

**SUNDOWN GLEN COMMUNITY ASSOCIATION
ARCHITECTURAL CONTROL GUIDELINES**

OVERVIEW

The Declaration

A system of Architectural Control is created by the Declaration of Covenants, Conditions, and Restrictions (referred to in these Guidelines as the Declaration) for the **SUNDOWN GLEN COMMUNITY ASSOCIATION, SECTIONS ONE, TWO, THREE, FOUR, FIVE, AND SIX AND SUNSET MEADOWS** which has been duly recorded in the Official Public Records of Real Property for Harris County, Texas.

OTE: Refer to the Declaration bearing your section number.

These Guidelines are intended to function as a summary of the Declaration and to set out minimum standards pursuant to the Declaration. The Architectural Control Committee (referred to in these Guidelines as the ACC) in conjunction with the Sundown Glen Community Association Board of Directors (referred to in these Guidelines as the Board) have exclusive jurisdiction over all modifications, additions, or alterations made to Residential Units. Any terms with the first letter capitalized are either defined in these Guidelines or in the Declaration.

Purpose and Objectives

The purpose of architectural standards is set forth in the Declaration as follows:

Whereas, it is the desire of Declarant to place certain restrictions, covenants, conditions, stipulations, and reservations upon and against **SUNDOWN GLEN** in order to establish a uniform plan for the development, improvement, and sale of such property, and to insure the preservation of such uniform plan for the benefit of both the present and future owners in said subdivision.

Now therefore, Declarant hereby adopts, establishes, and imposes upon those certain Lots in **SUNDOWN GLEN** the following reservations, easements, restrictions, covenants, and conditions applicable thereto, all of which are for the purpose of enhancing and protecting the value, desirability, and attractiveness of the property which reservations shall run with the said property and shall be binding upon all parties having or acquiring any right, title, or interest therein, or any part thereof, and shall inure to the benefit of each owner thereof.

Application Procedure

Applications should fully explain the proposed improvement/exterior modification. Include all pertinent information, specifications, building permits, and detailed site plan, along with a copy of the survey received at closing so that relative distances and dimensions are considered in review. All applications must be in writing, and include applicant's address and phone number. The ACC cannot respond to verbal requests.

is the responsibility of the resident to obtain the most current copy of the Guidelines before applying for any improvement or exterior change. Check with any ACC member or Board member to see if the Guidelines have been reissued or amended.

Approvals/Disapprovals/Processing Period

The ACC will respond in writing to all applications.

From receipt date of a **COMPLETE** application, the ACC has twenty-one (21) calendar days to respond. If additional information is required by the ACC, the twenty-one (21)-day processing period will commence upon receipt of the additional information. Plans for the implementation of the proposed improvement/exterior modification should allow for the time required to complete the approval process. However, every effort will be made to respond promptly.

In the event the ACC fails to indicate its approval or disapproval within the 21 days after receipt of the required documents, approval will not be required provided that the proposed improvement/exterior modification is generally in harmony with the scheme of the development as set forth in the Declaration and these Guidelines. However, failure to respond on the part of the ACC does not imply permission to encroach on an easement or building line or grant permission to construct any item which is expressly prohibited by the Declaration.

If an application is not approved, the ACC will state in its letter why such approval was denied. If an applicant wishes to discuss or appeal a decision made by the ACC, the chairman of the committee should be contacted for an appointment.

Please note that ACC approval is required **PRIOR TO** the installation or construction of any improvement or change. If an improvement/exterior change is made without ACC approval, the Board has the legal right to enforce its removal.

Easements

The ACC 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 Encroach or a Release of Easement from all affected utility companies. If proposed plans show an encroachment, a Consent for Encroachment must be obtained before applying to the ACC, or the application will be rejected. If there is an aerial easement on the Lot, the utility company may permit placement of a permanent structure in the easement, as long as the structure is not higher than the aerial easement. To be on the safe side, this should be discussed with them first.

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

Variances

Each application is considered on its own merit and the ACC in conjunction with the Board may grant a variance from these Guidelines or the Declaration if the circumstances warrant. 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, an application for improvement/exterior change must be submitted, regardless of any variance previously granted.

Inspection

All improvements are subject to inspection by the ACC and/or the Board.

Compliance/Non-Compliance

Homeowners shall comply with all applicable restrictions and shall observe the filing requirements for any improvements. A homeowner 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 ACC.

Unapproved and/or prohibited improvements are subject to removal or modification at the homeowner's expense, unless a variance is granted. Homeowners should apply to the ACC for any outstanding unapproved improvement/exterior change.

Enforcement

Upon any violation or attempt to violate any of the covenants, it shall be lawful for the Association or any other Owner to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from doing so or to recover damages or other dues for such violations. Failure by any Owner to enforce any covenant or restriction shall in no event be deemed a waiver of the right to do so thereafter.

Complaints

Homeowners are encouraged to help maintain the beauty of SUNDOWN GLEN. 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 ACC. 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

.0 BUILDINGS

1. A “**building**” is defined as the main residence situated on a Lot, and includes any bona fide additions such as a garage. It does not include any structure not attached such as a storage shed, gazebo, or layhouse/fort.

2. No improvements shall be constructed on the Lots except Residential Units and attendant improvements.

3. **Location of Buildings.** Pursuant to the Declaration, no Residential Unit shall be located nearer than five (5) feet to any side property Lot line except in the case of corner Lots where the Residential Unit or garage shall be no closer than ten (10) feet to the side Lot line adjacent to the corner.

4. **Height.** No residence shall exceed a reasonable height required for two and one-half (2½) stories of living space (above finished grade).

5. **Walls/Fences.** Any fence, wall, or hedgerow intended for the purposes of privacy and/or security shall be not greater than six (6) feet in height in Sections 1 and 2, and eight (8) feet in height in Sections 3, 4, 5, and 6, and shall be no nearer to the front property line of the Lot which it serves than the building line which is closest to that property line, subject to the following exceptions:

(i) A fence or wall may vary in height for aesthetic reasons at a corner, gate, or connection to a building, or at the locations of pilasters or major fence posts;

(ii) Fences must be maintained.

6. **Garages.** Except as otherwise approved in writing by the ACC, or as otherwise specifically set forth in the Declaration, each Residential Unit shall be served by an enclosed garage large enough to provide parking for a minimum of two (2) cars, but no more than three (3) cars. Garages may be attached or detached from the residence.

7. **Masonry and Roof Requirements.** The exterior finish of each Residential Unit shall be at least seventy-five (75) percent brick, stone, or other masonry around the outside perimeter of the ground floor of the building. However, in computing such percentage, the garage shall be excluded. All Residential Units shall be roofed with tile roof, composition shingles, or built-up roof, and no roof shall be composed of wooden shingles. Colors should complement or harmonize with the colors of the Residential Unit.

.0 Outbuildings

- .1 An “**outbuilding**” is defined as any structure which is not attached to the main structure. This definition does not include bona fide additions to the main residence or garage, but does include storage sheds, gazebos, and playhouse/forts.
- .2 The colors should match or blend with the predominant exterior colors of the main residence.
- .3 Materials should match those of the main residence in both size and color, however, the ACC will consider small prefabricated metal storage buildings providing the color blends with the main residence or is nonobtrusive. Wooden shed roof must have shingles and match the house shingles.
- .4 Storage sheds should have a roof no higher than eight (8) feet from the ground to the highest point, and maximum of ten (10) feet by twelve (12) feet of floor space. The structure must be kept to a minimum of five (5) feet off any property line and the distance from a side fence will be determined based on visibility from the street in front of the Lot. Location must also be far enough away from the fence to allow for drainage to occur entirely on the owner’s Lot.
- .5 Any storage building placed on a concrete slab on top of a utility easement will require a letter of consent to Encroach as it will not be considered portable. If a storage building is on a utility easement, but is not on a slab and can be moved, the ACC will consider it portable.
- .6 If the storage building is under six (6) feet, it may be placed in the side yard pursuant to Section 2.4.
- .7 A playhouse/fort/free-standing gazebo must not have a roof higher than eight (8) feet. If the roof is angled, it must match the house shingles. If a fort has a platform, then the platform can be no higher than six (6) feet off the ground. Structures must be three (3) feet away from any property line and must be placed behind a fence or otherwise screened from public view from any street abutting the Lot.

.0 Basketball Goals

- .1 Must be mounted on garage or placed on the side of the driveway. Portable basketball goals must be kept on side of driveway and not on the driveway. Nothing may be placed on the basketball goal to weight it down.
- .2 If the backboard is mounted onto the roof by use of a mounting structure, the mounting structure must be painted to match the roof shingle color.
- .3 The basketball goal backboard, net, and post must be maintained in usable condition and kept in acceptable appearance.
- .4 Basketball goals not maintained will be required to be removed.

5 Only one basketball goal per Lot will be permitted.

0 Patio Covers

1 Should be constructed of materials which complement the main structure.

2 Prefab covers made of aluminum may be approved providing they are of a color that substantially matches the house trim color. Unfinished aluminum will not receive ACC approval. All metal must be painted. Certain structures using wood framing may be allowed to go unpainted provided treated or insect resistant wood is used.

3 If attached to the house, must be integrated into existing roof line (flush with eaves) and if it is to be shingled, shingles must match roof. Entire patio cover and posts should be trimmed out to match house. Supports must be brick, painted wood, or metal columns. No pipe is allowed.

4 At no time shall a shingled roof be allowed with an unpainted frame. Frame will have to be painted to match trim of house whether treated or untreated wood is used.

5 Patio construction materials are as follows:

a. Painted aluminum (to match trim of house)

b. Painted wood (to match trim of house)

c. Treated wood or natural rot- and insect-resistance woods (such as cedar and redwood) may be used. Staining or painting is not required. All other woods must be painted or stained to match trim of house.

General Note: All patio cover material, i.e., corrugated aluminum metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.

d. If canvas is used as roofing material on a patio cover, the structure must be located where it is not visible from the street. Also, the canvas must be kept in quality condition or its removal will be requested by the ACC. The color of the canvas cover should complement or harmonize with the colors of the Residential Unit.

6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.

7 Patio covers must be situated on the Lot to provide drainage solely onto the owner's Lot.

8 Maximum height at the peak of the roof is twelve (12) feet.

0 Room Additions

- 1 Exterior materials and colors should match the house as much as possible.
- 2 Detailed plans must be submitted to the ACC.
- 3 Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 4 On an individual basis, the size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. Plans for room additions must show room size proportion to room dimensions of the residence. Roof of addition must integrate with existing roof line so as to appear to have been part of the original house.
- 5 Building permits as required by the municipalities (city, county, etc.) must be submitted with the application. In some instances, the ACC will grant approval with the provision that a copy of the permit is received by the ACC within thirty (30) days of the approval letter and **PRIOR TO** construction beginning.
- 6 Balconies must also be approved prior to construction.
- 7 Window air conditioners are not permitted.

0 Exterior Painting

- 1 Every home should maintain a color scheme compatible with that which was on the home originally, not being a maximum of three (3) colors. Garage color must be that of main house. If a homeowner intends to repaint in accordance with the original color scheme, or to rebuild in accordance with original plans and specifications, an application need not be submitted.
- 2 Color changes must be approved by the ACC. Color of brick used in house and color of neighboring houses are considerations. Paint samples must be included with application.
- 3 Exterior paints and stains for each residence shall be selected to complement or harmonize with the colors of the other materials with which they are used.
- 4 Front doors must be maintained. They may be stained, a natural wood color, or painted the same color as the house trim. Other paint colors may be approved on a case-by-case basis.

0 Storm Windows/Storm Doors

- 1 The frames of storm windows and storm doors must be of a color compatible with the exterior house colors and/or general use and appearance of the house. All storm doors must have at least glass top. No screen doors are allowed.

0 Decks

- 1 No deck of any kind is allowed in the front yard.
- 2 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 3 Decks should not be situated on a Lot if they pose a problem to the effective draining of the Lot or a neighboring Lot.
- 4 Decks cannot be higher than eighteen (18) inches.
- 5 If wood is used, see Section 4.5c.

0 Swimming Pools/Spas

- 1 No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Decking encroachment also requires a consent agreement. Consents must be received prior to approval. The pool must meet all building line and easement restrictions on the recorded plat.
- 2 All private swimming pools and spas shall be completely enclosed by a fence enclosure pursuant to local regulations.
- 3 Pools are to be drained to the street and into the storm drain system. They are not to be connected to, or drain into, the community's sewage drain system. Minimum white schedule - 40 PVC pipe is to be used for pool drain.
- 4 All new pools are required to be inspected for proper water connections and drains.
- 5 Yard drains must also be of white schedule - 40 PVC pipe.

0.0 Solar Panels/Screens/Film

- 0.1 The ACC will only approve solar panels which are unobtrusive and which blend in with the roof single color.
- 0.2 Parabolic solar collectors which are not mounted so as to be flush with the roof will not be approved.
- 0.3 Solar panel frames should be bronze or black in color in order to best blend in with the shingles. All unfinished aluminum must be painted the color of the roof shingles.
- 0.4 No solar panel should be mounted so that it extends above the roof line.
- 0.5 Solar panels may not be visible from the street.

0.6 Solar panels mounted on stands are not permitted.

0.7 Solar screens are allowed on windows only if they blend with the brick and roof color. If one window is a solar screen, all windows on that side of the house must have matching solar screens. All windows must have screens and screens must be kept in good repair.

0.8 Colors and manufacturers must be acceptable to ACC for other screens and panels.

0.9 Solar window film must be non-reflective type.

0.10 Samples of window film must accompany each application.

1.0 Antennas/Satellite Dishes

1.1 No electronic antenna other than an antenna for returning normal television signals shall be permitted on any Lot.

1.2 No freestanding antennas shall extend more than ten (10) feet above the roof of the residential structure and must be located behind the rear wall of the structure.

1.3 Satellite dishes of thirty-nine (39) inches or more will be considered on a case-by-case basis provided they are not visible from a public street.

1.4 Satellite dishes of thirty-nine (39) inches or less and antenna must be located to the rear one-half (½) of the Lot and, to the extent feasible, an antenna or satellite dish, including its base and anchoring structure, shall not extend above the roof line of the house located on the Lot. The satellite dish and/or antenna shall not be visible from the frontage street or any adjoining street and shall not be constructed or placed or permitted to remain on any utility easement or other easement or right-of-way located on any lot.

1.5 An antenna or satellite dish must be securely mounted to a base, so as to be able to withstand the effects of high winds or other extraordinary weather conditions; however, no guy wires or similar mounting apparatus will be allowed.

1.6 No advertising slogans, logos, banners, signs, or any other printing or illustration whatsoever shall be permitted upon, or be attached to, an antenna or satellite dish. The satellite dish or antenna should complement and harmonize with the colors of the Residential Unit.

2.0 Fences/Fence Extensions/Walls and Hedges

2.1 All proposed fences must be approved by the ACC. See also Section 1.5.

2.2 Any painting, staining, or varnishing of fence must be approved by the ACC. Paint on fence must be as close to wood color as possible.

2.3 Fence, wall, or hedge extension requests should be submitted by both neighbors sharing the side Lot line and fence, wall, or hedge except in the case of a corner Lot. In sections where allowed, fence, wall, or hedge cannot exceed three (3) feet in height.

2.4 No fence, wall, or hedge may extend so as to encroach across the recorded front building line, or the recorded front building line of an adjacent house, and may never extend beyond the actual front building line.

2.5 If both neighbors do not concur as to a proposed fence, wall, or hedge extension, the ACC will examine the effect the extension will have on both properties. If one party will suffer detrimentally from the extension (e.g., an existing sight line will be blocked), the ACC will reject the application.

2.6 All corner fences and fences which face a restricted reserve must be installed picket side out.

2.7 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 ACC.

2.8 No chain-link fence type construction will be permitted on any Lot.

2.9 Fences must be maintained in good condition.

2.10 If dog runs are installed, they must be maintained in good condition.

3.0 Decorations

3.1 On front lawns of Lots and flower beds visible from any street, decorative appurtenances are limited to five (5). Decorative appurtenances include sculptures, birdbaths, birdhouses, fountains, etc., but do not include wooden swings, gliders, or benches. No permanently affixed flag pole or swings are allowed. Christmas or other festive holiday decorations of a temporary nature are exceptions. Decorations must be removed within four (4) weeks after the calendar date of the holiday. All decorative appurtenances must be kept in good repair.

3.2 Permanent and semi-permanent flag poles are not permitted. A bracket mounted flag, placed near the front entry of the house is permitted.

4.0 Exterior Lighting

4.1 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring homes.

4.2 Exterior floodlights must be aimed so as not to shine onto a neighboring property.

4.3 Security, mercury vapor, or fluorescent lights must be attached to the back of the house or the garage, as long as the light fixture is not visible from the street. Mercury vapor, fluorescent, and sodium halide are not

permitted in back or side yard if there are neighboring houses. If none, a variance may be granted, or if affected neighbors approve. All lights must be attached either to the house or garage and may not be placed on the back yard on poles.

4.4 Exterior lights must be clear and not affect overall aesthetic appeal.

15.0 Wind Turbines

- 5.1 Wind turbine vents must be mounted in the rear portion of the roof so that they are not visible from the front, or space above the roof line.
- 5.2 The wind turbine vents must be a color which will blend with the shingle color, or be painted to match the shingle color.

6.0 Gates/Gate Covers

- 6.1 Full wooden panel to match trim of house or existing fence.
- 6.2 No chicken wire, chain-link or lattice.

7.0 Burglar Bars and Gates

- 7.1 Acceptable provided they are installed inside window frame and/or door frame, unless otherwise approved.

8.0 Birdhouses

- 8.1 If mounted on a pole, must be unobtrusive in design and color.
- 8.2 Maximum permitted height of pole and birdhouse is fourteen (14) feet.
- 8.3 Must be placed not closer than three (3) feet to any property line, and must be situated in the rear of the house.
- 8.4 Birdhouse and mounting structure must be maintained.

9.0 Landscaping

- 9.1 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 ACC 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. Flower beds, trees, shrubs, bricks and rocks may not occupy more than one-third (1/3) of the front yard. Borders must be no more than twelve (12) inches in height.
- 9.2 Trellises, window boxes, and brick or rock borders must have ACC approval. Trellises must be made of wood.
- 9.3 No arbors allowed in front yards.

1.0 Swing Sets

- 1.1 Maximum height of eight (8) feet.
- 1.2 Location will be considered for neighbor's privacy, but not closer than five (5) feet to any property line, and must be located to rear of house.

1.0 Driveway Extensions/Sidewalks

- 1.1 An application must be submitted for any driveway removal, addition, or modification.
- 1.2 Width of driveway is considered on a case-by-case basis.
- 1.3 Driveways must be maintained.
- 1.4 Painting a topcoat on driveways and sidewalks is not permitted.

2.0 Garage Conversion

- 2.1 Conversion of a garage to a living area is not permitted.
- 2.2 Aluminum, sheet metal or fiberglass carports are not permitted.
- 2.3 An application must be submitted for lean-to sheds, potting sheds, or any other attachment to a garage. These attachments must meet the structural guidelines set forth in other sections of these Guidelines.

3.0 Awnings/Window Shades/Blinds

- 3.1 Awnings are permitted on the side and rear windows of a house and must be of the same color as the house. Awnings on playhouses or used as patio covers must be of the same color as those on the house. In all uses, colors must match or complement the primary color of the house. The color selections of awnings must be in accordance with Section 6 of these Guidelines. Once installed, awnings are to be maintained in excellent condition at all times.
- 3.2 Metal and wooden-slat type exterior shades are not permitted on the front of the house. All exterior shades must be approved by the ACC prior to installation. The color selections of exterior shades must be in accordance with Section 6 of these Guidelines. After installation, they must be kept in excellent condition at all times.
- 3.3 No sheets on windows after ninety (90) days of move-in.

4.0 Signs/Advertisements/Billboards

4.1 No signs, billboards, posters, or advertising devices of any character shall be erected or displayed to the public view on any Lot except for one (1) sign of not more than five (5) square feet advertising the property is for sale.

4.2 Signs which give notice of a home security system are permitted if placed at or near the front entrance and are not larger than 144 square inches. Window stickers which give notice of a home security system are also permitted.

5.0 Miscellaneous

5.1 All permanent hose holders must be located on the side of the house.

5.2 Bug zappers must be located in back yards only.

5.3 Water softeners must be screened from view.

5.4 Only umbrella-type clothes lines are allowed.