
ARCHITECTURAL GUIDELINES

FOR

SUMMER HILLS HOMEOWNERS ASSOCIATION, SECTIONS ONE AND TWO

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ARCHITECTURAL GUIDELINES

FOR

SUMMER HILLS HOMEOWNERS' ASSOCIATION, SECTIONS ONE AND TWO

The undersigned, being all of the members of the Board of Directors of Summer Hills Homeowners Association Community Association, a Texas nonprofit corporation ("the Association") do now certify that at a joint meeting of the Board of Directors of the Association, duly called and held, the following guidelines were unanimously made and adopted:

WHEREAS, the Association, acting through its Board of Directors, desires to exercise the authority granted to it by the provisions of the Declaration of Covenants, Conditions and Restrictions of Summer Hills Homeowners Association and the Protective Covenants applicable to Summer Hills Homeowners Association, Sections One and Two, ("the Declaration" and "the Protective Covenants") to maintain the harmonious and architectural design of the subdivision in accordance with the provisions of the Protective Covenants; and

WHEREAS, the Protective Covenants expressly allow Summer Hills Homeowners Association or its assignee to approve or disapprove plans for construction; and whereas, the Architectural Control Committee (ACC), the assignee of Summer Hills Homeowners Association was created for the specific purposes set forth below; and

WHEREAS, the Protective Covenants provides that no building or other improvements shall be erected, placed or altered, including any walls, fences or hedges or the erection begun, or changes made in the design thereof after original construction on and lot until the construction, plans and specifications and a plot plan showing the location of the structure or improvements have been submitted to and approved by the Architectural Control Committee or its assignee; and

WHEREAS, the Protective Covenants further provides that Summer Hills Homeowners Association or its assignee shall have the discretion to approve or disapprove plans and specifications for buildings, additions or improvements on the basis of quality of materials, harmony of external design with existing and proposed structures, and as to location with respect to topography and finished grade elevation; and

WHEREAS, the Board of Directors of the Association and the ACC desires to establish guidelines with respect to the type, quality and color of exterior additions and improvements on lots within Summer Hills Homeowners Association, Sections One and Two, to be followed by the ACC, so that a harmonious exterior design within the subdivision is consistently maintained;

NOW, THEREFORE, the Board of Directors of the Association and the ACC hereby adopt the following guidelines relating to buildings, additions and improvements on lots within Summer Hills Homeowners Association, Sections One and Two which guidelines shall supplement the applicable restrictive covenants set forth in the Protective Covenants:

Terms used in this document have the following meanings:

Association	Summer Hills Homeowners Association Community Association
ACC	The Architectural Control Committee of the Association
Board	The Board of Directors of the Association
Protective Covenants	The "Declarations of Covenants, Conditions and Restrictions" applicable to Summer Hills Homeowners Association
Declarant	The creator of the Declaration and developer of the subdivision, Summer Hills Homeowners Association.
Guidelines	Rules, standards and procedures established by the ACC pertaining to buildings, additions, or other improvements in Summer Hills Homeowners Association.
Summer Hills	All sections of the Summer Hills Homeowners Association subdivision

Homeowners Association	to which the Declaration applies. This currently includes Summer Hills Homeowners Association, Sections One and Two.
Protective Restrictions	The Protective Covenants of Summer Hills Homeowners Association, Sections One and Two.

OVERVIEW

The purpose of architectural design review is to keep the community attractive for the enjoyment of residents and for the protection of property and property values. The Protective Covenants authorize Summer Hills Homeowners Association or its assignee to establish rules, standards and procedures for the orderly development of the subdivision and require homeowners to obtain written approval from Summer Hills Homeowners Association or its assignee for any buildings, additions, or other improvements to their property. This is to ensure that the improvements comply with the provisions of the Protective Covenants and ACC Guidelines. The ACC and Board have established these guidelines in accordance with the authority granted to them by the provisions of the Protective Covenants and certain grants made by the Declarant.

These guidelines have been established to assure uniform and fair application of the Protective Covenants and are intended to provide all lot owners in Summer Hills Homeowners Association 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 by the Board as it deems necessary and appropriate.

A. Application Procedure

1. Submission. All applications for approval to make any exterior changes, additions or improvements must be submitted to the ACC in writing. 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:
 01. 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.);

02. A copy of an official survey of the Lot showing location of easements, existing buildings and structures, and the proposed location of the improvement.
03. A description of all materials used, including product name, model number, size, color, etc. Color samples (e.g., "paint chips") for all colors involved must be included; and
04. If providing color samples or photographs, please include 2 sets, if possible, so that each ACC member may receive a copy.

The ACC reserves the right to request any additional information deemed by it 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 thirty (30) days of its receipt), the application shall be considered 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 the ACC.

2. ACC Decisions. ACC committee shall consider each application for compliance with the restrictive covenants of the Protective Covenants and with these guidelines. The decision of the ACC to approve or disapprove an application shall be considered the final decision.

ACC decisions shall be conveyed in writing by the ACC 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 Protective Covenants, it is the policy of the ACC to respond to written requests in writing within thirty (30) days. Nevertheless any application that is not approved or disapproved in writing within thirty (30) 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 Protective Covenants 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 restrictive covenants in the Protective Covenants. Unless otherwise stated in the ACC's written response, all approved exterior changes, additions or improvements shall be completed within thirty (30) days of the date construction, installation or erection is commenced.

3. Appeals. In the event that the ACC disapproves an application, the applicant may within thirty (30) days submit or appeal to the Board of Directors ("the Board") with any additional information the applicant considers relevant to the original applications. The Board of Directors shall review the appeal at one of its next two (2) meetings following the date upon which the appeal is received and notify the applicant of the Board's decision. All decisions of the Board of Directors shall be final.
4. Status of Applications During Appeal. During the appeal period, the decision of the ACC on the original application shall remain in effect. Failure of the Board of Directors to respond to a request for reconsideration within thirty (30) days of the date of its receipt shall not automatically result in approval of the original application.

B. General Guidelines

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

1. Upon completion, materials, colors, exterior design (elevations), size (dimensions), and location must be harmonious with existing and other proposed structures.
2. Additions to the exterior of the home are to appear as if they were part of the original construction.
3. Summer Hills Homeowners Association Community Association will not be held responsible for insuring compliance with restrictions regarding utility easements, building setbacks, building codes and other restrictions imposed by other local or state governing bodies nor companies nor does Summer Hills Homeowners Association Community Association make any warranties as to the soundness or quality of the improvements or alterations to be made.
4. 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.

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., utility companies); the ACC may grant permission to place an improvement upon or across a drainage easement subject to the condition that the improvement must not impede drainage of 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 easements; removal of improvements (if required by the Association or owner of the easement) shall be solely the homeowner's responsibility, cost and expense.

5. Improvements other than the main residence and garage may not exceed eight feet (8') in height (except as otherwise provided by the Protective Covenants or Guidelines).
6. Improvements exceeding two feet (2') in height may not be located any closer to the street than the building setback line, as provided in the Protective Covenants.
7. Improvements which are intended for other than single-family residential purposes, or which may become an annoyance or nuisance to the neighborhood are not permitted.
8. Improvements must be located so that their use will not infringe upon the enjoyment of neighboring amenities nor place neighboring property at increased risk of damage.

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 statutes, ordinances or building codes, or as a warranty or representation by the ACC of the fitness, design or adequacy of the proposed construction.

C. Fences

9. Wood Fence Construction. Wooden fences facing along any side street or rear street property line shall be constructed with all pickets on the outside so that no posts or rails are visible from the street. No solid fencing is allowed on the front plane of any lot.

All other wooden fences must be constructed in the manner described above or must be constructed in panels (each of which is 6 to 8 feet in length).

10. Color.

a. Wood Fences. Fences may be left natural or may be painted or stained only in natural wood toned colors. (E.g., cedar, redwood, birch)

b. Wrought Iron Fences. Wrought iron fences must be black. The height, location and spacing of the bars of all wrought iron fences must be approved by the ACC.

c. Chain Link and Wire Fences. 4ft – 8ft chain link or wire fences.

11. Setback Lines. Solid Fences may not be constructed on a lot forward of the front line of the main structure. All front facing fences must be constructed to allow the front yard to be visible from the street.

12. Maintenance of Fences. Pickets, rails, or bars that are broken, warped, bent, sagging, or which have otherwise deteriorated must be promptly repaired or replaced. All fences which are stained (on interior surfaces) shall be properly maintained to prevent cracking, chipping, fading or mildewing.

13. Height of Fences. All perimeter fences shall not exceed eight feet (8') in height. No solid fencing is allowed on the front plane of any lot.

D. Outbuildings

1. General Rules. The outbuilding shall be no closer than five feet (5') from any property line and on a corner lot, the outbuilding shall be nearer to the interior property line than to the exterior property line. The ACC cannot approve the location of a structure on a utility easement. All Outbuildings are subject to ACC Approval/Denial.

2. 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. A maximum of two (2) children's play structures are allowed on a residential lot. No play structure may be located closer than six feet (6') to any property line. No play structure shall be approved for construction on utility easements or may impede the drainage on the lot or causes water to flow to an adjacent lot. All play structures must be maintained behind the front plan of the main structure.

E. Patio/Porch 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 main residence; provided, however, that corrugated roofs for patio covers shall not be permitted under any circumstances. If siding is used on patio covers, it must be of the same type, quality, and color as the siding on the main residence. Roofing materials on patio covers 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 of materials is approved. Pressure treated wood may be stained or 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 house shall be subject to the Guidelines set forth herein for gazebos, pavilions or spa enclosures.

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 or adjacent lot.

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.

F. Patio/Porch Enclosures

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

G. 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, other than original construction, shall be constructed more than height of the floor of the home.

H. Exterior Lighting

1. Annoyances. The Board reserves the right to require the removal or modification of any lighting which it reasonably determines to be annoying to neighbors.

I. Painting

No exterior surface of any house, garage, or other structure or improvement on any lot shall be painted without prior approval of the ACC. This applies to existing, as well as new construction, and whether the proposed colors are different from the existing colors.

J. Miscellaneous

1. Garage Conversions. An originally constructed garage may be converted into a family room however may not be used as a second residence. Each garage, whether used for the storage of vehicles or not, must maintain the outward appearance of a garage.
2. Exterior 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 as the existing siding on the main residence (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 must be approved by the ACC. The following additional guidelines apply to replacement or additional exterior siding:

01. Each application submitted to the ACC shall include a sample of the proposed siding material.
02. Color of all siding (including siding that is not painted) must comply with Section J (Painting) as set forth herein.
03. Must be installed and maintained to avoid sagging, waving, warping or irregular coloration; the Board of Directors may require the homeowner (at homeowner's sole responsibility and expense) to repair or replace siding that fails to adhere to these guidelines.
04. Skirting is required for all homes within the Community.

ADOPTED on the date set forth opposite each name to become effective upon recording.

SUMMER HILLS HOMEOWNERS' ASSOCIATION

COMMUNITY ASSOCIATION

Date:

President

Print Name: Charles Bailey III

Date:

Secretary

Print Name: Diane Marsh

SUBSCRIBED AND SWORN TO before me on August 20, 2021.

Notary Public in and for
The State of Texas

Jaime L. Burns

Printed Name of Notary

My Commission Expires: