

**CHESTERFIELD COMMUNITY ASSOCIATION, INC.**

**ARCHITECTURAL CONTROL COMMITTEE**

**GUIDELINES**

**December 13, 2001**

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## **ARCHITECTURAL CONTROL COMMITTEE GUIDELINES**

The Architectural Control Committee ("ACC") was created to enhance property values by requiring conformity to certain standards of construction, visual appeal, uniformity and design. Article II, Section 1 of the Declaration of Covenants, Conditions and Restrictions ("CC&Rs") provide that "No buildings or improvements of any character shall be erected or placed, or the erection thereof begun, or changes made in the design thereof after original construction, on any Lot until the construction plans and specifications and a plot plan showing the location of the structure or improvements have been submitted to and approved in writing by the Architectural Control Committee as to compliance with these restrictions, quality of material, harmony of external design with existing and proposed structures and as to location with respect to topography and finish grade elevation."

It is the general purpose of the ACC to approve or disapprove applications made to it for proposed alterations, additions or changes to be made to the exterior of the house and/or lot itself. Landscaping does not require ACC approval unless the configuration of the ground changes (i.e., berms, fill dirt, etc.). See Section 18.0 of these guidelines for landscaping requirements.

### **Procedure**

A "Request for Home Improvement Approval Form" must be completed in its entirety and mailed to the address indicated on the form. All pertinent information such as plans, specifications, building permits, locations of the proposed improvements must be indicated on a copy of the survey, etc. and all of these items should be included with the application. The survey, which must be prepared and signed by a registered surveyor, engineer or other qualified professional (in the ACC's reasonable judgment) must show (by way of distances described in feet and inches) the actual

location of the proposed building or improvement on the lot in relation to other buildings and improvements and to all set-back lines, building lines and utility easements on the lot.

Request for Home Improvement Approval forms are available from your management company. The ACC cannot respond to verbal requests for approval – all applications must be made in writing.

The ACC has thirty (30) days from the date of receipt of a Request for Home Improvement Approval form in which to respond. If additional information is required by the ACC, the review process will be extended accordingly. Plans for the implementation of the proposed improvement(s) should allow for the time required to complete the review process. Additionally, should your application be submitted after the construction, the ACC is not required to provide approval, and the unapproved change may be deemed to be a violation of the CC&Rs. No construction should begin prior to the approval. You may be required to remove unapproved improvements.

If an application is not approved, the ACC will state in their letter why such approval was denied and what type of application changes, if any, would alter that decision. If an applicant wishes to discuss or appeal a decision made by the ACC, the designated representative for the ACC should be contacted in writing.

### **Guidelines**

The following are guidelines adopted by the ACC to specify their standards, requirements and thought processes used in evaluating an application. The guidelines may be amended from time to time as the circumstances, conditions or opinions of the ACC dictate. It should be noted that each application is considered on its own merit and that the ACC may grant a variance from these guidelines and/or from certain provisions of the CC&Rs by written instrument of the ACC. The

ACC has the right to deny approval for a similar improvement based on the proximity of a property to a main boulevard or the visual relativity of the site to the overall development. As an example, a home located on the perimeter of the development may be permitted to have a certain styled storage building (with different height), whereas on a main entry boulevard and depending on the configuration of the lot, this same item may not be approved. The intent being to maintain overall integrity within areas of higher visual impact.

It should also be noted that ACC approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal.

#### 1.0 **Outbuildings**

- 1.1 An “outbuilding” is defined as any structure which is not attached to the main structure. This definition does not include additions to the main residence or garage wherein an actual opening to the main structure exists, but does include storage sheds, green houses, gazebos, and playhouse/forts.
- 1.2 The ACC will consider the following:
  - a. The colors should match/blend with the predominant exterior colors of the main residence.
  - b. Materials should match those of the main residence in both size and color, however, the ACC will approve small prefabricated metal storage buildings, providing the color blends with the main residence.
  - c. It should have a peaked roof, no higher than eight feet (8') from the ground to the highest point, and a maximum of 10' x 12' floor space. Structures must be placed and maintained a minimum of three feet (3') off rear property line and the distance from side fence will be determined based on visibility from the street in front of the lot. At no time, however, will that distance from the side fence be less than three feet (3'), regardless of visibility. The location must also be far enough away from the fence to allow for drainage to occur entirely on the owner's lot.

- d. Storage building placed on a concrete slab over of a utility easement will require letters of Consent to Encroach, as it will not be considered portable. Reliant Energy, the telephone companies and other applicable utility companies may charge a fee for this consent letter. If a storage building is not on the utility easement, but on a slab, and can be moved, the ACC will consider it as portable.
- e. No storage building can be built up against any side or rear wall of a home unless its maximum height is less than six feet (6') and it is not visible above the fence. It must also comply with all the other requirements for proper construction, size and location.
- f. If under six feet (6'), a storage structure may be placed in the side yard to the rear of the house, provided the three-foot (3') minimum setbacks are observed.
- g. A playhouse/fort must be no higher than nine feet (9'). If the fort has a platform, that platform can be no higher than 42" above the ground and must be located approximately in the center of the back yard to protect the neighbors' privacy. It shall also be placed so as not to be visible from the fronting street.
- h. A freestanding gazebo must be at least six feet (6') away from the house. These must be reviewed on a case by case basis with a maximum height at the peak of eleven feet (11') and must be three feet (3') off the side and back property lines.

## 2.0 **Basketball Goals**

- 2.1 The basketball goal backboard, net and post must be maintained in excellent condition at all times.
- 2.2 If the backboard is mounted onto the roof by use of a small, triangular mounting structure, the mounting structure must be painted to match the shingle color.
- 2.3 Rims must be no more than ten feet (10') in height.
- 2.4 Backboard must be regulation size and white in color or transparent.
- 2.5 Must be mounted on garage or placed on the side of driveway, recognizing a minimum setback to correspond with the building line.

- 2.6 Portable basketball goals are allowed but must not be visible at all from the street when not in use.
- 2.7 If any complaints are received within six (6) months after installation, the basketball goal will be subject to immediate removal at the request of the ACC.

### 3.0 **Patio Cover**

- 3.1 Should be constructed of materials which complement the main structure.
- 3.2 Prefabricated covers made of aluminum may be approved providing they are of an earth tone color - unfinished aluminum will not receive ACC approval. All metal must be painted and certain structures using fiberglass roofing and wood frame may be allowed to go unpainted provided treated wood is used.
- 3.3 If attached to the house, must be integrated into existing roofline (flush with eaves), and if it is to be shingled, shingles must match the roof. Entire patio cover and posts should be trimmed out to match house. Support must be painted wooden, treated wood or metal columns. No pipe is allowed.
- 3.4 At no time, however, shall a shingled roof be allowed with an unpainted frame. Frames will have to be painted to match the trim of house whether treated or untreated wood is used.
- 3.5 Patio construction materials are as follows:
  - a. Painted aluminum (to match trim of house)
  - b. Painted wood (to match trim of house)
  - c. Natural pressure treated wood such as cedar, fir, redwood may be used. Treated pine must be painted or stained.
  - d. Fiberglass is acceptable, and earth tone colors must be used. As used in these guidelines, earth tone colors must receive ACC approval; however, an example of colors which are not viewed as earth tone and are not acceptable are: green, yellow, red, blue, pink, purple and orange. Edges of fiberglass must not be visible from surrounding properties or from any street.

**General Note:** All patio cover material, i.e., fiberglass, corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of the material are visible.

- e. If canvas is used as roofing material on a patio cover, it must be an earth tone color and 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.

3.6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.

3.7 Patio covers must be situated on the lot to provide drainage solely into the owner's lot. If a proposed solid patio cover location is less than five feet (5') away from the side lot line, the ACC will require that it be guttered with downspouts.

#### 4.0 **Room Additions**

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

4.2 Detailed plans must be submitted to the ACC.

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

4.4 Approval shall be on an 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. Addition of a storage area will not qualify as a room addition and will not be permitted. Plans for the room addition must show a room of reasonable size to constitute a legitimate request for a room addition. The Roof of the addition must integrate with the existing roof line so as to appear to have been part of the original home. The addition must be opened to the main structure and be serviced by central heat/air conditioning and electricity. All such improvements must be designed to building code standards of the City of Houston. Room additions may be denied for other reasons, (i.e., structural integrity, architectural suitability, etc.).

4.5 Building permits if required by the applicable municipality (city, county, etc.) must be submitted with the "Request for Home Improvement Approval" form. 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.

#### 5.0 **Exterior Painting**

5.1 Earth tone colors are most often used when homes are constructed. In general, an earth tone color should receive ACC approval.



- 5.2 Other earth tone blend colors will be considered. The color of neighboring homes will be taken into consideration, along with the applicant's house brick features.

6.0 **Storm Windows and Storm/Screen Doors**

- 6.1 Provided the frames of these are of a color compatible with the exterior house colors, storm windows and storm or screen doors should receive ACC approval.

7.0 **Decks**

- 7.1 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 7.2 Decks should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot.
- 7.3 Decks cannot be higher than 18" above grade.
- 7.4 Paint or stain should match or compliment the house.
- 7.5 Second story decks will receive ACC approval on a case by case basis.

8.0 **Swimming Pools and Spas**

- 8.1 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. Pool decking which extends into an easement also requires a consent agreement. Consents must be received prior to approval. Note: The respective utility company may charge a fee for this consent letter.
- 8.2 No pool and/or deck shall be within five (5) feet of the side property lines and/or greater if otherwise defined by the plat and/or the CC&Rs.
- 8.3 Above ground pools will not be permitted.
- 8.4 All pools must be enclosed within a fenced area.
- 8.5 Pool pumps and other equipment must be screened within the fenced perimeter and not visible from the fronting street.
- 8.6 Pool enclosures will be reviewed on an individual basis and height should not exceed eight feet (8').

## 9.0 Antennas and Dish-Type Devices

9.1 Dish-Type Devices in Excess of One Meter (39 inches). No direct broadcast satellites, multichannel multipoint distribution type devices, and microwave broadband transmitters and receivers (referred to herein collectively as "Dish-Type Devices") which exceeds one meter (39 inches) in diameter is permitted on any lot.

9.2 Dish-Type Devices of One Meter (39 inches) or Less, Antennas and Related Masts. A Dish-Type Device of one meter (39 inches) or less, television broadcast antennas ("Antennas") and related masts, are permitted to be placed on a lot provided any such item complies with all of the below set forth minimum conditions. Further, Chesterfield Community Association, Inc. (the "Association") must receive written notification at its then current address from the owner of the applicable lot, on or before the installation of any Dish-Type Device, Antenna or related mast provided for in this Section 9.2. Such notification must include the type and color of the Dish-Type Device, Antenna and any related mast to be installed, and the method, manner, and site of installation. The site must be shown in a plot plan. As of the date hereof, the Association's address is:

c/o Planned Community Management, Inc.  
15995 N. Barker's Landing, Suite 162  
Houston, Texas 77079

If the owner of a lot proposes to install a Dish-Type Device, Antenna and any related mast as set forth in this Section 9.2 in any manner whatsoever which does not strictly comply with the below set forth minimum conditions, such owner must submit an application to the ACC and obtain the written approval of the ACC prior to commencing such installation. In connection with the ACC's decision, the ACC shall consider such factors as it deems appropriate, in its reasonable discretion. The application to the ACC must be made on a form approved by the ACC and contain such information as may be required by the ACC, including a statement which specifically describes the manner in which it is proposed that such Dish-Type Device, Antenna and related mast will vary from such minimum conditions. The ACC shall endeavor to make its decision regarding the proposed Dish-Type Device, Antenna and any related mast on an expedited basis within seven (7) days after receipt by the ACC of the completed application and all information required therein. The granting of a variance from such minimum conditions shall in no way affect the owner's obligation to comply with all governmental laws and regulations and other regulations affecting the lot concerned.

9.3 Minimum Conditions. In addition to the foregoing requirements, no Dish-Type Device, Antenna, or any related mast shall be erected, constructed, placed, or permitted to remain on any lot unless such installation strictly complies with the following minimum conditions (however, each Minimum Condition shall not apply if it unreasonably delays installation of the

applicable Dish-Type Device, Antenna, and any related mast, or unreasonably increases the cost of such items or their installation, or precludes reception of an acceptable quality signal):

a. The Dish-Type Device, Antenna and any mast must be located to the rear one-half (1/2) of the lot and must serve only improvements on the particular lot in which it is located.

b. To the extent feasible, the Dish-Type Device, Antenna and any mast, including its base and anchoring structure, shall not extend above the roofline of the house located on the lot and shall not be visible from the frontage street or any adjoining street.

c. To the extent feasible, no Dish-Type Device, Antenna or mast shall be constructed or placed or permitted to remain on any utility easement or other easement or right-of-way located on any lot.

d. The Dish-Type Device, Antenna and any mast must be securely mounted to a base, so as to be able to withstand the effects of high winds or other extraordinary weather conditions; however, no guy wires or similar mounting apparatus will be allowed.

e. No advertising slogans, logos, banners, signs or any other printing or illustration whatsoever shall be permitted upon or be attached to the Dish-Type Device, Antenna or mast.

f. No Dish-Type Device or Antenna shall ever be used to send or receive any ham radio signal.

g. No Dish-Type Device or Antenna shall be permitted to cause any distortion or interference whatsoever with respect to any other electronic device in the subdivision.

h. The Dish-Type Device or Antenna and any mast shall be one solid color only and must match or blend with the color of the house located on the lot.

i. Any Dish-Type Device, Antenna or related mast installed hereunder shall be installed in a manner that complies with all applicable laws and regulations and manufacturer's instructions.

j. If any provision of this Section 9.0 is ruled invalid, the remainder of the provisions in Section 9.0 shall remain in full force and effect.

9.4 Enforcement. Notwithstanding any provisions in the CC&R's and the other documents governing the Association (the "Governing Documents"), as long as an owner complies with this Section 9.0, as amended from time to time, the owner will be deemed to be in compliance with the Governing Documents with regard to the matters covered herein.

#### 10.0 **Fence, Gates and Fence Extensions**

- 10.1 Approval shall be on an individual basis.
- 10.2 No fence shall be higher than eight feet (8'). Consents from all affected neighbors must be submitted in order to be considered for height extension.
- 10.3 No painting, staining or varnishing of fence.
- 10.4 Construction must be of cedar only and/or wrought iron depending on visibility to interior of lot.
- 10.5 Chain link, split rail fences, decorative fencing and chicken wire are not permitted. Wind screen material (or similar material) attached to fences and gates should receive ACC approval as long as it is no higher than three feet (3'). Approval shall be on an individual basis.
- 10.6 Fence extension requests should be submitted by both neighbors sharing the side lot line and fence, except in the case of a corner lot.
- 10.7 No fence may extend so as to encroach in front of a building line.
- 10.8 If both neighbors do not concur as to a proposed fence extension, the ACC will examine the effect the fence extension (i.e., will totally enclose a bay window), the ACC has the right to deny the application.
- 10.9 Approved fences will be installed picket side out where visible from any street.
- 10.10 Replacement or repairs of fence must be made with similar materials and construction details as used in the original fence.
- 10.11 Fencing shall be uniform throughout the development. Wrought iron may be used in area of decorative use in sections across driveways or where used across a building line so long as there are no items (storage or otherwise) visible from a fronting street.
- 10.12 The requirements set forth above shall also apply to gates.

## 11.0 **Decorations**

- 11.1 On front lawns of lots and on any portion of a lot visible from any street, there shall be no decorative appurtenances or freestanding structures (except mailboxes) placed, such as sculptures, birdbaths, birdhouses, fountains, swings or other decorative embellishments.
- 11.2 Benches and burglar bars will be reviewed on an individual basis.
- 11.3 House numbers may be placed on the house or mailbox or curb, but not on any type of freestanding structure in the front yard (except mailboxes).
- 11.4 Christmas decorations, including lighting, may not be placed on the house or in the front yard prior to Thanksgiving Day, and must be removed no later than January 31. All other seasonal decoration shall be limited to a maximum thirty (30) day period.

## 12.0 **Exterior Lighting**

- 12.1 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring homes.
- 12.2 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
- 12.3 Low voltage landscape lighting should receive ACC approval.
- 12.4 Security, mercury vapor, or fluorescent lights must be attached to the front of the house, preferably the garage. Mercury vapor, fluorescent, and sodium halide may be permitted in backyards as long as it in no way shines onto adjacent property in an offensive manner as determined by the ACC.
- 12.5 Yard lights may be gas or electric. They must be single lamp only and a maximum height of ten feet (10'). They may be located in the front yard or the backyard. Gas or electric lights must be black or brown, depending on color of house and determination of suitable color will be in the decision of the ACC.

## 13.0 **Mailboxes**

- 13.1 All mailboxes must be brick. Bricked mailbox stands should receive approval providing the brick matches the house, the stand is appropriate in size and design, and will meet U.S. Post Office requirements. A specific sketch should be included with the application.

13.2 Changes or improvements made to the mailbox will require ACC approval.

14.0 **Wind Turbines**

14.1 The wind turbines preferably should either be a color which will blend with the shingle color instead of unfinished aluminum, or be painted to match the shingle color and positioned on the rear slope of the roof structure so as not to be visible from the fronting street. Ridge vents should be of a color which will blend with the shingle color.

15.0 **Outdoor Carpeting**

15.1 Can only be installed on porch area - no walkways, etc.

15.2 Earth tone colors are acceptable.

15.3 Visibility from the street will be considered.

16.0 **Burglar Bars**

16.1 Acceptable provided they are in harmony with the house.

16.2 Painted to match exterior trim.

17.0 **Birdhouse**

17.1 Must be placed toward the middle of back yard and not visible from the fronting street.

17.2 Maximum allowable height is twelve feet (12').

17.3 Must be mounted on 2" diameter metal pipe painted white or black.

18.0 **Landscaping**

18.1 Landscape timbers, bricks, stone (use native Texas stone), flowerbed borders, landscape lights, trellises and sprinklers may be approved subject to ACC review. Under no circumstances will railroad ties be allowed.

18.2 Must compliment style and architecture of home and conform to color scheme of immediate neighborhood.

18.3 Landscaping may not be installed in such a manner as to change the topography or drainage of the lot which may cause water to spread across any other lot (rear or side).

18.4 No hedge, wall or fence in excess of three feet (3') in height shall be placed nearer to the front lot line than the walls of the dwelling existing on the lot.

19.0 **Swing Sets**

19.1 May not be visible from fronting street.

19.2 Maximum height of eight feet (8').

19.3 Location will be considered for neighbors' privacy.

20.0 **Driveway Extensions/Sidewalks**

20.1 Reviewed on an individual basis.

20.2 Driveway extensions can extend no nearer to side property line than three feet (3') or five feet (5') in certain instances.

20.3 All sidewalks in the side yard must be no greater than 48" wide.

21.0 **Garage Conversions, Carports, Detached Garages**

21.1 Conversions are not permitted and all garages must be capable of housing a minimum of two (2) cars at all times with an operational garage door.

21.2 Detached garage/carports are permitted on a very limited basis, subject to ACC approval, and can only be used to store additional vehicles.

23.0 **Window Air Conditioners**

23.1 Must not be visible from street and must be below fence line.

24.0 **Window Shades/Awnings**

24.1 Canvas awnings will not be permitted to be installed on windows unless they are not visible at all from the street. When allowed, they must be earth tone colors, and must be kept in excellent condition at all times or will be subject to immediate removal upon notification of their unacceptable condition.

24.2 Awnings will still be allowed for use on playhouses and patio covers, provided they also comply with aforementioned requirements for proper location and color.

24.3 Metal and wooden slat type shades will not be permitted to be installed unless they are not visible at all from the street.

25.0 **Electronic Devices**

25.1 No electronic devices shall be permitted to cause any distortion or interference whatsoever with respect to any other electronic device in the subdivision.

26.0 **Pre-existing Violations**

26.1 Improvements which are existing as of the effective date of these guidelines and which are in violation of these guidelines (and therefore, ordinarily will not receive ACC approval) should receive ACC approval as long as they do not violate the CC&R's and the owner submits a Request for Home Improvement Approval form and other information required by these guidelines.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL  
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was FILED in FPI 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

DEC 28 2001



*Beverly B. Kaufman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS