

EDGEMONT & WEST EDGEMONT CIVIC ASSOCIATION, Houston, TX

ATTENTION: Property Owner(s), Architect(s) and Designer(s) when pre-planning new construction, exterior renovations, and remodels.

Association's Architectural Committee Chairman, Rick Jenner, rjenner@endeavorgas.com should be contacted as a preliminary step in your pre-planning process to help you and your team get off to a smooth start.

**Excerpts from the Deed Restrictions
concerning new construction, remodeling of exteriors and hardscapes
*(These are helpful excerpts, the Deed Restrictions themselves prevail)***

(1) Paving, Walkways and Driveways:

Architectural or construction plans illustrating the location of all paving, walkways and driveways proposed to be constructed in the front yard of a Homesite and, if a corner Homesite, the side yard of the Homesite adjacent to the street, must be submitted to the Board of Directors with a copy to the Architectural Committee (if then so established), and approved in writing by the Association prior to installation or construction. The plans must include the dimensions of each walkway and driveway, the type and color of materials to be used in construction, and a plan for protection of significant trees (defined below) in the vicinity of the proposed paving. The Association shall have the authority to disapprove (i) a proposed driveway that crosses the front (street) property line of the Homesite at more than one location or that is greater than twelve (12) feet wide where it crosses the front (street) property line of the Homesite, and (ii) a project involving a proposed walkway or driveway if the Association determines (x) that the design or type or color of materials proposed to be used in the construction of the walkway or driveway is not compatible with the predominant types of walkways and driveways in the Subdivision, or (y) that the walkway or driveway is not compatible with the buildings, Parking Structure and/or appurtenant improvements constructed or to be constructed on the Homesite, or (z) that the

proposed project does not protect nearby significant trees. No walkway or driveway that exists on a Homesite as of the Effective Date is required to be removed or modified. If any new paving, walkways and driveways are constructed but are not in substantial compliance with the plans as submitted, the Association may remove or modify such paving, walkways and driveways to substantially comply with the drawing as submitted. If an owner of a walkway or driveway that existed prior to the Effective Date desires to repair or replace such walkway or driveway, the walkway or driveway may be repaired or replaced so long as the walkway or driveway, as repaired or replaced, is substantially similar to the previously existing walkway or driveway in terms of design and type and color of materials and the location of the walkway or driveway is not changed, unless permission of the Association is granted to make changes. In considering the approval of proposed new construction, repairs to or replacement of existing walkways or driveways, the Association shall consider the effect that such construction will have on the health and longevity of any significant trees that are near to the construction area.

Esplanade Protection – The installation of brightly colored a net-barrier) along the esplanade across from the affected home is strongly suggested. The barrier's posts should be positioned adjacent to the inside of the curb to avoid damaging the underground irrigation pipes

(2) Tree Protection:

The residents of the Subdivision, at their own expense and efforts, have planted, nurtured and maintained rows of oak trees on the esplanades and on the city easements, resulting in a canopy of oaks that contributes in large part to the quality of life and to the property value of homes. It is an objective of these Restrictions to enhance the value of the Subdivision (and any additional real property bound by these Restrictions) by preserving the trees within the Subdivision (and any additional real property bound by these Restrictions) as much as is reasonably possible. To assist in fulfilling this objective, all architectural or construction plans required to be submitted by these Restrictions to the Board of Directors and Architectural Committee for the construction of a new Residential Dwelling on a Homesite or an addition to an existing Residential Dwelling or other improvement on a Homesite must identify all significant trees to be removed from the Homesite or from the

city easement between the sidewalk and the curb (“street trees”). If a “significant tree”, defined as a living tree having a caliper of six (6) inches or more (measured twelve (12) inches above grade), and which is located nearer to the front property line than the Front Building Line or, if a corner Homesite, nearer to the side property line adjacent to the side street than the applicable Side Street Building Line, is removed from a Homesite in conjunction with the construction of a new Residential Dwelling or any addition to an existing Residential Dwelling or other improvement on a Homesite, the Association may, in its discretion, require the owner of the Homesite to replace the tree with a hardwood tree or other type of tree approved by it in writing. A replacement tree must have a caliper of at least six (6) inches measured twelve (12) inches above grade and otherwise be proportionate in height and size given its type. No street tree or tree growing within the esplanade may be removed by any person unless they first obtain a permit authorizing such removal as issued by the City of Houston, in which case the extracted tree shall be replaced by an oak tree, first approved by the Association.

(3) Architectural Review Standards:

On February 22, 2002, the majority of the homes in Edgemont and West Edgemont on North and South Boulevards were listed on the National Register of Historic Places in Texas, with the United States Department of the Interior, Reference Number 02000117, as part of the Boulevard Oaks Historic District of Houston, Texas. This designation and the historical character of said subdivisions contribute in large part to the quality of life and to the property value of the homes in the Subdivision. Compatibility of style in the preservation and restoration of existing buildings and for construction of new Residential Dwellings in the Subdivision (and any additional real property bound by these Restrictions) is of utmost importance to maintain the designation and historical character of said area and the surrounding subdivisions. The Subdivision has a significant historical presence in the City of Houston. Much of the historical presence has to do with its original scheme of development and the architectural styles of existing Residential Dwellings. By virtue of these Restrictions, the Property Owners in the Subdivision acknowledge that the Association is charged with the responsibility of preserving the historical integrity of the Subdivision (and any additional real property bound by these Restrictions) and the

continuity of architectural styles of Residential Dwellings and other improvements proposed to be constructed on Homesites. After the Effective Date, in addition to the other rights vested by these Restrictions in the Association relating to the approval of plans, the architectural style, exterior building materials, finishes and colors, and scale of any proposed Residential Dwelling, Parking Structure or other appurtenant improvements to be constructed or changed (including, without limitation, any addition to, or change of existing exterior building materials, finishes or colors of, any then existing Residential Dwelling, Parking Structure or other appurtenant improvements) on a Homesite must be set forth in written plans submitted to and approved by the Association prior to the commencement of construction. The Property Owner shall submit to the Board of Directors, with copy to the Architectural Committee (if then so established), a site plan and building plans for any proposed Residential Dwelling, Parking Structure or other appurtenant improvements which clearly indicate the location and illustrate the front, side and rear elevations, and the exterior dimensions and exterior building materials, finishes and colors, of all buildings and appurtenant improvements. The Association shall have the authority to disapprove any such proposed Residential Dwelling, Parking Structure and/or appurtenant improvement if the Association determines that the architectural style, exterior building materials, finishes and colors, or scale would not be compatible with the provisions contained herein or with the predominant architectural styles, exterior building materials, finishes and colors, and scale of Residential Dwellings, Parking Structures and appurtenant improvements in the Subdivision. Any new Residential Dwelling, Parking Structure or other appurtenant improvement that is determined by the Association to be of the same style and scale as the Residential Dwelling, Parking Structure or other appurtenant improvement it would replace on a particular Homesite shall be deemed to be compatible with the predominant architectural style and scale of the Subdivision. The Property Owners do not envision homogenization of the Subdivision (and any additional real property bound by these Restrictions), but the protection of the Subdivision (and any additional real property bound by these Restrictions) from over-scaled, incongruous and stylistically incompatible structures that would diminish the value of the historic designation and stylistic character of the Subdivision (and any additional real property bound by these Restrictions).

(4) Building and Construction Restrictions:

- (A) Residential Dwellings constructed shall have a minimum cost which, as shall be subject to determination by the Association acting through the Board of Directors, will result in a structure maintaining the quality and character of the Subdivision (and any additional real property bound by these Restrictions). When proposed building plans have been submitted for approval and accepted as complete by the Association, a decision shall be rendered by the Association within thirty (30) days thereafter, and if approval is not granted within that time the prospective builder shall be entitled to have a special meeting before the Board of Directors called by the President of the Board of Directors to consider the proposed building plan so that a total of not more than forty-five (45) days shall have elapsed from the time of submission of the proposed building plans to a final decision by the Association.
- (B) Any significant changes to submitted building plans must be submitted to the Board of Directors, with a copy to the Architectural Committee if then so established and approved by the Association before construction may begin or continue. The time allowed for a decision by the Association shall run from the date that such changes to the submitted building plans are received by the Association.
- (C) **Before any Property Owner begins a repair, remodeling, maintenance or any other type of construction project, such Property Owner shall cause all of its contractors, subcontractors, agents and workmen to protect street trees, esplanades, esplanade trees, esplanade sprinkler systems, curbs and street paving, alley structures, alley paving, trees or other ornamental vegetation growing near streets, alleys, sidewalks, driveways, drainage structures and street lights during the period of construction. Such Property Owner will be responsible for all damage to the items named in this paragraph occurring during the construction period** on public or private areas adjacent to the Property Owner's property, on the alley serving the Property Owner's property and on the esplanade across the street from the Property Owner's property. It will not be necessary for the Association to prove that any such damage resulted from the

Property Owner's contractors. Any damage occurring during the construction period will be presumed to have been caused as a result of the construction and the Property Owner will have the burden of proof that such Property Owner or his contractor was not responsible for the damage. The esplanade across from the Homesite must be protected with an appropriate temporary construction fence and esplanade space shall not be used for any purpose related to private construction, with the exception of construction as necessary for the provision of any necessary private water, gas or electric line connections. Any damage done to the curb, electric lines, water lines, gas lines, irrigation system, or street or alley paving in connection with such construction must be restored to its original condition, or, if applicable, to City of Houston standards at the Property Owner's expense. Any excavations in streets or alleys must be filled with appropriate material such as cement stabilized shell and paving must match the surrounding material both as to composition, strength, color and thickness. Trimming, cutting limbs from, or removal of any trees, bushes or other vegetation growing into an alley on property not owned by the Property Owner for construction access in an alley may not be undertaken without the prior written consent of the Association. Failure to obtain written consent of the Association prior to cutting such vegetation will subject the Property Owner to liability for damages for the destroyed vegetation and restoration thereof.

- (D) From time to time the Association may cause a written document to be prepared, containing the current architectural standards and construction guidelines as well as explanation and interpretation thereof (the "***Edgemont Handbook***"). When available, the Edgemont Handbook may be distributed to each Property Owner and made available to the Property Owners who request the same from the Secretary of the Association. The Edgemont Handbook will serve to help provide guidance to all Property Owners regarding the implementation and interpretation of applicable architectural standards and construction guidelines contained in these Restrictions. If there is any conflict between these Restrictions and the Edgemont Handbook, the provisions of these Restrictions shall control.

- (E) Any construction on a Homesite, in addition to the other requirements addressed in these Restrictions, shall be undertaken in accordance with the following:
- (i) No outdoor construction producing noise is permitted before 7 a.m. Central Time or after 6 p.m. Central Time for the days Monday through Saturday (other than holidays); no outdoor construction producing noise is permitted at any time on Sundays or holidays without the prior written consent of the Association. For purposes hereof, “holiday” means any holiday recognized as such by the City of Houston.
 - (ii) No construction office, dumpster, portable toilet or trailer shall be moved onto any Homesite without the prior written consent of the Association as to size, color and location.
 - (iii) Other than as required by City ordinances or other applicable laws, no signage is permitted on a construction office, dumpster, portable toilet, trailer, or any other part of a Homesite if in relation to a construction project.
 - (iv) No radio or sound player of any kind projecting sound is permitted outdoors on a construction project. This does not prohibit sound players audible solely through earphones.
 - (v) A construction office, dumpster, portable toilet or trailer must be removed from the Homesite within thirty (30) days of the date of substantial completion of the Residential Dwelling or other improvement for which the construction office, dumpster, portable toilet or trailer was moved onto the Homesite.
 - (vi) For purposes hereof, the date of substantial completion of a Residential Dwelling or other improvement shall be deemed to be the earlier of either
 - (i) the date substantial completion of the Residential Dwelling or other improvement is achieved as defined by the American Institute of Architects or
 - (ii) the date such Residential Dwelling or improvement is capable of being used for its intended purpose.

- (vii) For purposes hereof, construction of a Residential Dwelling or other improvement is deemed to commence on the date that any clearing of existing improvements, removal of all or parts of walls or roofs of existing improvements, or excavation on the Homesite occurs or any construction equipment and/or materials are moved onto or delivered to the Homesite, whichever is earlier.
- (viii) One (1) portable toilet is permitted on a Homesite during the construction of a Residential Dwelling or other improvement on a Homesite. The portable toilet must be located as far from the front property line of the Homesite as possible and must be regularly serviced. The portable toilet must be screened from view in a reasonable manner determined to be appropriate by the Association. A portable toilet shall not be moved onto a Homesite more than seven (7) days prior to the date that construction commences.
- (ix) During the construction of a Residential Dwelling or other improvement on a Homesite, the Property Owner of such Homesite shall place, or cause such Property Owner's contractor to place, at least one trash receptacle on the Homesite. All trash and debris shall be placed in the receptacle by the Property Owner or his contractor, so that trash and debris is not scattered on the Homesite or onto a street or another Homesite and is not visible from a street adjoining the Homesite. No trash or debris may be discarded into storm sewers. The Property Owner of such Homesite and such Property Owner's contractor are also required to regularly empty and maintain the trash receptacle and to assure that trash and debris never rise above the rim of the trash receptacle. The trash receptacle shall be located on the Homesite at the least visible location that still enables the trash receptacle to be regularly emptied. No concrete, chemical or paint washing is permitted into storm sewers or in tree root zones.

(x) The Property Owner shall direct that (i) all deliveries related to construction activities on the Property Owner's Homesite shall be made in the smallest vehicle(s) possible, (ii) construction activities shall utilize as few parking spaces on the streets as reasonably necessary to conduct construction activities and (iii) all contractors and subcontractors shall refrain from entering and/or using the real and personal property (including without limitation water and electricity) of other Property Owners. Property Owners are responsible for assuring that their contractors and all subcontractors comply with the requirements of this Section (16).

(5) Fences, Walls and Gates:

(A) Prior to erecting a fence, wall or gate on a Homesite, the owner of the Homesite shall submit to the Board of Directors, with a copy to the Architectural Committee (if then so established), a request for approval of the proposed fence, wall or gate with information regarding the location, height and design of the fence, wall or gate and the type and color of the materials to be used in the construction of the fence, wall or gate. Construction of such proposed fence, wall or gate shall not commence until the owner has received the Association's written approval of the fence, wall or gate. The Association shall have the authority to approve the proposed fence, wall or gate if it complies with applicable setbacks, height restrictions or any other applicable provisions in the Restrictions relating to fences, walls or gates and if it is reasonably determined by the Association that the proposed fence, wall or gate is compatible with the overall design of homes and related improvements in the Subdivision.

(B) Except as otherwise expressly permitted in the Restrictions, no fence or wall shall, without variance, be located nearer to the front property line of a Homesite than the Front Building Line of the Residential Dwelling on the Homesite. On corners, no fence or wall may be erected nearer than two (2) feet to the property line on the side street. A retaining wall no more than two (2) feet tall shall be permitted forward of the Front Building Line, with approval of the Association.

- (C) No fence, wall or gate shall be more than nine (9) feet in height.
- (D) No fence, wall or gate shall be constructed with materials that are not compatible with the materials commonly used for fences, walls or gates in Subdivision. Fence and wall materials shall be generally limited to wood, iron, stone and brick or a similar masonry material, unless a variance is granted for other materials. Cinder blocks and similar masonry units may be used in the construction of a fence or wall, provided that, if cinder blocks and similar masonry units are visible from a street or another Homesite, a finish material must be applied to the cinder blocks or similar masonry units to conceal their existence. The type and color of the finish material must be approved by the Association prior to application. Gates shall be generally limited to wood and/or iron, unless a variance is granted for other materials. Each fence, wall or gate that is adjacent to a street is required to have a finished side facing the street; in the case of wood fences, this paragraph prohibits all rails or other supports from being visible from a street.
- (E) No fence, wall or gate shall be constructed with barbed wire, razor wire, or any type of electric fence and no barbed wire, razor wire or electric fence shall be attached to any fence, wall, hedge or gate. An “electric fence” is a barrier that uses painful or even lethal electric shocks to deter animals or people from crossing a boundary. This paragraph does not prohibit the installation of an “invisible” fence that controls pets through underground electrical wiring.