

**PINE HOLLOW HOMEOWNERS' ASSOCIATION**  
**ARCHITECTURAL GUIDELINES and CLARIFICATIONS**

A Handbook for:

Board of Trustees  
Architectural Review Committee Members  
And  
Homeowners

July 12, 2010  
Revision 5

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## **Section A. Purpose of Guidelines**

During the summer of 2000, the responsibility for architectural control was passed from Houston Pine Hollow Associates, LTD. and Pine Hollow Estates Section One, LTD., R. West Development Co. Inc., General Partner (“Declarant”), to the Pine Hollow Board of Trustees (except for areas set aside for original construction). The Board of Trustees is the Architectural Control Committee and has designated the Architectural Review Committee (“ARC”) to act in its place, with a right of appeal to the Board as it is the final authority in these matters. The ARC works to ensure that the subdivision remains in good repair and conforms to accepted standards of architecture and décor. Periodically the ARC will update the standards to address new products and evolving societal needs.

The Architectural Review Committee with approval of the Pine Hollow Board of Trustees (“Board”) establishes these guidelines and clarifications. They are intended to provide all homeowners information about the type, color, quality, grade of material, etc. that may be used in construction of various types of improvements; the size and location of such improvements; and the procedure followed by the ARC for reviewing applications for proposed improvements. They are intended to further insure consistency in decisions and assist in expediting the decision process. The guidelines are intended to augment the Pine Hollow Declaration of Covenants and Restrictions (DCR) and not replace or over-ride them. They are based on the specific rules established by the appropriate governing documents and the result of decisions made by the ARC in response to specific requests from Pine Hollow and Pine Hollow Estate residents. Addition, deletion or alteration at any time via recommendation may amend these guidelines by the ARC with approval from the Board of Trustees. (DCR Article VII Section 1. (e))

While the ARC will make every reasonable attempt to be fair and equitable, the ARC and the Board will not necessarily be bound by past decisions of Declarant. The ARC reserves the right to disapprove applications for improvements that require a variance from the established Guidelines if it believes that such changes are not in the best interest of Pine Hollow, even if a precedent was set by a decision of Declarant. (DCR Article VII Section 4.)

From time to time the ARC and / or the Board may make a decision that, in retrospect, is not in the best interests of the Homeowners’. The ARC and the Board reserve the right to recognize such a situation, document it in the minutes of a meeting and no longer permit its use as a precedent. The same right applies if the ARC and / or the Board make an error in allowing a change or addition.

## Section B. Glossary of Terms

ACC	The Architectural Control Committee comprised of the Board of Trustees establishes architectural guidelines and provides final approval / disapproval of Architectural Review Applications.
ARC	The Architectural Review Committee appointed by the Board of Trustees to review applications for compliance with the restrictions and architectural guidelines.
ARC Chair	That member of the ARC, elected by the ARC with approval by the Board, who is responsible for the overall operation of the committee.
ARC Member(s)	Those persons appointed by the Board to be members and make up the ARC.
ARA	Architectural Review Application
Association	The homeowners' association. Also known as Pine Hollow Homeowners' Association
Board	The Pine Hollow Board of Trustees.
Board Member Liaison	An alternate voting member of the Architectural Review Committee whom is also a member of the Pine Hollow Board of Trustees. This individual, along with the ARC Chair, insures that there is a constant two-way flow of information between the Board and the ARC.
Days	Unless otherwise specified in this document the term "30 days", "15 days" or other such references shall count business days only. Business days exclude Saturdays, Sundays and any federal holidays.
DCR	The Pine Hollow Homeowners' Association Declaration of Covenants and Restrictions.
Declarant	Houston Pine Hollow Associates, LTD. And Pine Hollow Estates Section One, LTD (R. West Development Co. Inc., General Partner)
Governing Documents	The combination of the Bylaws, Articles of Incorporation, Declaration of Covenants and Restrictions for Pine Hollow and the contents of this handbook.
Homeowner's Association	The association. Also known as Pine Hollow Homeowners' Association

Improvement	Any addition or alteration to a lot or structure.
Owner	Any person or persons with record title to a property within Pine Hollow who, according to the Declaration of Covenants and Restrictions, has voting rights in the Homeowners' Association.
PH	Pine Hollow.
PHE1	Pine Hollow Estates Section 1.
PHE2	Pine Hollow Estates Section 2.
Property Management Company	The organization or company that provides management services to Pine Hollow on a contractual basis.
The Subdivision	The real property of all sections of Pine Hollow and Pine Hollow Estates as annexed into the Association.
Variance	Any improvement or alteration (or request for same) to a lot or structure that is not in compliance with existing DCR's.

## **Section C. Purpose of Committee**

The purpose of the Architectural Review Committee is:

1. To review and evaluate applications for improvements to homes, structures and properties (lots) within Pine Hollow and Pine Hollow Estates ("The Subdivision") in accordance with the DCR's. Pine Hollow Homeowners' Association Board of Trustees retains the exclusive right to review and approve or disapprove all plans and specifications for modifications or additions to existing construction, within The Subdivision.
2. To standardize architectural review in order to enhance, ensure and protect the attractiveness, beauty and desirability of the area as a whole while, at the same time, permitting compatible distinctiveness of individual developments within the area.
3. To notify the Owner (through the Property Management Company) of each determination.
4. To assist the Board during any appeal process and in any legal matter pertaining to Architectural Review.
5. To make recommendations to the Board regarding changes to the guidelines that involve issues over which the Board has jurisdiction.
6. To assist the Board and the Declarant in ensuring that the Restrictions and Guidelines are followed.

## **Section D. Scope of Responsibility**

The scope includes those improvements that are planned, started, erected, placed and / or maintained. The general areas of responsibility for the ARC include, but are not limited to, the following:

- Antennae
- Basketball Goals
- Bird Houses
- Changes and Alterations to Existing Structures
- Changes to Grading
- Changes to Site Landscaping
- Color of Structures
- Exterior Additions to Structures
- Fences
- Flags and Flag Poles
- Gazebos
- General Construction
- Lighting
- Painting
- Patio Covers
- Roofing
- Room Additions
- Solar Screens
- Storage Sheds, Buildings and Other Structures
- Storm Doors and Windows
- Swimming Pools
- Swing Sets
- Temporary or Permanent Buildings
- Trellises
- Utility Layout
- Walls



## **Section E. Architectural Review Application (“ARA”)**

Plans and specifications for home improvements are to be approved in advance. No approvals will be granted simply because construction has commenced or has been completed.

Two (2) sets of plans and specifications shall be included and should include:

- The nature of the change or addition
- Specifications
- Shape
- Measurements (height, width, depth, elevation, etc.)
- Materials
- Color
- Location on the property and in relation to other structures
- Harmony of design
- Location in relation to topography
- Location of utility easement
- Timing of completion
- Signature of Owner(s)
- Additional information as requested by the ARC or the Board

Note: Please see “Attachment 1” at the end of this document for a copy of the Architectural Review Application.

## **Section F. Committee Operating Rules**

To achieve the purpose for which the Architectural Review Committee has been established, the following operating rules apply:

### **Composition**

The ARC will be composed of up to eight (8) members, each of whom is a current member of Pine Hollow Homeowners' Association.

The Board Member: This will be an individual who is a current member of the Pine Hollow Homeowners' Association Board of Trustees and will act as a liaison between the Board and the ARC for routine matters. This member will be an alternate voting member of the ARC only in cases where a quorum to conduct business cannot be reached otherwise.

The Chair: This member will act as head of the ARC. He or she will be elected by the members of the ARC, with approval by the Board of Trustees. He or she will be a voting member of the ARC.

ARC Member: Four (4) additional members (Voting Members 1, 2, 3 and 4) who will be appointed by the Board of Trustees. Each of these persons will be a voting member during their individual term of office.

Alternate ARC Member: Two (2) additional members (Alternate 1 and 2) who will be appointed by the Board of Trustees. These members will be an alternate voting member of the ARC only in cases where a quorum to conduct business cannot be reached otherwise.

### **Terms of Office**

All members of the ARC will serve for a term of one (1) year. When a member is no longer able or willing to serve, or in the event of a completed term, a replacement will be selected as specified in COMPOSITION.

### **Meetings**

The ARC will meet at a frequency deemed appropriate by the Chair to review applications for improvements. The frequency will be governed by the volume of applications received, the age of current open applications (not to exceed thirty (30) days) and the availability of a quorum of voting members. A meeting once a month has been found to be ideal. At a minimum, at least three (3) members must be present to convene a meeting at which voting will occur.

### **Quorum**

A majority of ARC members, three (3), shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the ARC members present at a duly held meeting at which a quorum is present shall be regarded as an act of the ARC.

## **Attendance**

Any voting member of the ARC who is absent from three (3) consecutive meetings without cause may be considered to have resigned and may be replaced upon a majority vote of the remaining members of the ARC and consent of the Board of Trustees. A letter advising the individual of this action will be sent by the Property Management Company at the direction of the Committee or the ARC Chair. Under certain circumstances, the Board at the request of the Chair may waive this attendance requirement.

## **Voting**

The Chair and the four Voting Members each have one (1) vote. The Board Member will only vote in the event a quorum cannot be achieved otherwise. If the application concerns a property owned or occupied by one of the members of the ARC, this person's voting rights will temporarily pass to the Board Member if there are less than 3 voting members remaining. In general, the Board Member is to act mainly as a liaison and advisor to the ARC.

## **Records**

The Property Management Company will keep copies of meeting agendas, and minutes for all committee activities including applications, decisions, appeals and recommendations. It is the responsibility of the Chair to forward all such material to the Property Management Company.

## **Removal**

Any ARC Member may be removed from the committee, with or without cause, by a majority vote of the Board. In the event of death, resignation or removal of a member, a successor shall be selected by the Board of Trustees and shall serve for the un-expired term.

## **Compensation**

No member shall receive compensation or waiver of HOA dues for any service rendered to the ARC.

## **Limitation of Liability**

The Pine Hollow Homeowners' Association, the Pine Hollow Board of Trustees and the Architectural Review Committee as well as their agents, employees, or authorized representatives, shall not be liable to any Owner or to any other party for any loss, claim, or demand asserted on account of their administration of their duties pursuant to the Declaration of Covenants and Restrictions. (DCR Article VII Section 2.)

## Section G. Operating Procedures

**General:** Approval of plans. Unless specifically stated that ARC application is NOT required, all exterior improvements, whether mentioned or not, require an ARC application be submitted for review by the ARC. New technologies/products will be evaluated on a case by case basis. No building, structure, fence, wall or other improvements shall be commenced, erected, constructed, placed or maintained upon The Subdivision. Nor shall an exterior addition to, change or alteration therein or thereof be made until the detailed plans and specifications therefore shall have been submitted to and approved in writing by the ARC in accordance with following procedure. (DCR Article VII Section 1.) An item can come before the Architectural Review Committee as follows:

- a) A Property Owner (or his / her representative) may submit an Architectural Review Application to the Property Management Company. Owners shall deliver two (2) complete sets of plans and specifications to the ARC, which shall specify, as a minimum, the location and situation of proposed improvements on the Lot in relation to property lines, building lines, easements, grades, walks (including the orientation of the front and rear of the proposed improvements with respect to the Lot and building lines); and the elevation and square footage, and materials to be incorporated into the proposed improvements or alterations thereto; any fences to be constructed on the Lot; and any other items with the ARC may reasonably require to be included therein. After original construction is completed, Owners will be required to provide structural, mechanical, electrical and plumbing detail for any proposed improvements. (DCR Article VII Section 1. (a))
- b) A violation or suspected violation may come to the attention of any member of the Board, the ARC or the Property Management Company. Such incidents, if not received or observed directly by the Property Management Company, will be passed to them. The Property Management Company will send a letter to the Owner requesting an application be submitted. If no application is received within thirty (30) days, the Property Management Company will report this to the Board who will take appropriate action.
- c) If the observed violation appears to be in conflict with the DCR's, the initial notification / request to the Owner will be in writing from the Property Management Company. This will accelerate the process of rectifying out-of-compliance improvements.

**Response:** All applications should be date stamped by the Property Management Company upon receipt. Applications must be answered within thirty (30) days of delivery of a completed application to the Property Management Company. The Owner must sign all applications.

- a) If no action is taken by the ARC on the plans and specifications within thirty (30) days after their delivery to the ARC, the plans and specifications shall be deemed approved on the thirtieth (30<sup>th</sup>) day after such delivery; provided, however, that the failure of the ARC to take action within said thirty (30) day period shall not permit any improvements to be commenced, erected, placed, constructed, altered, or maintained on the Lot in a manner inconsistent with any restriction or requirement of the DCR. (DCR Article VII Section 1. (d))

**Formal Review:** The ARC will review all items at its next regular meeting. A review consists of:

- a) A reading and understanding of the application by all members of the ARC present at the meeting. If possible, questions may be resolved by telephone contact with the Owner before or during the meeting.
- b) An evaluation of the application will be based on:
  - Its compliance with, or violation of, the DCR's.
  - The most current criteria for evaluating unusual or unique requests.
  - Input from other Pine Hollow Owners available at the time of review or solicited by the ARC.
  - Precedents set by past decisions of the Board and the ARC.
  - Guidelines established by the Board and the ARC.
  - Review and recommendation by the management company
  - The ARC will have full power and the authority to reject any plans and specifications that do not comply with the DCR or meet the minimum construction or architectural design requirements, or that might not be compatible, in the sole discretion of the ARC, with the design and overall character and aesthetics of The Subdivision. (DCR Article VII Section 1. (f))
- c) A decision made by the ARC. A simple majority of the voting members present is required to reach each decision. However, the Chair should make every reasonable effort to insure sufficient review so that all voting members agree with the decision. The decision may be any one of the following:
  - APPROVAL: Approval of the application as written.
  - DENIED DUE TO LACK OF INFORMATION: An action taken if the ARC believes that there is insufficient information to render a fair decision.
  - CONDITIONAL APPROVAL: Approval of the application under one or more specific conditions such as the requirement for a specific modification(s).
  - REJECTION: Disapproval of the application, and, if appropriate, a directive to remove an existing violation.

**Informal Review:** If the cost or effort to submit a formal application that complies with the DCR's is excessive, the Owner may submit a less formal (and less detailed) request to the ARC for a non-binding evaluation. The request must be in writing and a written reply will be sent. Such an evaluation is only for the guidance and convenience of the Owner and will NOT be considered as permission to proceed with construction until formal request is submitted and formal approval given.

**Findings:** A summary of the findings and the reason(s) for the decision will be forwarded to the Property Management Company and the Board.

**Notification:** The Property Management Company will notify the Owner of the ARC's findings.

- a) If the application is approved, a letter of approval will be sent to the Owner. Such approval shall be dated and shall be effective for a period of eighteen (18) months which this period is equivalent to five hundred forty (540) calendar days thereafter. If construction of the improvements has not begun within said period, then approval of the ARC shall again be required. (DCR Article VII Section 1. (b))

- b) If the ARC denies due to lack of information, the Property Management Company will forward the request for additional information, in writing, to the Owner. The Owner can then resubmit their application with the required information for review by the ARC. The Owner shall not commence construction or implementation of the improvement until the ARC has approved the application and the Property Management Company has notified the owner of such approval.
- c) If the recommendation is a conditional approval, the letter will include the reason(s) for such findings. The letter will also contain the information that the Owner has the right to appeal the recommendation to the Board. (DCR Article VII Section 1. (b))
- d) If the recommendation is a rejection, the letter will include the reason(s) for such findings. The letter will also contain the information that the Owner has the right to appeal the recommendation to the Board. One (1) set of the plans and specifications marked "Disapproved", together with a statement of items found not to comply herewith, would be included with the letter. (DCR Article VII Section 1. (c)) If the application is rejected by the ARC, the Owner may not re-submit the specific request to the ARC for a three (3) month period.

**Appeal:** In the event the Owner chooses to appeal the decision, at least one member of the ARC should be present at the Board meeting during which the appeal is heard. However, an ARC member is not required at the appeal meeting for the meeting to be conducted and a ruling made. To set up the appeal, the Owner must notify the Property Management Company, in writing, that a review of the ARC's decision is requested. This request must be made within thirty (30) days of the written notification of the ARC's findings. This request will constitute the appeal being added to the agenda of the next scheduled Board meeting. The Board may act in any one of the following ways:

- a) The Board may agree with the decision of the ARC, as written.
- b) The Board may modify or reject the decision of the ARC, in whole or in part, and issue a new decision.
- c) The Board may recommend that the application be re-evaluated by the ARC. This action will normally be taken if new information is revealed at the Board meeting that could change the outcome of the decision.
- d) The Board may grant a variance from these Guidelines and / or Deeds Covenants and Restrictions following the Variance Request Policy in Attachment 2.
- e) If the appeal or variance request is denied by the Board, the Owner may not re-submit the specific request to the ARC for a six (6) month period.

**Board Notification:** Following an appeal to the Board, the Property Management Company will notify the Owner, in writing, of the Board's decision.

**Special Permit for Internal Modifications:** Under certain conditions, the city or county may require evidence that the Homeowners' Association approves of a modification even though the specific modification does not fall under the control of the DCR's. In such cases, the

Owner will be provided with a letter from the Property Management Company at the direction of the ARC Chair to assist in gaining the required permit. Such items as alterations to the inside of a home fall into this category. The Homeowners' Association shall not have control over the alterations made to the interior of a home except where specified in this document under Solar Screens and Solar Film and Section 17 paragraph a of the Declaration of Covenants and Restrictions document.

**Fees:** The ARC may charge a fee per lot for approval of plans submitted, when applicable. (DCR Article VII Section 1. (g))

**Permits and Utility Notifications:** Upon approval of the ARC application, the homeowner is solely responsible for obtaining any and all required permits from the City of Pearland. When doing significant digging, the homeowner is strongly encouraged and solely responsible for contacting the utility companies (gas, electric, phone, etc) to identify any lines that could potentially be damaged due to the proposed application.

**Construction/Easement Access:** Homeowners, who would like to use the easements in order to access their property in order to do an improvement, please refer to the Construction Deposit policy.

**Final Project Approval:** Upon completion of the project, the homeowner must contact the HOA management company to schedule a final project inspection. The purpose of this inspection is to ensure the improvement conforms to the specifications provided in the approved ARC application. Failure to comply with the approved ARC application can result in the application approval being rescinded and the removal of the improvement.

**Guideline Enforcement:** The ARC will survey the neighborhood at least 2 times per year. During this survey the committee and other volunteer association members will canvas the neighborhood verifying ARC applications and for compliance with the guidelines. This survey will be conducted from the sidewalks and public access easements. The time of the survey will be announced and homeowners are encouraged to volunteer. The intent is to help maintain the neighborhood aesthetics and association home values.

**Approved Improvement Replacement:** Over time, approved improvements are often replaced due to age or acts of nature. Replacement improvements are NOT grandfathered and must conform to the currently published HOA guidelines. Homeowners are required to submit a new ARC application to replace the previously approved improvement.

## Section H. Architectural Guidelines and Deed Restriction Clarifications

### **Address Indicator** (DCR Article VII Section 9.)

Address Indicator will be cast stone and located on the front of the residence. An address indicator must be visible from the street. The original cast stone, address block or sign in the front flower beds, address number on single home mailbox, or address painted on the curb in front of the house will meet this requirement. Address indication on shared mailboxes shall not meet the definition of visible from the street.

### **Air Conditioner** (DCR Article VII Section 5. (f))

No window or wall type air conditioners shall be permitted to be used, placed, or maintained on or in any building in any part of The Subdivision.

### **Animal Control** (DCR Article VIII Section 7)

Animal control is governed by the City of Pearland Code of Ordinances/Municipal Code and enforced by the City of Pearland Code Enforcement or City of Pearland Animal Control Department. Any violations concerning animal control should be reported directly by the homeowner to either the City of Pearland Code Enforcement or the City of Pearland Police Department. The Pine Hollow HOA will not enforce rules governing animal control.

### **Antennae and TV Satellite Dishes** (DCR Article VII Section 5. (k))

Antennae and TV Satellite Dishes are subject to the rules and conditions of the Federal Telecommunications Act of 1996. The Federal Communications Commission has published a Fact Sheet dated May 2001 that discusses the Over-the-Air Reception Devices Rule. This document may be obtained at <http://www.fcc.gov/mb/facts/otard.html>.

Satellite dishes or antennae less than one (1) meter in diameter shall be permitted, as subject to the conditions of the Federal Telecommunications Act of 1996.

No satellite dishes or antennas greater than one (1) meter in diameter or size will be approved for installation unless under the maximum height of six (6) feet, installed to the rear of the residence, and cannot be viewed from the fronting or perimeter streets, common areas, or adjacent lots, subject to the conditions of the Federal Telecommunications Act of 1996.

If the satellite dish or antennae installation that is one (1) meter in diameter or less strictly meets all the requirements in this section, an ARC application is not required for approval.

### **Basketball Goals and Hoops**

Permanent basketball goals are permitted. Goals must be maintained in good condition for both safety and aesthetic reasons. It is recommended that portable goals not be used in streets or city right-of-way easements. The HOA will not enforce the use of portable goals in the streets or city right-of-way easements. If the basketball goal installation strictly meets all the requirements in this section, an ARC application is not required for approval.

### **Birdhouses**

Birdhouses shall be situated no higher than twelve (12) feet, pole plus house, above ground level and is no larger than 2 foot by 2 foot. No more than two (2) birdhouses shall be permitted on a lot. The materials used in the construction and the color of the birdhouse shall be



harmonious with the residence and other improvements on the lot. The birdhouse must be within the fenced area of the lot. If the birdhouse installation strictly meets all the requirements in this section, an ARC application is not required for approval.

**Clotheslines** (DCR Article VIII Section 13.)

No outside clothesline shall be constructed or maintained on any lot within sight of the Common Area or any street or adjacent lot.

**Common Areas / Retention** (DCR Article VIII Section 19.)

There shall be no obstruction of any part of the Common Areas / Retention, which are intended to remain unobstructed for the reasonable use and enjoyment thereof. No Owner shall appropriate any part of the Common Areas / Retention to his exclusive use, nor shall any Owner do anything which would violate the easement, rights and privileges of any Owner in regard to any portion of the Common Areas / Retention which is intended for the common use and benefit of all Owners.

No Owner shall plant, place, fix, install or construct any vegetation, hedge, tree, shrub, fence, wall, structure, or improvements or store any personal property on the Common Areas/ Retention or any part thereof without the written consent of Pine Hollow Homeowners' Association.

Common areas are defined as designated green spaces in the subdivision such as drainage easements, parks and waterway easements (Mary's Creek Bypass).

No motorized vehicles shall be operated upon common areas / retention except for motorized vehicles providing maintenance services or devices for the disabled.

Temporary motorized vehicle access is permitted in association with an Owner's approved construction, remodeling or addition. If an Owner or Owner's contractor uses a common area for access, then the Owner is responsible for restoration of the common area to its pre-existing condition. Furthermore, the Owner bears financial liability for the actions of its contractor within the subdivision.

No Owner or contractor hired by an Owner shall use the common or retention areas for the dumping of vegetation, concrete, trash and other such debris. Owners that are found dumping debris on the common or retention areas are responsible for the restoration of the common area to its pre-existing condition. Furthermore, the Owner bears the financial liability not only for their actions but the actions of their contractor within the subdivision.

Accessing and use of the common or retention areas are at the risk of the user. The HOA shall have no liability.

**Concrete Curbs (PH, PHE2 only)** (DCR Article VII Section 5. (e))

Concrete curbs that are chipped, cracked, and / or broken on the street front or street side of all lots are to be repaired or replaced by the City of Pearland. The Owner of the residence is responsible for calling the City of Pearland Public Works Department to have a work order generated so that the City repairs the damage.

**Concrete Sidewalks (PH, PHE2 only)** (DCR Article VII Section 5. (d))

A concrete sidewalk not wider than four (4) feet wide will be constructed from the street adjacent to the front of each Lot or from the driveway for such Lot to the front of the residential structure to be situated thereon, and as required by the City of Pearland. No other sidewalks shall be permitted on any Lot without the written consent of the ARC.

Concrete sidewalks that are chipped, cracked, and / or broken on all lots are to be repaired or replaced by the City of Pearland. The Owner of the residence is responsible for calling the City of Pearland Public Works Department to have a work order generated so that the City repairs the damage.

### **Construction Material** (DCR Article VII Section 5. (a) and (j))

Only new construction materials (except for used brick) shall be used and utilized in constructing any structures situated on a Lot. Certain building materials are considered unacceptable for exterior use in Pine Hollow. Other materials may be used for specific applications only. General guidelines are as follows:

- a) Brick  
Acceptable. Brick used for improvements, additions, repairs must be compatible with that which is used on the home. Painted brick is not permitted.
- b) Aluminum  
Acceptable for rain gutters and window framing. Aluminum siding may not be used to replace original concrete siding. All aluminum items must be painted a color compatible with the home on which it is installed with the exception on window framing
- c) Fiberglass  
Unacceptable for all applications.
- d) Glass  
Acceptable for most applications, including tops of greenhouses.
- e) Acrylic Sheet  
Unacceptable. Acrylic sheet is not a suitable substitute for glass.
- f) Concrete Siding and Trim  
Concrete siding may be used to replace the original concrete or wood siding and trim so long as it is made to look like wood siding (texture, form, and color composition will be the acceptance criteria).
- g) Vinyl / Plastic Siding and Trim  
Vinyl / Plastic siding shall not be used to replace original concrete or wood siding or trim.
- h) Wood Shingles  
No structure situated on any Lot shall have wood shingle roofs.

### **Drainage** (DCR Article VII Section 5. (m) and Article VIII Section 18.)

Each Owner shall not in any way interfere with the established drainage pattern over the Owner's Lot from adjoining or other Lots. Each Owner will make adequate provisions for proper drainage of the Lot. "Established drainage" shall be defined as the drainage which occurred at the time of the overall grading of the Subdivision, including landscaping of Lots. Each Lot in the

Subdivision shall be graded and appropriate drainage facilities installed to provide for drainage from the rear of each Lot to the street adjacent to the Lot.

### **Driveway Extensions**

Recognizing the need for slight improvements to the driveways at some residences, the enlargement of a driveway to permit additional automobile parking area is permitted to reduce street parking. Such improvements are allowed subject to the following:

- a) The driveway may not be widened more than the absolute minimum necessary to achieve the additional parking required.
- b) The widening of the driveway for a detached garage may not be extended forward, toward the street, past the front building line of the main residence. The widening of the driveway for an attached garage may not be extended forward, towards the street, past half (1/2) the distance between the front building line of the main residence and the sidewalk.
- c) Driveways cannot be widened in front of the living area.
- d) The drainage characteristics of the resident's Lot and any adjoining Lot must not be altered in any way due to this process.
- e) No structures except driveways will be permitted to encroach on, or into, the side lot easement (easement depending on structure) – i.e. no decks, storage sheds, etc.
- f) The materials of construction used for this improvement must be similar to those used to construct the original driveway. The extension should match as near as possible to the original driveway.
- g) The driveway must be built to City standards. All appropriate permits must be obtained from all governmental agencies.

### **Decorations, Holiday**

Holiday decorations are both permitted and encouraged and will not require approval by the ARC. However, all such decorations may be installed no sooner than forty-five (45) calendar days prior to the holiday and must be removed within fifteen (15) calendar days after the holiday for which they are intended. An exception is made for December holiday lights which must be removed no later than January 31.

### **Easement Encroachments**

It is not the responsibility of either the ARC or the Board to police encroachment into utility easement areas. If possible, the ARC will advise the Owner of a possible encroachment and recommend that the Owner seek approval or waiver from the appropriate utility. However, the ARC will not be liable for any expense incurred by an Owner as a result of action by a utility company if such encroachment occurs, even if the ARC approved the change or addition without comment.

### **Emergency and Disaster Reaction** (DCR Article VIII Section 17. (a))

Disasters such as fire and weather may require significant construction and repair activity to take place. Temporary repairs or structures (those that are present for no longer 180 calendar days) during reconstruction) will be acceptable under such a condition. Reconstruction in the form that existed before the disaster will be acceptable without approval by the ARC. Approval for changes to the former structure will be made as expeditiously as possible so as to have no adverse impact on the Owner. The Board and the ARC will take whatever action is reasonable to facilitate accelerating the process. The intent will be to re-establish the neighborhood to its former quality as quickly as possible.

It is recognized that an Owner has the right to take temporary protective action in the event of certain weather conditions, such as hurricane warnings. Rarely do these protective actions beautify the neighborhood, but no prior approval for such temporary action is required. However, all such installations must be completely removed and the property restored to its original condition within twenty-one (21) calendar days of the passing of the *specific* emergency making landfall and the house/structure suffering no apparent structural damage. This rule specifically applies to, but is not limited to, the boarding of windows and doors during a hurricane threat.

### **Fencing** (DCR Article VII Section 8.)

All perimeter fencing must conform strictly to the DCR's unless specifically accepted (or exempted) by the ARC. A specific exemption has been made in such cases where a wrought-iron driveway gate is desired. Neighbors sharing the sideline and fence should submit fence extension requests, except in the case of a corner lot. If fencing deteriorates, leans greater than 20 degrees from vertical, collapses, missing pickets or is broken, it must be repaired to its original condition or be replaced at the Owner's expense at the earliest possible opportunity.

The costs and responsibility associated with repairing or replacing fencing is an equal burden for the residents that share the fence between lots. It does not matter which resident has the smooth or rough side, the cost is shared among all lot owners that benefit from the fence.

The cost of repairing or replacing fencing that is along the easements, the apartment complex, located entirely within a single lot (breezeway fencing) or other property not owned by a Pine Hollow HOA resident is solely at the cost and responsibility of the lot owner.

#### *Pine Hollow Estates*

Individual homeowners in the Estates section have the option of having a totally open concept with no fence at all.

The specific types of fencing allowed are as follows:

a) Wooden Fencing

*Pine Hollow*

Notched picket, minimum 6-foot not to exceed 6-foot 7 inches in height when measured from the ground to the top of the fence, 1 inch x 4 inch (1 x 4) to 1 inch x 6 inch (1 x 6) cedar or pine fencing (or equivalent) in width that is free of large or loose knots and splits, with 4" x 4" posts set 2 feet in concrete on 8-foot centers is acceptable and must be used in all perimeter fencing. A rot board or termite board can be installed but the overall height of the fence cannot exceed 6-foot 7 inches in height when measured from the ground to the top of the fence. Fences must be allowed to weather with age. A clear coat of wood preservative or a wood stain in shades of brown only may be applied to

fences. Wood fencing is not to be painted with any other coating except for clear coat or wood stain as specified in this paragraph. Wood fence may not be permanently altered in any form or fashion to incorporate any artistic design, cutouts, wagon-wheels, etc.

Section 2A Block 1 Lots 1 through 13, Section 1A Block 1 Lots 1 – 10, Section 1A Block 2 Lot 1, and Section 1C Block 4 Lots 7 - 9 may have a notched picket, not to exceed 8-foot in height when measured from the ground to the top of the fence, 1 inch x 4 inch (1 x 4) to 1 inch x 6 inch (1 x 6) cedar or pine fencing (or equivalent) in width on the back or side property line that is adjacent to the apartment complex or to commercial property. A rot board or termite board can be installed but the overall height of the fence cannot exceed 8-foot in height when measured from the ground to the top of the fence.

*Pine Hollow Estates Section 1 and Section 2*

Wooden fences are not permitted in Pine Hollow Estates.

b) Wrought-Iron Fencing

*Pine Hollow*

Wrought-iron fencing is not permitted 1) as front-on fencing between houses and side lot line fencing, 2) as front-on fencing between garages and side lot fencing, or 3) as perimeter fencing on side lot lines or rear lot line. However, wrought-iron fencing may be installed as perimeter fencing on the rear lot line if the rear lot line is adjacent to a common area. In this situation the fence must be six (6) feet tall, black aluminum (wrought-iron look), four (4) rails, Avalon or equivalent style. Gate is to be a minimum of four (4) feet wide. Either a standard latch or pool code latch may be installed. No ornamentation will be allowed.

*Pine Hollow Estates Section 1 and Section 2*

Wrought-iron fencing is allowed for use as perimeter fencing for Pine Hollow Estates. It must be five (5) feet tall, black aluminum (wrought-iron look), three (3) rails, Avalon or equivalent style. Gate is to be a minimum of four (4) feet wide. Either a standard latch or pool code latch may be installed. No ornamentation will be allowed.

c) Wrought-Iron Driveway Gates

Black aluminum (wrought-iron look) or wrought-iron gates across driveways are permitted in both Pine Hollow and Pine Hollow Estates Sections 1 and 2, but must be black in color and non-ornamental in nature. The arch of such gates must not exceed eight (8) feet in height and must be set three (3) feet back from the front corner of the house.

Black aluminum (wrought-iron look) or wrought-iron fencing is allowed between the house and the gate and/or the gate and the side lot line fence, but may not exceed six (6) feet in height. The fencing must be black in color and non-ornamental.

d) Chain Link Fencing

Chain link fencing is not permitted.

## **Fencing, Breezeway**

For homes with detached garages, where a covered breezeway connects the house to the garage, a fence type structure may be installed that meets any of the following criteria:

*Pine Hollow*

- a) A standard wood fence (notched picket, cedar or pine fencing (or equivalent) that is free of large or loose knots and splits, with treated 4" x 4" posts set 2 feet in concrete on 8-foot centers) and gate combination may be constructed of no greater than six (6) feet in height.

*Pine Hollow and Pine Hollow Estates Sections 1 and Section 2*

- b) A black aluminum (wrought-iron look) fence and gate combination may be installed from ground level to a height not to exceed six (6) feet. This structure must be black in color, Avalon or equivalent style and non-ornamental.
- c) A black aluminum (wrought-iron look) and brick fence and gate combination may be installed. The wrought-iron must be black in color, Avalon or equivalent style, and non-ornamental. The brick must coordinate with that which is on the residence. The brick is not permitted to be painted. The height of the brick portion may not exceed twenty-seven (27) inches, the height of the wrought-iron portion may not exceed fifty-one (51) inches and the total height may not exceed seventy-eight (78) inches.

Any of the above improvements should follow a direct path from the house to the garage, must be as close as practical to the sidewalk that connects the two structures and be anchored to both the house and the garage or to posts that are in close proximity to the house and garage.

**Flag Poles** (DCR Article VII Section 5. (n))

A flag staff may be mounted on the house or garage as long as the length of the staff does not exceed six (6) feet and the top-most part of the staff does not extend to a point higher than twelve (12) feet above ground level or the highest point of the specific structure on which it is mounted, whichever is less. No ARC application is required if a flagpole is mounted on a house or garage if it strictly conforms with this guideline.

A flagpole that is over eight (8) feet and ground mounted, whether permanent or temporary, requires an ARC application. A ground mounted flagpole cannot exceed 20 feet in height and 4 inches in diameter. Only one flagpole over eight (8) feet will be allowed on each lot.

**Free Standing Structures**

Playhouses, play structure and equipment, gazebos, storage sheds and other similar types of structures that are not substantially attached to the main residence are considered free standing structures. No owner shall be permitted to construct more than three (3) free standing structures on any lot.

**Garages** (DCR Article VII Section 5. (o) and Article VIII Section 1.)

All residences in Pine Hollow have attached or detached garages for not less than two vehicles. Garage doors shall be of metal. Top panels of garage doors can have glass inserts. Garage doors shall not be substituted by a solid wall. Boats, trailers, jet skis, and recreational vehicles are to be stored so as not to be visible from any street.

**Garbage and Refuse Storage and Disposal** (DCR Section VIII Section 9.)

Garbage and refuse storage and disposal is governed by the City of Pearland Code of Ordinances for Solid Waste, Ordinance Number 181-8, Chapter 12, Subchapter 1, Sections 1-2 through 3-1.

All Lots and the Common Areas / Retention shall at all times be kept in a healthful, sanitary and attractive condition. No Lot or any part of the Common Areas / Retention shall be used or maintained as a dumping grounds for garbage, trash, junk or other waste matter. All trash, garbage or waste matter shall be kept in adequate containers constructed of metal, plastic or masonry materials, with sanitary, tightly-fitting covers or lids, which shall be maintained in a clean and sanitary condition and screened from public view. No garbage, trash, debris or other waste matter of any kind shall be burned on any lot.

Garbage, refuse and recyclable materials shall be deposited and disposed of in containers approved and specified by the City of Pearland. Garbage, refuse and recyclable materials and containers shall not be placed for disposal / pick-up any earlier than 6:00 p.m. on the day prior to the scheduled collection day. Recycling containers shall be retrieved as soon as possible and no later than the following midnight of the designated morning of pickup.

No Lot shall be used for open storage of any materials whatsoever, which storage is visible from the street, except that new building materials used in the construction of improvements erected on any Lot may be placed upon such Lot at the time construction is commenced and may be maintained thereon for a reasonable time, so long as the construction progresses without unreasonable delay, until completion of the improvements, after which these materials shall either be removed from the Lot, or stored in a suitable enclosure on the Lot.

### **Glass Block Windows**

Glass block windows are allowed on the main residential dwelling but they must be located on the sides or rear of the house. No ARC application is required if glass block windows are installed that strictly conforms with this guideline.

### **General Construction** (DCR Article VII Section 5. (b))

Unless Acts of God or natural disasters prevent it, all exterior and interior improvement construction shall be completed no later than six (6) months following the commencement of construction.

### **Generators**

Permanently installed generators are permitted. They shall be insulated for sound attenuation and preferably installed behind the fence line. If this is not possible, then it should be screened from public view. Permanently installed generators are regulated by City of Pearland Building Code and require a city permit.

### **Height Limitations – General**

The following summary list addresses various height limitations in The Subdivision. Please refer to the actual section of this document for any additional details.

- Antennae / Satellite Dishes – Six (6) foot or under
- Bench Swings, Free Standing – Eight (8) foot or under
- Birdhouses – Twelve (12) foot or under
- Fences – Refer to fence guideline within this document
- Fences, Arched Driveway Gate – Eight (8) foot or under
- Flag Pole ( ground mounted) 20 feet or under
- Free Standing Structures – ten (10) foot or under

- Lighting Fixtures – Eight (8) foot or under
- Other Covered Structures – ten (10) foot or under
- Overhanging Branches, Driveways and Sidewalks – minimum Ten (10) foot above ground
- Patio Covers, Unattached – ten (10) foot or under
- Playhouses – Eight (8) foot or under
- Storage Sheds – Ten (10) foot or under
- Swing Sets – Ten (10) foot or under
- Yard Ornaments – Four (4) foot or under

## **Hurricane Shutters**

Storm panel - These steel or aluminum shutters attach to the walls around windows and doors on bolts or tracks. Storm panels are corrugated, and each piece overlaps the next for maximum strength. There are several styles of storm panels to choose from. However this type of hurricane shutter is only allowed on a temporary basis and must be completely removed once the threat of the hurricane has passed.

- The first style incorporates both tracks and bolts. The top of the panel is slipped into a track above the window, and the bottom of the panel is secured to bolts that are permanently attached beneath the window.
- The second style uses a set of C-shaped tracks above and below the windows and doors. Bolts slide into the tracks from either side and must be manually aligned with the holes on the panels.
- The third style uses only bolts permanently set into the wall beside the windows and doors. They can be loosened as the panel is hung horizontally, and screwed down to secure it.

Accordion hurricane shutters - These one- or two-piece hurricane shutters are housed beside the windows or doors when not in use. They unfold accordion-style to cover and protect during a storm. This type of hurricane shutter is not allowed.

Colonial hurricane shutters -These are two-piece louvered shutters that attach to the wall beside each window. The fold together to protect the window. This type of hurricane shutter is allowed. The shutter shall compliment the color scheme on the existing structure.

Bahama hurricane shutters - These one-piece louvered shutters attach directly above the windows and prop open to provide shade for the window. Bahama shutters are storm-ready when lowered and secured to the wall. This type of hurricane shutter is not allowed.

Roll-down hurricane shutters - These shutters attach above the window. They roll up and store in an enclosed box when not in use. They are lowered either manually by a hand crank or automatically by push button, and lock in place for storm protection. This type of hurricane shutter is allowed. The enclosed box shall compliment the color scheme on the existing structure.

## **Improvements, Enclosed and 'Invisible'**

Some improvements are not readily visible from any street and/or other home in Pine Hollow. In general, such lack of or limited visibility does not exempt the Owner from complying with the



DCR's. However, the ARC may take such a situation into consideration when considering a variance. If an exception of this type is made, the precedent will apply only to other situations with similar lack of or limited visibility. Generally, the ARC will approve any improvement that meets ALL of the following conditions:

- a) It is completely enclosed within the fenced portion of the property.
- b) The fencing is of such a type as to shield the variance from general sight.
- c) It is less than six (6) feet in height at its highest point.
- d) It is not visible by a pedestrian standing at ground level on any adjoining street or sidewalk.
- e) It does not pose a hazard or annoyance to other properties or Owners.
- f) It does not have a deck higher than two (2) feet above ground.

**Landscaping** (DCR Article VII Section 5. (i) and Article VIII Section 17. (b) (c))

These guidelines apply both to items that create a non-acceptable condition upon installation and items that grow to become non-acceptable. The ARC cannot stress how important lot maintenance is to the overall appearance of The Subdivision. All properties (yards, common / retention areas, etc.) shall be kept at all times in a sanitary, healthful and attractive condition.

a) General Landscaping  
*Pine Hollow*

Landscaping shall be done in the front of all residential structures. The landscaping shall include fully sodded front and side yards, two (2) trees at least two (2) to three (3) inches in diameter for hardwood and three (3) to four (4) inches in diameter for trees other than hardwood, and hedges around the front and extending at least five (5) feet down either side of the house. Corner lot landscaping shall be the same as above with the addition that hedges around the side of the house will extend the entire length of the side of the house facing the corner street.

*Pine Hollow Estates*

Landscaping shall be done in the front of all residential structures. The landscaping shall include fully sodded front and side yards, three (3) trees at least two (2) to three (3) inches in diameter for hardwood and three (3) to four (4) inches in diameter for trees other than hardwood, and hedges around the front and extending at least five (5) feet down either side of the house. Corner lot landscaping shall be the same as above with the addition that hedges around the side of the house will extend the entire length of the side of the house facing the corner street.

*Pine Hollow and Pine Hollow Estates*

As trees mature, it may not be possible to have the required number of trees on a particular lot. The ratio of the size of the tree and tree canopy to front lot area may require the removal of a tree so that the remaining tree or trees can flourish. A homeowner may reduce the number of required trees by one (1) with approval of the ARC. This approval to reduce the required number of trees by one (1) will be done on a case-by-case basis.

In general, the addition or movement of shrubs, pavers, landscaping stones and other live items of landscaping is acceptable without a formal review by the ARC. Exceptions are landscaping that is, or will act as, a non-compliant fence, items that obstruct access to a vital Homeowners' service (such as a fire hydrant), items that obstruct visibility causing a hazard to vehicular or pedestrian traffic, items that create a hazardous condition, changes that are of a degree which changes the overall appearance of the residence, or any item that generates a complaint from a resident of The Subdivision.

Owners shall remove or replace all dead or diseased plants.

Sidewalks and Driveways should be kept clear of all overhanging branches. However, as trees mature within The Subdivision, this may not always be possible. Sidewalks and Driveways shall have a minimum overhang height of ten (10) feet.

b) Tree Removal

Removal of trees is discouraged unless the tree is diseased, dead, severely damaged or poses a hazard for foundations, fences, pools and pipes. Removal of live trees, without suitable immediate replacements, other than for safety reasons, from any lot will not be approved.

c) Landscaping Structures

- . Landscaping that impedes drainage or diverts water to adjacent lots is not permitted. Please refer to Drainage.

d) Pine Trees

Pine Hollow encourages the placement of at least one (1) pine tree in the front yard.

e) Mowing

The Owner / Occupant of all Lots shall at all times keep all weeds and grass on the portions thereof not maintained by the Homeowners' Association, including, but without limitation, easement areas within said Lot, cut in a sanitary, healthful and attractive manner. The Owner / Occupant of all lots shall keep all weeds and grass thereon cut and neatly maintained, including edging of curb areas.

f) Composting Bins

A properly maintained composting bin that is screened from public view, is not a public nuisance, and does not exceed twenty-five (25) square feet in area or six (6) feet in height is permitted.

Enforcement: If Owner / Occupant of any lot fails to comply with the above; then ten (10) days after written notice, the Homeowners' Association may without liability to the Owner / Occupant, in trespass or otherwise, enter upon said lot and do what is reasonable and necessary to place said lot in a neat, attractive, healthful and sanitary appearance. The Owner may be charged for this work by the Pine Hollow Homeowners' Association in maintenance assessments. This paragraph only applies to the landscaping section.

## **Lighting, Exterior**

In general, the addition of exterior lighting is both acceptable and desirable. This includes ground-level lighting, stand-alone lampposts and lighting mounted on a house or approved

structure. Such lighting fixtures must be compatible with the general tone and design of the neighborhood and be located inconspicuously. In all cases, stand-alone lighting fixtures must adhere to an eight (8) foot maximum height rule. Although not required for approval, Owners are encouraged to consult with affected neighbors prior to installing or changing exterior lighting. Wattage of exterior light(s) should be kept to a minimum because excess wattage can create a nuisance to neighbors or a hazard to drivers. Holiday style lights are only permitted during the holiday season and time frame allowed in guidelines.

a) Changes to Existing Lighting

Outside lighting that was installed at the time of original construction or that was installed after original construction with the approval of the ARC may be replaced with a new fixture provided that the wattage of the new fixture is comparable to the wattage of the existing structure.

b) Security Lighting

Security lighting shall be mounted behind the back plane of the house and below the eaves of the house. No pole mounted lights will be permitted. Mercury vapor / sodium vapor lights are not permitted.

c) Landscape Lighting

Landscape lighting is permitted as long as the lighting fixtures are located in flowerbeds, shrubs or similar landscaping or along the walkway leading to the front entrance of the house. Tree-mounted landscape lighting will be permitted as long as the fixture is not mounted higher than six (6) feet above ground level. Mercury vapor / sodium vapor lights are not permitted as landscape lighting.

d) Gas Lighting

Two (2) gaslights per lot shall be permitted with the ARC's approval. The gas lighting color must be white light.

e) Fence mounted lighting

Fence mounted lights are acceptable and are limited to no higher than 5 feet from the ground and the minimum distance between light fixtures is 5 feet. Fixtures shall be landscape type and no larger than 12 inches x 8 inches by 6 inches. The color is limited to black, nickel (satin finish), or copper. The bulbs must be enclosed within the fixture.

**Annoyances:** All new approved lighting shall be subject to a ninety (90) day trial period after installation to assure that the lighting is not objectionable to surrounding home owners. If at the end of the ninety (90) day period, no reasonable objections have been brought forward to the ARC, then the lighting will be deemed to be acceptable. Otherwise, the lighting will be required to be modified or removed in accordance with the ARC's decision. Care should be taken to ensure added lights do not encroach on your neighbor's windows and doors or cause a safety issue for drivers on the street.

**Mailboxes** (DCR Article VII Section 5. (h))

Each residence shall have postal service via a mailbox of the type and design as specified.

*Pine Hollow*

All homes in Pine Hollow are required to have a curbside brick mailbox structure that is square at the base and arched at the top. The base shall be approximately twenty-two (22)

inches by twenty-two (22) inches and the height shall be approximately fifty (50) inches. The brick shall match that of the home or in the case of a shared mailbox structure, the brick shall match that of one of the two homes sharing the structure.

#### *Pine Hollow Estates Section 1 and Section 2*

All homes in Pine Hollow Estates are encouraged to have a black wrought-iron “Barcelona” mailbox, style #1340, four (4) feet, nine (9) inches tall. Optionally, Pine Hollow Estates homes may have a single or shared mailbox structure that matches the above specifications for Pine Hollow. Curbside brick mailboxes meeting the same requirements of above are also permitted.

No ARC application is required if the mailbox installation strictly conforms with this guideline.

### **Painting**

All homes in The Subdivision have some painted areas (such as trim and siding areas). While this falls under the DCR’s, no attempt will be made to control painting activities in cases where the Owner is repainting with the same color as originally used. If the Owner wishes to paint an area that has not been previously painted or wishes to change the color, approval by the ARC will be required. Owners may change the paint used on their home if it falls within the established color scheme or band originally used to paint the homes in The Subdivision and is approved by the ARC as compatible with both the individual home and The Subdivision. Applications to paint an area that has not been previously painted or to change the color, **MUST** include at least two (2) color samples or paint chips and a reasonable color photograph displaying the home’s brick color.

Colors selected to paint the wood, trim, doors, shutters and gutter areas of homes and garages will be limited. Owners may choose to repaint using the same color as applied during initial construction. Shutters, trim, doors, downspouts and gutter areas may be painted in a contrasting color if, it falls within the established color scheme or band originally used to paint the homes in The Subdivision, and is approved by the ARC as compatible with The Subdivision. Surfaces that are painted must be maintained in good condition. Proper maintenance will be enforced.

Breezeway improvements must be painted the same color as the predominant paint color of the home and follow the color scheme for the main structures, and if painted must be maintained in good condition. Proper maintenance will be enforced.

Perimeter wooden fences shall not be painted.

Trellis structures attached to the main residence must either be painted the same color as the predominant paint color of the home or remain neutral. In either case, such improvements must be maintained in good condition.

Brick painting is not permitted.

#### a) Entrance Door(s) - Front

Doors are to be properly maintained when the effects of the weather (sun, rain, etc.) are evident. The ARC must approve any exterior color change. Storm doors are permitted in front entrance doors as long as they are full pane glass and the trim matches the

home, door or window trim. No ARC application is required if the door installation strictly conforms with this guideline.

b) Entrance Door(s) - Rear

The entrance doors at the rear and side(s) of the residence are to be painted the exterior trim or siding color of the home and are to be properly maintained. Aluminum storm or screened doors are permitted on the rear door(s) of the residence. No ARC application is required if the door installation strictly conforms with this guideline.

c) Garage Door(s)

The garage doors are to be painted the exterior trim or siding color of the home and are to be properly maintained.

## **Playhouses**

Only one (1) playhouse, not to exceed one hundred fifty (150) square feet in area and eight (8) feet in height measured from the ground, shall be permitted on a lot. Playhouses are constructed of wood and shingles (non-wood). The standard type / quality and color of the materials used in the construction of the playhouse shall be harmonious with those of the main residence. No exterior portion of such a structure shall be made of metal, fiberglass or corrugated tin. The playhouse shall be located in the rear portion of the lot, but should not be located on a utility easement. The playhouse must also conform to the building front and side setback restrictions. No such structures shall impede drainage from the lot or cause water to flow onto an adjacent lot.

## **Play Structures and Equipment (Swing Sets, etc.)**

Play structures and equipment are limited to twelve (12) feet in height and two hundred (200) square feet in area. Play structures and equipment must be located to the rear of the main residence in the fenced (or unfenced – in the case of Pine Hollow Estates) area of the lot and is suggested no closer than five (5) feet to any property line. References to viewable advertisement on play equipment is not allowed. Play structures should not be located on a utility easement and shall not impede drainage on the lot or cause water to be diverted to an adjacent lot.

Free standing bench swings that are eight (8) feet in height or less are permitted.

## **Pools, Decks, Spas, Arbors, Pergolas, Patio Covers and Gazebos**

a) Pools

In general, in-ground pools, ground-level decks and ground-level patio coverings are acceptable so long as they do not have decks higher than two (2) feet above ground level, are made of approved materials and are constructed in a manner that will not impede drainage or divert water to an adjacent lot. .

b) Spas and Hot Tubs

Spas and hot tubs are acceptable as long as accompanying decking does not exceed two (2) feet in height above ground level.

c) Freestanding Covered Structures

Freestanding covered structures (trellises, sun shades, arbors, and gazebos) and similar structures are acceptable so long as they are made of approved materials (wooden), do not exceed ten (10) feet in height and do not exceed one hundred (100) square feet in

roof area. Shingles, non-wooden and compatible with existing residence roof or wood trellis-work will be considered. Natural or pressure-treated wood may be used or painted compatible to existing structure. Supporting columns may be brick (compatible with existing structure), natural or pressure-treated wood (painted compatible to existing structure). No portion of a structure shall be made of metal, fiberglass or corrugated tin.

Semi-permanent metal frame gazebos with fabric covers are permitted. Maximum height is ten (10) feet, maximum square footage is one hundred and fifty (150). When the fabric becomes worn, faded or torn the structure must be replaced or removed. The metal structure cannot remain without its cover.

d) Pergolas

Freestanding pergolas are acceptable if they are made of wood, do not exceed twelve (12) feet in height and do not exceed four hundred (400) square feet in roof area. The pergola cannot extend beyond the eaves on the side of the house. Natural or pressure-treated wood may be used or painted compatible to existing structure. Supporting columns may be brick (compatible with existing structure), natural or pressure-treated wood (painted compatible to existing structure). No portion of a structure shall be made of metal, fiberglass or corrugated tin.

e) Patio Covers

Patio Covers are acceptable so long as they are made of approved materials (wooden), do not exceed ten (10) feet in height and do not exceed four hundred (400) square feet area. The four hundred (400) square feet area can be exceeded only if all the following requirements are met: the patio cover is substantially attached to the main residence; the patio cover does not extend more than 10 feet from the main residence and the patio cover does not extend beyond the side walls of the main residence. The soffit or overhang is not included in the 10 feet limit

Shingles, non-wooden and compatible with existing residence roof or wood trellis-work will be considered. Natural or pressure-treated wood may be used or painted compatible to existing structure. Supporting columns may be brick (compatible with existing structure), natural or pressure-treated wood (painted compatible to existing structure). No exposed portion of a structure shall be made of metal, fiberglass or corrugated tin. If one (1) full side of the covered structure is permanently attached to the house (not the garage), the structure may exceed the ten (10) foot height limitation, but must be attached below the eaves of the house. The construction material must be similar to the house construction.

f) Other Covered Structures

Other covered structures that provide shade and / or shelter made of canvas, nylon, or other fiber materials are not acceptable if over ten (10) feet in height. The exception to this ruling is that they may be used for very brief periods (not to exceed two (2) days) for special events, and may only be located to the rear of the main residence in the fenced (or unfenced – in the case of Pine Hollow Estates) area of the lot. These include tents, awnings,, etc.

## **Repairs, Quality of**

From time to time, homeowners will be required to make repairs to portions of their property that may be damaged or deteriorated. This includes such items as curbs, sidewalks, porches, fences, etc. Repairs are required to be of equal or better quality than original construction and of the same type. While there is no specific requirement for the Owner to apply to the ARC for such an in kind repair, the quality of such work may come under the scope of the ARC's responsibilities if the repair is done in such a way as, in the ARC's opinion, to detract from the appearance of the neighborhood.

## **Roofing Materials**

All new roofs must be the same "architectural" style as was originally installed on the home. Roofing materials may include asphalt or composite shingles having a minimum weight classification of 240 pounds per square foot. Generally, 30-year warranty shingles meet this requirement. Composition shingle roofs shall be comparable in color to weathered-wood or charcoal shingles and comparable in surface textural appearance of wood shingles.

Decorative copper roofing may be used on window peaks, dormer and bay windows. The ACC recommends that these roofs be allowed to age to its natural green color. However, if the homeowner desires to paint this roof type, written approval from the ACC must be obtained first.

Crushed marble, slag, pea gravel, spanish tile (clay), tin or aluminum sheet and wood shingles do not match the architectural style of the community and are not permitted. Any other roofing material or color shall be permitted at the sole discretion of the ACC.

## **Security Cameras and Security Items**

Alarm systems are encouraged, but may require a permit by the City of Pearland. Signs displaying monitoring companies (including window stickers) are allowed, however only in windows and front flower beds and the size of such sign does not exceed twelve (12) inches by twelve (12) inches. If the security signs or stickers strictly meet the requirements of this section, no approval is needed to post such signs.

In general, the addition of security cameras is both acceptable and desirable. Security cameras shall be mounted behind the back plane of the house, at entrances of main structures or below the eaves of the house. Such fixtures must be compatible with the general tone and design of the neighborhood and be located inconspicuously. The size of the camera shall not exceed six (6) inches by six (6) inches by six (6) inches. If the security camera installation strictly meets all of the requirements of this section, an ARC application is not required for approval.

A homeowner must receive approval from the ARC for other security camera locations not mentioned or if the security camera is larger than what is specified in this section before installation of such camera.

Burglar bars are not be permitted.

## **Septic Tanks** (DCR Section VIII Section 10.)

No privy, cesspool, or septic tank shall be placed or maintained upon or in any Lot, or other portion of The Subdivision.

## **Solar Panels** (DCR Section VII Section 5. (I))

Solar panels require written approval of the ARC prior to installation.

### **Solar Screens and Solar Film**

Solar screens must be compatible with the window and home exterior. Acceptable screen colors are charcoal, dark bronze and silver-gray. The screens must give the appearance of a window with a closed blind or a dark window where the blind is open. The screen must also cover all parts of the window, not just the arch or the block.

Solar screens on all four sides of the house are not required, although if one window on a side of the home is covered, then all other windows on that side of the home must be covered. An exception to all windows being covered with solar screens on a side of a home is made for:

- Block glass windows located on the side or rear of the residence
- Plate glass windows located on the side or rear of the residence
- Stain glass windows
- Windows that are under an approved or original construction attached patio cover located on the back of the house
- Non-operable windows next to front doors (side lights) and above front doors

Solar Film will be permitted as long as it meets the following requirements:

- The film must cover all parts of the window, not just the arch or the block;
- Solar film on all four sides of the house is not required, although if one window on a side of the home is covered, then all other windows on that side of the home must be covered;
  - An exception to all windows being covered with solar film on a side of a home is made for:
    - Block glass windows located on the side or rear of the residence
    - Plate glass windows located on the side or rear of the residence
    - Stain glass windows
    - Windows that are under an approved or original construction attached patio cover located on the back of the house
- Solar film may not contain any dyes and is to be made with clear metals;
- Solar film may not be shrunk on to the window surface;
- Solar film may not have a highly reflective sheen, only a matte sheen is allowed;
- Solar film is to be made for use only on straight surfaces; and
- Solar film is to have a lifetime guarantee.
- Aluminum foil or similar product is not allowed.

If the solar screen or solar film installation strictly meets all the requirements in this section, an ARC application is not required for approval.

### **Storage Sheds**

Only one (1) storage shed not exceeding one hundred fifty (150) square feet in area and Ten (10) feet in height measured from the ground shall be permitted on a lot. The shed shall be located in the rear portion of the lot, but should not be located on a utility easement. The shed must also conform to the building front and side setback restrictions. No such structures shall impede drainage from the lot or cause water to flow onto an adjacent lot.

Sheds are constructed of wood/fiber cement siding (Hardi Plank™) and shingles. The standard type / quality and color of the materials used in the construction of the shed shall be harmonious



with those of the main residence. Shingles must adhere to the Roofing Materials guideline and the color of the shingles must match the color of the main residence. No exterior portion of such a structure shall be made of metal, fiberglass, plastics or corrugated tin.

### **Storage of Vehicles / Boats and Repair** (DCR Article VIII Section 4.)

No boats, trailers, campers or recreational vehicle shall be parked or stored permanently or semi-permanently (defined as without movement for forty-eight (48) hours) on any, right-of-way, front yard area, driveway or common area / retention. Any such items or vehicle must be completely screened from public view within the garage or behind fence.

No motor vehicles shall be parked or stored permanently or semi-permanently (defined as without movement for forty-eight (48) hours) on any right-of-way, common area / retention or front yard area. Any such vehicle shall be parked in garage. An automobile that is not currently licensed or, if applicable, has an out-of-date inspection sticker cannot be parked in the driveway, front yard area common area / retention.

No repair work, dismantling, or assembling of motor vehicles or other machinery or equipment shall be done or permitted on any driveway or portion of the Common Areas/Retention.

The intent of this restriction is to prevent the storage in public view of the vehicles described above. Therefore, technical compliance with the restriction by storing the vehicle for the allowed time, taking it away for a short period of time, and then returning it again to its accustomed place is not in compliance with the meaning of the restriction and will not be permitted.

Public street parking is governed by the City of Pearland Ordinances and enforced by the City of Pearland Code Enforcement or City of Pearland Police Department. Any violations concerning street parking violations should be reported directly by the homeowner to either the City of Pearland Code Enforcement or the City of Pearland Police Department. The Pine Hollow HOA will not enforce rules governing public street parking.

### **Trailers, Mobile Homes, Barns or Other Similar Structures** (DCR Article VIII Section 3.)

No structure of a temporary character such as a trailer, mobile, modular or prefabricated home, tent, shack, barn or any other structure or building, other than the residence to be built thereon and a gardening equipment storage facility that has received approval from the ARC prior to being erected (such approval to be received in writing), shall be placed on any Lot, either temporarily or permanently.

An exception for covered structures used for brief periods is allowed if it meets the requirements specified in Pool, Decks, Spas, Arbors/Patio Covers and Gazebos in Section E

Portable storage containers (PODS™) are not permitted for longer than 1 week per Section 2.4.2.1 SD, Suburban Development District of the City of Pearland Unified Development Code Ordinance. Portable storage containers is governed by the City of Pearland Ordinances and enforced by the City of Pearland Code Enforcement. Any violations concerning PODS™ violations should be reported directly by the homeowner to either the City of Pearland Code Enforcement. The Pine Hollow HOA will not enforce rules governing PODS™.

(The HOA cannot make an exception to this. This is City Code so City Code would need to figure out how to handle it when someone wants to keep a POD longer than a week. The HOA has no jurisdiction in this.)

## **Weather Vanes**

Weather vanes will not be permitted.

## **Yard Ornaments, Fixtures, Statues / Statuettes and Furniture**

All lawn ornaments, installed outside of the fenced portion of the lot, whether temporary or permanent, will conform to the general restrictions of the DCR's. This includes height limitations, the prohibition of certain materials (such as plastic) and the limits to reasonably subdued earth-tone colors compatible with The Subdivision.

Any and all items kept for prolonged periods anywhere outside of the house are subject to the rules of the DCR's. It does not matter whether they are permanently installed by being cemented, or otherwise affixed, into the ground or just maintained on top of the ground or on porches. The following guidelines will apply:

a) Items on Porches

Items kept on porches such as patio furniture and plants will not require ARC approval unless a complaint is received. These items must be kept in the same condition as is required of the home and lot as specified on the DCR's.

b) Items in Enclosed Yards

The intent of the ARC is to permit the greatest flexibility for use of improvements in enclosed yards. In general, items of six (6) feet or less in height, of a temporary or mobile nature and kept within the confines of the fenced (or in the case of Pine Hollow Estates – unfenced) yard area will not require written approval. It will not matter whether the item(s) is visible from the street, property and gates. These items include pool furniture, children's play toys, tables, chairs and umbrellas. These items are seldom installed or kept on a permanent basis. Equipment such as grills, smokers, cookers, condensing units, pool pumps and heaters and other such appliances and items such as wood piles, garbage cans and clotheslines must be shielded from public view by adequate planting or fencing.

c) Front Yard and Visible Side Yard Items

Those items kept permanently, or for prolonged periods, outside the fenced (except for Pine Hollow Estates) area of the property will receive the closest attention from the ARC because of their greater visibility, but will not require written approval unless a complaint is received. Such items that do not need approval include decorations, statues / statuettes, bird baths and other lawn ornaments, less than four (4) feet in height and not to exceed four (4) total in number. Other items must meet the following requirements to be acceptable:

- Lighting fixtures, gas, must not exceed eight (8) feet in height.
- Park benches may be made of any combination of natural wood, wrought iron, brick, stone, clay, pottery or concrete.
- Planters may be made of any combination of natural wood, wrought iron, brick, stone, clay, pottery or concrete.
- Condensing units, pool equipment and other such items must be shielded from public view by adequate planting or fencing.

## **Yard Signs, Spirit Signs, Advertisements and Billboards**

(DCR Article VIII Section 6. (a) and (b))

No sign, advertisement, billboard or advertising structure of any kind shall be displayed to the public view on any portion of a Lot except for one sign for each Lot of not more than five (5) square feet solely advertising the Lot for sale or rent. Security signs are to be placed in the flowerbed. Contractor signs or home businesses advertising work being performed on a residence are permitted, but for a total time period of no more than fourteen (14) consecutive days per contractor/home business, per year. The first day the sign is placed in the yard is Day 1 and the last day the sign may be displayed is Day 14. If the sign is removed prior to the 14<sup>th</sup> day, those days are forfeited. The maximum number of different contractor's signs allowed per residence, per year shall be three (3), (with a maximum number of allowable advertising days totaling forty-two (42) days per residence, per year.) Any homeowner wishing to display such contractor's/home business signs shall notify the Board of Directors prior to sign placement of: 1) the start date on which the sign will be placed in their yard, and 2) the end date on which it will be removed (i.e., 14 days after placement in yard). These include, but are not limited to: home businesses, general contractors, remodeling contractors, pool, landscaping, decking, siding, roofing, painting, lighting or other individuals who might be contracted to perform services for residents in The Subdivision.

Signs displaying alarm system monitoring companies (including window stickers) are allowed. However these items can only be located in windows and front flower beds.

Signs for community service notifications, such as athletic, church, school or scouts, may be placed at the entrances to The Subdivision to announce activities or events. The organization(s) must receive Board approval prior to placing the signs at the entrances. Signs can be placed at the entrances seven (7) days before the event and must be removed the day after the event. Signs cannot exceed a size of two (2) feet by two (2) feet and must be durable in nature. The Board reserves the right to reject and remove any inappropriate signs for reasons of content or construction. Note: Poster Board nailed to a wooden stake is not appropriate.

Signs for community service notifications, such as athletic, church, school or scout, may be placed at individual homeowner property to announce activities or events. Signs can be placed on a homeowners' property for fourteen (14) days before the event and must be removed the day after the event. Signs cannot exceed a size of two (2) feet by two (2) feet and must be durable in nature. The Board reserves the right to reject and remove any inappropriate signs for reasons of content or construction. Note: Poster Board nailed to a wooden stake is not appropriate.

Birth announcement signs may be placed in the window or yard for a reasonable period of time not to exceed two (2) weeks from the date of the event. Party (birthday, shower, weddings, etc.) and school and other event announcement signs may be placed in the yard no sooner than two (2) days before the event and must be removed no later than one (1) day after the event. Garage sale signs are permitted to be displayed in the yard of the sale only on the day(s) of the sale and must be removed immediately after the sale and are subject to city ordinance.

School activity spirit signs (volleyball team, basketball team, cheerleader, band, etc.) are to be located in the flower bed area within five (5) feet of the main residential structure and to be permitted for no longer than the actual season of the activity. The signs must meet the same requirements as other signs with respect to size and materials of construction.

Garage sale signs must be obtained from the City of Pearland and the garage sale must be permitted by the City of Pearland for a resident to display a garage sale sign. Garage sale signs

may be placed at individual homeowner property or at the entrances no earlier than 24 hours before the garage sale and must be taken down no later than 24 hours after the garage sale. No more than four (4) garage sale signs can be displayed in the neighborhood for a single residence at any one time.

Political signs are to be limited to or meet the following requirements:

- Ground-mounted;
- One sign per candidate or ballot item;
- Placement on or after the 90<sup>th</sup> day before the date of the election;
- Removed before the 10<sup>th</sup> day after that election date;
- Does not contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping or nonstandard decorative component;
- Cannot be attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object;
- Does not include the painting of architectural surfaces;
- Does not threaten the public health or safety;
- Is not larger than four (4) feet by six (6) feet;
- Does not violate a law;
- Does not contain language, graphics, or any display that would be offensive to the ordinary person; and
- Is not accompanied by music or other sounds or by streamers or is otherwise distracting to motorists.

The use of utility poles, traffic sign supports, and mail boxes / mail box clusters for the posting and / or display of announcements, sales, lost and found, and other notices is prohibited.

Those activities sponsored by the HOA, such as Toys-For-Tots collection sites, Yard of the Month, community service, wild flower reserves and other designated functions or initiatives sponsored by the HOA, may have a sign posted from the start of the designated period until two (2) days after the designated period. The Pine Hollow HOA meeting/event signs can be displayed for seven (7) days before the event and must be removed within one week after the event. Signs that fall under this paragraph may be displayed at the entrances or on homeowners' property.

The Board shall have the right to remove any signs, advertisement, billboard or structure that is in violation of this section.

### **Exceptions**

Exceptions to these guidelines and / or DCR's will be made in exceptional and unusual cases to accommodate Federal, State and Local laws. An example would be to permit a structure that does not conform to be built for the special needs of a handicapped resident.

In all cases, the Owner will be granted the variance on a temporary basis for only that period in which the handicapped person resides in the home. An agreed notice of noncompliance will be required to be filed in the deed records of Brazoria County at the Owner's expense. When the property is sold or transferred, the property must be brought into compliance.

Exceptions will not be made for reasons of economic convenience or hardship (other than handicap), to accommodate recreation activities or for reasons of individual taste, appearance or beautification.

### Severability

Invalidation of any one of more of the clarifications, guidelines, conditions, or provisions contained in this Document, or any part thereof, shall in no manner affect any of the other clarifications, guidelines, conditions, or provisions hereof, which shall remain in full force and effect.

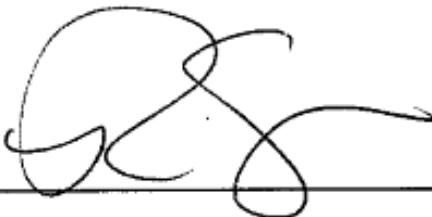
### PRESIDENT'S AND SECRETARY'S

**CERTIFICATION:** The undersigned, respectively being the President of the Pine Hollow Homeowners Association, a Texas nonprofit corporation, certifies that the foregoing policy was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on this

22<sup>nd</sup> day of July (month), 2010  
and in witness thereof, the undersigned has subscribed his/her name.

**PINE HOLLOW HOMEOWNERS ASSOCIATION**  
a Texas non-profit corporation,

By:



\_\_\_\_\_  
President

Attested:

  
\_\_\_\_\_  
Secretary

## **Attachment 1: Architectural Review Application**

**PINE HOLLOW HOMEOWNERS ASSOCIATION**  
**C/O COMMUNITY MANAGEMENT SOLUTIONS, INC.**  
**2615 BAY AREA BOULEVARD**  
**HOUSTON, TX 77058**  
**281-480-2563**  
**FAX 281-480-2608**

**Architectural Review Application**

The governing documents for the Pine Hollow Homeowners Association require that changes or alteration made to the exterior of any home or lot be approved by the Association's Architectural Review Committee prior to construction or installation. Changes or alterations include, but are not necessarily limited to, items such as basketball goals, play structure, patio covers, arbors, storage sheds, room additions, paint colors, grade and landscape changes, antennae, storm doors, windows and solar screens. More information may be found in the Association's Declarations of Covenants and Restrictions (DCRs) and Architectural Guidelines and Clarifications documents. Applications will be approved or denied based on compliance with these Restrictions. These governing documents also give the Association the authority to have the homeowner remove any improvements on the property, which have not been approved by the Committee.

To request approval, please provide, in duplicate, as much information as possible about the external physical characteristics (size, color, general appearance) and location (in relation to your home and property lines) of the proposed change. Modifications such as room additions will require architectural drawings (two copies). Incomplete applications will not be accepted for review. The following form is intended to serve as a guide in obtaining the necessary information. Additional pages may be attached as needed.

Owner's Name: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Street Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

\_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

- Briefly describe the change or improvement: \_\_\_\_\_

\_\_\_\_\_

- Construction Materials:

Roof \_\_\_\_\_  
 Does this match roofing on residential structure? Yes No N/A

Frame/support \_\_\_\_\_ Siding \_\_\_\_\_

Base or foundation \_\_\_\_\_ Other \_\_\_\_\_

Final Paint Color \_\_\_\_\_  
 Does this match paint on residential structure? Yes No N/A

Component Colors \_\_\_\_\_ Other \_\_\_\_\_

\_\_\_\_\_

- Dimensions of improvements

Height (from peak to ground) \_\_\_\_\_

Length \_\_\_\_\_ Depth \_\_\_\_\_ Area \_\_\_\_\_

- Location of improvement (distance from structure to property line, building line, easements):

To side property line: \_\_\_\_\_ To rear property line: \_\_\_\_\_

To easement(s): \_\_\_\_\_ To front building line: \_\_\_\_\_

Other: \_\_\_\_\_

Attach plot plan showing location of improvement (on plot diagram):

- Attach elevation, sketch, or picture of improvements:

Estimate completion date (for scheduling project inspection) \_\_\_\_\_

I understand that the Architectural Review Committee will act on this Application within 30 days from receipt by the Committee and will contact me in writing regarding their decision. I understand that this form is strictly an Application, and does not constitute approval. I understand that if approval is granted that I am responsible for obtaining all applicable construction permits from all governmental agencies having jurisdiction over such matter. I understand I am responsible for meeting the guidelines unless a variance has been specifically approved and the project is subject to verification against the approved application

\_\_\_\_\_  
Homeowner's Signature

\_\_\_\_\_  
Date



## **Attachment 2: Variance Request Policy**

## **Attachment 2: Variance Request Policy**

### **Purpose:**

The Board recognizes that each property owner has the right to request a variance from the Guidelines and / or Deeds Covenants and Restrictions in the event the Architectural Review Committee (ARC) has denied an application. The purpose of this policy is to provide a guideline for the variance process as an aid to the Board in deciding if a variance should be granted.

### **Policy:**

After the ARC denial to approve an ARC application, the property owner may file a variance request with the Board through its Management Company to approve. Within 30 days after the denial from the ARC is given, the property owner must forward all supporting documents to the Board through its Management Company giving the reasons why the Board should approve the variance request. The property owner may request in writing a meeting with the Board to discuss the variance. Within 60 days of the receipt of the request for a variance by the Board, the Board may either grant or deny in writing the variance request. If there is no response given by the Board, the variance request shall be deemed denied.

The ARC cannot grant a variance in any circumstances. However, the ARC may offer an opinion as to whether or not the variance should be granted. The Board encourages the ARC to make a recommendation on any ARC application in which the property owner will pursue a variance. The Board may take the ARC recommendation under consideration when making the final decision on the variance.

At the request of the Board, the Management Company may send a letter with details to the affected neighbors (those homeowners living immediately adjacent to or across the street from the homeowner making the variance request) notifying the residents that variance is being requested. The affected neighbors shall have 15 days after the mailing of the letters to respond either for or against the proposed variance. These responses may be taken under consideration by the Board during deliberations concerning the variance.

The Board may use the following considerations below when deciding on a variance request, but the Board is not limited to these considerations:

- A.** That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lots, structures or buildings in the subdivision.
  
- B.** That literal interpretation of the provisions of the deed restrictions or architectural guidelines would deprive the applicant of rights commonly enjoyed by other property owners in the subdivision under the terms of the deed restrictions or architectural guidelines.
  
- C.** That special conditions and circumstances are not created by the actions of the applicant.

- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by the deed restrictions or architectural guidelines to other lots, structures, or buildings in the subdivision.
- E. That a literal enforcement of the provisions of the deed restrictions or architectural guidelines would result in unnecessary hardship.
- F. That building materials have improved or construction requirements have changed since the original construction of the subdivision.

Variances can be granted on a temporary or permanent basis depending on the situation. Unless otherwise indicated by the Board, all variances will be granted on a permanent basis. Where a temporary variance is granted, it shall exist only as long as the current owner owns the house and lot; it is non-transferable. At the time the house is sold, the temporary variance shall expire and the owner, either the seller or buyer, shall remove the variance and cure the deed restriction violation immediately. A notice of temporary variance containing the language set forth in this paragraph and approved by the ARC shall be filed of record with the Brazoria County Clerk at the expense of the current owner to whom the temporary variance was granted.

All variances that have been granted will be logged by the Management Company. When the ARC updates the Guidelines Document, this list will be reviewed to determine if there are trends in approved variance requests. If a repetitive variance is requested and granted, then a change in the Guidelines Document may be made to accommodate the variances so that a variance is no longer necessary.

The granting of a variance request is not considered a waiver of the right to enforce deed restriction violations regarding any variances constructed without approval. Variances must always be requested unless a change in the Guidelines Document is made.

## **Attachment 3: Architectural Review Committee Worksheet**

# ARCHITECTURAL REVIEW COMMITTEE WORKSHEET

Property: \_\_\_\_\_ Date Received: \_\_\_\_\_ Logged: \_\_\_\_\_

Owner Name: \_\_\_\_\_ Address: \_\_\_\_\_

Description of Improvement: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Variance: Materials \_\_\_\_\_ Appearance \_\_\_\_\_ Size \_\_\_\_\_ Location \_\_\_\_\_

Management Company Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Committee Response: Approved \_\_\_\_\_ Conditionally Approved \_\_\_\_\_ Denied \_\_\_\_\_

Denied Due To Lack of Information \_\_\_\_\_

Committee Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

ARC Representative(s)

\_\_\_\_\_

ARC Representative(s)

Special Notification Request: via phone \_\_\_\_\_ letter sent \_\_\_\_\_

Other: \_\_\_\_\_

**Attachment 4: Final Project Inspection and ARC Approval**

## FINAL PROJECT INSPECTION AND HOA APPROVAL

This section will be completed after final project inspection by the ARC or CSI Management.  
(Note: Homeowner is responsible for calling CSI to schedule final inspection)

Project Approval Date: \_\_\_\_\_

Project Completion Date: \_\_\_\_\_

Final Project Inspection Date: \_\_\_\_\_

Inspector Name: \_\_\_\_\_

The completed project is in compliance with the following application information:

Improvement/change description	Yes	No	
Improvement location	Yes	No	
Project dimensions			
Length:	Yes	No	
Depth:	Yes	No	
Area:	Yes	No	
Color matches residential structure or specified color	Yes	No	
Roof matches residential structure (if applicable)	Yes	No	N/A

Comments:

I hereby certify the completed project is: [ COMPLIANT NON-COMPLIANT ] with the above approved ARC application.

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**Printed Name**

\_\_\_\_\_

**Date**