

Nottingham Country

Architectural Control Committee Residential Standard Guidelines

Prepared January 1999

536-76-1216

NOTTINGHAM COUNTRY COMMUNITY IMPROVEMENT
ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE

RESIDENTIAL STANDARDS

PLAN APPROVAL

A. *APPROVAL IN ADVANCE.* The Covenants require that the placement, construction, alteration or repair of any temporary or permanent structure or improvement on a lot with an existing Single Family Dwelling must have the prior written approval of the Architectural Control Committee (ACC). Covered projects include, among others, building additions, exterior remodeling, exterior color changes, fences, play structures, decks, paving, patio structures, new garages, garage conversions, satellite antennas, lighting, swimming pools, spas, storage buildings and compost bins.

B. *APPROVAL NOT REQUIRED.* Notwithstanding the preceding paragraph, no application or approval is required for the following:

1. interior floor, wall and window coverings, and interior decorating and remodeling which does not require structural changes or electrical or plumbing work,
2. the construction or installation of devices, appliances, apparatus or equipment operating at less than 50 volts and not capable of supplying or controlling more than 50 watts of electricity, including lighting, sound equipment, private and public telephone system, thermostat or burglar alarm system.
3. Work performed on a public utility system by a public utility company, government entity or their agents,
4. repair or like-kind replacement of an existing improvement if the Owner can verify that the original construction was approved by the ACC. ACC records may aid the Owner in determining the existence of the original approval and the approved specifications for the improvement, or
5. other improvement which are specifically exempted by the applicable Standards.

Exemption from the approval requirements of these Standards is not authorization of any work to be done in violation of these Standards or any laws or regulations.

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2. Plan view and side elevation drawings to scale must be furnished for any other project, and must show the integration of the proposed improvement with the existing structure, if any.

D. **Hold Harmless.** It is the duty of the owner and any contractor or consultant employed by the owner to determine that the proposed improvement is structurally, mechanically, and otherwise safe, and that it is designed and constructed in compliance with the Covenants, these standards, applicable government regulations and sound practices. Neither Nottingham Country Community Improvement Association, Inc., The Architectural Control Committee, nor any officer, director, employee or member thereof, shall be liable for damages or otherwise because of the approval or non-approval of any improvement, or because of any act or omission in connection with the construction of improvements on any lot. Each applicant therefore releases all such liability from the Association and its agents.

PLAN REVIEW

A. **APPLICATION DEADLINES.** Applications for plan approval must be submitted a minimum of 2 working days prior to the third Wednesday of each month. Applications received after the deadline may be deferred until the next scheduled meeting. The applicant may contact the Associations' office for information on meeting dates.

B. **APPROVALS.** The approval process is intended to minimize hardship or undue delays, while preventing additions and modifications to property that would be costly to correct if done improperly or in violation of the Covenants or these Standards. The ACC's goal in the review process is not to tell the owner that changes cannot be made to the property, but rather to assist in making the changes in a way which conforms to the character of the neighborhood and the natural beauty of the environment.

* **Pre-Approved.** The Standards specify certain improvement which have been pre-approved by the ACC and require no application, plan review, permit, or other action by the owner or the owner's agent.

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- * **One-Step Permit.** Improvements made eligible for One-Step Permits by the applicable Standard are approved without ACC action upon receipt of a completed application, and staff verification that the improvement complies with all requirements of these Standards.
- * **Standard Permit.** All other proposed improvements require a completed application form, and review for approval. Standard Permit applications will be reviewed and acted upon by the next regularly scheduled meeting.

Notice of approval, conditional approval or disapproval of each application will be returned to the Owner or applicant in person or by mail. Construction may proceed immediately following receipt of written approval.

C. **APPEALS.** Every aspect of a proposal is carefully weighed and most projects are approved. If a proposed project is not approved by the ACC, the applicant may appeal the decision to the committee in writing within 10 days of receipt of the ACC decision. Appeal can be made by addressing a letter to the Committee stating the ACC decision and the objection to that decision. The Committee notifies affected neighbors of any requested variance, and then hears and rules on the appeal as promptly as possible. All decisions of the Committee are final.

D. **AUTOMATIC APPROVAL.** Every effort is made to review and act upon applications as soon as possible after they are received. If a completed application accompanied by all supporting information has not been approved, conditionally approved or disapproved within 30 days following receipt, it is automatically approved.

E. **CONCEPT REVIEW.** Upon request, the ACC will provide a preliminary concept review for more complex projects prior to the preparation of full plans. This will assist the owner in determining the general parameters of the project and potential limitations of the Covenants and these Standards at an early point in project planning. The applicant must keep in mind that Concept Approval only approves a concept. The full plans must still be submitted, reviewed and given final approval.

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F. **GOVERNMENTAL REGULATIONS.** The Covenants and these Standards are not intended to permit any action prohibited by applicable laws, rules, or regulations of any governmental authority. Where these Standards contain requirements in addition to or more restrictive than applicable governmental laws or regulations, the provisions of these Standards are binding and enforceable, and prevail over the requirement of such laws or regulations unless these Standards are expressly made unenforceable by law or judicial decisions.

G. **RETROACTIVE EFFECT.** Except where stated otherwise in these Standards, existing buildings, structures or improvements remain subject to the standards in effect at the time they were constructed, or these Standards, whichever are less restrictive.

H. **VARIANCES.** Variances to these Standards may be granted by the Committee when it can be demonstrated that strict compliance would create an undue hardship by depriving the owner of the reasonable utilization of the site, or where unusual circumstances or characteristics which affect the site make compliance impractical. No variance will be granted unless the general purposes and intent of the Covenant and standards are maintained. Any variances granted will only be applicable to the specific site and conditions for which the variance was granted, and will not modify or change any standards as they apply to other sites or conditions.

INSPECTIONS

A. **ACC Inspections.** The Covenants give the committee the right to make inspections to determine that the work is carried out in accordance with the approved plans and these Standards. Such inspections are for the sole and exclusive benefit of the ACC Committee and no other person or entity is entitled to rely on ACC Committee inspections as any evidence of the safety of improvements or their compliance with applicable laws, regulations or these Standards.

B. **Remedies.** Additional remedies and enforcement rights exist under the Covenants. The Association or any Owner whose property is subject to the Covenant, may file suit to obtain an injunction mandating compliance with the Covenants and the Standards. The Association have the further right, after proper notice to the Owner, to go onto the property where a violation exists, fix or remove the violation, and collect any costs incurred from the Owner.

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REQUIREMENTS FOR ALL IMPROVEMENTS

A. *Access.* If construction work requires access through adjacent property (e.g. an open space reserve, drainage easement, or vacant lot), written permission from the adjacent property owner and a pre-construction photo of the proposed access route must be included with the plan approval application.

B. *Applicant's Lot.* All improvements must be located entirely on the applicant's lot.

C. *Architectural Comparability.* All improvements must be architecturally compatible. Architectural compatibility is an agreeable relationship in, and in some instances actual continuity of, architectural style, mass, proportion, scale, materials, color and design detail with existing and planned improvements on adjacent properties and in the neighborhood.

- * *Mass or massing is the visual relationship of architectural elements of various sizes to one another and to the immediate environment.*
- * *Proportion is the relationship of height to width, voids and solids, and the bulk of the structure relative to other nearby structures and parts of the whole.*
- * *Scale is the visual relationship of architectural and landscape elements to one another and to the immediate environment.*
- * *Colors and Materials, including siding, trim, doors, windows, gutters, downspouts, roofing, and all other architectural and site elements, must be in context with their environment.*

D. *Building Setback Lines* are lines established by the Plat, by these Standards (in the Neighborhood Criteria) or by another recorded document, which restrict the construction or placement of certain structures in the area from the Building Setback Line to the perimeter of the lot. There may be front, side and rear Building Setback Lines, different setback lines for dwellings than for other structures, and different setback lines for the second story of a structure than for the first floor. All improvements must comply with the Building Setback Lines for that lot.

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E. *Colors and Materials.*

1. **Colors.** Colors which harmonize with the natural landscape are strongly encouraged. Muted earthtones are considered to be most appropriate. The ACC Committee maintains a current chart of acceptable colors for reference and comparison.

2. **Compatible Materials.** Construction materials must be compatible with the original architectural character of the existing dwelling and neighborhood. When enlarging, extending, or remodeling an existing improvement, the materials must be compatible with those of the existing improvement. Materials must harmonize with the natural landscape.

3. **Limited Colors and Materials.** Care should be taken to avoid the use of an excessive number of materials and colors. Colors and materials must be compatible with each other so as to develop a cohesive appearance for the dwelling appropriate to its architectural character and to the neighborhood. Generally speaking, the fewer the number of different colors and materials, the better the result.

4. **Roofing.** Roofing colors must be in the gray to dark brown color range, and without pattern. Acceptable roofing materials include tile, composition shingles, or standing seam metal. All roofing materials must conform to 30 lb. no less than 15 year warranty.

5. **Unacceptable Materials.** Except as may be allowed by specific mention in a given Standard, unacceptable construction materials include, but are not limited to:

- * *pneumatic vinyl structures*
- * *asbestos cement board*
- * *polyethylene plastic sheets*
- * *corrugated metal or plastic*
- * *siding materials with high-gloss finish*
- * *reflective or "mirrored" glass*
- * *chain link or hog wire fencing*
- * *wire, wire mesh, or wire-bound wood picket fencing*
- * *metal fence posts (except wrought iron or 2" galvanized steel)*
- * *asphalt paving*

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G. *Complete Work Within 120 Days.* Construction of a new home and related improvements must be completed within one year of plan approval. All other construction must be completed 120 days following plan approval.

H. *Drainage.* Texas law requires that the Owner ensure that the placement of any improvement or landscaping does not halt or materially impede drainage flowing off of a neighboring tract, and does not redirect the flow or significantly increase the amount of water flowing onto a neighboring tract. Enforcement of this requirement is by the affected property owner(s).

I. *Easements.* Improvements are not permitted within Easements, except fences, limited landscaping, swimming pool piping, air conditioning equipment, light poles, basketball goal posts, flag poles, and driveways and sidewalks where they must cross front or side yard easements to access the street. Other limited exceptions are set out in the applicable Standard. Any improvement constructed within an Easement without the consent of the Easement holder is subject to removal by the Easement holder. ACC Committee approval is not approval by the Easement holder.

J. *Hard-Surface Area.* Hard-Surface Area is area covered by an impermeable hard-surface, expressed as a percentage of the total lot area. The maximum percentage of a lot which may be covered by paving, foundation, roofed structures or other hard-surfaces is _____%. All improvements must comply with the maximum Hard-Surfaces Area limitation for the lot. The water area of a swimming pool is not considered an impermeable hard-surfaced.

K. *Impact on Neighbors.* All structure must be located so as to minimize impact on neighboring properties.

L. *Living Area.* Means floor space used for living purposes in the home, garage or a detached building, including storage areas, game rooms and guest or servants quarters. Living Area does not include porches, attic space or garage space without air-conditioning. All improvements must comply with the minimum and maximum square feet of Living Area allowable for that lot per the legal document of the Association. Living Area is measured as follows:

- * square footage is measured to the outside of exterior walls (i.e. outside of brick veneer, siding, stone or stucco).
- * stairs and two story spaces are measured only once.

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- * Air-conditioned returns, pipe chases, fireplaces, and non structural voids are excluded.
 - * spaces with a ceiling height of less than 6' (e.g., window seats, or crawl spaces or storage below stairs) is omitted.
- M. *Neighborhood Character.* Improvements must be consistent with and not adversely impact the neighborhood's existing character.

HOME/GARAGE

- A. *Awning* are generally not acceptable on the street side of a dwelling. Awning must have a simple, straight forward design and be consistent with the architectural style and scale of the residence. Awning must be muted earthtone color. Metal awning are not acceptable.
- B. *Building Setback Lines*
1. The residence and all additions or attached structures may not extend beyond any platted Setback Line, or any dwelling Setback Line.
 2. Garages, carports and all additions or attached structures may not extend beyond any platted Building Setback Line, or any garage Setback Line. Garage fronts may not face the street.
 3. On a side street, a garage or garage addition must be set back at least 16' from the side property line and respect all other location requirements.
 4. Living Area created by an addition to the garage or conversion of garage space will be permitted only when the new Living Area is within the dwelling Building Setback Lines.
- C. *Burglar alarms* must be mounted so that they are screened from view from the street. The alarm must be kept in good order and repair. In the event that the alarm frequently malfunctions, causing undue noise to emanate beyond the boundary of the property, the alarm must be removed within 15 days, at the owner's expense.

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D. *Carports.* Aluminum or steel carports are not allowed. Carports must be screened on three sides (two sides, if the structure is a "porte cochere" or "drive-through" carport) by architectural wall, planting, or elements of the dwelling itself. Detached carports are not permitted on lots.

E. *Fire Prevention*

1. **Smoke Detectors.** One or more photoelectric type smoke detectors may be installed in each dwelling, powered by alternating current with a battery backup. The number and location of smoke detectors must be sufficient to provide a clear audible alarm to occupants of each bedroom or other sleeping area. Smoke detectors must be of a type tested and listed by Underwriters Laboratories, Inc., Factory Mutual Research Corporation, or United States Testing Company, Inc.
2. **Pre-wiring.** New construction, additions or remodeling must include all wiring necessary to connect the smoke detector(s) required by paragraph 1 above, and 2 combination heat detectors (fixed temperature and rate of rise, one located in the attic and one located in the living area) to a remote supervised monitoring system.

F. *Foundation Elevation.* The top of the finished floor elevation must be at least 14 1/2" above natural grade. Not more than 18" (vertical dimensions) of concrete foundation may be exposed to view. Patio slabs converted to Living Area must be elevated to at least the height of the existing slab. There may also be county or FEMA elevation requirements.

G. *Garage Conversion.* Existing garage space may not be converted to Living Area and replaced by a carport unless at least 135 square feet of enclosed storage space is maintained in the preexisting garage area or added to the dwelling or garage.

H. *Garage Doors* must be wood or metal, painted to match the siding or trim color of the home.

I. *Garage Expansion.* When adding a third (or fourth) bay to a garage which is set back less than 40' from the street property line, the front plane of the additional garage area must be set back from the plane of the existing garage to soften the impact of the garage expansion.

J. *Garage for Two Cars.* Each dwelling must have sufficient garage or carport area to park 2 cars, each with direct access to the driveway.

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K. *Gutters and Downspouts* must be designed and installed so the water runoff does not adversely affect drainage on adjacent property.

L. *Roof vents and stack* must be located on the rear slopes of roofs whenever possible. All exposed roof accessories (including, but not limited to vents, flashing, attic ventilators, and metal chimney caps) must match or be compatible with the color of the roofing material.

M. *Screens* must be dark brown or charcoal gray in color. Shadecloth screens can affect the appearance of a dwelling and should be chosen with care.

N. *Security bars* are not permitted on the street side of a dwelling, and are discouraged elsewhere. Security bars must not restrict the required second means of emergency exit from a bedroom.

O. *Skylights and Solar Collectors*. Collectors will be permitted on the street side slope of a roof only if they are of a flat profile, conform to the slope of the roof, and are placed so that the top edge of the collector is parallel to the roof ridge. No part of the installation may be visible above the roof line. Skylights must be of low profile, preferably flat or slightly curved. Skylight and collector frames, support brackets and any exposed piping must be painted to match or be compatible with the roofing material.

P. *Window coverings* must be consistent with the character of the neighborhood. Tinted glass is acceptable. Reflective, "mirrored" glass is not acceptable.

DETACHED BUILDINGS

A. *Detached building* means a utility or storage building, greenhouse, shop, studio, screened enclosure, cabana, or similar building, other than the dwelling, the garage, a structure or building attached to the dwelling or garage, or a gazebo.

B. *Floor Area*. The maximum floor area of any detached greenhouse or utility building is 100 square feet.

C. *Greenhouse materials* which are approvable include flat, rigid, plastic panels which are clear or neutral in color. Aluminum or steel frames must be finished in forest green, brown or dark bronze.

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D. *Height*

1. Utility or storage building built with metal, plastic or materials which do not match those used on the dwelling, may not exceed 7' in height measured from natural grade.
2. Utility or storage building built with wood or materials like those used on the dwelling may not exceed 9' in height measured from natural grade.
3. Other detached buildings may not exceed 10' in height measured from natural grade.

E. *Location*

1. Detached building may not exceed beyond the platted Building Setback Lines.
2. Detached buildings and gazebos must be located in the Rear or Side Yard.
3. The applicant must be the Primary Viewer of all detached buildings.

F. *Number.* A maximum of one of each kind of detached building is permitted per lot.

G. *Pneumatic pool enclosures* are not permitted.

H. *Screening.* Detached building (except screened enclosures) must be screened from view at ground level from adjacent public or private property by a six foot fence.

APPROVALS

A. *Pre-Approved.* Gutters, downspouts, metal garage door, roof replacements, roof stacks and vents, storm windows and doors, screen windows and doors, window covering and color changes for doors and shutters, which comply with these Standards, are pre-approved and require no application, permit or inspection.

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B. *One-Step Permit.* The following improvements are eligible for One-Step Permits:

- * Color changes involving not more than 2 colors
- * Skylights and solar collectors located on the rear of the dwelling

AIR CONDITIONING UNITS

A. *Ground mounted compressors* must be:

1. muted earthtone in color,
2. standard residential size and design,
3. screened from view if two or more air conditioning compressors are located together on the lot, and
4. located in the Rear or Side Yard (and may be located in the side or rear Covenant Easement area).

B. *Window-Units* (regardless of where/how installed) must:

1. be located on the side or rear of the dwelling, except on patio or zero-lot-line lots, where the unit may be located only in the rear of the dwelling or the side opposite the zero-lot-line of the lot,
2. match or be compatible in color to the dwelling,
3. be installed less than 6' above natural grade and not visible from ground level on any adjacent street or property, and
4. not exceed one unit on any lot.

C. *Approvals*

- * *Pre-Approved.* Replacement of an existing air conditioning unit or its component parts is pre-approved and required no application, permit or inspection so long as the replacement is at the location of the pre-existing unit, and the outside equipment is compatible in color with the dwelling.
- * *One-Step Permit.* The installation of a window mounted unit is eligible for a One-Step Permit.

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COMPOSTING

A. *Composting* means the storage of organic yard waste and household vegetable matter at a composting site, in a bin or pile. Logs or branches over 2' in length, meat, dairy products, cooking oil and grease are not permitted in compost bins or piles.

B. *Location.* Composting sites:

1. must be located in the Rear Yard, except on zero-lot-line lots, where they may be located in the Side Yard,
2. may not be located beyond any platted Building Set-Back Line, and
3. must be located or screened so that the applicant is the Primary Viewer.

C. *Materials.* The following materials (which are otherwise unacceptable) are permitted for compost bins:

1. prefabricated plastic bins (dark brown, dark green or black)
2. chain link, snow fencing or wire if the bin is substantially screened by fencing or vegetation so as not to be visible from any adjacent public or private property at ground level.

D. *Number.* Only one composting site is allowed on each lot.

E. *Odor.* The compost bin or pile must be removed within 15 days at the Owner's expense if objectionable odors emanate beyond the boundary of the property.

F. *Size.*

1. Compost bins or piles may not exceed 4' in height measured from natural grade.
2. The maximum area of a composting site is 27 square feet (3' x 9'). If the composting site exceeds 9 square feet it must be screened by fencing or vegetation so as to not be visible from any street or adjacent public or private property at ground level.

G. *Approvals*

- * Pre-Approved. Compost bins or piles which conform to the Standard are pre-approved and require no application, permit or inspection.

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DOG HOUSE / DOG RUN

A. *Chain link fences* for dog runs are allowed only if they are erected inside solid fences and are completely screened from view at ground level from adjacent streets or property.

B. *Location*

1. Dog houses and dog runs must be located in the Rear or Side Yard.
2. Dog runs may not confine an animal to an area immediately adjacent to the property line.

C. *Number.* Not more than 1 dog run and 2 dog houses are permitted on any lot.

D. *Odor/Noise.* A dog run must be removed within 15 days at the owner's expense if objectionable odors or noise emanate beyond the boundary of the property.

E. *Size.* The maximum size of a dog house is 6' x 6' x 4' high. A dog run may not exceed 6' in height.

- * *Pre-Approved.* A dog house is pre-approved and required no application, permit or inspection if it conforms to this Standard.
- * *One-Step Permit.* Dog runs which comply with the Standard are eligible for a One-Step Permit.

DRIVEWAYS, DECKS & PAVING

A. *Location.* Driveway access to an adjacent street is prohibited if access is restricted on the Plat. Decks, patios and walkways may not extend beyond platted Building Setback Lines except where a walkway extends from the dwelling to the street.

B. *Circular driveways* can be approved on lots at least 84' wide at the front lot line if a 16' minimum turning radius can be achieved, and the plat does not limit street access.

C. *Drainage* beneath a deck should be considered prior to construction so that water is not trapped under the deck.

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D. *Elevated decks* (30" or higher) must be designed and located to minimize the impact on adjacent properties.

E. *Front Yard decks and patios* will seldom be approved, and are approvable only if necessary to accommodate a unique feature on the lot, and when integrated into the overall entry sequence of the dwelling.

F. *Material*. Driveways must be concrete or masonry. Patios, sidewalks and decks may also use stone or weather and insect resistant wood. Asphalt paving is not permitted.

G. *Width*. The maximum driveway width is 12', except as necessary for access to a garage, carport or porte cochere(i.e., 16' x 30' for a side loading garage). Sidewalks and walkways may not exceed 4' in width.

* *One-Step Permit*. Walkways, patios and decks which are not located in the Front Yard, and which individually contain less than 400 square feet, are eligible for One-Step Permit.

FENCES

A. *Easements*

1. Staking by all utility companies is required prior to construction within a utility easement. Fence construction within an easement is at the risk of the owner. The owner must comply with all utility company requirements, including the maintenance of proper clearances around transformer cabinets.
2. Fencing within drainage, sanitary sewer or water line easements must be approved by the MUD, in addition to ACC Committee approval.
3. Fencing within pipeline easements must be approved by the pipeline owner, in addition to ACC Committee approval.

B. *Emergency Access*. If vehicular access to any Single Family Lot is restricted by a fence, gate or other barrier, a key box or other means of access for fire-fighters and other emergency vehicles must be installed and maintained at all times in accordance with plans approved by the ACC Committee.

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C. *Face Orientation.* Fencing finished on only one side must be constructed with the finished side facing outward from the lot and toward the adjacent street, lot, open space reserve, vegetation reserve, or tract or land. The unfinished side of the fence must not be visible from any street, vegetation reserve, open space reserve, neighboring lot or tract (except through a breezeway fence or alley), unless located 85' or more from the property line from which it is visible.

D. *Fence Type.* Open fencing (at least 75% transparent) is required for any fence located:

1. in the Front Yard,
2. less than 10' from a side street property line, or beyond a side street platted Building Setback Lines (see F, 2, b below), or
3. in the Rear Yard of lots of alleyway.

E. *Height*

1. The minimum fence height is 4', and the maximum height is 6', except that along the back property line or alley lots, the maximum height is 8'.
2. Privacy structures, courtyard enclosures and wing walls may not exceed 6' in height if they are an architectural extension of the residence. Wing walls may not exceed 6' in height at the property line.

F. *Location*

1. Absent the written agreement of the neighboring property owner, all portions of the fence must be on the owner's lot. Fences may not be built in a public street right-of-way, access easement, restricted open space or greenbelt.
2. Fences must be setback as follows:
 - a. 5' from the front building line,
 - b. 5' from a side street property line (or to the platted Building Setback Line, whichever is greater) for an open fence (at least 75% transparent),
 - c. 10' from a side street property line (or to the platted Building Setback Line, whichever is greater) for a fence which is less than 75% transparent, and
 - d. 10' from the pavement edge along a private street or access easement.

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3. Decorative columns may not be located within 10' of any property corner.
4. Courtyard enclosures and privacy structures must respect all Easements and platted Building Setback Lines.
5. Wing walls may not be located in front of the dwelling but may extend to the side lot boundaries except on a Corner Lot, where they may not extend beyond the platted Building Setback Line along the side street.

G. *Materials.* Fences must be designed and constructed of materials which assure that they remain plumb and true to their original alignment. The following materials are acceptable:

- * wood, metal, stone or masonry, and
- * galvanized steel post, 2 inches in diameter, extending not higher than the top of the fence, when used on the interior of a solid fence.

Unacceptable material include, but are not limited to:

- * chain link, wire, or wire mesh
- * sheet or expanded metal and stamped metal posts,
- * plastic or fiberglass (corrugated, flat or woven),
- * rope, bamboo, reed, or wire-bound wood pickets, and
- * unfinished cinder block

H. *Paint or Stain.* Wood fencing should be permitted to weather to its natural color. Any paint or stain requires approval and must be a muted earthtone in the brown, gray, black, or green range. White fences will be considered only when architecturally appropriate. Fences of one material must be of one color. If used, paint or stain must be applied to both sides of the fence.

I. *Rot Board.* One horizontal board 6" or less in width is permitted at the bottom of a fence where not visible from the front lot boundary.

J. *Swimming Pool Fences.* Fences which comply with this Standard may not be acceptable as a swimming pool barrier fence. If there is an existing or proposed swimming pool, spa or hot tub on the lot, a swimming pool barrier fence is generally required.

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K. *One-Step Permit.* Fences which comply with these Standards are eligible for a One-Step Permit if they:

1. are a pre-approved design shown on attachment,
2. conform to the requirements of these Standards,
3. will be located in the Rear or Side Yard, and
4. are not part of a swimming pool security barrier.

LANDSCAPING, YARD STRUCTURES & TREE REMOVAL

I. Landscaping

A. *Artificial Ground Covers.* Astro turf or other artificial ground covers, including asphalt, concrete, flag stone, gravel or crushed stone, are not allowed. Crushed rock, gravel, flag stone and moss rock used as pathways, drainage swales or edging are acceptable when used in limited amounts.

B. *Design Approach.* Small intricate design is discouraged, and exotic landscape effects, such as artificial rock gardens, are generally inappropriate. Simplicity and strength should describe planting design. Plant material should be clustered to create a feeling of mass, with enough variety to feel lush. A landscape plan should include a predominance of limited materials, colors or textures to give needed unity. Accent materials, colors and textures should then be introduced to play against the dominant material, creating the needed contrast. A complicated planting scheme is seldom as successful as simple masses, with a predominant species to proceed unity and a few accent plants.

C. *Drainage.* Texas law requires that the Owner ensure that the placement of any improvements or landscaping does not halt or materially impede drainage flowing off of a neighboring tract, and does not redirect the flow or significantly increase the amount of water flowing onto a neighboring tract. Enforcement of this requirement is by the affected property owner(s).

D. *40 % of the Front Yard* (excluding the portion covered by driveway and walkways) must be trees, shrubbery, flowers, mulch or plants other than turf or grass. No trees, shrubbery, plants or vegetation may be removed which would result in the grassed area exceeding 60% of the Front Yard.

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E. *Irrigation Systems.* Irrigation systems must have a backflow prevention device where attached to the potable water system. Irrigation systems must be placed entirely within the lot and not encroach upon any Open Space Reserve (greenbelt), or neighboring lot. Location of any improvement within an Easement or street right-of-way is at the Owner's risk and subject to removal.

F. *Native Plants.* The use of native plant materials with an understanding of the functional and aesthetic properties of each plant category is essential in the achievement of a sense of continuity. Whenever possible, new planting should make use of ground covers in lieu of grass.

II. Yard Structures

- * Arbors, trellises & garden benches
- * Artwork
- * Decorative accessories, such as windmills, wind vanes, wishing wells & bird baths
- * Fountains
- * Landscape walls or structures
- * Seasonal displays and seasonal greenhouses
- * Barbecue grills and fish ponds
- * Etc.

A. *Barbecue grills* are not permitted in the Front or Side Yard.

B. *Compatible.* Yard structures must be in good taste, and compatible with and appropriate in scale, color and mass to the architectural character of the dwelling and the neighborhood.

C. *Fish ponds* more than 24" deep must comply with all requirements for swimming-pools.

D. *Seasonal decoration* may be displayed for a period not to exceed 6 weeks.

E. *Seasonal greenhouse* to protect vegetation from extreme weather are permitted between December 1st and March 1st.

F. *Setbacks.* Yard structures must be located a minimum of 20' back from the street pavement edge. If the improvements includes a foundation taller than 4' (such as a sculpture base), it must also respect all Building Setback Lines.

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III. Approvals

A. *Pre-Approved.* Landscaping, and yard structures less than 8' in height, which conform to these Standards, are pre-approved and require no application, permit or inspection.

LIGHTING

A. *Allumination.* No lighting fixture may create glare or a level of illumination that is offensive or inappropriate when viewed from adjacent property. Lights mounted on buildings, poles or trees to provide general lot illumination must be mounted in fixtures which shield visibility of the lamp from the street or adjacent property and direct the illumination upward or downward.

B. *Lamp Type*

1. Incandescent, tungsten halogen and fluorescent lamps are acceptable for all types of exterior lighting.
2. Mercury vapor lamp are acceptable for landscape illumination but are not appropriate for residential facade or general building illumination.
3. High-pressure sodium and low-pressure sodium lamps are not acceptable.
4. Gas lights are acceptable for exterior residential applications.
5. Electronic insect traps ("Bug Zapper Lights") are permitted only if mounted below the height of 6', and within a yard area enclosed by a 6' fence.

C. *Lamps mounted on freestanding poles* may not exceed an overall height of 8' above natural grade.

D. *Location*

1. Lights (except those operating on 12 volts or less) may not be located within 5' of a side property line or 10' of a rear property line.
2. Lights must be set back a minimum of 20' from the pavement edge.

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E. *Materials/Colors.* Decorative lighting fixtures must be an integral and compatible part of the architecture of the dwelling. Other light fixtures must be inconspicuous and unpretentious. Light fixtures and their supports must be of materials and colors which are in harmony. Muted earthtones in the brown, gray, and green ranges are preferred. White fixtures and supports are acceptable only if they are compatible with the architectural style of the dwelling.

F. *Seasonal lights* may be displayed for a period not to exceed 6 weeks. Seasonal displays must be limited in scope so as to not become a nuisance or annoyance to the neighborhood.

G. *Approvals*

- * Pre-Approved. Front Yard lights of the design shown below, and lights located the Side or Rear Yard are pre-approved and require no application, permit or inspection if they comply with these Standards.

PLAY STRUCTURES

I. Basketball Goals

A. Only one basketball goal is permitted on any lot.

B. Basketball goals in the Front or Side Yard must be mounted on freestanding poles, or on the garage, carport, or the side of the house adjacent to the driveway.

C. Basketball goals in the Front or Side Yard must be white, gray, black, clear or any inconspicuous color. Posts may not be white, but must be an inconspicuous color in character with the neighborhood.

D. Freestanding basketball goals, including portable goals must be at least 20' from the street pavement edge. Basketball goals may not be placed on a Side Yard Easement.

II. Play Structures & Equipment (other than basketball goals)

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A. *Storage.* Portable toys or play equipment (bicycle, wading pools, yard games equipment, sand boxes, hockey goals, etc.) must be stored so they cannot be seen from the street and adjacent property at ground level when not in use.

B. *Number.* Not more than one play structure exceeding 8' in height is permitted on any lot.

C. *Location*

1. Play forts, swing sets, climbing apparatus and other play equipment, whether permanent or temporary, may not be located within an Easement, and must respect platted Building Setback Lines.

2. Play structures must be located so that the applicant is the Primary Viewer.

E. *Materials.* Play equipment should utilize natural materials and muted earth tone colors whenever possible. Wooden play structures must be left natural, stained, or painted to match the existing dwelling. Canvas awnings or roofs must be primary or earth tone colors, without patterns except earthtone camouflage or not more than 3 stripes. Composition shingle roofing must be compatible with the dwelling roof.

F. *Size.* Play structures must:

1. be less than 12' in height above natural grade,
2. contain less than 100 square feet of floored area, and
3. contain less than 75 square feet of elevated floor area (more than 54" above natural grade), and no single elevated floor larger than 36 square feet.

G. *Skateboard ramps* may not exceed 3' x 4', may not be permanently affixed to the ground, and must be stored where not visible from streets or adjacent property when not in use.

III. Approvals

- * Pre-Approved. Basketball goals, skateboard ramps and play structures 8' or less in height which comply with these Standards are pre-approved and require no application, permit or approval.

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POLITICAL SIGNS

- * Political sign means a placard, banner, flag or device that promotes a candidate or an issue. A 2-sided sign is considered one sign.
- A. *Location, Duration and Number*
 - 1. Residential Lots. One political sign per candidate and 1 political sign per issue are allowed on each Single Family Lot during the voting period (convenience voting period & election day) and must be removed within 24 hours following election day.
 - 2. All Other Locations
 - a. Convenience Voting Period. During the convenience voting period (absentee voting), 2 political signs per candidate or per issue may be placed not more than 200 yards from the building entrance at each polling place.
 - b. Election Day. Political signs may be placed in a street right-of-way 24 hours before election day and must be removed within 24 hours following the election.
- B. *Sign Criteria.* Political signs must:
 - 1. be in good repair and aesthetically pleasing, in keeping with the character of the community,
 - 2. not be lighted, accompanied by music, sound, balloons or streamers, or be distracting to motorists,
 - 3. be ground mounted, and not attached in any way to plant material, traffic control devices, light standards, or other existing structures or objects,
 - 4. not exceed 6 square feet in area, and
 - 5. not exceed 5' in total installed height (including post, if any)

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- C. *Lot Owner Approval.* Political signs may not be placed in the street right-of-way adjacent to a property without the prior written consent of the owner of that property.
- D. *No Message Approval.* Approval of a political sign does not imply approval of the message.
- E. *Removal.* The ACC Committee or its designee has the right to remove any political sign in violation of this Standard. The person who placed or erected the sign and the person or entity promoted by the sign are jointly liable to the Association for the cost of removal, but not less than \$20.00 per sign.
- F. *Approvals*
- * **Pre-Approved.** Political signs which conform to these Standards are pre-approved and require no application, permit or approval.

SATELLITE DISH ANTENNAE

- A. *Large Satellite Dish Antennae (diameter over 18")*
1. Only 1 large satellite dish antennae may be installed on any lot.
 2. Large satellite dish antennae must be located within the Rear Yard.
 3. Large satellite dish antennae may not be installed in an Easement and must respect platted Building Setback Lines.
 4. Large satellite dish antennae must be located such that the applicant is the Primary Viewer.
 5. The dish diameter may not exceed 8'. Mounting pole height shall not exceed 4' above adjacent grade.
 6. The overall height of the installation (to the highest point of the antennae) may not exceed 8'.
 7. The dish, support structure, and all other hardware and appurtenances must be finished in black or suitable earthtone color.

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8. Satellite dish antennae greater than 4' in diameter must be screened by a 6' high solid property line fence. Dishes 4' in diameter or less may be approved without solid fencing provided sufficient vegetation screening is provided and maintained.
- B. *Small Satellite Antennae* (18" or less in diameter) must be located so that they are not readily visible from the front property line of the lot, and in a location which minimizes their visibility from surrounding properties.
- C. *Approvals*
- * Pre-Approved. Satellite dish antennae which will be installed in the Rear Yard with an installed height no more than 6' above natural grade or with a diameter not greater than 18", are pre-approved and require no application, permit or inspection.

SIGNS & FLAGS ON RESIDENTIAL LOTS

I. General Criteria

- A. A sign is any sign, placard, banner, flag or promotional device. A 2-sided sign is considered as 1 sign.
- B. All signs must be aesthetically pleasing, appropriately located, in keeping with the character of the community and in good repair.
- C. All signs must be located on the sign owner's property. Signs in a street right-of-way are governed by the Political Sign standard or the Street Right-Of-Ways standard.
- D. Approval of a sign does not imply approval of the message.
- E. Signs other than address signs and flags may not be lighted.
- F. Signs may not be accompanied by music, sound or balloons, or be distracting to motorists.
- G. Signs other than flags cannot exceed an installed height of 5' above ground.

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II. Specific Sign Types

Signs which are permitted on Single Family Lots are:

A. *Address Signs.* Street address numerals must be displayed at each dwelling in a manner that is clearly visible from the addressed street. The colors and materials used in an address sign must be compatible with those used in the construction of the dwelling. The sign face may not exceed 3 square feet in area.

B. *Builder Signs.* A homebuilder may erect an identification sign on any lot where that homebuilder is constructing a home, provided the sign face does not exceed 15 square feet in area. The sign must be removed within 48 hours following the closing of the homebuilder's sale of that property or the completion of construction, whichever will occur later.

C. *Construction Signs.* A contractor performing construction or remodeling work may not erect a sign on the lot where work is being performed.

D. *Flags.* Not more than 2 flags are permitted on any lot. Flags must be in good taste. Flags located in the Front Yard must be at least 20' from the pavement edge. Flag poles may not exceed the height of the residence or 25', whichever is less.

E. *Political Signs.* See standard "Political Signs".

F. *Real Estate Signs.* One sign advertising that the property is for sale or rent is allowed on each Single Family Lot, and must be removed within 7 days following the sale or rental of that property. One open house sign is allowed per lot during the time the dwelling is open for public inspection. The sign face of a real estate sign may not exceed 6 square feet in area.

G. *Safety Signs.* Two safety related signs placed on or within 12" in front of the house or front fence, that do not exceed 1 square foot in size, are allowed.

H. *Youth Activity Signs.* Not more than 2 temporary signs promoting schools or youth activities are allowed on a lot. Signs must be 4 square feet or less in area, and located within 10' of the front facade of the home.

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III. Approvals

- * **Pre-Approved.** Signs which are one of the Specific Sign Types described above and which conform to these Standards are pre-approved and require no application, permit or inspection.

SWIMMING POOLS & SECURITY BARRIERS

I. Swimming Pools

- A. **Definition.** Swimming pool means any structure intended for swimming or recreational bathing that contains water over 24" deep, including in-ground, and on-ground swimming pools, hot tubs and spas.
- B. **All swimming pools, including any external piping, must be screened from view by a 6' solid fence or wall.**
- C. **Construction Barricade.** A continuous 4' or taller safety barricade which secures the area from pedestrian access is required around the swimming pool site at all times during excavation and construction.
- D. **Drains.** Pool and backwash drains must discharge into the sanitary sewer system at connections approved by the MUD.
- E. **Dwelling Foundation.** The Owner should obtain competent engineering advise to determine that the swimming pool is located far enough from the dwelling foundation to maintain support for the foundation.
- F. **Elevation.** The pool should be elevated above the surrounding grade a sufficient height to not permit an inflow of storm flow.
- G. **Excavation.** Excess soil from a swimming pool excavation must be removed from the site.
- H. **Hard Surfaced Area.** Swimming pool coping and decking made with impermeable material is included in the calculation of Hard Surfaced Area.
- I. **Lights** in or around swimming pools must conform to Standard 2.8 and be included on the plan for review and approval.

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J. *Location.* Swimming pools must be located in the Rear or Side Yard. Neither the swimming pool nor any filters, pumps, other equipment or associated walls, decking or other landscape elements may be located within an Easement or beyond a platted Building Line, except piping between the pool and its pumps or filters.

K. *Pool slides* may not exceed 8' in height above natural grade and must be located to minimize impact on adjacent properties.

L. *Pumps, filters and other swimming pool equipment* must be screened from view at ground level from adjacent streets or tract, and located to minimize impact on adjacent properties.

M. *Waterfalls and associated berms* may not be located on any Easement and may not exceed 5' in height above natural grade. All pipes and plumbing must be suitable enclosed or screened from view.

II. Security Barriers

All swimming pools, hot tubs and spas must be provided with a security barrier.

A. *Chain link fencing* which complies with the other requirements of this Standard is an acceptable fence material if located within a 6' solid fence.

B. *Dwelling Walls.* Where a wall of a dwelling serves as part of the security barrier, self-closing and self-latching devices on doors with direct access to the pool through the security barrier wall are an acceptable alternative to the safety cover or door alarms.

C. *Plans and Inspections.* Prior plan approval and as-built inspections of the pool and security are required at the time the swimming pool is constructed.

D. *Existing Fences.* A fence in existence when a swimming pool is constructed can be used as a security barrier even though it does not comply with the requirements of this Standard if the fence:

1. was built after January 1, 1989 to enclose an existing pool on a neighboring lot, and complied with the standards regarding swimming pool fences in effect on the date it was built, or

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2. was built by the owner of the proposed pool within 18 months prior to the date of the pool application, and complied with the standards regarding swimming pool fences in effect on the date the fence was built.

E. *Upgrade to Current Standards.* At any time when at least 50% of a span of the security barrier is being replaced, reconstructed or relocated, that span must be brought into compliance with this Standard.

BUSINESS IN THE HOME

The NCCIA Covenants prohibit business use of a Single Family Lot.

A. A home business may not be approved by the ACC Committee for the following reasons:

1. the lot and improvements are to be used primarily for residential owner,
2. if a home business exists it must not advertized in a public medium (newspaper, radio, television, yellow pages, trade journals, etc.) or in any public manner,
3. it may not have more than 25% of the floor area of the dwelling or 50% of the floor area of the garage is used for a business related activity (storage of materials or equipment, office use, etc.),
4. it may not employ or contract with persons not living at that location but who work at or travel to the home in connection with such business,
5. it may not have clients, customers or other persons who frequently travel to the home in connection with such business,
6. it may not cause noise, dust, light vibration, odor or pollutants which emanate onto any adjacent property in an amount which does or may reasonably constitute a nuisance to adjacent property owners,

no

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7. it may not have trucks with a licensed or rated capacity greater than one ton, tractor-trailer cabs or trailers, or other business vehicles, equipment or supplies openly parked or stored upon the Single Family Lot or adjacent streets or properties.
8. it may not have any sign or other writing on the lot displaying the name or identity of such home business which is visible from any street (except customary signs attached to a vehicle and which do not include the home address),
9. it may not be conduct upon any portion of the lot which is visible from a public or private street, and
10. it may not be compatible with and does not infringe upon the residential character of the surrounding neighborhood.

The above list is not intended to be all-inclusive.

B. *Garage Sales*

1. A garage sale is any sale to the public of household or personal articles or other goods or merchandise, held on a Single Family Lot. Garage sales include events advertised as a "garage sale", "patio sale", "moving sale", "yard sale", "estate sale", "craft sale", "craft demonstration", "trunk sale", "by invitation only sale" or similar term.
2. Garage sales are not prohibited. Garage sale signs are not compatible with the residential character of the neighborhood other than one sign in the front yard.

C. *No Waiver.* Approval of a home business is not an approval of any remodelling work, or a waiver of any other provisions of the Covenants or these standards. Plans must be submitted and approved for any remodelling of alterations to any structure, and the provisions of the Covenants and these Standards regarding, e.g. good property maintenance, parking, the requirement for a two car garage, maximum Living Area, etc. must be met.

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HOME MAINTENANCE

A. *Fire Safety.* The Owner of each Single Family Lot must at all times maintain and keep in good working order:

1. the smoke detection device(s) required by Standards 2.1 above,
2. any automatic sprinkler systems required by Standard 2.1 above, and
3. the key box or other system permitting emergency access through a front gate, as required by Standard 2.7 above.

B. *Flammable & Hazardous Material.* Storage of flammable liquids, combustible liquids, hazardous material, explosives, blasting agents, or lignified petroleum gas (all as defined in the Uniform Fire Code) is prohibited except:

1. storage in the engine tanks of vehicles and gasoline powered equipment,
2. not more than 5 gallons each of gasoline, kerosene, or lignified petroleum gas, and
3. normal household quantities of consumer approved cleaning agents, herbicides, fungicides, pesticides, fertilizers or other common household products.

C. *General Maintenance.* The NCCIA Covenants require each Owner to keep their property and improvements in good order and repair, including but not limited to seeding, watering and mowing the law, pruning all trees and shrubbery, and painting(or other appropriate external care) of all building and other improvements, in an manner and with such frequency as in consistent with safety and good property management. Among the requirements of this section are:

1. repair of broken windows,
2. repainting or re-staining,
3. repair of rotted, sagging, or broken siding, garage doors, gutters, fences, roofs, shutters, screens, decks, etc.,

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4. mowing, edging and trimming of lawn, ditch areas to the pavement edge,
5. repair of walkways, driveways, or other pavement,
6. pruning and cutting trees and shrubbery,
7. maintenance of any drainage structure on the lot,
8. removal of all trash and debris, and
9. storage of all equipment, materials, supplies, appliances, etc. within the garage or other enclosed area. Storage within a carport is permitted only on lots originally constructed without a garage, and must present a neat and orderly view from the street.

D. Trash & Refuse

1. Trash or refuse burning is prohibited.
2. Trash and refuse (except bundled limbs and branches) must be placed in sturdy, eater tight, enclosed containers or plastic bags of a size and weight not exceeding the limitations of the waste hauler.
3. Any resident desiring to place trash for collection may place the container on or near the street line in front of his residence no earlier than 6:00 pm the day prior to the designated for pickup.
4. The resident shall remove the emptied containers from the street, yard or driveway not later than 8:00 pm of the day that the trash or refuse has been collected.
5. No resident shall leave any trash container at the street line or in the yard, driveway or other visible location except as indicated above.
6. Trash and refuse container shall be stored in such a manner that they cannot be seen from the street or from adjacent and surrounding property.

This list is not all inclusive.

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PETS

- A. Pets which are restricted to the interior of the home are permitted unless they constitute a danger to persons in the neighborhood, or cause a health hazard, or cause sound or objectionable odor to emanate beyond the boundaries of the property.
- B. The only animals which may be placed or kept outside the home are not more than 2 dogs and cats (combined total) and puppies and kittens which are not weaned.
- C. Dogs and cats over the age of 6 months must have an annual rabies inoculation and carry a collar tag bearing the date and place of inoculation, and the means to identify and locate the owner.
- D. Pets are not allowed to run at large. They must be confined to the owner's lot or controlled by a restraint device.

VEHICLES, TRAILERS & BOATS

- * A recreational vehicle is a motorized vehicle, including a motor home or truck camper, designed to provide living quarters for recreational, camping travel or business use. This does not include pick-up trucks with a licensed capacity of 1 ton or less with a camper cover that does not exceed the height of the cab. Truck campers or motor homes less than 10 feet tall or 20 feet long are also not included in this definition of driven to and from work on a regular basis (at least 5 days a week), or used for normal household purposes (driven on a daily basis).
- * A trailer is any vehicle designed or intended to be coupled to or drawn by a motor vehicle.
- * A mobile home or trailer home is any type of trailer designed either for travel over the highways or for housing accommodations or both.
- A. *Open Storage Prohibited.* Trailers, trailer houses, recreational vehicles, mobile homes and boats may not be stored or habitually parked on any lot where visible at ground level from an adjacent street or property.

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B. *Habitually parked means* parked without movement for 48 hours or more. Periodic movement of the vehicle for the purpose of circumventing this requirement does not comply with this Standard.

C. *Garage Storage.* Trailers, trailer houses, recreational vehicles, mobile homes and boats may be stored in a garage providing that such storage does not result in the displaced automobile(s) being parked outside the boundary of the lot.

D. *Visitor Vehicles.* Parking of recreational vehicles or trailer homes of visiting friends or relatives is permitted for not more than 10 days.

E. *Disabled Vehicles.* Vehicles which are disabled, not currently licensed or registered, or are otherwise inoperable on a public street, may not be stored at a location visible at ground level from any street or adjacent property.

F. *Open storage of one unused car, van or pick-up truck is permitted if that vehicle is not disabled. Open storage of 2 or more unused motor vehicles is prohibited. Storage means placement on the lot for a period of more than 30 days.*

G. *Park on Hard Surfaced Areas.* All vehicles parked on a lot must be parked on concrete or other approved hard surface material. Parking on lawns, ditches, open space areas, or other dirt, gravel or grassy areas is prohibited.

H. *Parking on streets or in the street right of way* should be avoided except for temporary situations.

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ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY AGAINST PUBLIC POLICY OR VIOLATES ANY UNENFORCEABLE UNDER FEDERAL LAW, THE STATE OF TEXAS COUNTY OF HARRIS I hereby certify that this instrument was FILED in FF Number Sequence on the date and at the time stamped herein by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas on

JAN 16 2001



Beverly L. Kayman
COUNTY CLERK
HARRIS COUNTY, TEXAS

FILE FOR RECORD
8:00 AM

JAN 16 2001

Beverly L. Kayman
County Clerk, Harris County, Texas

RECORDER'S MEMORANDUM
AT THE TIME OF RECORDATION, THIS INSTRUMENT WAS FOUND TO BE INADEQUATE FOR THE BEST PHOTOGRAPHIC REPRODUCTION BECAUSE OF ILLEGIBILITY, CARBON OR PHOTOCOPY, DISCOLORED PAPER, ETC.

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