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## I. Introduction

Any notice or information required to be submitted to the ACC under these Modification Design Guidelines will be submitted to Community Solutions Unlimited, P.O. Box 5191, Katy, Texas 77491, Attn: Rachel Schmutz, Email: [rschmutz@csutx.com](mailto:rschmutz@csutx.com).

### A. **Background**

Northpark Woods is a planned community located in Montgomery County, Texas which is subject to the terms and provisions of Declaration of Covenants, Conditions and Restrictions for Northpark Woods, recorded under Document No. 2018107844 in the Official Public Records of Montgomery County, Texas (the “**Declaration**”). The Lots located in Northpark Woods are subject to the terms and provisions of these Modification Design Guidelines (the “**Modification Design Guidelines**”). Notwithstanding anything contained herein to the contrary, these Modification Design Guidelines shall not apply to Improvements constructed by Declarant.

### B. **Modification Review Authority**

*Article 7* of the Declaration includes procedures and criteria for the construction and/or modification of improvements within the Northpark Woods community. *Section 7.02* of the Declaration provides that any and all improvements must be erected, placed, constructed, painted, altered, modified or remodeled in compliance with the requirements of the Design Guidelines. These Modification Design Guidelines constitute Design Guidelines as defined by the Declaration. The Modification Design Guidelines are intended to apply to modifications proposed to be incorporated on a Lot after completion of residential improvements and after the Lot with a residential improvement constructed thereon has been conveyed by a Homebuilder.

## II. Governmental Requirements

Governmental ordinances and regulations are applicable to all Lots within Northpark Woods, including, but not limited to federal, state, county and local requirements. It is the responsibility of each Owner to obtain all necessary permits and inspections. Compliance with these Modification Design Guidelines is not a substitute for compliance with the applicable ordinances and regulations. Please be advised that these Modification Design Guidelines do not list or describe each requirement that may be applicable to a Lot within Northpark Woods. Each Owner is advised to review all encumbrances affecting the use and improvement of their Lot prior to submitting plans to the ACC for approval. Furthermore, approval by the ACC should not be construed by the Owner that any Improvement complies with the terms and provisions of all encumbrances that may affect the Owner’s Lot.

The ACC shall bear no responsibility for ensuring plans submitted to the ACC comply with any applicable building codes, zoning regulation and other government requirements. It is the

responsibility of the Owner to secure any required governmental approvals prior to construction or modifications on such Owner's Lot.

### **III. Interpretation**

In the event of any conflict between these Modification Design Guidelines and the Declaration, the Declaration shall control. Capitalized terms used in these Modification Design Guidelines and not otherwise defined in this document shall have the same meaning as set forth in a Declaration.

### **IV. Amendments**

Pursuant to *Section 7.02* of the Declaration, the Declarant shall have the authority from time to time to repeal and amend these Modification Design Guidelines. All amendments shall become effective upon recordation in the Official Public Records of Montgomery County, Texas. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or approved and in progress. It is the responsibility of each Owner to ensure that they have the most current edition of the Modification Design Guidelines and every amendment thereto.

### **V. Architectural Review Overview**

#### **A. Responsibility for Compliance**

An applicant is responsible for ensuring that all of the applicant's representatives, including the applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Modification Design Guidelines, and all requirements imposed by the ACC as a condition of approval.

#### **B. Approval and Review Fees**

No Improvements may be commenced until the Owner has received a written approval from the ACC. The ACC may adopt a schedule of fees for plan review.

#### **C. Inspection**

Upon completion of all approved work, the Owner must notify the ACC. The ACC may inspect the work at any time to verify conformance with the approved submittals.

## **VI. Architectural and Aesthetic Standards**

### **A. Storage Sheds**

Storage sheds are considered permanent structures and therefore must be constructed with materials equal in quality grade of those used for the construction of the home. The following restrictions are applicable for the construction of storage sheds:

- Color of both siding and trim must match the color of the paint on the home or another color approved by the ACC.
- Storage shed shingles must match those used on the home.
- Storage sheds constructed of metal are prohibited. Storage sheds constructed of plastic or plywood are prohibited.
- Maximum height permitted for storage sheds is fifteen (15) feet in height measured from the ground to the highest point of the structure.
- Maximum square footage of a storage shed should not exceed one-hundred fifty (150) square feet.
- No storage sheds shall be located nearer than ten (10) feet of the rear Lot line and five (5) feet of the side Lot line.

The height and square footage requirements will be determined by the ACC in its sole and absolute discretion. Each Owner who submits a storage shed for approval acknowledges and agrees that the methodology used by the ACC to measure height and square footage shall be conclusive.

### **B. Solar Energy Devices**

See *Section 3.09* of the Declaration.

### **C. Satellite Dishes**

See *Section 2.17* of the Declaration.

### **D. Flag and Religious Displays**

See *Sections 2.19, 2.20 and 2.21* of the Declaration.

### **E. Arbors/Pergolas/Patio Covers/Decks**

Plans shall be submitted to the ACC for review and approval prior to the commencement of construction.

## **F. Pools**

An application must be submitted to the ACC in conjunction with the review of any application for any proposed swimming pool, spa, or hot tub. The materials, location and construction of all pools, spas and hot tubs must be approved in advance by the ACC. Above ground pools are strictly prohibited within Northpark Woods. Each Owner is advised that a separate permit must be obtained from the applicable governmental authorities, which is a condition to approval by the ACC.

## **G. Playscapes, Trampolines and Sport Courts**

Playscapes, swing sets, recreational or sport courts, basketball goals (temporary and permanent), batting cages, trampolines and any other recreational equipment to be located on a Lot must be approved in writing by the ACC prior to the commencement of construction or placement. Homes adjacent to Common Area and boulevards may be subject to additional requirements as determined, from time to time or based on a particular application, by the ACC.

- Location. Equipment must be installed and placed a minimum of ten (10) feet from rear Lot lines and five (5) feet from side Lot lines.
- Material. Equipment must be made of stained or painted wood, as to match the trim on the home, or a painted metal frame.
- Height. Equipment may not exceed nine and one half feet (9' 6") in height from the ground to the highest point.

The height requirements will be determined by the ACC in its sole and absolute discretion. Each Owner who submits a storage shed for approval acknowledges and agrees that the methodology used by the ACC to measure height shall be conclusive.

## **H. Fence Stain**

Approved stain colors will be determined by the ACC in its sole and absolute discretion.

Any part of the fence that is visible from any street shall be routinely re-stained (no less than every four years) in stain colors approved by the ACC.

## **I. Rainwater Harvesting Systems**

See *Section 3.10* of the Declaration.

## **J. Room Additions**

Each Owner is advised that the ACC may refuse to consider any request that proposes to convert an existing garage into a condition which would allow the garage to be used for living purposes, as determined in the sole and absolute discretion of the ACC. In addition, for all proposed room additions, the proposed exterior materials and color must match the exterior materials and colors of the existing residence unless otherwise approved in advance by the ACC.

## **VII. Landscape Guidelines**

Significant landscaping changes from builders original landscaping require approval by the ACC. Each Owner is advised to contact the ACC prior to modifying or introducing additional landscaping on a Lot to determine if the modification or addition will require ACC approval. If the modification or addition is deemed significant by the ACC after installation, the Owner may be required to restore the Lot to the condition prior to modification or remove such additional landscaping. In addition: (i) all trees installed by an Owner must be located no closer than five (5) feet from an existing fence line; and (ii) all retaining walls must be approved in advance by the ACC. The installation of native or drought-resistant landscaping or water-conserving turf on a residential lot, which is a landscaping procedure known as xeriscaping (“**Xeriscaping**”) will be allowed in certain instances in accordance with *Section 3.11* of the Declaration.

**E-FILED FOR RECORD**

11/08/2018 10:32AM



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,  
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number sequence on the date and time stamped herein by me and was duly e-RECORDED in the Official Public Records of Montgomery County, Texas.

**11/08/2018**



County Clerk  
Montgomery County, Texas