

**CARLTON WOODS  
CREEKSIDE  
DESIGN STANDARDS**

# CARLTON WOODS CREEKSIDE DESIGN STANDARDS

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# CARLTON WOODS CREEKSIDE DESIGN STANDARDS

## PART I- INTRODUCTION

### 1.1 The Carlton Woods Creekside Community

The Carlton Woods Creekside community ("Carlton Woods Creekside") is a private residential enclave within The Woodlands, (Harris County) Texas. A gated community with gateway entrances, landscaping, lighting and other special streetscape details provide a grand and timeless framework for Carlton Woods Creekside.

The Carlton Woods Creekside Design Standards (Design Standards) have been developed to attain a special quality of home design and construction in Carlton Woods Creekside.

By encouraging quality and attention to detail throughout the community, the aesthetic harmony and natural beauty of Carlton Woods Creekside will be preserved and enhanced.

These Design Standards have been established to provide property owners, architects, designers, builders, and general contractors with a set of parameters for the preparation of their drawings and specifications and for construction execution. Please consult the Carlton Woods Creekside Design Committee (CWCDC) concerning the use of this document in the preparation of all development plans.

### 1.2 Background and Purpose of Design Standards

The Design Standards for Carlton Woods Creekside have been established by The Woodlands Land Development Company, L.P. ("Declarant"), pursuant authority set forth in the Declaration of Covenants, Conditions, Restrictions, and Easements for Carlton Woods Creekside (the "Declaration"). The Declaration applies to all lots in Carlton Woods Creekside and provides for standards of architecture, maintenance, use and conduct in order to preserve and enhance the overall community. Article V of the Declaration requires review and prior written approval of plans and specifications for all proposed construction, landscaping, and modifications on the lots in Carlton Woods Creekside by Declarant or its designee, prior to commencing any such activity, except as otherwise provided in that Article.

The purpose of the Design Standards is to facilitate the review process by providing direction to Owners and their contractors in planning, design, and construction of, and modifications to residences, landscaping, and related improvements on lots in Carlton Woods Creekside. These Design Standards, however, are not the sole basis for decisions on architectural and design matters. Compliance with these Design Standards, though required, does not guarantee approval.

### 1.3 Interpretation

The Design Standards shall be employed in conjunction with the Declaration. If there is a conflict between the terms of the Declaration and the terms of the Design Standards, the terms of the Declaration shall control and prevail; provided, the mere fact that the terms of the Design Standards may be more restrictive than the terms of the Declaration, or vice versa, shall not be construed as an express conflict and, in such case, the most restrictive provision shall control and prevail. In the event governmental or quasi-governmental rules, regulations, or requirements which are applicable to Carlton Woods Creekside are more restrictive or more stringent than the terms of the Declaration and/or the terms of the

Design Standards, the applicable governmental or quasi-governmental rules, regulations or requirements shall control and prevail.

Carlton Woods Creekside also is subject to the Declaration of Covenants, Restrictions, Easements, Charges and Liens of The Woodlands Association, Inc. ("TWA Covenants") and the Carlton Woods Association, Inc. ("Association") that Declarant and/or Association have primary authority over architectural controls, covenant enforcement, and standards and rule enactment and enforcement within Carlton Woods Creekside. To this end, by Annexation and Assignment instrument recorded under County Clerk's File No. X647130 of the Official Public Records of Real Property of Harris County, pursuant to authority under Texas law and the TWA Covenants, TWA has assigned to Declarant and the Association certain rights and authority under the TWA Covenants (including rights and authority of the Development Review Committee ("DRC") provided for in the TWA Covenants).

#### 1.4 **Review Authority**

Pursuant to the Declaration, Declarant has exclusive authority over architectural review within Carlton Woods Creekside until all lots planned for Carlton Woods Creekside have been conveyed to persons other than builders and are improved with completed residences or Declarant terminates its authority by recorded instrument. Declarant may, at any time, but shall not be obligated to, delegate authority over all or certain aspects of design review to the Carlton Woods Creekside Design Committee (CWCDC), a committee appointed by the board of directors of the Association, or any other Person or Entity. Declarant or its designee may use architects, engineers, or other professionals to assist in such review. The term "Reviewer," as used in the Declaration and these Design Standards, refers to the entity responsible for review of a particular matter at any given time.

Each Owner is required to comply with the process established in the Design Standards for the submittal, review, and approval of building plans and specifications and landscape plans and specifications ("Plans and Specifications"). Each Owner and each Owner's building team should become familiar with these Design Standards, which have been established to provide Owners and their architects, designers, and builder and any subcontractor (including landscaping and pool) with a set of parameters for the preparation of plans, specifications, and drawings for the construction of residences and related improvements on lots. Owners and their builders are encouraged to consult the Reviewer with questions regarding the application of the Design Standards to the Owners' design concepts prior to the initiation of any design work.

#### 1.5 **Other Requirements**

##### a. Building Code

Where used in these standards, when applicable to residential construction, Building Code ("Code") refers to the most current edition of the *International One and Two Family Dwelling Code* (including without limitation Appendix G, *Swimming Pools, Spas and Hot Tubs*), published by the International Code Council, which is incorporated by reference in and made part of these Standards.

##### b. Initial Land Use Designation

The recorded Initial Land Use Designation (ILUD) limits permissible land uses and sets minimum and maximum building sizes and other constraints.

c. Neighborhood Criteria by Location

Neighborhood Criteria by neighborhood/section establish more specific standards, such as, Setback Lines, architectural guidelines and landscape guidelines based upon characteristics unique to that neighborhood/section or location. All improvements must comply with the Neighborhood Criteria applicable to that lot. In case of a conflict between the requirements of the Neighborhood Criteria and the other provisions of these Standards, the Neighborhood Criteria prevail.

d. Local, State and Federal Law

Municipal Utility District (MUD), city, county, state and federal laws and regulations apply to an improvement or project.

e. Plat

Recorded subdivision plats set minimum setback lines, utility and other easements, street access limitations and other requirements.

**1.6 FUTURE AMENDMENTS**

Declarant may amend these Design Standards as long as it has reviewing authority under the Declaration. Thereafter, the CWCDC may amend them, with the consent of the Association's board of directors. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or in progress. It is the responsibility of the Owners to ensure that they have the most current edition of these Design Standards.

**1.7 DISCLAIMERS**

YOU MAY NOT PLACE OR CONSTRUCT ANY DWELLING, STRUCTURE, OR OTHER IMPROVEMENT ON YOUR LOT WITHIN SECTIONS OF CARLTON WOODS CREEKSIDE WITHOUT FIRST RECEIVING FINAL CONSTRUCTION APPROVAL IN WRITING FROM THE CARLTON WOODS CREEKSIDE DESIGN COMMITTEE (CWDC), IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR CARLTON WOODS CREEKSIDE ("DECLARATION"), AND THE CARLTON WOODS CREEKSIDE DESIGN STANDARDS ("DESIGN STANDARDS"). IT IS THE RESPONSIBILITY OF THE OWNER TO CONVEY THIS INFORMATION TO THE DESIGNER/ARCHITECT, BUILDER/CONTRACTOR, AND ALL OTHER PARTIES AUTHORIZED BY OWNER TO REPRESENT THE OWNER IN THE DESIGN AND CONSTRUCTION APPROVAL PROCESS.

THE STANDARDS AND PROCEDURES ESTABLISHED UNDER THE DECLARATION AND THE DESIGN STANDARDS ARE INTENDED AS A MECHANISM FOR MAINTAINING AND ENHANCING THE OVERALL AESTHETICS OF CARLTON WOODS CREEKSIDE; THEY DO NOT CREATE ANY DUTY TO ANY PERSON. THE DECLARANT OR CWDC MAY BASE ITS REVIEW AND APPROVAL OF ANY APPLICATION FOR THE PLACEMENT OR CONSTRUCTION OF A DWELLING, STRUCTURE, OR OTHER IMPROVEMENT SOLELY ON AESTHETIC CONSIDERATIONS. NEITHER THE CWDC NOR THE CARLTON WOODS CREEKSIDE ASSOCIATION, INC. ("ASSOCIATION"), NOR THE WOODLANDS LAND DEVELOPMENT COMPANY, L.P., OR ITS AUTHORIZED AGENT, THE WOODLANDS OPERATING COMPANY, L.P., IS RESPONSIBLE FOR (I) ENSURING THE

STRUCTURAL INTEGRITY OR SOUNDNESS OF APPROVED CONSTRUCTION, (II) ENSURING COMPLIANCE WITH BUILDING CODES AND OTHER GOVERNMENTAL REQUIREMENTS, OR (III) ENSURING THAT ALL DWELLINGS ARE OF COMPARABLE QUALITY, VALUE, OR SIZE, OF SIMILAR DESIGN, OR AESTHETICALLY PLEASING OR OTHERWISE ACCEPTABLE TO NEIGHBORING PROPERTY OWNERS.

THE CWDC'S APPROVAL IS IN ADDITION TO, AND NOT IN LIEU OF, ANY REQUIRED COUNTY OR OTHER GOVERNMENTAL PERMITS AND APPROVALS. THE APPLICANT IS RESPONSIBLE FOR OBTAINING ALL SUCH PERMITS AND APPROVALS.

THE CWDC AND THE ASSOCIATION ARE NOT RESPONSIBLE FOR, OR GUARANTORS OF, ANY WORK BY ANY BUILDER, ARCHITECT, OR DESIGNER THE CWDC APPROVES ("APPROVED PROFESSIONAL"), FOR WORK WITHIN CARLTON WOODS CREEKSIDE, NOR FOR ANY OBLIGATION OF AN APPROVED PROFESSIONAL TO THE APPLICANT PURSUANT TO ANY CONTRACT FOR THE CONSTRUCTION OR DESIGN OF A DWELLING, STRUCTURE, OR OTHER IMPROVEMENT ON A LOT WITHIN CARLTON WOODS CREEKSIDE. NEITHER CWDC NOR THE ASSOCIATION, NOR THE WOODLANDS LAND DEVELOPMENT COMPANY, L.P. AND ITS AUTHORIZED AGENT, THE WOODLANDS OPERATING COMPANY, L.P. HAS MADE, OR MAKES, ANY WARRANTY OR REPRESENTATION WITH RESPECT TO PERFORMANCE, BY ANY APPROVED PROFESSIONAL UNDER ANY CONTRACT OR OTHERWISE.

## 1.8 DEFINITIONS

The following terms are provided for your convenience in understanding some of the terminology present in this document (see also Figure 1. *Definitions - Illustrative*):

Alley	See Rear Access Lane.
Builder	Builder is the general contractor responsible for the overall construction and supervision of a project
Owner	Owner means the owner of record title to the <i>fee</i> interest in any tract of land, whether or not they reside on the tract
Building Setback	Building Setback is the required distance from a property line that must be free from all main house structures.
Building Zone	Building Zone is that area of a lot contained within the Building Setback and should contain the main house structure.
Construction Activity Zone	Constructi,on Activity Zone is the area in which all activities and disturbance related to the construction of a home must occur. This area is defined by four-foot high orange vegetation protection fencing throughout the life of the construction project



Corner Lot	A corner lot is bounded by street rights-of-way on at least two sides. The front of a corner lot is the side with the greater building setback distance or the shorter dimension.
Declarant	The Woodlands Land Development Company, L. P., a Texas limited partnership, or any successor or assign who takes title to any portion of the property described in Exhibits "A" or "B" of the Declaration for the purpose of development and/or sale and who is designated as Declarant in a Recorded instrument which the immediately preceding Declarant executes.
Development Setback	Development Setback is the required distance from the property line that must be free from all Hardscape improvements.
Development Zone	Development Zone is that area of a lot contained within the Development Setbacks. Rear-served garages and living area above, front porches, and all other hardscape improvements must be contained within this zone.
Easement	An easement is the right of a party to use a portion of another's property for a limited purpose, as set out in a plat, the Declaration, or an Easement Agreement recorded in county Real Property Records. The easements established by the Declaration (the "Covenant Easements") affect all lots within the area of the Declaration. They are set aside to provide utility service and drainage to the surrounding area, and natural vegetative screening and privacy separations or buffer zones between lots. Covenant Easements are 10' wide at the front and rear of a lot, and 5' wide at each side. For zero lot line products, the side easement on one side will be abandoned. Many lots in Carlton Woods Creekside are also affected by Drainage Easements (D.E.), Storm Sewer Easements (S.S.E.), Sanitary Sewer Easements (S.E.), Utility Easements (U.E.), Access and Utility Easements (A.U.E.), and Pathway Easements (P.E.).
Estate Lot	An Estate Lot is a large single family detached lot and designated "Estate" in Appendix F.
Front Fagade	The front fagade is the most predominant front plane of the dwelling/attached garage, generally parallel to the street right-of-way and usually defined by the front corners of the dwelling/attached garage structure which extend nearest to the side lot lines. The front fagade may be a different depth from the front property line on each side of the house, depending on the house design.

Front Yard	The Front Yard is the portion of a lot unoccupied by a structure on any homesite between the front street right-of-way and a line parallel with and set back 5' from the front facade of the dwelling.
Front Yard Natural Area	The Front Yard Natural Area is the area between the front property line (and side property line on corner lots) and the Development Setback line. No hardscape other than driveways, fences, sidewalks are permitted in this area.
Grade	Grade is the ground level around a building.
Hardscape	Hardscape is the impervious ground surfaces such as bricks, stone, concrete and pools.
Hard Surface Area	Hard Surface Area is area covered by Hardscape, such as paving, pool area, foundation, flagstone, masonry pavers, roofed structures or other impermeable hard-surfaces.
Improvement	Improvement means the placement, construction, alteration or repair of any structure, including but not limited to adding or removing square footage to or from a structure, painting or repainting a structure, or in any way altering the construction, size, shape or physical appearance of the interior or exterior of a structure. Improvements may be permanent, affixed to the ground, or temporary.
Living Area	<p>Living Area is the floor space used for living purposes in the home, garage or a detached building, including storage areas, game rooms, and guest or servants quarters. Living Area does not include porches, attic space or garage space without air conditioning. All improvements must comply with the minimum and maximum square feet of Living Area allowable for that lot as established by the Initial Land Use Designation and the Neighborhood Criteria. Living Area is measured as follows:</p> <ul style="list-style-type: none"> <li>• Square footage is measured to the outside of exterior walls (i.e., outside of brick veneer, siding, stone or stucco).</li> <li>• Stairs and two story spaces are measured only once.</li> <li>• Air conditioning returns, pipe chases, fireplaces, and non-structural voids are excluded.</li> </ul>

- Space with a ceiling height of less than 6' (e.g., window seats, crawl spaces or storage below stairs) is omitted.

Lot	A Lot is a portion of the community, whether improved or unimproved, which may be independently owned and conveyed, and upon which a residence is intended for development, use, and occupancy. The term shall refer to the land, as well as any improvements, including any residence. The boundaries of each Lot shall be shown on a plat.
Maximum Coverage	Maximum Coverage is Hard Surface Area expressed as a percentage of the total lot area. All improvements must comply with the Maximum Coverage for that lot established by the Special Criteria as contained in Appendix F.
Plat	A Plat is a map of land divisions within an area (the subdivision) showing individual lots, property lines, Setback Lines, street rights-of-way, certain Easements and other matters. Plats are legal documents recorded in the Real Property Records in the County Clerk's Office.
Qualified Inspector	A Qualified Inspector is a third party licensed architect or registered engineer with dominant practice in structural engineering or building inspector certified by the International Conference of Building Officials or the Southern Building Code Congress International.
Rear Access Lane (Alley)	"Restricted Reserve for Secondary Access" which is privately owned and maintained by Carlton Woods Creekside Homeowners Association
Rear Yard	The Rear Yard is the portion of a lot unoccupied by a structure between the rear property line and rear facade of the dwelling.
Rear Yard Natural Area	The Rear Yard Natural Area is the area between the rear property line and the Development Setback line, not including the Side Yard Natural Area. No hardscape improvement, except a driveway for rear-served lots or fences, is approved for this area.
Road Right-of-Way	The Road Right-of-Way is the strip of land, normally from 10 to 15 feet wide, between the paved roadway and the platted lot line.
Screen	Screen is an architectural or landscape element used to shelter an area from observation.
Side Yard	The Side Yard is the portion of a lot unoccupied by a structure between the Front Yard and the Rear Yard.

Side Yard Natural Area	The Side Yard Natural Area is the area between the side property lines and the Development Setback lines as extended to the front and rear property lines.
Single Family Dwelling	A Single Family Dwelling is a structure designed for the residential use of a single family, but excluding apartments. Single Family Dwellings may be detached or attached (townhouses, duplexes, or condominiums).
Single Family Lot	A Single Family Lot is a lot or tract of land upon which one or more Single Family Dwellings have been constructed or which is restricted to use for Single Family Dwellings.
Special Criteria	Special Criteria are specific development criteria, which apply to a specific neighborhood/section in Carlton Woods Creekside and/or a specific location or address in Carlton Woods Creekside. (See Appendix F for details)
Survey	A survey is a scale drawing of an individual lot showing all Easements, platted Building Lines, and the exact location of all structures and improvements within the lot, prepared and certified by survey or engineer.
Third Party	Any person other than the project owner, a person who performed all or a portion of the work, an owner, employee, officer, or director of any entity which performed all or a portion of the work, or a member of their immediate families.
Variance	A deviation from the Standards, Declaration, special criteria, building Code, or other applicable regulations.

**PART II - DESIGN AND CONSTRUCTION REVIEW PROCESS / INSPECTIONS**  
**(see Appendix E for forms)**

**2.1 Items Requiring Approval**

- a. The Declaration require that the placement, construction, alteration or repair of any temporary or permanent structure or improvement within an area defined by the Declaration must have the prior written approval of the CWCDC. Covered projects include, among others, building additions, interior or exterior remodeling, exterior color changes, fences, play structures, decks, paving, patio structures, new garages, garage conversions, satellite antennas, lighting, swimming pools, spas, storage buildings and compost bins.
- b. Certain improvements may be pre-approved by the CWCDC. Contact the CWCDC for this information. No application or approval is required for the following:
  - Interior floor, wall and window coverings, and interior decorating and remodeling which does not require the installation or removal of walls or wall segments or other structural changes or electrical or plumbing work;
  - The construction or installation of devices, appliances apparatus or equipment operating at less than 50 volts and not capable of supplying or controlling more than 50 watts of electric power, including lighting, cable television, sound equipment, private or public telephone system, thermostat or burglar alarm system. Approval is required to hard-wire any such system to the source of electricity;
  - Work performed on a public utility system by a public utility company, governmental entity or their agents;
  - Repair or like-kind replacement of an existing improvement (except Substantial Casualty Damage as defined in these Standards) if the original construction was approved by the CWCDC.
  - Other improvements which are specifically exempted by the Standards.
- c. Exemption from the approval requirements of the Standards is not authorization of work done in violation of the Declaration, these Standards or applicable laws or regulations.

**2.2 Design Review Procedure (see Appendix E for Forms)**

**2.2.1 General Overview**

- The property owner and the owner's building team should familiarize themselves with the Carlton Woods Creekside Design CWCDC and Standards. The design of each home must be approved by the CWCDC and a building permit obtained from the CWCDC before construction of the residence can begin. No activities on the lot may commence prior to purchase of the lot without written approval of the owner. No clearing related to soil borings may commence prior to purchase of the lot.
- In order to ensure quality, a Design Review Procedure (see diagram) has

been established to review individual building and landscape plans. The authority to approve or disapprove building and landscape plans is provided by the recorded Declaration, Conditions and Restrictions for Carlton Woods Creekside. The Declaration do not list specific design items necessary for plan approval but have created the CWCDC whose responsibility it is to review, approve or disapprove all individual building and landscape plans within the community. The CWCDC's goal is to maintain pleasing aesthetic relationships of building to site and building to building within the overall community while encouraging individual creativity and preferences.

- In order to explain the review process and what is required for plan approval, the CWCDC has developed the Carlton Woods Creekside Design Standards.
- The CWCDC will not arbitrarily or unreasonably withhold its approval of plans and specifications provided they are in compliance with the Standards, other applicable standards adopted by the CWCDC, codes, regulations, and ordinances.
- The CWCDC reserves the right to stop construction in the event any requirement of these Standards is violated.
- Application for plan approval, with complete documentation, must be submitted a minimum of four working days prior to the meeting. Applications received after the deadline or incomplete submittals may be deferred until the next scheduled meeting.
- The CWCDC meets on a regular basis throughout the year. Contact the CWCDC for a meeting schedule.
- Prior to the commencement of any construction activity on any homesite, an application for approval of such work must be submitted by the property Builder to the CWCDC. Included with the application shall be such documents and other information as requested by the CWCDC and outlined in the Standards. Approval by the CWCDC must be received prior to the start of any clearing, grading or construction.
- In order to maintain consistent communication throughout the design phase, all communication must be conducted between the licensed architect or designer, who is the Builder's representative during the design phase, and the office of the Design Administrator, who represents the CWCDC.
- The CWCDC may designate a professional as Design Administrator to serve on the CWCDC and aid in the review of building and landscape plans.

#### 2.2.2. **Application for Architect/Designer Approval** (Form D1)

- All homes must be designed by a registered architect or by a member of the Texas or American Institute of Building Design, who is pre-approved by the CWCDC. The appropriate seal must appear on the drawings.
- To ensure quality, the CWCDC requires architect/designer approval and

landscape architect/designer approval. Application for approval by members of the design team can be made by submitting a resume, examples for past work with references, and appropriate photographs further explaining examples of previous designs.

### 2.2.3 Pre-Design Orientation

- Prior to preparing preliminary plans for any proposed improvement at Carlton Woods Creekside for the first time, it is mandatory that the architect/designer selected for the project meet in person with a representative of the CWCDC. This meeting is designed to informally discuss the Standards and to resolve any questions regarding building requirements at Carlton Woods Creekside. Architects/designers need attend only one orientation regardless of the number of projects on which they are working at Carlton Woods Creekside. An appointment may be obtained from the CWCDC.

### 2.2.4 Pre-Design Conference/ Site Analysis (Form D2)

- A Pre-Design Conference with the Design Administrator or another representative of the CWCDC is required prior to beginning design on each homesite. The Pre-Design Conference can be combined with the Orientation. Subsequent applications by the same architect may require the Pre-Design Conference but do not require the Orientation.

This conference involves site-specific discussion, often requiring a visit to the lot.

- At the Pre-Design Conference, the architect/designer must provide the following items identified and sketched onto a copy of the Lot Survey (scale 1" = 20' minimum; 1/8" = 1'-0" recommended).

#### *Estate Lots Only*

- *Topographic Survey* !Tree by a Licensed Land Surveyor or Registered Civil Engineer showing lot boundaries and dimensions, easements, topography (2 foot contours or less), major site features, **all trees 14 inches in diameter and larger**, edge of pavement and utility locations.
- Drip lines of all significant trees near anticipated improvements (distance from trunk edge to outermost canopy)
- Other significant existing vegetation

#### *All Lots*

- Topography
- Solar orientation (sun and shadow patterns)
- Driveway access location(s)
- Required setbacks from all boundaries (Building Zone, Development Zone, fence setbacks)
- Utility easements
- Location of utilities serving the site
- Location and footprint of adjacent homesites, window locations, view corridors, pool and HVAC equipment
- Height, style, and form of adjacent structures
- Views from the site to the lake and adjacent lots
- Views from the lake and adjacent area to the site

- Slope and drainage of the lot
- Prevailing wind pattern (from southeast to northwest)
- Significant natural features on and off the site
- Areas of any pre-existing site disturbance
- The architect/designer and the Design Administrator review the proposed building program, site information, and Site Analysis to determine opportunities and constraints to the design process. Site specific issues should be discussed at this time, prior to the commencement of design. If any questions arise after this meeting, the architect should contact the Administrator.
- For Estate Lots, on-site staking of the Development Zone Limits and marking of surveyed trees is required.

#### 2.2.5 **Preliminary Design** (Forms D3, D4)

- A non-refundable fee for design review and inspection by the CWCDC is required as part of the Preliminary Design submission. Contact the CWCDC for a fee schedule.
- The Preliminary Design plans should reflect input gained through the Pre-Design Conference.
- The Preliminary submission should include a site plan, floor plan(s), and at least front and rear elevations. Preliminary submissions may be sketchy, but should be accurate enough so that they may be reliably scaled. Exterior materials are recommended with this submission.
- The Preliminary Design submittal should include a Tree Preservation Plan that identifies the larger existing specimens that are to remain.
- On-site staking of the proposed structure is recommended to determine whether the house is appropriately located on the site.
- A 1/8 inch scale study model of the home located on the site is recommended.
- Two sets of plans on 24 x 36 inch (or larger) sheets must be submitted.

#### 2.2.6 **Final Design** (Forms D5, D6)

- The Final Design submission should incorporate all of the comments from previous reviews. It must clearly depict all proposed improvements and shall consist of complete construction documents including, but not limited to:

- Foundation Plan (with Engineer's Seal)
- Site Plan
- Floor Plans
- Roof Plan
- Framing Plan (with Architect/Designer/or Engineer's Seal)
- Exterior Elevations indicating exterior materials
- Landscape Plan (can be delayed until construction of driveway)
- Clearing Plan depicting proposed "Construction Activity Zone (may be combined with landscape plan)
- Exterior Lighting Plan



- The Final Landscape Plan is not required at the Final Design approval. However, it is strongly encouraged to make it a part of the Final Design review. Final approval of the Landscape Plan must occur prior to pouring of the driveway.
- A sample board containing samples of all materials and colors to be used on the building exterior, together with specifications which shall positively identify all such materials and colors must be approved prior to installation.
- The appropriate seal of the registered architect or designer must appear on each sheet of the drawings.
- A 1/8 inch scale model of the house with the site is also recommended.
- The on-site staking of the house is recommended.
- Two sets of plans (folded) on 24 x 36 inch (or larger) sheets must be submitted.
- One set of documents will then be returned to the Builder "*Approved as Submitted*", "*Approved as Noted*" ; or "*Re-submit.*" Only items requiring extensive modification will necessitate re-submittal.
- The CWCDC will retain the final drawings and approval for a maximum one hundred eighty (180) days subsequent to approval. If work has not started or a continuance received by the lot Builder within the above time period, the approval will then automatically expire. A re-application and re-approval, subject to any new regulations, will then be necessary to begin construction.
- After a project receives final design approval, application can be made for a Building Permit. (Form C2)

#### 2.2.7 **Compliance Letter from Architect/Designer** (Form D7)

- The Architect or designer shall submit a Compliance Letter (Form D7) to the CWCDC stating that the structure has been designed to meet Code and the Standards.

### 2.3 **Construction Review Procedure**

#### 2.3.1 **General Overview**

- After the plans are approved by the CWCDC, it is the responsibility of the Builder to ensure that the construction work complies with these standards, the Code, and the approved plans. The Construction Review Procedure in Carlton Woods Creekside is more stringent than that typical of developments in other areas of The Woodlands and other developments in this region.
- Section 5.7 of the Declaration provides that the CWCDC shall have the right to make inspections to determine that the work is carried out in compliance with the approved plans and these Standards; such inspections shall be for the sole and exclusive benefit of the CWCDC, and no other person or entity shall be entitled to rely thereon.

- The Builder shall provide CWCDC a certified inspection report after each inspection from a Qualified Inspector experienced in governmental building code enforcement and approved by the CWCDC to inspect houses in Carlton Woods Creekside for the following Code inspections:

Foundation  
Framing/Mechanical/Electrical  
Final Inspection

- In order to establish and maintain clear communication between homesite projects and the CWCDC, communication shall be conducted solely through the office of the CWCDC Administrator and the Builder. The Builder shall replace the Architect as the contact person representing the project beginning at the time of the Pre-Construction Conference.

### 2.3.2 **Pre-Approval of Builder/Contractor** (Form C1)

- Pre-approval of all Builders/Contractors is required to build in Carlton Woods Creekside.
- Application for approval can be made by submitting a resume, a list of past work, client references, and photographs of previous construction. Builders or Contractors "in default" of a prior permit may not be approved for further construction until the default is cured. Builders or Contractors who exceed the fine "limit" as defined by the CWCDC will not be eligible for additional construction and will be removed from the pre-approved list.

### 2.3.3 **Building Permit** (Form C2)

- After Final Design Approval has been granted by the CWCDC, the Builder must provide the following requirements as a prerequisite to obtaining a Building Permit to begin construction:

Construction Insurance

- o Copy of Certificate of Minimum \$ 1,000,000 Liability Insurance naming Builder and Declarant.
- o Proof of Valid Workers' Compensation Insurance or Exemption from it.

- A construction deposit will be required, payable to "The *Carlton Woods Creekside Association, Inc.*" A list of current deposit requirements can be obtained from the CWCDC. The purpose of the construction deposit is to ensure a clean job site, good overall community appearance, and that the residence was built according to the approved plans and Standards. If violations occur, fines may be levied and deducted from the construction deposit and other measures may also be taken. The design review process aids in creating a quality community and maintaining property values. Deviation from the approved plans and Standards defeats the purpose of the review process. If no violations occur during the course of construction and Final Approval is given by the CWCDC, the construction deposit will be returned in full.

### 2.3.4 **Pre-Construction Conference** (Form C3)

- Prior to beginning construction, the Builder must meet with the Design Administrator or another representative of the CWCDC to review the Construction Rules within

Carlton Woods Creekside. Builders need attend only one Orientation regardless of the number of projects they have at Carlton Woods Creekside.

- The Pre-Construction Conference may be combined with the Orientation where applicable. This meeting is necessary for each project so that the proposed construction activities can be coordinated and tailored to the specific site. The Builder must submit a current Site Plan marked up to show the "Construction Activity Plan." This plan should include the proposed clearing limits for construction (Construction Activity Zone) and locations for construction access, utility trenching, dumpster, sanitary toilet, materials storage, construction staging, tree/vegetation protection fencing and other construction activities.

#### 2.3.5 **Pre-Clearing Site Inspection by CWCDC** (Form C4)

- The Builder shall request the CWCDC to make a site inspection prior to lot clearing and commencement of construction. The Builder shall *clearly* stake the building footprint, Building and Development Setback lines, drive, patio, walks and, if applicable, pool location and delineate with a continuous ribbon the limits of the area to be cleared. The purpose of the site inspection is to approve the clearing which delineates the Construction Activity Zone, and any vegetation to be saved within this Zone, ensure compliance with the approved plans, and to prevent any unnecessary damage to specimen trees and other unique site features. If approved, authorization to proceed with clearing and construction will be issued immediately after the inspection.

#### 2.3.6 **Pre-Concrete Inspection by CWCDC** (Form C5)

Prior to pouring concrete, the Builder must obtain approval by the CWCDC for the following:

- Montgomery County Flood Control Permit (attach to Builder's sign as per CWCDC rules). A foundation form survey sealed and signed by a registered surveyor.
- Installation of Builder's Sign with the Building Permit attached as per CWCDC rules.
- Installation of 4' high protective green vinyl fencing around the Construction Activity Zone.
- Proper protection of specimen trees within or adjacent to Construction Activity Zone.
- Minimum 12 cubic yard trash container in place.
- At no point along the perimeter of the house/garage slab shall the top of the finished floor elevation be less than 14 Y:i" above natural grade, nor less than 3" above the highest elevation of curb adjacent to the lot. All finished slabs shall also be a minimum of one (1') foot above the FEMA 100 year base flood elevation and all structural improvements must comply with minimum Montgomery County flood plain building requirements. No more than 18" vertical dimension of any concrete foundation is to be exposed to view from the street.
- The Developer may further stipulate minimum slab elevations for both house and

garage. For a building permit to be issued, the proposed finished floor (minimum slab) elevation must be included in the application. An as-built certified survey of the final slab elevation must be submitted along with the final document package.

- Portable toilet on site.

### 2.3.7 **Foundation Inspection by Qualified Inspector**

- Prior to pouring concrete, the Builder shall have the foundation inspected and approved by a Qualified Inspector.

### 2.3.8 **Framing / Electrical / Mechanical Inspection by Qualified Inspector**

- Prior to installation of insulation or drywall, the Builder shall have the house framing, electrical, and mechanical inspected and approved by a Qualified Inspector.
- The sewer tap must be inspected and approved by the MUD and exterior wood materials must be primed at this time.

### 2.3.9 **Final Exterior Colors/Final Landscape Plan Approval (Form 08)**

- If approval of a Final Landscape Plan was not obtained in the Final Plan approved by CWCDC, approval must be obtained prior to pouring concrete for the driveway.
- Significant Change to Approved Final Plans (see *Subsequent Design Changes Request Form*)

Any changes to the approved plans, which require a Variance should be submitted to the CWCDC for approval prior to construction (see Variance Requests)

In addition, any other significant changes to the approved final plans should be submitted to the CWCDC for approval prior to construction.

Such changes typically include changes or additions affecting the exterior design, location or footprint of the house and other exterior improvements, such as driveways, patio, pools, cabanas, or other similar type construction elements.

### 2.3.10 **Final Inspection by Qualified Inspector**

After completion of construction, the Builder must obtain final approval by an approved Qualified Inspector prior to Final Approval by the CWCDC.

### 2.3.11 **Final As-Built Plan / Survey**

Prior to final inspection by the CWCDC, the Builder shall submit to the CWCDC a complete set of record drawings of what was actually constructed and installed on the homesite, including the same list of drawings approved as Final Plans. Of particular importance are the final house plans, exterior elevations, and all exterior improvements. The site plan must include driveways, walkways, patios, pools, spas, fences, walls, play equipment, pool and HVAC equipment, and all other elements required in the Final Plan. In addition, a Final Survey by a licensed surveyor is required. The Builder is required to list all changes and additions constructed which were not included in the Final Plans approved by the CWCDC or

revisions to the Final Plans approved by the CWCDC during the Construction Process (see *Subsequent Design Changes Request Form* and *Design Variance Request Form*).

### 2.3.12 Final Construction Approval by CWCDC (Forms C6, C7)

- After all construction, including landscaping is complete, and upon receipt of the Final As-Built Plan and Survey, a copy of the Final Inspection by a Qualified Inspector, a completed Compliance Letter from the Builder (C6) stating that the structure was built according to the Code, Standards and approved plans, and a completed application for Final Construction Approval (C7), a representative of the CWCDC will inspect the residence or other improvements for Final Approval.
- If all improvements comply with these Improvement Standards, the CWCDC will give Final Construction Approval to the Applicant, constituting a final release of improvements by the CWCDC, and accompanied by the remaining balance of the Construction Deposit.
- Any as-built changes to the approved Final Plans, if not previously approved by the CWCDC, may be required to be changed or removed by the Builder if they do not meet the Standards and if the CWCDC does not grant a Variance to the Improvements.
- If it is found that the work was not done in strict compliance with the approved plans or any portion of these Standards, the CWCDC may issue a written Notice of Non-compliance to the Builder, specifying the particulars of non-compliance.
- The Builder shall have 60 days from the Notice of Non-Compliance within which to remedy the non-complying portions of the improvement. If, by the end of this time period the Builder has failed to remedy the non-compliance, the CWCDC may take action to remedy or remove the non-complying improvements as provided for in these Standards including, without limitation, injunctive relief or the imposition of a fine.
- If the CWCDC fails to issue Final Construction Approval and also fails to issue a Notice of Non-Compliance to the Builder within 60 days of receipt of the Builder's written notice of completion with required final submission documents, the completed improvements shall be deemed to be approved by the CWCDC. The remaining balance of the Construction Deposit shall be returned.
  - After Final Construction Approval for a home is granted by the Carlton Woods Creekside Design Committee, any trees that need to be removed from the front, sides or back yard (trees that are dead, struck by lightning or have the potential of falling and causing damage to property or person) must be replaced with another tree of the same species with a trunk diameter of a minimum of three (3) inches at two feet above natural grade. This replacement tree must be planted as close as possible to the area of the removed tree.

### 2.3.13 Certificate of Compliance

After Final Construction Approval by the CWCDC, remedy of all required changes/additions as noted by the CWCDC and upon written request by the Builder, a Certificate of Compliance will be issued by the CWCDC.

## 2.4 Building Code ("Code")

- All home construction must meet or exceed the most current edition of the International Residential Code for One and Two Family Dwellings.
- Please note that, under the Standards, all homes will conform to the provisions set forth in Chapter 11 of the International Code 2000 (Energy Efficiency).
- Please note that, under the Standards, all homes/dwellings containing more than 10,000 square feet of Living Area must include an automatic fire sprinkler system constructed and installed in compliance with NFPA Standard 13-R as amended or re-codified from time to time.

## 2.5 Applications/Re-submittals

Applications must be received at least four (4) business days in advance of a scheduled meeting in order to be placed on the agenda. Each application for plan approval must include the following items. Missing information may delay review of an application.

### a. Application Form

A completed application must be submitted for each improvement project.

### b. Construction Plans

- Two sets of construction plans (folded) must be submitted for each improvement project.
- Sealed Plans. Sealed Plans are required if the project includes:

Construction or structural remodeling of a home, a garage, or a detached structure containing Living Area or Construction of an addition or attachment to a home, a garage, or a detached structure containing Living Area of the addition or attachment

- o Has a roof area greater than 120 square feet;
- o Contains Living Area or
- o Has a floor area elevated more than 30" above natural grade.

The drawings must be sealed by a licensed architect, registered engineer with dominant practice in structural engineering, or A.I.B.D./T.1.B.D. designer.

- Every submission must include a title block – with project name, name and address of firm preparing the plan, street address, legal description, scale, preparation and revision dates, and the state of submission.
- See Appendix E for specific checklists and submittal forms.

## 2.6 Fees

All projects require a design review and inspections by the CWCDC. A list of current review fees can be obtained from the CWCDC.

In some cases, additional Inspection must be performed by a Qualified Inspector. The fees charged by these third party inspectors shall be paid to the Qualified Inspectors by the Builder, as they complete their work.

## **2.7 Compliance Deposit / Fines**

Some projects require a refundable Compliance Deposit to assure compliance during the construction process. Some or all of the deposit may be forfeited for, among other reasons, non-compliance with the Declaration, Standards, conditions of approval or approved plans, failure to obtain the required inspections, additional inspections or re-inspections required, or failure to complete the improvement within the specified time. Further information regarding the Construction Deposit and a schedule of fines can be obtained from the CWCDC.

- Fines must be paid within 30 days or they are deducted from the Construction, Landscape, Pool deposits.
- If builder wants to challenge the fine, a written letter or e-mail stating such and a request for a hearing with the design committee be scheduled and must be received by management company within 10 days of original fine notice. Fine notices are sent via e-mail.
- If a written notice to challenge is not received within 10 days, the fine stands and payment is due within 30 days of original notice
- If payment is not received within 30 days, the fine is deducted from the Construction, Landscape, and/or Pool Deposit.
- If issue has not been corrected within the 30 day period from first notification, a 209 attorney's demand letter is to be sent within ten (10) days, the design Committee will elect a remedy which may include a cease and desist order for building.

## **2.8 Changes by Previous Builders**

Purchasers of a previously occupied property sometimes are surprised and disturbed when they receive notice that the previous owner made an unapproved alteration or addition and they are now in violation of the Declaration. Current owners are responsible for any existing violations. Any owners who find themselves in this situation should submit an application for approval of the improvements with an explanation of the circumstances.

## **2.9 Governmental Regulations**

The Declaration and these Standards are not intended to permit any action prohibited by applicable laws, rules, or regulations or any governmental authority. Where these Standards contain requirements in addition to or more restrictive than applicable governmental laws or regulations, the provisions of these Standards are binding and enforceable and prevail over the requirements of such laws or regulations unless these Standards are expressly made unenforceable by law or judicial decisions.

## **2.10 Retroactive Effect: "Grandfathering"**

Except where stated otherwise in the Building Code or other provisions of these Standards, existing buildings, structures or improvements remain subject to the standards in effect at the time they were constructed, or these Standards, whichever are less restrictive. Any change in the Standards does not affect improvements, which have been approved under earlier Standards so long as construction is completed before the plan approval expires.

## **2.11 Variances (see Form V1, V2)**

Variances to these Standards may be granted by the CWCDC when it can be demonstrated that, because of disability or other factors, strict compliance would create an undue hardship by depriving the owner of the reasonable utilization of the site or where unusual circumstances or characteristics which affect the site make strict compliance impractical. No variance will be granted unless the general purpose and intent of the Declaration and Standards is maintained. Any variance granted will only be applicable to the specific site and conditions for which the variance was granted and will not modify or change any standards as they apply to other sites or conditions.

Any changes to the approved plans, which require a variance, should be submitted to the CWCDC for approval prior to construction. Failure to obtain approval prior to installation puts the owner/contractor in jeopardy of having to modify or *remove* construction elements if they are not approved by the CWCDC.

Variance Request (Forms V1, V2, and V3)

- A *Design Variance Request* must be submitted for approval of each variance to the Standards which is requested by the Applicant.

## **2.12 Complete Work**

Construction of a new home and related improvements must be completed within two years of plan approval unless an extension (V3) is granted by the CWCDC. All other types of construction projects must be completed within 120 days following plan approval.

## **2.13 Inspections**

### **a. Purpose of Inspections**

The Declaration give the CWCDC the right to make inspections to determine that the work is carried out in accordance with the approved plans and these Standards. Such inspections are for the sole and exclusive benefit of the CWCDC and no other person or entity is entitled to rely on the CWCDC inspections as any evidence of the safety of the improvements or their compliance with applicable laws, regulations or these Standards.



b. Qualified Inspector

A Qualified Inspector is a third-party licensed architect or registered engineer with dominant practice in structural engineering, or building inspector certified by the International Conference of Building Officials or the Southern Building Code Congress International. Third party means a person other than the Declarant, a person who performed all or a portion of the work, an owner, employee, officer, or director of any entity, which performed all, or a portion of the work or a member of their immediate families. A list of approved Qualified Inspectors for Carlton Woods Creekside can be obtained from the CWCDC. The name of the Qualified Inspector selected by the Builder should be identified on the Building Permit application.

c. Qualified Inspector Required

A Qualified Inspector must complete periodic inspections of improvements if the plans include:

- The construction of a dwelling, a garage, or a detached structure containing Living Area or the construction of any addition or attachment to a dwelling, garage or detached structure containing Living Area;
- The construction of a structure with a roof area exceeding 120 square feet (measured as the area within the exterior walls at roof plate elevation);

The construction of a swimming pool or a swimming pool security barrier;

Remodeling or alteration to any structure if the work includes structural changes or work on electrical or plumbing facilities (including fuel supply systems).

The type, number, and timing for inspections varies, depending upon the type of improvement being constructed.

d. Homeowner Certification

If inspection by a Qualified Inspector is not required, the Applicant must, within 30 days of substantial completion of the project, return to the CWCDC a certification that the project has been completed in accordance with the Declaration, the approved plans and these Standards.

e. Certificate of Compliance

Following Final Approval by the CWCDC, the CWCDC may, upon request of the Builder, issue a Certificate of Compliance stating that the "as built" improvement complies with the Declaration, the approved plans and these Standards. The certificate is based solely upon the statements and inspections provided by the Qualified Inspector, and Builder.

f. Notice of Non-Compliance

If the Builder fails to submit the required certification, a Notice of Non-Compliance may be recorded in the county Real Property Records, which may require compliance with the Declaration and Standards before the property can be sold.

g. Other Remedies

Additional remedies and enforcement rights exist under the Declaration. The Association or any Builder whose property is subject to the Declaration may file suit to obtain an injunction mandating compliance with the Declaration and the Standards. The Association has the further right, after proper notice to the Builder, to go on the property where a violation exists, fix or remove the violation, and collect any costs incurred from the Builder.

**2.14 Limitation of Liability**

- a. The CWCDC shall not bear any responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with the Codes and other governmental requirements. The CWCDC does not review or approve elements relating to the acceptability, sufficiency and safety of structural, mechanical, and electrical systems in the improvements.
- b. It is the duty of the Builder to determine that the proposed improvement is structurally, mechanically, and otherwise safe and that is designed and constructed in compliance with the Declaration, these Standards, applicable governmental regulations, codes adopted by the CWCDC, and sound practices. Neither the Declarant, The Carlton Woods Creekside Association, Inc., CWCDC nor any officer, director, employee or member thereof shall be liable for damages or otherwise because of the approval or non-approval of any improvement or because of any act or omission in connection with the construction of improvements on any lot. Each applicant for plan approval must execute a release of all such liability in a form acceptable to the CWCDC.

**2.15 Casualty Damage Repair**

a. Casualty Damage

Casualty damage means damage or destruction by fire, flood, hurricane or other natural or man-made cause.

b. Minor Damage

Casualty damage, which affects only furniture, equipment or wall, floor or window coverings, may be repaired without application, approval or inspection. The CWCDC must be notified of all other casualty damage within 72 hours following occurrence.

c. Emergency Repairs

Emergency repairs required to prevent property loss or damage or bodily injury may be made without application, review or prior inspection. If emergency repairs are to be left in place permanently, the owner must provide the CWCDC an inspection of as-built improvements by a Qualified Inspector within 15 days following completion of the repair.

d. Permanent Repair

Before permanent repair or restoration work is begun, but in no event no more than 15 days following the date of casualty damage, the Builder must obtain an inspection of the damaged structure by a Qualified Inspector to determine the need for or extent of repair work required. If the inspection determines that no structural (studs, joists or rafters) repair or replacement is necessary, then no application, approval or further inspection is necessary so long as the structure is rebuilt according to the original plans and with materials and colors matching those existing before the casualty damage.

e. Substantial Casualty Damage

If casualty damage requires structural repair or replacement, a completed application with required compliance deposit, inspection fees, plans and other attachments must be submitted and approved under the applicable standard as if it were new construction.

f. Complete within 90 Days

All structures, which have received casualty damage, must be removed or restored as soon as feasible. Removal, repair or restoration must begin within 30 days and be completed within 90 days following the date of the casualty damage. Extensions of the time permitted for removal or restoration may be granted by the CWCDC upon a determination that timely completion of the cleanup or restoration is delayed due to legal investigation, a delay in obtaining insurance proceeds, or other matters beyond the control of the Builder.

## 2.16 Demolition

a. Definition

For purposes of this Standard, demolition means the removal of all or substantially all of a dwelling or garage.

b. Notice

Notice of demolition activities must be provided to the CWCDC at least 24 hours prior to the commencement of these activities.

c. Fencing

- Construction fencing must be installed around trees in the area of the demolition and access route if tractors or other machinery are to be used in the work.
- Perimeter fencing must be installed around the site if demolition will not be completed in 48 hours.

d. Completion

Work must be completed within ten days from commencement.

e. Safety

The use of explosives or other means or devices, which may cause damage to adjoining properties, is prohibited.

f. Dust / Noise

If the demolition causes dust which substantially impacts neighboring property, water must be used to restrict the dust. The work must be done during working hours as defined in Section 6.13 "*Daily Operation*".

g. Approval

No application, approval, fees or permit is required for demolition carried out in compliance with this Standard.

### **PART III-SITE & LANDSCAPE GUIDELINES**

#### **3.1 Site and Landscape Objectives**

- a. Site analysis and site planning, integrated with specific home design, are important planning steps for homes at Carlton Woods Creekside. The site plan concept developed for each homeowner should reflect the functional needs of the homeowner, but also be sensitive to the individual site's unique characteristics, such as natural vegetation and topography, as well as the surrounding community and view corridors to and from roadways, lakes, or open space.
- b. Residences may be seen from many different angles and viewpoints from roadways, parking, and the lake. It is therefore important that the siting and three-dimensional character of each home be carefully studied.

#### **3.2 Special Site Design Criteria by Neighborhood/Section**

Special Site Design Criteria has been developed for particular locations. The intent of this criteria is to provide a unity and continuity within Carlton Woods Creekside. (See Appendix F)

#### **3.3 Site Analysis**

- a. In order to accurately assess the design opportunities of each homesite and to aid in the location and design of the structure, an individual Site Analysis must be conducted. The Site Analysis should determine the site's topography, locate significant trees, and identify unique site characteristics. While the site survey is being conducted, a study of the design opportunities of the site should also be taken. This merely involves walking the site, locating the best views to and from the homesite, relationships to adjacent homesites and structures, dominant solar orientation, prevailing breeze, soil conditions, vegetation type and quality, and any other special site features worth noting.
- b. Within Estate locations in Carlton Woods Creekside, a tree survey of trees 14" in diameter and greater will be required. Spot ground elevations at lot corners and near the base of each tree surveyed will also be required.

- c. The Site Analysis will be used at the Pre-Design Conference to aid in the establishment of the home location on the site. At a minimum, the location and type of the following items must be identified and sketched onto a copy of the survey:

*Estate Lots Only*

- Tree survey
- Drip lines of all significant trees near anticipated improvements (distance from trunk edge to outermost canopy)
- Other significant existing vegetation

*All Lots*

- Topography
- Solar orientation (sun and shadow patterns)
- Driveway access location(s)
- Required setbacks from all boundaries (Building Zone, Development Zone, fence setbacks)
- Utility easements
- Location of utilities serving the site
- Location and footprint of adjacent homesites, window locations, view corridors, pool and HVAC equipment
- Height, style, and form of adjacent structures
- Views both to the site and from the site to the golf course lake and adjacent lots
- Slope and drainage of the lot
- Prevailing wind pattern (from southeast to northwest)
- Significant natural features on and off the site
- Areas of any pre-existing site disturbance

**3.4 Setbacks – Building and Development Zones** (See "Definitions" – Part I, Section 1.8)

- a. Setbacks at Carlton Woods Creekside are critical for preserving the cohesive fabric of natural vegetation that weaves the community together. In order to maintain a natural continuity and privacy, these areas must be preserved and enhanced as determined necessary by the CWCDC. See "*Landscape Zones*" for additional information.
- b. The minimum front setback for improvements relating to the Development Zone

and the Building Zone varies by location and neighborhood/section. In certain cases, the minimum front setback for the Building Zone may also be a "build to" line or maximum building line. See Appendix F for this information.

- c. The minimum rear setback for improvements relating to the Development Zone and the Building Zone varies by neighborhood/section and location. See Appendix F for this information.
- d. The minimum side setbacks for improvements relating to the Development

Zone and the Building Zone vary by neighborhood/section and location. See Appendix F for this information.

- e. When the side setbacks intersect with the front or rear setbacks, the restrictions associated with both types of setbacks apply.
- f. Residences proposed for corner parcels must address both frontages with the overall architectural composition. These houses will be viewed as if there are two front elevations.
- g. The City of Houston has established minimum standards for building setbacks for various types of residential structures within the extra territorial jurisdiction (ETJ) of the City of Houston. The platted minimum setbacks required by the City of Houston, however, are not to be construed as minimum setbacks that would be approved by the CWCDC. See Appendix F for detailed setbacks by neighborhood/section and location.

### **3.5 Easements**

- a. All homesites at Carlton Woods Creekside contain easements. Builders should refer to the recorded subdivision plat and covenant restrictions for the location and extent of these easements as they affect the Builder's homesite.
- b. Any improvement constructed within an Easement without the consent of the Easement holder is subject to removal by the Easement holder. CWCDC approval of plans for an improvement within an Easement is not approval by the Easement holder. If, in the future, there is a need to disturb or remove such landscape improvements, driveways or fencing to access such utilities, such removal and any necessary repair and restoration shall be the responsibility of the Builder of the lot.
- c. Improvements which may be built or placed in an easement are fences, driveway gate posts and related lighting, landscape plantings and planting area retainage structures not more than 6" in height, driveways and sidewalks where they must cross front or side yard easements to access the street, and eaves which extend not more than 24" into the easement. Improvements within an Easement must not impede drainage.

### **3.6 Maximum Coverage**

- a. Impervious coverage will apply to all areas that do not allow water to infiltrate or do not support vegetation. Except for one maximum 12 foot wide driveway (two driveways are permitted on certain Estate lots) within the front landscape area, impervious coverage must occur within the Building Zone and the Development Zone areas.
- b. The building pad, garage, patio, walks, driveway, and pool are considered Hard Surface Areas that constitute impervious coverage. The Maximum Coverage allowable on a lot (percentage of total Hard Surface Areas when compared to total lot area) varies by location. See Appendix F for Special Criteria for this information.

### **3.7 Orientation and Driveway Access**

- a. On all corner lots, the driveway must be located opposite or away from the intersecting street corner and must access from the street to which the house is oriented, unless otherwise noted in the Neighborhood Criteria (see Appendix F) or approved by the CWCDC.

- b. Some neighborhoods may require special orientation for garages (such as "hook in" garages) or a minimum setback distance from the front property line. See Appendix F for specific Neighborhood Criteria.
- c. Circular driveways can be approved on lots at least 85' wide at the front lot line if a 16' minimum turning radius can be achieved, and the plat does not limit street access.

### **3.8 Preservation of Existing Native Vegetation**

- a. The existing landscape at Carlton Woods Creekside is one of the community's most significant features. As homes are added to Carlton Woods Creekside, care must be taken to preserve the rugged natural beauty intrinsic to the site. The native vegetation and unique site features provide a distinct character and provide visual cohesion to Carlton Woods Creekside.
- b. Home placement on the site, as well as any outdoor programmatic needs must be sensitive to the preservation and enhancement of the existing natural fabric. Trees, natural vegetation, and all other site features should be incorporated and utilized to enhance the overall appearance of the home.
- c. During construction, soil around tree root systems must be protected from compaction and erosion at the drip line of each tree. The protection must keep construction traffic off the soil, while still allowing for water and air to reach the roots. Where tree trunks are exposed to construction activity, lumber must be strapped to the trunks to protect them from damage. Excavation may be permitted within the outermost 20 percent of the radius distance from the drip line to the tree trunk if a change of grade is required. Impervious surfaces may be approved to encroach further into the drip line if no grading occurs.
- d. During construction, trees of any size outside of the Construction Activity Zone of the building will not be approved for removal.
- e. After construction, no trees having a diameter six inches or more (measured at a point two feet above ground level) may be removed without specific approval from the CWDC.

### **3.9 View Considerations**

- a. All site plans, landscaping, and building design should enhance, not detract from, the views from nearby rights-of-way, golf course, and common areas.
- b. When analyzing view corridors, the goal should be to identify the location and extent of views to and from a homesite. It is important to consider the views from the adjacent street, neighbor's home, and the golf course, as well as distant vistas. A good rule-of-thumb is as follows: If a person can see a particular place, such as a road or a recreation area or even a neighbor's home, from a site, then a person in any of those locations will most likely have a view of the site in question.
- c. View corridors to the front and back should be contained within the side setbacks, which define the Development Zone. The natural area along the side property lines, which is outside the Development Zone and which will contain native evergreen vegetation, should act as a visual buffer zone between lots. Within view corridor areas, natural underbrush can be removed, if desired; however, trees greater than 6" caliper cannot be removed without prior approval of the CWDC.



- d. No clearing of vegetation on golf course property to provide or improve a view corridor from a residential lot is allowed without prior written approval of the owner of the golf course.

### **3.10 Reconfiguration of Home Sites**

No homesites at Carlton Woods Creekside may be further subdivided. Two or more homesites may be combined into one if no utilities are contained within the common lot line easement and the easement abandonment is approved by the CWCDC.

### **3.11 Sitework / Clearing**

- a. Any cutting of trees or vegetation must first be approved by the CWCDC. A few exceptions exist that do not require pre-approval of the CWCDC. These are the pruning of dead limbs, removal of dead trees, and the cutting and removal of trees with a trunk diameter of 6 inches or less that are bowed, leaning, severely misshapen, or diseased.
- b. The area of soil and vegetation disturbance on each homesite must be limited to that required for necessary construction and landscaping purposes. Except where required by access, there must be no disturbance in setback areas and other areas to be left in a natural state.

### **3.12 Grading and Drainage**

- a. A conceptual grading and drainage plan must be prepared and included in the Site Plan and Landscape Plans for all homesites (see Design Review Procedure).
- b. All site grading must be kept to the minimum necessary to accommodate the construction of the residence.
- c. Water runoff and control is the responsibility of each lot owner. All lots must have positive drainage away from the house and runoff directly to the natural drainage areas or storm drainage facilities provided to said lot.
- d. Sheet flow drainage from each upstream lot should be intercepted and diverted away from the downstream property owner, wherever possible, to prevent the downstream accumulation of lot-to-lot drainage. Swales must be provided to drain lots along back and side lot easements whenever required for positive drainage. These swales shall be located in the Covenant Easements between lots. Drainage may not negatively impact downstream properties.
- e. Ultimately, all site grading must provide for transitions into grades on all sides of the homesites to create a flowing, continuous landscape.
- f. Where natural topography conditions exist, sheet flow drainage from upstream surrounding lots must not be obstructed by the construction of driveways, walks, fences, landscape, etc.
- g. All slabs shall have a minimum of 8" and a maximum of 18" of the slab exposed upon completion of the lot grading, as viewed from the street. Lot grading shall

drain water away from the slab under all circumstances.

- h. Caution must be observed when altering the existing grades around trees. Two common disturbances, which will likely kill trees, are the compaction of roots from heavy equipment and cutting or filling natural grades within the drip line. Should the proposed grade level change near existing trees, the level of the ground inside the tree's drip line should not be disturbed. If necessary, grading may encroach within the outermost 20 percent of the radius drip line as measured from the edge of the tree trunk.
- i. All trenches are to be filled and compacted to remain level with adjacent land.

### **3.13 Erosion Control**

During construction, all downstream silt shall be controlled utilizing an EPA, TCEQ, and county mandated erosion silt fence on all construction sites.

### **3.14 Driveways/Garages/Vehicular Parking**

#### Driveways

- a. All driveways must be individual pavers.
- b. Typical front-loaded driveways will be a minimum of 12' in width; the width of driveways served from rear access lanes will vary, depending upon the width of the garage and plan of the driveway.
- c. The driveway width shall be reduced to a maximum width of 12' in the area between the street curb and the development zone setback line for front-served driveways.
- d. The Buyer shall construct driveways in a manner that will not allow the extreme storm water flows to exit the street right of way. Driveways should not slope directly away from the street, but shall slope upward to the right of way line and then be graded to conform to natural ground, in areas near storm inlets. The driveway break point at the right of way shall be a minimum of one (1') foot above top of curb.
- e. Driveway construction shall not be permitted along the adjoining lot line common to Reserves Restricted to Drainage and Municipal Utility Easement purposes.

#### Garages

- a. Garages must be located within the Development Zone of a lot for alley-served lots. For front-served lots, garages must be located within the Building Zone.
- b. Driveway access and garage greatly affect the design of the home and resulting streetscape of the location. When planning a house at Carlton Woods Creekside, attempt to minimize the potential view of the garage doors from the street. Garage doors may not face the lake or another common area. In certain locations, garage doors may not face the street (utilizing "hook in" garages) or must be set back significantly from the front facade of the house. See Appendix F for detailed criteria by location.
- c. In addition, homesites in prominent locations may have additional requirements on garage door placement. These requirements will be communicated to the architect at the Pre-Design Conference.

- d. A three-bay garage is recommended when the residence contains more than three bedrooms and four-car garages are suggested for homes with *five* or more bedrooms.
- e. For side-loading garages, a minimum 28' back-up distance is required for the garage turnaround area and adequate vegetation screening between lots.

#### Vehicular Parking

- a. Each home must be served by a minimum of two enclosed and two uncovered vehicle parking spaces. See the Appendix F for detailed criteria by location. The uncovered vehicle parking spaces may be achieved by parking cars in tandem along the driveway.

### 3.15 Walls, Fences and Gates

- a. All walls and fences must be approved by the CWCDC prior to installation. See Appendix G.
- b. Fences around individual homesites are limited to a maximum height of 6' unless otherwise approved. Privacy structures and courtyard enclosures shall not be restricted to the 6' maximum height limitation if, in terms of design, materials and colors, they are an architectural extension of the dwelling, and if they subscribe to all front, side and rear yard Development Zone Setbacks, unless specifically approved by the CWCDC. Wing walls, which are proposed outside the Development Zone, must provide for drainage and will require approval by the MUD. Special consideration should be given to the design, placement, impact and views of the wall or fence from neighboring homesites.
- c. All fencing and security gates are restricted to masonry, decorative steel, aluminum, or wrought iron (tubular steel to meet ASTM-501, bar steel to meet ASTM-36), with or without masonry columns, unless noted in specific criteria for individual locations. If masonry is used, the same materials should be used as found in the architecture of the residence. In Estate Neighborhoods, masonry fencing is restricted to a location within the Development Zone. No wood fencing shall be approved. Individual locations within Carlton Woods Creekside may have special fence design requirements, particularly along the lake, between locations, or along streets which border side lot lines or rear lot lines in order to provide continuity. See Appendix F and the CWCDC for detailed criteria for specific neighborhood/section and locations for this information.
- d. The MUD must approve all fencing across storm easements. Overflow swales between homes must be maintained during construction and sodded upon completion of home construction.
- e. All fencing must meet minimum Code for pool or spa barrier construction.
- f. Fences must be set back as follows:
  - 5' from the front property line (or the building setback line, whichever is greater)
  - 5' from a side street property line (or the building setback line, whichever is greater)
  - 10' from the rear property line when abutting a golf course
- g. Masonry posts supporting driveway gates to individual lots must be masonry that matches the home and may be no closer than 10' to the side property line.

- h. Perimeter fencing around Carlton Woods Creekside will be installed by the Declarant and maintained by the Homeowner's Association, with the exception of the interior wall face(s), which shall be maintained by the property owner. Other fencing between locations that may be installed by the Declarant shall be maintained by the adjoining property owner. No changes to this fencing by the property owner is permitted without approval of the CWCDC.
- i. If vehicular access is restricted by a fence, gate, or other barrier, a key box or other means of access for fire-fighting and other emergency vehicles must be installed and maintained at all times in accordance with plans approved by the CWCDC.
- j. Golf course netting adjacent to the golf course requires the prior approval of the CWCDC. If a demonstrated need exists and is approved by the CWCDC, the netting and support structure must be black in color and located within the Development Zone.
- k. Access to rear yard utility transformers must be provided from the street or (in the case of a lake lot) from the lake. If access is restricted by a fence, a minimum 4'-0" wide gate must be provided.

Adequate distance must be provided between the transformer and a perimeter fence in order to meet the security barrier requirement in the International Residential Code for One and Two Family Dwellings (minimum 2' recommended).

A minimum of 5'-0" of clearance must be provided between the access door of the transformer and a fence or else a 4'-0" wide gate must provide access at this location.

- l. Zero Lot Line Lots: when a new home is built next to an existing home, it is the responsibility of the builder to remove the existing metal fence on the zero lot line during construction. A temporary fence should be constructed until completion of the home, at which time the builder may use all or part of the existing metal fence for the new home. Any part of the existing metal fence not used is to be removed from the property. All expenses for the removal and construction of the metal fence are the responsibility of the builder.

### **3.16 Landscaping**

#### **3.16.1 General**

- It is the intent of the CWCDC to ensure the highest standard of preservation and landscape design excellence for Carlton Woods Creekside. In addition to adding aesthetic charm and interest to Carlton Woods Creekside, the primary goal for landscape improvements should be to preserve and enhance the landscape character of the homesite and vicinity. All homesite development must respect the natural environment. The transition between individual homesites must be left natural. All homesites, improved open space, and natural open space should be woven into a unified natural landscape palette.
- a. The objectives of the Landscape Plan include:
    - Preserve and enhance existing natural vegetation, which will provide the continuity between developed areas and the natural forested environment of Carlton Woods Creekside.

- Provide visual continuity along the street and with adjacent homesites through use of native landscape that flows seamlessly from one homesite to the next.
  - Provide a visual privacy screen between homesites, especially in Estate Neighborhoods where solid fencing (other than Privacy Walls) is not permitted.
  - Enhance the lake experience by providing visual continuity along the lake, visual buffering of home and rear yard improvements and a smooth transition from lake to homesite.
- b. Landscape plans should exhibit a design concept that provides more than a haphazard arrangement of plants. Plant materials should be utilized in a sensitive ordering which defines the site's spatial organization and function, relates to the building and structures, and incorporates the various site elements.
  - c. Landscape design should be sensitive to the natural environment as evidenced in the open space, streetscapes, common properties, and the lake. The designed landscape should be especially sensitive to existing undisturbed landscapes, approved landscaping on adjacent properties, and to the landscape character of the immediate area. The Landscape Plan must provide for a smooth transition to both finish grade and landscape materials with adjacent properties.
  - d. Landscape plans must complement the architectural character of the house, while being sensitive to the immediate adjacent landscape. They must also provide continuity along the street and with adjacent homesites (and common area or lake area if they occur).
  - e. It is recommended that, in most cases, fallen pine needles and other native forest floor material be left on the ground in natural areas rather than be removed. The needles are a benefit to the natural landscape by serving many important functions, including erosion control, decomposition into fertilizer, retention of soil moisture (this is especially important in the establishment of new vegetation), and protection for plants, especially perennials, and weed control.
  - f. The CWCDC requires approval to remove any healthy tree on any homesite with a trunk diameter of six (6) inches or greater at two feet above natural grade. Builders will be encouraged to landscape their lots with plant material which is indigenous to the area and leave untouched as much as possible the existing vegetation and natural amenities.
  - g. The Restricted Open Space Reserves (ROSR) and lake outside individual homesites are to remain intact and no construction, clearing, or other access through such areas is permitted without prior written approval of the Builder.

### 3.16.2 Landscape Plan Documentation / Approval

- a. The applicant must submit, along with the Preliminary Design submittal, a Concept landscape plan that includes the required Tree Survey (for Estates Neighborhoods, distinguishes which areas are to remain protected, which areas will be disturbed and re-landscaped). The plans must illustrate the building footprint, paving, terraces, courtyards, patios, decks, pools, setbacks, easements, property boundaries, the proposed grading limits, and drainage

concepts.

- b. The Landscape Plan required in the Final Design should show how the design has considered existing vegetation and site features, and what steps will be taken during construction to protect them.
- c. All hardscape selections must be presented to and approved by the CWCDC as part of the regular submittal process. The Final Landscape Plan must be submitted and approved no later than prior to installation of the driveway. However, it is encouraged that the Final Landscape Plan be submitted and approved along with the Final Plan Approval. The landscape plan must show all proposed site structures and features, including drive and turnarounds, walks, patios, decks, fences, play equipment, pools, spas, trash enclosures, HVAC equipment, pool equipment, all utility meter locations, and any other site features. Existing vegetation to remain should be specifically located and described. The plan must include specific information about the location, type, quantities, and sizes of proposed plants. Areas to be mulched or planted as a lawn should also be shown. Mulching is required for all planted areas. Irrigation systems must be indicated, as well as locations and details (elevations or sections) of features such as address markers and landscape lighting.
- d. Even after approval of the landscape plan, the CWCDC reserves the right to request additional or replacement plantings if deemed necessary during the Final Inspection by CWCDC.
- e. All landscape plans must be designed by a licensed landscape architect and plans must be submitted with the seal and signature.
- f. All plans must be submitted with the defined front (40%) and rear (30%) yard percentages clearly illustrated on the front page of the designed plans.

### 3.16.3 Requirements by Zone

In order to achieve the above objectives, specific landscape criteria has been developed for the setback areas and the Development Zone within each homesite.

- a. Side Yard Natural Area – The Side Yard Natural Area is the area between the side property lines and the Development Setback Lines. The landscape objective in this area is to utilize native evergreen vegetation to provide a visual buffer and privacy between homesites. The width of this area varies, depending upon the size of the lot and the neighborhood/section and location (see Appendix F, *Special Criteria*, for detailed setbacks by location). This area should be free of all Hardscape Improvements.
  - Existing natural vegetation should be maintained, supplemented, or re-established as needed.
  - Dense evergreen landscape screening (such as pines and wax myrtle) at least four feet high is required along the driveway. Landscaping should continue to the property line at the street and evergreens must completely conceal transformers and utility meters.
  - The landscape palette should consist of a minimum of 75% evergreen native vegetation (see Appendix D, *Recommended Plant List*, for recommended plants). Because some side yard natural areas may be cleared for utility lines, house connections and side lot drainage, significant re-vegetation may be required on some lots.



- Turf planting is not allowed in the Side Yard Natural Area.
- b. Front Yard Natural Area – The Front Yard Natural Area is the area between the front property line (and side property line on corner lots) and the foundation of the home, not including the Side Yard Natural Area (see Figure 1 for detailed dimensions by location).
- The landscape objective in this area is to maintain the visual continuity of the natural landscape, while maintaining a view corridor to each homesite if desired by the homeowner. This objective can be achieved properly through the preservation and enhancement of the native vegetation. This area should be clear of any Hardscape Improvements, except for the entry driveway(s).
  - At least 40% of the Front Natural Area (excluding driveway access) should be preserved and maintained in a natural wooded setting of mulched/barked beds other than turf or grass. New landscape materials should be primarily Native Plants (See Appendix D, *Recommended Plant List*, for this area).
- c. Rear Yard Natural Area – The Rear Yard Natural Area is the area between the rear property line and the foundation of the home, not including the Side Natural Area (see Appendix F for detailed dimensions by location).
- The landscape objective in this area is to maintain the natural landscape as much as practicable.
  - The Rear Natural Area should be clear of all Hardscape Surfaces (pools, decks, play equipment, etc.). At least 30% of the Rear Natural Area should be preserved and maintained in a natural wooded setting of mulched/barked beds. New landscape materials should be primarily native plants (see Appendix D *Recommended Plant List*).
  - On Golf Course Lots – Landscaping shall be provided and maintained by the property owner within the 10' strip of land between the fence (if installed) and the rear property line of the lot. Landscape materials and design in this area shall be compatible with existing golf course landscaping in order to maintain the visual continuity of the natural landscape along the golf course. For example, if grass is included in this zone, it must match the grass used on the golf course. Coordination with the Maintenance Supervisor on the golf course is required in design of this area.
- d. Development Zone - The Development Zone is the area which can contain Hard Surface Improvements, such as the house, porches, garage, driveway, walkways, pool, pool equipment, play equipment, air conditioning and other improvements. These zones are set back by the Front and Rear Natural Areas and adjoin the Building Zone for the home.
- An expanded landscape palette is allowed within the Development Zone. This includes those areas adjacent to the structure(s) in the high intensity use areas near entries, porches, terraces, and decks. Landscaping in the Development Zone should have a direct relationship with the built environment and should not appear isolated from the home.

#### 3.16.4 Protection of Natural Vegetation

- a. Substantial stands of natural vegetation exist on most lots. This vegetation (understory, midgrowth and canopy) is to be protected during construction and is to be integrated into the final landscape treatment to the maximum extent practical.
- b. Any clearing five feet beyond the building pad or three feet beyond the driveway requires the written approval of the CWCDC. Temporary green vinyl fencing is to be furnished and installed by the builder immediately after clearing but prior to beginning construction of form work for the slab, in order to protect easily damaged vegetation.
- c. The natural vegetation must be supplemented with appropriate landscaping so as to present a completed appearance which should include sodding, seeding, pine bark or planting to cover bare or erosion prone areas. The builder is required to complete at least the front lot final landscape treatment prior to Final Inspection by CWCDC.
- d. The following are examples of incorporating natural features into the site design:
  - Step a building around mature trees rather than remove them.
  - Locate structures or impervious surfaces away from areas of significant vegetation.
  - Bend a driveway around trees.

### 3.16.5 **Street Trees / Street Right-of-Way**

- a. No improvement may be constructed or placed in the public street right-of-way or Rear Access Lane without prior approval of the CWCDC.
- b. The following structures are prohibited in public street rights-of-way:
  - Bollards, above ground street edge treatments, signs, banners, flags, play equipment, and basketball goals.
- c. Any landscaping and maintenance in the right-of-way is the responsibility of the adjacent Builder.
- d. The planting and maintenance of street trees in the public street rights-of-way in Carlton Woods Creekside is encouraged. However, Builders/Owners should be advised that if landscaping is damaged or removed because of construction relating to utilities in the public street rights-of-way, the utility company is not obligated to repair or replace the affected landscaping. It is the responsibility of the Builder to verify utility locations to determine location and suitability for street trees.
- e. Park benches, post office boxes, and associated improvements provided by the Association and within the private street right-of-way must be approved by the CWCDC.

### 3.16.6 Landscape Structures / Art

Exterior sculpture must be submitted for approval by the CWCDC. Materials and colors of any sculpture must be in accordance with the general intent of these guidelines and may not be visually intrusive when viewed from neighboring homesites, common areas, rights-of-way or other parcels. All exterior sculpture must be located within the Development Zone of a lot.

### 3.16.7 Landscape Palette (Appendix D)

- a. Native plants should be used wherever possible; they have the best chance of long-term survival and are the least disruptive to the local ecology.
- b. In keeping with The Woodlands concept of preservation of the natural forest environment, native plant material is preferred for all landscape efforts within the Natural Areas of the Side Yard, Rear Yard, and Front Yard. A suggested native plant list is as follows:
  - Trees - Crepe Myrtle, Sycamore, Oaks (Live, Water, etc.), Magnolia, Dogwood, Sweet Gum, Birch, Pines, and Willows.
  - Shrubs - Wax Myrtle, Yaupon, Deciduous Holly, Holly.
  - Ground Cover - Honeysuckle, Carolina Jessamine, Confederate Jasmine, and Asiatic Jasmine.

### 3.16.8 Irrigation

- a. The installation of a landscape irrigation system for all newly landscaped areas is required.
- b. Irrigation systems must:
  - Have a backflow prevention *device* where attached to the potable water system;
  - Be equipped with a rainfall sensing device to deactivate the system following a rainfall;
  - Be placed entirely within the lot and not encroach upon any Open Space Reserve (greenbelt) or neighboring lot. Location of any improvement within an Easement or street right-of-way is at the Builder's risk and subject to removal.
  - On lots fronting the golf course, it is the Owner's responsibility to irrigate and maintain the 10' strip of land between the fence (if constructed) and the rear property line of the lot.

### 3.17 Utilities

- a. Utility services are stubbed to the property lines of each homesite. Water and sanitary sewer are generally clustered (usually with those of one adjacent lot) in a utility easement located on one of the front corners of each homesite. Dry utilities, such as natural gas, electrical, telephone, and cable are generally located in a utility easement

along the rear Jot line. This 10' easement is usually located within the rear lot property line.

- b. The location of these utilities and the extension of services from these stub locations to the residence are the responsibility of each Builder and must be routed to minimize disruption to the natural landscape. These routes must be considered in the site planning phase and, where possible, combined with other disturbance through the front setback, such as adjacent to the driveway or combined with other utilities where appropriate. As a general rule, utility trenches may not encroach into any required setback except where they cross a setback between the service tap and the Building Zone.
- c. Information regarding current tap and service fees, as well as connection procedures, may be obtained by contacting the serving utility companies.
- d. All utilities extending from the point of connection to a home must be placed underground. Careless placement and design of utility connection details can result in unnecessary disturbance and potential damage to the natural vegetation.
- e. Utility connections, meter boxes, etc. must be screened from view or located on a side of the structure that cannot be viewed from outside the homesite. Location of utility boxes must be indicated on the site plan.

### **3.18 Outside Equipment / Storage Buildings / Play Equipment / Yard Structures**

- a. All outside equipment, such as pool equipment, HVAC equipment, trash enclosures, utility meters, yard structures such as arbors and trellises, garden benches, fountains, greenhouses, barbecue grills, fish ponds, windmills, weather vanes, and bird baths, and all play equipment such as play structures, trampolines, swing sets, slides or other such devices must be located within the Development Zone of the lot and screened from the street, lake, common areas, and neighboring lots.
- b. The CWCDC must approve the locations of all outside equipment and recreation equipment before installation.
- c. If garage space is insufficient for the storage of trash containers, the outside enclosures must be screened by fencing and approved by the CWCDC.
- d. Prefabricated storage buildings will not be approved.
- e. All boats and recreational vehicles must be kept in a garage or other structure designed to harmonize with the architecture of the residence.

### **3.19 Pools, Spas and Water Features** (see Forms CS, C9, C10, C11, and C12)

- a. A Swimming Pool Permit Application (Form CS Forms CS, C9, C10, C11, and C12) must be approved by the CWCDC prior to construction of any pool related improvements.
- b. The Restricted Open Space Reserves (ROSR) and lake outside individual lots are to remain intact and no construction, clearing, or other access through such areas is permitted without prior written approval of the Builder and the

CWCDC.

- c. The size, shape and siting of pools must be carefully designed to achieve a feeling of compatibility with the surrounding natural and man-made environment. The location of swimming pools, therapy pools and spas should consider the following:
- Development Zone Setbacks
  - Views both to and from the pool area to create indoor / outdoor relationships
  - Wind / Sun / Terrain (grading and excavation)
  - Fencing and privacy screening Pools, pool features, and pool equipment must be contained within the Development Zone and screened from view of adjoining properties. Pool equipment must be located to minimize noise to adjoining homes.
- d. All swimming pools, hot tubs, and spas must be provided with a security barrier, which complies with the Code.

### **3.20 Tennis Courts**

CWCDC approval is required for all tennis courts. Tennis courts will be permitted only when they can be constructed so as not to infringe upon view corridors of adjacent lots and must be naturally screened from adjacent homesites. Tennis courts must be contained within the Development Zone of the lot. Design and color of fencing materials should blend naturally into the surrounding area and plant materials added to soften the visual impact. Fencing should be vinyl-coated chain link, dark green or black in color. Windscreens should be kept to moderate heights. Surface colors should be restricted to colors such as soft reds and greens and not be highly reflective. Night lighting of tennis courts is only permitted if the light does not intrude on adjacent residences. Lights must be turned off by 10:30 PM.

### **3.21 Exterior Lighting**

- a. An exterior lighting plan must be submitted for each home. All exterior lighting fixtures, whether attached to the dwelling or remote, require CWCDC approval as to location, style, size, color, and direction of illumination.
- b. Illumination must be contained within the individual homesite and not negatively impact neighboring properties. If a shadow is cast upon a neighboring property from a homesite the light is originating from, then the illumination is not being contained.
- c. Flood lamps attached to the home are not allowed on the front facade. Flood lamps used on the side or rear facades must be shielded to eliminate glare and light spillage beyond the property lines. Ground mounted wall lighting is encouraged.
- d. Lamp Type
- Illumination of address numbers visible from the street is required.

- Incandescent, tungsten halogen and fluorescent lamps are acceptable for all types of exterior lighting.



- Mercury vapor lamps are acceptable only in shielded fixtures mounted high in trees and directed downward, or at ground level and directed upward to provide low-level ambient property illumination.
  - High-pressure sodium and low-pressure sodium lamps are not acceptable.
  - Gaslights are acceptable for exterior residential applications.
  - Electronic insect traps ("Bug Zapper Lights") are permitted only if mounted below the height of 6', and within the Development Zone of the rear yard.
- e. Pole Lights  
Lights mounted on freestanding poles may not exceed an overall height of 8' above natural grade unless otherwise approved by the CWCDC.
- f. Location
- Lights (except those operating on 12 volts or less) may not be located within 5' of a side property line or 10' of a rear property line.
  - Lights must be set back a minimum of 20' from the street pavement edge.
- g. Materials / Colors

Decorative lighting fixtures must be an integral and compatible part of the architecture of the dwelling. Other light fixtures must be inconspicuous and unpretentious. Light fixtures and their supports must be of materials and colors, which are in harmony with the natural, forested environment. Muted earthtones in the brown, gray, and green ranges are preferred. White fixtures and supports are acceptable only if they are integral to the architectural style of the dwelling.

### **3.22 Satellite Dishes and Antennae**

a. Antennae Prohibited

- Antennae for the reception of audio or video signals are prohibited outside the home, garage or other enclosed building, except Large or Small Satellite Dish antennae which comply with the further provisions of this Standard.

b. Large Satellite Dish

- Only one (1) large satellite dish (antenna diameter over 39") may be installed on any lot or tract.
- Large satellite dish antennae must be located within the Rear Yard, within the Development Zone, and be located or screened so they do not cause an unreasonable or disproportionate visual impact on neighboring properties.
- The overall height of the finished installation (to the highest point of the antennae) may not exceed 8'.
- Large satellite dish antennae must be screened by evergreen vegetation and/or a 6' high solid wall.

c. Small Satellite Dish

- Small satellite dishes (antenna diameter 39" or less) must be located in the Rear or Side Yard within the Development Zone, on the rear or side surface of the home or garage, or the roof, if satisfactory reception can be achieved.
- Small satellite dish antenna must be screened from view from adjacent properties and street rights-of-way.

d. Color

- All satellite dish antennae, including the supporting structure and related equipment, must be painted grey, black or a suitable earthtone color.

e. Approvals

- Satellite dish antennae 20" or less in diameter are pre-approved and require no application, permit or inspection if they comply with the requirements for Small Satellite Dishes.
- All other projects within the scope of this Standard must be reviewed and approved in advance by the CWCDC.

**3.23 House Address Numbers/Signs**

a. General Criteria

- (1) A sign is any sign, placard, banner, flag or promotional device. A two-sided sign is considered as one sign.
- (2) All signs must be aesthetically pleasing, appropriately located, in keeping with the character of the community and in good repair.
- (3) Signs other than flags cannot exceed an installed height of 5' above the ground.

b. Specific Sign Types

Signs which are permitted on Single Family Lots are:

(1) Address Signs

- a. Address plaques are required on each home and must be located so as to be visible from the street from which the property is addressed. If address identification numerals attached to the home are not visible from the street, a single marker near the driveway is required.
- b. Address plaques must be illuminated as to be clearly visible from the street at night.
- c. Houses in Estate Neighborhoods must have two address markers-one attached to the house and one near the street (attached to a gatepost, gate, fence, or freestanding marker).

- d. In a neighborhood which is being constructed by a single builder, a special design for lot address numbers is required.
- e. The colors and materials used in an address sign must be compatible with those used in the construction of the dwelling.

## (2) Builder Signs

A homebuilder must erect an identification sign on any lot where that homebuilder is constructing a home). The sign must be removed within 48 hours following the closing of the homebuilder's sale of that property or the completion of construction, whichever will occur later.

## (3) Contractor Sign

A contractor performing construction or remodeling work may erect one identification sign on the lot where work is being performed. Contractor signs may be displayed only during the time work is being performed at that site and must be removed within 48 hours following completion of the work. The sign face may not exceed six square feet.

## (4) Flags

Not more than two flags are permitted on any lot. Flags must be in good taste. Flags located in the Front Yard must be at least 20' from the pavement edge. Flagpoles may not exceed the height of the residence or 25', whichever is less.

## (5) Political Signs

- (a) Political sign means a placard, banner, flag or device that promotes a candidate or an issue. A two-sided sign is considered one sign.
- (b) One political sign promoting each candidate or issue on the ballot may be placed on each Single Family Lot beginning the 20'h day preceding the regular election day, and must be removed within 24 hours following the day of the regular or runoff election.
- (c) Political signs must:
  - Be in good repair and aesthetically pleasing, in keeping with the character of the community;
  - Not be lighted, accompanied by music, sound, balloons or streamers, or be distracting to motorists;
  - Be ground mounted and not attached in any way to plant material, traffic control devices, light standards, or other existing structures or objects;

- Not exceed six square feet in area; and
- Not exceed five feet in total installed height (including post, if any).

#### (6) Real Estate Signs

One message advertising that the property is for sale is allowed on each lot.

Such message must be displayed on the typical "Carlton Woods Creekside Builders Sign" or a sign having identical design specifications, including but not limited to letter style, size and color, post style and height, and sign face design, size and color.

A maximum 10X10 insert within the builder sign blade at the bottom contains typical realtor design and colors.

For new homes, the name and phone number of the realtor may be included in lieu of owner or designer information as depicted on the sample "Carlton Woods Creekside Builder Sign." For resale homes, the name and phone numbers of the realtor may be used in lieu of owner, architect, or builder information.

No real estate signs are allowed that are visible from the golf course.

Signs must be removed from the lot no later than 48 hours after the sale of the lot has closed. No Realtor sign is permitted with a "Sold" banner. If the lot has sold, the sign must be removed.

#### (7) Safety Signs

Two safety-related signs placed on or within 12" in front of the house or front fence that do not exceed one square foot in size, are allowed.

#### (8) Youth Activity Signs

Not more than two temporary signs promoting school or youth activities are allowed on a lot. Signs must be four square feet or less in area and located within ten feet of the front facade of the home.

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### **3.24 Exterior Sculptures**

Exterior sculpture must be submitted for approval by the CWCDC. Materials and colors of any sculpture must be in accordance with the general intent of these guidelines and may not be visually intrusive when viewed from neighboring homesites, common areas, rights-of-way or other parcels. All exterior sculpture must be located within the Development Zone of a lot

### **3.25 Outside Speakers**

Sound cannot be amplified in any way on the exterior of any residence such that, in the judgment of the CWCDC, it can be heard by neighboring residents or anyone on the lake, common areas, or rights-of-way.

### **3.26 Refuse Can Enclosures**

The disposal company will be responsible for retrieving refuse containers, disposing of their

contents, and replacing the cans in the designated area. This area must accommodate a minimum of one covered 96 gallon plastic refuse can on wheels and it must be contained within the structure of the home or garage or screened from the street by an exterior wall and contained within the Development Zone for the lot

### **3.27 Seasonal Decorations**

The use of exterior lighting as decoration is limited to the period between Thanksgiving through the first weekend after New Year's Day.

## **PART IV - ARCHITECTURE GUIDELINES**

### **4.1 Architectural Objectives**

- a. The goal of these standards is to encourage a community of outstanding individual architectural and landscape statements that, when viewed together, produce an equally outstanding community environment.
- b. The following are some of the questions that the property owner and design team should consider when developing the design for a homesite:
  - Is the residence located on the site in a sensitive manner, with minimum disruption to the natural topography, vegetation, and unique site features?
  - Is there a consistency in the site planning, architecture, and landscaping?
  - Is there a sensitive interpretation of the architectural style?
  - Are the specific features of the architectural style well developed and carefully detailed?
  - Have the features and details been researched to achieve a certain degree of authenticity?

- Is there a consistent scale used throughout the design of the residence? Each element should be designed in proportion to the other design elements.
- Will the various building materials allow for a pleasing and harmonious exterior appearance to the residence? Are the building materials used logically?
- Are the colors appropriate and used with restraint?

#### **4.2 Architectural Style**

- In general, it is not the intent of these standards to dictate specific architectural styles that must be used within the Carlton Woods Creekside community, but rather to *give* property owners and their architects or designers a set of guidelines that will provide flexibility while achieving continuity and harmony within Carlton Woods Creekside.
- While it is desirable for the homes within Carlton Woods Creekside to exhibit the individuality of their owners, designers are encouraged to develop an authenticity to the detailing of the house design based upon the architectural style of the home.

#### **4.3 Square Footage**

The minimum and maximum allowable square footage of Living Area varies by neighborhood/section and location. See Appendix F for this information.

#### **4.4 Foundations**

- At no point along the perimeter of the house/garage slab shall the top of the finished floor elevation be less than 14 %" above natural grade, nor less than 3" *above* the highest elevation of curb adjacent to the lot. All finished slabs shall also be a minimum of one (1') foot *above* the FEMA 100 year base flood elevation and all structural improvements must comply with minimum Montgomery County flood plain building requirements. No more than 18" vertical dimension of any concrete foundation is to be exposed to *view* from the street.
- The Developer may further stipulate minimum slab elevations for both house and garage. For a building permit to be issued, the proposed finished floor (minimum slab) elevation must be included in the application. An as-built certified survey of the final slab elevation must be submitted along with the final document package.
- The buyer shall provide to Seller, prior to resale to a third party home purchaser, a final survey, certified by a Registered Public Surveyor, of all improvements constructed on the property, together with the Finished Floor Elevation (Finished Slab-Height) of the residential slab and garage.
- Construction pads for all foundations shall be properly engineered.

#### **4.5 Building Orientation**

- The front elevation of the residence must be oriented to the street address side.
- Consistency of detailing on all elevations should be maintained.

- c. In addition to the general approval of plans and elevations, the CWCDC, may require special features and massing on highly visible lots at entrances or other special locations.
- d. The inclusion of a covered front porch, balcony, or front-facing terrace is encouraged on the front elevation. Properly designed, this feature can augment the traditional, more private use of the backyard. The historic front porch, balcony, or landscaped terrace has several benefits:
  - An enhanced sense of entry is achieved without monumentality.
  - Shade and shadow patterns and articulated massing and details can enhance the appearance of the home.
  - The focal point of the house becomes the people-oriented entrance rather than the more typical garage-door dominated streetscape.
  - There are often excellent views from the front of the house.
- e. The main entrance should have a sense of prominence that is reflected in the design. An entrance proportioned to convey a sense of human scale is more appropriate than one with exaggerated dimensions. The entry should be sheltered on the exterior and include a pair of doors, either with or without sidelights. If a single door is preferred, sidelights may be recommended. The main entry should contain more detail than other openings but remain consistent in styling.
- f. Masonry or stone facing used as a veneer material on the front of a residence should return around a corner to a logical point of termination, such as an inside corner.
- g. Quoins, when utilized in the design, should be expressed on the front and side elevations and on all elevations when the homesite is on the lake.

#### **4.6 Building Forms & Massing/Building Height/Scale and Proportion**

It is important to provide visual order and harmony in the overall house design. Visually confusing, loud or disordered facades (including roof forms, massing, window and door shapes and sizes) should be avoided. It is important that the general proportions of the home, including the windows, doors, and other exterior architectural elements result in a harmonious overall composition.

#### **4.7 Roofs / Skylights / Chimneys**

- a. Roof forms should be well organized and demonstrate the same character on all sides of the residence and be in keeping with the architectural style of the house. Major eave lines should align wherever possible. Eaves and rakes should be articulated by multiple fascia boards and cove and crown molds where applicable.
- b. Appropriate roofing materials include standing seam metal (factory-finished steel, terne or copper), metal shingle, clay or concrete tile, or slate. Composition shingles must be architectural grade (245# for fiberglass or 345# for asphalt shingles), must simulate the appearance of a wood or slate shingle, and should be of the gray or "weathered wood" color range. The roof material must be in keeping with the



architectural style of the house.

- c. The location and design of all skylights and solar collectors are subject to approval. Collectors must be of a flat profile and conform to the slope of the roof.
- d. All exposed metal roof accessories (such as flashing, plumbing vents, roof flashing, attic ventilators, metal chimney caps, skylight curbs, gutters, solar collector frames, etc.) shall match the color of the roofing material or appropriate material. The preferred location of all stack vents and attic ventilators is on the rear slopes of roofs.
- e. Chimney caps are required on all chimneys. All fireplace chimneys shall be brick, stone, or stucco and supported by a foundation at grade when located on an exterior wall. Prefabricated metal fireplaces and metal flues may be used, but their chimneys must be masonry clad to present the appearance of traditional masonry chimneys.

#### **4.8 Exterior Materials / Colors**

- a. All brick used must be domestic hard-fired modular brick, which is even in color and texture, and must meet the minimum requirements of ASTM-216. The employment of used brick, or a new brick, which has been manufactured to look old, is permitted subject to CWCDC review.
- b. All mortar joints shall be tooled. Slump joints are unacceptable. Mortar color shall be selected to complement the brick color.
- c. All exterior material and color selections must be approved by the CWCDC.
- d. Colors (and materials) shall be in harmony with the natural, forested environment. Muted earth tones in the brown, gray and green ranges are compatible with the hues of the landscape and are therefore most appropriate.
- e. Exterior elevations as viewed from the street must be brick, stucco, stone, or combinations thereof. No wood or cement plank siding is allowed as the predominant material on the ground floor, unless the architectural theme of the home would suggest otherwise and approval is granted by the CWCDC
- f. Plywood or fiberboard is not permitted.
- g. No material, detailing, or color change may occur at an outside corner.

#### **4.9 Doors, Windows and Shutters**

- a. In Estate neighborhoods, windows must be made of wood, vinyl clad wood, metal clad wood, or butt glass unless the structure's architectural style suggests a different material.
- b. The profile of window mutins should be expressed on the outside and inside of the window glass.
- c. Windows and doors should reflect restraint in the number of types, style, and sizes.
- d. If shutters are used, only real shutters are acceptable, with the appropriately designed and detailed hardware.
- e. If shutters are used, only real shutters are acceptable, appropriately sized and with appropriate hardware.