

**ARCHITECTURAL GUIDELINES
FOR
ENCHANTED VALLEY HOMEOWNER'S ASSOCIATION, INC.**

WHEREAS, that certain instrument entitled "Declaration of Amended Restrictions, Covenants and Conditions Enchanted Valley, Sections One (1), Two (2), Three (3) and Four (4)" filed of record in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File No. 20080357308 ("Declaration") encumbers all of the Lots in the following subdivisions:

Enchanted Valley, Section One (1), a subdivision recorded in Harris County, Texas, according to the map or plat thereof filed of record in Volume 156, Page 101 of the Map Records of Harris County, Texas;

Enchanted Valley, Section Two (2), a subdivision recorded in Harris County, Texas, according to the map or plat thereof filed of record in Volume 177, Page 129 of the Map Records of Harris County, Texas;

Enchanted Valley, Section Three (3), a subdivision recorded in Harris County, Texas, according to the map or plat thereof filed of record in Volume 181, Page 81 of the Map Records of Harris County, Texas; and

Enchanted Valley, Section Four (4), a subdivision recorded in Harris County, Texas, according to the map or plat thereof filed of record in Volume 262, Page 54 of the Map Records of Harris County, Texas.

(all subdivisions listed above collectively hereinafter referred to as "Properties");

WHEREAS, Article V, Section 5.1 of the Declaration provides:

SECTION 5.1. PRIOR APPROVAL. No building, structure or improvement shall be placed, erected or installed upon any Lot, no construction (which term shall include within its definition staking, clearing, excavation, grading, and other site work), no exterior alteration or modification of existing buildings, structures or improvements upon any Lot shall be commenced until the requirements below have been fully met, and until the written approval of the Architectural Control Committee has been obtained pursuant to Section 5.2 below.

All new Dwelling Units constructed on any portion of the Properties shall be designed by and built in accordance with the plans and specifications of a licensed architect or licensed building designer.

The Board of Directors shall have the authority and standing, on behalf of the Association, to enforce in courts of competent jurisdiction decisions of the Architectural Control Committee established in Section 5.2.

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WHEREAS, Article V, Section 5.2 of the Declaration provides:

SECTION 5.2. ARCHITECTURAL CONTROL COMMITTEE ("ACC").

The ACC shall consist of at least two (2), but not more than five (5), persons and shall have exclusive jurisdiction over all original construction and all modifications, additions, or alterations on any portion of the Properties. The Board of Directors shall appoint the members of the ACC, who shall serve and may be removed at the discretion of the Board of Directors. The members of the ACC may include Board members, architects, engineers and other persons who are not members of the Board. Provided, however, the Board in its sole discretion may serve as the ACC. Plans and specifications showing the nature, kind, shape, color, size, materials, and location of such new construction, modifications, additions, or alterations, shall be submitted to the ACC for approval as to quality of workmanship and design and as to harmony of external design with existing structures, location in relation to surrounding structures, topography, and finish grade elevation. Nothing contained herein shall be construed to limit the right of an Owner to remodel the interior of his Dwelling Unit, or to paint the interior of his Dwelling Unit any color desired; provided modifications or alterations to the interior of screened porches, patios, and similar portions of a Dwelling Unit visible from outside the Dwelling Unit shall be subject to approval hereunder. In the event that the ACC fails to approve or to disapprove such plans or to request additional information reasonably required within forty-five (45) days after submission, the plans shall be deemed approved.

WHEREAS, the Board has elected to serve as the ACC;

WHEREAS, Article V, Section 5.3 of the Declaration provides:

SECTION 5.3. ARCHITECTURAL GUIDELINES. The ACC from time to time may establish, supplement or amend Architectural Guidelines, providing an outline of minimum acceptable construction standards and guidelines for improvements; provided, however, that such guidelines will serve as a minimum, only, and the ACC may impose other requirements in connection with its review of any proposed buildings, structures or improvements. If the Architectural Guidelines impose requirements that are more stringent than the provisions of this Declaration, the provisions of the Architectural Guidelines shall control. Any Architectural Guidelines or amendments there to adopted by the ACC must be approved in writing by the Board, if there is a separate ACC.

WHEREAS, Section 204.010(a)(18) of the Texas Property Code provides a property owners association may adopt architectural control guidelines; and

WHEREAS, the Architectural Control Committee ("ACC") desires to establish standards and guidelines with respect to the type, quality and color of exterior buildings, additions and

HP 062-62-1854

improvements on Lots within the Properties to be followed by the ACC, so that a harmonious exterior design within the Properties is consistently maintained.

NOW, THEREFORE, the ACC hereby adopts the following standards and guidelines relating to landscaping, buildings and improvements on Lots within all existing and future sections of the Properties after the initial construction of the Dwelling or Dwelling Unit (hereinafter "Dwelling") on Lots pursuant to the authority granted by the provisions of the Declaration ("Architectural Guidelines").

I. DEFINITIONS

Unless otherwise noted, all capitalized terms used herein shall have the same meanings as that ascribed to them in the Declaration.

II. OVERVIEW

The purpose of architectural design review is to keep the Properties attractive for the enjoyment of residents and for the protection of property and property values. The Declaration authorizes the ACC to establish rules, standards and procedures for the orderly development of the Properties and requires Owners to obtain the prior written approval of the ACC for any buildings, additions, or other improvements to be constructed or modified on Lots. This is to ensure that the improvements comply with the provisions of the Declaration and Architectural Guidelines and are compatible with existing improvements. The ACC has established these Architectural Guidelines in accordance with the authority granted to them by the provisions of the Declaration and the Texas Property Code. These Architectural Guidelines supplement the provisions of the Declaration, which must still be reviewed to ensure compliance.

These Architectural Guidelines have been established to assure uniform and fair application of the Declaration and are intended to provide all Owners in the Properties with information about: the type, color, quality of materials which may be used in the construction of various kinds of structures and improvements; the permissible size and locations of such improvements; and information about the procedures used by the ACC in reviewing applications for proposed improvements.

The ACC reserves the authority to review and approve applications for buildings, additions, and other improvements which are not expressly addressed in these Architectural Guidelines. These Architectural Guidelines may be amended by the ACC, as it deems necessary and appropriate.

III. Application Procedure

3.1 **Submission.** All applications for approval to make any exterior changes, additions or improvements, visible outside of a Lot after original construction of the Dwelling on a Lot must be submitted to the ACC in writing by completing the application form in use by the ACC. Plans and specifications for any exterior change, addition or improvement must be attached to the application. The application must be supported by the following information, as appropriate:

PP 062-52-1055

- RP 062-52-1856
- (i) Two (2) copies of an accurately drawn and dimensioned site development plan indicating the location of any and all improvements, including, specifically, the Dwelling and any accessory buildings to be constructed on said Lot, the location of all driveways, walkways, decks, terraces, patios and other improvements and the relationship of the same to any setback requirements applicable to the Dwelling or other improvement.
 - (ii) Two (2) copies of a foundation plan, floor plans and exterior elevation drawing of the front, back, and sides of the Dwelling or other improvement to be constructed on the Lot.
 - (iii) Two (2) copies of written specifications and, if requested by the ACC, samples indicating the nature, color, type, shape, height and location of all exterior materials to be used in the construction of the Dwelling or other improvement on the Lot, including, without limitation, the type and color of all brick, stone, stucco, roofing and other materials to be utilized on the exterior of a Dwelling or other improvement and the color of paint or stain to be used on all doors, shutters, trim work, eaves and dormers on the exterior of such Dwelling or other improvement.
 - (iv) A written statement of the estimated date of commencement, if the proposed improvement is approved, and the estimated date of completion.
 - (v) Such other plans or other information or documentation as may be required by the ACC.

The ACC reserves the right to request any additional information deemed by it to be necessary to properly evaluate the application. In the event that the ACC requests additional information, the application shall be deemed to be disapproved, whether so stated in the written communication, and a new time period (as addressed below) shall commence upon the receipt by the ACC of the additional information. All applications shall be mailed or delivered to the office of the managing agent of the Association.

3.2 ACC Decisions. ACC members shall consider each application for compliance with the provisions of the Declaration and with these Architectural Guidelines. The decision of a majority of members to approve or disapprove an application shall be considered the decision of the ACC.

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

In accordance with the Declaration, any application that is not approved or disapproved within forty-five (45) days of the date of its actual receipt shall be deemed to have been automatically approved; provided, however, that no such deemed approval shall operate to permit an Owner to construct any improvement that violates the provisions of the Declaration or these Architectural Guidelines. All approved exterior changes, additions or improvements shall be commenced within ninety (90) days of the date of approval by the ACC, unless a later commencement date is approved by the ACC.

HP 062-52-1857

IV. Contractor/Owner Construction Requirements

The Owners contract with their selected contractors to provide construction services. It is the Owner's responsibility to ensure the contractor is aware of and understands the requirements of these Architectural Guidelines. The Owner and contractor acknowledge and accept the authority of the Association to require certain standards. The Owner and contractor acknowledge and accept the authority of the Association to enforce adherence to these Architectural Guidelines through legal action. The Owner and contractor agree to abide by the following:

- (1.) The burning of construction material, debris and other scrap on the property is strictly prohibited.
- (2.) The work site shall be kept clean. The Owner and the contractor are responsible for all trash and debris being picked up and removed promptly. No dumping within the Properties is allowed.
- (3.) Contractors are responsible for keeping mud, dirt, etc. off the roadway and meeting all E.P.A. requirements regarding movement of silt and other materials from construction site to drainage swales and/or adjacent properties. Contractors will be responsible for repair to any road, road right-of-way, shoulders or drainage swales damaged during the course of construction.
- (4.) Dumping or cleaning of cement trucks or dumping of construction material **is not allowed** within the Properties.
- (5.) Construction access is limited to applicant's property. Any damage done to Association and/or neighboring property shall be restored to the original condition as determined by the Association and/or neighbor.
- (6.) No building materials or contractor's equipment shall be left on the street overnight.

V. General Guidelines

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

- (1.) The quality of construction and materials, colors, exterior design (elevations), size (dimensions), location and appearance, all of which must be harmonious with existing and other proposed improvements and the design concept of the Properties;
- (2.) The location of an improvement must comply with all applicable setbacks set forth in the Declaration. No improvement shall be located on a utility or drainage easement unless approved by the Owner of the easement and the ACC.

Note: The ACC cannot grant permission to place an improvement on an easement; consent to encroach upon a utility or other easement must be obtained in writing from the Owner of the easement.

- (3.) An improvement which is intended for other than single-family residential purposes, or which may be or become an annoyance or nuisance to surrounding residents, is not permitted.
- (4.) An improvement must be located so that its use will not infringe upon the rights of adjacent Owners or increase the risk of damage to adjacent property.

The ACC may also consider the provisions of the Declaration and applicable statutes, ordinances, and building codes. However, approval of an application shall not be construed as a warranty or representation by the ACC that the change, addition or improvement, as proposed or as built, complies with any or all applicable statutes, ordinances or building codes, or as a warranty or representation by the ACC of the fitness, design or adequacy of the proposed improvement.

5.2 Grandfather Clause. Buildings and other improvements erected prior to the date these Architectural Guidelines were adopted by the Board, which buildings and improvements were either (i) previously approved by the ACC or the Board and/or (ii) are in compliance with the Declaration shall be deemed to be in compliance with these Architectural Guidelines. From and after the date these Architectural Guidelines are adopted by the Board, all new buildings and improvements and any alterations thereto must comply with these Architectural Guidelines.

VI. Specific Guidelines

6.1 Fences.

6.1.1 General. All fences (or fence type walls) must be constructed of wood (cedar, redwood, or treated pine), or composite/vinyl appearance of wood, wrought iron, or brick, and maintained. No fence or fence-type wall of any kind or character or for any purpose, which is over eight feet (8') in height, except a hedge, shall be erected or permitted on any Lot and no fence or wall of any character shall be erected or permitted on any Lot between the street and the projection of the residence building lines. The tops of fences must be level. If the topography of the Lot varies, the bottom of a fence should "step" up or down (stagger) as required so that the top of the fence is always level with the horizon.

6.1.2 Gates. All gates shall be constructed with material that is compatible with the appurtenant fence. The hinges and latches used on a gate must be consistent with the style and quality of hinges and latches used throughout the Properties.

6.1.3 Color. No portion of a wood fence on a Lot which is visible from a street shall be painted or stained without the prior written approval of the ACC.

6.1.4 Attachments. No improvements or materials of any type may be attached to a fence unless otherwise approved in writing by the ACC.

6.2 Swimming Pools, Spas, Hot Tubs and Ground Level Decks. Swimming pools, spas, hot tubs, decks, and other ancillary structures are restricted to the rear yard and must adhere to the following guidelines.

6.2.1 Location. No portion of the pool structure may encroach the utility easement without written consent from the utility companies involved. Decking may encroach into the easement with Owner awareness that if a utility company should require access to that area, the Owner is financially responsible for replacement of the deck located in the easement. Pool decks may extend beyond the established side setback lines so long as an adequate area (minimum 2 feet) remains between decking and side property lines to ensure proper drainage is maintained.

6.2.2 Height. Pool decks or freestanding ground level wood decks must not exceed eighteen inches (18") in height. Swimming pool appurtenances, such as rock waterfalls and slides must not exceed six feet (6') in height. Above ground spas must not exceed four feet (4') in height and any decking surrounding the structure must not exceed that height.

6.2.3 Fencing/Screening. All private swimming pools and spas must be completely enclosed by fences and gates. The gate must be constructed of the same material as the fence, per these Architectural Guidelines. Pool equipment must be immediately screened from the street in front by the rear yard fence (wood) or landscaping and from visible common areas by landscaping.

6.2.4 Construction Access. Pool construction access routes are on either side of the house (within the Lot property lines). Access routes must be stated on the application. If an Owner wishes to use an alternative access route over Association property, it must be submitted with the reason for the variance and each request will be considered on a case by case basis. If any pool or space construction access route is granted to an Owner and is over or through (1) a landscape area maintained by the Association; or (2) a sidewalk; then either the Owner or pool contractor must submit a deposit check in the amount to be determined by the Association (\$1,000 minimum). The Association reserves the right to request a higher deposit amount depending on the access route and estimation of possible damage to landscaping and irrigation. The deposit will be returned based on the following conditions: (1) there is no damage to the landscape area or sidewalk; or (2) any damage is repaired to the satisfaction of the Association. The Association may retain all or any portion, of the deposit according to the extent of the damage as determined by the Association. Nothing herein shall prevent the Association from seeking damages in excess of the deposit amount.

6.2.5 Maintenance. All swimming pools and spas must be properly maintained year-round to comply with all County and State regulations. Pool backwash lines are to be tied into the sanitary sewer per the MUD district

HP 062-52-1859

requirements. Proper area drainage must be maintained and pool run off drainage must not affect neighboring properties. If area drains are routed to the street through the curb, the curb must be patched, replaced, and maintained in good condition.

6.2.6 Prohibited Structures. Portable or permanent above ground swimming pools are strictly prohibited.

6.2.7 Required Submittal Information. Along with the completed application, a copy of the Lot survey by a professional land surveyor is required (the survey received at closing). The pool must be imaged onto the survey. In addition, the pool plan sketch/detail, the location of the pool equipment, the filter type, access route information, and contractor name/phone number must be included.

6.3 Outbuildings.

6.3.1 General Rules. Any type of building or structure which exists on a Lot but is not attached to the Dwelling on the Lot, other than the Dwelling itself or a detached garage, shall be deemed to be an outbuilding, including without limitation, a tool shed, a storage shed, a gazebo and a play structure. Only two (2) outbuildings are permitted on a Lot, without the express written approval of the ACC. An outbuilding visible from the street shall not exceed twelve feet (12') in height from the highest point of the structure and unless otherwise approved by the ACC on a case-by-case basis depending on the size of the Lot and location of the outbuilding shall not exceed one hundred (200) square feet. The standard, type, quality and color of the materials used in the construction of an outbuilding shall be harmonious with the standard, type, quality and color of the materials used in the construction of the Dwelling on the Lot. No exterior portion of an outbuilding shall be metal. The roof of an outbuilding shall conform to the provisions relating to roofing materials set forth in the Declaration and these Architectural Guidelines shall be compatible with the color and type of materials used in the construction of the Dwelling. An outbuilding must be located in the rear yard of the Lot and if visible from the street, be concealed from view behind a fence at least as tall as the storage building. Additionally, playground and equipment of any type or amenity structures of any type are permitted only when the specific Lot involved is completely enclosed by fences. An outbuilding shall be no nearer to a side Lot line from the rear Lot line than the applicable setbacks.

6.3.2 Clotheslines. No clotheslines shall be erected or installed on the front exterior portion of any Lot.

6.3.3 Above-Ground Improvements. All above-ground storage tanks, storage buildings, mechanical equipment, wood piles, barbeque pits, yard equipment and other similar items on Lots shall be located or screened so as to be concealed from the view of neighboring Lots, streets, and property located adjacent to the Lot. Provided, however, no storage building within sight of the street can exceed eight feet (8') in height and all storage buildings that would be within sight of the street must be

PP 062-52-1861

concealed from view behind a fence at least as tall as the storage building.

6.3.4 Gazebos. For the purposes hereof, a gazebo shall be defined as a free standing, open framed structure with lattice-type walls. Gazebos are typically circular or octagonal shaped structures. There are two (2) permissible types of gazebos:

- a. Conical shaped (peaked) roofed gazebos. These gazebos cannot exceed twelve feet (12') in height (height measured from the ground to the highest point of the gazebo) and the horizontal supports cannot exceed eight feet (8') from the deck level. Decks shall not exceed two feet (2') in height measured from the ground.
- b. Flat lattice (arbor type) roofed gazebos. These gazebos cannot exceed ten feet (10') in height measured from the ground and the horizontal supports cannot exceed eight feet (8') in height from the deck level.

For both types of gazebos, the footprint area is limited to one hundred (100) square feet (typically 10' by 10'). All gazebos must have a permanent roof with materials conforming to the provisions of the Declaration and these Architectural Guidelines. The materials used in construction of the gazebo shall be harmonious with the standard, type, quality and color used in the construction of the Dwelling of the Lot. Louvered or trellis style gazebo roofs may be allowed as long as the quality of materials is approved in writing by the ACC. Pressure treated wood may be stained or painted. Water and electricity may be permitted upon approval of the ACC so long as there is compliance with the National Electrical Code. All pipes and cables must be underground. A gazebo must be located a minimum of six feet (6') from rear and side property lines. No gazebo shall be approved for construction on utility or drainage easements or in a manner that causes water to flow onto an adjacent Lot.

6.3.5 Children's Play Structures. For the purposes hereof, a children's play structure shall mean any type of children's swing set, play set, climbing structure, slide, trampolines or play fort. No play structure shall be approved for construction on utility or drainage easements or in a manner that causes water to flow to an adjacent Lot. Play structures, playhouses, and fort style structures are limited to (i) a maximum overall height of twelve feet (12'), and (ii) an above ground grade platform maximum height of four and one-half feet (4½'). The intent of this provision is to offer optimum private enjoyment of adjacent properties.

6.4 Patio Covers.

The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in the construction of the Dwelling; provided, however, that corrugated roofs for patio covers and aluminum patio covers shall not be permitted under any circumstances. If siding is used on a patio

cover, it must be of the same type, quality, and color as the siding on the Dwelling. Roofing materials on a patio cover shall conform to the provisions relating to roofing materials set forth in the Declaration and these Architectural Guidelines. Louvered or trellis style patio cover roofs are allowed only with the prior written approval of the ACC. Pressure treated wood may be stained or painted provided the color shall conform to the provisions relating to painting set forth in these Architectural Guidelines. Any patio cover which is not attached to the Dwelling shall be subject to the provisions of these Architectural Guidelines relating to gazebos. Professionally installed and engineered patio systems will be permitted with approval.

A patio cover shall not encroach on any utility or drainage easement, nor shall it violate the building setback line applicable to the Dwelling on the Lot. A patio cover shall not impede or impair drainage or cause water to flow onto any adjacent Lot.

A patio cover must be adequately supported and constructed of sturdy materials so that the patio cover has no visible sagging or warping.

A patio cover which is attached to the Dwelling shall be securely attached at a height not less than seven feet (7') nor more than twelve feet (12') from the ground. A patio cover which is attached to a detached garage or breezeway must be securely attached at a height below the eaves of the structure at a height of not less than seven feet (7') nor more than nine feet (9') from the ground. The roof of a patio cover shall have an attractive slope away from the Dwelling at an angle, which does not exceed that of the roof on the Dwelling.

The roof of a patio cover (other than arbor or trellis type) must be covered with shingles complying with the provisions of these Architectural Guidelines relating to roofing materials and slope set forth in Sections 6.8 and 6.14 of these Architectural Guidelines. In cases where it is not possible to have the required slope the ACC may approve a flat type roof with a modified membrane type roofing material provided the color and appearance of such roofing closely matches the roofing of the Dwelling.

If any portion of the patio cover has a peaked or cone-shaped roof, that portion of the patio cover must also comply with the provisions of these Architectural Guidelines relating to conical shaped (peaked roofed) gazebos, including size, location and height.

6.5 Patio Enclosures.

A "patio enclosure" is any patio cover which has exterior walls and/or screens (other than "sun rooms" as defined in these Architectural Guidelines). All structural components of a patio enclosure, including roofing materials, shall be subject to provisions of these Architectural Guidelines relating to patio covers. This section describes additional requirements for walls, screens and frames used to enclose a covered patio or deck.

The standard, type, quality and color of the materials used in the construction of a patio enclosure must be harmonious with the standard, type, quality and color of the materials used in the construction of the Dwelling. Exterior walls of a patio enclosure shall be constructed of brick or siding which is of the same type, quality, and color as those of the Dwelling on the Lot. Aluminum siding is not allowed. Patio enclosure screens must be the same color as existing window screens on the Dwelling and must have adequate cross-member support to avoid sagging. The exterior color of doors, sills, beams, frames, or other visible supports must match the exterior colors of the Dwelling or the color of existing window frames.

RP 062-52-1862

6.6 Exterior Lighting.

6.6.1 Changes to Existing Lighting. Outside lighting may be replaced with a new fixture provided that the wattage of the new fixture does not exceed 150 watts. Existing gas lighting may be converted to an electric incandescent bulb provided that (a) the incandescent bulb is a clear glass type, (b) the wattage of the bulb does not exceed 100 watts, and (c) the lighting color is white. In no event shall the lighting illuminate beyond the boundaries of the Lot on which the lighting is located or be directed to shine in a manner which disturbs the occupants of an adjacent Lot.

6.6.2 New Lighting.

- a. Security Lighting. Security lighting shall be permitted with the ACC's approval so long as lighted area does not illuminate areas beyond the limits of the Lot. Incandescent, reflector, down-directed or flood lights are preferred over the radial light style of mercury vapor lights. All security lighting shall be mounted behind the back plane of the Dwelling or garage. No pole mounted security lights or lights mounted upon fences, trees or structures shall be permitted. No security light fixture shall be allowed above the eaves of the Dwelling or garage or more than ten feet (10') from the ground. Exceptions to mounting security lighting behind the back plane of the Dwelling and/or allowing security lighting above the eaves of the Dwelling or garage may be granted by the ACC if the design and location of the Dwelling and/or garage on a Lot warrant an exception. Installation of all light fixtures must be approved by the ACC. No sodium vapor lights or quartz lights will be permitted. All wiring must be installed within walls or otherwise in a manner so that the wiring is not visible from the exterior of the Dwelling.
- b. Lamppost. Only one (1) gas lamppost may be approved for placement in the front yard, it must not be placed in the street right-of-way and must luminate white. Lamppost must not exceed seven feet (7') in height, including the globe(s) and any decorative components. Post must be constructed of metal in one of the following colors: black, bronze, white or earth tone. The lamppost must harmonize with the architecture of the residence and neighborhood.

6.6.3 Annoyances. The Board reserves the right to require the removal or modification of any lighting which it reasonably determines to be an annoyance or nuisance to the occupants of any adjacent Lot.

6.7 Painting.

No exterior surface of a Dwelling, garage, or other improvement on a Lot shall be painted or repainted without the prior approval of the ACC. This provision applies to existing, as well as new construction. Color samples or "paint chips" of the proposed exterior color(s) must be attached to

PP 062-52-1063

each application submitted to the ACC. The ACC may maintain a chart depicting examples of the colors and shades for the exteriors of Dwellings and other improvements on Lots within the Properties. The color samples or paint chips shall be compared to the colors and shades of colors set forth on the color chart to assure that each approved color is harmonious with the color scheme established for the Properties. The exterior color must not only be an earth tone or forest tone, but also an acceptable shade of an earth tone or forest tone color. Iridescent colors or tones considered by the ACC to be brilliant are not permitted. The following additional guidelines shall also apply:

- 6.7.1 Harmonious Colors. The proposed colors must be harmonious with each other and with the colors of exterior brick and roofing materials.
- 6.7.2 Principal Colors of Dwellings. The principal color of the Dwelling and garage situated on a Lot, including the garage door, must be a muted tone.
- 6.7.3 Trim. Soffit, fascia board, window and door trim and rain gutters must also be an earth tone or forest tone color; however, the shades of trim color may be deeper than the principal color of the Dwelling or garage.
- 6.7.4 Gutters. When rain gutters are painted, the paint color must match the color of the fascia board trim. When "maintenance-free" gutters are installed or replaced, the color must match (as closely as possible) the fascia board trim.
- 6.7.5 Accents. Shutters, window hoods, the side panels of doors and windows and the exterior surfaces of doors may be painted with the approval of the ACC (excluding garage doors), including trim colors. Unless otherwise approved by the ACC, the garage door color must match the primary color of the Dwelling. Only one accent color is permitted per Lot. Exterior doors may be stained a natural wood color or may be painted to match the other accents, trim, or principal color of the Dwelling.
- 6.7.6 Outbuildings. Any outbuilding which has a roof shall also be subject to these painting guidelines and shall be painted in a color to match the overall color of the Dwelling.
- 6.7.7 Recommendations. Although not required for approval, the following are recommended:
 - a. In most cases, it is more attractive to paint trim the same color as the principal color of the Dwelling and to use a different color for accents.
 - b. When a different color is used for trim, the color should be a moderately darker shade of the principal color and the accents should be painted to match the trim. Extreme color differences or use of more than two colors on a Dwelling should be avoided.

HP 062-52-1064

6.8 Roofing Materials and Additions.

6.8.1 Materials. All Dwellings must have roofs with a pitch of not less than two inches (2") on twelve inches (12") of roof surface. Flat roofs are not allowed. Unless otherwise approved by the ACC, the roofs of Dwellings, accessory buildings and other improvements shall be constructed of, or covered with: (1) "Elk Prestique II" or like type composition shingles; or (2) other materials comparable in quality and weight. Roof colors must be approved.

6.8.2 Roofing Additions. No skylights, solar panels, roof ventilators or similar types of additions shall be permitted on the front of the roof ridge line and/or gable of a Dwelling or other improvement. Skylights, solar panels, roof ventilators and the like are subject to approval by the ACC. No solar or other energy collection panel, equipment or device shall be permitted on the roof of a Dwelling if visible from any street. All roof ventilators shall be located to the rear of the ridge line and/or gable of the Dwelling or other improvement and shall not extend above the highest point of such structure. The ACC shall have the right to approve exceptions to the foregoing in cases where safety or energy conservation and heating/cooling efficiency require ventilators that, because of a particular roof design, cannot be screened from public view. The color of roofing additions must match existing roof vents (if any) or be harmonious with the color of roofing materials.

6.9 Birdhouses. Birdhouses shall be permitted without the approval of the ACC, subject to the following:

- a. Birdhouses may only be located in the rear yard of a Lot;
- b. No birdhouse shall be larger than two feet (2') in width, two feet (2') in length and two feet (2') in height;
- c. No birdhouse shall be situated higher than ten feet (10') above the ground; and
- d. The materials used in the construction of a birdhouse and the color of a birdhouse must be approved by the ACC.

6.10 Window and Door Awnings. Awnings which are visible from any street are not permitted. All awnings must be approved in writing by the ACC.

6.11 Antennae.

No exterior antennas, aerials, satellite dishes, or other apparatus for the reception of television, radio, satellite or other signals of any kind shall be placed, allowed, or maintained upon any Lot, which are visible from any street, Common Area or another Lot, unless it is impossible to receive an acceptable quality signal from any other location. In that event, the receiving device may be placed in the least visible location where reception of an acceptable quality signal is possible. The Board of Directors may require painting or screening of the

RR 062-52-1865

receiving device, which painting or screening does not substantially interfere with an acceptable quality signal. In no event are the following devices permitted: (i) satellite dishes, which are larger than one (1) meter in diameter; (ii) broadcast antenna masts, which exceed the height of the center ridge of the roofline; or (iii) MMDS antenna masts, which exceed the height of twelve feet (12') above the center ridge of the roofline. Unless otherwise permitted by law negating the provisions of restrictive covenants to the contrary, no exterior antennas, aerials, satellite dishes, or other apparatus shall be permitted, placed, allowed or maintained upon any Lot, which transmit television, radio, satellite or other signals of any kind. This section is intended to be in compliance with the Telecommunications Act of 1996 (the "Act"), as the Act may be amended from time to time; this section shall be interpreted to be as restrictive as possible, while not violating the Act.

6.12 Garage Conversions. No garage on a Lot shall be converted to living space.

6.13 Basketball Goals. A basketball goal shall not be installed or erected on a Lot without the prior approval of the ACC. A basketball goal is subject to the following:

- a. A basketball goal must be mounted either on the garage wall or roof with the backboard parallel to the automobile entrance; or on a rigid steel or aluminum pole (no wooden poles).
- b. The backboard material must be fiberglass or safety glass. The color must be clear (safety glass), gray or white with the exception of the white, black, orange or red manufacturer's outline markings. The rim should be of heavy gauge steel and red, black or orange in color. The net must be maintained in good condition as determined by the ACC.
- c. The backboard supports must be firmly attached to the structure, using either lag bolts into underlying support members (garage studs or trusses) or threaded bolts and nuts through the structure's roof or wall. Nails, by themselves, are not permitted. Mounting supports may be of wood, steel, or aluminum. Supports must be painted with a color that complies with the provisions of these Architectural Guidelines relating to painting.
- d. All pole-mounted basketball goals must be located behind the front building line. A pole mounted goal shall not be located within ten feet (10') of an adjacent Lot Owner's amenities (air conditioning unit, shrubbery, gas meter, driveway, etc.) unless properly protected (i.e., by fence or shrubbery), as determined by the ACC. The pole must have a manufacturer's weather resistant finish and be painted black or gray.
- e. An application for approval of a permanent basketball goal should include a detailed sketch of the goal's proximity and relationship to the adjacent Lot and, in pole mounted cases, include a description of the amenities on the adjacent Lot.
- f. Applications must include the following:
 - i) Roof or Wall-Mounted Goals: A photograph or detailed sketch showing the proposed location of the goal on the garage.

RI 062-52-1866

062-52-1057

- ii) Pole-Mounted Goals: A copy of the Lot survey showing the exact location of the proposed goal relative to the front of the Dwelling, Lot lines, and easements.
- iii) Goals Located Near a Lot Boundary Line: Photographs showing the exposed side of the adjacent Lot and an indication of the distance between the proposed goal and the nearest amenities on the adjacent Lot.
- g. The basketball goal, rim and net must be maintained at all times or the basketball goal must be removed.
- h. The Board may revoke its approval and require removal of any basketball goal which it reasonably determines to be an annoyance or nuisance to the occupants of any surrounding residents.
- i. A portable basketball goal must comply with the provisions of subsections d, g and h of this Section 6.13 these Architectural Guidelines applicable to permanent basketball goals. A portable basketball goal shall not be located in a street or for use from a street or sidewalk for any length of time.
- j. Basketball courts and basketball goals are prohibited from being placed in rear yards of Lots.

6.14 Sunrooms. A sunroom is any room with glass-enclosed walls or a glass ceiling. The ACC may reject an application to construct a sunroom on a Lot on the basis of its overall design and conformity with existing structures regardless of whether or not the proposed sunroom complies with the technical specifications set forth below.

- a. Applications must be accompanied by a detailed scale drawing or blueprint showing the three (3) dimensional relationship of the sunroom to the existing structure. Applications must also include a plot plan showing the location of the sunroom in relation to all Lot boundary lines, the Dwelling, easements and building setback lines. Applications must also include a detailed material list and the name, address, and business phone number of the contractor or installer. Applications may be rejected for failure to provide any of these required items.
- b. A sunroom may be added to the rear of the Dwelling only. Applications for sunrooms on cul-de-sac Lots and corner Lots where the rear of the Dwelling faces a street or other community property will be considered on a case-by-case basis.
- c. Supporting structural members must be of a color and shade similar to and harmonious with the exterior color of the Dwelling. Glass must be tinted in a shade compatible with the exterior of the Dwelling. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Applicants may be required to submit actual samples of the glass with the proposed shading/tinting material applied for approval.

HP 062-52-1868

- d. The floor of the sunroom must be of reinforced concrete slab construction with three inch (3") minimum thickness. No other flooring material will be permitted.
- e. Only safety glass will be permitted for the panes. No fiberglass, plexiglass, plastic, acrylic, mesh, or other materials will be allowed. Safety glass must be a minimum 3/16" thick if tempered glass or a minimum 1/4" thick if laminated glass. Maximum width of glass between support trusses will be three feet (3') measured center-to-center.
- f. Support trusses (glazing bars) must be constructed of aluminum or aluminum alloys with electrostatically applied coloring/paint to withstand 100 m.p.h. wind and 25 lbs. per square foot. No natural aluminum oxidation coloring will be allowed. No wood, composite, steel, fiberglass, or plastic trusses will be allowed. Trusses must be of structural box or I-beam construction. Round, oval, or "T" shaped trusses will not be allowed.
- g. The roof of a sunroom must have a minimum pitch of one inch (1") per twelve inches (12") of projection. The sunroom may not project more than twenty feet (20') measured from the rear facing plane of the Dwelling. The sunroom may not project beyond either side-facing plane of the Dwelling. A sunroom may not encroach on any existing setbacks or easements.
- h. Sunrooms are only permitted as ground structures. The maximum height of the roof, measured from the concrete floor, may not exceed either twelve feet (12') or the height of the eaves of the wall that the sunroom projects from, whichever is lower.
- i. If ceiling lighting is installed, it must be downward-directed, focused, low-wattage track lighting. Any electrical plug outlet installed within the trusses/glazing supports must be of the UL approved Ground Fault Interrupt (GFI) type.
- j. Sunrooms may not have turbine-type or forced fan roof ventilators installed. Only natural draft/convection flow panels that open may be installed. Panels that open may not exceed 36" x 36" in size and must be at least three feet (3') in any direction away from adjoining opening panels.
- k. Sunrooms may not have exposed air conditioning or heating ductwork installed on the exterior thereof. Vents must be attached to the Dwelling. No ductwork shall be visible.
- l. Window coverings are not required. However, only interior coverings will be permitted; there shall be no exterior covering of the sunroom glass allowed. The side of the window covering facing the exterior must be of a neutral, earth-tone color or forest tone, which must also blend with the exterior color of the Dwelling. If there is covering on any one (1) window,

then all windows must be covered with the same treatment. Color and material samples of coverings may be required to be submitted for approval, at the discretion of the ACC.

6.15 Signs and Billboards. No sign or emblem or banners of any kind may be kept or placed upon any Lot or mounted, painted or attached to any dwelling, fence or other improvement upon such Lot so as to be visible from public view except the following:

- (1) For Sale (or Rent) Signs. An Owner may erect one (1) sign on his/her Lot, not exceeding six (6) square feet in area and extending not more than five and one-half feet (5 1/2') above the surface of such Lot advertising the property for sale or rent. For Sale signs shall be removed within twenty-four (24) hours of closing.
- (2) Political Signs. Owners may place ground signs on their Lot, which advertise a political candidate or ballot item for an election ("Political Signs"), provided the following criteria are met:
 - (a) No Political Sign may be placed on an Owner's Lot prior to the ninetieth (90th) day before the date of the election to which the sign relates, or remain on an Owner's Lot subsequent to the tenth (10th) day after the election date.
 - (b) No more than one (1) Political Sign is allowed per political candidate or ballot item.
 - (c) No Political sign may: contain roofing material, siding, paving, materials, flora, one (1) or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component; be attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object; include the painting of architectural surfaces; threaten the public health or safety; be larger than four feet by six feet; violate a law; contain language, graphics, or any display that would be offensive to the ordinary person; or, be accompanied by music, other sounds, by streamers or is otherwise distracting to motorists.
- (3) School Spirit Signs. Signs containing information about one (1) or more children residing in the dwelling and the school they attend shall be permitted so long as the sign is not more than six square feet.
- (4) Security Signs/Stickers. Signs or stickers provided to an Owner by a commercial security or alarm company providing service to the dwelling shall be permitted so long as the sign is not more than 8" x 8" or the sticker is no more than 4" x 4". There shall be no more than one (1) sign and no more than six (6) stickers located on the windows or doors. Stickers shall also be permitted upon windows and doors for the "Child

HP 062-52-1869

Find” program or a similar program sponsored by the local police and/or local fire department.

- (5) Specialty/Signs. Special event signs or banners (not to exceed 3' x 3'), such as signs announcing birthday or births, may be displayed for a temporary period of time not to exceed seven (7) days prior to the event and three (3) days after the event. This section shall not be construed to prevent an Owner from displaying holiday decorations for a temporary period of time in accordance with Section 7.15 of the Declaration.
- (6) Commercial Signs. Contractor signs or other commercial signs are only allowed during the time the construction or other services is being rendered.

6.16 Solar Screens, Window Tint. The color of any solar screens or window tint must be harmonious with that of the Dwelling. The frames of the screens must match the color of the window frames of the Dwelling, or must match the color of the solar screen material. If any window is covered, all of the windows on the same side of the building must also be covered. The width of the screen frames must match individual window size (i.e. double-width screens are not allowed). Frames should have appropriate cross-member support to prevent sagging. Window tint shall be harmonious, shall not be reflective and must be maintained to prevent peeling, cracking, or irregular discoloration.

6.17 Skateboard Ramps. Permanent skateboard ramps are not allowed. Temporary skateboard ramps must be stored out of view when not in use and may never be used in the street or on sidewalks.

6.18 Soccer Goals. Permanent soccer goals are not allowed. Temporary soccer goals must be stored out of view when not in use and may never be used in the street or on sidewalks.

6.19 Exterior Siding. The exterior siding proposed to be used on any existing structure or new Improvement on the Lot other than the Dwelling, must be compatible with the type, quality, size, and color of the siding on the Dwelling. All siding is subject to the approval of the ACC; provided that, aluminum, steel, or other metal siding is not acceptable. The following additional guidelines apply to exterior siding:

- a. minimum of a 20-year warranty from a reputable manufacturer (warranty information should be submitted with the application);
- b. thickness, visible width, and spacing of siding must be consistent with that of the original exterior siding; each application submitted to the ACC shall specify the thickness, width and spacing of the existing and proposed siding, and shall include a sample of the proposed siding material;
- c. color of all siding (including siding that is not painted) must comply with the provisions of these Architectural Guidelines relating to painting and each application must include at least two (2) color samples of the proposed siding color;

- d. must be installed and maintained to avoid sagging, waving, warping or irregular coloration; the Board may require the Owner (at the Owner's sole responsibility and expense) to repair or replace siding that fails to adhere to these Architectural Guidelines.

The exterior of the Dwellings must comply with the provisions of the Declaration.

6.20 Flag Poles. The Association encourages its residents to display the American flag at appropriate times. However, flag poles are considered an architectural improvement, and therefore, require ACC approval and compliance with the provisions of the Declaration. Flags shall not be used to advertise or promote any product, service or commercial enterprise.

Each Lot may have not more than two (2) removable, wall-mounted flag poles or masts, which must be securely attached to the Dwelling or garage. The pole or mast may not exceed three feet (3') in length. The pole or mast must be removed whenever the flag is not being displayed.

**CERTIFICATE OF SECRETARY OF
ENCHANTED VALLEY HOMEOWNER'S ASSOCIATION, INC.**

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, Linda Bagley, Secretary of Enchanted Valley Homeowner's Association, Inc. (the "Association"), do hereby certify that at a regular meeting of the Association's Board of Directors (the "Board") duly called and held on the 2nd day of February, 2009, with at least a quorum of the members of the Board being present and remaining throughout, and being duly authorized to transact business, the foregoing "Architectural Guidelines for Enchanted Valley Homeowner's Association, Inc." were duly approved and adopted.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing resolution was approved as set forth above and now appears in the books and records of the Association.

TO CERTIFY which witness my hand this the 2nd day of February, 2009.

ENCHANTED VALLEY HOMEOWNER'S ASSOCIATION, INC.

By: Linda Bagley
Linda Bagley, Secretary