



# **University Park Patio Homes**

## **Use Restrictions and Architectural Guidelines**

**Amended April 23, 2010**

**UNIVERSITY PARK PATIO HOMES**  
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Amended by the Board of Directors on April 23, 2010

**I. OVERVIEW**

The University Park Patio Homes Homeowners' Association Declarant (Developer) has established these Architectural Guidelines (Guidelines) in accordance with the authority granted to them by provisions of the Declaration of Covenants, Conditions and Restrictions (DCC&R's). The Guidelines are established to assure uniform and fair interpretation of the DCC&R's. The Guidelines are intended to provide all lot owners in University Park, information about the type, color and quality and grade of material which may be used in construction of various kinds of improvements, the size and location of such improvements, and the procedure followed by the Association for reviewing applications for proposed improvements.

These procedures and Guidelines may be amended by the Board from time to time as it deems necessary and appropriate. The Restrictions of Use in the DCC&R's may be revised only by a vote representing not less than 2/3 of total votes. In case of conflict between the DCC&R's and the ARC Guidelines, the DCC&R's will take precedence.

**II. BOARD OF DIRECTORS**

In accordance with Article IV of the DCC&R's of the University Park Patio Homes Homeowners' Association, the Board of Directors will appoint an Architectural Review Committee (ARC) to assist in reviewing and evaluating applications for improvements to homes, structures, and properties (lots) within the Subdivision in accordance with the DCC&R's and these Guidelines. The ARC may make recommendations to the Board regarding changes to the Guidelines and recommend approval of variances. Only the Board may approve variances from the Guidelines.

**III. ARCHITECTURAL REVIEW COMMITTEE (ARC)**

To achieve the purposes for which the ARC has been established, the following operating rules apply:

**1. Composition:** The ARC will be composed of a minimum of three (3) and not more than five (5) members, each of whom is a current resident of University Park.

The Board Member: This member will be a current member of the University Park Board and will act as a liaison between the Board and the ARC for routine matters. The member will be an alternate voting member of the ARC.

The Chair: This member will act as the head of the ARC. He or she will be appointed annually by the Board and will be a voting member of the ARC. The Board Member may also be the Chair, pending approval of the Board of Directors, however will be an alternate voting member.

ARC Members: Up to four (4) additional members who will be appointed by the Board.

**2. Meetings:** The ARC will meet at least monthly to review applications for improvement. These meetings may be conducted via electronic medium at the discretion of the Committee as applications are received. At a minimum, three (3) members must be present to convene a meeting at which voting will occur.

**3. Attendance:** Any voting member of the ARC who is absent from three (3) consecutive meetings without valid cause will be considered to have resigned and will be replaced in accordance with the established procedures. A letter advising the individual of this action will be sent by the Management Company at the direction of the Board or the ARC Chair. Under certain circumstances, this attendance requirement may be waived by the Board at the request of the ARC Chair.

**4. Voting:** The Chairperson and the ARC Members each have one (1) vote. If the application or action concerns a property owned or occupied by one of the members of the ARC, that person's voting rights will be temporarily suspended to avoid any conflict of interest. If there are not sufficient voting members in attendance, the Board Member will not have voting rights.

**5. Records:** Copies of all applications, decisions, recommendations, appeals and meeting agenda will be kept by the Management Company. It is the responsibility of the Chair to forward all such material to the Management Company.

**6. Removal:** Any ARC Member may be removed from the ARC, with or without cause, by a majority vote of the Board. In the event of removal, a successor shall be selected by the Board and shall serve for the unexpired term.

**7. Compensation:** No member shall receive compensation for any service rendered to the ARC.

#### **IV. ARCHITECTURAL REVIEW PROCEDURES**

Plans and specifications for improvements are to be approved in advance. No special consideration will be given in those instances when post-construction approval is requested.

**1. General:** An item can come before the ARC as follows:

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- a) A property owner (or his/her representative) shall submit an application for improvement to the Management Company utilizing a Home Improvement Application (HIA) form currently in use by the ARC.
- b) An unapproved improvement may come to the attention of the Board, ARC or the Management Company. The Management Company will send a letter to the owner requesting an application be submitted. If no application is received within thirty (30) days, the Management Company will report this to the Board which will take appropriate action.
- c) If the unapproved improvement appears to be in violation of the DCC&R's or the Architectural Guidelines, the initial notification/request to the Owner will be a registered letter, which may request the Owner to correct the improvement to follow the DCC&R's as well as the Architectural Guidelines.

**2. Applications:** All applications for approval to make any exterior changes, additions, or improvements must be submitted to the Management Company in writing by completing the Home Improvement Application (HIA). The Management Company shall coordinate application processing on behalf of the ARC.

Plans and specifications for any exterior change, addition, or improvement should be attached to the application. For room additions and sunrooms, applications must be accompanied by a detailed scale drawing or blueprint showing the three-dimensional relationship of the sunroom to the existing structure. Applications must also include a plot plan showing the location of the improvement in relation to all lot boundary lines, the residence, the easements and the building setback lines. Applications must also include a detailed material list and include the name, address, and business phone number of the contractor or installer, if applicable. Applications may be returned or rejected for failure to provide any of these required items. The ARC reserves the right to require certified architectural and/or engineering drawings. All applications, additional information, or requests for appeal shall be mailed or delivered to the office of the Management Company, not to members of the Board or ARC.

The ARC reserves the right to request any additional information it deems necessary to properly evaluate any application. In the event that the ARC requests additional information, the application shall be considered incomplete until such information is submitted to the ARC and the forty-five (45) day requirement for approval of the application, as described in the DCC&R's, shall not begin until such information is received. In the event that the ARC requests additional information and the information is not received within forty-five (45) days from the date of the request, the application shall be denied. However, the applicant may thereafter submit a new application with the requested information to the ARC for its review.

**3. ARC Decisions:** ARC committee members shall consider each application for compliance with the DCC&R's and these Guidelines. The decision of a majority of

members to approve or disapprove an application shall be considered the decision of the ARC.

ARC decisions shall be conveyed in writing by the Management Company to the applicant and shall include a statement of the conditions under which the application is approved, if any, or the primary reason (s) for disapproving the application.

In accordance with the DCC&R's, any application that is not approved or disapproved within forty-five (45) days of the date of its receipt shall be deemed to have been automatically denied. In no event shall non-action be deemed to constitute approval of an application for any change, addition, or improvement, or any other item that would violate the DCC&R's. Unless otherwise stated in the ARC's written response, all approved exterior changes, additions or improvements shall be completed within forty-five (45) days of the date construction, installation, or erection is commenced.

**4. Board of Director Appeals:** In the event the ARC disapproves an application, the applicant may submit a written appeal to the Management Company for review by the Board. The Board shall review the appeal at its next meeting following the date upon which the request for appeal is received, and notify the applicant of the Board's decision. All decisions of the Board shall be final.

**5. Status of Application During Appeal:** During the appeal period, the decision of the ARC on the original application shall remain in effect. Further, an appeal of a decision of the ARC shall not be considered a new application resulting in approval of the original application if a response to request for reconsideration is not submitted by the ARC or the Board of Directors within forty-five (45) days of the date of its receipt.

## V. RESTRICTIONS OF USE

The following Restrictions of Use are excerpts from the DCC&R's and have been condensed. Homeowners should have received copies of the DCC&R's at closing. Additional copies are available, at cost, from the Management Company. The Restrictions of Use in the DCC&R's may be revised by the Association only by a vote representing not less than 2/3 votes in the Association.

**1. Single Family Residential Use:** Article VI, Section 6.1, page 20. Each lot shall be used for single family residence purposes. No part of the Property shall ever be used or caused to be used or allowed or authorized in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing, vending, or other such nonresidential purposes.

**2. Prohibition of Offensive Uses:** Article VI, Section 6.4, page 21. No activity which may become an annoyance or nuisance to the neighborhood or which shall in any way unreasonable interfere with the quiet enjoyment of each Owner of such Owner's lot or which shall degrade property values or distract from the aesthetic beauty of the Property, shall be conducted thereon.

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No repair work, dismantling, or assembling of boats, motor vehicles or other machinery shall be done in any driveway or adjoining street.

**3. Garbage and Trash:** Article VI, Section 6.6, page 21. No refuse, garbage or plant material may be stored or allowed to accumulate except in enclosed containers, screened from view. Trash cans are to be put out for collection no earlier than 6:00 p.m. on day preceding trash pick up and must be returned to area screened from view no later than midnight the day of the pick up.

**4. Clothes Drying:** Article VI, Section 6.7, page 22. No outside clothesline or outside facility for drying or airing clothes, household fabric or any other article will be permitted.

**5. Animal Husbandry:** Article VI, Section 6.8, page 22. 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 (not to exceed a total of two) provided they are not kept, bred or maintained for commercial purposes. Notwithstanding the foregoing, no animals or fowl may be kept on the Property which result in an annoyance or are obnoxious to residents in the vicinity. Animals are not permitted to roam the Property and must be controlled on a leash if they are not enclosed in a yard. Each Owner, tenant or guest of an Owner shall have the absolute duty and responsibility to clean up after such animals to the extent they have used any portion of the Lot of another owner or any common area.

**6. Signs and Billboards:** Article VI, Section 6.9, page 22. Only one sign of not more than four (4) square feet will be allowed for advertising the dwelling for sale or lease. Other signage is limited and should comply with the portion of the DCC&R's addressing those stipulations.

**7. Treatment Facilities:** Article VI, Section 6.11, page 23. No lot shall be used for the operation of a boarding or rooming house, residence for transients, group home, family home, community home, day care center, rehabilitation center or treatment facility.

**8. Walls and Fences:** Article V, Section 5.16, page 17. No walls or fences shall be erected without prior written approval of the Architectural Control Committee.

**9. Antennae/Satellite Dishes:** Article V, Section 5.10, page 17. No antenna of any kind shall be permitted. Satellite Dishes will be allowed provided the following requirements are met for approval:

- a) All communication dishes must be located on the interior of the site and should not be visible from fronting streets, or other public view.
- b) These dishes and antennae structures are to be painted in a color compatible to the primary building so as to blend in with the surrounding area.
- c) All electronic and other ancillary equipment must be screened from public view. The materials and colors of the screen must be compatible with the primary building.

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- d) All plans for dishes and antennae, together with location map of the specific lot, must be submitted to the ARC for review and APPROVAL IN WRITING PRIOR TO INSTALLATION.

**10. Storage of Automobiles, Boats, Trailers, Other Vehicles and Equipment:** Article VI, Section 6.3, page 21. No automobiles, boats, campers, recreational vehicles, motorcycles, buses, inoperative vehicles of any kind, camp rigs off truck, or boat rigging shall be parked or stored on any public street, right-of-way, front yard area or on driveways. Only legal, operable vehicles may be parked in the driveways.

## **ARCHITECTURAL GUIDELINES**

The following Guidelines are intended to further insure consistency in decisions and assist in expediting the decision process. The Guidelines are intended to augment the University Park DCC&R's and not replace or override them. All are based on the specific rules established by the appropriate governing documents. These Guidelines may be amended by addition, deletion or alteration at any time the Board deems appropriate.

**1. Precedents:** While the ARC will make every reasonable attempt to be fair and equitable, the ARC will not necessarily be bound by past decisions. The ARC reserves the right to disapprove applications for improvements that require a variance from the established Covenants if it believes that such changes are not in the best interest of University Park.

From time to time the ARC will make a decision that, in retrospect, is not in the best interests of the community. The ARC reserves 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 makes an error in allowing a change or addition to these Guidelines.

**2. Landscaping:** In general, the addition or movement of trees, shrubs and other live items of landscaping is not acceptable without a formal review by the ARC. These Guidelines apply both to items that create a non-acceptable condition upon installation and items that grow to become non-acceptable. removal of individual trees is discouraged unless the tree is diseased, dead, severely damaged or poses a hazard. removal of multiple live trees, without suitable immediate replacements, other than for safety reasons, from any single property will not be approved.

### **3. Exterior Lighting:**

a) **Changes to Existing Lighting:** Outside lighting which was installed at the time of original construction or which was installed after original construction with the

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approval of the ARC may be replaced with a new fixture provided that the wattage of the new fixture does not exceed the wattage of the existing fixture or 150 watts, whichever is greater. Existing gas lighting may be converted to an electric incandescent bulb provided that (1) the incandescent bulb is a clear glass type, and (2) the lighting color is white.

- b) **Security Lighting:** Security Lighting shall be permitted with the ARC's approval as long as the total wattage for all security lights does not exceed 300 watts. All security lighting shall be mounted behind the back plane of the house. No pole-mounted security lights (including sodium vapor and mercury vapor) shall be permitted. No security light fixture shall be allowed above the eaves of the house or garage. Exceptions to mounting security lighting behind the back plane of the house and/or allowing security lighting above the eaves of the house or garage may be granted by the ARC if the design and location of the house and/or garage on a lot warrant an exception. No more than one (1) mercury vapor light of not more than 150 watts shall be permitted on any lot. Sodium vapor lights are permissible provided that each sodium vapor light does not exceed 70 watts.
- c) **Landscape Lighting:** Exterior landscape lighting shall be permitted with the ARC's approval so long as the lighting is located within flower beds, shrubs, and/or trees. Pole-mounted landscape and/or decorative lighting shall also be permitted with ARC approval so long as (I) the pole does not extend more than seven feet (7') above the ground, (II) the light fixture is not situated more than six feet (6') above the ground, and (III) the light is neither sodium vapor nor mercury vapor.
- d) **Gas Lights:** Two (2) gas lights per lot shall be permitted with the ARC's approval; provided that the gas lighting color is white. The pole and lights shall not extend more than seven feet (7') above the ground.
- e) **Annoyances:** All new lighting which is approved by the ARC shall be subject to a ninety (90) day trial period after installation to assure that the lighting is not objectionable to surrounding residents. If, at the end of the ninety (90) day period, the ARC determines that the lighting is not unreasonably offensive or an annoyance to surrounding residents, the ARC's approval shall be final; otherwise, the lighting shall be removed or modified in accordance with the decision of the ARC.

**4. Quality of Repairs and Improvements:** Repairs and improvements 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 in kind repairs, 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 to detract from the appearance of the neighborhood.

**5. Painting:** The existing exterior color of the main body or trim of a house, garage, or other improvement on a lot shall not be changed without prior written approval of the ARC. No attempt will be made to control painting activities in cases where the Owner is repainting with the same color as originally used.



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 photograph of the brick color. If, in the opinion of the ARC, the new color is compatible with both the individual home and the neighborhood, the color change will be granted.

Colors approved for accents including trim, shutters, doors, windows and gutters of homes and garages will be limited. Accent colors may be earthtones, colors that blend with the brick, or are compatible with the neighborhood. Accent colors are not intended to "outline" the structure and any color that does so will not be approved. Approved paint color data are available at the Management Company offices.

**6. Emergency and Disaster Reaction:** Disasters such as fire and weather may cause significant construction and repair activity to take place. Temporary repairs or structures (those that are present for no longer than six (6) months 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.

Temporary protective action in the event of certain weather conditions, such as hurricane warnings, will not require approval of the ARC. All such installations must be completely removed and the property restored to its original condition within 15 days of the passing of the emergency. This rule specifically applies to, but is not limited to, the boarding of windows and doors during a hurricane threat.

**7. Easement Encroachments:** It is not the responsibility of neither 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 if such encroachment occurs, even if the ARC approved the change or addition without comment.

**8. Basketball Goals and Hoops:** Basketball goals are not allowed to be pole mounted in the driveway. No goals may be mounted on the garage or house structure.

Goals may be placed in rear (back) yards subject to setback and easement restrictions. Portable basketball goals will be allowed in the unfenced portion of the yard but must be stored out of sight in the evenings or when not in use.

To the greatest extent possible, basketball goals, posts, backboards, nets and hoops will be of colors that are not offensive to the landscaping of the neighborhood. Bright fluorescent colors (particularly nets) will not be allowed. Goals must have a full, undamaged net at all times attached to the hoop or ring. All goals and poles must be kept in a near "like new" condition including the surface and rear of the backboard.

No basketball goal or use of basketball goal which may become an annoyance or nuisance to the neighborhood or which shall in any way unreasonably interfere with the

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quiet enjoyment of each homeowner or which shall degrade property values or distract from the aesthetic beauty of University Park shall be permitted to remain on any lot. University Park residents and their guest(s) are allowed to use goals on their property from 8:00 a.m. to 9:00 p.m. seven days a week with the goal to be stored out of sight at other hours.

**9. Construction Materials:** Certain building materials are considered unacceptable for exterior use in University Park. Other materials may be used for specific applications only general guidelines are as follows:

- a) **Brick:** Generally acceptable, pending approval of color by the ARC.
- b) **Aluminum:** Acceptable for rain gutters and window framing. All aluminum items, regardless of their application, must be painted a color compatible with the home on which it is installed. Corrugated metal and aluminum are unacceptable for roofing materials.
- c) **Fiberglass:** Generally unacceptable for all applications.
- d) **Acrylic Sheet:** Generally unacceptable for all applications.
- e) **Plastic Siding:** Vinyl or plastic siding may be used to replace original wood or composition siding as long as it is made to look like wood siding (texture, form, quality and color will be the acceptance criteria). Most other uses of plastic are unacceptable.
- f) **Canvass, canvass-type, corrugated metal, aluminum, concrete, or metal materials** are unacceptable for all roofing applications

**10. Holiday Decorations:** Holiday decorations are permitted and will not require approval. Decorations may be installed no sooner than 30 days prior to the holiday and must be removed within fifteen (15) days after the holiday for which they are intended. The ARC reserves the right to require the removal of decorations that either generate complaints or are deemed offensive.

**11. Fencing:** Use Restrictions relative to Fencing are covered in Article V, Section 5.16, page 17 of the DCC&R's. The following Guidelines supplement the Use Restrictions.

All perimeter fences shall be maintained in the color, location, and materials identical to the original fencing. Perimeter fencing may not be replaced or painted without ARC approval. Wood fencing must age, or turn gray, before it can be sealed. Wood perimeter fences may not be painted.

Brick or stone pillars may be constructed and used as fence posts. These must be of a material to match the exterior of the home and not exceed eight (8) feet in height.

Tubular steel fencing must be approved by the ARC, be painted black and not exceed six (6) feet in height.

On corner lots, the fence must begin on the rear edge of the house or building line for the side of the home which is closest to the corner or on the building line. The finished or architectural side of a fence should always face the exterior or public side (street side).

## 12. Miscellaneous:

a) **Birdhouses.** Birdhouses shall be permitted subject to the prior approval of the ARC. No birdhouse shall be situated higher than ten feet (10') above the ground and no more than two (2) birdhouses shall be permitted on a lot. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the home and other improvements on the lot. Any birdhouse must be within the fenced area of the lot.

b) **Flags and Flag poles.** Flag poles are subject to the prior approval of the ARC. Flag poles permanently installed in the ground are prohibited. A flag staff may be mounted on the house, garage or other improvement structure so 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 the highest point of the specific structure (tree, house, garage, etc.) on which it is mounted. Flags will be permitted provided they do not exceed one per house and 3'X5' in size.

c) **Weather vanes.** Weather vanes shall not be permitted.

d) **Children's Play Structures.** Use Restrictions relative to the height and size of children's play structures are detailed in Article IX, Section 11, page 17 of the DCC&R's. The following Guidelines are meant to supplement the Use Restrictions.

For the purpose of these guidelines, a children's play structure shall mean any type of play set, climbing structure, play fort, slide, or swing set and shall be restricted to the fenced portion of the lot. The play structure shall not exceed eight feet (8') in height. No play structure shall be located on a utility easement, impede the drainage on the lot, or cause water to flow to an adjacent lot. Play structure tarps are restricted to earthtones such as dull gray, dull green, or beige, and must be approved by the ARC. Top of tarp may not exceed eight (8) feet in height. Wind socks, or streamers attached to the play structure are not allowed.

e) **Awnings/Sun Screens/Solar Screens.** Awnings visible from a front or side street shall not be permitted. Awnings on the rear portion of a lot must be approved by the ARC. Sun screens and solar screens are generally approved but are restricted to black, dark brown, or dark gray and must be constructed and installed to professional standards. All sunscreens must be approved by the ARC.

f) **Burglar Bars.** The use of burglar bars on the exterior of any window or door is prohibited. If burglar bars are installed on the interior windows or doors they must not be visible from the street. Installation of dark solar screens or something similar is required to hide the appearance of the burglar bars.

g) **Storm Doors.** Storm Doors are generally permitted on the front of a home provided they are a single clear or brown tinted glass pane with a simple wood or metal frame. The design and color are subject to review and approval by the Architectural Review Committee and shall be in keeping with the original door and home design.

h) **Storm Shutters.** Security and storm shutters are not allowed on the front exterior of the home. Storm shutters on the side or rear of the home must be the roll-up shutters designed to be fully retractable into a non-conspicuous receptacle. Such receptacle must be painted to match the trim of the house.

i) **Glass Block Windows.** Glass block windows are restricted to the side and rear of the house.

j) **Exterior Storm Blinds.** Roll up type only will be permitted, not vertical.

k) **Park benches.** Park benches shall be permitted in common areas and on the island of those courts with a center landscaped island. The park benches shall be of a post supported design with replaceable wooden slats and the benches shall be installed in concrete. All homeowners on the court must sign a home improvement application at the time of installation of the bench. At the time of application a check for the cost of the bench and installation shall be included. If maintenance on a park bench is deemed excessive, it will be removed. Park benches shall not be approved in the front yard of homes.

l) **Driveway Widening.** Driveway widening shall not be permitted.

m) **Wire mesh utilized for animal retention.** Wire mesh to be installed on gates or yard fencing that is visible from the front or side streets are permitted and are not subject to ARC approval as long as the following restrictions are strictly followed:

1. Wire mesh shall be black in color similar to the gates/structure that are utilized and shall be securely attached
2. Wire mesh shall be of black vinyl or black painted galvanized mesh material of no more than 3 feet (3') in height
3. Mesh material shall be no thicker than 1/4"
4. Installations shall be maintained in good repair and removed when no longer in use
5. Wire mesh wires shall be no less than 3/4 inches apart

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- n) **Yard Ornaments and Fixtures.** All lawn ornaments, installed outside of the fenced portion of the property, whether temporary or permanent, shall conform to the general restrictions of the DCC&Rs. This includes the prohibition of certain materials (such as plastics or non natural materials) and the limits to reasonably subdued earth-tone colors compatible with the neighborhood. All such items must be kept in the same quality of repair as required of the home and land.

Ornaments include, but are not limited to, such items as planters, decorations, statues, bird baths, lawn ornaments, and other decorative items. Lawn furniture, permanent or temporary, is not allowed in the front of the fenced area. Acceptable materials are wood (either painted or unpainted to blend into the natural background), brick, stone, or cement/concrete, pottery, clay and tile. In order for an item to qualify for acceptance it must blend with the composition and tone of the surrounding area and the overall community. Exceptions can only be made by the Architectural Review Committee.

Acceptable ornaments, such as statues, sculptures, bird baths, fountains, etc. shall be of a size proportional to the surrounding landscape and composed of natural wood, wrought iron, brick, stone, clay, pottery, or concrete. The test for permissibility for this class of items will be the extent to which its texture and size blends into the overall landscape of the surrounding properties. As a general rule, the number of front yard ornaments should not exceed six in number with none over 18 inches (18") in height with commensurate other limited dimensional proportions. The Architectural Committee will be the final authority for acceptability.

- o) **Garden Hoses.** Permanent mounting of or storage of garden hoses is not allowed on the front exterior of the home. Garden hoses may be mounted on the side of the home or stored in a container especially designed for garden hose storage. It may also be stored on a hose reel device and placed on the side of the home, or in the garage out of sight.

**13. Pools:** An application for the construction of a swimming pool, spa or jacuzzi, collectively referred to as "pool", must include a plot plan showing the proposed location of the pool in relation to the property lines, building lines, existing structures and existing or proposed fences. The application shall also indicate the direction for construction access. No swimming pool shall be constructed in a manner to impede drainage on a lot or to cause water to flow on an adjacent lot. Above ground swimming pools are not permitted.

**14. Decks:** All decks must be approved by the ARC with respect to location and the standard, type, color and quality of materials used in construction. No deck shall impeded drainage on the lot to cause water to flow on an adjacent lot. No deck shall be constructed more than three feet (3') above the ground.

**15. Patio Covers:** Arbors, sun shades, patio coverings and similar structures must be approved by the ARC but are generally acceptable as long as they are either less than eight (8) feet in height ( a maximum of eight feet (8') above grade at the highest point) or permanently attached to the home along one full side of the new structure.

The standard, type, quality and color of materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of materials used in the construction of the main residence. Corrugated roofs shall not be permitted under any circumstances.

Canvass, canvass-type material, vinyl, corrugated metal, aluminum concrete, or metal roofs shall not be permitted under any circumstances. The quality and color of the roofing shall match that of the main residence.

Louvered or trellis-style patio covers may be allowed as long as the quality of materials is approved by the ARC. Pressure treated wood may age naturally, be stained or painted to match the residence.

#### **16. Outbuildings:**

The following Guidelines supplement the Use Restrictions.

**a) Storage Buildings.** Only one (1) outbuilding not exceeding one hundred (100) square feet and 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 the outbuilding shall be harmonious with those of the main residence. No exterior portion of an outbuilding shall be made of metal. An outbuilding shall be located in the rear portion of the lot but may not be located on a utility easement. Outbuildings must also conform to the building front and side setback restrictions and shall not be placed within six feet (6') of the community perimeter fence. No outbuilding shall impede drainage from the lot or cause water to flow onto an adjacent lot.

**b) Gazebos.** For the purpose of these Guidelines, a gazebo shall be defined as a free-standing, open framed structure with or without lattice type walls, whose purpose shall not be for any type of storage. These typically are circular or octagonal shaped structures. All gazebos must have a permanent roof. The quality and color of the roofing shall match that of the main residence. Louvered or trellis-style gazebo roofs may be allowed as long as the quality of materials is approved. Pressure treated wood may age naturally, be stained or painted to match the residence. Gazebos must be located in the rear or side yard, a minimum of six feet (6') from all property lines, and a maximum height of eight feet (8') above grade at the highest point.

**17. Perimeter Fencing.** Perimeter fences are a community property, owned, and maintained by the Association. The Association reserves an easement across the lots for

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the purpose of inspecting, maintaining, and repairing the exterior perimeter fencing to the extent, if any, that the Association determines to be necessary and reserves reasonable rights of access over and across the lots in order to have reasonable access to the exterior perimeter fencing. In general, the Association has access to several feet of property inside the perimeter fence and residents must respect this easement.

Individual homeowners whose property adjoins the perimeter fence must ensure the fence is not subject or exposed to damage by adjacent plantings, trees, or land use and will be held responsible and billed for any physical or structural damage to the perimeter fence occurring on or caused by their property. Plants that attach themselves to the perimeter fences, including but not limited to ivy, are strictly and specifically prohibited. Should any such vegetation be present the Association reserves the option to access said property via the easements and have any such vegetation removed at homeowner's expense. Bushes and trees must be kept trimmed to prevent any damage resulting from physical contact with the fence. No structure of any kind may be attached to or in contact with the perimeter fence.

In this regard the following guidelines will apply:

- a. Trees and all such large plantings will be planted such that they will not be in contact with the perimeter fence at maturity. Care shall be taken in planting trees that have large root systems that could damage the structural integrity of the fence.
- b. No vines or trellises with vines of any type are allowed to be grown or to be mounted on the perimeter fence.
- c. Raised flower beds, mulch, composting, and similar plantings are allowed provided they do not damage or compromise the structural and physical integrity of the fence. They shall not be allowed to accumulate against the perimeter fence.
- d. No structures, permanent or temporary, are allowed within six feet (6') of the perimeter fencing This does not include existing placement of homes in relation to the fence.

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Established June 4, 1996-Rhonda Major, PCAM

Amended by the Board of Directors-January 22, 2007 & April 23, 2010

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was FILED in its proper Sequence on the date and at the place stamped herein by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County Texas on

APR 29 2010



*Dorely B. Kaufman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

HP 071-62-1024



## HOME IMPROVEMENT APPLICATION FOR ARCHITECTURAL CONTROL COMMITTEE

In order to protect each individual homeowner's property value and privacy, it is required for any homeowner or group of homeowners planning improvements or changes to their deeded property (properties), besides annual flower/plant replacement, to submit a **HOME IMPROVEMENT APPLICATION**. This request is reviewed by the Architectural Control Committee to ensure compliance with deed restrictions, local statutes, and to protect neighboring homeowners. If any change is made that has not been approved, the Committee has the right to ask the homeowner to remove the improvement and/or change from the property.

Please fill out the entire form.

DATE: \_\_\_\_\_

*Owner Name*

LAST NAME : \_\_\_\_\_ FIRST NAME: \_\_\_\_\_

ADDRESS:

\_\_\_\_\_

HOME #: \_\_\_\_\_ WORK #: \_\_\_\_\_

**NOTE:** The association will not be held responsible for ensuring compliance with restrictions regarding utility easements, building setbacks, building codes and other restrictions imposed by other local or state governing bodies or companies. Before digging or excavating anywhere in your yard, call the gas, power, telephone and cable companies for staking of the location of distribution and service lines. Some lines are located in easements and some are not

1. Describe in detail the change or improvement requested. **(A copy of your plot/survey indicating location of change or improvement must be included.)** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Who will perform the actual work? \_\_\_\_\_

\_\_\_\_\_

3. The change or improvement will be located where?

\_\_\_\_\_ Front of house

\_\_\_\_\_ Roof

\_\_\_\_\_ Other

\_\_\_\_\_ Back of house

\_\_\_\_\_ Patio

\_\_\_\_\_ Basketball Goal

\_\_\_\_\_ Side of house

\_\_\_\_\_ Carports



4. <u>ITEM</u>	<u>TYPE/COLORS</u>
_____ Paint*	_____
_____ Stain*	_____
_____ Lumber	_____
_____ Brick*	_____
_____ Screen	_____
_____ Cement	_____
_____ Fencing	_____
_____ Other	_____

\*Attach a color sample from the color chart or a chip of the actual paint or stain. The request cannot be approved without them.

I understand that the Architectural Control Committee (ACC) has up to thirty (30) days but will act upon this request as quickly as possible and contact me regarding their decision(s). I agree not to begin property changes or improvements until the ACC informs me of their approval.

**INDEMNITY AND HOLD HARMLESS AGREEMENT**

Homeowner agrees to and will indemnify and hold harmless the Association, its Officers, Directors, Members, Employees, Agents and Deputies, from and against any and all liability of every kind, including all expenses of litigation, court costs and attorney's fees, for injury to or death of any person, or for damage to any property, arising out of or in connection with the above referenced ACC request, including where such injuries, death, or damages are caused by the associations, sole negligence or the joint or concurrent negligence of the association and any other person or entity.

\_\_\_\_\_  
Signature of Homeowner

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

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

**Please complete and return to: Houston Community Management Services  
17049 El Camino Real, Suite 100  
Houston, TX 77058  
Phone: 832-864-1200 Fax: 281-218-6973**

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**ARCHITECTURAL CONTROL COMMITTEE USE ONLY**

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_ APPROVED/DISAPPROVED

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_ APPROVED/DISAPPROVED

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_ APPROVED/DISAPPROVED

COMMENTS:

\_\_\_\_\_

\_\_\_\_\_

UNIVERSITY PARK PATIO HOMES HOA  
NOTICE OF COMPLETION

Completion of the proposed improvement to property, as described in the Homeowners Improvement Application (HIA) form and as approved by the Architectural Review Committee (ARC) in writing, shall be within six (6) months after the date of approval or such period of time as authorized by the ARC. The applicant shall deliver this Notice of Completion to Houston Community Management Services (HCMS), the receipt of which will be deemed to be the date of completion of such Improvement to Property.

The ARC or its representative HCMS, shall have the right to inspect any improvement to the property before and after completion provided that the right to inspection shall terminate sixty (60) days after the ARC shall have received a Notice of Completion from the applicant. Upon receipt, HCMS may contact the applicant to schedule a convenient time for the inspection.

Please submit this completed and dated form to the below address after completion of improvement. Thank you.

Date of HIA Application Approval \_\_\_\_\_

Date of Improvement Completion \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

Please send the completed form to:

Houston Community Management Services  
University Park Patio Homes  
Attn: Debbie Newnam  
17049 El Camino Real, Suite 100  
Houston, Texas 77058  
Phone: 832-864-1250  
Fax: 281-218-6973