing Additions. No skylights, solar panels or similar types of additions shall be permitted on the front roof ridge line and/or gable of a structure.

L. Sunrooms and Room Additions

1. **Sunrooms.** A sunroom is any room with glass-enclosed walls or a glass ceiling. The ARC may reject any application to construct a sunroom on a lot on the basis of its overall design and conformity with existing structures, regardless of whether or not the proposed sunroom complied with the appropriate technical specifications.
 - A. Applications for sunrooms on cul-de-sac lots and corner lots where the rear or side of the house faces a street or other community property and the sunroom will be visible from the street or other community property will be considered on a case-by-case basis.
 - B. Any wood or brick on the exterior must match the exterior color of the residence. Glass may be tinted in a shade compatible with the exterior of the residence. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Applicants may be required to submit actual samples of the glass with the proposed shading/tinting material applied for approval. Metal may be bronze anodized aluminum.
 - C. The floor of sunroom must be of reinforced concrete slab construction. No other structural flooring material will be permitted.
 - D. Any electrical plug outlet installed within the sunroom must be of the UL approved Ground Fault Interrupt (GFI) type.
 - E. Sunrooms may not have turbine-type roof ventilators. Forced fan roof ventilators are allowed if they are not visible from any surrounding street. Natural draft/convection flow panels that open may be installed.
 - F. Sunrooms may not have exposed air conditioning or heating ductwork installed within or to them.

2. **Room Additions.** A room addition is any expansion to the original building, whether any occupied space, or not. The ARC may reject any application to construct a room addition on a lot on the basis of its overall design and conformity with existing structures, regardless of whether or not the proposed room addition complies with the appropriate technical specifications.
 - A. Applications for room additions will be evaluated on a case-by-case basis. The ARC will consider the relationship of the addition to the original building and to adjacent buildings, including views to and from adjacent buildings and visibility of the addition from the streets.
 - B. Any exterior materials must match the existing exterior building, including, but not limited, to brick, wood, roofing materials, windows, and doors.

M. Miscellaneous

1. **Birdhouses.** Birdhouses shall be permitted subject to the prior approval of the ARC. A birdhouse shall not be visible from the street in front of the lot and shall not be larger than two feet (2') in width, two feet (2') in length and two feet (2') in height. No birdhouse shall be situated higher than ten feet (10') above the ground and no more than two (2) birdhouses shall be permitted on a lot. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the home and other improvements on the lot.
2. **Awnings.** Awnings visible from a front or side street shall not be permitted. Awnings on the rear portion of a lot must be approved by the ARC. Color and materials are subject to approval by the ARC.
3. **Satellite Dish Antennae Larger Than 24 Inches Diameter.** Satellite dish antennae may be approved by the ARC only if the following minimum requirements are met:
 - A. Each satellite dish antenna shall be situated in the back portion of the lot so that it is not visible from any point in the street in the front of the lot or, if a corner lot, any point in the side street. The rear portion of the lot must be enclosed with a six foot (6') fence or such a fence must be proposed in conjunction with the application for approval to erect the satellite dish antenna.
 - B. No portion of a satellite dish antenna may extend more than six feet (6') above the ground at any time.
 - C. No portion of a satellite dish antenna may be situated upon an easement.
 - D. The color of a satellite dish antenna shall be harmonious with the color of the house and improvements of the lot. As a condition of approval, the ARC may require additional screening through landscaping. No cable or wiring shall be visible from the side street in front of the lot or any side street.

4. **Television Antenna.** One television or radio antenna may be attached to the structure, however, the antenna's location shall be restricted to the rear of the structure or to the rear of the roof ridge line, gable, or center line, so as to be hidden from sight when viewed from the fronting street. No freestanding antennae shall be erected.
5. **Children's Play Structures.** For the purpose of these guidelines, a children's play structure shall mean any type of play set, climbing structure, play fort, slide or swing set. A maximum of one (1) children's play structure is allowed on a residential lot. The play structure shall not exceed eight feet (8') in height and shall not be located closer than six feet (6') to any property line. No play structure shall be located on a utility easement, impede the drainage on the lot, or cause water to flow to an adjacent lot. Tarps, wind socks, or streamers attached to the play structure are not allowed.
6. **Basketball Goals.** Basketball goals mounted on the structure or on free-standing poles shall not be allowed.
7. **Permanent Miscellaneous Yard Decorations.** Permanent yard decorations include but are not limited to fountains, sculpture, bird baths, benches, etc. Permanent yard decorations shall be permitted with the ARC's approval so long as the decorations do not detract from the image of the neighborhood as a whole. Permanent yard decorations shall not obstruct sight lines at driveways and shall not be located nearer to the street than the front building setback line less ten (10) feet of the side building setback line.
8. **Driveways.** Driveways may only be painted and/or sealed with materials specifically advertised for use on concrete driveways and only in a color that closely matches the original concrete. Professionally poured concrete is the only acceptable material to be used in replacing all, or a part, of a driveway. Paving a driveway with asphalt and all other similar materials is strictly prohibited. All changes and additions to driveways require prior ARC approval.
9. **Neighbor's Zero Wall.** Access to your neighbor's zero wall shall not be obstructed or impeded. Built up areas within one (1) foot of your neighbor's zero wall are not permitted, including raised landscaped areas, as such modifications may impede access to the wall area for inspection, maintenance, pest control, or drainage from weep holes or atrium area. Attachments to, or decorations on, neighbor's zero wall are prohibited, attachments to neighbor's roof or roof eaves are prohibited.
10. **Addition of Gates.** The addition of security or decorative gates to the front entrance of homes may be permitted with the ARC approval. They must be similar in appearance and color to other gates on the property and in the community.
11. **Waterfalls.** Built-in-place waterfalls or landscaping rock formations may be allowed with ARC approval. They must not impede access to utility easements and must not extend above the fence line.
12. **Lot Maintenance.** All lots shall be kept at all times in a sanitary, healthful and attractive condition, and the owner or occupants of all lots shall keep all weeds and grass cut and shall in no event use any lot for storage or material and equipment except for normal residential requirements or incident to construction of improvements, or permit the accumulation of garbage, trash or rubbish of any kind, and shall not burn any garbage, trash or rubbish.