

ARCHITECTURAL GUIDELINES
AND
RULES AND REGULATIONS
FOR
APRIL VILLAGE, SECTION ONE AND LAKESIDE PLACE, SECTION
SEVEN, BOTH HARRIS COUNTY SUBDIVISIONS
ADOPTED BY
UNANIMOUS WRITTEN CONSENT OF THE BOARD OF DIRECTORS
OF
THE APRIL VILLAGE COMMUNITY ASSOCIATION, INC.

We, the undersigned, being all of the members of the Board of Directors of the APRIL VILLAGE COMMUNITY ASSOCIATION, INC. d/b/a APRIL VILLAGE/LAKESIDE PLACE COMMUNITY ASSOCIATION (the "Association"), a Texas non-profit corporation organized under the Texas Non-Profit Corporation Act, as presently constituted, do by this writing consent to the following actions and adopt the following resolution:

WHEREAS, by that certain instrument entitled "DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS" filed of record in the Official Public Records of Real Property under County Clerks File Number F215105 and that certain instrument entitled "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (LAKESIDE PLACE, SECTION SEVEN (7))" filed of record in the Official Public Records of Real Property under County Clerk's File Number F671338 (the "Declarations") every lot within APRIL VILLAGE, SECTION ONE and LAKESIDE PLACE, SECTION SEVEN, both Harris County subdivisions according to the maps or plats thereof, respectively filed in Volume 250, Page 8 and Volume 249, Page 66 of the Map Records of Harris County, Texas, (the "Subdivisions") were made subject to the covenants, conditions and restrictions set forth in the Declarations; and

WHEREAS, Paragraph 2 of the Declarations provides: "No building or improvements of any character shall be erected or placed or the erection 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 has been submitted to and approved by the Architectural Control Committee..."; and

WHEREAS, Section 204.010(a)(6) of the Texas Property Code empowers the Association, acting through its Board of Directors, to implement written architectural control guidelines; and

WHEREAS, the Board of Directors of the Association desires to: (i) promulgate rules and regulations and architectural guidelines related to the appearance, use and maintenance of the Subdivisions, and (ii) establish procedures for the orderly review

of construction plans, specifications and guidelines with respect to the design, color and location of buildings and improvements and any changes thereto so that a harmonious exterior design within the Subdivisions is consistently maintained.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Association hereby adopts and implements the following rules and regulations, procedures, and guidelines relating to all buildings, additions, improvements, and structures in the Subdivisions and the overall appearance, use and maintenance of the Subdivisions, which shall supplement the Declarations.

I. OVERVIEW

The Board of Directors of the Association has established the following outline of architectural guidelines and rules and regulations in accordance with the authority granted to them by the provisions of the Declarations and the Texas Property Code. The guidelines are established to assure a uniform and fair interpretation of the Declarations and the power of the Association related to architectural control and regulation of the appearance of the Subdivisions. The guidelines are intended to provide all lot owners in the Subdivisions with information relating to (i) the design, color, location and grade of materials which may be used in the construction of various kinds of structures and improvements, (ii) the size and location of such improvements and structures and (iii) the procedure utilized by the Association with respect to applications for proposed improvements and structures and allocations thereto.

These procedures and guidelines may be amended by the Board of Directors of the Association from time to time as it deems necessary and appropriate.

II. ARCHITECTURAL REVIEW PROCEDURES

2.01 *Applications.* All applications of approval to make any exterior changes, additions or improvements must be submitted to the Board in writing by completing the application form currently in use by the Association. Complete and final plans and specifications for any exterior addition, change, alteration or improvement should be attached to the application. All applications, additional information, or request for appeal shall be mailed or delivered to the office of the managing agent of the Association, not to the Board.

2.02 *Additional Information.* The Board reserves the right to request any additional information it deems necessary to properly evaluate any application. In the event that the Board requests additional information, the application shall be considered incomplete and denied until such information is submitted to the Board. The time allowance for approval shall not begin until such information is received. In the event that the Board requests additional information and the information is not received within thirty (30) days from the date of the request, the application shall be

considered denied; however, the applicant may thereafter submit a new application with the requested information to the 'Board for its review.

2.03 Board Decisions. The Board shall consider each application for compliance with the Declarations and with these guidelines. The decision of a majority of members to approve or disapprove an application shall be considered the decision of the Board. Board decisions shall be conveyed in writing by the Board or 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.

2.04 Automatic Approval. Subject to Section 2.02 above and as provided in Paragraph 2 of the Declarations, any application that is not approved or disapproved within thirty (30) days of the date of its receipt shall be deemed to have been automatically approved provided, however, that any such approval shall extend only to compliance with these architectural guidelines and in no event shall non-action be deemed to constitute approval of an application for any change, addition, or improvement or any other item that would violate any of the terms in the Declarations.

2.05 Completion Deadline. Unless otherwise stated in the Board'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, unless an extension is otherwise approved by the Board.

III. GENERAL GUIDELINES

3.01 Board Approval Guidelines. The Board shall consider the following factors upon the review of each application for an exterior addition, change, or alteration:

- a. conformity and harmony of external design and location in relation to surrounding structures and topography;
- b. quality of workmanship materials;
- c. dimension, shape, height, and location;
- d. harmony and appeal of exterior design;
- e. structural, mechanical, electrical, and plumbing details;
- f. nature, kind, type, and color of materials; and
- g. such other factors as the Board may deem appropriate.

3.02 Maintenance of Improvements. All improvements and structures must be maintained at all times by the Owner of the Lot in a good, attractive and neat condition, as determined by the Board.

3.03 Prior Written Approval. Unless otherwise specifically provided in these guidelines, all changes, alterations and replacements of residential dwellings, improvements, and other structures must receive prior written approval from the Board.

3.04 No Warranty. The approval of an application shall not be construed as a warranty or representation by the Board 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 Board of the fitness, design or adequacy of the proposed construction.

IV. SPECIFIC GUIDELINES

4.01 Fences.

- a. Pickets. All fences situated parallel to the front lot line or parallel to a side street adjacent to a corner lot shall be constructed with the pickets on the outside so that no posts or rails are visible from the street in front of the lot or from the side street.
- b. Gates. All gates shall be constructed with materials consistent with either the fence material or the house material.
- c. Color and Materials.
 - i. Wooden Fences. No wooden fence may be painted, stained or varnished.
 - ii. Wrought Iron Fences. Wrought iron fences must be black. The height, location and spacing of the bars of all wrought iron fences must be approved in writing by the Architectural Control Committee ("ACC").
 - iii. Chain Link and Wire Fences. Chain link and wire fences are not permitted, except to enclose a swimming pool and only if the chain link or wire fence is not visible from any street.
 - iv. Other Fences. Fence of any other material than that listed above must be approved by the ACC.
- d. Maintenance of Fences. All fences shall be properly maintained and portions replaced as originally constructed or approved to prevent fading, mildewing or disrepair.
- e. Fence Extensions. Fence extensions should be submitted by both owners sharing the side lot line and fence. If both owners do not submit the request, the owner wishing to construct the fence shall submit evidence of written notification within a reasonable time period to the adjoining property owner of the proposed project with the application for approval.

4.02 Swimming Pools, Spas, and Jacuzzis.

General. No swimming pool, spa or jacuzzi shall be approved unless the area in which the pool is to be located is either enclosed by a six foot (6) fence constructed with materials approved by the ACC with a maximum of three inches (3") between each bar or such a fence is proposed to be constructed in conjunction with the swimming pool. During construction, the pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists. If a portion of an existing fence is removed during construction, a temporary fence or barrier must be erected to fully enclose the area in which construction is taking place. Excavated material shall either be used on site or immediately removed from the premises by the pool contractor. The construction of all swimming pools, spas, and jacuzzis must be in compliance with the national electrical code and include the installation of a ground fault circuit interrupter. There shall be no surface discharge on the lot or to an adjacent property. No swimming pool, spa or jacuzzi shall be constructed in a manner to impede drainage on a lot or to cause water to flow on an adjacent lot. Generally, swimming pools, spas and jacuzzis should be located at least five feet (5') from a side or rear lot line to maintain proper drainage. Pools, spas and jacuzzis should not encroach into any utility easement without the prior consent of the utility company.

In Ground. An application for the construction of a swimming pool, spa or jacuzzi must include a plot plan showing the proposed location of the swimming pool, spa or jacuzzi in relation to the property lines, building lines, existing structures and existing or proposed fences. The application shall also include a timetable for the construction of the swimming pool, spa or jacuzzi and copies of written notifications to adjoining neighbors of the proposed project.

Above Ground. Above ground pools are acceptable provided they are not over four feet (4') in height. Decking around the pool cannot be over eighteen inches (18") above ground to ensure the privacy of neighbors. If there is a walkway around pool, it cannot be wider than two feet (2'), nor higher than the wall of the pool. Railings for walkway cannot be visible above the six foot (6') fence. It must also be five feet (5') from the side and rear fences. The application should include copies of written notifications to adjoining neighbors of the proposed project.

4.03 Outbuildings

- a. General Rules. For the purpose of these guidelines, an "outbuilding" is defined as any structure which is not attached to the main residence. This definition does not include bonafide

additions to the main residence or garage, but does include gazebos, storage sheds, play structures, and play apparatus. Outbuildings not exceeding ten feet (10') in length, ten feet (10') in width, and eight feet (8') in height, shall be permitted on a lot, provided they meet the other standards set forth in these guidelines. If the outbuilding has a platform, the platform can be no higher than four feet (4') off the ground and must be centered in the rear yard to protect the neighbors' privacy. The standard type, quality and color of the materials used in the construction of outbuildings shall be harmonious with those of the main residence on the lot. Provided, however, the ACC may approve small prefabricated metal storage buildings which are (i) a color that blends with the main residence; and (ii) not visible from the street. An outbuilding shall be located in the rear portion of the lot, but may not be located on the rear utility easement unless the outbuilding is movable or the utility company has provided prior written consent. Outbuilding locations must also conform to the building front and side setback restrictions, No outbuilding may be placed or built against any wall of the main residence, unless its maximum height is six feet (6'). Provided, however, if the outbuilding is under six feet (6') in height, it may be located in the side yard. No outbuilding may be located on a lot such that it impedes drainage from the lot or causes water to flow onto an adjacent lot. Further, if an outbuilding is to be constructed or placed on a lot, the lot must be enclosed by a six foot (6') fence, or such fence must also be proposed concurrent with the application for approval. A fence approved in conjunction with an application to construct an outbuilding must be completed within thirty (30) days of the date that the outbuilding construction begins.

- b. Gazebos. For the purposes hereof, a gazebo shall be defined as a free standing structure, whose purpose should not be for any type of storage. These typically are circular or octagonal shaped structures. There are two approved type of gazebos:
 - i. Conical shaped (peaked) roofed gazebos. These gazebos cannot exceed the height of the garage and the vertical supports cannot exceed eight feet (8'), from the deck level. In no event may the maximum height of the gazebo exceed eleven feet (11'). The deck height shall comply with Section 4.05 of these Guidelines.
 - ii. Flat lattice (arbor type) roofed gazebos. These cannot exceed ten feet (10') in height (height measured from the ground) and the horizontal

supports cannot exceed eight feet (8') in height from the

For both structures, the footprint area is limited to one hundred (100) square feet (typically 10' by 10'). The roofs of all gazebos with solid roofs must comply with Section 4.21 of these 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 main residence on the lot, Louvered or trellis style gazebo roofs may be allowed as long as the quality of materials is approved. Pressure treated wood must be stained, painted or covered by shingles. Cedar may be stained, painted or left bare. Water and electricity may be permitted upon approval and according to the national electrical code. All pipes and cables must be underground. No gazebo shall impede drainage on the lot or cause water to flow onto an adjacent lot. An application for approval should include copies of written notifications to adjoining neighbors.

- a. Children's Play Apparatus. For the purposes hereof, a children's play apparatus shall mean any type of children's swing sets, play sets, climbing structure, slides, or raised play sets. A maximum of two (2) children's play apparatuses are allowed on a residential lot. The maximum dimensions for each play apparatus are ten feet (10') in width by fifteen feet (15') in length by eight feet (8') in height. The play apparatus may have no more than two (2) vertical beams with a single horizontal support member between them extending above the eight foot (8') height restriction of the play apparatus. The sole permitted purpose of these extending beams is to support a tarpaulin for a shade area. The beams and their accompanying horizontal cross member may not exceed ten feet (10') in height, measured from the ground. Tarpaulin colors will only be approved if harmonious with the color of the residential dwelling. Play apparatuses may be located behind the front and/or side building setback lines of the dwelling or garage. An application for approval should include copies of written notifications to adjoining neighbors.
- b. Children's Play Structures. For purposes hereof, a children's play structure shall mean any type of children's playhouse, clubhouse or play fort. The same guidelines for play apparatus shall be applicable to play structures.

4.04 Garages. Each residence must have an attached garage or a detached garage for two (2), but not more than three (3) cars. Garage conversions shall be permitted, provided the exterior of the garage is not altered and driveways are not removed from the front yard.

4.05 Decks. Decks must be approved by the ACC with respect to location and the standard, type, color and quality of the materials used in construction. Appropriate fences may be required by the ACC if any portion of a proposed deck would otherwise be visible from the street or an adjacent lot. No deck shall impede drainage on the lot or cause water to flow on an adjacent lot. No deck other than a second level balcony attached to the main residence shall be constructed more than

eighteen inches (18") above the ground. No deck may encroach into any utility easement without the prior consent of the utility company.

4.06 Exterior Lighting. All security and landscape lighting must be approved by the ACC. Additional lighting should not be of a wattage or lumen count which will affect neighboring homes. Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes or oncoming vehicles. Mercury vapor, fluorescent, and sodium halite lights are not permitted. Yard lights must be: gas or electric; single lamp only; with a maximum height of six feet (6'). Gas or electric lights must be black, brown or white depending on color of house and determination of suitable color will be the decision of the ACC, All new lighting which is approved by the ACC shall be subject to a ninety (90) day trial period to assure that the lighting is not objectionable to surrounding residents, If, at the end of the ninety (90) day period, the ACC determines that the lighting is not unreasonably offensive or an annoyance to surrounding residences, the ACC's approval shall be final; otherwise, the lighting shall be removed or modified in accordance with the decision of the ACC.

4.07 Solar Film. Any solar film applied to windows must receive prior ACC approval and must be made of non-reflective materials.

4.08 Basketball Goals. Basketball goals should be mounted either (a) on the garage wall or roof with the backboard parallel to the automobile entrance, or (b) on a rigid steel or aluminum pole. Mounting supports may be of wood, steel or aluminum. Support bracing must be either black or a color to match the shingles. Poles must either be black or a color in harmony with the color of the residence. For roof mounted basketball goals, the backboard supports must be firmly attached to the structure. All goals must be a minimum of ten feet (10') behind the front building line of the dwelling on the lot that extends from the front of the house or garage parallel to the street. A pole mounted goal must not be within ten feet (10') of the adjoining neighbor's amenities (air conditioning unit, shrubbery, gas meter, etc.) unless properly protected (i.e., by fence or shrubbery) or unless the written consent of the neighbor is obtained. An application for approval to erect a basketball goal must include either a plot plan or a to-scale drawing depicting the location of the goal and its relationship to the adjoining neighbor's property. In the case of a pole mounted goal, the plan or drawing should include the neighbor's amenities and a neighbor's written consent if applicable. The homeowner must maintain the basketball goal in its original approved condition (including rim and net). If lighting is provided for the basketball area, it must comply with the lighting guidelines in Section 4.06. A good neighbor policy concerning noise and disturbing the peace must be followed.

4.09 Storm Windows and Storm Screen/Doors. The frames of storm windows and storm screen doors should be of a color compatible with the exterior of the residence.

4.10 Room Additions. Exterior materials and colors should match the residence as closely as possible. Detailed plans must be submitted to the ACC. Room additions may not encroach into any utility easement unless the utility companies involved have granted their prior written consent to such encroachment. Size and shape of

the addition will depend on architectural style and layout of the home, size of the lot, and how well the room addition integrates with the existing home. Plans for a 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. Room additions cannot exceed more than one-third into the remaining rear yard.

4.11 Decorations. On any portion of a lot visible from any street, there shall be no decorative appurtenances, such as sculptures, birdbaths, birdhouses, fountains or other decorative embellishments placed thereon without prior approval of the ACC. Identifying numbers may be placed on the residence and on any suitable type of freestanding structure in the front yard, such as gas lights or mailboxes.

4.12 Flag Poles. The Association encourages its residents to display the American flag at appropriate times with due respect to national standards. Flag poles, however, are considered an architectural improvement, and therefore require the ACC's approval. Flags may not be used to advertise or promote any product, service organization 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 house or garage. The pole or mast may not exceed six (6') in length from where it is mounted. The pole or mast must be removed whenever the flag is not being displayed. Permanent flags are not permitted. In-ground flag poles (whether temporary or permanent) are not permitted on lots.

4.13 Wind Turbines. Wind turbines should be mounted in the rear portion of the roof so that they are not visible from the front or above the roof line. The wind turbines should either be a color which blends with the shingle color or painted to match the shingle color.

4.14 Outside Carpeting. Outdoor carpeting may only be installed on porch areas (not sidewalks or walkways). Only earth tone colors in shades of brown are acceptable. Specifically, no green or blue carpet is allowed.

4.15 Burglar Bars. Burglar bars must be harmonious with the architecture of the residence and painted to match the exterior trim.

4.16 Sidewalks. No front sidewalk or driveway may be painted or stained.

4.17 Paint Colors. Allowed colors of paint are variations of earth tones, such as tan, sand, cream, brown, green and grey. Any house painting, even if with the existing color, will require ACC approval.

4.18 Parking. No vehicle shall be parked such as to obstruct or block a public sidewalk. No vehicle shall be parked on the grass or lawn of a lot. This restriction shall not apply to any vehicle, machinery, or equipment temporarily parked and in use for the construction, repair and maintenance of a house or houses in the immediate vicinity.

4.19 Semi-permanent Storage. Any automobile, boat, trailer, or other vehicle as specified in deed restriction nine (9) of the Declarations stored in excess of

seventy-two (72) hours shall be considered semi-permanent and subject to the provisions of deed restriction nine (9).

4.20 Tree Removal. No trees between the sidewalk and the curb in excess of six inches (6") in diameter, as measured two feet (2') from the ground, shall be removed, except for diseased or dead trees and trees needing to be removed to promote the growth of other trees or for safety reasons, unless approved by the ACC. In the event of an intentional or unintentional violation of this provision, the violator may be required to replace the removed tree with one (1) or more reasonably comparable trees of such size and number, and in such locations, as the ACC may determine necessary, in its sole discretion, to mitigate the damage.

4.21 Roofing Material. All additions and alterations, including patio covers and roofing, must be coordinated with existing structures, including color, materials, design and construction. No metal, fiberglass, or plastic of a corrugated nature can be used, except that roofing made from such material of 240 lb. weight, which is consistent with the existing structure may be approved on an individual basis.

We direct that this consent be filed with the minutes of the proceedings of the Board of Directors of the Association and be forwarded to all members of the Association.

APRIL VILLAGE

This consent is executed pursuant to Article 9.10 of the Texas Non-Profit Corporation Act which authorizes the taking of action by the Board of Directors by unanimous consent without a meeting. This consent is executed in multiple counterparts, which, when placed together, shall constitute the fully executed original instrument.

BOARD OF DIRECTORS

APRIL VILLAGE COMMUNITY
ASSOCIATION, INC.

DATE: August 11, 1977

By:

Print Name: James Herzberg
Title: Director

DATE: August 11, 1977

By:

Print Name: Steve R. Hardy
Title: Director

DATE: August 11, 1977

By:

APRIL VILLAGE

Print Name: Susan V. Julian
Title: Director

DATE: August 11, 1977

By:

Print Name: Russell Smith
Title: Director

DATE: August 11, 1977

By:

Print Name: George A. de Vassell
Title: Director

STATE OF TEXAS

COUNTY OF HARRIS

Before me, a notary public, on this day personally appeared James Herzberg. 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/she executed same in the capacity and consideration therein expressed.

Given under my hand and seal of office this the 11th day of August, 1977.

Carolyn Wilson
Notary Public – State of Texas

STATE OF TEXAS

COUNTY OF HARRIS

Before me, a notary public, on this day personally appeared Steven R. Hardy. 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/she executed same in the capacity and consideration therein expressed.

Given under my hand and seal of office this the 11th day of August, 1977.

Carolyn Wilson
Notary Public – State of Texas

STATE OF TEXAS

COUNTY OF HARRIS

Before me, a notary public, on this day personally appeared Susan V. Julian , 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/she executed same in the capacity and consideration therein expressed.

Given under my hand and seal of office this the 11th day of August, 1977.

Carolyn Wilson
Notary Public – State of Texas

STATE OF TEXAS

COUNTY OF HARRIS

Before me, a notary public, on this day personally appeared Russell Smith,
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/she executed
same in the capacity and consideration therein expressed.

Given under my hand and seal of office this the 11th day of August, 1977.

Carolyn Wilson
Notary Public – State of Texas

STATE OF TEXAS

COUNTY OF HARRIS

Before me, a notary public, on this day personally appeared George A de Vassell,
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/she executed
same in the capacity and consideration therein expressed.

Given under my hand and seal of office this the 11th day of August, 1977.

APRIL VILLAGE

Carolyn Wilson
Notary Public – State of Texas

CAROLYN WILSON
Notary Public, State of Texas
My Commission Expires Aug. 10, 200
DATE: August 11, 1977