



**AMENDMENT TO  
ARCHITECTURAL GUIDELINES AND PROCEDURES  
FOR  
PINEHURST OF ATASCOCITA  
PINES OF ATASCOCITA  
ATASCOCITA SHORES  
GOLF VILLAS  
CLUB POINT  
IVY POINT  
PINEHURST ESTATES**

WHEREAS, the Atascocita Community Improvement Association, a Texas non-profit corporation (the "Association"), acting through its Board of Trustees and the Architectural Control Committee, had previously promulgated Architectural Guidelines and Procedures filed of record in the Harris County, Texas Real Property Records under Clerk's File No. S439432 and again under Clerk's File No. 20130456326; and

WHEREAS, as provided by various assignments of architectural authority from the Architectural Control Committee to the Board of Trustees and as acknowledged by the members of the ACC in the Architectural Guidelines filed under Clerk's File No. S439432, all powers and authority of the architectural control and the Architectural Control Committee have been vested in the Board of Trustees; and

WHEREAS, this Amendment to the Architectural Guidelines and Procedures is applicable to the following properties:

- |      |   |      |
|------|---|------|
| (25) | Pinehurst of Atascocita Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11;  | 11EE |
|      | Pines of Atascocita Sections 1, 2, 3 and 4;   | 4EE  |
|      | Atascocita Shores Sections 1, 2, 3, 4, 5 and 6;   | 6EE  |
|      | Golf Villas at Atascocita;  | 1EE  |
|      | Club Point;   | 1EE  |
| 1EE  | Estates of Pinehurst; and   |      |
|      | Ivy Point (an unrecorded subdivision out of a portion of Pinehurst of Atascocita, Sec. 3);  |      |
|      | additions in Harris County, Texas, according to the maps or plats thereof, recorded in the Map Records of Harris County, Texas, under Volume 206 Page 55, Volume 212 Page 77, Volume 216 Page 36, Volume 238 Page 92, Volume 247 Page 102, Volume 250 Page 132, Volume 286 Page 73, Volume 331 Page 140, Volume 260 Page 120, Volume 276 Page 054, Volume 316 Page 14; Volume 224 Page 86, Volume 286 Page 93, Volume 334 Page 13, Volume 377 Page 140; Volume 205 Page 127, Volume 212 Page 57, Volume 212 Page 66, Volume 255 Page 59, Volume 284 Page 107, Volume 316 Page 144; Volume 284 Page 126; Volume 346 Page 24; Volume 360, Page 98; and respectively, along with any supplements, amendments, replats and annexations thereto (the Subdivisions"). |      |

WHEREAS, pursuant to Chapter 204.011(b) of the Texas Property Code, the architectural control committee authority has vested in the Association; and

WHEREAS, pursuant to Chapter 204.010(18) the Board of Trustees may implement

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and modify architectural control guidelines; and

WHEREAS, the Board of Trustees desires to amend the Architectural Guidelines and Procedures to enable the Board to better perform its architectural responsibilities,

NOW, THEREFORE, The Board of Trustees of the Association hereby adopts the following amendments to the Architectural Guidelines and Procedures with respect to Lots within the Subdivisions:

1. **PURPOSE.** To set forth procedures and guidelines for assuring that all construction on residential Lots within the subdivisions conforms to specifications set forth in the deed restrictions, to minimum construction standards, and to the design and overall character and aesthetics of the Properties.
  
2. **RESPONSIBILITY.** The A.C.C. and its function established in the Declaration of Covenants and Restrictions for the various subdivisions within the Association has been assigned to the Association for all phases of architectural control at various times for various sections by the Architectural Control Committees then serving, and ultimately such transfer of authority was completed as to all sections by the A.C.C. in its joining in the Architectural Guidelines and Procedures filed of record under Clerk's File No. S439432. The Board exercises its architectural authority through the appointment of members to the Committee and delegation of architectural review duties to the Committee, subject to the oversight and approval of the Board. The Board appoints a Trustee to act as a liaison between the Committee and the Board. The Manager provides the communication link between member property owners and the Committee and provides the administrative function for the Committee.
  1. **APPROVAL OF PLANS.** No building, structure, fence, wall, or other improvements shall be commenced, erected, constructed, placed or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the detailed plans and specifications therefore shall have been submitted to and approved in writing as to the compliance with minimum structural and mechanical standards, location and situation on the Lot, and as to harmony or external design or location in relation to property lines, building lines, easements, grades, surrounding structures, walks, and topography (including the orientation of the front and rear of any such building with respect to the Lot lines), following submission for ACC consideration and approved by the Committee Liaison based on ACC recommendations. Should the Committee Liaison not be able to make a final determination, the application will be submitted to the Board who may approve, deny or remand any such matter back to the A.C.C. for further consideration.
  
3. **ARCHITECTURAL CONTROL** The A.C.C. is composed of five (5) members, each having a three (3) year term with no more than two (2) members' terms expiring in any one year. As each term expires, an appointment will be made by the Board to fill the position of the expiring term. The board shall also have the power to appoint a replacement to finish out the term for any person who resigns and remove and replace a committee member if it deems necessary. The five committee members, along with the liaison Board member will select one of the Committee members to be the Chairman.

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#### 4. ADMINISTRATIVE PROCEDURES.

##### A. Application

1. Each property owner requesting A.C.C. approval will submit a written request to the management company (oral descriptions are not acceptable). The written request shall include:
  - a. Name, address, e-mail, telephone numbers, and legal description of the property.
  - b. Copy of the plat of the property with the area of proposed work indicated on it. Architect's, engineer's or contractor's drawings are acceptable, as long as they are scaled, showing easements, setbacks, etc.
  - c. Name, address and phone number of contractor(s), if any.
2. Scheduled construction start date and scheduled completion date. All projects approved by the A.C.C. must commence within thirty (30) days from the date the homeowner/builder was notified by letter of A.C.C. approval. If the project has not started within the 60-day period, the A.C.C. approval is no longer valid, and the homeowner/builder must resubmit the application.
3. All projects must be completed within 90 days from the date the project commenced.

##### B. Review Procedure ("Routing Flowchart")

2. The A.C.C. request is received and logged by the management company. The thirty (30) days submission date to the A.C.C. begins when all information requested has been received by the Committee.
3. The management company will mail or e-mail the request(s) to the members of the A.C.C.
4. Upon review and comment, each A.C.C. member will submit their approval or denial (including reason for denial) back to the management company.
5. Upon return of the A.C.C. responses, the management company will log and tally the results of the review. The Manager will advise the Committee Liaison of all matters for which the A.C.C. recommends approval in order for the Liaison to make a final determination on such matters. Should the Committee Liaison not be able to make a final determination, the application will be submitted to the Board who may approve, deny or remand any such matter back to the A.C.C. for further consideration.
6. Any construction deviation from the original approved application requires a new submission or application change request to the A.C.C. for approval or denial.
7. In order to insure that the Board's architectural authority is exercised in a manner consistent with the Board's intent, the Board may intervene in and alter any aspect of the architectural request and approval process and may overrule or void any action of the A.C.C.

##### C. Committee Liaison and Management Company Authorities

The Committee Liaison and the management company are hereby given the following

authorities:

1. In the case of new roof requests, the Committee Liaison or Manager (management company) may approve submissions which clearly meet the requirements of the deed restrictions and the related Board Policy without Committee approval, and may disapprove those submissions which do not meet such requirements; and
2. In the case of paint color requests, the Committee Liaison or Manager (management company) may approve submissions which clearly match the pre-approved colors specified in the Association's paint color chart which is referenced herein as paragraph 6 A (2).
3. The Committee Liaison may approve other submissions without Committee review where there is a clear potential for property damage to occur if action is not taken immediately, and where the written request clearly meets the requirements of the deed restrictions and the related Board Policy.

5. **A.C.C. APPROVAL REQUIREMENTS.** The requirements for A.C.C. approval are contained in the Declaration for each section of the properties. In addition, the following requirements have been adopted to provide further clarification.

**A. Bricks, shingles, exterior colors.**

1. As used in the Declaration of Covenants, Conditions and Restrictions of the Atascocita C.I.A. communities, the phrase, "No building shall be erected, placed or altered", the term "altered" shall be interpreted to include repainting, re-bricking, or re-shingling in any color, regardless of how closely the new paint, brick, or shingle matches the pre-existing paint, brick, or shingle.
2. No repainting, re-bricking, or re-shingling, regardless of whether or not the new paint, brick, or shingle matches the pre-existing paint, brick, or shingle, shall be permitted without the prior written approval of the A.C.C.
3. Each repaint, re-brick, or re-roof will be reviewed on a case-by-case basis as to aesthetic harmony with the community.

**B. Painting.** Color samples or "paint chips" of the proposed exterior colors must be submitted with an application to the A.C.C. for written approval.

1. If the existing exterior color of the main body of a house, garage or other permitted improvement on a Lot, as well as any trim or accent color does not meet the exterior color scheme as outlined below, then this standard must be met when all or a portion of the existing exterior structure is painted.
2. If the existing exterior color scheme is to be changed: the A.C.C. has established a chart depicting acceptable earth-tone or pastel colors and shades of earth-tone and pastel colors for the exteriors of homes and other permitted improvements on Lots within the subdivision. The paint chart will be maintained in the Manager's office. Each color sample or paint chip shall be compared to the colors and shades of colors set forth on the color chart to assure that each approved color is harmonious with the style and architecture of the dwelling and with the color scheme

established for the subdivision. Each exterior color must be an acceptable shade of an earth-tone or pastel color. As used in these guidelines, "earth-tone" shall mean acceptable shades of beige, brown, gray and White, and "pastel" shall mean acceptable shades of yellow, blue, and green as shown on the A.C.C.'s color chart. The following additional guidelines shall also apply:

- a) Principal Colors of Dwellings. The principal color of the dwelling and garage situated on a Lot, including the garage door, must be a muted earth-tone or pastel.
- b) Trim, soffit, fascia board and window trim must also be an earth-tone or pastel color, and may be lighter or deeper shades of trim color than the principal color of the dwelling or garage.
- c) Accents. Shutters, window hoods and the exterior surfaces of doors may be painted any acceptable earth-tone or pastel color, including trim colors and certain acceptable shades of dark green, black, blue-gray, rust, or dark blue. Window hoods may also be painted in a copper tone metallic based paint.

**C. Shingles.** (see new policy) *This Roof Shingle Policy was originally adopted April 8, 1993, and it was revised September 28, 1998.* Due to advances in technology since the time of the drafting of the deed restrictions, and whereas current manufacturers of roofing materials are choosing to no longer specify nor to publish shingle weight specifications, the Board of Trustees has adopted the following revised minimum requirements for approval of proposed roofing materials by the A.C.C. The proposed single must either: (1) have a minimum shingle weight of 240 lbs. for fiberglass composition shingles; or (2) meet or exceed the "ASTM standard D3462" for tear strength (ASTM representing the American Society for Testing and Materials, with the D3462 standard requiring a minimum 1,700-gram tear strength as tested by an Elmendorf Tear Tester). In any case, the proposed shingle must carry a minimum 25-year warranty, and it must not be "3-tab" in construction.

Metal or tile roofs will be considered by the A.C.C.

**D. Fences.** *This Fence Policy was originally adopted by the Association in April of 1989.* In order to avoid the creation of alley ways and to ensure conformity with the external design of the subdivision, the Board of Trustees of the Atascocita C.I.A. adopted the following policy:

- (1) With regard to the location of fences on lots:

No portion of a fence shall be situated on a lot nearer to the street than the front lot line than the walls of the dwelling situated on such lots which are nearest to such front lot line. All side and rear fences shall be situated on the side or rear property lines. No side or rear fence shall be set back from the property line. All permitted side or rear fences must be six (6) feet in height plus rot board unless otherwise approved in writing by the A.C.C. (some sections allow up to (8) feet in height)

- (2) With regard to the location of fences on the golf course lots (*this portion of the policy was revised on May 24, 1999*):

- a) This fence policy is intended to meet two objectives:
  - i. Permit the homeowner to enclose swimming pools, protect pets and children, and provide for privacy from the street, and
  - ii. Maintain a view of the golf course for other homeowners along the course and preserve the appearance of the overall landscape from the golf course.
- b) To meet both of these objectives, fences perpendicular to and parallel with, any lot line adjoining the golf course is permissible, subject to the following:
  - i. The portion of any fence that is adjacent and parallel to the golf course, or located on a side property line not adjacent to another lot, must be constructed of black ornamental metal.
  - ii. The portion of any fence extending from the golf course toward a building line must be constructed of black ornamental metal, beginning at the golf course, for the greater of:
    - c) Two-thirds of the distance from the property line adjacent and parallel to the golf course to the rear building line of the "foremost neighboring building". The foremost neighboring building is the building whose rear building line is furthest from the golf course of either (i) the homeowner's building closest to the fence line, or (ii) the building on the adjacent property closest to the fence line; or
    - d) The first twenty-four (24) feet. If the total length of this portion of the fence is less than twenty-four feet, then the entire portion must be constructed of black ornamental metal.
  - e) Exceptions may be granted by the Architectural Control Committee if either of the rules above would extend the black ornamental metal portion of the fence forward beyond the rear building line of (i) the homeowners building nearest the fence line, or (ii) the building on the adjacent property closest to the fence line. The overall intent of this policy will be the primary guide for granting any exceptions.
- (3) Any black ornamental metal portion of fence shall not be less than four (4) feet nor greater than five (5) feet in height. Spacing between the pickets shall not be less than three (3) inches nor greater than six (6) inches.
- (4) All other portions of fence must meet the current requirements of the ACIA policies.
- (5) All existing fences which do not meet these requirements must be constructed to meet these requirements when all or a portion of the fence is repaired or replaced. No fence or other temporary or permanent structure shall be constructed in such a manner as to obstruct or impede the drainage of water from adjoining properties or cause water to flow onto an adjacent lot.
- (6) Each new or replaced fence under this policy must be separately reviewed and approved by the Architectural Control Committee to ensure that the fences complement and are compatible with the overall character and aesthetics of the surrounding homes and the community.

**E. Portable Toilets.** All contractors for new home construction are required to provide portable restroom facilities for their workers during the construction phase of a home.

**F. Satellite Dishes.** Whereas, pursuant to the Federal Telecommunications Act of 1996, the Association will not place unreasonable restrictions on the installation of small video dishes, nonetheless, it is clear that installation of video dishes in certain areas of residential properties negatively impacts the look and the property values of the entire community. It is considered a visual nuisance for any video dish to be installed on the front face of any building or further than the walls of the dwelling situated on such lot which are nearest to the front lot line when any other location is available for line-of-sight reception.

**G. Finishing of Attic Rooms and Dormer Windows.** Third stories, excluded by the deed restrictions, are defined by the roof line which shall not exceed thirty-five (35) feet in height. Finishing of the attic rooms above the 2<sup>nd</sup> story and dormer windows, when designed as part of new construction, may be approved by the A.C.C. if, in the judgment of the A.C.C., the two-story appearance of the home is not violated and the aesthetic harmony of the subdivision is maintained.

As such, dormer windows should:

1. not extend above the horizon of the main roofline;
2. not break the continuity of the second story eaves;
3. not provide an outdoor access;
4. not be accompanied by a porch or exterior stairway;
5. blend with the main roof line; and
6. maintain a two-story appearance from all exterior views of the home.

**H. Driveway Additions.** Additions to existing driveways may be approved when such addition is not installed in the area between the front corners of the existing building. Further, any addition shall:

- (1) not be located within 5 feet of an interior lot line, unless connecting to a detached garage 65 feet from the property line closest to the front elevation of the garage in which case it may then be within 3 feet of an interior lot line and
- (2) match the quality and appearance of the existing driveway; and
- (3) blend with the existing driveway curvature; right angles should be avoided or hidden.
- (4) must not encroach any easement without the expressed written permission of the owner of said easement. This written permission must be submitted with the request.

Pebble, brick, stamped stained concrete or stone may be approved based on appearance. Circular driveways will be judged on a case-by-case basis.

This policy shall in no way be interpreted to allow the violation of any of the covenants and restrictions as they relate to the parking or storage of vehicles or material on any Lot.

**I.** All construction projects which affect the harmony and/or external design of surrounding grades, shall, once completed, be final graded to meet the harmony and/or



external design of the surrounding grades. Such final grade shall not unreasonably cause water to be directed away from and onto adjoining lots causing flooding or standing water. It is the intent that adjacent lots not be disturbed from drainage or run-off conditions that did not exist prior to adjacent construction.

#### **J. Easements**

1. The Architectural Review Committee (ACC.), Board of Trustees, nor the Management Company cannot approve any activity involving an encroachment on an easement until the homeowner provides a Consent for Encroachment from all easement grantees. Any non-portable structure on an easement, other than landscaping or fencing, is considered permanent, and thus an encroachment. Homeowners must secure a Consent to Encroachment or a Release of Easement from ALL affected utility companies. If the homeowner plans show an encroachment, they must obtain Consent for Encroachment before applying to the A.C.C., or the application will be rejected. If there is an aerial easement on the lot, the utility company may permit you to place a permanent structure in the easement, as long as the structure is not higher than the aerial easement. The homeowner should discuss all possible issues with the easement grantee(s) first to be on the safe side.
2. Approval by the A.C.C. of an encroachment of an easement shall not serve as an amendment or change of that easement and shall not create any liability through the Association, any encroachment upon such easement shall be at the sole risk and expense of the owner.

#### **K. Generators**

1. Generators used for emergency standby power only. Only Natural Gas fueled generators will be allowed to be permanently installed (no propane, diesel or gasoline generators).
  - a. Generator must not be installed near neighbor's bedrooms and must not encroach any easements without consent. The generator must be anchored to a 4" concrete slab.
  - b. Unit will be programmed so that the test mode only occurs during the day between 10:00 a. m. and 4:00 p. m. The only time the generator is allowed to function in operational mode is when the electrical utility power is out, due to power outage or natural disaster.

#### **L. Lighting**

1. All exterior lighting on a lot, other than porch lights, breezeway lights and standard types of patio lights must be approved in writing. Exterior lighting should not be of a wattage which will affect neighboring homes. No exterior lighting shall be directed toward another lot or unreasonably illuminate beyond the boundary of the lot where the lighting fixture is situated. The Architectural Control Committee may determine the exterior lighting is directed toward another lot or unreasonably illuminates beyond the boundaries of a lot and recommend denial based on this determination.

2. Gas or electric post lights may be in front or back of the house. Such lights must be no taller than eight feet (8 ') in height and the illumination must be of a low wattage. The color of the post shall be selected to complement or harmonize with the colors of the other materials on the house. This means that the color should generally stay within the earth tone color family (i.e. black, brown, tan, beige or gray, no blues, reds, or yellows). Soft and muted earth tone pastel colors are acceptable. The use of white is also permitted. Extremely bold colors, primary colors, yellow, blue, or green pastels for the post are prohibited.
3. Seasonal or holiday decorations may be displayed on a lot or residential dwelling or other improvement on a lot for a period of thirty days (30) days before and (30) days after the holiday to which the holiday decorations relate.

### M. Awnings

Each proposed installation must include the following items:

- A color photo showing the primary and trim colors of the house. A fabric sample in the color of the proposed awning.
- A written proposal prepared by the awning contractor.
- A sketch showing placement, design, and measurements. A listing of all materials to be used.
- Approval will cover the specific awnings listed in the submission; any awning not referenced in the initial request must be additionally submitted for approval.
- Approval will be on a case-by-case basis with consideration given to the architectural harmony with the existing house,
- Approval will be in accordance with the following specifications:

**Color.** Selection is limited to these colors: brown or earth tone, dark green, dark blue, dark burgundy, dark gray, or black. Colors specifically not acceptable: yellow, orange, pink, purple, white, other light or medium colors. Consideration will be given to the base color and trim color on the house. Solid color only, no two or three-tone patterns will be approved. If more than one awning is installed, all must be identical. No lettering, stripes, dots or other such designs will be approved.

**Fabric.** Must have a minimum rated life of five years. Minimum weight: canvas fabric, 9.25 oz. per sq. yd.; polyester laminated fabric, 16 oz. per sq. yd. Specific fabrics which are not approved: vinyl woven fabric, any tarp-like material, plastic material, banner fabric, cotton, flannel, or boat cover fabric, No corrugated plastic, wood or metal covering will be approved.

**Frame.** The frame can be constructed of galvanized steel tubing or aluminum tubing. Visible down supports must be of rot resistant wood (4" by 4" minimum size), or painted 2" x 2" square aluminum or steel tubing, or ornamental iron or brick (must be same brick as on house), The frame must be covered at all times; the fabric portion is not to be removed during winter months.

**Other.** Only a permanently fixed installation will be approved; no roll-up awnings or RV types will be approved. Awnings must be attached to a permanent structure, i.e.

homes, decks, patios. Awnings may not be used as a pool cover. Any side or front drop valance must be fixed if its length exceeds 6 inches. Design must be approved for ninety (90) mile per hour wind, minimum standard..

**N. Swimming, Pools, Spas, or Jacuzzis.**

1. An application for the construction of a swimming pool, spa, or Jacuzzi must include a plot plan showing the proposed location of the swimming pool, spa, or Jacuzzi in relation to the property lines, building lines, existing structures and existing or proposed fences. The application shall also include a timetable for the construction of the pool, spa, or Jacuzzi. No swimming pool shall be approved unless the area in which the pool is to be Located is either enclosed by a six foot (6') fence constructed of wood or of wrought iron or if on the golf course, the lot will have a fence meeting the standards as outlined in the fence policy to be constructed in conjunction with the swimming pool, there is a drainage system below the ground. Spas and Jacuzzis must also have an adequate drainage system.

2. During construction, the pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists. If a portion of an existing fence is removed during construction, a temporary fence or barrier must be erected to fully enclose the area in which construction is taking place. Further, no building materials shall be kept or stored in the street overnight. Excavated material shall either be used on site or immediately removed from the premises by the pool contractor. The construction of all swimming pools must be in compliance with the national electric code to include the installation of a ground fault circuit interrupter. No swimming pools may be enclosed with screens nor be constructed in a manner to impede drainage on a lot or to cause water to flow on an adjacent lot. Above-ground swimming pools will not be approved.

3. It is the intent that a pool, spa, or Jacuzzi shall be compatible with and compliment the design and overall character and esthetics of the community.

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e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees 56.00

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.



*Stan Stanart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS