

**ARCHITECTURAL GUIDELINES**

**FOR**

**COPPERFIELD NORTHMEAD VILLAGE**

**SECTIONS ONE (1), TWO (2) AND THREE (3)**

The undersigned, being all of the members of the Board of Directors of Northmead Village Community Association, Inc., a Texas non-profit corporation ("the Association"), do hereby certify that at a 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 them by the provisions of the Declaration of Covenants, Conditions, and Restrictions applicable to Copperfield, Northmead Village, Sections One (1), Two (2) and Three (3) ("the Declaration) to maintain the harmonious and architectural design of the subdivision in accordance with the provisions of the Declaration; and

WHEREAS, the Declaration provides that no buildings, additions or improvements shall be erected or placed on any lot until the constructions 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 ARC; and

WHEREAS, the Declaration further provides that the ARC 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 and harmony of external design and existing structures and to establish and promulgate rules, standards and procedures deemed necessary for the development and maintenance of the subdivision; and

WHEREAS, the Board of Directors of the Association desire to establish guidelines with respect to the type, quality and color of exterior additions and improvements on lots within Copperfield, Northmead Village, Sections One (1), Two (2) and Three (3), to be followed by the ARC, so that a harmonious exterior design within the subdivision is consistently maintained;

NOW, THEREFORE, the Board of Directors of the Association hereby adopt the following guidelines relating to buildings, additions and improvements on lots within Copperfield, Northmead Village, Sections One (1), Two (2) and Three (3), which guidelines shall supplement the applicable restrictive covenants set forth in the Declaration.

DATE: September 22, 1999

Original executed by:

**BOARD OF DIRECTORS:**

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Joanne McIntyre, President  
Andrew Mastroianni, Vice President  
Leslie Rawlings, Secretary/Treasurer  
Michael Whitworth, Member  
Elaine Dady, Member  
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A.

## APPLICATION PROCEDURE

1. 1. **Submission.** All applications for approval to make any exterior changes, additions or improvements must be submitted to the ARC in writing by completing the application form currently in use by the ARC, a copy of which is attached hereto as, Exhibit "A", or such form as may hereafter be adopted by the ARC. Plans and specifications for any exterior change, addition or improvement should be attached to the application. A properly completed application shall include, but not be limited to a lot survey (or a lot drawing reflecting property to scale), plans, specifications, 5 paint chips of a 1" x 1" size, start date requested, and signature. The ARC reserves the right to request at any time any additional information deemed by it to be necessary to properly evaluate the application. In the event that the ARC Requests additional information and such information is not submitted to the ARC by the applicant in a timely manner (so that the application may be approved or disapproved within thirty (30) days of the receipt of the additional information), the application shall be denied, by the usual written notice. However, the applicant may thereafter submit a revised application, with the requested information to the ARC for its review. All applications shall be mailed or delivered, faxed or electronically delivered where applicable, to the office of the managing agent of the Association.
2. 2. **Review.** The ARC shall endeavor to review each application as soon as possible after the date of its receipt. Each decision of the ARC shall be in writing and include a statement of the conditions under which the application is approved, if any, or the reasons for denial of the application. If the application is approved under specific conditions, these conditions must be strictly adhered to and met. If the applicant fails to strictly adhere to all conditions of approval, the ARC's approval shall become void, at which point work on the exterior changes, additions or improvements must immediately cease. The ARC or the Board of Directors may also require all unauthorized exterior changes, additions or improvements to be removed and the property restored to its previous condition, all at the expense of the owner or occupant of the property. Any application which has not been approved or disapproved within thirty (30) days of its receipt shall be deemed approved; provided, however, that any such approval shall be deemed to relate to architectural guidelines only, not to any of the use restrictions set forth in the Declarations. Unless otherwise stated in the ARC's written response, all approved exterior changes, additions or improvements shall be commenced within sixty (60) days of the approval notification and completed within thirty (30) days of the date of construction, installation or erection is commenced.
3. 3. **Appeal.** In the event that the ARC disapproves an application, the applicant may submit to the ARC a written request for reconsideration within thirty (30) days of denial. The applicant may submit with the written request for reconsideration an explanation of additional or extenuating circumstances or any other additional information, which the applicant considers relevant to the original application. The ARC shall review the request for consideration and then notify the applicant in writing of its final decision. In the event that the ARC denies the request for consideration the applicant may submit to the Board of Directors of the Association the written request for reconsideration. The Board of Directors shall review the request for reconsideration at the meeting of the Board of Directors next following the date upon which the request is received unless circumstances dictate otherwise and notify the applicant of the Board's decision. All decisions of the Board of Directors shall be final. During the period of the entire appeal process, 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 the request for reconsideration is not submitted by the ARC or the Board of Directors within thirty (30) days of its receipt.

B.

## GENERAL GUIDELINES

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

1. 1. Size and Dimension
2. 2. Color and harmony with existing structures and improvements.
3. 3. Quality of materials;
4. 4. Location;
5. 5. Harmony and appeal of exterior design;
6. 6. Quality of construction;
7. 7. Elevation;
8. 8. Impact on neighboring lots and the community;
9. 9. The provisions of applicable statutes, ordinances, building codes and covenants, conditions and restrictions.
10. 10. Existing structures on both the applicant's property as well as surrounding properties.
11. 11. Original intended look and quality of appearance designed for the subdivision and area from its beginning design and development.
12. 12. The consequences on property value and appearance to surrounding properties and the subdivision at large.
13. 13. The consequences of a physical change upon a property if applied universally throughout the subdivision.
14. 14. The long term benefit, consequence, or harm to the subdivision at large.

Provided, however, that the approval of an application shall not be construed as a warranty or representation by the ARC 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 of representation by the ARC of the fitness, design or adequacy of the proposed construction.

C.

FENCES

1. 1. Pickets. All fences situated parallel to the front lot line or parallel to a side street adjacent to a corner lot shall be constructed with the pickets on the outside so that no posts or rails be visible from the street in front of the lot or from the side street. All pickets visible from public streets must be vertically installed. The maximum height of a fence is six (6) feet.
2. 2. Rot Boards. A rot board will be allowed so long as it is approved by the ARC and the resulting external view of the fence shall remain consistent with the harmonious look of the lot, surrounding lots, and the subdivision itself. However, the entire height of the fence still cannot exceed six (6) feet in height.
3. 3. Gates. All gates shall either be constructed of wood or wrought iron. Gates shall be in likeness or harmonious with the fence in which it is attached as well as the rest of the structures on the property itself.
4. 4. Color. No portion of a fence, which is visible from any street, may be painted. A clear or colorless stain proposed for the purpose of preserving the wood may be applied to the exterior of a fence visible from a street so long as the stain is approved by the ARC in accordance with the General Guidelines. The ARC shall consider the proposed color of the external view of a fence only in the matter of an approvable stain used as a preservative resulting in the preservation of the natural look of the wood fence. The resulting external view of the fence shall remain consistent with the harmonious look of the lot, surrounding lots, and the subdivision itself. (See Section I of these Guidelines).

5. 5. **Setback Lines.** Fences may not be constructed on a lot forward of any applicable setback lines, unless approved in writing by the ARC.
6. 6. **Fence Repair.** Any fence, which is sagging, has rotten or missing pickets or otherwise falls into disrepair must be immediately repaired or replaced. The materials used to repair a fence shall be the same type, quality and grade of materials used in original construction. Repairs made to a fence using the same type, quality and grade of materials used in the original construction of the fence need not be approved in advance by the ARC; however, repairs involving different materials or new fences must be approved in writing by the ARC prior to the commencement of the work. The ARC or the Board of Directors may require the removal or modification of any fence which is either repaired with materials, which are different from those, used during original construction or which is replaced with a new fence without the ARC's prior approval.

D.

### SWIMMING POOLS

An application for the construction of a swimming pool (either inground or substantially sized above ground), spa or jacuzzi must include a plot plan or drawing to scale of the property showing the proposed location of the swimming pool, spa or jacuzzi in relation to the property lines, building lines, easements, existing structures and existing or proposed fences. The application shall also include a proposed timetable for construction of the swimming pool, spa or jacuzzi. No swimming pool shall be approved unless the area in which the pool is to be located is enclosed by a six foot (6') approved fence [or such a fence is proposed to be constructed in conjunction with the swimming pool.] At all times during the construction of a swimming pool, spa or jacuzzi, the area in which the pool, spa or jacuzzi is to be located shall be enclosed by a temporary or permanent six-foot (6') fence. Further, no building materials shall be kept or stored in the street overnight. Swimming pools cannot be enclosed with screens.

The application must also contain in detail the type of filtration equipment to determine adequate backwash pathways where needed. It should also contain a detail description of all construction and composition of pool structure and make-up.

Absolutely no work related to the construction or installation of a swimming pool, spa or jacuzzi shall commence until written approval has been issued by the ARC or Board of Directors. The ARC or Board of Directors may require all unauthorized work to be either modified or removed and the property restored to its previous condition, all at the expense of the owner or occupant of the property.

- Above ground pools are allowed subject to ARC approval, and as long as the pool has been approved for proper location, drainage and is not visible from any public street.

E.

### OUTBUILDINGS

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 or a gazebo, shall be considered an outbuilding, including tool and/or storage sheds and playhouses.

Only one (1) outbuilding not exceeding ten feet (10') in length, ten feet (10') in width 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 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. Metal constructed storage buildings can be approved if they are professionally constructed or manufactured and are in appearance in like quality to the main portion of the house.

An outbuilding shall be located on the rear portion of the lot, but not permanently impeding any easement. No window in an outbuilding may face an adjacent lot. Further, if an outbuilding is to be constructed on a lot, the rear portion of the lot must be enclosed with a six (6) foot fence or such a fence must be proposed in conjunction with the application for approval to construct the outbuilding. No portion of an outbuilding may act in any way as a fence or property barrier in itself.

A fence approved in conjunction with an application for approval to construct an outbuilding must be completed within thirty (30) days of the date that the outbuilding is constructed or erected. Gazebos shall not be used for the storage of any types of tools or equipment. No outbuilding may impede drainage on the lot or cause water to flow onto an adjacent lot.

The ARC or the Board of Directors may require any unauthorized outbuilding to be either modified or removed and the property restored to its previous condition, all at the expense of the owner or occupant of the property.

F.

#### PATIO COVERS

Patio covers are permitted subject to approval by the ARC. 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 used in the construction of the main residence; provided, however, that corrugated roofs or covers shall not be permitted under any circumstances.

G.

#### DECKS

Decks must be approved by the ARC with respect to location and the standard, type, quality and color of the materials used in the construction. The ARC may require appropriate fences if any portion of a proposed deck would otherwise be visible from any street or an adjacent lot. The ARC or Board of Directors may require any unauthorized deck to be either modified or removed and the property restored to its previous condition, all at the expense of the owner or occupant of the property.

H.

#### LIGHTING

1. 1. **Change to Existing Lighting.** Outside lighting which was installed at the time of original construction or which was installed after the original construction with the 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 120 watts, whichever is greater. Existing gas lighting may be converted to an electric incandescent bulb provided that (a) the incandescent bulb is a clear glass type; (b) the wattage of the bulb does not exceed 100 watts and (c) the lighting color is white.

Fixtures of already existing lighting must be maintained in the manner and quality in which they were intended upon the original installation, at the owner expense.

The ARC or the Board of Directors may require any unauthorized, deteriorated and unattractive, or unsafe lighting to be removed at the expense of the owner or occupant of the property.

2. 2. **New Lighting**  
All fixtures must meet manufacturer's recommended installation standards and all liability concerning this matter is the sole responsibility of the Homeowner and/or resident.
  - a. a. **Security Lighting.** Exterior wall, soffit or pole mounted security lighting may be permitted by the ARC so long as each lighting fixture does not exceed 150 watts, the lighting

fixture does not extend higher than seven feet (7') feet above the ground, and the location of the lighting fixture does not, in the sole judgment of the ARC, unreasonably interfere with or inconvenience any other resident.

- b. **Landscape Lighting.** Exterior landscape lighting shall be permitted with the ARC's approval so long as the lighting is located within flowerbeds, shrubs or trees.
- c. **Gas Lights.** Two gaslights per lot shall be permitted with the ARC's approval with regard to appearance, locations and meeting manufacturer's installation standards and other relevant points; provided that the gas lighting color is white.
- d. **Flood and Spot Lighting.** Flood and spot lighting shall be permissible with the ARC's approval so long as:
  - 1) **The wattage in each lamp does not exceed 150 watts and the wattage in each fixture does not exceed 300 watts.**
  - 2) **All fixtures are mounted under an eave, to a soffit or to an exterior wall and mounting does not exceed seven (7) feet.**
- e. **Annoyances.** All new lighting that is approved by the ARC shall be subject to a sixty- (60) day trial period to assure that the lighting is not objectionable to surrounding residents. If, at the end of the sixty (60) 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 with all costs of both installation, equipment and removal being the sole responsibility of the Homeowner and/or resident.

#### I.

### PAINTING

All exterior repainting requires ARC approval regardless of the paint color choice even if the color of choice is the same color currently on the house. A color sample or "paint chip" of the proposed exterior color of any new addition or improvement must be attached to each application submitted to the ARC. To be considered by the ARC, a paint sample is defined as five (5) separate 1" x 1" pieces of the paint sample. The ARC has established and shall maintain a chart depicting the acceptable colors and shades of colors for the exterior of homes and other improvements on lots within the subdivision. Each color sample or paint chip shall be compared to the colors and shades of colors set forth on the color chart to assure that each approved color is harmonious with the color scheme established for the subdivision.

Colors approved for trim can not be used on the main portion of the home. No color approved for a portion of the exterior of a house (such as the trim) may be used on any other portion of the exterior of the house without the prior written approval of the ARC. The ARC or the Board of Directors may require any unauthorized painting to immediately cease; it may require a home which is painted an unapproved color to be repainted with a color approved by the ARC, all at the expense of the owner or occupant of the property. The garage door must be painted to match either the main or trim painted portion of the home.

#### J.

### ROOFING MATERIALS AND ADDITIONS

- 1. **Materials.** A sample of the proposed shingle to be placed on any existing or any new improvement must be attached to each application submitted to the ARC. The ARC has established and shall maintain a chart depicting the acceptable type, quality and color of roofing materials for homes and other improvements on lots within the subdivision. Metal, aluminum, wood or any other

material other than composition roofing material is not allowed. Each shingle shall be compared to the samples set forth on the roofing materials chart to assure that each approved shingle is an acceptable type and quality and that its color is harmonious with the color scheme established for the subdivision. The appearance and roofing design are also considered for its harmonious balance of the neighboring homes. The color of each roofing material must not only be an earthtone, but also an acceptable shade of an earthtone color.

The ARC or the Board of Directors may require any unauthorized roofing work to immediately cease; it may also require an unauthorized roofing material to be removed and replaced with an approved roofing material, all at the expense of the owner or occupant of the property.

2. 2. Roofing Additions. No skylights, solar panels or similar types of additions shall be permitted on the front of the roof ridgeline and/or gable of a structure.

## K.

### BASKETBALL GOALS

Basketball goals shall be permitted subject to the prior approval of the ARC and the following:

#### 1. Permanent Basketball Goals

- a. a. A white nylon net shall be maintained on the rim at all times. The net shall be replaced in the event that it becomes frayed or torn.
- b. b. An orange steel or aluminum rim shall be affixed to the backboard at all times. The rim shall be repaired or, if necessary, replaced in the event that it becomes broken or bent.
- c. c. The backboard must be fiberglass or of similar material and painted white with the exception of an orange square outline above the rim. Wood backboards are not allowed. The backboard shall be repainted, repaired or replaced in the event that the surface of the backboard becomes chipped or cracked or the backboard become warped or unaligned.
- d. d. All mounting supports must be steel or aluminum and painted the same color as the exterior color of the structure upon which they are mounted. The pole, on which the backboard is mounted, if applicable, must also be steel or aluminum and painted either silver or black. The pole, if applicable, and all mounting supports must be maintained in an attractive condition.
- e. e. With the exception of maintenance and repair, a basketball goal shall not be modified in any respect nor shall its location be changed from the location approved by the ARC.
- f. f. An exception to items (b) and (c) above shall apply when a gray (off white) graphite backboard is approved, then a black rim and black outline above the rim shall be mandatory.
- g. g. Upon approval and written notification of that approval the owner must complete and return the legal agreement supplied them by the managing agent of the Association prior to installation of the approved basketball goal.

#### 2. Portable Basketball Goals

- a. a. In the case of portable basketball goals, the color and materials code for permanent basketball goals apply and are permitted subject to the approval of the ARC. With the application there must be a reasonable drawing of the location of the portable goal.

- b. b. Basketball goals that are not installed as permanent structures are subject to the same guidelines as other basketball goals unless stored so as not to be visible from any street that borders the property.
- c. c. When in use, the basketball goal must not obstruct pedestrian or vehicular traffic on sidewalks, streets or other common areas. It must be located no nearer than ten (10) feet from a sidewalk.
- d. d. The basketball goal must not be located on or alongside of a driveway on which an adjacent house has exposed first story windows or doors facing said driveway.
- e. e. When in use, the basketball goal must be located no closer than fifteen (15) feet to an adjacent lot's amenities (air conditioning unit, driveway, landscaping, utility meter, etc.).
- f. f. The basketball goal must have an appropriate anchoring device. Items such as trash cans, firewood, etc. Are not considered appropriate.
- g. g. The Board may require removal of any basketball goal that it reasonably determines to be a nuisance, either to the neighbors or by reason of being in a state of disrepair. The ARC or Board of Directors may require a resident who applies for approval to install a basketball goal to agree in writing to remove the basketball goal upon the request of the Board of Directors if, in the Board's sole judgement, the basketball goal is either not being properly maintained or is being used in a manner that unreasonably disrupts surrounding residents. The signing of this agreement is considered a part of the ARC approval.

L.

MISCELLANEOUS

- 1. 1. Birdhouses. Birdhouses shall be permitted subject to approval of the ARC and the following:
  - a. a. A birdhouse shall not be visible from the street in front of the lot.
  - b. b. No birdhouse shall be larger than two (2) feet in width, two (2) feet in length and two (2) feet in height.
  - c. c. No more than two (2) birdhouses shall be permitted on a lot.
  - d. d. No birdhouse shall be situated higher than ten (10) feet above the ground.
  - e. e. 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.
- 2. 2. Benches and swings. Benches and swings visible from any street shall be permitted subject to approval of the ARC and the following:
  - a. a. No bench or swing with an A-Frame construction or with an awning will be allowed.
  - b. b. The size of the bench or swing must be harmonious with the home and other improvements on the lot.
  - c. c. No more than one (1) bench or swing shall be permitted on a lot.
  - d. d. The material used in the construction of the bench or swing must be harmonious with the home and other improvements on the lot.
- 3. 3. Awnings. Awnings that are visible from the street in front of the lot shall not be permitted. Awnings on the rear portion of a lot must be one (1) color. All awnings must be approved by the ARC. If an awning is constructed and found to be unapprovable, all costs for its removal or improvements are the sole responsibility of the Homeowner and/or resident.
- 4. 4. Satellite Dish Antenna. Satellite dish antenna greater than 1 mtr. in diameter which are visible from any street shall not be permitted.

5. **5. Circular Driveways.** Circular driveways on the front portion of a lot shall not be permitted. However, partially curved driveways are allowed in the case where the garage has been constructed as part of the house and sits perpendicular to the front line of the main portion of the house.
6. **6. Garage Conversions.** Each garage, whether used for the storage of vehicles or not must maintain the outward appearance of a garage. A garage, regardless of its composition and makeup, must match in color the main portion of the house itself.