

**AMENDED AND RESTATED
ARCHITECTURAL CONTROL COMMITTEE
STANDARDS AND GUIDELINES
for
WILCHESTER, SECTIONS ONE, TWO, THREE AND FOUR**

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**ARTICLE I
PURPOSE AND SCOPE**

These Amended and Restated Architectural Control Committee Standards and Guidelines (the "Guidelines") replace, amend and supersede any such guidelines previously adopted by the Wilchester Owners Committee Board of Trustees. The guidelines replaced and superseded by these Guidelines include, but are not limited to, the guidelines filed in the Official Public Records of Real Property of Harris County, Texas, at Clerk's File Nos. Z236836, 20150197921, RP-2017-332258 and RP-2018-135305.

The Architectural Control Committee (the "ACC") of the Wilchester Owners Committee (the "Committee") was created to enhance and protect the value, desirability and attractiveness, for the benefit of present and future Owners, of all lots within Wilchester, Sections One, Two, Three and Four by requiring conformity to certain standards of construction, visual appeal, uniformity and design. In this regard, Article III, Section 3.02 of the Declaration of Amended and Restated Restrictions and Covenants Governing the Property and Lots in Wilchester, Sections One, Two, Three and Four (the "Declaration"), recorded in the Official Public Records of Real Property of Harris County, Texas, under Clerk's File No. 20130037962 provides:

3.02 No building, fence, wall, structure or other improvement shall be commenced, erected, or maintained upon any Lot in Wilchester nor shall any exterior addition to or change or alteration therein be made, including, without limitation, changes in roofs and/or roofing materials, until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing by the Architectural Control Committee as to compliance with these covenants and restrictions and as to harmony of external design and location in relation to surrounding structures and topography. Provided, however, the term "maintained" as used herein does not mean or include routine maintenance of the Lot, provided there is no change in the color, size or materials used. The height, construction material and placement of any fence (or driveway gate) is subject to the criteria and limitations imposed by the Architectural Control Committee.

"Improvement" as used in Art. III, Section 3.02 of the Declaration shall, with the exception of Antennas and Satellite Dishes discussed in Section 4.1 of these Guidelines, include, but is not limited to, all items referenced in Article IV of these Guidelines.

Unless otherwise defined in these Guidelines, all capitalized terms shall have the same meaning as defined in the Declaration.

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It is required that an Owner submit samples of and/or literature on all materials to be used in the proposed project in order to expedite the ACC review process. This includes, but is not limited to, paint color cards, brick sample(s), exterior siding sample(s), etc.

It is up to each individual Owner to ensure that the Owner's project does not adversely affect existing drainage patterns. Each Owner is advised that, if your project affects drainage to the extent that it causes damages to neighboring properties, you can be held liable for such damages. The ACC recommends that all Owners seek the advice of a drainage expert when considering a project.

The ACC is not obligated to and does not review any proposed project to determine how the project affects drainage onto nearby properties. **It is the Owner's responsibility to ensure that a proposed improvement does not create a drainage issue on neighboring properties.**

Any and all decisions and determinations related to the approval or denial of any plans and specifications submitted to the ACC shall be made in the ACC's sole and absolute discretion. In the event that the plans and specifications are submitted to the Committee's Board of Trustees (the "Board") after such plans and specifications have been disapproved by the ACC, the Board shall, in its sole and absolute discretion, have the authority to determine if the plans and specifications shall be approved or denied. The decision of the Board in this regard shall be final and conclusive.

Grandfather Clause. Buildings, fences, walls, structures and other improvements contemplated by Article III, Section 3.02 of the Declaration that were erected prior to the date these Guidelines were filed in the *Official Public Records of Real Property of Harris County, Texas*, which buildings, fences, walls, structures and other improvements were either: (i) previously approved by the ACC (or the Board upon appeal from an ACC denial); or (ii) were in compliance with the Declaration and any architectural guidelines at the time of construction, shall be deemed to be in compliance with these Guidelines. From and after the date these Guidelines are filed in the *Official Public Records of Real Property of Harris County, Texas*, all new buildings, fences, walls, structures and other improvements contemplated by Article III, Section 3.02 of the Declaration must comply with these Guidelines and any other applicable Restrictive Covenant [as that term is defined in Section 202.001(4) of the Texas Property Code].

Pursuant to Article III, Section 3.01 of the Declaration, these Guidelines have the same force and effect as if stated in the Declaration.

ARTICLE II

ACC SUBMITTAL REQUIREMENTS AND COMPLETION DATE

All applications for ACC approval to make any exterior changes, additions or improvements, to any Lot must be submitted in writing to the ACC prior to the commencement of construction and must include a copy of the construction plans and specifications, a plot plan or a survey showing the property lines and the distance of the proposed structure or improvement from all property lines where applicable, and any other information or documentation that may be required by the ACC. An Owner cannot rely on a verbal ACC approval. **An Owner must obtain written ACC approval before a project is started.** If an

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improvement, addition, change or alteration is made without written ACC approval as required by the Declaration and/or these Guidelines, the Board has the right to seek removal of the unapproved improvement, addition, change or alteration. The ACC application form, including supporting information, is located at www.wilchester.org. An application fee deposit of \$1,500 is required at the time of submitting an application for new construction and \$500 for structural modifications of an existing structure. This fee is used to cover third party inspection or review costs and any amount not spent for such purposes is refunded to the Owner. ACC approval and the return of the application fee deposit is subject to Owner granting the ACC or its representative(s) the right to inspect the improvement at reasonable times during construction and at completion to assure compliance with approved plans.

Upon receipt of written approval from the ACC, Owner has one year from the date of the written approval to complete the approved project. If the approved project is not completed within this one year time period, the Owner must re-submit the proposed improvement, exterior addition, change or alteration for ACC approval. Upon such re-submittal, the proposed improvement, exterior addition, change or alteration shall be subject to the then existing terms and provisions of the Declaration, Guidelines, and any other applicable Restrictive Covenant.

ARTICLE III **ALTERNATE APPROVAL PROCESS**

The approval process is modified for certain projects listed below. The projects listed below do not require that an ACC application be submitted and approved in writing prior to the project provided the installation/construction materials/appearance/upkeep otherwise complies with the terms and provisions of the Declaration, these Guidelines and any other applicable Restrictive Covenant. Completion of a listed item is required within 180 days of the beginning of the project. A listed item shall be considered "approved" by the ACC upon completion. If an Owner does not complete a listed project within 180 days, the Owner is required to submit an ACC application and obtain written ACC approval upon written demand of the ACC for such submittal. Owners accept the responsibility of compliance with the Declaration, these Guidelines, and any other applicable Restrictive Covenant when using the alternate approval and agree to bear the responsibility and cost of bringing items to compliance if lack of compliance is later determined by the ACC. Owners unwilling to accept the conditions of the alternate approval or are unsure of whether or not an alternate approval applies, should submit an ACC application and seek written ACC approval as required by the Declaration. The ACC may elect to require written ACC approval and reinstate the ACC submittal requirements of the Declaration at any time. The lack of requirement for an ACC application and prior written approval does not preclude the Board of Trustees from enforcing the Declaration against any item that is in violation of any term or provision of the Declaration.

- ◆ Repairs to currently existing structures or improvements on a Lot using materials of the same appearance and color for maintaining property in its current state if such repairs do not include any change to the exterior appearance of any structure or improvement currently existing on the Lot. An owner must receive written ACC approval for any new structure or improvement that is commenced, erected or maintained on a Lot. All new roofing or re-roofing on any structure or improvement on a Lot requires written ACC approval.

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- ◆ Interior work to a residence provided the interior work does not violate the Declaration or any Guideline. Interior work is any work inside of a residence that cannot be seen from outside the residence.
- ◆ Buried, drip and/or similar irrigation or sprinkler systems.
- ◆ 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 mulches. Mulches of inorganic materials such as dirt, pebbles, and rocks and man-made organic materials such as polyethylene are not considered of natural organic origin and installation of these items must first receive written approval from the ACC.
- ◆ Window and/or door replacement with a new or upgraded style. This does not include windows or doors: i) where none existed; ii) that would offer a view to a neighbor's lot that had not been offered before; or, iii) changing windows or doors whose style was dictated by a previous approval.
- ◆ Exterior painting provided the colors are either i) the existing color, or ii) an "earth tone" color (see Section 4.7 of these Guidelines).
- ◆ Antennas and satellite dishes installed in accordance with Section 4.1 of these Guidelines.
- ◆ Lawn storage buildings placed in accordance with Section 4.9 of these Guidelines.

ARTICLE IV
ACC STANDARDS AND GUIDELINES

These Guidelines are adopted by the Board of Trustees to specify the minimum standards and requirements that shall be used to evaluate an ACC Application ("Application"). These Guidelines may be amended from time to time as the circumstances, conditions or opinions of the Board of Trustees dictate.

Each Application is to be considered on its own merits; the Board of Trustees may grant a variance from these Guidelines related to buildings, structures or other improvements 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 Board of Trustees from denying a variance under other circumstances.

Prior to initiating any design work and/or contracting for any work and/or purchasing any materials, or otherwise incur any expense, owners are required to obtain the latest copy of Guidelines available at www.wilchester.org. Owners who are actively in the process of design and/or preparing an Application when Guidelines are changed and submit an Application within 90 days of the Guideline changes, may request to be evaluated under previous Guidelines where evaluation under the new Guidelines may represent a hardship through no fault of the Owner or his contractors. Any 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 Guidelines in effect at the first application for 90 days following the first denial. Otherwise Guidelines as amended are in effect as of the date the Guidelines are filed in the Official Public Records of Real Property of Harris County, Texas.

Section 4.1. Antennas & Satellite Dishes

- a. Where an acceptable quality signal can still be received, Owners are encouraged to place an antenna inside the garage's attic space or the attic space of the residence.
- b. Roof mounted antennas should: i) be placed on a portion of the roof of the residence which does not face the street; ii) be securely anchored and fastened; and iii) not extend more than 12 feet above the peak of the roof of the residence to which attached.
- c. Satellite dishes should be located in the rear/back side of the property, should not extend so as to be visible from any street or from ground elevation from any other Lot, and should not be on a utility easement without a consent to encroach letter from the utility holding the easement. All consent letters should be submitted with the ACC application.
- d. Parabolic dish antennas, such as those used for digital satellite reception, may be mounted such that they are visible from streets or other lots, however, they should not be visible from the street on which the house is addressed, nor visible from the side street in the case of corner lots.
- e. If an acceptable quality signal cannot be received from the locations set forth in these Guidelines, the ACC may require painting or screening of the device if the painting or screening does not interfere with receiving an acceptable quality signal.
- f. This section is intended to be in compliance with the Telecommunications Act of 1996 (the "Act") as the Act may be amended from time to time. This section shall be interpreted to be as restrictive as possible while not violating the Act.
- g. All antennas, dishes and other devices used for the reception of an acceptable quality television signal must not be allowed to fall into disrepair or become a safety hazard.

Section 4.2. Basketball Goals

- a. Basketball goals shall be mounted on a garage or placed on the side of the driveway no nearer to the street than the front plane of the residence.
- b. All basketball goals must be maintained in such a fashion that they do not detract from the neighborhood, including, but not limited to, no torn or missing nets, bent rims, bent or broken supports, broken or discolored backboards.

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- c. Portable basketball goals shall not be kept forward of the front plane of the residence on a Lot when not in use.

Section 4.3. Burglar Bars

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

Section 4.4. Decks

- a. No decks shall encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. All consent letters should be submitted with the ACC application.
- b. No decks shall impede drainage on the Lot or cause water to flow on an adjacent Lot.
- c. No decks other than a second level balcony attached to the main residence shall be constructed more than eighteen inches above ground level.

Section 4.5. Driveways & Walks

Driveways and front walks are to be constructed of concrete, brick or pavers. The color of the driveway or front walk(s) shall be an earth tone. No driveway or front walk(s) may be painted or stained with any color or coating. Asphalt, dirt or loose stone driveways or front walks are not permitted. Front walks include those walks from the street curb to the residence or any walkway forward of the front line of the residence on the Lot. An "earth tone" color as used herein refers to browns, tans and greys. There shall be no more than two points of driveway ingress/egress for vehicles on a Lot, such that a circular driveway must have one entrance integral with the driveway leading to the garage. Driveways in front of the front building line shall not exceed twelve (12) feet in width ten (10) feet from the front building line to the street.

Section 4.6. Exterior Lighting

- a. Changes to Existing Lighting. Outside lighting may be replaced with a new fixture provided that the brightness of the new fixture does not exceed 2600 lumens and the lighting color is white. Existing gas lighting may be converted to an electric bulb provided that (a) the incandescent bulb is a clear glass type, (b) the bulb does not exceed 1600 lumens, and (c) the lighting color is white. In no event shall the lighting illuminate beyond the boundaries of the Lot on which the lighting is located or be directed to shine in a manner which disturbs the occupants of an adjacent Lot.
- b. New Lighting.
 - 1. Security Lighting. Security lighting shall be permitted with the ACC's approval so long as all security lights in total do not exceed 5200 lumens, have white lighting color, and do not illuminate areas beyond the limits of the Lot. Lights which are dimmed shall be

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judged by their full lumens. Incandescent, reflector, down-directed or floodlights are preferred over the radial light style of mercury vapor lights. All security lighting shall be mounted behind the back plane of the residential dwelling or garage. No security light fixture shall be allowed above the eaves of the residential dwelling or garage or more than ten (10) feet from the ground. Exceptions to mounting security lighting behind the back plane of the residential dwelling and/or allowing security lighting above the eaves of the residential dwelling or garage may be granted by the ACC if the design and location of the residential dwelling and/or garage on a Lot warrant an exception. No more than two (2) flood lights (not to exceed a total of 5200 lumens) or one (1) mercury vapor light of not more than 2600 lumens shall be permitted on any Lot; in no event may the lights illuminate beyond the limits of the Lot. Installation of all light fixtures must be approved by the ACC. Exceptions to the number of lights allowed may be granted only with respect to corner Lots and cul-de-sac Lots, if specifically requested, and then only at the discretion of the ACC. No sodium vapor lights or quartz lights will be permitted. All wiring must be installed within walls or otherwise in a manner so that the wiring is not visible from the exterior of the residential dwelling.

2. Landscape Lighting. Exterior landscape lighting shall be permitted without the ACC's written approval so long as the lighting is located within flower beds, shrubs and/or trees and all of the wiring is buried. All landscape lighting must be white in color.
3. Gas Lights. Two (2) gas lights per Lot shall be permitted with the ACC's written approval; provided that the gas lighting color is white. The color of the pole and fixture must be black unless otherwise approved in writing by the ACC.
4. Holiday Lighting/Decorations. Exterior lighting and decorations for holidays shall be permitted so long as the lighting and/or decorations are completely removed from public view within twenty days after the date of the holiday. Holiday/lighting decoration shall not be installed more than forty-five days prior to the holiday.

Section 4.7. Exterior Covering, Painting and Siding

Declaration. Article V. Section 5.08. The exterior walls of all residences shall be at least fifty-one percent (51%) brick, brick veneer, stone, stone veneer, or, upon specific written application, other masonry type construction approved by the Board of Trustees at their sole discretion on a case-by-case basis. For the purposes of this Section 5.08, stucco and/or Hardiplank (or similar products) may not be included in the required fifty-one percent (51%).

- a. In determining such percentages of masonry, roof areas and detached garages shall be excluded, but attached garages, porches, and other structures constituting part of the residence shall be included. A garage, which is separated from the residence by at least ten feet (10') but connected to the residence by a covered walkway, is not considered as being attached. All doors and windows are to be included as non-masonry in determining the exterior construction percentage, except windows less than fifty percent (50%) in height of the vertical height of the wall containing the window.
- b. The 51% requirement is for the total exterior surface of the residence, excluding detached garage (but including attached garage), and includes all elevations and stories visible from the street.
- c. Earth tone colors (including whites, browns, tans, greys) were most often used for exterior colors when residences in Wilchester were originally constructed and Owners are encouraged to submit these colors. Other colors may be acceptable with the prior written approval of the ACC. For the purposes of this Section 4.7, earth tone colors are defined to be those colors that harmonize with the natural color of the brick or other exterior covering of the residence and include white and subdued shades. "DayGlow," fluorescent, "bright" colors (such as reds pinks, purples, oranges and yellows), metallic and similar shades/colors are not permitted and will not be approved by the ACC.
- d. An Owner must receive written approval from the ACC before painting any residence, structure or improvement on a Lot with a color other than the currently existing color. Any proposed paint color(s) must be an earth tone color as described in Section. 4.7(c) above.
- e. Aluminum, vinyl or other siding may be permitted with written approval. The siding must approximate the appearance of painted wood and the color must meet the earth tone color guidelines. Existing brick may not be covered. Owners must submit a sample of proposed siding with the application.

Section 4.8. Garages, Carports & Porte-Cocheres

- a. All Lots upon which a residence has been constructed shall have a garage with what appears from the exterior to be an operable garage door. No garage shall exceed 750 square feet inclusive of work areas contiguous with the garage, calculated in accordance with ANSI Z765-2003. No garage may exceed thirty-four feet (34') in width.
- b. Garage, carports and porte-cocheres shall be constructed in accordance with the Declaration and Section 4.11 of these Guidelines.

Section 4.9. Outbuildings

An "Outbuilding" is defined as any structure of a permanent or temporary character other than: (i) the residence, with or without an attached garage (the "Main Structure"); or (ii) a detached garage. For the purposes of this Section 4.9, items covered in Sections

4.10 and 4.12 of these Guidelines are not Outbuildings. "Outbuilding" includes, but is not limited to, storage buildings, sheds, workshops, greenhouses, and gazebos. Children's playground equipment, playhouses, sports courts and forts are covered in Section 4.12 of these Guidelines. Patio covers are covered in Section 4.10 of these Guidelines.

- 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 [see Section 4.11(f) of these Guidelines]. Other than a sink, no Outbuilding may contain rest room facilities unless approved in writing by the ACC. The purpose of the Outbuilding must be consistent with the residential use of the Lot. The ACC (and the Board if the ACC's denial of an outbuilding is appealed to the Board) shall have the sole and absolute discretion to determine if the purpose of an outbuilding is consistent with the residential use of the Lot.
- b. Color(s), materials, and styling shall match/blend with the predominant exterior of the Main Structure.
- c. Unless otherwise specified in these Guidelines, no Outbuilding shall be higher than 8 feet from the ground to the highest point. The Outbuilding shall not be forward of the rear line of the residence and shall be a minimum of 3 feet from the rear or side Lot fences. The allowable distance from the rear or side Lot fences shall be determined by the ACC based on visibility from the street in front and/or to the side of the Lot.
- d. An Outbuilding placed on a concrete slab on top of a utility easement shall not be considered for approval unless the utility companies involved have granted their written consent to such encroachment. All consent letters should be submitted with the ACC application.
- e. No Outbuilding shall be built up against any side or rear wall of the Main Structure. An Outbuilding attached to the Main Structure or garage is not an outbuilding; it is part of the Main Structure or garage and approval will be based on the requirements for the Main Structure or garage contained in the Declaration and these Guidelines.
- f. Outbuildings should be located so that they are screened from public view to the maximum extent possible.
- g. Lawn equipment storage buildings are portable prefabricated buildings no higher than 6 feet with no more than 50 square feet of interior space. Lawn equipment storage buildings that comply with Sections 4.9(a), (b) and (d) of these Guidelines and that cannot be seen from any street may be placed without prior approval. All lawn equipment storage buildings that do not comply with this provision require prior written approval of the ACC.

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Section 4.10. Patios & Deck Covers

- a. Unless otherwise provided herein, patio and deck covers shall be constructed of materials which complement the Main Structure and require the written approval of the ACC.
- b. If a proposed patio cover or deck cover is less than 5 feet away from a side lot line, the ACC shall require that it be guttered with down spouts if it is to be a solid cover.
- c. The roof of a covered patio or deck cannot exceed 1,500 square feet. The roof of a covered patio located on the back side of a residence may be made of metal or coated metals provided that: i) the metal roof cannot be seen from the street; ii) the metal is less than 250 square feet; iii) the metal roof is not higher than ten (10) feet from grade. The metal or coated metal roof must be a non-metallic finish and complement the coloring of the Main Structure. All metal or coated metal roofs must be approved in writing by the ACC.
- d. An Attached Patio will mean a patio that shares a wall with the Main Structure.
- e. Attached Patios shall not contain an HVAC system.
- f. Any side of an Attached Patio that is not a shared wall of the Main Structure must either be open or consist of screening (which may include a screen door);
- g. Patio roofs/covers that are larger than 250 square feet must use colors and materials matching the Main Structure and may also be required to meet the requirements of Section 4.10 of these Guidelines.
- h. Free standing or Detached Patios shall not: (a) be larger than 1,500 square feet; (b) be enclosed on all four sides, however, screening will not be considered an enclosure; (c) contain an HVAC system; or (d) contain a toilet, shower or bathtub. A Detached Patio will mean a patio that is not attached to the Main Structure. For example, a patio that is attached to a Detached Garage will be considered to be a Detached Patio. A "Detached Garage" shall mean a separate building having no common wall with the main residence building (*See Declaration Article V, Section 5.02*).
- i. Metal or metal coated roofs are prohibited on free standing or Detached Patios.
- j. All patios and deck covers must be approved in writing by the ACC.

Section 4.11. Residence, Garage Additions & Garage Apartments

- a. The overall goal is that any addition appears as part of the Main Structure or existing detached garage including, but not limited to, matching roof pitches,

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proportions, details, doors, windows and materials. All additions must be harmonious with other homes within the neighborhood.

- b. Exterior materials and colors shall match the existing Main Structure as closely as possible.
- c. Additions shall not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. All consent letters should be submitted with the ACC application.
- d. 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, the size of Lot, and how well the addition integrates with existing structures and neighboring residences.
- e. Additions shall not exceed one-fourth of the remaining back yard unless otherwise approved in writing by the ACC. Additions may be denied for other reasons, i.e., harmony of the exterior design and color with existing structures; the location with respect to the topography and finished ground elevation; drainage; and as to compliance with the minimum architectural guidelines, even if it does only use one-fourth of the remaining yard. Remaining back yard is the area bounded by the residence, garage and lot limits but does not include areas that cannot be built on such as easements or areas between the garage and lot limits.
- f. No addition, modification or building may be constructed, erected, altered or placed such that the lot contains residence areas or areas that may be used as residence areas 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 nor have separate residence areas or be easily modified for use as a duplex or contain separate residence areas. All additions must be interconnected such that: i) one can access the addition only through the Main Structure and not through a special entrance, and ii) the interconnection appears natural to the design rather than forced, e.g. a shared wall or be accessible from existing second story areas. The term "residence areas" (or areas that may be used as residence areas) are 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.
- g. No new window, door or balcony shall be placed such that it offers an imposing view to a neighbor's rear or side yard. The ACC shall, subject to an owner's right to appeal an ACC decision to the Board, have the sole and absolute discretion to determine if a window, door or balcony offers an imposing view to a neighbor's rear or side yard.

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- h. Garage apartments or living space (as defined by ANSI Z765-2003) are prohibited on a Free Standing Garage. A Free Standing Garage is a garage that is not connected to the Main Structure in any manner (including a breezeway).
- i. An exterior stairwell or other exterior access to attic space, storage space, garage apartment or living space (as defined by ANSI Z765-2003) located above a garage is prohibited. Access to attic space or storage space above a garage must be from within the garage. Access to living space (as defined by ANSI Z765-2003) or a garage apartment above an attached garage must be from within the Main Structure.

Section 4.12. Swing Sets, Playground Equipment, Sport Courts, Playhouses and Forts

- a. Swing sets, playhouses, forts, playsets, trampolines and other playground equipment (hereinafter "Play Structure") meeting the requirements of the Declaration and these Guidelines do not require prior approval of the ACC. Any deviation from the requirements of the Declaration or these Guidelines requires the written approval of the ACC.
- b. If a Play Structure has a platform (whether open or enclosed) or other feature on which a person may stand, then the platform or feature shall be no higher than six (6) feet off the ground unless otherwise approved in writing by the ACC.
- c. If a Play Structure is made of wood, it must be left natural or stained or painted to match or blend with the primary color of the Main Structure.
- d. If a Play Structure has a shingle roof, the roof shingles should match the color of the shingles on the Main Structure. If the Play Structure has a material roof or shade awning, the material roof or awning shall be made of canvas or another material that has been approved in writing by the ACC in a muted color.
- e. Play Structures shall be in the back yard behind the Main Structure and shielded from street view to the extent possible by the Main Structure. In no event shall a Play Structure be closer than five (5) feet to a side or rear property line.
- f. Basketball courts, tennis courts, badminton courts, volleyball courts, pickleball courts, roller hockey courts, shuffleboard courts, multi-sport courts and/or any similar sport court (hereinafter "Sport Court") that involves installation of a concrete surface, asphalt surface, rubber surface, compacted base surface, modular sports tile surface, polypropylene surface or any similar type surface must be located at least twenty feet (20') from any side or rear Lot line. Sport Courts must be fully enclosed within fencing on a Lot. Sport Courts are prohibited forward of the front building or front setback line on a Lot. The lighting of a Sport Court is prohibited. Tree lights, landscape lighting and security lighting may not be angled to illuminate a Sport Court.

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Section 4.13. Swimming Pools & Spas

- a. No pool or spa of any type shall encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. All consent letters should be submitted with the ACC application.
- b. All pool mechanical and electrical equipment must be fully screened from public view. The screening of this equipment from public view may include the use of trees, hedges, walls or fences. All walls or fences used for screening must be approved in writing by the ACC.
- c. All spas shall be screened from street view.

Section 4.14. Wind Turbines, Ridge Vents and Roofing

- a. Wind turbines shall be mounted in the rear portion of the roof so that they are not visible from the front of the Main Structure or above the roof line.
- b. Ridge vents shall be a color which blends with the shingle color.
- c. Replacing an existing roof on a Main Structure or a detached garage, including replacement of the Main Structure or detached garage, shall be considered a "change in roofs and/or roofing materials" that requires written ACC approval. All roofs must be covered with composition type shingles of no less than 25 year life. Owners shall submit a shingle sample with the ACC application. Any other type of roofing material shall not be permitted unless specifically approved in writing by the ACC. Roofing materials must comply with current building codes.
- d. Copper may be used for roof coverings over bay windows.
- e. Metal accent roofs such as over a front porch may be permitted at the discretion of the ACC based on characteristics and appearance of the metal accent roof. Such accent roofs must be a dark, non-metallic color and shall not exceed 400SF.

Section 4.15. Window Air Conditioners

Window air conditioning units are prohibited and will not be approved by the ACC.

Section 4.16. Window Shades/Awnings/Patios

- a. Canvas awnings shall not be permitted to be installed on windows to reduce solar exposure unless they are not visible at all from the street. On a corner Lot or Lot that backs onto a street, canvas awnings shall not be permitted. When allowed, they 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 and color.

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- c. Exterior metal and exterior 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 Main Structure.

Section 4.17. Square Footage of the Floor Area in a Residential Structure and Height of Main Structure and Garage

The maximum of four thousand five hundred (4,500) square foot of floor area contained in Article V, Section 5.07 of the Declaration shall be calculated in accordance with ANSI Z765-2003 and shall also include walk-in attics or any other enclosed space contained in the Main Structure and/or any other structure on the Lot capable of, in the sole and absolute discretion of the ACC (or the Board in the event of an appeal of an ACC denial), being converted into Finished Area (as defined by ANSI Z765-2003). An Owner should expect that any walk-in attic or other enclosed space that meets or exceeds the ANSI Z765-2003 Ceiling Height Requirements will be included in the square footage measurement. No Owner shall convert space in the Main Structure or any other structure on a Lot into living area unless the Owner first submits an ACC Application (and obtains written approval) in order to allow the ACC to determine compliance with Article V, Section 5.07 of the Declaration.

Living space above or contiguous with a garage shall be counted in the calculation of the maximum 4,500 square footage, but not in the 2,000 square feet minimum. Garage width may not exceed thirty-four feet (34), and total garage area may not exceed 750 square feet.

Per Art. V, Sec. 5.01 of the Declaration, the single family dwelling on the Lot (aka the Main Structure) shall not exceed two stories in height. More specifically, the Main Structure on a Lot shall not exceed thirty-two feet (32') in height as measured from the average grade level of the Lot and the residence's foundation to the highest point of any roof, exclusive of any chimney. No detached garage shall exceed twenty-six feet (26') in height as measured from the average grade level of the lot at the residence's foundation to the highest point of any roof, exclusive of any chimney.

Section 4.18. Fence and Wall Height

The materials to be used for the installation or construction of fences or walls on a Lot must be approved in writing by the ACC. No fence or wall on a Lot shall be more than eight feet (8') in height at any point. Consideration should be given to the slope of the lot since a fence that is level and is eight feet at the rear corner of the lot will be greater than eight feet at the building line given the slope of the lot, and therefore not in compliance with this Section 4.18.

Section 4.19. Building Setbacks

No structure, building, or residence shall be located nearer to the front Lot line or nearer to the side Lot line than the minimum building setback lines shown on the Subdivision

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plat or encroach on any easement shown on the plat. No structure, building, or residence shall be located nearer than twenty-five (25) feet from the front Lot line or nearer than ten (10) feet from any side street line. No building shall be located on any residential building plot nearer than ten (10) feet to the side street line of those lots having their side street line the West right-of-way line of North Wilcrest Drive. No residence or other improvement (excluding fences separating Lot boundaries) shall be located nearer than five feet (5') to any interior Lot line, except that a three feet (3') minimum side yard shall be permissible for a one-story detached garage. Second story additions to existing detached garages shall be permitted to retain the three feet minimum side set back at the first floor foundation, but any new living space shall meet the five-foot setback requirement.

Eaves, steps, and open porches, which do not exceed four and one half feet (4 ½') past the front or side setback line shall not be considered as part of a building; however, no part on any structure (including but not limited to eaves, steps and open porches, but excluding fences separating Lot boundaries) may ever be closer than three (3') to any interior side Lot line. No residence or any part thereof shall be located on any interior Lot nearer than five feet (5') to the rear Lot line. An open porch is a porch with no structural element to the ground plane.

Detached garages or other approved accessories buildings cannot be attached to the residence unless all minimum setbacks for a residence are met. Detached garages must be set back at least twenty-five (25) feet from the forward horizontal plane of the house. The doors of an attached garage shall not be visible from the street on which the house is addressed unless the doors are set back at least twenty-five (25) feet from the forward horizontal plane of the house, excluding porches.

The residence on a Lot shall face the front of the Lot coinciding with the Lot line having the smallest or shortest dimension abutting a street. A residence on a corner Lot shall face on the street on which it has the smallest frontage. Each residence will face the front of the Lot. Each garage will be provided with driveway access from the front of the Lot only, except that garages on corner Lots may have driveway access from a side street if this exception is specifically approved in advance and in writing by the ACC.

Section 4.20. Impervious Cover

Total impervious cover of any lot shall not exceed 60% of the total area of the lot. Impervious surfaces shall include, but are not limited to, residence, garage, patios, driveways, walkways, pools and spas.

Section 4.21. Tree Preservation

Preservation of trees within Wilchester is a priority of the ACC and must be reasonably assured. It is widely recognized that all trees, especially mature trees are some of the most valuable amenities in our community and they positively affect property values. Therefore, Owners are required to use best efforts in preserving trees.

Unless otherwise specified in this provision, no tree shall be removed from a Lot without the written approval of the ACC. Provided, however, that Owners may remove fallen trees, dead trees, or trees that pose a danger to the health, safety or welfare of residents without first receiving ACC approval. In order to avoid any dispute over the removal of a tree, Owners are encouraged to seek ACC approval before fallen tree, dead trees, or, trees that pose a danger to the health, safety or welfare of residents are removed from a Lot.

Trees less than three (3") caliper inches dbh may be removed at the discretion of the Owner without first obtaining ACC approval.

The ACC may require the Owner to provide evidence to the ACC from a professional arborist which substantiates a request to remove a tree that is three (3") caliper inches dbh or greater.

Lots must have a minimum of one tree per 1,500 square feet of total land area. Where the number of trees is a fraction the number is rounded to the nearest whole number. (e.g. a lot of 8249SF would require 5.49 trees which would be rounded to 5 trees, while a lot of 8250SF would require 5.50 trees which would rounded to 6 trees.

50% of new trees shall be a minimum of 4" caliper inches dbh. 50% of new trees shall be a minimum of 6" caliper inches dbh. If an odd number of new trees are required, the greater number shall be 6" caliper dbh. The ACC may approve a tree plan that includes reasonable substitutions approved at the discretion of the ACC.

Hardwood trees are required for the required number of new trees, but varying types of trees proposed may be submitted to the ACC for review.

Consideration will be given to the type(s) of trees proposed, the growth rate, suitability for the area and the total required caliper inches.

Massing of the Main Structure should take into consideration the conditions of the site and existing trees to avoid excessive trimming of a tree which may cause the tree stress and thus endanger the viability of the tree.

In the event of: (a) any improvement on a Lot that requires ACC approval per Article III, Section 3.02 of the Declaration; (b) new construction on a Lot; or (c) an addition to a Main Structure on a Lot, a tree survey is required to be submitted to the ACC showing the location and size (by caliper inches diameter at breast height - dbh) of all trees on the Lot. The tree survey must indicate which trees the Owner intends to remove from the Lot and which trees the Owner intends to keep.

Owner(s) shall ensure that tree protection measures are implemented before commencement of construction and maintained thereafter pursuant to the following:

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(i) Mark trees to be saved with surveyor's flagging or ribbon so as to clearly distinguish them from trees to be removed pursuant to approved tree plan;

(ii) Construct barricades made of wood or wire fencing around trees to establish a tree protection zone. Tree barricades shall be ideally located a minimum of one (1) foot from the tree for each one-inch diameter of tree trunk or as otherwise approved by the ACC; and

(iii) Place tree protection signs on the barricade in English and Spanish.

Section 4.22. Adjacent Lots and Adjacent Lot Fencing

The purchase of an Adjacent Lot by an Owner does not eliminate the interior or rear building setback lines contained in the applicable plat map, the Declaration, or these Guidelines. An "Adjacent Lot" is: (a) a lot that is contiguous to another lot; or (b) with respect to a corner lot, a lot that is contiguous to the corner lot by either a side property line or a back property line. The Owner of an Adjacent Lot(s) must comply with all applicable building setback lines for each Adjacent Lot unless the Owner formally replats one or more Adjacent Lots into one lot in accordance with City of Houston platting requirements.

All fencing on an Adjacent Lot must be approved in writing by the ACC. In order to avoid a long stretch of wood fencing facing a street, the ACC may require alternative fence materials including, but not limited to, wrought iron fencing and/or masonry fencing. The ACC may also require fence landscaping on the inside or outside of all approved fencing on an Adjacent Lot. The fencing and/or fence landscaping requirements on an Adjacent Lot shall be at the sole and absolute discretion of the ACC subject to an owner's right to appeal an ACC decision to the Board.

Per Article VI of the Declaration, each residential Lot is subjected to an annual maintenance charge and, if approved in accordance with Article VI, Section 6.03 of the Declaration, a special assessment. An Owner who obtains ownership of an Adjacent Lot(s) must pay an assessment for each Adjacent Lot unless the Owner formally replats one or more Adjacent Lots into one lot in accordance with City of Houston platting requirements.

In the event that an Owner formally replats one or more Adjacent Lots into one lot, the residence and the garage on the replatted lots must comply with Section 4.19 above with regard to which direction the residence and the garage on the replatted lots face. The Lot line having the smallest or shortest dimension abutting a street will be determined by referencing the lot lines of the replatted lots as originally platted.

This Section 4.22 is intended to comply with Texas Property Code Section 209.015. In the event of a conflict between this Section 4.22 and Texas Property Code Sec. 209.015, Texas Property Code Section 209.015 will control.

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Section 4.23. Demolition

The demolition of a residence, attached garage, detached garage, Main Structure, Outbuilding or any other structure on a Lot is an exterior change that requires approval in writing by the ACC. The approval of ACC application that involves the demolition of the existing residence or Main Structure but leaving the existing foundation will be considered new construction.

Section 4.24 Portable Chemical Toilets

Portable Chemical Toilets ("PCT"), commonly known as a "port-a-potties," must: (a) not be placed or located nearer than twenty-five (25) feet from the front Lot line or nearer than ten (10) feet from any side street line; and (b) be enclosed on at least three sides by a screening structure that has been approved by the ACC. By way of example, a typical method for screening the PCT would be a seven-foot (7') cedar fence. Under no circumstance shall the door to the PCT be visible from any street. Any variance from this provision must be approved in writing by the ACC.

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APPROVAL AND ADOPTION
of
WILCHESTER OWNERS COMMITTEE
AMENDED AND RESTATED
ARCHITECTURAL CONTROL COMMITTEE STANDARDS AND GUIDELINES
for
WILCHESTER SECTIONS ONE, TWO, THREE AND FOUR
by the
BOARD OF TRUSTEES

We the undersigned, being at least a majority of the members of the Board of Trustees of the Wilchester Owners Committee, a Texas non-profit corporation do by this writing approve and adopt the foregoing Amended and Restated Architectural Control Committee Standards and Guidelines for Wilchester Sections One, Two, Three and Four:

Date: 1-29, 2019 By: Jennifer Moch

Date: 1-29, 2019 By: Shari Gilegort

Date: 1-29, 2019 By: JKH

Date: 1-29, 2019 By: Allison Carl

Date: 1-29, 2019 By: Russ Newton

Date: 1-29, 2019 By: [Signature]

Date: 1/29, 2019 By: [Signature]

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CERTIFICATE OF SECRETARY
of
WILCHESTER OWNERS COMMITTEE

The undersigned, being the duly elected, qualified and acting Secretary of Wilchester Owners Committee (the "Committee"), a Texas non-profit corporation, do hereby certify at a duly called meeting of the Board of Trustees of the Committee held on 29th day of JANUARY, 2019, with at least a majority of the Board of Trustees being present thereat and remaining throughout and being duly authorized to transact business, the foregoing "Amended and Restated Architectural Control Committee Standards and Guidelines for Wilchester Sections One, Two, Three and Four" was duly approved.

WILCHESTER OWNERS COMMITTEE

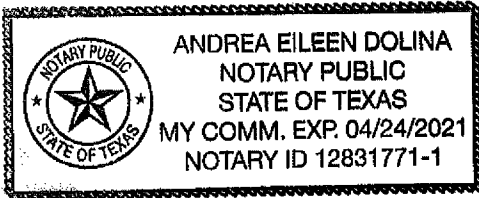
By: Russ Newton

Printed: RUSS NEWTON

Its: Secretary

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 1st day of FEBRUARY, 2019, by RUSS NEWTON, as the Secretary of Wilchester Owners Committee, for the consideration and in the capacities stated therein.



Andrea Eileen Dolina
Notary Public in and for the State of Texas

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Pages 28
02/04/2019 10:42 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
DIANE TRAUTMAN
COUNTY CLERK
Fees \$120.00

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

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