

CLEAR CREEK FOREST SECTION 13  
PROPERTY OWNERS ASSOCIATION, INC.  
ARCHITECTURAL CONTROL GUIDELINES

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OVERVIEW

The Declaration

A system of Architectural Control is created by the following Declaration of Covenants, Conditions and Restrictions:

Clear Creek Forest  
Section 13

Clerk's File No. 473-01-2465

\*All recording information refers to the Official Public Records of Montgomery County, Texas.

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

Purposes and Objectives

The purpose of these Architectural Control Guidelines is to establish and preserve a harmonious and aesthetically pleasing design for Clear Creek Forest Section 13 (CCF 13) and to protect and promote the value of the properties subject to the restrictions set forth in the Declaration. These Guidelines are designed to provide a standard by which the CCF 13 Property Owners Association (CCF 13 POA) approves any improvements, or alterations to existing improvements, and a standard as to the general upkeep of properties within the subdivision. In that regard, the Guidelines attempt to further define those activities predetermined, based upon resident input and historical perspective, to be a nuisance or offensive to residents within CCF 13 and to establish a parameter of rules through which such activities will be curtailed.

To preserve the architectural and aesthetic appearance of CCF 13, site work, placement of improvements, construction of improvements, or alterations that effect the exterior appearance of existing improvements shall not commence unless and until they have been submitted to and approved in writing by the CCF 13 Architectural Control Committee (ACC) as to the compliance of such work and improvements with the Declaration and these Guidelines.

CCF 13 POA has the exclusive jurisdiction over the approval of all improvements made to properties and modifications or additions made to existing improvements on properties. Properties shall mean all lots and common facilities shown on the Subdivision Plat.

Application Procedure

Applications shall be obtained from CCF 13 POA or its assigned agent. A completed application shall include: Three complete sets of drawings and specifications as required by the Declaration, the current ACC fee, copies of the Septic Permit and Building Permit and the completed ACC application package. The applicant shall provide a valid, current address and phone number. Incomplete applications shall be rejected and returned. Applications shall be submitted via mail to CCF 13 POA or its assigned agent. All applications must be in writing. The ACC will not respond to Fax or verbal requests. It is the applicant's responsibility to insure that CCF 13 POA or its assigned agent has received the application. Do not assume it was received.

#### Approval/Disapproval/Processing Period

The ACC will respond in writing to all completed applications. Upon approval, one (1) copy of the application and a set of drawings will be marked "approved" and returned.

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 additional information. Scheduling for the implementation of the proposed improvements should allow for the time required for completion of the approval process.

In the event the ACC fails to indicate its approval or disapproval within the thirty (30) days after receipt of the required documents, the approval process and the related covenants set out in the Declaration shall be deemed to have been fully satisfied, provided that the proposed improvements are in general harmony with the scheme of the development as set forth in the Declaration and these Guidelines and do not violate any of the covenants. However, failure to respond on the part of the ACC does not imply permission to encroach on an easement or building line.

If an application is not approved, the ACC will respond in writing as to why such approval was denied. If an applicant wishes to discuss the decision made by the ACC, the applicant must contact CCF 13 POA or its assigned agent to make arrangements for a meeting. The Board of Directors shall have the final authority over all actions taken by the ACC.

No ACC members can approve his/her own improvement.

**Please note that ACC approval is required PRIOR TO the installation or construction of any improvement or modification to an existing improvement. If an improvement is made without ACC approval, the CCF 13 POA has legal right to enforce its removal or modification at the property owner's expense along with the forfeiture of any applicable fees.**

If construction has not begun within six (6) months from the date of approval, the approval is null and void and the application must be resubmitted. ACC approval is non-transferable.

All construction shall be completed within six (6) months of construction start date.

### Easements

The ACC cannot approve any application if there is an encroachment on an easement, until the homeowner resubmits revised plans to correct the encroachment. Any non-portable structure, with the exception of fences, on an easement is considered permanent and thus an encroachment.

### Vacant Lots

Vacant lots shall not be used for the purpose of storage of any items at any time.

### Inspection

All improvements are subject to inspection by the CCF 13 POA or its assigned agent.

### Enforcement

The Deed Restrictions provide, as follows:

Subdivider, any Owner of a Lot or Reserve in the Subdivision, or the Association, if any, shall have the right to prosecute any proceeding, at law or in equity, against any person violating or attempting to violate any of these covenants or restrictions, and either prevent such person or persons, from so doing by prohibitive or mandatory injunction, or to recover damages for such violation. The party bringing the action or suit shall be entitled to recover in addition to costs and disbursements allowed by law, such sum as the court may adjudge to be reasonable for the services of his or her attorney. It is further stipulated that the invalidation of any one or more of these covenants, restrictions or conditions by any judgment or court order shall no way affect or invalidate any of the other provisions, but all of such other provisions shall remain in full force and effect.

### Complaints

Property owners are encouraged to help maintain the beauty of CCF 13. To this end, all property owners have an obligation to conform to the Declaration and Architectural Control Guidelines and to ensure non-complying improvements get corrected. If you should have a complaint regarding a violation, please notify CCF 13 POA or its assigned agent. All complaints will be handled in a professional manner and shall remain confidential.

The primary use of all lots within the subdivision is for the sole purpose of building primary residences. Each occupied lot shall include a primary residence and, at a minimum, a two-car garage or a two-car carport with the minimum square footage as defined in the Deed Restrictions. All site work, construction, improvements or modifications shall conform to all Federal, State and Local Codes and regulations and shall be done in a workman like manner.

The primary residence shall be constructed prior to the construction of any other buildings, including garages, carports, sheds or any type of outbuilding.

No more that two (2) primary residences having the same exterior design shall be approved for construction anywhere within the subdivision and only then if the two structures are at least fifteen (15) lots apart. Modifications such as those listed in Exhibit "A" will not be deemed sufficient for two structures to be classified as having different exterior designs. ACC Applications containing the same exterior elevations or views as two residences already constructed or approved for construction in the subdivision will be denied based on their being architecturally unsuitable.

#### Exhibit "A"

1. Changing from one type of texture of siding to another.
2. Changing paint or exterior colors
3. Adding, removing, changing the size of, or relocating, doors, windows, roof dormers, chimneys or similar amenities.
4. Increasing or decreasing the overall square footage of the structure.
5. Changing the location of the garage or carport on the plot plan.
6. Swapping sides of exterior elevations.
7. Changes to roof color or pitch
8. Changes in size or shape of porches.

## DEVELOPMENT STANDARDS

RESIDENTIAL - SINGLE FAMILY ESTATE

## I. INTRODUCTION

This neighborhood is intended to embody superior standards of single family detached housing. The following architectural control standards have been compiled in accordance with this intent to be used by architects, designers, builders, and residents. With respect to new construction, please contact the Clear Creek Forest Architectural Control Committee (ACC) via the property management company, PMG Houston at (281) 367-8137, located at 24900 Pitkin, Suite 190, The Woodlands, Texas 77386.

## II. DESIGNER REQUIREMENT

All plans and specification should be drawn in a professional manner. An architect or designer is preferred for generally better design results.

## III. LOT CRITERIA

## A. Building Setback:

1. **Front yard setback** - No part of any structure (or eve / facia) shall be located on any residential lot nearer than the building line (B.L.) setback (specified on the plat) so any street right-of-way. Front yard setback ranges from 35' to 50'. Please refer to the plat for setbacks specified to your lot.
2. **Side yard setback** - No part of any structure (or eve / facia) shall be located nearer than five (5) feet to any yard line, except corner lots where the setback ranges from 35' to 50' (see plat for specific setbacks for corner lots). For any lot that is one-half (1/2) acre or more, the setback shall be ten (10) feet to any side yard line.
3. **Rear yard setback** - No part of any structure (or eve / facia) shall be located on any residential lot nearer than five feet (5) to the rear lot line.
4. An exception to the setback may be considered if an easement requirement exceeds the above setback requirement. No encroachments are allowed into the side or rear yard setback (building, driveways, pool, decks).

## B. Orientation and Driveway Access:

1. Each resident must include storage with direct driveway access for the least two

(2) automobiles. The storage shall be within an enclosed garage or with an approved carport structure (see section IV, C below).

2. On all corner lots, the driveway should be located opposite or away from the intersecting street corner, and should access from the street to which the house is oriented unless a circular driveway is constructed. Certain lots have restricted vehicular access. Please refer to the Deed Restrictions for specific vehicular access.

#### IV. ARCHITECTURAL CRITERIA

##### A. Square Footage:

1. Section 13 lots shall have a minimum of 1600 sq. ft. of living area except where excluded specifically in the Deed Restrictions.
2. The living area (air conditioned space) shall be exclusive of garages, patios, or open porches.
3. Square footage shall be measured to the outside of exterior walls (i.e. outside of brick, stone, or stucco). Stairs and two-story spaces are counted only once, and A/C returns, pipe chases, fireplaces, and non-structural voids are excluded. Unfinished areas that can be easily converted for future use may be included in the area square footage calculation (see below for requirements on unfinished areas).

##### B. Exterior Elevations

1. The front elevations of the residence must be oriented to the street.
2. The height of any dwelling shall not exceed two stories from finished floor, including decks and outside living areas, unless otherwise approved by the ACC.

##### C. Garage or Carport:

1. Each dwelling unit must have a garage or approved carport structure for at least two cars. Garages may be attached or detached from the dwelling. Garages or carports must be architecturally integrated with the dwelling (i.e. design, construction, roofing, materials must be similar to and integrated with the dwelling). Garage exteriors must receive the same degree of design attention as the dwelling.

2. Careful consideration must be given to the location and orientation of garages and carports structures to enhance the overall street scene.

D. Dwelling Exteriors:

The exterior materials of each residence allowed in Section 13 shall be finished and, if of a material other than brick, stone, stucco, vinyl siding, hardyplank or other material not commonly decorated or painted, shall be coated with at least two coats of paint or stain which are subject to ACC review and approval.

1. All mortar joints shall be tooled. Slump joints are unacceptable.
2. Mortar color shall be selected to complement the brick color.

E. Chimneys

The exterior of all fireplace chimneys shall be of the same material as the structure. Prefabricated metal fireplaces and metal flues may be used internally.

F. Roof:

1. Roofing material, if wood, is to be of fire-treated, hand-split cedar shakes. Standing seam metal (factory-finished steel, terne, or copper), metal shingles, clay or concrete tile, or slate are subject to ACC approval. Composition shingles should meet the minimum requirement of a 20-year, 3-tab, Class A, fiberglass shingle. Color of the shingles must be approved by the Architectural Control Committee.
2. The location and design of all skylights and solar collections are subject to approval. Collections and skylights must be of a flat profile and conform to the slope of the roof. The preferred location of all stack vents and attic ventilators and roof accessories are on the rear slopes of roofs.
3. All exposed metal roof accessories (such as stack vents, roof flashing, attic ventilators, metal chimney caps, skylights curbs, solar collector frames, etc.) shall match the color of the roofing material or shall be of a compatible color.

G. Windows:

Windows play an important role in determining the visual quality of a residential neighborhood. Windows should reflect the harmony of external and structural design and quality of existing structures.

## H. Exterior Lighting Fixtures:

All exterior light fixtures, whether attached to the dwelling or remote, are subject to ACC approval as to location, style, size, color, level and direction of illumination. Light fixtures shall be directed toward your house and lot.

## I Exterior Materials/Colors:

1. All exterior material and color selections must be approved by the ACC. The architectural style of the dwelling, in most cases, shall dictate the proper range of materials and colors. Materials and colors which are appropriate to one architectural style may be inappropriate to another.
2. Colors (and materials) shall be in harmony with the natural forested environment of "Clear Creek Forest." Muted earthtones in the brown, gray, and green ranges are compatible with the hues of the landscape and are, therefore, most appropriate.

## J. Barns, Well houses, Storage sheds:

Architectural plans for all barns, well houses, and storage sheds must be approved by the Architectural Control Committee prior to construction. At a minimum, these structures must have a color scheme that is in harmony with the primary dwelling. Location of the structures should be to the rear of the property, if at all possible.

## K. Water wells, Wellheads, and Piping

Water well tanks must be located to the rear of the dwelling. The wellhead (water well) may be located at any location on the property, but all piping must be buried.

V. **DRIVEWAY AND CULVERT CRITERIA**

- A. Driveways must be hard-paved with concrete, unit masonry, or asphalt or, in the alternative, must be constructed with crushed concrete, iron ore, limestone, granite, or like materials, with a minimum layer of 1". Typical driveways will be a minimum of 10' in width. **All driveways are subject to ACC approval.**
- B. Profiles of roadside drainage ditches must not be altered. The minimum size of culverts shall be 18 inches in diameter with not less than a 1.75 SF waterway opening. The inside bottom of the culvert must be even with or slightly below the bottom level of the ditch. The culvert must be installed and properly covered with road base and non-mud producing surface materials prior to site preparation and construction in all driveway or other access crossing of roadway ditches of 42 inch depth or greater. Sandy clay or

natural earth materials for culvert cover will not be permitted. A headwall (retaining wall) is required on the sides of the culvert and must be constructed with either cement or wood. Contact the County Commissioner's Office at 281-365-41 S6 for installation of culverts.

## **VI. FENCE AND PRIVACY WALL CRITERIA**

See Fencing Guidelines for fencing specification requirements.

## **VII. LANDSCAPE CRITERIA**

- A. No growing trees six inches (6") or more in diameter measured at a point twelve inches (12") from the ground may be cut from any lot without prior written approval of the ACC, except only for such trees as may be removed where necessary for the construction of improvements on the lot.
- B. Any clearing of trees beyond the building pad and driveway must be approved by the ACC. Care should be taken by the builder during construction to protect the remaining trees on the lot.
- C. Landscape is recommended, but is left to the discretion and preference of the individual owner. The owner of each lot is responsible for keeping the lot clean, free of unstored debris or personal property and properly maintained.
- D. A landscape and signage easement affects the following lots: lot 10, block 4; lot 1, block 5; lot 9, block 6; lot 18, block 1
- E. The installation of a landscape irrigation system for all newly landscaped areas must be approved by the ACC.
- F. Skirting around the entire dwelling is required for a pier-and-beam structure.

## **VIII. RECREATIONAL VEHICLES, BOATS, TRAILERS, COMMERCIAL VEHICLES, INDUSTRIAL MACHINERY, AUTOMOBILE STORAGE**

- A. Recreational vehicles, boats, and trailers stored on an owner's lot must be current with all county and state licensing and registration requirements and must be in operating order. Upon request, the owner must provide proof of current licensing and registration. They must be stored to the side or back of the residence and cannot be stored within 35 feet of the property line.
- B. Commercial vehicles with more than two axles may not be parked overnight on an owner's lot, or anywhere within the subdivision.

- C. Industrial machinery such as bulldozers, backhoes, etc. may not be stored within the subdivision, except during construction periods, as approved by the Architectural Control Committee.
- D. All automobiles should be parked on the driveway of the lot or within 30 feet adjacent to the driveway, but not in front of the house, unless it is parked on a circular driveway. Automobiles may not be parked on the street or in the culvert overnight.
- E. Automobiles that are under repair or are not in operating order must be stored in an enclosed structure.

## IX. ADDITIONAL CRITERIA

- A. Satellite dishes and antennas should be located so as to not obstruct views or be visually intrusive. Satellite dishes should be located behind the house, if possible. Placement must be approved the ACC.
- B. No alteration or other improvement (such as landscaping, fencing, etc.) is permitted within the street right-of-way or existing drainage swales. The property owner is responsible for grass maintenance from the lot line to the edge of the pavement surface during any period when the normal contracted mowing within the subdivision is not scheduled.
- C. All lots must have positive drainage, away from the house and lots must drain to the drainage system provided for said lot.
- D. All construction trenches are to be refilled and compacted to remain level with adjacent land.
- E. Propane tanks must be installed in accordance with the Environment Protection Agency (EPA) guidelines and any other applicable government law.
- F. Signs - no signs are allowed unless approved. Signs must be approved for construction. If approved, the sign must meet the following standards:
  - A. Standards
    1. Maximum Size - 18" x 24"
    2. Material - Metal, wood, plastic
    3. Number Allowed Per Lot - Two

- B. Builder signs are to be removed 30 days after completion of construction. Construction signs not exceed one (1) builder sign shall and one (1) real estate sign per lot.
- G. Fallen Trees - Each individual owner is responsible for removing fallen trees from his lot where it would interfere with mowing of the common area within the subdivision (e.g., culverts), affect the appearance of the property from the street view, or is in any other location that might present a hazard.
- H. Overall Property Maintenance - Property should be maintained in an overall orderly and neat fashion consistent with the general appearance of other occupied properties in the subdivision.

**X. PLAN APPROVAL AND INSPECTIONS**

See Architectural Application for requirements

**XI. VARIANCES**

Variances to the development criteria may be granted at the sole discretion of the ACC. No variances shall be granted unless the general purposes and intent of the Covenants and design standards are substantially maintained. Any variance granted shall only be applicable to the specific site and condition for which the variance was granted, and shall not modify or change design standards as they apply to other sites or conditions.

The aforementioned Architectural Control Guidelines were adopted by Clear Creek Forest Section 13 on November 12, 2001 and are effective from that date forward.

Signed this 21<sup>st</sup> day of February, 2002.

<u>Ben Smith</u>	_____
<u>Ray Rogers</u>	_____
<u>Thomas Edward Wilson</u>	_____
<u>Alan K. Tyler</u>	_____



FILED FOR RECORD

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*Mark Tubbell*  
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in  
File 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 at  
Montgomery County Texas

APR 24 2002



*Mark Tubbell*

County Clerk  
Montgomery County, Texas