

ARCHITECTURAL CONTROL GUIDELINES

OVERVIEW

The Declarations

A system of Architectural Control is created by the following Declarations of Covenants, Conditions and Restrictions for the **WESTLAKE COMMUNITY IMPROVEMENT ASSOCIATION** (the "Declaration") which have been duly recorded under the Official Public Records of Real Property for Harris County, Texas:

Westlake Section One (1)

Westlake Forest Sections One and Two.

Both of the foregoing shall be collectively referred to as the "Declaration".

Purposes and Objectives

The purpose of these architectural guidelines is to establish and preserve a harmonious and aesthetically pleasing design for Westlake and Westlake Forest subdivisions and to promote the value of the properties, subject to the restrictions set forth in the Declaration.

To preserve and protect the architectural and aesthetic appearance of the Westlake and Westlake Forest subdivisions, no construction of improvements, or modifications, additions, or alterations to existing improvements, shall be commenced or maintained by any Owner, with respect to any other portion of the Properties, including, without limitation, the construction or installation of sidewalks, driveways, parking lots, mail boxes, decks, patios, courtyards, swimming pools, tennis courts, greenhouses, playhouses, awnings, walls, fences, exterior lights, garages, guest or servant's quarters, or other outbuildings, nor shall any exterior addition to or change or alteration therein be made (including, without limitation, painting or staining of any exterior surface), unless and until they shall have been submitted to and approved in writing by the Westlake Community Improvement Association as to the compliance of such plans and specifications with the Declaration and such design guidelines as may be published by the Westlake Community Improvement Association from time to time including the harmony of external design, location, and appearance in relation to surrounding structures and topography.

These Guidelines are intended to function as a summary of the Declaration and to comply with the requirements of the Declaration by establishing design guidelines for the Westlake Community Improvement Association, which has exclusive jurisdiction over modifications, additions, or alterations made to Residential Units. Any terms with the first letter capitalized are either defined in these Guidelines, or in the Declaration. The Architectural Control Committee (referred to in these Guidelines as the "ACC") consists of a Chairperson and several home homeowner representatives

from the community. "Properties" shall mean all Lots and Common Facilities shown on each Subdivision Plat.

Application Procedure

Applications should explain the proposed improvement(s). Attach two (2) copies of a detailed site plan. It is recommended that a copy of the survey received at closing be used so that relative distances and dimensions can be reviewed. Make sure to include all pertinent information, specifications, building permits, etc., and that a mailing address and phone number are also provided. All applications must be in writing. The ACC cannot respond to verbal requests or facsimile requests.

Mail your application to: Crest Management Company, 16360 Park Ten Place Drive, Suite 310, Houston, Texas, 77084, Telephone Number (281) 579-0761. Please call within seven (7) days after the date of application to verify that it was received. Do not assume receipt.

It is the responsibility of the applicant to make sure he or she has the most current guidelines before proceeding with any improvement. Check with either Crest Management Company or any ACC or Board member to see if the guidelines have been reissued or amended.

The ACC reserves the right to charge an application fee on a case-by-case basis, depending on the complexity of the requested improvement. Any costs or expenses which the ACC incurs in processing the Application shall be paid by the homeowner.

Approvals/Disapprovals/Processing Period

The ACC will respond in writing to all applications. Upon approval or disapproval, one (1) copy of the application will be marked and returned, along with an explanatory letter.

Please note that the ACC has thirty (30) calendar days from date of receipt of a complete application within which to respond. If additional information is required by the ACC, the thirty (30) day processing period will commence upon receipt of the additional information. Plans for the implementation of the proposed improvement(s) should allow for the time required to complete the approval process. However, every effort will be made to respond promptly.

In the event the ACC fails to indicate its approval or disapproval within the 30 days after the receipt of the required documents, approval will not be required and the related covenants set out in the Declaration shall be deemed to have been fully satisfied, provided that the proposed improvements are generally in harmony with the scheme of the development as set forth in the Declaration and these Guidelines. However, failure to respond on the part of the ACC does not imply permission to encroach on an easement or building lines or grant permission to construct any item which is expressly prohibited by the Declaration. If an application is not approved, the ACC will state in its letter why such approval was denied and what type of changes, if any, would alter that decision. If an applicant wishes to discuss or appeal a decision made by the ACC, the chairman of the committee should be contacted for an appointment.

The Board of Directors shall have final authority over all actions taken by the ACC.

No ACC member can approve his/her own improvement.

Please note that the ACC approval is required prior to the installation or construction of any improvement or change. If an improvement is made without ACC approval, the Board of Directors of Westlake Community Improvement Association, has the legal right to enforce its removal.

Easements

The ACC cannot approve any application if there is an encroachment on an easement until the homeowner provides a Consent for Encroachment, or resubmits revised plans. Any non-portable structure on an easement is considered permanent, and thus an encroachment. Homeowners must secure a Consent to Encroachment or a Release of Easement from all affected utility companies. If proposed plans show an encroachment, a Consent for Encroachment must be obtained before applying to the ACC, or the application will be rejected. If there is an aerial easement on the lot, the utility company may permit placement of a permanent structure in the easement, as long as the structure is not higher than the aerial easement. To be on the safe side, this should be discussed with them first.

Approval by the ACC of any encroachment of an easement shall not serve as an amendment or change of that easement and shall not create liability through the ACC, any encroachment upon such easement shall be at the sole risk and expense of the owner.

Variances

Each application is considered on its own merit and the ACC may grant a variance from these guidelines or the Declaration if, in the sole discretion of the ACC, the circumstances warrant. Variances will be granted in writing only and, when given, will become part of these guidelines to the extent of the particular lot(s) involved. Because a variance may have been granted in one instance does not mean that improvements of a similar nature need not be applied for. Unless the guidelines are amended and reissued, applications for improvements must be submitted, regardless of any variances previously granted.

Inspection

All improvements are subject to inspection by the ACC.

Compliance/Non Compliance

As stated earlier, these guidelines include all relevant stipulations from the Declaration, but also include many more supplementary details and restrictions that have been approved by the Board of Directors.

The Declaration was in existence prior to any home building in the Westlake Community Improvement Association. It is expected that all residents will comply with the restrictions and requirements specified in that document. This includes the requirement to file an application for approval to the ACC for all proposed construction or modification of improvements as specified in the Declaration.

Home improvements built prior to the approval and adoption of these guidelines must, as stated above, comply with the restrictions of the Declaration, but will not be required to be in compliance with any of the additional restrictions or details which are not specified in the Declaration. Home improvements built subsequent to approval and adoption of these guidelines are expected to be in full compliance with all provisions of the most current release of these guidelines.

Homeowners shall comply with all applicable restrictions and shall observe the filing requirements for any improvements. A homeowner is not in compliance if: 1) an improvement was made that is/was prohibited at the time of the improvement; or, 2) an improvement was made and an application was not filed with the ACC.

Unapproved and/or prohibited improvements are subject to removal or modification at the homeowner's expense, unless a variance is granted. Homeowners should apply to the ACC for any outstanding unapproved improvements.

Enforcement

As noted in the Declaration, upon any violation or attempt to violate any of the covenants, it shall be lawful for the Association or any other Lot Owner to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from doing so or to recover damages or other dues for such violations. Failure by any Owner to enforce any covenant or restriction shall in no event be deemed a waiver of the right to do so thereafter.

Complaints

Homeowners are encouraged to help maintain the beauty of Westlake Community Improvement Association. To this end, we all have an obligation to conform to the Declaration and architectural guidelines, and to ensure non-complying improvements get corrected. Should you have a complaint regarding a violation, write to the ACC. All complaints will be handled in the same manner discussed under Application Procedure.

Controlling Documents

In the event of a conflict between these Guidelines and the Declaration, the Declaration shall control.

GUIDELINES

1.0 Buildings

- 1.1 A "**building**" is defined as the main residence situated on a lot, and includes any bonafide additions such as a garage. It does not include any structure not attached such as a storage shed, gazebo or playhouse/fort.
- 1.2 No improvements shall be constructed on the Lots except Residential Units and attendant improvements.
- 1.3 **Location of Buildings:**

Unless otherwise permitted by the ACC, all Residential Units shall comply with the placement specifications outlined in Article IV, sec. 7, of the Declaration.
- 1.4 **Height.** No residence shall exceed a reasonable height required for two (2) stories of living space (above finished grade).
- 1.5 **Walls/Fences.** Any private fence, wall, or hedgerow intended for the purposes of privacy and/or security shall be not greater than six (6') feet in height and shall be no nearer to the front property line of the Lot which it serves than the building line which is closest to that property line, subject to the following exceptions:
- (a) A fence or wall may vary in height for aesthetic reasons at a corner, gate, or connection to a building, or at the locations of pilasters or major fence posts;
 - (b) Fences must be maintained.
- 1.6 **Garages.** Except as otherwise approved in writing by the ACC, or as otherwise specifically set forth in the Declaration, each Residential Unit shall be served by an enclosed garage large enough to provide parking for a minimum of two (2) cars, but no more than four (4) cars. Garages may be attached or detached from the residence.
- 1.7 **Masonry and roof requirements.** The exterior finish of each Residential Unit shall be at least fifty-one (51%) percent brick, stone or other masonry around the outside perimeter of the ground floor of the building. However, in computing such percentage, the garage shall be excluded. All Residential Units shall only be roofed with those materials specified in the Declaration or otherwise approved by the ACC. The acceptable colors are earthtone (i.e. black, brown, tan or gray, no blues, reds or yellows).

2.0 Outbuildings

- 2.1 An "outbuilding" is defined as any structure which is not attached to the main structure. This definition does not include bonafide additions to the main residence or garages, but does include storage sheds, gazebos, and playhouse/forts.
- 2.2 The colors should match or blend with the predominant exterior colors of the main residence.
- 2.3 Materials should match those of the main residence in both size and color, however, the ACC will consider small prefabricated metal storage buildings providing the color blends with the main residence or is unobtrusive.
- 2.4 Storage sheds should have a roof no higher than seven (7') feet from the ground to the highest point, and a maximum of eighty square feet of floor space. The structure must be kept a minimum of five (5') feet off any property line and the distance from a side fence will be determined based on visibility from the street in front of the lot. All storage sheds must be placed such that its widest portion is not visible from the street. Location must also be far enough away from the fence to allow for drainage to occur entirely on the owner's lot.
- 2.5 Any storage building placed on a concrete slab on top of a utility easement will require a letter of Consent to Encroach as it will not be considered portable. If a storage building is on a utility easement, but is not on a slab and can be moved, the ACC will consider it portable.
- 2.6 If the storage building is under six (6') feet, it may be placed in the side yard pursuant to section 2.4.

3.0 Basketball Goals

- 3.1 Must be mounted on garage or placed on the side of the driveway.
- 3.2 If the backboard is mounted onto the roof by use of amounting structure, the mounting structure must be painted to match the roof shingle color.
- 3.3 The basketball goal backboard, net and post must be maintained in usable condition and kept in acceptable appearance.
- 3.4 Basketball goals not maintained, will be required to be removed.
- 3.5 Only one basketball goal per lot will be permitted.

4.0 Patio Covers

- 4.1 Should be constructed of materials which complement the main structure.
- 4.2 Prefab covers made of aluminum may be approved providing they are of a color that substantially matches the house trim color. Unfinished aluminum will not receive ACC approval. All metal must be painted. Certain structures using wood framing may be allowed to go unpainted provided treated or insect resistant wood is used.
- 4.3 If attached to house, must be integrated into existing roof line (flush with eaves) and if it is to be shingled, shingles must match roof. Entire patio cover and posts should be trimmed out to match house. Supports must be brick, painted wood, or metal columns. No pipe is allowed.
- 4.4 At no time, however, shall a shingled roof be allowed with an unpainted frame. Frame will have to be painted to match trim of house whether treated or untreated wood is used.
- 4.5 Patio construction materials are as follows:
- a. Painted aluminum (to match trim of house).
 - b. Painted wood (to match trim of house).
 - c. Treated wood or naturally rot and insect resistant woods (such as cedar and redwood) may be used. Staining or painting is not required. All other woods must be painted or stained to match trim of house.
- General note: All patio cover material, i.e., corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.
- d. If canvas is used as roofing material on a patio cover, the structure must be located where it is not visible from the street. Also, the canvas must be kept in quality condition or its removal will be requested by the ACC. The color of the canvas cover must be an earthtone (i.e. black, brown, tan, beige or gray, no primary colors such as blues, reds, greens or yellows).
- 4.6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 4.7 Patio covers must be situated on the lot to provide drainage solely onto the owner's Lot. If a proposed patio cover location is less than five (5') feet away from a side lot line, the ACC will require that it be guttered with downspouts if it is to be a solid cover.

4.8 Maximum height at the peak of the roof is twelve (12') feet.

5.0 Room Additions

5.1 Exterior materials and colors should match the house as much as possible.

5.2 Detailed plans must be submitted to the ACC.

5.3 Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.

5.4 On individual basis. Size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. Plans for room additions must show room size in proportion to room dimensions of the residence. Roof of addition must integrate with existing roof line so as to appear to have been part of the original house.

5.5 Building permits as required by the municipalities (city, county, etc.) must be submitted with the application. In some instances, the ACC will grant approval with the provision that a copy of the permit must be received by the ACC within thirty (30) days of the approval letter and prior to construction beginning.

5.6 Balconies must also be approved prior to construction.

6.0 Exterior Painting

6.1 Every home should maintain a color scheme compatible with that which was on the home originally. Even if a homeowner intends to paint in accordance with an original color scheme, or to rebuild in accordance with original plans and specifications, an application must be submitted and no work begun until approved by the ACC.

6.2 Color changes must be approved by the ACC. Color of brick used in house and color of neighboring houses are considerations.

6.3 Exterior paints and stains for each residence shall be selected to compliment or harmonize with the colors of the other materials with which they are used.

6.4 Wood siding and trim should generally stay within the earthtone color family (i.e. black, brown, tan, beige or gray, no primary colors such as blues, reds, greens or yellows). Soft and muted earthtone pastel colors are acceptable. The use of white is also permitted.

6.5 Extremely bold colors, primary colors, yellow, blue or green pastels are prohibited.

- 6.6 Front doors must be maintained. They may be stained, a natural wood color, or painted the same color as the house trim. Other paint colors may be approved on a case-by-case basis.

7.0 Storm Windows and Storm Doors

- 7.1 The frames of storm windows and storm doors must be of a color compatible with the exterior house colors and/or general use and appearance of the house. All storm doors must have at least glass top. No screen doors are allowed.

8.0 Decks

- 8.1 If wood is used, see Section 4.5c.
- 8.2 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 8.3 Decks should not be situated on a Lot if they pose a problem to the effective drainage of the Lot or a neighboring Lot.
- 8.4 Decks cannot be higher than eighteen (18") inches.

9.0 Swimming Pools and Spas

- 9.1 No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Decking encroachment also requires a consent agreement. Consents must be received prior to approval.
- 9.2 Ideally, any pool or spa should be located at least five (5') feet from a side and rear lot line to maintain proper drainage on the Lot. However, a minimum of three (3') feet will be allowed in certain instances. The pool must meet all building line and easement restrictions on the recorded plat.
- 9.3 All private swimming pools and spas shall be completely enclosed by a fence enclosure and protected from unauthorized entry.
- 9.4 Pools are to be drained to the street and into the storm drain system. They are not to be connected to, or drain into, the community's sewage drain system. Minimum white schedule - 40 PVC pipe is to be used for pool drain.
- 9.5 All new pools are required to be inspected for proper water connections and drains.
- 9.6 Yard drains must also be of white schedule - 40 PVC pipe.

10.0 Solar Panels/Screens/Film

- 10.1 The ACC will only approve solar panels which are unobtrusive and which blend in with the roof shingle color.
- 10.2 Parabolic solar collectors which are not mounted so as to be flush with the roof will not be approved.
- 10.3 Solar panel frames should be bronze or black in color in order to best blend in with the shingles. All unfinished aluminum must be painted the color of the roof shingles.
- 10.4 No solar panel should be mounted so that it extends above the roof line.
- 10.5 Solar panels may be not visible from the street.
- 10.6 Solar panels mounted on stands are not permitted.
- 10.7 Solar screens are allowed on windows only if they blend with the brick and roof color.
- 10.8 Colors and manufacturers must be acceptable to MC for other screens and panels.
- 10.9 Solar window film must be non-reflective type.
- 10.10 Samples of window film must accompany each application.

11.0 Antennas

- 11.1 No electronic antenna other than one (1) antenna for receipt of video programming services shall be permitted on any lot.
- 11.2 Direct broadcast satellite and multipoint distribution service antennas one meter or less in diameter may be installed. Such antennas larger than one meter in diameter are prohibited.
- 11.3 Antenna should be situated so as to minimize public view. Unless no acceptable quality signal can otherwise be received, antennas should be placed in the rear of the residence, below the fence line, or screened by suitable landscaping or other measures. Mast used to mount satellite dishes may be no higher than absolutely necessary to receive acceptable quality signals.
- 11.4 Where possible, the homeowner is encouraged to place antenna inside the garage's attic space or the house's attic space.

12.0 Fences, Fence Extensions, Walls and Hedges

- 12.1 All proposed fences must be approved by the ACC. See also Section 1.7.
- 12.2 Any painting, staining, or varnishing of fence must be approved by the ACC.
- 12.3 Fence, wall or hedge extension requests should be submitted by both neighbors sharing the side lot line and fence, wall or hedge except in the case of a corner Lot.
- 12.4 No fence, wall or hedge may extend so as to encroach across the recorded front building line, or the recorded front building line of an adjacent house, and may never extend beyond the actual front building line.
- 12.5 If both neighbors do not concur as to a proposed fence, wall or hedge extension, the ACC will examine the effect the extension will have on both properties. If one party will suffer detrimentally from the extension (e.g., an existing sight line will be blocked), the ACC will reject the application.
- 12.6 All corner fences and fences which face a restricted reserve must be installed picket side out.
- 12.7 Replacement or repairs of fences, walls or hedges must be made with similar materials and construction details as used in original fence, wall or hedge. Replacement with any other material must be approved by the ACC.
- 12.8 No chain link fence type construction will be permitted on any Lot.
- 12.9 Fences must be maintained in good condition.

13.0 Decorations

- 13.1 On front lawns of Lots and on any portion of a Lot visible from any street, there shall be limited to two (2) decorative appurtenances placed, such as sculptures, birdbaths, birdhouses, fountains, benches, gliders or other decorative embellishments. The height limit is 4 feet. No permanently affixed flat pole or swings are allowed. Christmas, holiday or other festive decorations of a temporary nature are exceptions. Decorations must be removed within four (4) weeks after the calendar date of the holiday.
- 13.2 House numbers may be placed on the house, but not on any type of freestanding structure in the front yard.

14.0 Exterior Lighting

- 14.1 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring homes.
- 14.2 Exterior floodlights must be aimed so as not to shine onto a neighboring property.
- 14.3 Low voltage landscape lighting must receive ACC approval prior to installation, house or the garage, so long as the light fixture is not visible from the street. Mercury vapor, fluorescent, and sodium halite are not permitted in back or side yard if there are neighboring houses. If none, a variance may be granted, or if affected neighbors approve.
- 14.4 Exterior lights must be clear and not affect overall aesthetic appeal.

15.0 Wind Turbines

- 15.1 Wind turbine vents must be mounted in the rear portion of the roof so that they are not visible from the front, or space above the roof line.
- 15.2 The wind turbine vents must be a color which will blend with the shingle color, or be painted to match the shingle color.

16.0 Gates & Gate Covers

- 16.1 Full wooden panel to match trim of house or existing fence.
- 16.2 No chicken wire, chain line or lattice.
- 16.3 Wrought iron and simulated iron gates are permitted, but shall be painted black or the same color as the house trim.

17.0 Burglar Bars

- 17.1 Acceptable provided burglar bars are installed inside windows and door frames, unless otherwise approved.
- 17.2 Painted to match exterior trim.

18.0 Birdhouses

- 18.1 Maximum permitted height of fourteen (14') feet.
- 18.2 If mounted on a pole, must be unobtrusive and painted to match trim color of house.

- 18.3 Must be placed not closer than five (5') feet to any property line, and must be situated in the rear of the house.
- 18.4 Birdhouse and mounting structure must be maintained.

19.0 Landscaping

- 19.1 General: Landscaping (defined as living plants, trees, shrubs, flowers, etc. and utilization of non-living material necessary for growth, e.g., bark, mulch, etc.) is generally not subject to ACC review and approval except in circumstances wherein such landscaping is intended to accomplish a structural objective, such as a hedge or a visual barrier, or is visually objectionable, not in harmony with the surrounding neighborhood, or is specifically referenced in the Declaration.
- 19.2 All lawns must be kept cut and in an attractive condition. Failure to maintain a lawn could result in exercise of the Westlake Community Improvement Association's right to mow the property and charge all costs back to the Owner.
- 19.3 Trellises, window boxes, arbors, and permanent brick borders, must have ACC approval.

20.0 Swing Sets

- 20.1 Maximum height of eight (8') feet.
- 20.2 Location will be considered for neighbors' privacy, but not closer than five (5') feet to any property line, and must be located to rear of house.

21.0 Driveway Extensions/Sidewalks

- 21.1 An application must be submitted for any driveway removal, addition or modification.
- 21.2 Width of driveway between the front building line and the street shall not exceed twelve (12') feet. Exceptions will be made for corner lots with side-out garages.
- 21.3 Driveways must be maintained.
- 21.4 Painting a topcoat on driveways and sidewalks is not permitted.

22.0 Garage Conversions

- 22.1 Conversions of garage to living areas are not permitted.

- 22.2 Aluminum, sheet metal or fiberglass carports are not permitted.
- 22.3 An application must be submitted for lean-to sheds, potting sheds or any other attachments to a garage. These attachments must meet the structural guidelines set forth in other sections of these Guidelines.

23.0 Awnings/Window Shades

- 23.1 Awnings are permitted on the side and rear windows of a house and must be of the same color of the house. In all cases, colors must match or compliment the primary color of the house. The color selections of awnings must be in accordance with Section 6 of these Guidelines. Once installed, awnings are to be maintained in excellent condition at all times.
- 23.2 Metal and wooden slat-type exterior shades are not permitted on the front of the house. All exterior shades must be approved by the ACC prior to the installation. The color selections of exterior shades must be in accordance with Section 6 of these Guidelines. After installation, they must be kept in excellent condition at all times.

24.0 Signs, Advertisements, Billboards

- 24.1 No signs, billboards, posters or advertising devices of any character shall be erected or displayed to the public view on any Lot except for one (1) sign of not more than five (5') square feet advertising the property is for sale.
- 24.2 Permanent or semi-permanent flag poles are not permitted. Bracket mounted flags, placed near the front entry of the home, may be permitted.
- 24.3 Signs which give notice of a home security system are permitted if placed at or near the front entrance and are no larger than 144 square inches. Window stickers which give notice of a home security system are also permitted.

25.0 Garage Sales

- 25.1 In the best interest of the neighborhoods, a limit of two (2) garage sales per year per family/address will be permitted. You must apply for a permit to hold a garage sale through Crest Management at a cost of \$5.00. The permit must be displayed during the garage sale for the public to see. A fine of \$ _____ will be applicable if you do not comply.
- 25.2 All sales must be conducted only on weekends only and sale items must be cleared from view by Sunday at 5:00 p.m. following the sale.

25.3

All garage sale signs and tape from sign posts must be removed by Sunday at 5:00 p.m. following the sale.