

# Robindell

## Architectural Guidelines for Robindell Subdivision

### Foreword

The undersigned, being all of the members of the Board of Directors of Robindell Civic Club, a Texas non-profit corporation (the "Civic Club") and its Architectural Control Committee (the "ACC"), do hereby certify that at a general meeting of the Robindell Civic Club, duly called and held for the purpose of discussing and voting on the ACC Guidelines, the following Guidelines were adopted:

**Whereas**, the Civic Club, acting through its Board of Directors, and the ACC desire to exercise the authority granted to it by the provisions of .The Amended Declaration of Covenants, Conditions and Restrictions for Sections 1, 2, 3, 4 and 5 of Robindell (the "Amended Declaration") to maintain the harmonious and architectural design of the subdivision in accordance with the provisions of the Amended Declaration; and

**Whereas**, the Amended Declaration also expressly creates the ACC for the specific purposes set forth below, and

**Whereas**, the Amended Declaration provides that no buildings, additions or improvements of any kind shall be erected or placed on any lot until the construction plans and specifications including, but not limited to, site layout, building location, building materials, colors and elevation, have been submitted to and approved in writing by the ACC; and

**Whereas**, the Amended Declaration declares and the Board of Directors of the Civic Club further provides that the ACC shall have the discretion to approve or disapprove plans and specifications for buildings, additions or improvements on the basis of color, quality of building materials, lot size and harmony of external design with existing structures; and

**Whereas**, the Board of Directors of the Civic Club and the ACC desire to establish guidelines with respect to the type, quality and color of exterior additions and improvements on lots within Robindell Subdivision, to be followed by the ACC, so that a harmonious exterior design within the subdivision is consistently maintained;

**Now, Therefore**, the property owners of Robindell Subdivision hereby adopt the following Guidelines relating to buildings, additions and improvements on lots within Robindell Subdivision, which Guidelines have been created to give all property owners an idea of how the deed restrictions within Robindell Subdivision will be enforced. These Guidelines have been prepared for some of the deed restrictions, but not all of the deed restrictions that are in the Amended Declaration. The restrictions that are set forth in the Amended Declaration which is on file in the Real Property Records of Harris County, Texas are the governing documents; therefore, they should always be referred to and followed by each property owner.

### Definitions

Terms used in this document have the following meanings-

**ACC:** The Architectural Control Committee of the Robindell Civic Club.

**ADR:** Alternative Dispute Resolution.

**RCC Executive Board :** Board of officers and directors, including the following officer and director positions: president, vice president, secretary, treasurer, and five (5) directors, one for each of the five (5) Sections of Robindell.

**Civic Club:** Robindell Civic Club, its authorized representatives, successors or assigns and includes all Property Owners in Robindell.

**Deed Restrictions:** The Amended Declaration of Covenants, Restrictions and Conditions for Sections 1, 2, 3, 4 and 5 of Robindell.

**Guidelines:** Rules, standards and procedures established by the ACC pertaining to buildings, additions, or other improvements in Robindell Subdivision.

**Robindell Subdivision:** All sections of Robindell Subdivision to which the Amended Declaration applies. This currently includes all of Robindell Subdivision.

**Restrictions:** All covenants, conditions, reservations, easements, restrictions, and liens, and charges set forth in the Declaration.

### Preview

The purpose of architectural control is to keep the community attractive for the enjoyment of residents and for the protection of property and property

values. The Amended Declaration authorizes the ACC to establish rules, standards and procedures for the orderly development of the subdivision and requires homeowners to obtain written approval from the ACC for any buildings, additions or other improvements to their property. This is to ensure that the improvements comply with the provisions of the Declaration and are in harmony with existing and proposed structures.

These Guidelines have been established to assure uniform and fair application of the Declaration and are intended to provide all lot owners in Robindell Subdivision with information about: the type, color, quality of materials which may be used in the construction of various kinds of improvements; the size and locations of such improvements; and information about the procedures used by the ACC in reviewing applications for proposed improvements.

The ACC reserves the authority to review and approve applications for buildings, additions, or improvements which are not explicitly described by these Guidelines, and to consider additional guidelines in the review process whether published or not. These Guidelines may be amended as provided for in the Deed Restrictions Article 3 , section 3.02.

## **Article 1 - Application Procedure.**

**1.1. Submission.** All applications for approval to make exterior changes, additions or improvements must be submitted to the ACC in writing by completing the application form adopted by the ACC. Plans and specifications for any exterior change, addition or improvement should be attached to the application. The application should be supported by the following information:

1.1.1. Drawing(s) of the proposed structure showing the top, front, side and rear exterior views; overall dimensions (length, width, height) of the structure.

1.1.2. A copy of an official survey of the Lot showing location of the easements, existing buildings and structures, and the proposed location of the improvement;

1.1.3. A description of all materials used, including product name, model number, size, color, etc. Color samples (e.g., paint chips) for all exterior colors involved or to be included; and

1.1.4. As noted on the home improvement request, the ACC has up to 15 days to respond to a given request. Urgent deadlines may not necessarily be accommodated. The ACC reserves the right to request additional information deemed to be

necessary to properly evaluate the application. In the event that the ACC requests additional information and such information is not submitted to the ACC by the applicant in a timely manner (so that the application may be approved or disapproved within fifteen (15) days of its receipt), the application shall be denied. However, the applicant may thereafter submit a new application with the requested information to the ACC for its review. All applications shall be mailed or delivered to an ACC member.

**1.2. ACC Decisions.** ACC committee members shall consider each application for compliance with the Deed Restrictions and with these Guidelines. The decision of a majority of members to approve or disapprove an application shall be considered the decision of the ACC.

ACC decisions shall be conveyed in writing 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 Declaration, any application that is not approved or disapproved within fifteen (15) days of the date of its receipt by the ACC shall be deemed to have been automatically approved provided, however, that (i) any such approval shall extend only to architectural guidelines and not to any of the use restrictions set forth in the Deed Restrictions and (ii) 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 Deed Restrictions. Unless otherwise stated in the ACC's written response, all approved exterior changes, additions or improvements shall be completed within ninety (90) days of the date construction, installation or erection is commenced.

**1.3. Unlisted Items.** Any items that have not been specifically addressed in Robindell's Deed Restrictions or these Guidelines require approval by the ACC.

**1.4. ACC Appeals.** In the event that the ACC disapproves an application, the applicant can submit another application with any additional information or changes that the applicant considers relevant.

**1.5. Variances.** Variances may be applied for and granted in accordance with the Deed Restrictions Article 3 section 3.06.

**1.6. ADR Appeals.** If any Property Owner wants to appeal a disapproval by the ACC, he may do so using ADR as provided for in Article 1, section 1.15 of the Deed Restrictions.

## Article 2 - General Guidelines.

The ACC shall consider the following factors upon the review of each application for an exterior change, addition or improvement:

- 2.1. Harmonious elements.** The quality of construction and materials, colors, exterior design (elevations), size (dimensions), and location must be harmonious with existing and other proposed structures.
- 2.2. Setbacks, easements.** The location must not violate the building set back lines, utility or drainage easements as shown on the official recorded plat, nor obstruct driver's vision at street intersections. The ACC cannot grant permission to place an improvement upon or across any easement.
- 2.3. Height restrictions.** Improvements other than the main residence and garage may not exceed twelve (12) feet in height (except as otherwise provided by the Deed Restrictions or these Guidelines). Improvements which exceed two (2) feet in height may not be located closer to the front lot boundary line than the front set back *Mae*.
- 2.4. Nuisances.** Exterior changes, additions, or improvements which may become an annoyance or nuisance to the neighborhood are not permitted as determined by the ACC.
- 2.5. Other residences.** No living quarters are allowed beyond the main residence on any Lot.
- 2.6. Prohibited Materials.** The following materials must be submitted to and approved by the ACC for the main residence and garage: metal siding/roofing, direct reflective glass, plastic or fiberglass panels, or any new materials developed in the marketplace.
- 2.7. ACC Approval.** The ACC shall also consider the provisions of the Deed Restrictions and of applicable statutes, ordinances, and building codes. No approval of plans for a building, improvement or alteration shall ever be construed as representing or implying that such plans will result in a properly designed structure or satisfy any legal requirements.

## Article 3 - Fences and Gates.

- 3.1. Wrought Iron Fences and Gates.** Wrought iron fences and gates must be painted. Rust and/or corrosion must be removed immediately. Wrought iron fences and gates must be repaired with wrought iron.
- 3.2. Chain Link Fences.** Chain link fences are allowed but must be kept in good repair.
- 3.3. Wire Fences.** There shall be no wire fences.

**3.4. Setback Lines.** No fence or wall more than two feet (2') in height shall be built, on any Lot closer to the street than the minimum front setback line. No fence, wall, hedge or shrub that obstructs the view and is between two (2') and six (6') feet above the road shall be allowed on any corner Lot within the triangular area formed by the street property lines and line connecting them at points twenty-five feet (25') from the intersection of a street property line with the edge of a driveway or side line of such Lot. Trees shall be allowed provided the foliage does not obstruct the view as discussed in this Restriction.

**3.5. Maintenance of Fences.** Pickets, rails, or bars that are broken, warped, bent, sagging, mildewed, infested with termites or which have otherwise deteriorated must be-repaired or replaced immediately. All fences which are stained or painted shall be properly maintained to prevent cracking, chipping, fading or mildewing.

**3.6. Height of Fences.** No fence shall exceed eight feet (8') in height. Variances will be considered on an individual basis. In addition, a permit is required from the city for fences greater than eight feet high.

**3.7. Attachments to Fences on Property Lines.** No structure may be attached to a fence on the property line unless agreed to by the property owners involved.

## Article 4 - Swimming Pools and Spas.

**4.1. Application.** An application for the construction of a swimming pool, spa or Jacuzzi must include a plot plan showing the proposed location of the swimming pool, spa or Jacuzzi in relation to the property lines, building lines, existing structures and existing or proposed fences. The application shall also include a timetable for the construction of the pool, spa or Jacuzzi.

**4.2. Visual screening.** Pool equipment such as filters, pumps, etc., must be screened from view of the street. Above ground pools may not be visible from any street.

**4.3. Setback.** Minimum sideline setback is five (5') feet. No construction is to encroach into this setback.

**4.4. Easements.** The pool shall not encroach on any easement.

**4.5. Electrical standards:** 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.

**4.6. Pool codes.** The pool shall comply with all current city codes.

**4.7. Drainage.** Pools, spas and Jacuzzis must have an adequate drainage system according to the requirements of any governmental agency having jurisdiction or, in the event there is no governmental agency having jurisdiction, as deemed appropriate by the ACC. The pool contractor and homeowner are responsible for establishing proper drainage for the lot and deck areas during and after pool construction. No swimming pool, spa or Jacuzzi shall be constructed in a manner to impede drainage on a lot or cause water to flow on an adjacent lot.

**4.8. Fenced enclosure.** No swimming pool, spa or Jacuzzi (*in* or above ground) shall be approved unless the area in which the pool, spa or Jacuzzi is to be located is either enclosed by a six foot (6') fence constructed of solid wood or of wrought iron with a maximum of four inches (4") between each bar. A construction fence sufficient to prohibit entry by children shall be provided at all times.

**4.9. Excavated material.** All excavated material must be totally removed from Robindell Subdivision upon completion of the pool.

**4.10. Construction access.** Construction access is limited to the applicant's property. Any damage done to any neighbors' property shall be restored to the original condition as judged by the neighbor.

**4.11. Construction signs/fences/equipment.** No contractor's advertisement signs are to be located on property after completion of the project. All fencing must be installed after the completion of each day. No building materials or contractor's equipment shall be left on the street overnight.

**4.12. Non-endorsement of contractor.** By approving a request for construction of a swimming pool, the ACC is not endorsing the specific named contractor. The ACC does not attempt to screen, nor qualify the various firms contracting with individual property owners. The ACC does encourage applicants to investigate the contractor's background and financial responsibility before executing a contract.

## **Article 5 - Outbuildings.**

**5.1. General Rules.** Any type of building which exists on a lot but is not attached to the residential dwelling on a lot, other than the dwelling itself or a detached garage, shall be considered an outbuilding, including tool and/or storage sheds, gazebos, and greenhouses

5.1.1. Only two (2) outbuildings not exceeding 120 square feet each and twelve feet (12') in height shall be permitted on a lot without ACC approval.

5.1.2. Unless the outbuilding is screened from the street by a minimum six (6) feet high solid fence, then the following applies. 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 main residence on the lot. The roof of an outbuilding shall conform to the provisions relating to roofing materials set forth in the Deed Restrictions and these Guidelines- and shall be compatible with the color and type of materials used *in* the construction of the main structure.

5.1.3. Metal outbuildings shall not exceed eight (8') feet in height. All metal outbuildings shall be securely anchored.

5.1.4. An outbuilding shall be located in the backyard of the lot inside the fence. The outbuilding shall not encroach upon easements or set back lines on the property.

**5.2. Gazebos.** For the purposes hereof, a gazebo shall be defined as a free standing, open framed structure with lattice-type walls, whose purpose should not be for any type of storage. These typically are circular or octagonal shaped structures. These are considered an outbuilding per sec. 5.1 above.

**5.3. Children's Play Structures.** For the purposes hereof, a children's play structure shall mean any type of children's swing sets, play sets, climbing structure, slides, or raised play sets.

5.3.1. A play structure may be no greater than eight feet (8') in height, except that it may have a shade tarpaulin no greater than twelve feet (12') in height measured from the ground. Variances in height may be submitted to the ACC for consideration.

5.3.2. Play structures must be located within the fence in the backyard. No play structure shall be approved for construction on easements, or may impede the drainage on the lot or cause water to flow to an adjacent lot.

## **Article 6 - Patio Covers.**

(City requires permit for building.)

**6.1. Harmonious elements.** The standard type, quality and color of the materials used in the construction of a patio cover and siding must be harmonious with the standard type, quality and color of the materials used in the construction of the main residence. Patio covers and siding materials must be approved by the ACC.

**6.2. Other materials.** Any other patio cover roofs

may be allowed as long as the quality of materials is approved by the ACC.

**6.3. Wood finish.** Exposed wood may be stained or given a clear coat provided the color shall conform to the provisions relating to painting set forth in these Guidelines.

**6.4. Location, drainage.** The location of a patio cover must not encroach on any utility or drainage easement, nor shall it violate the building set back lines applicable to the residential dwelling on any lot. Patio covers must not interfere with drainage or cause water to flow onto any adjoining lot.

**6.5. Construction standards.** All patio covers must be adequately supported and constructed of sturdy materials so that the patio cover has no visible sagging or warping. This also applies to any lattice attached to the sides of the structure.

**6.6. Height.** The top of the patio cover shall not be higher than twelve (12) feet from the ground.

## **Article 7 - Sunrooms.**

Sunrooms are considered a building addition and must comply with all applicable requirements.

## **Article 8 - Exterior Lighting.**

**8.1. Security lighting.** Security Lighting shall comply with Article 4.01(r) of the Deed Restrictions and the following:

8.1.1. Incandescent, reflector, down-directed or flood lights are preferred over high intensity discharge lighting. Strip fluorescent lighting requires ACC approval.

8.1.2. Security lighting may be mounted on the house or garage. Other mounting locations require ACC approval.

8.1.3. No security light fixture shall be allowed above the eaves of the house or garage or more than ten feet (10') from the ground.

**8.2. Landscape Lighting.** Exterior landscape lighting shall be permitted at ground level so long as the lighting is located at ground level only and restricted within flower beds and shrubs and all of the wiring is buried. Landscape lighting in trees is acceptable as long as it is not an annoyance.

**8.3. Annoyances.** The ACC reserves the right to require the removal or modification of any lighting which it reasonably determines to be an annoyance to neighbors and/or general public.

## **Article 9 - Painting.**

**9.1. Repainting.** A house is determined to be in need of repainting when at least 25% of the painted surface of the house is peeling or blistering, at which time the ACC has the right to require that the homeowner repaint the house.

**9.2. Harmonious Colors.** The proposed colors must be harmonious with each other and with the colors of exterior brick and roofing material.

**9.3. Principal Colors of Dwelling.** The principal color of the dwelling and garage situated on a lot, including the garage door, must be a muted exterior color. ACC may approve exceptions.

**9.4. Trim.** Soffit, fascia board, window and door trim and rain gutters may be a different muted exterior color harmonious with the principal color of the dwelling.

**9.5. Gutters.** When rain gutters are painted, their color must match the color of the fascia board trim. When pre-finished gutters are installed or replaced, their color must be harmonious with the fascia board trim or previously approved existing gutters.

**9.6. Accents.** Shutters and the exterior surfaces of doors may be painted any manufacturer's standard exterior color.

**9.7. Gloss paint.** High gloss paint is not permitted except as an accent per item 9.5.

**9.8. Incomplete painting.** Partially painted houses must be completed within 90 days.

## **Article 10 - Roofing Materials and Roofing Additions.**

**10.1. Roof Replacement.** A roof is determined to be in need of replacement when at least 25% of the surface of the roof has visibly deteriorated (*curling/* broken/decaying shingles), at which time the ACC has the right to require that the homeowner re-roof the house.

10.1.1. Once begun, re-roofing must be completed within 60 days.

**10.2. Materials.** It is recommended that pitched roofs be of composition shingles, minimum 220 lb. per square, 20 year warranty, or better. All other replacement roofing materials must be approved by ACC. However, there shall be no roll roofing or corrugated roofing.

10.2.1. Roofing material must be harmonious with the existing dwelling. Pure white roofing cannot be used.

### **10.3. Roofing Accessories.**

10.3.1. No solar panels or roof ventilators or similar types of additions shall be permitted on the front of the roof ridge line and/or gable of a structure.

10.3.2. All roof ventilators shall be located to the rear of the ridge line and/or gable of any structure.

10.3.3. The color of roofing accessories must match or be harmonious with existing roof vents (if any) or must be harmonious with the color of roofing materials. Galvanized is acceptable.

## **Article 11 - Exterior Siding.**

**11.1. New and added siding.** 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 main residence (unless all exterior siding is being replaced at one time). Note the requirements for masonry hi Article 4.01 (n) of the Deed Restrictions.

**11.2. Complete replacement.** If all exterior siding is being replaced at one time, the type of siding may be changed to any of the following acceptable materials that give the appearance of standard wood siding: wood, wood product (e.g., Masonite), vinyl, vinyl-coated aluminum, or vinyl-coated steel, provided it is approved by the ACC. Unpainted aluminum, steel or other metal siding shall not be acceptable.

**11.3 Additional standards.** The following additional Guidelines apply to replacement or additional exterior siding

11.3.1. Warranty information should be submitted with the application along with two (2) ) samples of the siding.

11.3.2. Two samples of the siding should be submitted with the application.

11.3.3. Color of all siding (including siding that is not painted) must comply with the Guidelines for Painting as set forth herein; each application must include at least two (2) color samples of the proposed siding color.

11.3.4. Exterior Siding must be installed and maintained to avoid sagging, waving, warping or irregular coloration; the ACC may require the homeowner(at the property owner's sole responsibility and expense) to repair or replace siding that fails to adhere to these Guidelines.

## **Article 12 - Basketball Goals.**

**12.1. Number.** There may be no more than one per front yard and must be kept in good repair.

**12.2. Materials.** Basketball poles must have a manufacturer's weather resistant finish and be either black or white. The backboard supports may be of wood, steel, or aluminum. The backboard material must be fiberglass, safety glass, or standard manufacturers' clear plastic resin (such as acrylic or nylon).

**12.3. Permitted Mounting Locations.** A pole mounted goal must not be within ten (10) feet of the adjoining neighbor's amenities (air conditioning unit, shrubbery, gas meter, etc.) unless properly protected (i.e., by fence or shrubbery) and/or unless written consent of the neighbor is obtained. No pole mounted goals will be allowed along the neighbor's adjoining side of a driveway if the neighbor's window(s) are exposed unless written consent of the neighbor is obtained.

## **Article 13 - Miscellaneous.**

**13.1. Birdhouses.** No birdhouse shall be situated higher than fifteen feet (15') above the ground, nor located in the front of the home.

### **13.2. Free-standing Flagpoles.**

13.2.1. Flagpoles must remain within ten (10') feet of the main residence.

13.2.2. Flagpoles must be constructed of either a steel or aluminum material with a maximum of twenty (20') feet in height.

13.2.3. All flagpoles must be maintained in a structurally sound condition. If painted, the paint must be in good condition and harmonious with the existing color of the main residence.

**13.3. Window and Door Awnings.** The type, color and materials of all awnings location at the front of houses as well as side of corner lot houses are subject to approval by the ACC.

**13.4. Satellite Dish Antennae.** See Article IV Section 4.01 (s) of Deed Restrictions.

### **13.5. Solar Screens / Window Coverings.**

13.5.1. The color of any solar screens or window tint must be harmonious with that of the house. The frames of the screens must match the window frames.

13.5.2. If any window is covered, all of the windows on the same side of the building must also be covered.

13.5.3. The width of the screen frames must match individual window size (i.e., double-width screens are not allowed). Frames should have appropriate cross-member support to prevent sagging.

13.5.4. Window tint shall be harmonious, shall not be reflective and must be maintained to prevent peeling, cracking, or irregular discoloration. Aluminum foil, cardboard, paint, etc. may not be used on windows.

13.5.5. Temporary paper and/or cloth window coverings may not remain in windows longer than 90 days. After this time, these window coverings shall be considered a Deed Restriction violation.

13.5.6. Screens are required on windows which shall be opened. Screens must be in good repair. Open windows without screens are not permitted.

13.5.7. Appropriate window coverings only.

13.5.8. No boarded-up windows or cracked or broken panes are permitted.

### **13.6. Trees.**

13.6.1. Trees must be maintained so as not to distract from the overall harmonious appearance of the neighborhood.

13.6.2. When tree removal is required for the construction of an improvement, it must be disclosed in the application for that particular improvement. When trees are removed for any reason, the property owner must also remove the remaining stump and fill any resulting hole. Dead or diseased trees must be treated or removed.

**13.7. Portable Skateboard Ramps.** Portable skateboard ramps are not permitted on public roads. When ramps are not in use, they must be stored out of public view.

**13.8. Seasonal Decorations.** Must be installed no more than 30 days before and must be removed within 30 days after the appropriate holiday (to include mounting hardware/nails, etc.).

### **13.9. Topiaries.**

13.9.1. For the purposes of these Guidelines, a topiary shall be defined as a plant or shrub that has been trimmed or formed into a shape. The definition is broadened to include any ornamental structure composed of or covered with living plant material.

13.9.2. Topiaries must be maintained so that only living plant material of natural color is exposed.

**13.10. Signs, Advertisements and Billboards.** Refer to Deed Restrictions Article 4 Section 4.02 (f).

**13.11. Dog Houses.** Dog houses shall not be visible from any street.

**13.12. Clotheslines.** Clotheslines shall not be visible from any street. Refer to Deed Restrictions Article 4 Section 4.01 (z). -

**13.13. Vegetable Gardens.** Discernible vegetable gardens shall not be visible from any street.

**13.14. Garage Doors, Porches, Carports.** No sagging frames. All garage doors shall be kept operable and normally closed. Porches and carports shall not be used as storage or for inappropriate items.

**13.15. Garbage.** Refer to Deed Restrictions Article 4 Section 4.02 (c).

**13.16. Front Yard Decorations.** No sculptures, shrines, "twirlies", "bend-overs", tires and/or rims, etc. allowed visible from any street.

**13.17. Ponds.** Any proposed ponds outside of an enclosure (such as a fence) must be approved by the ACC.

**13.18. Outdoor Furniture.** Only appropriate outdoor furniture shall be visible from any street.

*Subject to ratification by a vote at the September, 1998 RCC meeting*