

20110107371
03/16/2011 RPI \$76.00

16
Notice
J

ST. CHARLES SQUARE HOMEOWNERS ASSOCIATION, INC.
ARCHITECTURAL CONTROL GUIDELINES FOR
THE MODIFICATIONS COMMITTEE

January 4, 2005

RP 076-50-0715

CONTENTS

OVERVIEW

THE DECLARATION 1
PURPOSE AND OBJECTIVES 1
APPLICATION PROCEDURE 2
APPROVALS/DISAPPROVALS/PROCESSING PERIOD 2
EASEMENTS 3
VARIANCES 3
INSPECTION 3
COMPLIANCE/NON COMPLIANCE 3
ENFORCEMENT 4
COMPLAINTS 4
CONTROLLING DOCUMENTS 4

*****GUIDELINES*****

1.0 TOWNHOMES 4
2.0 OUTBUILDINGS 5
3.0 BASKETBALL GOALS 5
4.0 PATIO COVERS 5
5.0 EXTERIOR PAINTING 5
6.0 STORM WINDOWS AND STORM DOORS 6
7.0 SOLAR PANELS/SCREENS/FILM 6
8.0 ANTENNAS 6
9.0 FENCES, FENCE EXTENSIONS, WALLS AND HEDGES 7
10.0 DECORATIONS/FLAG POLES 7
11.0 EXTERIOR LIGHTING 8
12.0 WIND TURBINES 8
13.0 OUTDOOR CARPETING 8
14.0 GATES & GATE COVERS 8
15.0 BIRDHOUSES 9
16.0 LANDSCAPING 9
17.0 SWING SETS 9
18.0 DRIVEWAY EXTENSIONS/SIDEWALKS 9
19.0 GARAGE CONVERSIONS 10
20.0 WINDOW AIR CONDITIONERS 10
21.0 AWNINGS/WINDOW SHADES 10
22.0 SIGNS, ADVERTISEMENTS, BILLBOARDS 10
23.0 GARAGE SALES 11
24.0 STORAGE OF BUILDING MATERIALS 11
25.0 TEMPORARY STRUCTURES 11

RESIDENTIAL INSPECTION GUIDELINES

A. TOWNHOME REPAIRS 12
B. TOWNHOME PAINTING 12
C. TOYS 12
D. DEBRIS 13
E. TRASH CANS 13
F. DECORATIVE APPURTENANCES 13

RP 076-50-0716

ST. CHARLES SQUARE HOMEOWNERS ASSOCIATION, INC.
ARCHITECTURAL CONTROL GUIDELINES

OVERVIEW

The Declaration

A system of Architectural Control is created by the following Declarations of Covenants, Conditions and Restrictions:

Declaration of Covenants and Restrictions for Paige Street
Townhomes, Palmer Square and Nagle Street Place, in Harris
County Clerk's File No. Y146811.

*All recording information refers to the Official Public Records of Real Property of Harris County, Texas.

Purpose and Objectives

The purpose of these architectural guidelines is to preserve the natural setting and beauty of the Properties, to establish and preserve a harmonious and aesthetically pleasing design for the Properties and to protect and promote the value of the Properties, subject to the restrictions set forth in the Declaration.

To preserve the architectural and aesthetic appearance of the Properties, no construction of improvements, or modifications, additions, or alterations to existing improvements, shall be commenced or maintained by any Owner, with respect to any other portion of the Properties, including, without limitation, the construction or installation of sidewalks, driveways, parking on Townhome Sites, mail boxes, decks, patios, courtyards, awnings, walls, fences, exterior lights, or garages, nor shall any exterior addition to or change or alteration therein be made (including, without limitation, painting or staining of any exterior surface), unless and until they shall have been submitted to and approved in writing by the St. Charles Square Homeowners Association, Inc. ("Association") as to the compliance of such plans and specifications with the Declaration and such design guidelines (the "Guidelines") as may be published by the Association from time to time including the harmony of external design, location, and appearance in relation to surrounding structures and topography.

These Guidelines are intended to function as a summary of the Declaration and to comply with the requirements of the Declaration by establishing design guidelines for the Association, which has exclusive jurisdiction over modifications, additions, or alterations made to Townhomes. Any terms with the first letter capitalized are either defined in these Guidelines, or in the Declaration. The Modifications Committee is referred to in these Guidelines as the "MC". "Properties" shall mean all Townhome Sites and Common Areas shown on the Subdivision Plat.

3u

110-50-0712

Application Procedure

Applications should include a cover letter, together with the Application Form (available from Preferred Management Services at the address and phone number stated in the following paragraph) explaining the proposed improvement(s). Attach two (2) copies of a detailed site plan. It is recommended that a copy of the survey received at closing be used so that relative distances and dimensions can be reviewed. Make sure to include all pertinent information, specifications, building permits, etc., and that a mailing address and phone number is also provided. All applications must be in writing. The MC cannot respond to verbal or facsimile requests.

Mail your applications to: Preferred Management Services, P.O.Box 690269, Houston , TX 77269, telephone number (281) 897-8808. Do not send the application via fax. Call Preferred Management Services within seven (7) days after the date of the application to verify that it was received. Do not assume it was received.

It is the responsibility of the applicant to make sure he or she has the most current guidelines before proceeding with any improvement. Check with any MC or Board member to see if the guidelines have been revised or amended.

The MC reserves the right to charge an application fee on a case by case basis, depending on the complexity of the requested improvement to pay for the services of an independent architect/land planner to review. Any costs or expenses which the MC incurs in processing the Application shall be paid by the homeowner.

Approvals/Disapprovals/Processing Period

The MC will respond in writing to all applications. Upon approval or disapproval, one (1) copy of the application will be marked and returned, along with an explanatory letter.

Please note that the MC has forty-five (45) calendar days from date of receipt of a complete application within which to respond. If additional information is required by the MC, the forty-five (45) day processing period will commence upon receipt of the additional information. Plans for the implementation of the proposed improvement(s) should allow for the time required to complete the approval process. However, every effort will be made to respond promptly.

In the event the MC fails to indicate its approval or disapproval within forty-five (45) days after receipt of the required documents, approval will not be required and the related covenants set out in the Declaration shall be deemed to have been fully satisfied, provided that the proposed improvements are generally in harmony with the scheme of the development as set forth in the Declaration and these Guidelines and do not violate any of the covenants. However, failure to respond on the part of the MC does not imply permission to encroach on an easement or building line.

If an application is not approved, the MC will state in its letter why such approval was denied and what type of application changes, if any, would alter that decision. If an applicant wishes to discuss or appeal a decision made by the MC, the chairman, of the committee should be

contacted for an appointment. The Board of Directors shall have the final authority over all actions taken by the MC.

No MC member can approve his/her own improvement.

Please note that MC approval is required prior to the installation or construction of any improvement or change. If an improvement is made without MC approval, the Board of Directors for the Association has the legal right to enforce its removal.

Easements

The MC cannot approve any application if there is an encroachment on an easement until the homeowner provides a Consent for Encroachment, or resubmits revised plans. Any non-portable structure on an easement is considered permanent, and thus an encroachment. Homeowners must secure a Consent to Encroachment or a Release of Easement from all affected utility companies. If your plans show an encroachment, obtain your Consent for Encroachment before applying to the MC, or your application will be rejected. If you have an aerial easement on your Townhome Site, the utility company may permit you to place a permanent structure in the easement, as long as the structure is not higher than the aerial easement. To be on the safe side, you should discuss it with the utility company first.

Approval by the MC of any encroachment of an easement shall not serve as an amendment or change of that easement and shall not create liability through the MC. Any encroachment upon such easement shall be at the sole risk and expense of the homeowner.

Variances

Each application is considered on its own merit and the MC may grant a variance from these guidelines or the Declaration if, in the sole discretion of the MC, the circumstances warrant. Variances will be granted in writing only and, when given, will become part of these guidelines to the extent of the particular Townhome Site(s) involved. Because a variance may have been granted in one instance does not mean that improvements of a similar nature need not be applied for. Unless the guidelines are amended and reissued, applications for improvements must be submitted, regardless of any variances previously granted.

Inspection

All improvements are subject to inspection by the MC.

Compliance/Non Compliance

As stated earlier, these guidelines include all relevant stipulations from the Declaration, but also include supplementary details and restrictions that have been approved by the Board of Directors.

The Declaration was in existence prior to the sale of any Townhome on the Properties. It is expected that all residents will comply with the restrictions and requirements specified in that document. This includes the requirement to file an application for approval to the MC for all improvements, conditions or restrictions specified in the Declaration.

Owners shall comply with all applicable restrictions and shall observe the filing requirements for any improvements. An Owner is not in compliance if: 1) an improvement was made that is/was prohibited at the time of the improvement; or, 2) an improvement was made and an application was not filed with the MC.

Unapproved and/or prohibited improvements are subject to removal or modification at the Townhome owner's expense, unless a variance is granted. Owners should apply to the MC for any outstanding unapproved improvements.

Enforcement

The Declaration provides, as follows:

Enforcement of this Declaration may be initiated by any proceeding at law or in equity against any person or persons violating or attempting to violate them, whether the relief sought is an injunction or recovery of damages or both, or enforcement of any lien created by this Declaration, but the failure of the Association or any Owner to enforce any covenant herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Complaints

Owners are encouraged to help maintain the beauty of the Properties. To this end, we all have an obligation to conform to the Declaration and architectural guidelines, and to ensure non-complying improvements get corrected. Should you have a complaint regarding a violation, write to the MC. All complaints will be handled in the same manner discussed under Application Procedure.

Controlling Documents

In the event of a conflict between these Guidelines and the Declaration, the Declaration shall control.

*******GUIDELINES*******

1.0 Townhomes

1.1 **Roof requirements.** All Townhomes will be roofed with composition shingles. Any roof replacement shall require MC approval. Aluminum simulated shingle roofs and wooden shingles are not acceptable. Any roof replacement shall require MC approval.

0250-050-0720
076-50-0720
076-50-0720

- 1.2 **Roof Penetrations.** Roof vents, utility penetrations, or other roof protrusions shall not be visible from the front street. Generally skylights should not be visible from the front street. An exception would be skylights that are part of the architectural style of the Townhome and are used to enhance that style. In such cases, the MC will determine their appropriateness.
- 1.3 **Gutters and downspouts.** Gutters and downspouts, if used, should be strategically placed to minimize their visibility to the front street. Preferably, downspouts should occur only at the rear and sides of a Townhome. Placement on the front elevation should be avoided as much as possible, but may be used to avoid water runoff at front entrances. Gutters and downspouts must match painted wood trim surface. Downspouts must be installed vertically and in a simple configuration. All gutters and downspouts must be installed so water runoff does not adversely affect adjacent properties. It is recommended that downspouts be buried or hidden in plant materials at the point where extensions carry water away from the building.

2.0 Outbuildings

- 2.1 An "**outbuilding**" is defined as any structure which is not attached to the main structure. This definition does not include bonafide additions to the main residence or garages, but does include storage sheds, gazebos, and playhouses/forts. No outbuildings shall be constructed on the Properties.

3.0 Basketball Goals

- 3.1 Basketball goals are not permitted.

4.0 Patio Covers

- 4.1 Patio covers are not permitted.

5.0 Exterior Painting

- 5.1 Even if an Owner intends to paint in accordance with an original color scheme, or to rebuild in accordance with original plans and specifications, an application must be submitted and no work begun until approved by the MG.
- 5.2 Color changes must be approved by the MC. Color of brick used in Townhome and color of neighboring Townhomes are considerations.
- 5.3 Exterior paints and stains for each Townhome shall be selected to complement or harmonize with the colors of the other materials with which they are used.
- 5.4 Front doors must be maintained. They may be stained, a natural wood color, or painted. Any changes to the stain or paint color must be approved by the MC.
- 5.5 The approved color is Monarch 100% Durus Acrylic Flat Finish Exterior – 96/Colony White. Please note that approval is not needed if you use the approved colors to do touch up painting.

RR 076-50-07-21

6.0 Storm Windows and Storm Doors

- 6.1 The frames of storm windows and storm doors must be of a color compatible with the exterior Townhome colors and/or general use and appearance of the Townhome. All storm doors must be a full glass door. No screen doors are allowed.

7.0 Solar Panels/Screens/Film

- 7.1 Solar Panels are not permitted.
- 7.2 Parabolic solar collectors are not allowed.
- 7.3 Solar window screens are not allowed.
- 7.4 Solar (reflective) window films are not allowed. Certain window tinting may be permitted. The window tinting must not be so dark as to obstruct visibility from the outside.

8.0 Antennas

- 8.1 MC approval of a "dish antenna" or an antenna designed to receive local broadcast signals is not required, except where the antenna will be located on a mast higher than 12 feet above the roofline. As used herein, a "dish antenna" means an antenna that is one meter (39.37") or less in diameter, designed to: (a) receive direct broadcast satellite service, including direct-to-home satellite service; (b) receive or transmit fixed wireless signals via satellite; (c) to receive video programming services via wireless cable, or (d) to transmit fixed wireless signals other than via satellite.
- 8.2 All antennas other than those described in 8.1 above must be approved by the MC, and must not be located upon any portion of a Townhome Site visible from the street abutting the front of the Townhome. Where possible, the homeowner is encouraged to place the antenna inside the Townhome's attic space.

RP 076-50-0729

9.0 Fences, Fence Extensions, Walls and Hedges

With the exceptions cited below, any fence, wall or hedgerow intended for the purposes of privacy and/or security shall be no greater than eight feet (8') in height and shall be no nearer to the front property line of the Townhome Site which it serves than the building line which is closest to that property line, subject to the following exceptions:

- 9.1 All proposed fences must be approved by the MC.
- 9.2 All metal fencing shall be painted black.
- 9.3 Any wall, fence or hedge erected on a Townhome Site shall pass ownership with title to the Townhome Site and it shall be Owner's responsibility to maintain said wall, fence, or hedge thereafter.
- 9.4 Replacement or repairs of fences, walls or hedges must be made with similar materials and construction details as used in original fence, wall or hedge. Replacement with any other material must be approved by the MC.
- 9.5 No chain link fence type construction will be permitted on any Townhome Site.
- 9.6 Fences must be maintained in good condition.
- 9.7 The maximum height for metal/wrought iron fencing is eight (8') feet.
- 9.8 Where pedestrian gates are proposed, they must be constructed of a material which is compatible to its respective fence type.

10.0 Decorations/Flag Poles

- 10.1 On any portion of a Townhome Site visible from any street, there shall be no decorative appurtenances placed, such as sculptures, birdbaths, birdhouses, permanently affixed flag poles, fountains, or other decorative embellishments. Christmas, holiday or other festive decorations of a temporary nature are exceptions. Decorations must be removed within four (4) weeks after the calendar date of the holiday.
- 10.2 Burglar bars over windows are prohibited.
- 10.3 Townhome address numbers may be placed on the Townhome, but not on any type of freestanding structure.

- 10.4 Permanently affixed flag poles are prohibited. For temporary use, bracket mounted flags, placed near the front entry of the Townhome, may be permitted.

11.0 Exterior Lighting

- 11.1 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring Townhomes.
- 11.2 Exterior decorative lights, security lights or floodlights must be aimed so as not to shine onto a neighboring property. The fixture color and shielding should be compatible with the building. Conduits and wiring must be concealed.
- 11.3 Low voltage landscape lighting must receive MC approval prior to installation.
- 11.4 Exterior lights must not affect overall aesthetic appeal. The type, color and quality of all exterior site and Townhome lighting must be consistent with other existing lights on the property and in the neighborhood of the respective Townhome.
- 11.5 Colored lighting of any sort and the use of fluorescent and neon lighting is prohibited (except during recognized holiday seasons when such lighting is permitted).
- 11.6 Architectural accent lighting is permissible, but must be from an incandescent source.
- 11.7 Proposed walkway lighting should be inconspicuous and of a bollard or domelight design. The lamp may be incandescent (100w maximum), quartz (75w maximum), metal halide (75w maximum), or fluorescent (25w maximum).

12.0 Wind Turbines

- 12.1 No wind generators shall be erected or maintained on any Townhome Site.

13.0 Outdoor Carpeting

- 13.1 No outdoor carpeting shall be installed on any outdoor surface visible from the street or neighbors.

14.0 Gates & Gate Covers

- 14.1 Full wooden panel to match trim of Townhome or existing fence.
- 14.2 No chicken wire, chain link or lattice.
- 14.3 Wrought iron and simulated iron gates are permitted, but shall be painted black.

15.0 Birdhouses

- 15.1 Maximum permitted height of fourteen (14') feet.
- 15.2 If mounted on a pole, must be unobtrusive and painted to match trim color of Townhome.
- 15.3 Must be placed not closer than five (5') feet to any property line, and must be situated in the rear of the Townhome.
- 15.4 Birdhouses and mounting structure must be maintained.

16.0 Landscaping

- 16.1 General: Landscaping (defined as living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth, e.g., bark, mulch, etc.) is generally not subject to MC review and approval except in circumstances wherein such landscaping is intended to accomplish a structural objective, such as a hedge or a visual barrier, or is visually objectionable, not in harmony with the surrounding neighborhood, or is specifically referenced in the Declaration.
- 16.2 Trellises, window boxes, arbors, and permanent brick borders, must have MC approval.
- 16.3 Landscape timbers and bricks without mortar do not need MC approval unless they exceed a height of two (2') feet.
- 16.4 Landscape projects should take into account the effect on drainage from resident property and adjacent properties.
- 16.5 Artificial plants, trees, shrubs, flowers, etc. are not allowed as part of the landscaping.

17.0 Swing Sets

- 17.1 No swing sets shall be permitted. This does not include porch swings or gliders.

18.0 Driveway Extensions/Sidewalks

- 18.1 An application must be submitted for any driveway removal, addition or modification. Driveways, entry walks and sidewalks on each Townhome Site may be constructed of concrete or any other finish approved by the MC. If masonry material is approved, it must be compatible, not only with the Townhome, but also with any other walkways or terraces on the Townhome Site.
- 18.2 Asphalt driveways and sidewalks are specifically prohibited.

RP 076-50-0725

- 18.3 Any concrete spilled, poured or washed on a street or driveway must be immediately removed leaving the street or driveway clean and unstained.
- 18.4 Driveways must be maintained.
- 18.5 Painting a topcoat on driveways and sidewalks is not permitted.

19.0 Garage Conversions

- 19.1 Conversions of garage for any reason are not permitted.
- 19.2 Aluminum, sheet metal or fiberglass carports are not permitted.
- 19.3 Additional garages or carports are not permitted.

20.0 Window Air Conditioners

- 20.1 No window or wall-type air conditioners shall be permitted to be used, erected, placed, or maintained on, or in, any Townhome.

21.0 Awnings/Window Shades

- 21.1 Awnings are not permitted.
- 21.2 Metal and wooden slat-type exterior shades are not permitted.

22.0 Signs, Advertisements, Billboards

- 22.1 No sign, emblem, billboard, poster or advertising device of any character shall be erected or displayed to the public view on any Townhome Site except as provided below:
- a) An Owner or his or her agent may erect One (1) "For Sale" sign not exceeding 2' x 3' in area, fastened only to a stake in the ground and not extending more than three (3) feet above the surface of such Townhome Site advertising the property "For Sale." The Board of Directors may, but shall not be obligated to, authorize similar size signs in an area outside of the wrought iron fence.
 - b) Declarant may erect and maintain a sign or signs deemed reasonable and necessary for the construction, development, operation, promotion, leasing and sale of the Townhome Sites. For a Townhome, Declarant may utilize one professional sign (of not more than five (5) square feet in size) per Townhome Site for advertising and sales promotion of such Townhome.
 - c) Political signs may be erected upon a Townhome Site by the Owner of such Townhome Site advocating the election of one or more political candidates or the sponsorship or a political party, issue or proposal, provided that such signs shall not be erected more than sixty (60) days in advance of the election to which they pertain and shall be removed within ten (10) days after such election.

HP 076-50-0726

d) Signs which give notice of a Townhome security system are permitted if placed at or near the front entrance and are no larger than 144 square inches. Window stickers which give notice of a Townhome security system are also permitted.

22.2 "For Lease" or "For Rent" signs are not permitted upon any Townhome Site or the Property.

22.3 Contractor signs and painter signs are not permitted.

22.4 Lost pet signs are not permitted.

22.5 The MC shall have control over all the wording, design, appearance, size, quantity, and location of all signs. Except "For Sale" signs adhering to the standards of this Article, all signs within the Properties shall be subject to the prior written approval of the MC.

22.6 The Association, Declarant, or its assigns, shall have the right to remove any signs, advertisements, billboards, or structures placed on any Townhome Site and, in doing so, shall not be subject to any liability for trespass, any other tort, or any civil or criminal liability in connection therewith or arising from such removal. The Association, Declarant, or its assigns may maintain, as long as it owns any Townhome Site within the Property, in, or upon such portion of the Property as Declarant may determine, such facilities as in its sole discretion may be necessary or convenient, including, but without limitation, offices, storage areas, model units and signs, and Declarant may use, and permit such builders (who are authorized by Declarant) to use residential structures, garages, or accessory building for sales offices and display purposes, but all rights of Declarant and of any builder acting with Declarant's permission under this sentence, shall be operative and in effect only during the construction and initial sales period within the Property.

23.0 Garage Sales

23.1 Garage sales are prohibited because of aesthetic and security reasons.

24.0 Storage of Building Materials

24.1 Building materials placed on Townhome Sites prior to commencement of improvements must be kept in a neat, clean and orderly condition.

24.2 No materials may be placed on the street, or between the curb and the property line.

25.0 Temporary Structures

25.1 No structure of a temporary character (sales structure, trailer, travel trailer, tent, shack, garage, barn, or other outbuildings) shall be used on any Townhome Site at any time as a residence, either temporarily or permanently.

25.2 No trailer, camper, recreational vehicles, or similar vehicles shall at any time be parked in view from other properties, or connected to utilities situated within a Townhome Site.

25.3 No dwelling previously constructed elsewhere may be moved onto any Townhome Site. This specifically includes mobile homes, or the use of a mobile home, in which the axle and wheels have been removed and placed upon a concrete slab, which said mobile home is hereby specifically prohibited as a residence, either temporarily or permanently, and further, specifically includes a mobile home upon which wheels have been left attached.

RESIDENTIAL INSPECTION GUIDELINES

A. Townhome Repairs

Notice to make home repairs are to be sent when:

1. Shutters are missing slats or shutters are hanging loose.
2. Garage doors are dented and/or when garage door windows have been broken.
3. Rain gutters are bent, sagging or hanging.
4. Trim on Townhome, facia, or trim around windows is rotting.

B. Townhome Painting

Notice to paint should be sent when the following is occurring:

1. Paint is discoloring.
2. Wood is seen under coat of paint.
3. Paint is chipping off of Townhome.
4. Mildew that possibly could be remedied by power washing.

C. Toys

Notice to remove toys should be sent when:

1. There are complaints from neighbors.
2. When there are more than two (2) large toys in yard or on driveway.

NOTE: Letters will only be generated if this is a continual occurrence on the property.

RP 076-50-0728

D. Debris

Notice is to be sent when the following occurs:

1. Wood or lumber is stored against the Townhome and can be seen from the street.
2. Empty plant containers remain on the side of Townhome or in driveway over thirty (30) days.
3. Old bicycles, tricycles (rusted) and toys that remain on side of Townhome over thirty (30) days.
4. Bricks, sawhorses, paint cans (building materials) on side of Townhome or in driveway for over thirty (30) days.
5. Items in plastic trash bags that remain over thirty (30) days.
6. Old trash cans used for lawn clippings that are not discarded within thirty (30) days.
7. Plastic tarps and/or covers that remain in the same place over thirty (30) days.
8. Lawn clippings that are not discarded on regular trash days and are left in public view.

E. Trash Cans

Notice is to be sent when trash cans that remain on the side, front, or behind wrought iron fences remain in public view except from 7:00 AM to 8:00 PM on the days of trash pickup.

F. Decorative Appurtenances

Notice is to be sent for maintenance of decorative appurtenances when the following occurs:

1. When paint is chipping and is in need of new paint.
2. When decorations are placed in the yard that do not concur with the scheme of the community.
3. When repair or replacement is needed.

