

## **WATERVIEW ESTATES OWNERS ASSOCIATION, INC.**

### **ARCHITECTURAL GUIDELINES**

#### **1.0 INTRODUCTION**

##### **1.1 Waterview Estates Owners Association, Inc.**

Waterview Estates is a community located in Richmond, Texas and consists of 1172 single family residences. The objective of these guidelines is to achieve quality and uniformity in building construction, community cohesiveness, environmental compatibility and desirable visual results.

##### **1.2 Intent of Guidelines**

The Architectural Guidelines are intended for the use of the residents and homeowners who wish to make improvements. They are aimed at providing an attractive, coordinated physical environment. Certain standards have been adopted for key design factors to provide continuity and ensure that neighboring projects reinforce each other's quality. While the specific guidelines and restrictions will form the basis for consideration of applications for improvements, the conformity of the improvement with the overall plan of development for the community will be a major consideration.

The Architectural Guidelines contain the standards adopted by the Board of Directors of the Waterview Estates Owners Association but do not necessarily represent all of the restrictions which may be applicable to a specific lot or parcel of land. Other restrictions may be contained in:

- The property deed;
- The recorded subdivision plat;
- The "Covenants, Conditions and Restrictions"

##### **1.3 Architectural Control Committee**

In order to insure the integrity of the concepts defined in these Guidelines, changes in external appearance and construction of any type will be subject to review by the Architectural Review Committee. The Architectural Review Committee (The Committee) is created by the Waterview Estates Covenants, Conditions and Restrictions and operates in accordance with these provisions. The Committee shall have the power to employ professional consultants to assist it in discharging its duties.

##### **1.4 Function of the Architectural Review Committee**

No improvement, as that term is hereinafter defined, shall be erected, constructed, placed, altered (by addition or deletion), maintained or permitted to remain on any lot until plans and specifications, in such form and detail as The Committee may deem necessary, shall have been submitted to and approved in writing by such committee.

###### **1.4.1 *Definition of "Improvement"***

Improvement shall mean and include all buildings, any roofed structures, waterfront structures, parking areas, fences, walls, edges, mass plantings, poles, driveways, ponds, swimming pools, tennis courts, changes in any exterior color or shape and any new exterior construction or exterior improvement which may not be included in any of the foregoing. It does not include garden shrub or tree replacements or any other replacement or repair of any magnitude which

does not change exterior colors or exterior appearances. It does include both original improvements and all alter changes and improvements.

#### **1.4.2 *Basis of Approval***

Approval of plans and specifications shall be based, among other things, on:

- Adequacy of site dimensions
- Structural design
- Conformity and harmony of external design and of location with neighboring structures and sites.
- Relation of finished grades and elevations to neighboring sites
- Conformity to both the specific and general intent of the protective covenants, conditions and restrictions.

#### **1.4.3 *Application Procedure***

All applications to The Committee must be submitted in writing by completing the application form currently in use by the Committee, copies of which can be obtained from the managing agent of Waterview Estates Owners Association (The Managing Agent). The application must be accompanied by all necessary information to allow the Committee to make an informed decision. The Committee reserves the right to request any additional information deemed by it to be necessary in order to properly evaluate the application. In the event the Committee requests additional information and the applicant does not provide such information in a timely manner, the application shall be deemed denied. However, the applicant may thereafter submit a new application with the requested information to the Committee for its review. All applications (and any subsequent appeals) shall be mailed or delivered to the office of the Managing Agent.

#### **1.4.4 *Application Review Procedure***

- 1.4.4.1** The Committee delegates to the Managing Agent the initial review of each application and authorizes the Managing Agent to make decisions on its behalf based on the following guidelines.
- 1.4.4.2** Any application that clearly meets all the requirements of the Guidelines and is in full compliance with Waterview Estates Declaration of Covenants, Conditions and Restrictions (The Declaration) shall be approved. All others shall be disapproved.
- 1.4.4.3** In accordance with the Declaration, any application that is not approved, disapproved or rejected within forty-five (45) days after its receipt shall be conclusively presumed to have been disapproved, EXCEPT that the Committee has no right or power, either by action or failure to act, to waive or grant any variance from the requirements of the Declaration, except as specifically provided therein.
- 1.4.4.4** All decisions shall be conveyed in writing by the Managing Agent 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 disapproval of the application.
- 1.4.4.5** In the event that a homeowner has not received an approval, disapproval or rejection within forty-five (45) days as noted in 1.4.4.2, the homeowner must contact the Managing Agent to verify the status of his application prior to taking any action on his proposed improvement and must follow the advice provided at that item by the Managing Agent.

- 1.4.4.6** Unless otherwise stated in the Committees written response, all approved exterior changes, additions or improvements shall be completed within sixty (60) days of the date construction, installation or erection is commenced.

**1.4.5 *Appeal Procedure***

- 1.4.5.1** In the event that the Managing Agent disapproves an application, the applicant may within thirty (30) days submit a written appeal to the Committee with any additional information the applicant considers relevant to the original application.
- 1.4.5.2** The Committee shall have thirty (30) days to review the appeal and make a decision.
- 1.4.5.3** The decision of a majority of the members of the Committee to approve or to disapprove an application shall be considered the decision of the Committee.
- 1.4.5.4** All decisions by the Committee shall be conveyed in writing by the Managing Agent 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 disapproval of the application.
- 1.4.5.5** Unless otherwise stated in the Committee's written response, all approved exterior changes, additions or improvements shall be completed within sixty (60) days of the date construction, installation or erection is commenced.
- 1.4.5.6** In the event that the appeal is denied by the Committee, the applicant may within thirty (30) days submit a written appeal to the Board of Directors.
- 1.4.5.7** The Board of Directors shall review the appeal at one of its next two (2) meetings following the date upon which the appeal is received and notify the applicant of the Board's decision. All decisions provided by the Board of Directors shall be considered final.
- 1.4.5.8** All decisions by the Board of Directors shall be conveyed in writing by the Managing Agent 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 disapproval of the application.
- 1.4.5.9** Unless otherwise stated in the Boards written response, all approved exterior changes, additions or improvements shall be completed within sixty (60) days of the date construction, installation, or erection is commenced.
- 1.4.5.10** Status of Application during Appeal. During the appeal period, the decisions on the original application shall remain in effect. Failure of the Committee or of the Board of Directors to respond to a request for reconsideration within forty-five (45) DAYS OF THE DATE OF ITS RECEIPT SHALL not automatically result in approval of the original application.

**2.0 SITE PLANNING CRITERIA**

**2.1 Utility Easements**

All single family residential lots contain a utility easement along the rear property line for the distribution of dry utilities such as electrical, telephone, gas and cable television service. Wet utilities, such as water and sanitary sewer lines are located (in most cases) along the front of the lot. Selected lots may contain a side lot utility easement for the purpose of completing circuits or distribution systems. Both the recorded subdivision plat and the individual lot survey should be consulted to determine the size and location of utility easements on a specified lot. Encroachment of structures upon the utility easement is prohibited. The Committee cannot approve any improvement that encroaches on this easement but can provide

conditional acceptance of all other aspects of the proposed improvement, where appropriate. It is strictly the homeowners' responsibility to seek approval from the utilities for any such encroachment.

## **2.2 Grading and Drainage**

- 2.2.1 The drainage of any Lot shall not be impeded or altered without the approval of the Committee.
- 2.2.2 Cutting, breaking or remaining any of the street curb for lot drainage is not permitted
- 2.2.3 Pop-Up emitters and French drains are permitted, but they must be located in a manner to avoid damaging the street or its sub-grade, and the must be submitted to the Committee for approval.
- 2.2.4 Repair of any damage to the sidewalk, curb, street or its sub-grade resulting from "pop-up emitters" or curb cutting breakage or removal shall be the responsibility of the owner of that Lot.
- 2.2.5 All improvements shall be designed so that there will be no drainage into a neighbor's yard.

## **3.0 Architectural Design Criteria**

The intent of this section is to define the basic criteria for the construction of structures within Waterview Estates. Emphasis is on quality in material, design, and construction in order to promote well-crafted residences within the various communities.

No improvement shall be erected, constructed, placed, altered, maintained or permitted to remain on any Lot until plans and specifications shall have been submitted to and approved in writing by the Committee.

### **3.1 Lot Coverage**

- 3.1.1 Total Lot Coverage of buildings, driveways, walks and other structures shall not exceed sixty percent 60% of the total Lot area for standard single-family residential developments. Pools, spas and decks are not considered structures for the purpose of calculating Lot coverage.

### **3.2 Landscaping Plant Beds**

- 3.2.1 Minimum planting bed width of five feet (5') from the house foundation;
- 3.2.2 A maximum of seven (7) types of plant species may be utilized in the plant beds;
- 3.2.3 Landscape border is not required, but encouraged. Acceptable landscape border includes, Ryerson steel, brick set in mortar, stone laid horizontally and continuous and concrete bands.
- 3.2.4 Builder brick is not permitted to be used as landscape border.
- 3.2.5 The use of gravel or rock in front yard planting beds is prohibited
- 3.2.6 All plant beds are to be mulched with shredded pine bark or shredded hard wood
- 3.2.7 All front yards of completed homes must be sodded with St. Augustine or a hybrid thereof

### **3.3 Window Treatment**

- 3.3.1 Wood, vinyl or metal windows may be used. When vinyl or metal windows are utilized the finish shall complement the color and the architectural style of the house. No mill finish aluminum will be acceptable.
- 3.3.2 No glass or glazing that is reflective will be allowed on any front façade, or on any façade, which is visible from a public street, lake, common area or neighbor's property.
- 3.3.3 The use of wrought iron ornamentation on the exterior of any window is prohibited without the prior approval of the Committee.

- 3.3.4 The color of any solar screens must be harmonious with that of the house. The frames of the screens must match the window frames. 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.
- 3.3.5 Window coverings facing a street or waterfront must complement the color of the house.

### **3.4 Roof Treatment**

#### **3.4.1 Materials**

- 3.4.1.1 Roofing materials used on all homes shall be covered with asphalt architectural dimensional composition shingles or fiberglass composition shingles with a minimum manufacturer guarantee of twenty-five (25) years.
- 3.4.1.2 The color of any shingles must be weathered wood

### **3.5 Garages**

- 3.5.1 No garage shall ever be changed, altered or otherwise converted for any purpose inconsistent with the housing of a minimum of a two (2) automobiles at all times;
- 3.5.2 All garage doors should be of metal design and of a color which complements the adjacent wall.
- 3.5.3 All changes to the external appearance of any structure (including garages) must be submitted to the Committee for approval.

### **3.6 Sidewalks**

- 3.6.1 Sidewalks must be concrete and should be five feet (5') in width parallel to the street curb
- 3.6.2 Must be at least two inches (2") back from the property lines of the Lot into the street right-of-way.
- 3.6.3 Corner lots shall have such sidewalk both parallel to the front lot line and parallel to the side street lot line.
- 3.6.4 Sidewalks shall comply with all federal, state and county regulations respecting construction and/or specifications, if any.

### **3.7 Driveways**

- 3.7.1 Driveways are to be built in street right-of-ways.
- 3.7.2 To the extent possible, driveways are to be de-emphasized, highlighting instead the landscape and pedestrian environment.
- 3.7.3 Concrete driveways are to be a minimum four inches (4") thick over a sand base.
- 3.7.4 A number six (#6), six inch (6") by six inch (6") woven wire mesh shall be installed within the "drive-in" portion of the driveway between the curb and sidewalk.
- 3.7.5 County specifications regarding driveway cuts and curb returns at driveway openings shall be adhered to.
- 3.7.6 Must be paved with concrete or unit masonry.
- 3.7.7 Use of materials shall be consistent with the architectural character of the community.
- 3.7.8 Stamped or colored concrete, interlocking pavers, brick pavers and brick borders are allowed, however, they must be approved by the Architectural Control Committee.
- 3.7.9 Asphalt paving is prohibited.
- 3.7.10 Driveways serving residences with attached side or rear loaded garages and/or detached garages facing the street shall be eighteen feet (18') in width for lots great than fifty-five feet (55') wide and sixteen feet (16') in width for lots 55' and smaller.
- 3.7.11 Circular drives are not permitted.

### **3.8 Outdoor Lighting**

- 3.8.1 Floodlighting fixtures shall be attached to the house or an architectural extension.
- 3.8.2 Floodlighting shall not illuminate areas beyond the limits of the property line.
- 3.8.3 Ornamental or accent lighting is allowed, but should be used in moderation and compliment the associated architectural elements.
- 3.8.4 Moonlighting or up lighting of trees is allowed, but the light source must be hidden.
- 3.8.5 Colored lenses on low voltage lights, colored light bulbs, florescent and neon lighting is prohibited.
- 3.8.6 Mercury vapor security lights, when the fixture is visible from public view or from other lots, is prohibited.
- 3.8.7 Mercury vapor lights, when used for special landscape lighting affect (such as hung in trees for up or down lighting) is permissible.

### **3.9 Exterior Paint**

- 3.9.1 Any change in exterior colors must be submitted to and approved by the Committee. The palette of exterior colors for each residence shall be selected to complement, coordinate or harmonize with the colors of building materials which are used in their natural state, such as brick, stone, copper, etc. The use of pastel colors or primary colors is prohibited and may be used only by special approval of the Committee.
- 3.9.2 The front door of all residences shall be stained or painted and remain in good repair.
- 3.9.3 The color of the stain and/or paint of the front doors shall be such color that is in harmony with the color scheme of the community and must be approved by the Committee.

### **3.10 Mechanical Equipment**

- 3.10.1 All air conditioning compressors, power and meter boxes and pool equipment shall be completely screened from public view. Screening may consist of architectural or planning elements as approved by the Committee. The planting elements must be evergreen.
- 3.10.2 No antenna, tower, satellite dish or similar device for receiving and/or sending signals shall be erected constructed or placed on any Lot for any purpose without prior written approval from the Committee.
  - 3.10.2.1 Satellite dishes must be less than one (1) meter in diameter. Satellite dishes and other similar communications antennae must be installed on the home or garage and must not be visible from the street in front of the house.
  - 3.10.2.2 The color of a satellite dish or other similar communications antenna shall be harmonious with the color of the house.
- 3.10.3 Any and all lines and/or wires for communication or for transmission of sound or current, not within a building, shall be constructed or placed and maintained underground.

### **3.11 Walls, Fences and Hedges**

- 3.11.1 No wall, fence or hedge shall be erected or maintained nearer to the front Lot line than ten feet (10') behind the front building line on such Lot
- 3.11.2 On corner Lots they may not be nearer to the side Lot line than the property line parallel to the side street
- 3.11.3 No side or rear fence, wall or hedge shall be more than six feet (6') in height from the FHA Grading Plan for the Lot
- 3.11.4 Fences erected by the builder or developer may be eight feet (8') in height.

- 3.11.5 Any wall, fence or hedge (except entry area walls, and fences or walls erected on a Lot by the Developer, or its assigns) shall pass ownership with title to the Lot and it shall be Owner responsibility to maintain said wall, fence or hedge thereafter.
- 3.11.6 All fences and walls adjacent to any Reserve, entry gate or any public street shall be entirely of material as designated by the Association, with color, manufacturer and type, column design and fence specifications set by the Architectural Control Committee.

### **3.12 Building Maintenance**

- 3.12.1 Each residence shall be maintained in a neat, clean, orderly condition by the owner/resident. Periodic repairs shall be made to correct any condition which suggests visual deterioration of a residence.

### **3.13 Signage**

- 3.13.1 No sign, including political signs, advertisements, billboards or advertising structures of any kind shall be displayed, maintained or placed in the public view on or from any part of the Property or on any Lot, with the following exceptions:
  - 3.13.1.1 Signs temporarily used by the owner on a Lot, of not more than six (6) square feet, advertising the Lot for sale or rent, or signs of architects and builders during the period of construction and sale of improvements on any Lot.
  - 3.13.1.2 A "YARD OF THE MONTH" sign temporarily loaned to the owner of a Lot by Waterview Estates.
  - 3.13.1.3 **Home Security Signs** for the purpose of warning of the presence of a home security system. These shall be small, inconspicuous and discretely placed. Each sign shall be from a professional security company and should not exceed one (1) square foot in area. One (1) sign shall be allowed in the front yard and one (1) shall be allowed within the rear, fenced in portion of the lot. Each sign must be mounted on a stake; however, the top of the sign shall not exceed two feet (2') from the ground level when installed and must be no further than three feet (3') away from the house or garage. The text and overall appearance of the signs must be acceptable and must primarily provide a security warning without prominent advertising of any business. Signs must be maintained in good condition and the Committee may require the removal of signs that have deteriorated. In addition to (or instead of) signs, home security warning decals may be displayed on first floor windows or doors, provided that each decal is not larger than three (3") wide by four inches (4") tall. Not more than one decal may be displayed per window or door, provided the decals do not otherwise violate these guidelines.
  - 3.13.1.4 **School "Booster" signs.** Only one (1) sign shall be allowed. It must be an official, professionally made sign from a neighborhood school. It shall be small, and must be discretely placed only in the shrubbery immediately adjacent to the front of the house.

### **3.14 Play Structure**

- 3.14.1 All play structures that are visible to the public (includes adjacent neighbors) must receive prior approval of the Committee. Play structures must also adhere to the following guidelines:
  - 3.14.1.1 Must be made of materials (wood with fabric or shingled covers) that complement the overall plan of development for the community.

- 3.14.1.2 Must be made of materials (wood with fabric or shingled covers) that complement the overall plan of development for the community
- 3.14.1.3 Must not encroach on easements or building set-back boundaries;
- 3.14.1.4 No part of the structure may exceed twelve feet (12') in total height from the ground;
- 3.14.1.5 Any part of a play structure that exceeds ten feet (10') in height must be positioned a minimum of fifteen feet (15') from the fence lines of the property.
- 3.14.1.6 Canvas or fabric roof covers must be of solid earth tone color (e.g.; green, brown, tan);
- 3.14.1.7 Shingled roof covers must match the roof of the house in type, quality and color;
- 3.14.1.8 Wooden roofs must match the wood of the play structure;
- 3.14.1.9 Metal roofs are not permitted;
- 3.14.1.10 In no event shall a play structure be placed in a front yard;
- 3.14.1.11 If a play structure is placed on a side yard, it must sit back a minimum of ten (10') from the front of the house in accordance with the Waterview Estates fence guidelines.
- 3.14.1.12 Play structures visible from a public street, common or lake area, or located on property boundaries must be screened from view by fences, wall or evergreen plantings or a combination thereof. Screening with evergreen plants is to be accomplished with installation of fence-height plants, not ultimate growth at maturity.
- 3.14.1.13 Play structures are to be kept in good repair at all times.

### **3.15 Yard Art**

- 3.15.1 No yard art (e.g.: statues, fountains or other exterior objects of a decorative nature) may be placed within public view without the prior approval of the Committee. All applications must include a drawing of the proposed object and specify the size, color, material and proposed location of the object.
- 3.15.2 Approval shall not be granted for any items containing moving parts or producing noise of any volume.
- 3.15.3 The color of all exterior objects must be earth tone and must complement or coordinate with the overall plan of development for the community.
- 3.15.4 Each Lot is subject to a maximum of two decorative appurtenances that are not to exceed 36' in height
- 3.15.5 Yard art must be maintained in good repair at all times

### **3.16 Basketball & Similar Games**

- 3.16.1 All basketball or similar structures must receive prior approval of the Committee. These structures must also adhere to the following guidelines:
  - 3.16.1.1 No permanently installed poles will be permitted.
  - 3.16.1.2 Portable basketball poles and attached backboards will be permitted
  - 3.16.1.3 Goal must be installed on the interior side of the driveway
  - 3.16.1.4 Backboards may not face the street
  - 3.16.1.5 Backboards must be pole mounted and may not be installed on any structure
  - 3.16.1.6 All equipment, including poles, support brackets and netting shall be maintained in good condition
  - 3.16.1.7 Netting is limited to Nylon or similar cord netting.



**3.16.1.8** Metal and/or chain netting is prohibited

**3.17** **Playground Equipment**

3.17.1 Maximum overall height of eleven feet (11') excluding a canopy or twelve and one-half feet (12 1/2) including a canopy

3.17.2 An above ground grade platform may be maximum height of sixty-two inches (62")

**3.18** **Window and Door Coverings**

3.18.1 No aluminum foil or other reflective material shall be used or placed over doors or on windows.

**3.19** **Holiday Decorations**

3.19.1 Exterior Thanksgiving decorations may be installed no earlier than November 10<sup>th</sup> of each year and should be removed no later than December 1<sup>st</sup> of each year

3.19.2 Exterior Christmas decorations may be installed the day after Thanksgiving each year and must be removed no later than January 5<sup>th</sup> of each New Year.

3.19.3 All other holiday decorations may be installed three (3) weeks prior to and must be removed by one (1) week after each respective holiday.

3.19.4 Holiday decorations shall not be so excessive as to cause a nuisance to neighboring homes.

**3.20** **Outbuildings**

3.20.1 An "outbuilding" is defined as any structure, which is not attached to the main structure. This definition does not include bonafide additions to the main residence or garages, but does include storage sheds, gazebos, and playhouse/forts. All outbuildings should only be constructed in the rear of the backyard.

3.20.2 The colors should match or blend with the predominant exterior colors of the main residence.

3.20.3 Materials should match those of the main residence in both size and color; however, the Committee will consider small prefabricated metal storage buildings providing the color blends with the main residence.

3.20.4 Storage sheds should have a peaked roof, no higher than eight (8') feet from the ground to the highest point, and a maximum of ten by twelve (10' x 12') feet of floor space. The structure must be kept a minimum of five (5') feet off any property line and distance from side fence will be determined based on visibility from the street in front of the lot. Location must also be far enough away from the fence to allow for drainage to occur entirely on the Owner's lot.

3.20.5 Any storage building placed on a concrete slab on top of a utility easement will require a letter of Consent to Encroach, as it will not be considered portable. If a storage building is on a utility easement, but is not on a slab and can be moved, the Committee will consider it as portable.

3.20.6 No storage building can be built up against any side or rear wall of a home unless its maximum height is less than six (6') feet and it is not visible above the fence. It must also comply with all the other requirements for proper construction, size and location.

3.20.7 If the storage building is under six (6') feet, it may be placed in side yard provided five (5') feet minimum set back is observed.

3.20.8 For Playhouse/Fort- refer to Section 17.0

3.20.9 A freestanding gazebo must be at least six (6') feet away from the house. The gazebo, at the peak of the structure, must not be higher than ten (10') feet and must be five (5') feet away from any property line. If the roof is shingled, it must match the house shingles.

3.20.10 No tether pole, play net or any other recreational facility shall be erected on any Lot in a location that is visible from the front of the Lot or from the street abutting the Lot, except for basketball goals that are maintained in good condition.

3.20.11 A screened enclosure shall be no higher than twelve (12') feet and shall not create a domed or arched appearance.

**3.21 Patio Covers**

3.21.1 Should be constructed of materials which complement the main residence.

3.21.2 Prefab covers made of aluminum may be approved provided that they are of a color that substantially matches the house and/or trim color.

3.21.3 Unfinished aluminum will not be approved

3.21.4 All metal must be painted to match the main structure

3.21.5 Maximum height at the peak of the roof is 12 feet (12')

Adopted by affirmative vote of the Board of Directors this 16<sup>th</sup> day of June, 2016.

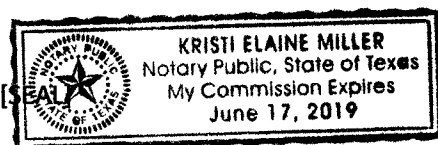
  
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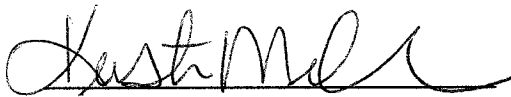
STATE OF TEXAS §

COUNTY OF FORT BEND §

Before me, a notary public, on this day personally appeared Jacey Jetton, President of Waterview Estates Owners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and, being by me first duly sworn and declared that he executed same in the capacity and consideration therein expressed.

Given under my hand and seal of office this the 16<sup>th</sup> day of June, 2016.



  
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Notary Public