

ADDITIONAL DEDICATORY INSTRUMENTS
for
THORNWOOD FUND, INC.

THE STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Kevin Arthur Gonzalez, who, being by me first duly sworn, states on oath the following:

"My name is Kevin Arthur Gonzalez I am over twenty-one (21) years of age, of sound mind, capable of making this affidavit, authorized to make this affidavit, and personally acquainted with the facts herein stated:

"I am the President of THORNWOOD FUND, INC. Pursuant to Section 202.006 of the Texas Property Code, the following documents are copies of the original official documents from the Association's files:

Architectural Control Committee Rules (Revised February, 2020)

DATED this 29 day of February, 2020.

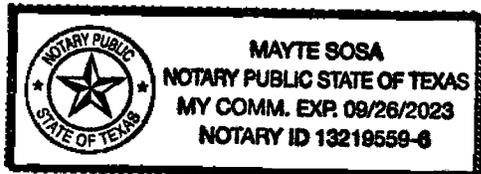
THORNWOOD FUND, INC.

[Signature]
President (Signature)

Kevin Gonzalez
Print Name

SUBSCRIBED AND SWORN TO BEFORE ME by the said Kevin Gonzalez, President of Thornwood Fund, Inc., on behalf of said corporation, on this the 29 day of February, 2020.

[Signature]
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



RP-2020-154091

ARCHITECTURAL CONTROL COMMITTEE RULES

FOR THORNWOOD, SECTIONS One, II, III & IV

Revised February 6, 2020

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INTRODUCTION

1.1. Authority

The Architectural Control Committee ("ACC") Review Rules ("Rules") are adopted pursuant to authority granted to the board of directors for administration by the Architectural Control Committee (ACC) by the Deed restrictions of Thornwood Section One, II, III, and IV (collectively known as the "Association") and by the Texas Property Code, Section 204.010 (a)(6). These Rules are intended for modifications, new construction and additions.

Failure to comply with these Rules may result in the Board taking legal action to seek a court injunction on the homeowner to enjoin or stop the homeowner until either:

1. the appropriate paper work is filed with and approved by the ACC or
2. the existing work is brought into compliance with what has been approved by the ACC.

The Association is entitled under its governing documents to recover its attorney's fees and costs of court in such enforcement actions.

The members of the ACC will be appointed by the President of the Board of Directors of Thornwood and there shall be no less than three (3) members on the ACC and a maximum of seven (7) members. There must be at least three members of the ACC present when a vote is taken to approve or deny an application. Approval or denial decisions will be based on a simple majority of the ACC members voting.

1.2. Purpose

The Rules are written to establish a uniform plan for the redevelopment, maintenance and improvement of property in the subdivision, and to protect the desirability and attractiveness of our neighborhood. **These Rules do not serve to provide any warranty or guarantee whatsoever regarding quality of construction, or any unknown or unseen conditions. By submission of an application, owner agrees that the Association is not responsible, and is hereby held harmless from any claims regarding quality of construction, inhabitant safety, adequacy of intended functions whether structural or otherwise, or overall conformity with building codes or the other government laws or regulations.**

The Deed Restrictions require that plans for certain (exterior) modifications, new construction and additions to residences and improvements to property must be submitted by application ("Application") to and approved in writing by the ACC prior to beginning work.

These Rules are approved by the Board and are eligible for amendment from time to time as circumstances, conditions or opinions of the ACC dictate. Such amendments must be approved by the Board. In the absence of an ACC, the Board assumes these complete responsibilities.

Regardless if a permit has been issued by the City of Houston for construction of new building and/or modification to an existing building, prior to an application for such construction and/or modification being submitted to the ACC, no building, structure, or other improvement, whether permanent or temporary, shall be commenced, constructed, erected, placed, modified, altered or improved on any Lot until the construction plans and specifications, including a plot plan showing the location of the proposed

building, structure, modification, alteration, or other improvement, have been submitted to the ACC in writing and they have been approved in writing by the ACC.

The ACC will evaluate projects according to the overall harmony of the exterior design and color with existing homes and structures; the location with respect to the topography and finished ground elevation; and as to compliance with these Rules adopted by the ACC.

The Board, in its sole discretion, is permitted to approve deviation from these Rules in those areas within its authority where, in its judgment, such deviation will result in a more commonly beneficial use. Issuance of any variance by the Board shall not establish a precedent or preclude the Board from denying a variance in other similar circumstances. Previously constructed improvements, approved by the ACC prior to the issuance of this version of the ACC Rules, which do not meet the Rules in this version are grandfathered but do not create a precedent for future deviations from the then current Rules.

Additionally, the Board looks to the ACC to be an active partner in monitoring and maintaining lots for neat, orderly and sanitary upkeep.

1.3. Enforcement

Thornwood's 1998 Amendment on street lights and Lot maintenance reads:

In the event an Owner of any Lot shall fail to maintain the premises, any existing gas light or the improvements situated thereon in a neat, working, orderly and sanitary manner, the Association shall have the right, through its agents and employees, to enter upon said Lot without liability in trespass or otherwise, and to repair, maintain and restore the Lot and exterior of the building, any gas light and any other improvements erected thereon, all at the expense of Owner. Owner shall pay any invoice for such charges submitted by the Association not later than thirty (30) days after the receipt thereof. To secure the payment of such charges in the event of non-payment by the Owner, a vendor's lien is herein and hereby retained against the Lots in favor of The Association but such lien shall be inferior to any purchase money lien or mortgage. Such vendor's lien shall be applicable and effective whether mentioned specifically in each deed or conveyance of a Lot. Without limiting the foregoing, the amount of such unpaid charges may, at the option of the Association be added to the annual assessment described in Article Seven of these Restrictions, and shall become a charge against such Lot in the same manner as the regular annual assessment. Further, the Thornwood Fund shall have all of the rights and remedies provided in Article Seven hereof to enforce payment of such charges, including, without limitation, the right to assert a lien against any such Lot and foreclosure upon such lien either judicially or non-judicially.

1.4. Application for Review

Prior to initiating any design work and/or contracting for any work and/or purchasing any materials, or otherwise incurring any expense, Lot owners are required to obtain the latest copy of the Rules from the ACC and/or Board of Trustees or download a copy from the Association web site, www.thornwoodhouston.com. Owners are expected to review the rules and know how they relate to any work or improvements.

Lot owners are required to submit an application for review. Applications must be made in writing to the ACC. Application for a Change of Property Appearance (Application) form is prescribed for this purpose

and can be obtained either from the Thornwood Website at www.thornwoodhouston.com or from any ACC member or board of directors member.

Where possible all relevant information pertaining to the Application should be submitted electronically; this will generally enable the ACC to conduct its review in a timely manner. If any lot owner is unable to submit electronically, please contact an ACC member to coordinate submission of required information.

1.5. Approval Process

The ACC must act on an application within thirty (30) days of the filing of the completed Application. Approval of a modification by the ACC shall be made in writing and should be preserved by the applying owner. Absent a request for additional information or a notice of disapproval from the ACC within the thirty (30) day period following the submission of an Application, the Application shall be deemed to be approved if the ACC fails to render a written approval or denial by the end of the thirty (30) day period following the submission of the Application.

If an Application is denied and the lot owner submits a new or revised completed Application, then the thirty (30) day review process will commence from the date the new/revised Application is acknowledged as received by the ACC.

The ACC will not respond to verbal requests for approval.

If an improvement is made without ACC approval, the Board has the right to, at the Lot owner's expense:

- 1. Enforce the removal of the improvement at the lot owner's expense;
- 2. Require an Application be submitted that is in compliance with the Rules for the ACC's review; and/or
- 3. Require remediation of the existing improvement in order to be in compliance with an approved Application.

If additional information is required by the ACC, the Application will be considered incomplete and denied pending the ACC's receipt of the requested information.

1.6. Minor Repairs and Direct Replacement Items

All changes to the as-constructed or current structural design of the exterior of the home require ACC approval.

All changes in appearance, including direct replacement, require an ACC application and approval. However, with the intent of not burdening homeowners unnecessarily for minor and direct replacement items (identified in this section only), the ACC generally does not require architectural plans/drawings with dimensions, lot elevation surveys, etc. with the completed Direct Replacement or Change of Property Appearance Application.

The following items are considered direct replacements under section 1.6 and require a Change of Property Appearance Application to be submitted and approved prior to work commencing:

- 1. Same-size window and/or door replacement with a new or upgraded style. This does not include new window and/or doors where none previously existed or create a view of a neighbor's yard

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which had not existed. Manufacturer name, window/door style and color selected must be submitted with application. Submission of pictures or website with relevant information will simplify and speed up the approval process

2. Exterior painting provided the colors are either:
 - I. The existing color
 - II. An "earth tone" color as outlined in Section 2.11. of these Rules – see additional requirements under Section 2.11. Submission of the paint manufacturer and paint color code must be submitted with the application.
3. Antennas installed in accordance with Section 2.2. of these Rules
4. Lawn storage buildings placed in accordance with these Rules.

The following items do not require an ACC Change of Property Appearance application to be completed and submitted for approval:

1. Repairs using identical materials with the same appearance and color for maintaining property in its current or as-constructed state – **repairs do not include any changes to appearance, modifications, or any other improvements including direct replacements;**
2. Interior work to a residence provided the interior work does not violate these Rules – interior work is any work inside of a residence that cannot be seen from outside the residence;
3. Buried, drip and/or similar irrigation or sprinkler systems;
4. The addition of live plants or mulches of natural organic origin, including soil covered by such plants or mulches or the removal or trimming of live or dead plants and removal of any mulch. The removal of trees is not included in this subsection – see Section 2.27 of the ACC Rules for information about trees. Man-made materials such as polyethylene are not considered of natural organic origin;

Work must start within sixty (60) days of the proposed start date and completion must be within thirty (30) days of the proposed completion date as identified on the project's Direct Replacement or Change of Property Appearance Application.

Lot owners accept the responsibility of compliance with all the Rules in this document and submit to ACC determinations when performing repairs under this sub section and agree to bear the responsibility and cost of bringing items into compliance if lack of compliance is subsequently determined by the ACC.

2. ACC DESIGN RULES

The ACC Rules specify the minimum standards and requirements that shall be used to evaluate an Application.

Each Application is to be considered on its own merits; the ACC may grant a variance from procedures and the Board may grant a variance from these Rules related to buildings, structures, other improvements

and landscaping when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require. Such variances may only be granted when unique circumstances dictate. No variance shall:

- i. Be effective unless granted in writing; or
- ii. Stop the ACC or the Board from denying a variance under other circumstances.

Owners who are actively in the process of design and/or preparing an Application when Rules are revised and who submit an Application within 90 days of a Rule changes may request to be evaluated under the immediately preceding Rules when evaluation under the new Rules represents a hardship through no fault of the owner or his contractors.

Any Lot owner who is denied an approval and is continuously and actively seeking changes in an attempt to obtain approval may request to be evaluated by the Rules in effect at the first application for 90 days following the first denial. Otherwise the Rules used will be those in effect on the day of the initial submission of the Application to the ACC.

The ACC will have the right to inspect any construction or addition to ensure that the construction is in compliance with the approved application.

2.1. Additions, New Construction, and/or Exterior Remodeling

Any changes to the as-constructed or current structural design of the home require ACC approval.

New construction and additions shall comply with all building setbacks as set forth on the recorded plat of the subdivision. Additions, new construction and/or exterior remodeling shall be designed and built so that the materials, and over-all appearance are in harmony with that of the house and other homes in the neighborhood. In addition, the homeowner shall comply with the following waste and sanitary requirements:

1. Construction waste shall not be deposited in the yard or street; if not placed in a dumpster or waste container (see ii below), it shall either be placed out of view from the street or removed from the site on a daily basis
2. Lot owner will provide appropriate waste containers which shall be placed only in the driveway – no dumpster or waste container shall be permitted to be placed in the street or in the front yard.
3. Refuse must be disposed of in a timely manner and the dumpster must be emptied when it is full;
4. If used, portable chemical toilets shall be completely concealed from the street.

5. Additions, New Construction and/or Exterior Remodeling:

The ACC requires drawings to scale, such as architectural plans/drawings with dimensions with roof framing plans, lot elevation surveys including roof lines, color & material sample, copy of the survey indicating where the addition or remodel is being placed in relation to the existing structure with the completed Direct Replacement or Change of Property Appearance Application. Such additions, new structures or exterior remodeling must take into account the following conditions:

- a. The building height shall be no more than two stories.
- b. Exterior eaves/fascia boards are limited to 11-foot exterior elevation for one-story homes and 22-foot exterior elevation for two-story homes.

- c. Exterior materials and colors shall match the existing Main Structure as closely as possible.
- d. Additions shall not encroach into any utility easement unless the utility companies involved have granted their written consent prior to submission of the Application and must be included with the Application.
- e. Additions will be evaluated on an individual basis. The size and shape of residence and garage additions that will be approved by the ACC depends on the architectural style and layout of the Main Structure, size of Lot, and how well the addition integrates with existing structures and neighboring residences. The roof line of an addition must integrate with existing roof line so as to appear to have been part of the original structure. See also Section 2.1.1.3.v.g (garages), Section 2.1.1.3.v.i (roof height and slopes), Section 2.1.1.3.v.k (exterior finishes) which also apply to additions.
- f. Existing homes with Additions shall not exceed the maximum square footage for New Residential Dwellings as outlined in Section 2.1.1.3.i and setback lines in Section 2.1.1.3.v.d
- g. No addition, modification or building may be constructed, erected, altered or placed such that the lot contains residence area or areas that may be used for other than one detached single-family dwelling. No addition, modification or building may be constructed, erected, altered or placed such that the residence may be a duplex or group home or have separate residence areas or be easily modified for use other than a one detached single-family dwelling.
- h. All additions must be interconnected such that:
 - 1. One must be able to access the addition through the main residence and not only through a special entrance outside of the main residence;
 - 2. The interconnection appears natural to the design of the residence area rather than forced with features like a shared wall or accessibility from existing second-story areas;
 - 3. The term "residence areas" (or areas that may be used as residence areas) is defined as those areas which have one or more characteristics that may include heating and/or air conditioning or have utilities or are enclosed or have an intended or possible use as a bedroom, kitchen, game room, office, bathroom, or similar use (Exceptions per Section 2.16 (Outbuildings) of these Rules only).
- i. Not used
- j. Additions, new construction, and/or exterior remodeling shall not adversely affect drainage on the Owner's or neighboring Lots.
- k. Outdoor kitchens and construction of patios with a use as an outdoor kitchen
 - 1. Outdoor kitchens will be considered an addition to the house instead of a patio as described in Section 2.17 if they include any of the following items:
 - i. A gas connection from a utility company;
 - ii. A sink with a water connection from or to the City of Houston – for either incoming water or a waste-water connection to the sewer system;
 - iii. A built-in grill or range;
 - iv. A chimney;

- v. An oven;
 - vi. A partial or full height wall that partially or fully closes at least one side of the addition;
 - vii. Any fixed cabinet that houses an oven, range, grill, fridge or sink.
2. Any structure that meets any one of the conditions in 1 above, whether adjoining the existing house or garage or is intended to be free standing in the back yard, must conform to the size restrictions in section 2.1.f.
 3. If the addition is deemed to be an outdoor kitchen in accordance with this paragraph, the homeowner will no longer be able to add a patio either to the area deemed as the outdoor kitchen or any other area in the back yard that exceeds one hundred and fifty (150) square feet.
 4. Outdoor kitchens may have electrical outlets and lights, but any such lights shall be in accordance with the rules in Section 2.10 d.
 5. The following items will not be considered an addition to the house if implemented without any of the other qualifying characteristics listed in Section 2.1.k.1 above:
 - i. A free-standing non-gas grill built on or next to a patio and is no larger than 40 square feet with a maximum length of 10 feet;
 - ii. A free-standing grill which has a direct connection to a gas line from the utility company.

I. New Residential Dwellings

1. The definition of a New Residential Dwelling is a dwelling that does not constitute an addition to an existing structure, and is constructed on an empty lot after the Effective Date of this Revision to the ACC Rules
2. Demolition of an existing residential dwelling or any existing structure on a lot, including tree removal, shall not begin prior to the ACC written approval of the architectural plans for the replacement structure. The application for approval of demolition shall be part of the application for new construction. The exception being where a dwelling may need to be demolished to avoid being a continued safety issue (e.g. a dwelling is severely damaged by a fire or flood). In this case the dwelling must be demolished as soon as possible to prevent any further risk to the safety of the surrounding neighbors. Homeowners are still required to submit an application to the ACC for the demolition even when there is a safety issue. Such applications will be expedited.
3. Design, Materials of Construction, Color selections, etc. shall be consistent with the existing Thornwood Deed Restrictions and ACC Design Rules applicable to existing homes, Section 2 (2.1 through 2.29). The following modifications and clarifications shall apply to New Residential Dwelling Construction:

Maximum Square Footage

- i. Total constructed footprint of the dwelling and garage and any other structures having a poured concrete foundation may not exceed the percentage of the total area of the lot as set forth below:

<u>Footprint for</u>	<u>Maximum percentage of Total Lot Area</u>
One Story	42%
One and half story and two stories	38%

- ii. For purposes of calculations the following rules apply:
 - a. The total footprint in square feet of the New Residential Dwelling is calculated by using the outside dimensions of the house, garage and any other structure having a poured concrete foundation.
 - b. The total square footage of the lot is calculated from the Replat of Thornwood, Sections One, 2, 3 and 4, A subdivision in Harris County, Texas according to the maps or Plats

thereof recorded with Harris County, Texas for the specific property in question and using the boundary line dimensions (the metes and bounds) on the plat.

- c. The area calculated for the total footprint (Section I.3.ii.a). divided by the total square footage of the lot (Section I.3.ii.b) expressed as a percentage shall not exceed the percentages as defined in Section I.3.i above

Foundations and Design

- iii. All new dwelling construction applications must include a foundation plan based upon an evaluation of sub-soil conditions.
- iv. For a new home constructed on a lot previously flooded:
 - a. A Lot owner may elevate their home, but the home shall not exceed two (2) stories in height measured from floor level of the lowest living space;
 - b. In no case can the height of the eaves of such two (2) story home be greater than 22 feet from the floor level of the lowest living space;
 - c. In no case can the total height of the highest point of the roof be greater than 35 feet above the Base Flood Elevation (BFE) as defined by Federal Emergency Management Administration (FEMA);
 - d. All elevated construction must comply with the City of Houston Municipal Code Sections and any additional code that the city may enact as it relates to building in flood prone areas;
 - f. A drainage plan for an elevated structure, which must be submitted to the city, should be included with the application as soon as available; and, must be designed so as not to impact any adjacent neighbors.
 - g. The elevated section under the first floor living area, shall blend in with rest of the structure using ACC matching materials and colors so as not be obtrusive. The use of landscaping, such as shrubs, bushes, hedges and other similar foliage must be used conscientiously to effectively conceal the elevated foundation.
- v. All new dwelling construction applications must include detailed dimensioned drawings that when printed can be scaled accurately. A hard copy of a full size set of drawings must be supplied with the application. Such plans must include and take into account the following:
 - a. Provide a site plan whose dimensions are consistent with the title survey showing the placement of all the structures on the property together with the driveway, pathway and street light. Such plan will reflect all boundary lines, easements, building lines and setbacks.
 - b. The front building setback will be 25 feet from the front property line at linear boundaries, and 15 feet along boundaries that are circular curves.
 - c. The side setback for the dwelling structure will be five feet at the front building line extending to the rear of the house
 - d. The rear-setback building line shall be established from the back-property line and will be eighteen (18) feet for a one-story dwelling structure and thirty (30) feet for any multi-story structure.
 - e. A garage structure will have a minimum setback of three feet on side property line, and five feet from the rear property line, but in no case, will the garage be permitted to be placed inside a utility easement.

- f. A detailed plan of the dwelling and other structures and the location of a street light post on the front of the lot. The street light post shall be placed between 10 and 12 feet from the street curb or be aligned with street light posts of other homes on the street. In addition, the light post shall be placed no more than seven (7) feet away from the center line of the house facing the street (this means it could be located on either side of the pathway but no more than seven feet from the center of the house).
- g. Any lot on which a New Residential Dwelling is constructed must have one (1) garage capable of housing or sheltering not less than two (2) or more than three (3) vehicles subject to the following:
 - 1. Neither a carport nor a porte-cochere may serve as a substitute for the required garage.
 - 2. A carport or porte-cochere is permitted on a Lot only if there is a garage on the Lot capable of housing or sheltering not less than two (2) or not more than three (3) vehicles.
 - 3. All garages shall have vehicle entry door(s) width equal to no less than 8 feet for each of the designated number of vehicles. For example, a two-car garage shall have a total vehicle access door, or doors of no less than 16 feet but no more than 20 feet and a three-car garage shall have total vehicle access door, or doors of no less than 24 feet width but no more than 28 feet.
 - 4. The placement of garages for new dwellings shall be consistent with the configurations prevalent for existing homes in Thornwood as follows:
 - a. For corner lots, the vehicle access door(s) should be facing the street perpendicular to the front of the house with a short driveway
 - b. For front facing lots, the garage must be detached from the dwelling structure, with the vehicle access door(s) behind the back line of the house foundation, and facing the street.
 - c. Alternative configurations may be proposed for review, but in no case, will a "Front Loading" garage design be acceptable, where "Front Loading" is defined as having vehicle access doors facing the street and along a line that is adjacent to or in front of the rear line of the house foundation.
- h. Provide side elevations of all sides showing but not limited to, doors windows, eaves, fascia, exterior cladding, balconies, roof heights, roof pitches and roof lines as well as any other related structures indicating the finishes and colors being used on all surfaces including roofs with finish samples submitted with the application.
- i. The overall height of the structure measured from elevation of the lot at the front set-back line shall conform to the following:
 - 1. The maximum height of a one-story home measured at the eaves/fascia board shall be 11 feet
 - 2. The maximum height of a home of more than one story measured at the eaves/fascia board shall be no more than 22 feet.
 - 3. For one and two-story homes, the roof pitch shall be no less than four (4) inches vertical measurement for every 12 inches horizontal measurement and no more than nine (9) inches vertical measurement for every 12 inches of horizontal measurement.

4. For 1.5 story homes, the roof pitch will be no less than four (4) inches vertical measurement for every 12 inches of horizontal measurement and no more than 12 inches in horizontal measurement for every 12 inches of vertical measurement.
5. Flat roof designs are not acceptable.
- j. Provide one or more cross sections of the house at the two highest points of the roof ridgeline.
- k. Exterior finishes
 1. No more than two different finishes may be used on the exterior of the New Residential Dwelling and garage
 2. Masonry material as defined in the Deed Restrictions in Article 5.03 may be brick, natural stone or similar material and each shall be considered as a separate exterior finish
 3. This sub-section clarifies the interpretation of last sentence of Article 5.03 of the Deed Restrictions: Each of the exterior front and side walls, independent of each other, must consist of not less than 51% masonry.
 4. Concrete impregnated or composite siding shall not constitute an acceptable masonry material for the purpose of complying with the fifty-one percent (51%) masonry requirement. However, concrete impregnated or composite siding may be used in addition to the approved masonry material on the front and exterior side walls, provided that, in no event shall the aggregate area of the front and two side walls consist of more than forty-nine per-cent (49%) concrete impregnated or composite siding.
 5. When computing the masonry percentages in Article 5.03 of the Deed Restrictions, the area which comprises a door or window opening will be considered to be comprised of the material which encloses the door or window (i.e. frame). If a garage is detached garage and is connected to the New Residential Dwelling by means of a covered walkway or similar structure, the front and sides of the New Residential Dwelling will be computed as if the garage did not exist.
 6. Exterior finishes exclude exposed cinder blocks, stucco or wood shingles.
 7. Roofing material is limited to high quality composite shingles or non-reflective metal, steel or aluminum. Copper roofing may be used over bay windows.
- m. Provide a drainage plan showing how water will be drained off the lot without affecting neighboring properties.

Scheduling and Dates

4. The application submitted for the demolition and new dwelling constructions shall include a proposed schedule which includes:
 - i. the anticipated start date of demolition of the existing structures (Start Date) which shall be no sooner than 30 days from the date of the application.
 - ii. the anticipated start date of new construction.
 - iii. the anticipated completion date provided by the contractor. This date will be considered the Substantial Completion date.

Tree Preservation

5. Preservation of trees during demolition and construction:
 - i. During the period demolition of an existing dwelling or construction of a New Residential Dwelling occurs on a lot, all trees on the lot, or any adjacent lot where such trees might be affected by such demolition or new construction, that are over six (6) inches in diameter (measured 12 inches above the ground level) and are located more than six (6) feet outside the perimeter foundation of the New Residential Dwelling and the garage, will be protected during the demolition and construction period in accordance with the Architectural Control Committee's Rules.
 - ii. Contractors shall place tree fencing protection material around the trunk of the tree at least five (5) feet away from the trunk in all directions. No construction material or debris shall be allowed inside the protective tree fencing. Tree protection signs shall be placed on the tree protection materials in English and Spanish.
6. Removal of limbs or trees
 1. Any upper limbs that must be removed to accommodate the demolition or constructions shall be identified appropriately on the plans and will require the ACC written approval prior to removal of the limbs.
 2. If there are existing trees to be removed because they are within six (6) feet of the perimeter foundation(s), those tree(s) shall be identified on the plans and shall be flagged appropriately for ACC review and shall be replaced on a one-for-one basis with approved species trees, with a minimum of four (4) inches in diameter, measured twelve (12) inches above the ground, planted at locations to be shown on the approval plans. The removal of trees identified in this sub-section will require written ACC approval prior to the removal of the trees.
7. To fulfill these requirements, the replacement tree(s) shall be planted on or before the date of Substantial Completion of the New Residential Dwelling.

2.2. Antennas & Satellite Dishes

a. The Federal Communications Commission's (FCC) "Over-the-Air Reception Devices Rule" found at this source URL: <http://www.fcc.gov/guides/over-air-reception-devices-rule> governs your rights to install, maintain, or use a device defined in the rule which includes satellite dish antenna, video antenna, and local TV signal antenna. However, the Association has a right to encourage a placement preference just as it would enforce any other use restriction found in the Declaration of Covenants, Conditions and Restrictions, Board policy, or ACC rule.

b. Therefore, the Association prefers that the antenna/dish be placed on the Owner's property in the following locations, listed in the order in which they should be placed:

1. On the back of the house below the roof peak so as to not be readily visible from the street;
or
2. In the back yard of the house so as to not be readily visible from the street.

c. If the installer can achieve an acceptable quality signal at each of these locations, then the first location should be used. If not, then the second location is acceptable.

d. Under no circumstances should the front of the house be used for antenna location unless it is the only place an acceptable quality signal can be achieved. A signal test should be submitted to the ACC if this is the case. If a dispute arises over the proper placement of the antenna/dish, the Owner gives the Association permission to enter upon the Owner's property upon no less than 3 days' notice to the Owner to conduct signal testing of the placement preference locations listed herein without any liability to Owner for trespass.

e. Regardless of where placed, the antenna/dish shall be maintained in good repair.

2.3. Awnings/Window Shades

a. Canvas awnings shall not be permitted to be installed on windows if they are visible from the street, which will include both streets for a corner lot. Awnings over windows or doors shall be earth tone colors and shall be kept in excellent condition at all times or they shall be subject to immediate removal upon notification by the ACC of their unacceptable condition.

b. Awnings shall be allowed for use on playhouses and patio covers, provided they also comply with specified requirements for proper location, color and condition.

c. Metal and wooden slat-type shades shall be allowed by the ACC if they are deemed necessary in reduction of solar exposure and installation on appropriate windows shall be determined by the ACC. At no time, however, shall they be allowed on windows on the front of a residence.

d. Roll-up shutters are permitted as long as the roll-up housing is not visible from the street.

2.4. Basketball Goals

Basketball goals shall be mounted on a garage or placed on the side of the driveway no nearer to the street than the front line of the residence.

2.5. Birdhouses

Only one pole-mounted birdhouse per lot is allowed. Pole-mounted birdhouses shall not exceed 14 feet in height. All posts or poles supporting birdhouses must be wood, metal or fiberglass, and shall be unobtrusive. The birdhouse itself shall be a color complementary to those of the house. Hanging birdhouses may be placed in trees, on accessory structures, or on the house itself.

2.6. Burglar Bars

Acceptance shall be based on whether the burglar bars are in harmony with the residence and are painted to match exterior trim.

2.7. Decks

a. Decks are permitted in rear yards only.

- b. No decks shall encroach into any easement (City of Houston or utility) unless the easement holder involved has provided written consent prior to submission of the Application and submit that written consent as part of the Application.
- c. No decks shall impede drainage on the Lot or cause water to flow on an adjacent Lot.
- d. No decks, other than a second level balcony attached to the main residence, shall be constructed more than eighteen inches above ground level.

2.8. Driveways & Front Walks

- a. Changes to the existing or as-constructed driveway or front walk of a home require ACC review.
- b. Driveways and front walks are to be constructed of concrete, stamped concrete (colored and/or patterned), stone, brick or pavers. The colors shall be an earth tone integral with the material and in harmony with the existing construction and landscaping. Asphalt, dirt or loose stone driveways or parking areas are not permitted. Front walks are those walks from the street curb to the residence.
- c. Semi-circular driveways will be reviewed and approved on a case by case basis.
- d. Reconstructed or new driveways shall conform to easements and building lines as noted in the Deed Restrictions.
- e. Not including semi-circular driveways, homes not located on a corner lot shall maintain a single-car width driveway, no more than 11 feet in width, from the street to the front line of the house.
- f. Homes on a corner lot shall maintain a driveway which is no wider than the width of their garage structure and the driveway must connect to the closest street. (For example a lot with a two-car garage will have a driveway the width of a two-car garage and a lot with a three-car garage will have a driveway the width for a three-car garage.)
- g. No driveways shall encroach into any utility easement unless the utility companies involved have provided written consent prior to submission of the Application and must be included with the Application.

2.9. Excavation and Drainage

Property owners are responsible for proper drainage of water from their lot in accordance with the City of Houston ordinances. The ACC requires an approved drainage permit from the City of Houston be submitted with the ACC application.

2.10. Exterior Lighting

- a. Thornwood's original Deed Restrictions note that illumination of the subdivision shall be by individual gas lights on all Lots. The ACC permits either gas lights or converted gas lights located near the center of the Lot, adjacent to the platted right of way limit. Such street lights shall be kept burning/lighted during all hours of darkness by the owner of each Lot.

- b. A permitted converted gas light is a gas light that has been converted to an electric light and maintains, as close as possible, the original gas-light appearance. Illumination can be produced by one or multiple light bulbs and must be continuously lighted or controlled by automatic photoelectric cell or timer for illumination during all hours of darkness.
- c. Neither open flame gas nor solar lights are permitted for street-side lamp lighting.
- d. Corner lots that have two street lamps – one on each of the streets – must maintain both lights. The street lamp on the side of the house may not be removed.
- e. Other Exterior Lighting considerations include:
 1. Outdoor lighting is not to negatively affect neighboring properties. Outdoor lighting shall be functional and enhance the overall appearance of the residence. Hoods on floodlights to shield glare from neighboring properties are required. Soffit-mounted down lighting and building-mounted lighting shall be subtle. Exterior lights visible from the street must be clear;
 2. Mercury vapor lights must be aimed or hooded so as not to affect neighboring properties. No mercury vapor lights or single light bulb exceeding a rating of 150 watts will be allowed; and
 3. Colored lights are not permitted except as part of temporary holiday decorations.
 4. The lamp post and lantern housing must be painted black or have a black finish.
- f. In accordance with a resolution passed at Thornwood’s September 2013 annual meeting, the ACC will work with the board to enforce the New Lot Owner – Working Street Lamp Requirement. It states:
 1. Upon the transfer of title of any Lot in Thornwood, the owner is responsible for functioning street lighting within 90 days of the title transfer.
 2. The street lighting’s appearance must be consistent with Thornwood’s current “individual gas lights” and positioned in accordance with the requirements below:
Refer to Foundations and Designs v. f. (at bottom of page 12) for particulars on positioning of gas lamps.
- g. It is the responsibility of the Lot owner to notify the homeowner’s association when compliance issues have been completed or repaired.
- h. See Appendix 1 for examples of lamp styles can be used

2.11. Exterior Painting and Siding

- a. Earth tone colors were most often used when residences were constructed. For the purposes of the Rules, earth tone colors are defined to be those colors that harmonize with the natural color of brick and include white and subdued shades.
- b. Exterior paints and stains for each residence shall be selected to complement or harmonize with the colors of other materials with which they are used.
- c. Exterior colors must be approved by the ACC, even if a homeowner intends to paint in accordance with an original color scheme. Color of brick or other exterior covering used in the single family detached residence and the color of neighboring single family detached residences are considerations.

- d. A large sample (at least 3 feet by 3 feet) of the color must be painted on the home within 24 hours of the application submission to allow the ACC to gauge harmony with brick/trim/roof and other homes within Thornwood.
- e. Painting of brick is permitted as long as the foregoing rules relating to color are adhered to.
- f. Day-Glo, fluorescent, "bright" colors (such as reds, pinks, purples, oranges, and yellows), overly "dark", metallic and similar shades and colors are not permitted for the main structure of the house. Some of these colors may be used to paint doors, however the colors chosen for the house and the door must complement each other. Paint colors listed above for doors may be rejected by the ACC if deemed out of line with the neighborhood. Existing colors are not automatically grandfathered.
- g. Other colors may be acceptable with the prior written approval of the ACC.
- h. Aluminum, concrete impregnated or composite cement planks, metal, vinyl or other siding not identical to existing siding may be permitted with written approval. The siding must approximate the appearance of painted wood such that it would be difficult for a layman to determine the siding composition from the street and the color must meet the color Rules in section 2.10 above. Existing brick may not be covered.

2.12. Fences and Gates

- a. No chain link fences are permitted in accordance with the Deed Restrictions.
- b. No fences are permitted forward of the front building line.
- c. Fences must be wood-based or if a composite material is used, it must have a wood look or appearance.
- d. Perimeter lot fences must be at least 6 feet high but no higher than 8 feet.
- e. Fences that abut a property that is not a single-family residence may be up to 10 feet high.
- f. When Thornwood neighborhood perimeter fences are replaced, the fence should match abutting perimeter fences.
- g. Any gate erected on the driveway requires an ACC review; it shall not be any closer to the street than the front building line. The gate may be operated manually or electronically. The gate shall be made of wrought iron, aluminum or similar material, may not be made of solid panels and may not exceed seven feet in height. A lot owner who intends to place a gate on the property that encroaches on any easement must obtain a written consent from the easement holder (City of Houston or utility) and submit that written consent as part of the Application.
- h. Any gate erected on the driveway at the front building line that has a fence extending from the gate post to the house or neighboring property must use the same materials as the gate to build the fence except that it cannot exceed six (6) feet in height and must be see through.

2.13. Garages, Carports and Porte Cochères

- a. Changes to the existing or as-constructed garage, or carport and porte cochères or new construction of these structures require ACC review. No structures shall encroach into any utility easement unless the utility companies involved have provided written consent prior to submission of the Application and must be included with the Application. See section 2.1.1.3.v.g for where garages must be placed and what size garages are permitted. In no case may a single car garage with a single (or double door) be placed in front of an existing two car garage.
- b. All Lots upon which a residence has been constructed shall have a garage capable of housing two but not more than three vehicles unless otherwise approved in writing by the ACC.
- c. Where an existing overhead garage door is replaced, no small utility doors visible from the street will be allowed as a substitute.
- d. No more than 250 square feet of heated and/or air-conditioned enclosed area on the first floor may be added as a shop, hobby area or quarters for bona fide servants. The ACC will require reasonable proof in the case of servant's quarters.
- e. Carports must be designed and built so that the materials, workmanship, and over-all appearance are in harmony with that of the house. Exposed metal supports, corrugated fiberglass, aluminum siding or similar materials are not permitted. Carports may not extend beyond the front line of the residence, and must fit within the designated setbacks.
- f. Incorporation of a porte cochère treatment in the design of the home is acceptable, provided that the porte cochère is an integral part of the architectural design of the improvements and shall be constructed of materials, deemed by the ACC, compatible with the overall character and aesthetics of the home.
- g. Garages, carports and porte cochères shall be constructed so as to pose no problem to the effective drainage of any Lots.

2.14. Hot Tubs, Spas and Pools

- a. Exterior hot tubs, spas and pools are limited to rear yards. All equipment must be fully screened from public view from the street. Only one hot tub or spa is allowed per lot.
- b. No hot tub, spa or pool of any type shall encroach into any easement (City of Houston or utility) unless the easement holder has provided written consent prior to submission of the Application and such written consent must be submitted as part of the Application.

2.15. Lot Maintenance

- a. Thornwood's 1998 Amendment on street lights and Lot maintenance reads:

In the event an Owner of any Lot shall fail to maintain the premises, any existing gas light or the improvements situated thereon in a neat, working, orderly and sanitary manner, the Association shall have the right, through its agents and employees, to enter upon said Lot without liability in trespass

or otherwise, and to repair, maintain and restore the Lot and exterior of the building, any gas light and any other improvements erected thereon, all at the expense of Owner. Owner shall pay any invoice for such charges submitted by the Thornwood Fund, Inc. not later than thirty (30) days after the receipt thereof. To secure the payment of such charges in the event of non-payment by the Owner, a vendor's lien is herein and hereby retained against the Lots in favor the Association but such lien shall be inferior to any purchase money lien or mortgage. Such vendor's lien shall be applicable and effective whether mentioned specifically in each deed or conveyance of a Lot. Without limiting the foregoing, the amount of such unpaid charges may, at the option of the Association be added to the annual assessment described in Article Seven of these Restrictions, and shall become a charge against such Lot in the same manner as the regular annual assessment. Further, the Thornwood Fund shall have all of the rights and remedies provided in Article Seven hereof to enforce payment of such charges, including, without limitation, the right to assert a lien against any such Lot and foreclosure upon such lien either judicially or non-judicially.

b. This sub-section clarifies the definition of "maintain...in a neat, working, orderly and sanitary manner" in section 2.15.a. above:

- i. The Owner or occupant of each Lot must, at all time, keep such Lot in a neat and habitable condition and must keep all weeds, grass, trees, shrubs, bushes, and other foliage thereon cut or edged in a sanitary, healthful, and attractive manner. Dead, diseased or damaged trees, shrubs, or bushes, or any foliage which may create a hazard to property or person on a Lot or adjacent Lot must be promptly pruned or removed; provided, however, all trees on a Lot must be preserved, protected, maintained, removed, and replaced in the manner required by section 2.28 of these rules.
- ii. Mowing and edging of the grass must be done on a regular basis to be in compliance with sub section b.i. above. Grass clippings and leaves must be picked up from the street, driveway and pathway
- iii. The grass or landscaping should be watered in a manner so that it is not allowed to die.
- iv. Street light posts and the light housing shall be painted and not show any peeling, or evidence of being worn or cracked.
- v. Mail boxes shall not be allowed to fall into disrepair and shall be functioning at all times.
- vi. Mold, mildew or algae must be removed from siding and/or brick work as soon as it can be seen from the street or is brought to the homeowner's attention.
- vii. Broken windows, rotting or broken siding, facia boards, eaves, other broken or missing woodwork or similar material must be repaired or replaced within 30 days of first being noticed by the homeowner or being brought to the homeowner's attention.

2.16. Outbuildings

An "outbuilding" is defined as any structure of a permanent or temporary character which is not attached to the residence or garage. This definition includes, for example, garden equipment storage buildings, sheds, greenhouses, gazebos, etc.

Outbuildings will conform to the following conditions:

- a. No outbuilding shall be erected, altered, placed or permitted to remain on any Lot for use as a residence or contain any residence area.

b. Color(s), materials, and styling shall match/blend with the predominant exterior of the main residence.

c. No outbuilding shall be higher than 8 feet from the ground to the highest point. The outbuilding shall not be forward of the rear building line of the residence and shall not encroach on easements and shall not be visible from the street in front and/or to the side of the Lot. The location of the outbuilding shall not affect drainage on the owner's or neighboring Lots.

d. Garden equipment storage buildings may be portable, prefabricated buildings no higher than eight feet with no more than 50 square feet of interior space.

e. No outbuildings shall encroach into any utility easement unless the utility companies involved have provided written consent prior to submission of the Application and must be included with the Application.

2.17. Patio and Deck Covers

a. Patio and deck covers shall be constructed of materials which complement the main structure and shall require approval of the ACC. No patio or deck covers shall encroach into any utility easement unless the utility companies involved have provided written consent prior to submission of the Application and must be included with the Application.

b. Patio covers shall be situated on the Lot to provide drainage solely into the Owner's Lot. If a proposed patio cover utilizes a solid roof and slopes toward the side lot line and is less than 5 feet away from a side lot line, the ACC shall require that it be guttered with down spouts positioned so that the drainage does not affect the neighbor's Lot.

c. Covered patio requirements include:

- i. They cannot be seen from the "front" street;
- ii. They occupy no more than 400 covered square feet if the cover touches two exterior walls of the home, breezeway or garage; patio covers only touching one wall will be evaluated on the impact to neighbors;
- iii. The eaves of the patio are at the same level as the home's first-story eave;
- iv. They contain no air conditioning or heating;
- v. Any side enclosures consist of screening and not windows and they have no walls;
- vi. If metal building materials are used, they should be of a nonmetallic finish and complement the coloring of the house.

d. Covered areas (including "lean-tos") meeting the requirements of 2.16.c of these Rules must use colors and materials matching the main residence and may be required to meet the other requirements of Section 2.11 of these Rules.

e. Any homeowner who applies for a patio with any utility services, with or without a deck cover, should review Section 2.1 – Additions – to determine if the patio and/or deck cover is referred to as an Addition under that section.

2.18. Roofing

- a. Changes to the existing or as-constructed roofline of a home requires an ACC review and approval.
- b. Re-roofing shall be of high quality shingles or the same materials and color of the existing roof. Non-reflective metal, steel or aluminum roofing is also permitted. Owners shall submit a sample with the Application.
- c. Copper may be used for roof coverings over bay windows.

2.19. Solar Panels, Solar Hot Water Panels, and other Solar Energy Devices

In Section 202.010 of the Texas Property Code, "solar energy device" is defined as "a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar generated power". The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

The same Section 202.010 provides that a property owners' association cannot prohibit or restrict a property Owner from installing a solar energy device except as otherwise provided therein.

- 1) ACC Approval. The installation of a solar energy device requires the *prior* written approval of the ACC.
- 2) General requirements
 - a) Solar energy devices should not be visible from the street in front of the lot or located in the city right of way, utility easements, front or side setbacks, unless the alternate location proposed by the Property Owner increases the estimated annual energy production of the device by more than ten percent (10%) above the estimated energy production in the area prescribed by these rules. For determining estimated annual energy production, the parties shall use a publicly available modeling tool provided by the National Renewable Energy Laboratory.
 - b) The alternative location (that estimated above to produce 10% more energy) may be disapproved only if the ACC determines in writing that placement of the device in that alternative location would constitute a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of reasonable sensibilities. The written approval of the alternative proposed placement of the device by all Owners of property adjoining the lot in question constitutes prima facie evidence that "substantial interference" does not exist.
 - c) In all cases a solar energy installation shall meet the following requirements:
 - i) A solar energy device mounted on the roof of the residential dwelling or other permitted structure on a Lot:
 - (1) shall not extend higher than or beyond the roofline;
 - (2) shall conform to the slope of the roof and have a top edge that is parallel to the roofline;
 - (3) shall have frames, support brackets and visible piping or wiring of a color best matching the roof selected from the colors that are commonly available in the marketplace, i.e. grey, bronze or black tone.
 - ii) If roof-mounted to a pergola or covered rear patio,

- (1) the tops of solar devices shall be no more than 24" above the roofline and conform to the roofline.
- (2) the frames, support brackets and visible piping or wiring shall be of a color best matching the roof selected from the colors that are commonly available in the marketplace, i.e. grey, bronze or black tone.
- iii) A solar energy device located in a fenced yard or patio shall not be taller than or extend above the fence enclosing the yard or patio.
- iv) A solar energy device shall not be installed in a manner that voids the installed materials' warranties.
- d) Limitations.
 - i) A solar energy device is not permitted on a Lot if:
 - (1) As adjudicated by a court, it threatens the public health or safety or violates a law;
 - (2) It is located on property owned or maintained by the property owners' association;
 - (3) It is located on property owned in common by the members of the property owners' association;
 - (4) It was installed without prior approval by the property owners' association.

2.20. Swing Sets, Playground Equipment, Playhouses, Tree Houses and Forts.

Swing sets, playhouses, forts and other playground equipment meeting the ACC Rules do not require prior approval of the ACC. All other situations will be approved based upon impact to neighbors.

2.21. Ventilation/Rooftop Appendages

- a. Low-profile ridge vents are approved.
- b. Ridge vents shall be a color which blends with the shingle color.
- c. Wind turbines and automatic attic fans should be mounted in the rear portion of the roof and not protrude above the roof line so that they are not visible from the street.
- d. Attic ventilators are recommended to be the "pancake" low-profile type where possible, and must be of a color that blends with the roof shingle color.
- e. Where possible, attic ventilators and other rooftop appendages shall be located on the rear slopes of the roof, shall not be above the roof ridge, and shall not to be visible from the street.
- f. Vent hoods shall be a color consistent with the house.

2.22. Window and Mini-Split Air Conditioners

- a. Window and Mini Split air conditioners shall not be visible from the street in front of the Lot.

2.23. Flag Display

a. Current and historical flags of the United States, State of Texas and branches of the United States Armed Forces may be displayed according to the Rules of those organizations; federal and state laws and etiquette outlined by the Veterans of Foreign Wars must also be observed. Collegiate flags may also be displayed. Deteriorated flags and unusable flagpoles must be removed immediately. Flags must be displayed on a purpose-built flagpole and flags should not be larger than four feet by six feet. No more than two flags shall be displayed at any residence.

b. Flagpoles securely attached to the home or a tree may be up to six feet long and at an angle between 30 and 45 degrees. If mounted on the home, the brackets should be mounted to the first story of a home and be accessible from the ground. They should be located in the front yard and the flag should not fly in the city right of way, utility easements or side setbacks. Only one flag may be displayed on an attached flagpole.

c. Freestanding flagpoles may be up to 20 feet tall and located in the front yard and the flag should not fly in the city right of way, utility easements or inside the side setbacks. Up to two flags may be displayed on a freestanding flagpole between 14 and 20 feet tall.

d. This provision shall be subject to the provisions of Section 202.012 of the Texas Property Code, as amended.

2.24. Holiday, Religious, Seasonal and Other Displays

a. Holiday, seasonal and other displays must be of good taste. Displays of violence, gore, illegal activities and improper behavior are not permitted.

b. Religious displays may not be displayed seven days after the end of the religious/liturgical season or for more than 50 days per calendar year.

c. Two dimensional displays may not be more than 50 square feet in total in either display or footprint. Three dimensional displays are also limited to 250 cubic feet.

d. Displays must be stable, secured and in good condition.

2.25 Rain Barrels

a. Rain barrels and systems must be color consistent with the color scheme of the home and should blend with the home and its landscaping.

b. All components other than gutters and downspouts must be screened from street view. This includes filters, pumps, motors, pipes, and hoses.

c. Rain barrels may not display logos, images, or words, and may be regulated by size, type, and material.

d. Open tops are prohibited. Barrels must be animal and child proof, and have mosquito control at all times.

e. Overflow and input screens must be used. Harvested water must not be allowed to become stagnant, and must be drained if this occurs. Inoperable and unused systems must be removed.

2.26 Composting Bins

a. Compost bins and their location must be approved by the ACC and must not be visible from the street.

b. Individual bins may not exceed 5' X 5' X 5' or 125 cubic feet and must be made of durable material. Durable materials include commercially constructed bins, hardwoods or Hardie plank.

c. Compost bins must be managed to eliminate impact on neighbors - unsightliness and odors.

d. Bins must be dismantled and material removed if they are not maintained or if they are abandoned.

2.27. Tree Removal

No living tree greater than six inches in diameter as measured at a point two feet above natural grade may be removed without prior written approval. Trees to be removed must be flagged on site.

a. Conditions for Removal

Approval for tree removal will be considered if the tree:

1. Is located within six (6) feet from a house or other existing permanent structure (i.e., garage, driveway, swimming pool or pool decking).
2. Can be demonstrated to pose a safety hazard to persons or property.
3. Is within six (6) feet from the area proposed for the construction of a house, garage, driveway or pool and pool decking.
4. Is considered an invasive and hazardous tree or plant. The Houston Area Urban Forestry Council and Native Plant Society of Texas maintains a list of native trees.
5. Has been determined as damaged, diseased or otherwise hazardous.
6. In the event that a tree is damaged by a lightning strike or storm the homeowner is encouraged to seek ACC approval for the removal of the tree prior to the removal. However, if the tree is in imminent danger of falling and possibly causing damage to the homeowner's property or a neighbor's property, the homeowner should take appropriate action to immediately remove the tree, or portion of the tree, to prevent any further damage prior to applying to remove the tree. In such cases the homeowner should photograph the tree and send the photo together with the application to the ACC for retroactive approval. The application must also reflect the type of tree being replaced and the timing for replacement. This allowance of post approval is deemed appropriate for ensuring the safety of persons and property involved.

b. Replacement

Any tree removed from the lot requires replacement. Replacement trees must be a minimum of 15-gallon trees that are watered, fed, staked and trimmed as necessary to promote healthy growth. For extremely heavily wooded lots an appeal may be made to the ACC for not replacing all trees removed. This will be determined on a case by case basis and will not apply to heavily wooded lots

Excellent native trees for replacement include:

American basswood	Green hawthorn	Redbud
American elm	Gum bumelia	Rusty blackhaw
American holly	Hackberries	Shumard red oak
American hornbeam	Hop hornbeam	Soapberry
American persimmon	Laurel Oak	Southern red oak
American plane tree	Live Oak	Sugarberry
Arrowwood viburnum	Loblolly pine	Swamp laurel oak
Bald cypress	Longleaf pine	Toothache tree
Black walnut	Magnolia grandiflora	Water hickory
Black willow	Parsley hawthorn	Water oak
Cedar elm	Pecan	White (upland) ash
Cottonwood	Pignut hickory	White oak
Deciduous holly	Post oak	Willow oak
Green (swamp) ash	Red bay	Winged elm

2.28 Window and Door Additions or Enlargements

Any changes to the as-constructed or current structural design of the home requires ACC approval.

2.29 Adjacent or Consolidated Lots and Relevant Fencing

- a. Any owner who purchases an adjacent lot to their own, either to the side of or rear of the purchasing owner's lot, must comply with all the applicable building and set back lines in the deed restrictions and ACC Rules for each separate lot unless the owner formally consolidates the lots and has the consolidation recorded in the property records of Harris County. Upon consolidation of the lots the homeowner is still subject to the requirements of Articles 5.02 and 5.03 of the Deed Restrictions and only one single family dwelling may be built on the consolidated lot.
- b. Fencing for unconsolidated lots will follow the rules laid out in Section 2.12, of these rules as they pertain to fences and subsection c. below
- c. In all cases a lot owner of a vacant lot, that is adjacent to a lot owned by the same homeowner, may choose to install a fence on the vacant lot with the following conditions:
 1. No fence may be placed closer to the street than the front build line of that property or further forward of the side build line of a corner lot.
 2. Fences placed on the front build line and/or side build line of a corner lot, must be concealed with natural plants and vegetation to exceed 85% coverage of the fence.
 3. There is no requirement for an owner of two adjacent lots to erect a fence between the two lots, nor is there a requirement for an owner of a vacant lot to erect a fence on the vacant lot along the front build line or side build line, when a corner lot is involved, except where such fence may be required by the City of Houston to provide a safety fence around a pool if that is the only fence around the pool.
 4. Appendix 2 provides some examples of where the perimeter fencing would be allowed on vacant lots. The examples are not exhaustive and lot owners are encouraged to inquire of the ACC, prior to submitting an application, for guidance if their particular case is not illustrated in the examples.

3. MISCELLANEOUS

- 3.1 The ACC oversight extends to the landscaping of all Lots and Thornwood community spaces, pools, and parks.
- 3.2 Responses to neighbor complaints about Lots in the neighborhood will be addressed by the ACC and enforced by the Board using prescribed remedies.

4. APPENDIX 1

Sample Street Light Lanterns



Charm Lite American Colonial



Charm Lite Essex



Charm Lite Westmoreland



TruLite Gas Lamps

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e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
DIANE TRAUTMAN
COUNTY CLERK
Fees \$122.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Diane Trautman

COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2020-154091