

***FOSTERS MILL VILLAGE***  
***COMMUNITY ASSOCIATION***

*Sections One, Two Three and Four*

**ARCHITECTURAL**  
**GUIDELINES**

**Updated and Approved by the Board of Directors January, 2013**

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# OVERVIEW

Kingwood, a subdivision in the City of Houston, is divided into numerous villages, one of which is Fosters Mill Village. Each village is under the jurisdiction of a community association -- a Texas non-profit corporation that generally provides common services to the village for the purposes of keeping the community attractive and preserving and protecting property values. The Protective Covenants authorize the Association to establish rules, standards and procedures for the orderly development and maintenance of the Subdivision. Reference is also made to legislation for Property Owners Associations, House Bill 62, State of Texas, enacted June 17, 2011.

It is the intent of the Association and the Architectural Control Committee (ACC) to enhance property values and the desirability and attractiveness of properties within the Subdivision. These Guidelines are intended to support these efforts. The Guidelines include information on the following:

1. Type, color and quality of materials that may be used in the construction of various exterior improvements.
2. Guidelines relating to specific types of improvements commonly proposed by property owners.

As detailed in the Protective Covenants and these Guidelines, each property owner must seek approval from the ACC prior to constructing any new improvements on his/her lot or making any changes to the exterior of existing improvements on his/her lot. This procedure is intended to preserve the architectural design of the Subdivision in a fair and uniform manner. All new improvements or changes to the exterior of existing improvements must be in compliance with National, State, County and City of Houston Codes and permitting authority, where applicable.

## Definitions

Terms used in this document are defined as follows:

<b>Association</b>	Fosters Mill Village Community Association
<b>ACC</b>	The Architectural Control Committee of the Association (the assignee of Friendswood Development Company).
<b>Board</b>	The Board of Trustees of the Association
<b>Protective Covenants</b>	The Declarations of Covenants, Conditions and Deed Restrictions, and the Protective Covenants recorded

in the Real Property Records of Harris County, Texas and applicable to all lots within the Subdivision.

<b>Subdivision Common Areas</b>	All of Fosters Mill Village, Sections One, Two, Three and Four. Shall mean all real property owned by the Association for the common use and enjoyment of the Fosters Mill Village property owners.
<b>Guidelines</b>	The rules, standards and procedures set forth herein, and as such rules, standards and procedures may be hereafter supplemented and amended.
<b>Foster Mill Village</b>	Fosters Mill Village, Sections One, Two, Three and Four, also referred to as “the Subdivision”.
<b>Architectural Control Administrator</b>	Kingwood Association Management, 1102 Kingwood Drive, Suite 104, Kingwood, TX 77339 (ACA) 281/359-1102

## **Application Procedure**

All Applications for approval to make any exterior change, addition, or improvement must be submitted in writing to the ACC through the Association’s management company (ACA). Plans and specifications must be attached to the application and include the following information:

- a. Scaled drawing(s) and elevations of the proposed structure showing the top, front, side and rear exterior views; overall dimensions (length, width, height) of the structure; and the layout and dimensions of supporting structures (e.g., beams, rafters, trusses, etc.);
- b. A copy of an official survey of the lot showing the location of all easements, existing buildings and structures, and the location of the proposed improvement;
- c. A description of all materials used, including product name, model number, size, color, etc. Color samples (e.g., “paint chips” of all paints to be applied to the exterior of the improvement must be included;
- d. A sample of the proposed roofing material.

The ACC has thirty (30) days from date of receipt of a completed application to approve or disapprove the application. The thirty (30) day period begins upon receipt of the application and all required information by the Association’s management company. If the application is incomplete and the ACC requests additional information, the application shall be deemed to be denied; a new thirty (30) period will commence upon the submission of the additional information requested by the ACC. If an application is deemed approved as the result of the ACC’s failure to respond within thirty (30) days, it shall not operate to permit the owner to construct or maintain any improvement on the lot that violates any provision in the Protective Covenants including, by way of example and not limitation, any provision relating to location or size.

## **Timing**

It is anticipated that applications will be acted upon in an expeditious manner. However, owners should recognize that the ACC has thirty (30) days to approve or disapprove an application; therefore, owners should not schedule work earlier than thirty (30) days from the date the application is submitted. If the ACC fails to approve or disapprove a complete application within thirty (30) days of its receipt, the application shall be deemed approved; however, in no event shall such deemed approval constitute approval of any application for an improvement that would violate the Protective Covenants, or National, State or Local codes.

## **Appeals**

If an application is denied by the ACC, the owner may appeal the decision to the Board. An appeal must be submitted to the Board, through the Association's management company, in writing within thirty (30) days of the date of the ACC's denial. The appeal should generally outline the basis of the appeal and request a hearing before the Board. The Board shall endeavor to schedule an appeal at the next Board meeting following the receipt of the owner's request. The decision of the ACC shall remain in effect during the appeal period. The decision of the Board shall be final.

# **GENERAL GUIDELINES**

## **1. ACC Review Factors**

- a. All materials, colors, exterior design (elevations), size (dimensions), and locations must be harmonious with existing and other proposed structures.
- b. Additions to the exterior of a residential dwelling or other structure are to appear as if they were part of the original construction.
- c. The Association is not responsible for ensuring compliance with applicable utility easements, building setbacks, building codes and any other regulations imposed by any local or state governing bodies or utilities; nor does the Association make any express or implied warranties as to the suitability, fitness, or quality of the improvements or alterations to be made.
- d. The location of a proposed improvement shall not violate any building set back lines or utility or drainage easements shown on the recorded plat or as provided in the Protective Covenants, nor obstruct sight lines at street intersections.

**NOTE:** The ACC may not grant permission to place an improvement upon or across any utility easement. Consent to encroach upon any utility easement must be obtained in writing from the owner of the easement (i.e., the utility company); the ACC may grant permission to place an improvement upon or across a drainage easement, subject to the condition that the improvement may not impede drainage on any property served by the drainage easement (i.e., including adjacent lots). If deemed necessary, in its sole discretion, the Association may revoke consent to encroach upon any drainage easement; removal of improvements (if required by the Association or owner of the easement) shall

be the sole responsibility of the owner who erected or installed the improvement (or his/her successor in title); removal shall be at the owner's sole cost and expense.

- e. Improvements other than the residential dwelling and garage may not exceed eight feet (8') in height (accept as otherwise expressly provided in the Protective Covenants of these Guidelines).
- f. Improvements exceeding two feet (2') in height may not be located nearer to the street than the building setback line, as provided in the Protective Covenants.
- g. Improvements which are intended to be used for a purpose for other than single-family residential purposes, or which may become an annoyance or nuisance to the neighborhood, are not permitted.
- h. Improvements must be located on the lot so that the use of the improvements will not infringe upon the use and enjoyment of any neighboring property nor place any neighboring property at increasing risk of damage.
- i. Projects may not be started until all appropriate approvals are received, and projects must have a completion date acceptable to the ACC.

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

## **2. Miscellaneous (*from Protective Covenants*)**

In addition to these Guidelines, owners should note the following provisions in the Protective Covenants:

- a. All sites (lots) and improvements to shall be kept in a sanitary, healthful, and attractive condition. Yards must be cut, trimmed, and weeded and beds must be attractively maintained. The Association has the authority to go upon a lot to correct violations of this provision. However, any and all costs associated with correction of violations is at the sole expense of the owner.
- b. No boats, trailers, campers, buses, inoperative vehicles of any kind shall be parked or stored permanently or semi-permanently on any public street, right-of-way, driveway, or greenbelt. Storage of such items must be screened from view.
- c. All signs, advertisements, or billboards may not be displayed on any lot, with the exception of one sign advertising the property for sale or rent. Home security signs may be permitted provided there are not more the four (4) small, inconspicuous, discretely placed signs for the purpose of providing notice of a home security system and they must be provided by a professional security company. Youth activity signs (i.e. Football; Basketball; Baseball; Soccer; Cheerleading, etc are also permitted while the youth is actively engaged in the activity, and these signs may not exceed one (1) – two (2) square feet in area; must be mounted on a stake; the top may not exceed more than two feet (2') above the ground, and must be located no further than three feet (3') from the front of the residential building.

The Association may require the removal of any sign that is in violation of this provision or is not, in its sole discretion, maintained in a neat and attractive manner.

## **FENCES**

### **GUIDELINES FOR FENCES ON RESIDENTIAL PROPERTY**

#### **1. Design Criteria**

**a. *Fence Material***

Wood (cedar), ornamental metal (black), and plastic/wood composite fence material (rustic cedar; rustic barnwood or rustic redwood).

**b. *Wood Fence Construction***

Wood and plastic composite fences adjacent to any street along the front, side or rear property line of a lot must be constructed with all pickets on the outside so that no posts or rails are visible from the street.

**c. *Gates***

All gates must be constructed harmonious with existing structures.

**d. *Color***

A fence shall be painted or stained only with the prior approval of the ACC. As a general guideline the color of a paint or stain to be applied on the outside of the fence must be compatible with the colors on the exterior of the residential dwelling on the lot and the general color scheme of the subdivision.

**e. *Ornamental Metal Fences***

The height, location and spacing of the bars of all ornamental metal fences must be approved by the ACC and must comply with City of Houston codes.

**f. *Chain Link and Wire Fences***

There shall be no chain link or wire fences.

**g. *Setback Lines***

No part of a fence may be constructed on a lot nearer to the street than the front plane of the residential building.

**h. *Maintenance of Fences***

Pickets, caps, baseboards or bars that are broken, warped, bent, sagging or which have deteriorated must be properly repaired or replaced. All fences that are stained must be properly maintained to prevent cracking, chipping, fading or mildewing.

**i. *Height of Fences***

Side or rear fences without a baseboard shall not exceed six feet (6') in height measured from the ground. The height may be increased by the addition of up to two six inch (6") baseboards. Fences between the house and garage shall be not less than four feet (4') in height nor more than six feet (6') in height plus baseboards. No fence in excess of two feet (2') in height shall be erected or maintained nearer to the front lot line than the building setback line. Rear fences on Lots eight (8) thru eighteen (18) of Block 23, Section Three shall not exceed four (4) feet in height.

**j. *Greenbelt Lots***

No fence shall be constructed on lots adjoining the greenbelt without prior written approval of the ACC.



***a. Golf Course and Common Area Lots***

All lots adjoining a “*Golf Course*” or “*Common Areas*” shall not construct a fence exceeding four feet (4’) in height along property boundaries adjoining the “*Common Area*” constructed of wood or ornamental iron with a maximum of three inches (3”) between bars.

The foregoing notwithstanding;

In **Section One**, Lots 1 thru 14 of block 17; lots 26 thru 29 of block 17 and lots 1 thru 10 of block 21; in **Section Three**, lots 11 thru 21 of Block 1 and Lots 8 thru 17 of block 23, and in **Section Four**, lots 11 thru 21 of Block 1, rear fences may not exceed four feet (4’) in height with a maximum of three inches (3”) between bars.

## **SWIMMING POOLS AND SPAS**

An application for the construction of a swimming pool or spa must include a plot plan showing the proposed location of the swimming pool or spa in relation to the property lines, building lines, existing structures and existing or proposed fences. If any trees are to be removed or relocated, an application for the construction of a swimming pool or spa must include a plot plan showing the trees to be removed or relocated which must be identified. The application must also include a timetable for the construction of the pool or spa. No swimming pool or spa shall be approved unless the area in which the pool is to be located is either enclosed by fence in compliance with City of Houston codes constructed of wood or ornamental iron, or such a fence is proposed to be constructed in conjunction with the swimming pool and there is an underground drainage system. A pool or spa must also have an adequate drainage system installed according to the requirements of applicable City of Houston codes.

The construction of all swimming pools must be in compliance with the National Electrical Code and include the installation of a ground fault circuit interrupter, all in compliance with City of Houston codes. No swimming pool may be enclosed with a screen or other type of enclosure. There shall be no above ground pools.

## **OUTBUILDINGS**

Any type of building that exists on a lot but is not attached to the residential dwelling on the lot, other than the dwelling itself, a detached garage, a gazebo and a play structure, shall be considered an outbuilding, including tool and/or storage buildings. Only an outbuilding not exceeding eight feet (8') in height shall be permitted on a lot. The standard, type, quality and color of the materials used in the construction of an outbuilding shall be harmonious with the standard, type, quality and color of the materials used in the construction of the residential dwelling on the lot. No exterior portion of an outbuilding shall be made of plastic, metal or steel.

The roof of an outbuilding shall conform to the provisions relating to roofing materials set forth in the Protective Covenants and these Guidelines, and must be compatible with the color and type of materials used in the construction of the residential dwelling on the lot. An outbuilding must be located in the back yard of the lot enclosed by a fence. The outbuilding may not be closer than

three feet (3') from any property line, and on a corner lot, the outbuilding must be nearer to the interior property line than the property line adjacent to the side street. The ACC cannot consent to any structure being located on a utility easement.

## **GAZEBOS, PAVILIONS AND SPA ENCLOSURES**

For purposes hereof, gazebos, pavilions and spa enclosures shall be defined as free-standing, framed structures with lattice-type walls, not intended or permitted to be used for any type of storage. These typically are circular or octagonal shaped structures.

All structures must have a permanent roof that complies with the requirements of the Protective Covenants and these Guidelines. The materials used in construction of the structure shall be harmonious with the standard, type, quality and color of the materials used in the construction of the residential dwelling on the lot. Louvered or trellis style structure roofs may be allowed if the design of the roof and the quality of materials are approved by the ACC. Pressure-treated wood may be stained or painted. Water and electricity may be permitted upon approval and according to City of Houston and National Electrical Code. All pipes and cables must be underground. These structures must be located a minimum of six feet (6') from the rear and side property lines. No structure shall impede drainage on the lot or cause water to flow onto an adjacent lot.

## **CHILDREN'S PLAY STRUCTURES**

For the purposes hereof, a children's play structure shall mean any type of children's swing set, play set, climbing structure, slide, or raised play set. A maximum of two (2) children's play structures are allowed on a residential lot. The maximum dimensions for each play structure are twelve feet (12') in height with a maximum of six feet (6') in height for the play platform. Tarpaulin colors will only be approved if harmonious with the color of the residential dwelling. No play structure may be located nearer than six feet (6') from any property line, and must be located to the rear of the residence and not visible from the street. Additionally, any play structure with support members and a tarpaulin above eight feet (8') in height must be located at least ten feet (10') from any common property line separating the lot from another residential lot. No play structure shall be approved for construction on any utility easement. No play structure shall impede drainage on the lot or cause water to flow onto any adjacent lot.

## **PATIO COVERS**

The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in the construction of the residential dwelling on the lot. Corrugated roofs for patio covers shall not be permitted under any circumstances. If siding is used on a patio cover, the siding material must be of the same type, quality, and color as the siding on the residential dwelling. Roofing materials on a patio cover shall conform to the provisions relating to roofing materials set forth in the Protective Covenants and these Guidelines. Louvered or trellis style patio cover roofs may be allowed as long as the quality and color of the materials is approved by the ACC. Pressure treated wood may be stained, painted, provided the color shall conform to the provisions relating to painting set forth in these Guidelines. Any patio cover which is not attached to the residential dwelling shall be subject to the Guidelines set forth herein for gazebos, pavilions or spa enclosures.

The roof of a patio cover (other than arbor or trellis type) must be covered with shingles that comply with the roofing guidelines set forth herein, and must have a minimum of 3:12 slope. Corrugated fiberglass and metal materials are not acceptable and will not be approved. If any portion of the patio has a peaked or cone-shaped roof, that portion of the patio cover must also comply with the guidelines for conical shaped (peaked roof) gazebos, including guidelines for size, location and height.

## **PATIO ENCLOSURES**

A "patio enclosure" is any patio cover that has exterior walls and/or screens (other than "sun rooms" as defined in these Guidelines). All structural components of a patio enclosure, including roofing materials, shall be subject to the Guidelines set forth herein for "Patio Covers". This section describes additional requirements for walls, screens and frames used to enclose a covered patio or deck.

The standard, type, quality and color of the materials used in the construction of a patio enclosure must be harmonious with the standard, type, quality and color of the materials used in the construction of the residential dwelling. Exterior walls of a patio enclosure must be constructed of brick or siding which is of the same type, quality, and color as the brick and/or siding materials used on the residential dwelling on the lot. Aluminum siding is not allowed. No visible part of the enclosure may be made of metal or steel other than screens, frames, and storm doors. Patio enclosure screens must be the same color as existing window screens on the residential dwelling and must have adequate cross-member support to avoid sagging. The exterior color of doors, sills, beams, frames, or other visible supports must match the exterior colors of the residential dwelling or the color of existing window frames.

## **DECKS**

All decks must be approved by the ACC with respect to location and the standard, type, color and quality of the materials used in construction. No deck shall impede drainage on the lot or cause water to flow on an adjacent lot. No deck shall be constructed higher than the top of the foundation of the residential dwelling.

## **EXTERIOR LIGHTING**

No exterior lighting may be directed to shine on an adjacent lot. The Board reserves the right to require the removal or modification of any lighting that it reasonably determines to be an annoyance to one or more residents.

## **PAINTING**

No exterior surface of any house, garage, out building or other structure or improvement on any lot shall be painted without the prior approval of the ACC. This requirement applies to all

improvements, whether existing or proposed, and whether the color(s) to be used on an existing improvement is/are the same. Color samples or "paint chips" of the proposed exterior color(s) must be attached to each application submitted to the ACC. In no case will more than three (3) colors be approved for the exterior of any residential dwelling or other structure on a lot. The following additional guidelines shall also apply:

**1. Harmonious Colors.** The proposed colors must be harmonious with each other and with the colors of the brick and roofing materials on the residential dwelling.

**2. Principal Colors of Dwellings** The primary color of the dwelling and garage on a lot, including the garage door, must be approved by the ACC. The ACC may approve similar paint colors on a residential dwelling in close proximity to the lot if the brick or accent colors used on the residential dwelling in close proximity are substantially different from those proposed to be used on the lot in question. Otherwise, the ACC may deny approval of the proposed colors, even if otherwise acceptable, to provide diversity in appearance.

**3. Trim** Soffit, fascia board, window and door trim and rain gutter colors must also be approved by the ACC; however, the shade of a trim color may be different than the primary color of the dwelling or garage. No more than two (2) trim colors will be approved for each residential dwelling.

**4. Gutters** Rain gutters must match the color of the fascia board trim.

**5. Accents** Shutters, window hoods, the side panels of doors and windows, and the exterior surfaces of doors may, with ACC approval, be painted any acceptable color, including trim color.

**NOTE:** The Protective Covenants require harmony of color as well as exterior design with existing structures.

## **ROOFING MATERIALS AND ADDITIONS**

### **1. Materials**

A sample of the proposed shingle to be placed on any residential dwelling or other improvement on a lot must be attached to each application submitted to the ACC. Each color of roofing material must be an acceptable shade. A sample of each ACC approved shingle color can be observed at the offices of Architectural Control Administrator.. Only fiberglass or composition asphalt shingles with at least a 30 year warranty, 110 mph wind resistance, such as GAF/ELK "Timberline"; Owens Corning "Duration", or equivalent, will be approved, except as otherwise expressly provided in the Protective Covenants.

Patching of an existing roof will not be approved by the ACC unless the patching can be installed to match the color and the shade of the balance of the existing roof.

Metal roofing materials are not allowed.

## **2. Roofing Additions.**

No skylights, roof ventilators or similar types of additions shall be permitted on the front of the roof ridgeline and/or gable of a structure. All roof ventilators, vents, stacks, and protrusions shall be located to the rear of the ridgeline and/or gable of any structure and shall not extend above the highest point of the roof on such structure. The ACC shall have the right to approve exceptions to the foregoing in cases where energy conservation and heating/cooling efficiency require ventilators that, because of a particular roof design, cannot be screened from public view.

## **SOLAR ENERGY DEVICES**

Solar energy device materials and installation must meet the following guidelines:

1. Submission of an ACC Request Form with detailed information relating to the residence where the solar energy device installation will occur.
2. A Site Plan for the residence showing (a) the solar device array; (b) combiner/transition box; (c) inverter; (d) main service panel; (e) AC utility disconnect, and (f) utility meter.
3. Detailed information on where the solar energy device will be installed on the rooftop or trellis; the type of solar energy device to be installed, including the type of panel(s); the manufacturer's name, etc.
4. A rooftop installation of solar energy device panels must be at the back of the residence; must conform to the slope of the roof; not exceed 10cm to 15cm above the roof shingles, and not extend higher than or beyond the roofline. An alternate roof location may be acceptable if such alternate location can be proven to increase annual energy production by more than 10%. For determining estimated annual energy production, the parties shall use a publicly available modeling tool provided by the National Renewable Energy Laboratory.
5. A trellis solar energy device installation must be along the backyard of the property line and must not be higher than the allowable fence height applicable to the property.
6. The solar energy device frame, support brackets, or visible piping or wiring must be black, bronze or silver in color.
7. The homeowner must obtain written approval of the proposed placement of the solar energy device by all adjoining property owners.
8. Installation of any solar energy device must meet or exceed all national, state, or local codes.

## **MISCELLANEOUS**

### **1. Birdhouses**

Birdhouses are permitted as long as they are reasonable in number, size, and height.

### **2. Window and Door Awnings**

All awnings must be approved by the ACC. The color and materials used for an awning must be approved by the ACC.

### **3. Satellite Dish Antennae**

A satellite dish antenna placement must be approved by the ACC. The antenna must be one (1) meter or less in diameter. The antenna must be placed so as to not be visible from the street if an acceptable quality signal may be received at a location that is not visible from the street and the placement of the antenna at that location does not impose an unreasonable expense upon the owner. To the fullest extent possible, all cable and wiring must be concealed.

### **4. Basketball Goals**

An application for approval of a basketball goal should include a copy of the lot survey showing the exact location of the goal relative to the front of the residential dwelling, lot lines, and easements, and a detailed sketch of the location of the goal in relation to the adjacent lot.

The Board may require the removal of any basketball goal that it reasonably determines is not being properly maintained or is being used in a manner that constitutes a nuisance to surrounding residents.

### **5. Flags**

The following guidelines apply to the installation and displaying of flags:

1. US, Texas and military branch flags are permitted and must be flown in accordance with the US/Texas flag code.
2. One (1) flag pole is permitted per residence. A flagpole attached to a residential dwelling or garage shall not exceed six (6) feet in length. A freestanding

flagpole must not exceed 20 feet in height. A flagpole must be constructed of permanent, long-lasting materials; and must comply with zoning ordinances, easements, and setback requirements.

3. Any flag is limited in size to three (3) feet width by five (5) feet in length.
4. All lighting installed must be flood lights mounted on the flag pole or at the base of the flagpole, and must meet all applicable national, state, or local codes.
5. All flags and flag poles must be maintained in good condition and any deteriorated flag or structurally unsafe flagpole be repaired, replaced or removed.

## **6. Solar Screens, Window Tint**

Solar screens and window tint require the prior written approval of the ACC. The color of any solar screen or window tint must be harmonious with the colors of the materials used on the exterior of the residential dwelling.

## **7. Landscaping**

1. **Trees** Live trees with a trunk diameter of four inches (4") or more may not be removed without prior ACC approval. Unauthorized removal will require tree replacement as deemed appropriate by ACC. When tree removal is required for the construction of a proposed improvement, the application must clearly identify each tree that is to be removed. The owner of a lot may remove a dead tree without ACC approval.
2. **Topiaries** Topiaries visible from the street need prior written ACC approval. The Board reserves the right to require the removal or relocation of any topiary (approved or not) that it determines is not harmonious with the community.
3. **Corner Lot Obstructions** No object or thing shall be placed or planted on corner lots which obstructs sight lines at elevations between two (2') and six (6') feet above the top of the street curb within the triangular area formed by the junction of street curb lines and a line connecting them at points twenty-five feet (25') from the junction of the street curb lines (or extensions thereof).

## **8. Exterior Siding**

All new exterior siding and all changes to existing exterior siding require the prior written approval of the ACC. When exterior siding is replaced or added to any existing structure or new improvement on the lot, it must be of the same type, quality, size, and color as the existing siding on the residential dwelling on the lot (unless all exterior siding is being replaced at one time). If all exterior siding is being replaced at one time, the type of siding may be changed, but it must be approved by the ACC. Aluminum, vinyl, steel, or other metal siding is not acceptable. The following additional guidelines apply to replacement or additional exterior siding:

- a. Each application to the ACC shall include a sample of the proposed siding material.
- b. Color of all siding (including siding that is not painted) must comply with section entitled (PAINTING) as set forth herein.

The Board may require the owner (at owner's sole responsibility and expense) to repair or replace siding that fails to adhere to these Guidelines.

## **9. Water Wells**

When drilling a water well, the above ground storage tank must be painted forest green (or other color approved by the ACC) and the tank must be screened from view by shrubbery or appropriate fencing.

## **10. Rain-harvesting Devices**

The installation and use of rain harvesting devices is permitted provided they meet the following guidelines:

1. All rain harvesting devices, such as rain barrels, etc., must be located at the rear of the residence and not be visible from the front street.
2. The color of the rain water harvesting devices must be consistent with the overall color of the residence and must not display language or other content that is not typically displayed as manufactured.
3. The rain water harvesting devices must be completely enclosed to prevent mosquito breeding; capacity may not exceed 500 gallons, and all devices must be shielded from view with bushes, etc. if possible.

## **11. Tree Houses**

Tree houses are not permitted.

## **12. Religious Display**

A religious item may be displayed on the front door or door frame of the residence provided the item does not contain language or graphics patently offensive to a passerby; be larger than 25 cumulative square inches in size, and be of a color or material that is consistent with the overall appearance of the front door or overall residence.

## **13. Construction Guidelines**

Construction vehicles must be parked on the side of the street that the construction is taking place to allow for emergency vehicle access. Under no circumstances may vehicles be parked in the driveway of another lot or in a manner that impedes or prevents access to other driveways. All construction debris and other trash must be moved from the site at least once per week. No trash may be left exposed that could be windblown onto adjacent property. Under no circumstances should storm sewer inlets be used to discard any trash or debris. The street will be kept clean of mud, excess concrete (including spillage from concrete trucks) and other materials generated from the construction site.

Port-a-cans must be kept neat and maintained in proper working order. These temporary facilities must be located as far back from the street as possible consistent with servicing requirements. Port-a-cans must be screened from view from the street and neighboring properties to the extent



possible. Contractors must install a flush toilet as soon as plumbing is connected and then remove the port-a-can. front property line and the street.

Building materials, trucks and other materials or equipment may not be placed upon or parked on any area between the front property line and the street. Building materials or equipment shall not be placed in the street for any length of time. Construction work within the interior of a residential dwelling or other improvement is permitted at any time as long as the work does not unreasonably disturb any surrounding residents. Contractors and workmen are not permitted to play radios, CD's or tape players or the like at a volume that unreasonably disturbs surrounding residents. Owners are responsible for assuring that their contractors comply with the provisions of this paragraph.

Outside construction work may take place only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday.

Trees on the lot, as well as trees on any adjacent lot that may be affected by the construction work, must be protected from damage by the erection of temporary wood, chain link, or plastic barricades around the drip line of each tree.

Contractors must erect and maintain throughout the entire construction period a fence enclosing all of the construction area except at the construction entrance. Further, contractors must take appropriate measures to prevent soil erosion.

#### **14. Trash/Garbage Removal**

Fosters Mill Village contracts for twice a week "BACKDOOR" trash pickup. This eliminates the unsightly trash and/or trash containers in the front of the property. Large household or other large, heavy items will need to be taken to the curb on the second day of pickup, such pickup day in accordance with the contractor's pickup schedule. Containers and other trash items should be placed by your garage; large household or other large items by the curb, no earlier than the evening before scheduled pickup, and all containers should be placed inside the garage or other enclosed area the following day.

#### **15. Animals**

No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot except dogs, cats or other common household pets, provided they are not kept, bred or maintained for commercial purposes or in unreasonable numbers. All animals or pets must be leashed or restrained within an adequate enclosure.

#### **16. Outdoor Kitchen**

An ACC Form must be submitted for approval by the Architectural Control Administrator including an architectural or other drawing of the kitchen showing in detail the location, size and layout of the equipment. Any roof or other type of covering must also be detailed in the drawing and any fiberglass or composition asphalt shingle must be the same as existing on the main residence. A metal roof or cover is not acceptable.

*The above "Architectural Guidelines" set forth a summary of the rules, standards*

***and procedures applicable to all property and owners of property in Fosters Mill Village. However, the above “Architectural Guidelines” do not supercede or otherwise change or amend the Declarations of Covenants, Conditions and Restrictions, the Deed Restrictions, and the Protective Covenants recorded in the Real Property Records of Harris County, Texas and applicable to all lots within Fosters Mill Village.***