

Lakes of Rosehill
ACC Enforcement Guidelines and Deed Restriction Clarifications

Revision 5

July 20, 2009

The following Guidelines address provisions in the Deed Restrictions and policies consistently followed since initial development of the community. This document does not supersede the Deed Restrictions. The Guidelines are intended to supplement the Deed Restrictions.

DEFINITIONS:

ACC - The Architectural Control Committee for the Subdivision.

Association - Lakes of Rosehill Homeowners Association, Inc.

Board - The Board of Directors of the Association.

Subdivision - Lakes of Rosehill, Sections One (1), Two (2), Three (3) and Four (4) 400

Lake Lot - Any lot which is adjacent to Lake 1, 2 or 3 in the Subdivision, in whole or in part.

1. General

- 1.1. Whenever the term "screening" is used in these Guidelines, the screening device must cover or screen at least 75% of the item from view from a street adjacent to the lot and from an adjacent lot at ground level by a person of average height. The screening device must blend with the improvements on the lot, as determined by the ACC.
- 1.2. No construction shall be commenced on a lot without first submitting an ACC form and receiving the ACC's written approval. The commencement of any new construction of a lot or any modification or addition that affects the exterior of an existing improvement on a lot without first submitting plans to the ACC and receiving its written approval is a violation of the Deed Restrictions. Plans submitted by an owner after unauthorized construction has commenced will be approved only if the proposed improvement complies with the Deed Restrictions and Guidelines and is deemed by the ACC to be compatible with the exterior design of the Subdivision. If plans submitted by an owner after unauthorized construction has commenced are disapproved, or if no plans are submitted, the owner may be required to remove the unauthorized improvement in its entirety and restore the owner's property to its condition prior to the commencement of the unauthorized construction at the owner's sole cost and expense. The restoration of the property to its prior condition must be accomplished within sixty (60) days of the date of the ACC's written notice to the owner.
- 1.3. An addition to an existing home on a lot requiring a foundation (i.e., an addition that increases the footprint of the home) is limited to a one-story addition. A two-story addition to a home that requires a foundation is prohibited.
- 1.4. Reflective metal roofs are prohibited on all buildings, including, without limitation, a residential dwelling, a garage, a patio cover and an outbuilding.

- 1.5. A non-reflective metal roof on a residential dwelling or garage is prohibited; provided that, a non-reflective metal roof may be permitted as an accent on a portion of the residential dwelling if approved in writing by the ACC as to type and color of material, location, and scope.
- 1.6. No metal building of any kind is permitted on a lot. No metal siding is permitted on any building on a lot.
- 1.7. ACC approval is required to for all landscaping prior to installation.
- 1.8. No garage or outbuilding may be used as living quarters and no garage or outbuilding may be leased.
- 1.9. Only one family may reside on a lot in the Subdivision.
- 1.10. No construction is permitted on a corner lot that obstructs sight lines between two (2) feet and six (6) feet in the triangular area measured twenty-five (25) feet along each lot line from the corner of the lot. No improvement of any kind is permitted on a lot nearer to a street than ten (10) feet.
- 1.11. No window or wall type of air-conditioning unit is permitted on any building on a lot.
- 1.12. No tree with a caliper of three (3) inches or greater, measured two (2) feet above the ground, shall be removed from a lot without the prior written approval of the ACC except in an emergency situation in which the tree creates a legitimate threat to the health or safety of the owner or occupant of the lot on which the tree is located or the owner or occupant of an adjacent lot.

2. Outbuildings

- 2.1. An outbuilding is permitted on a lot but only if the outbuilding complies with the following:
 - 2.1.1. The outbuilding must be a one-story structure, unless otherwise approved in writing by the ACC.
 - 2.1.2. In no event shall an outbuilding exceed a height of twenty (20) feet, measured from grade to the highest point of the outbuilding, or the height of the residential dwelling on the lot, whichever height is lower.
 - 2.1.3. An outbuilding shall not be located nearer to the front property line of the lot than seventy-five (75) feet.
 - 2.1.4. The building materials on the exterior of the outbuilding must be compatible with the building materials on the exterior of the residential dwelling on the lot, as determined by the ACC. In addition, any side of an outbuilding that is visible in whole or in part from the street in front of the lot or, in the case of a corner lot, the side street, must be comprised of not less than fifty-one percent (51%) brick, stone or other masonry material approved in writing by the ACC.

- 2.2. If a new improvement or addition requires a concrete slab or foundation, the owner of the lot is required to submit to the ACC a foundation plan signed by a registered professional engineer, as well as a slab survey, after the forms for the foundation have been set but prior to pouring the foundation.
- 2.3. Copies of all required building permits must be submitted to the ACC either at the time of plan submittal or prior to the date construction per the approved plans commences.

3. Sewage Systems

- 3.1. All homes in the Subdivision are equipped with an aerobic sewage treatment system. The capacity of these systems depends on several variables for the final design. In many cases, with the addition of a pool and external building, the sewage treatment systems are not sufficient to dispose of the required waste water. As per the county rules, modification of these systems must have a professional engineer or professional sanitarian approved set of drawings and design. To assure harmony in the community the homeowner is requested to provide:

- 3.1.1. A copy of the certified professional approval of the septic disposal design and all approved drawings before construction is started. Failure to do so could result in rejection by the ACC.

4. Swimming Pools.

- 4.1. A swimming pool on a lot is permitted with prior ACC approval as to location, drainage and the like, but only in-ground swimming pools are permitted. Above-ground swimming pools (except small wading pools for toddlers) are prohibited.
- 4.2. All pool equipment must be located in the rear yard or side yard of the lot no nearer to the front property line than the front of the residential dwelling and screened from view from the street in front of the lot or, in the case of a corner lot, the side street, in a manner approved in writing by the ACC. All pool equipment must be located on the lot within all building setbacks.

5. Water Wells.

- 5.1 A water well is permitted on a lot only if the owner obtains all required approvals from all governmental entities having jurisdiction. In addition, a water well is permitted only if it complies with the following:
 - 5.1.1 The water well must be approved in writing by the ACC prior to instruction as to type, location, screening and the like.
 - 5.1.2 A water well shall not be located nearer to the front property line of the lot than the fence facing the front property line or, if there is no fence facing the front property line, the front elevation of the residential dwelling nearest to the water well.
 - 5.1.3 A water well and all associated equipment must be screened from view in a manner approved in writing by the ACC prior to installation.
 - 5.1.4 A water well must be operated and maintained in accordance with all applicable laws and regulations.

6. Fences.

- 6.1 A fence on the side lot line of a Lake Lot, from the rear elevation of the residential dwelling to the rear lot line, and a fence on the rear lot line of a Lake Lot, is required to be black wrought iron no greater than five (5) feet in height. The rails in the wrought iron fence are required to be on four (4) inch intervals. A wood fence is permitted in the rear portion of a Lake Lot only for the purpose of screening equipment but then only as approved in writing by the ACC.
- 6.2 Except as provided in 6.1, a solid wood fence no greater than eight (8) feet in height is permitted on a lot. If a lot is adjacent to land that is not within the Subdivision, the owner of the lot may, with prior ACC approval, erect a fence no greater than ten (10) feet in height along the portion of the lot that is adjacent to land not within the Subdivision.
- 6.3 Ownership of a wall or fence erected on a lot shall pass with title to such lot and it shall be the lot owner's responsibility to maintain such wall or fence. If a fence is located on the property line separating two (2) lots, the owners of the two (2) lots shall have equal responsibility to maintain, repair and/or replace the fence. In the event the owner or occupant of any lot fails to maintain a wall or fence on the lot in a reasonable manner and such failure continues after ten (10) days written notice from the Association, the Association may, at its option, without liability to the owner or occupant in trespass or otherwise, enter upon said lot and cause the wall or fence to be repaired or maintained and do every other thing necessary to secure compliance with the Deed Restrictions and Guidelines, and may charge the owner of such lot for the cost of such work. The Board of Directors shall have the exclusive authority to determine whether an owner is maintaining a fence or wall on his lot in a reasonable manner and in accordance with the standards of the Subdivision and the Board of Directors' reasonable, good faith determination shall be conclusive and binding on all parties.
- 6.4 No fence or wall, or hedge that serves as a fence or wall, shall be located nearer to the front property line of a lot than the front building setback or the front elevation of the residential dwelling nearest to the fence, whichever distance from the front property line is greater.
- 6.5 No fence or wall, or hedge that serves as a fence or wall, shall be located nearer to the side property line adjacent to a side street than ten (10) feet or the side elevation of the residential dwelling nearest to the fence, whichever distance is greater.
- 6.6 Except as otherwise provided in this paragraph, chain link and wire fences are prohibited. A chain link fence may be permitted in the rear yard of a lot that is not a Lake Lot for a pen, dog run, or similar improvement, provided that the chain link fence must be screened from view from the street in front of the lot and, in the case of a corner lot, the side street. A chain link fence in the rear yard of a Lake Lot is prohibited.

7. Roads.

- 7.1. All roads in the Subdivision are privately owned and maintained by the Association except the following roads which are designated to be county roads:
 - 7.1.1. Skinner Road.
 - 7.1.2. Rose Garden Trail from Skinner West to dead end.
 - 7.1.3. Briar Rose from Rose Garden Trail South to Lasting Rose.
 - 7.1.4. Lasting Rose from Briar Rose West to dead end.

- 7.2. The roads listed in 7.1.1. through 7.1.4. are currently owned by the developer of the Subdivision and will be accepted by the county when all required repairs have been completed and a final inspection has been conducted by the county. All repairs must be completed by the developer.
- 7.3. Maximum driveway width at the access point for the street is sixteen (16) feet.
- 7.4. Driveways on cul-de-sac lots must be a minimum of four (4) feet apart.
- 7.5. No driveway access is allowed on Skinner Road or Lakes of Rosehill Drive. These are main roads and, for safety and aesthetic reasons, permanent driveway access to these roads is not allowed.
- 7.6. All penetrations through street curbing shall be flush mounted, with piping trimmed to match curbing slope and concrete patched to fill in all gaps around piping penetration.
- 7.7. Piping is not allowed to be taller than the concrete curbing on either side of the pipe. In other words, a six (6) inch penetration is not allowed as it would be taller than the curbing.

8. Vehicles.

- 8.1. No vehicle of any kind shall be parked, kept or stored in the rear yard of a Lake Lot in view from the lake or an adjacent lot. A vehicle may be parked, kept or stored in the rear yard of a lot other than a Lake Lot so long as the vehicle is reasonably screened from view in a manner approved in writing by the ACC.
- 8.2. Only an operable passenger vehicle, sport utility vehicle or pick-up truck used as a family vehicle, (i.e., not adapted for any business or commercial use) may be parked on a lot in view from a street.

9. Animals.

- 9.1. No horses, cattle, swine (except pot belly pig pets), sheep, goat, poultry or livestock of any kind other than normal household pets may be kept on any lot in the Subdivision.

CERTIFICATE

The undersigned, being the Secretary of Lakes of Rosehill Homeowners Association, Inc. (the "Association") certifies that the foregoing "Lakes of Rosehill ACC Enforcement Guidelines and Deed Restriction Clarifications" was approved by not less than a majority of the Board of Directors of the Association at a meeting duly called and held on September 21, 2009, at which a quorum was at all times present.

LAKES OF ROSEHILL HOMEOWNERS
ASSOCIATION, INC.

By: *Robert J. Morin*

Print Name: ROBERT J. MORIN

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THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 21st day of September, 2009 personally appeared Robert J. Morin, Secretary of Lakes of Rosehill Homeowners Association, Inc. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.



Susan A. Jones
Notary Public in and for the State of
Texas

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 file number Sequence on the date and at time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County Texas on

OCT - 2 2009



Dorely B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS