



ARCHITECTURAL GUIDELINES FOR WINDSONG SUBDIVISION

This document is intended as a quick reference for the residents on the Windsong subdivision.

**ARCHITECTURAL GUIDELINES FOR
WINDSONG SUBDIVISION
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ARTICLE I

Application Procedure

1.1 Submission - Except as provided in Section 1.3 of this Article I, all applications for approval to make any exterior changes, additions or improvements, must be submitted to the ACC in writing by completing the application form currently in use by the ACC, a copy of which is attached hereto as Exhibit "A", or such form as may hereafter be adopted by the ACC.

If additions or improvements require a building permit from Harris County, the approved permit application must be attached to the ACC application. Upon completion of the project, a copy of the approved county inspector's report must be submitted to the ACC. Projects that require a building permit will not be considered complete until such time the approved report is filed with the ACC.

Plans and specifications for any exterior change, addition or improvement should be attached to the application. The ACC reserves the right to request any additional information deemed by it to be necessary to properly evaluate the application. Should the ACC request additional information, the application will be denied; however, the applicant may thereafter submit a new application with the requested information to the ACC for its review. All applications shall be mailed or delivered to the office of the managing agent of the Association. Simple maintenance to the exterior of the House or Fence that does not change the color (as long as the original color is on the approved list of colors) or location **does not** require a submission to the ACC.

1.2 Review - The ACC shall endeavor to review each application as soon as possible after the date of its receipt. Each decision of the ACC shall be in writing and include a statement of the conditions under which the application is approved, if any, or the reason(s) for disapproving the application. Any application which has not been approved or disapproved within ten (10) days of the date of its receipt shall be deemed approved; provided however, that any such approval shall be deemed to relate to Architectural Guidelines only, not to any of the restrictions set forth in the Declaration, which must be complied with at all times. Except as provided in Article XII or unless otherwise stated in the ACC's written response, all approved exterior changes, additions, improvements or landscaping shall be completed within thirty (30) days of the date of construction, installation or erection has commenced.

1.3 Appeal - In the event the ACC disapproves an application, the applicant may submit to the ACC a written request for reconsideration. The applicant may submit with the written request for reconsideration an explanation of additional or extenuating circumstances, or any other additional information, which the applicant considers relevant to the original application. The ACC shall review the request for reconsideration and then notify the applicant in writing of its final decision within 10 days from date of its receipt. In the event that the request for reconsideration is denied by the ACC, the applicant may submit to the Board Of Directors for the Association the written request for reconsideration. The Board of Directors shall review the request for reconsideration at the next meeting of the Board of Directors. All decisions of the Board of Directors shall be final. During the period of appeal to the ACC and/or Board of Directors, the decision of the ACC on the original application shall remain in effect; further, an appeal of a decision of the ACC shall not be considered a new application resulting in approval of the original application if a response to the request for reconsideration is not submitted by the ACC or the Board of Director within ten (10) days of its receipt.

ARTICLE II

General Guidelines

2.1 The ACC shall consider the following factors upon the review of each application for an exterior change, addition or improvement:

- (a) Size and dimension;
- (b) Color and harmony with existing structures and improvements;
- (c) Quality of materials;
- (d) Location;
- (e) Harmony and appeal of exterior design;
- (f) Quality of construction;
- (g) Elevation, and;
- (h) The provisions of applicable statutes, ordinances, building codes and covenants, conditions and restrictions.

Provided, however, that the approval of an application shall not be construed as a warranty or representation by the ACC that the change, addition or improvement, as proposed or as built, complies with any or all applicable statutes, ordinances or building codes, or as a warranty or representation by the ACC of the fitness, design or adequacy of the proposed construction.

2.2 Grandfather Clause - Improvements that are not in compliance with these

guidelines, but (i) were completed prior to December 28, 1994, and (ii) have never been cited as requiring the approval of the ACC, shall not be required to be removed or replaced. Provided, however; as improvements which do not comply with these guidelines are destroyed by fire, storm, accident, or acts of God, or otherwise require replacement or modification, including painting, such improvements shall be replaced, modified or repaired in a manner as so to be consistent with these guidelines.

2.3 **Type of Construction** - All buildings, structures and other improvements erected, altered, or placed in the Subdivision shall be of new construction and no structure of a temporary character, trailer, mobile home, tent, shack, garage, barn, or outbuilding shall be used in the subdivision at any time as a residence, either temporarily or permanently. Unless the ACC otherwise agrees in writing, the exterior finish or construction of any living unit shall be at least fifty-one percent (51%) brick, stone, or other masonry. In computing such percentage, roof areas shall be excluded, but garages, porches and other structures, attached to the Living Unit, shall be included.

2.4 As Federal, State and Local regulations are fluid, these always take precedence over ACC guidelines, HOA By-Laws, Restrictions and Covenants.

ARTICLE III

Fences

3.1 **Location** - Fences shall: (i) be located wholly within the property lines of the homeowner's lot; (ii) not extend into the front yard beyond the building setback line for the main residence upon such lot and; (iii) in the opinion of ACC, must not interfere with the general harmony and external design of the subdivision.

3.2 **Height & Materials** - All fences shall be six feet (6') in height with an optional six inch (6") rot board at the bottom of the pickets and/or an optional three inch (3") decorative cap on the top of the pickets. Fences shall be of cedar or pressure treated pine wood - and not of chain link or wire. All fencing should preferably have finished materials on both sides. If only one side has finished material, the finished side must face the public side of the individual lot. All fences shall be constructed with the pickets on the outside so that no posts or rails are visible from the street in front of the lot or from the side street. Fence material must be kept in its natural state, and may not be stained or painted on the public side of individual lot.

3.3 **Gates** - All gates shall be constructed of wood and should preferably have finished materials on both sides. If only one side has finished material, the finished side must face

the public side of the individual lot. Gates shall not be of chain link or wire.

ARTICLE IV

Swimming Pools

4.1 Permanent/above ground backyard spas/swimming pools will be approved by the ACC only after careful consideration of the effect such a pool will have on neighboring lots.

4.2 An application for the construction of a permanent/above ground type backyard spa/swimming pool will not be considered unless: (i) application is accompanied by an application for an acceptable fence design; (ii) or a fence design has already been approved and there are adequate locks on the gate to the fence.

4.3 An application for the construction of a spa/swimming pool must include a plot plan showing the proposed location of the spa/swimming pool in relation to the property lines, set back lines building lines, easements, existing structures and existing or proposed fences.

4.4 The application shall include a timetable for the construction of the spa/pool.

4.5 During construction, the spa/pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists.

4.6 No building materials or vehicles shall be kept or stored in the street overnight.

4.7 **NO** swimming pool may be enclosed with screens.

4.8 The spa/swimming pool, including the decking, shall be constructed so as not to encroach upon any existing easement or building setback line.

4.9 Homeowners must notify the Utility District, and any easement holders, of their intention to install a spa/pool.

4.10 The spa/swimming pool backwash line shall drain to the street per MUD District #183. No spa/pool plumbing shall be permitted to drain into the sewer lines.

ARTICLE V

Outbuildings - Building Alterations and Additions

5.1 Any type of building, which exists on a lot but is not attached to the residential dwelling on a lot other than the dwelling itself, shall be considered an outbuilding, including tool and/or storage sheds, playhouses and gazebos.

5.2 Any exterior addition or alteration to an existing building shall be compatible with the design character of the original building.

5.3 No outbuildings shall be placed closer than three feet (3') to a side property line, fence, or other structure or three feet (3') from a rear property line. Such a distance will allow for the removal of grass and weeds. No outbuildings shall be placed so as to encroach upon any dedicated easement.

5.4 No outbuildings shall be constructed before an approved fence is constructed. This includes storage sheds, doghouses and greenhouses.

5.5 The length and width of any outbuilding shall be limited so that established drainage patterns will not be interrupted. Depending upon the size and placement of the lot, the length and width of any outbuilding shall be examined on an individual basis.

5.6 The height of the peak of the roof of the outbuilding shall not exceed eight feet (8'). Any roof shingles shall be uniform in design and same color as primary residence.

5.7 Playhouse shall meet the requirements of all other outbuildings. Provided, however, only one (1) playhouse not exceeding ten feet (10') in length, ten feet (10') in width and eight feet (8') in height shall be permitted on a lot. The standard type, quality, and color of the materials used in construction of a playhouse shall be harmonious with the standard, type, quality, and color of the materials used in construction of the main residence on the lot. This stipulation is not applicable if not visible from street.

5.8 No exterior portion of a playhouse shall be made of tin. No playhouse shall contain electrical wiring or antennae. All entrances to playhouse shall face the rear of the residential dwelling.

5.9 All playhouses and outbuildings shall be maintained in good condition.

5.10 Gazebos shall not be used for the storage of any type of tools or equipment.

5.11 On any room additions, roof shingles shall be of a uniform design and same color as primary residence.

ARTICLE VI

Patio Covers

6.1 The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence. Fiberglass and tin patio covers shall not be permitted under any circumstance.

6.2 Patio covers will be constructed only in area of the patio.

ARTICLE VII

Lighting

7.1 Security Lighting - Exterior wall, soffit or mounted security lighting shall be permitted with the ACC's approval, so long as each lighting fixture does not exceed 2250 lumens.

7.2 Landscape Lighting - Exterior landscape lighting shall be permitted, so long as the lighting is located within the flowerbeds, shrubs and/or trees.

7.3 Gas Lights - One (1) gas light per lot shall be permitted with the ACC's approval, provided the gas lighting color is white. Existing gas lighting may be converted to an electric incandescent bulb provided: (i) incandescent bulb is a clear glass type; (ii) wattage of the bulb does not exceed 1500 lumens; and (iii) the lighting color is white.

7.4 Flood and Spot Lighting - Flood and spot lighting shall be permissible with the ACC's approval so long as:

- (a) The wattage in each lamp does not exceed 2250 lumens and the wattage in each fixture does not exceed 4500 lumens;
- (b) All fixtures are mounted under an eave or to a soffit.
- (c) All Exterior lighting fixtures that operate 24/7 must be motion sensor activated.

7.5 Vapor lighting shall only be permitted in a location in front of the driveway so as not to interfere with neighbors and cause an annoyance. Under no circumstances shall vapor lighting be permitted on the back side of primary residence or on the side of primary residence if it interferes with neighbors. All vapor lighting must be approved by the ACC.

7.6 All exterior colored lighting must be approved by the ACC.

7.7 Annoyances - Exterior lighting shall not be directed in such a manner as to create an annoyance to the neighbors. All new lighting, which is approved by the ACC, shall be subject to a 60 (sixty) day trial period to assure that the lighting is not objectionable to surrounding residents. If, at the end of the sixty (60) day period the ACC has determined that the lighting is not unreasonably offensive or an annoyance to surrounding residents, the ACC's approval shall be final. Otherwise, the lighting shall be removed or modified in accordance with the decision of the ACC.

ARTICLE VIII

Painting

A change in the color scheme of the home requires that a color sample or "paint chip" of the proposed exterior color of the home, or any new addition or improvement, must be attached to the application form submitted to the ACC. **Written approval must be received prior to any repainting.** Simple maintenance to the exterior of the house that does not change the color (as long as the original color is on the list of approved colors) does not require a submission to the ACC. (See 1.1 if no change in color).

8.1 The ACC has established and shall maintain a chart depicting acceptable muted colors for the exteriors of homes and other improvements on lots within the subdivision. Each color sample, or paint chip, shall be compared to the colors set forth on the color chart to assure that each approved color is harmonious with the color scheme established for the subdivision. However, it is not necessary that Sherwin-Williams (SW) paint be used - only that the paint matches the SW colors. The chart indicates **B**ase house colors with a **B**, **T**rim colors with a **T**, and those that can be used for either **B**ase or **T**rim with a **BT**. Either base or trim colors may be

used if the entire house is to be painted one color. An excel spread sheet with the Sherwin-Williams Color name and Number is maintained on the Windsong web site.

The approved color chart has been made available at two locations:

Spectrum Association Management
16690 Park Row
Houston TX 77084
(281) 343-9178

THE SHERWIN-WILLIAMS COMPANY
5814 Highway 6North
Houston, Texas 77084
(713) 859-7437

8.2 The door of a garage on a lot shall always be painted the same color as the principal color of the residential dwelling. Garage doors shall be all one color. Patterns, checkerboard, or designs will not be allowed.

8.3 Landscape timbers shall not be painted under any circumstances.

ARTICLE IX

Roofing Materials, Additions & Gutters

9.1 Materials - A sample of the proposed shingle to be placed on any existing roof, or any improvement, must be attached to each application submitted to the ACC. Proposed shingles must be an acceptable type and quality and whose color is harmonious with the color scheme established for the Subdivision. Roof shingles shall be of a uniform design and color over the entire residence. All composition shingles used on the roof of a home must have at least a twenty (20) year manufacturer's warranty. "White" or "colored" as well as "Terracotta" shingles are not permitted.

9.2 Roofing Additions - No skylights or similar types of additions shall be permitted on the front of the roof ridgeline and/or gable of a structure.

9.3 Solar Panels - Solar panels will be permitted with prior approval, in writing, by the ACC.

9.4 Roof Vents - Roof vents or turbo vents shall be installed on the backside of the residence. Roof vents or turbo vents shall be installed according to the manufacturer's specifications for installation not to exceed the ridgeline by more the fifteen inches(15").

9.5 Gutters - The addition of gutters to a house must be approved by the ACC. Gutters must be painted the same color as the residence, or the trim thereon, and shall be kept in good repair. All existing gutters shall be kept in good repair as to not detract from the overall appearance of the residence or surrounding neighborhood.

ARTICLE X

Miscellaneous

10.1 Birdhouses shall be permitted subject to the prior approval of the ACC and the following:

- (a) A birdhouse shall not be visible from the street in front of the lot;
- (b) No birdhouse shall be larger than two feet (2') in width, two feet (2') in length, and two feet (2') in height;

10.2 Birdhouses shall not be erected more than ten feet (10') in height. Awnings are not permitted.

10.3 Antennae - Without the prior written authorization of the ACC, no television or radio antennae of any sort shall be placed, allowed or maintained outside a residential dwelling or on the exterior of any building or other improvement. The ACC may consider approving an application in the event that television, radio or any sort of antennae: (i) does not exceed eight feet (8') in height; (ii) is not visible from the street on which the lot faces or sides; (iii) does not create a nuisance for surrounding neighbors. Under the FCC's Over-The-Air Reception Devices Rule (OTARD) antenna used to watch local channels are permitted.

10.4 Driveways/Sidewalks

- (a) Unless the ACC grants a variance in writing, each lot shall have driveway access to the street on which the lot faces, and shall not have driveway access to a street on the side of the lot unless approved by the ACC.
- (b) Subject to the foregoing limitation, the Owner of each lot shall construct and maintain, at his expense, a driveway from his garage to an abutting street, including the portion in the street easement. He shall repair, at his own expense, any damage to the street occasioned by connecting his driveway thereto.
- (c) A request for a widened driveway or a new sidewalk shall be considered on an individual basis.
- (d) Cement material must blend with the existing structure and must be carried out in a workmanlike manner.
- (e) Circular Driveways are not permitted under any circumstances.

10.5 Mailboxes & House Numbers

(a) Mailboxes, house numbers and similar matter used in the Subdivision must be harmonious with the overall character and aesthetics of the community and the decision of the ACC that any such matter is not harmonious shall be final.

(b) Any change to the mailbox structure must be approved by the ACC. Approval of the mailbox application shall not be unreasonably withheld.

Mailboxes shall be either black or shall remain its natural color. Mailbox posts shall not be painted and are to remain natural color. All mailboxes shall be maintained as to not detract from the overall appearance of the property or of the neighborhood. No brick or other type of mailbox encasement is permitted.

10.6 Garage Conversions - Each garage, whether used for the storage of vehicles or not, must maintain the outward appearance and function of a garage, as provided in Article IV, Section 4.1 (a) of the Declaration.

10.7 Basketball Goals - Basketball goals shall be permitted subject to the prior approval of the ACC and the following:

- (a) A nylon net shall be maintained on the rim at all times. The net shall be replaced in the event that it becomes frayed or torn.
- (b) An orange steel or aluminum rim shall be affixed to the backboard at all times. The rim shall be repaired or, if necessary, replaced in the event that it becomes broken or bent.
- (c) The backboard must be fiberglass, or weatherproofed wood, painted white with the exception of an orange square outline above the rim. The backboard shall be repainted, repaired or replaced in the event that the surface of the backboard becomes chipped or cracked, or the backboard becomes warped or unaligned.
- (d) Basketball goals may not be erected in such a manner as to encroach upon any building line on any lot.
- (e) Basketball goals that are visible from the street shall be attached to the front of the garage or freestanding.
- (f) In no event shall a basketball goal be placed at any curb either temporarily or permanently.
- (g) All mounting supports must be steel or aluminum, and painted the same color as the exterior color of the structure upon which they are mounted. The pole, on which the backboard is mounted, if applicable, must also be steel or aluminum and painted either silver or black. The pole, if applicable, and all mounting supports must be maintained in an attractive condition.

- (h) With the exception of maintenance and repair, a basketball goal shall not be modified in any respect nor shall its location be changed from that approved by the ACC.
- (i) If a portable goal is used and is visible from the street it must be in an upright vertical position.

10.8 Paint on Concrete - No concrete on a lot, which is visible from the street in front of the lot, whether a driveway, sidewalk, patio or other improvement, shall be painted or stained any color. Concrete, which is not visible from the street in front of the lot, may be painted or stained only with the ACC's prior written approval, i.e. inside the garage.

10.9 Flower Bed Borders, Waterfalls, Sidewalk Borders, Lawn Decorations - All requests for decorative type items will be considered on an individual basis. The primary concern will be based on the compatibility and the effect that such an addition will have on drainage patterns and overall appearance of the residence and neighborhood. Grass and landscape beds shall be kept trim and neat and weeds maintained.

10.10 Grass - The owner of each Lot, as a minimum, shall spot sod or sprig with grass in the area between his/her Living Unit and the curb lines of the abutting street. Installation of xeriscape landscaping is permitted as long as the landscaping design promotes water conservation and is maintained. The use of native plants is highly recommended.

10.11 Storm doors/screen doors will be permitted on all doors.

10.12 Storm doors/screen doors shall be constructed of aluminum or wood. The color should be in harmony with the existing color of the residence.

10.13 Storm doors/screen doors will be approved with the condition that they be kept in the proper state of repair at all times; i.e. broken glass must be replaced; screens must be properly secured.

10.14 All storm doors/screen door shall be maintained in a manner so as not to detract from the overall appearance of the residence or of the neighborhood.

10.15 Flagpoles shall be permitted with to the approval of ACC and shall not exceed ten feet (10') in height.

10.16 ~~Front Yard Trees-~~ Each lot shall plant at least **one** tree having a minimum diameter of two inches (2") at a height of twelve inches (12") above finished grade, unless the ACC approves other landscaping which it determines is equal to or better.

10.17 If a front tree is cut down it is permissible to have a stump no taller than 6 inches. However both the stomp and surrounding landscape bed/s shall be maintained in a neat trimmed manner and free of weeds.

10.18 Signage - One sign per candidate or ballot initiative for an election may be displayed no sooner than the 90th day before the date of the election and must be removed before the 10th day after the election, Signs that benefit residents health, safety and welfare, such as home security systems or special needs of older or disabled residents, are permitted but not larger than one foot by one foot (1' by 1'). Construction signage is permitted but not be larger than two foot by two foot (2' by 2') and displayed one week prior to work commencing and removed no more than 20 days after the work has been completed. Signs displaying School Spirit and/or School sports are permitted. Signs acknowledging Birthdays, Graduation, Birth etc. are allowed but may be displayed for only a period of 7 days.

10.19 Religious Display policy - The association will not enforce or adopt a restriction that prohibits a property owner or resident from displaying or fixing on the entry to the owner's or resident's dwelling one or more religious items, the display which is motivated by the owner's or resident's sincere religious belief.

10.20 Composting, Rain Harvesting and Irrigation

- a) Irrigation systems are permitted but may be regulated relative to visibility for ascetic purposes.
- b) Solid waste composting of vegetation such as grass clippings, leaves, or brush is permitted. However. the Association will regulate requirements such as size, type, shielding and materials. Composting devices must be installed in fenced yard or patio on the owner's property.
- c) Rain Harvesting Devices are permitted. However, the Association will regulate the size, type, shielding, and construction of materials used for harvesting devices Rain Harvesting devices must be installed in an area not visible from the street.

ARTICLE XI

Local Building & Work Permits

11.1 Approval of any project by the ACC or Association does not waive the necessity of obtaining the required local permits.

11.2 Obtaining a local permit does not waive the need for the ACC or Association approval.

11.3 The ACC or Association will not knowingly approve a project, which is in violation of the local building or zoning codes.

ARTICLE XII

Completion of Structures

12.1 Construction, in accordance with an approved plan, must be completed within sixty days (60) of the time that construction is begun unless otherwise specifically agreed to by the ACC or Association. If not completed within the time allotted, the Association shall proceed against the homeowner as if a violation of the Declaration had occurred.

12.2 Any addition or modification which meets the guidelines and standards, but which is erected outside of industry standards and detracts from the overall appearance of the Subdivision, will be deemed to have been erected in contradiction to the approval of the Architectural Control Committee; in such case the Association shall proceed as if a violation of the Declaration had occurred.

ARTICLE XIII

Construction Hours

13.1 Except in an emergency, or when other unusual circumstances exist, as determined by the Board of Directors of the Association, outside construction work or noisy interior construction work shall be permitted only after 6:00 a.m. and before 9:00 p.m.

