

**CYPRESS POINT**  
*Community Improvement Association, Inc.*  
*Architectural Control Committee*

**WHEREAS**, all sections of Cypress Point (the “Subdivision”) are under the jurisdiction of the Cypress Point Community Improvement Association, Inc., a Texas non-profit corporation (the “Association”); and

**WHEREAS**, the Subdivision is encumbered by the restrictive covenants contained in the Declarations of Covenants, Conditions and Restrictions (hereinafter respectively referred to as the “Declarations”); and

**WHEREAS**, the Association is the designated property owners’ association for the Subdivision; and

**WHEREAS**, the Declarations provide:

No building or improvements shall be constructed, placed or altered on a Lot until the plans for same have been approved by the Architectural Control Committee (the “Committee”); and

**WHEREAS**, the board of directors of the Association has assumed all the powers of the Committee recited in the Declarations and Section 204.011 of the Texas Property Code; and

**WHEREAS**; Section 204.010(a)(6) of the Texas Property code empowers the Association, acting through its Board of Directors, to “regulate the use, maintenance, repair, replacement, modification and appearance” of the Subdivision; and

**WHEREAS**; Section 204.010(a)(18)(A) of the Texas Property Code empowers the Association, acting through its Board of Directors, to implement written architectural control guidelines.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the Association hereby adopts and implements the following Architectural Guidelines, which shall supplement the Declarations.

**I. OVERVIEW**

The Board of Directors of the Association has established the following outline of architectural guidelines in accordance with the authority granted to them by the Declarations and the Texas Property Code. The Guidelines are established to assure a uniform and fair interpretation of the Declarations and the power of the Association related to architectural control and regulation of the appearance of the Subdivision. The guidelines are intended to provide all lot owners in the Subdivision with information relating to: I) the design, color, location and grade of materials which may be used in the construction of various kinds of structures and improvements, II) the size and location of such improvements and structures and III) the procedure utilized by the Association with respect to applications for proposed improvements and structures and allocations thereto.

These procedures and guidelines may be amended by the Board of directors of the Association from time to time as it deems necessary and appropriate as the needs of the Subdivision change.

## I. Procedure

I.1 A "Request For Home Improvement Approval Form" must be completed in its entirety and mailed to the address indicated at the top of the form. All pertinent information such as plans, specifications, building permits, locations indicated on a copy of the survey, etc. should be included with the application.

I.2 These forms are available from your management company. The Committee cannot respond to verbal request for approval - all applications must be made in writing.

I.3 The Committee has thirty (30) days from date of receipt of an application in which to respond. If additional information is required by the Committee, the application(s) will be deemed denied, however, the application may be resubmitted along with the additional information requested.

I.4 If an application is not approved, the Committee will state in their letter why such approval was denied and what type of application changes, if any, would alter that decision. If an applicant wishes to discuss or appeal a decision made by the Committee, the Designated Representative should be contacted at a specified number.

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## **A.C.C. Guidelines**

The following are guidelines adopted by the Committee to specify their standards, requirements, and thought processes used in evaluating an application. These guidelines may be amended from time to time as the circumstances, conditions, or opinions of the Committee dictate. It should be noted that each application is considered on its own merit and that the Committee may grant a variance from these guidelines and/or from certain provisions of the Declaration. It should also be noted that Committee approval is required prior to the installation or construction of the improvement or change. If an improvement is made without Committee approval, the Board of Directors has the legal right to enforce its removal.

### **1.0 Outbuildings**

An ACC application must be submitted with elevation, street visibility, material, and lighting.

1.1 *"Temporary buildings or structures shall not be permitted on any Lot (Cypress Point C.I.A. Section One Declarations Article VII, Sec 5) and No structure of a temporary character, including tents, shacks, barns, or other outbuildings shall be placed on any Lot located within the Subdivision..."* (Cypress Point C.I.A. Sections Two, Four and Five Art IX, Sec 13). This therefore only allows outbuildings (defined as any structure which is not attached to the main structure) that are storage sheds, playhouses, and forts, but prohibits all others such as workshops and barns. It is the position of the ACC that gazebos are not "temporary" structures and, therefore, are not prohibited by the Declarations. They are simply a fancy deck and cover. Room additions (which must be attached to the main structure) are covered in section 5.0.

1.2 The Committee will consider the following:

- a. The outbuilding must not be visible from the front street but may be visible from a side or back street.
- b. The outbuilding can be no higher than eight (8) feet from the ground to the highest point (six feet if placed in the side yard). Outbuildings will be limited to maximum allowable floor space of 150 square feet (10' x 15'). Its door cannot be a garage door and cannot exceed six (6) feet in width. There shall be no driveway adjacent to the outbuilding. Structure must be kept a minimum of three (3) feet off rear property line and distance from side fence will be determined based on visibility from the street in front of the lot. At no time, however, will that distance from side fence be less than three (3) feet, regardless of visibility. Location must also be far enough away from fence to allow for drainage to occur entirely on the owner's lot. Building permits as required by the municipality (city, county, etc.) must be submitted with request form. Detailed plans must be submitted to the Committee.
- c. The colors should match or blend with the predominant exterior colors of the main residence (earth tone colors only).
- d. Building materials must match those of the main residence in both composition and color. The Committee will NOT approve prefabricated metal storage buildings or buildings which utilize metal roofing material.
- e. Storage building placed on a concrete slab on top of a utility easement will require letters of Consent to Encroach as it will not be considered portable. If a storage building is not on the utility easement, but on a slab, and can be removed, the Committee will consider it as portable.

- f. No storage building can be built up against any side or rear wall of home unless its maximum height is less than six (6) feet and it is not visible above the fence. It must also comply with all the other requirements for proper construction, size and location.
- g. Playhouses may not exceed eight (8') feet and forts must may not exceed ten (10') feet maximum height. If the fort has platform, then platform can be no higher than five (5') feet off ground and centered in back yard to protect neighbor's privacy. Neither playhouses nor forts may be visible from the front street. The area beneath the fort can not be enclosed.
- h. Gazebos must be freestanding and must be a least six (6) feet away from house. Case-by-case with a maximum height at peak of eleven (11') feet and must be at least three (3) feet off side and back fence.

## **2.0 Basketball Goals**

- 2.1 The basketball backboard, net, and post must be maintained in excellent condition at all times.
- 2.2 If the backboard is mounted onto the roof by use of a small, triangular mounting structure, the mounting structure must be painted to match the shingle color.
- 2.3 Backboard must be regulation size and color of white, clear, grey or beige.
- 2.4 Must be mounted on garage or placed on the side of driveway.

## **3.0 Patio Covers**

- 3.1 Should be constructed of materials which compliment the main structure.
- 3.2 Prefab covers made of aluminum may be approved providing they are of an earth tone color - unfinished aluminum will not receive Committee approval. All metal must be painted and certain structures using fiberglass roofing and wood frame may be allowed to go unpainted provided cedar or redwood wood is used.
- 3.3 If attached to house, must be integrated into existing roofline (flush with eaves), and if it is to be shingled, shingles must match roof. Entire patio cover and posts should be trimmed out to match house. Supports must be painted wooden or metal columns. No pipe is allowed. At no time, however, shall a shingled roof of a patio cover be allowed with an unpainted frame (this does not apply to deck covers). Frame shall be either cedar or redwood; otherwise it should be painted to match trim of house.
- 3.4 Acceptable patio construction materials are as follows:
  - a. Colored or painted aluminum (to match the trim of the house).
  - b. Painted wood (to match the trim of the house).
  - c. Wood such as cedar or redwood may be used.
  - d. Fiberglass is acceptable and earth tone colors such as tan, brown, beige, and clear may be used. No green or yellow is allowed. Edges of fiberglass must not be visible from surrounding properties or from the street. General Note: All patio cover material, i.e., fiberglass, corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.
  - e. If screen is used as roofing material on a patio cover, it must be an earth tone color and the structure must be located where it is not visible from the street. Also, the canvas must be located where it is not visible from the street. also, the canvas must be kept in quality condition or its removal will be requested by the HOA..
  - f. Screened walls are allowed. This does not change the patio cover into a room addition.

- 3.5 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 3.6 Patio covers must be situated on the lot to provide drainage solely into the owner's lot. If a proposed patio cover location is less than five feet (5') away from a side lot line, the Committee will require that it be guttered with downspouts if it is to be a solid cover.

#### **4.0 Decks & Deck Covers**

- 4.1 It is the opinion of the Committee that decks and deck covers are not "temporary" structures.
- 4.2 Decks cannot be higher than eighteen inches(18").
- 4.3 Deck covers generally must comply with the patio cover guidelines, however, their frames do not have to be painted, even if they have a shingled roof, if the deck is not painted. If they are painted, the paint should match the house.
- 4.4 Decks may not encroach into any utility easement unless companies involved have granted their written consent to such encroachment.
- 4.5 Decks should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot.

#### **5.0 Room Additions**

- 5.1 See Article VII Section 3 for Cypress Point , Section One and Article IX, Section 4 for Cypress Point Two, Four and Five of the Declarations for detailed information of where the main residence (including room additions) cannot be located nearer than twenty (20) feet to the front property line, nearer than ten feet (10') from the rear property lines, nearer than five feet (5') to an interior side lot line, or nearer than ten feet (10') to an exterior lot line (on a corner lot).
- 5.2 Exterior materials and colors should match the house and brick.
- 5.3 Detailed plans must be submitted to the Committee.
- 5.4 Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 5.5 On individual basis. Size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. Plans for a room addition must show a room internally attached to main structure being of reasonable size which will then constitute a legitimate request for a room addition. Roof of addition must integrate with existing roof line so as to appear to have been part of the original home, however, an exception may be made for prefabricated sunrooms or solariums. Room additions cannot exceed one-third of the remaining back yard, but may be denied for other reasons, i.e., structural integrity, architectural suitability, etc., even if it does use only one-third of the remaining yard.

## **6.0 Exterior Painting**

- 6.1 An ACC application must be with a color swatch of the color of paint to be used. The Association has adopted a pallet of acceptable colors as a guideline which is on file with the managing agent.
- 6.2 Earth tone colors were most often used when homes were constructed. In general, an earth tone color should receive Committee approval.
- 6.3 Other earth tone blend colors will be considered. The color of neighboring homes will be taken into consideration along with the applicant's house brick features.
- 6.4 If a non-approved color has been placed on a new addition or existing structure the HOA has the right to require you to change the color to an approved color.

## **7.0 Storm Windows and Storm/Screen Doors**

- 7.1 Providing the frames and screens of these are of a color compatible with the exterior house colors, storm windows and storm or screen doors should receive Committee approval

## **8.0 Swimming Pools, Spas, and Pool Enclosures**

- 8.1 No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Decking also requires consent agreement. Consents must be received prior to approval.
- 8.2 Ideally, any pool or spa should be located at least five feet (5') from a side and rear lot line to maintain proper drainage on lot. However, a minimum of three feet (3') will be allowed in certain instances.
- 8.3 Above ground pools will receive special consideration. Above ground pool acceptable provided it is not over four feet (4') in height. Decking around pool cannot be over eighteen inches (18") above ground so to ensure privacy of neighbors.
- 8.4 Pool enclosures will be reviewed on an individual basis. Committee finds screened enclosures acceptable providing adequate tree planting is installed as per ACC recommendations for screening.

## **9.0 Solar Panels**

- 9.1 The Committee will approve solar panels which are unobtrusive and which blend in with the roof shingle color.
- 9.2 Parabolic solar collectors which are not mounted so as to be flush with the roof will not be approved
- 9.3 Solar panel frames should be bronze or black in color in order to best blend in with the shingles. All unfinished aluminum must be painted the color of the shingles.
- 9.4 No solar panel should be mounted so that it extends above the roof line.
- 9.5 Solar screens are allowed on windows.

9.6 Colors and manufacturers must be acceptable to Committee for both screens and panels.

### **10.0 Satellite Dishes**

10.1 Satellite dishes can not be visible from the street as long as the location does not interfere with reception.

### **11.0 Fence and Fence Extensions**

11.1 No side or rear fence, wall, or hedge shall be more than six feet (6') high [*six feet, six inches (6'6") is allowable if the fences utilizes a six inch (6") rott board*]. All fences visible from the front of house must be the same regardless of material or extension, and not more than six feet, six inches (6'6") in height unless other wise approved by the Committee.

11.2 Case by case.

11.3 No higher than six feet, six inches (6'6") and granted on limited basis only. Consents from all affected neighbors must be submitted in order to be considered for height extension.

11.4 No painting, staining, or varnishing of fence except for clear water proofing or sealant.

11.5 Cedar only.

11.6 No split rail fences or decorative fencing permitted to front other than those constructed for use at model homes.

11.7 Fence extension requests should be submitted by both neighbors sharing the side lot line and fence, except in the case of a corner lot.

11.8 No fence may extend "*nearer the to the Street than the building setback lines as shown on the Subdivision plat. " (Art VII, Sec 8 and Art IX Sec 11)*

11.9 If both neighbors do not concur as to a proposed fence extension, the Committee will examine the effect the fence extension will have on both properties. If one party will suffer detrimentally from the extension (i.e., will totally enclose a bay window), the Committee will reject the application.

11.10 Only fence extensions which will be installed picket side out shall be considered by the Committee.

11.11 Replacement or repairs of fence must be made with similar materials and construction details as used in the original fence.

11.12 Chain link fences are prohibited.

### **12.0 Decorations**

12.1 On front lawns of lots and on any portion of a lot visible from any street, there shall be no decorative appurtenances placed, such as birdbaths, birdhouses, fountains, or other decorative embellishments, unless such items have been approved in writing by the Committee. Sculptures of any size will NOT receive Committee approval.

12.2 Benches and gates will be reviewed on an individual basis.

12.3 Lawn decorations will be allowed for any Holiday three weeks prior and two weeks after that holiday

- 12.4 House numbers may be placed on the house or mailbox, but not on any type of freestanding structure in the front yard.

### **13.0 Exterior Lighting**

- 13.1 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring homes.
- 13.2 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
- 13.3 Standard, residential-type, low voltage landscape lighting does not require Committee approval.
- 13.4 Security lights, spot lights, mercury vapor, high pressure sodium or florescent lights can only be attached to the front of the house, preferably garage. Such lights should not be higher than the first floor and can not be attached to trees or poles. Mercury vapor, fluorescent, and sodium halite lights are not permitted in the back or side yards. Spot lights must be directed downward and positioned in a manner which does not directly affect neighboring homes.
- 13.5 Yard lights may be gas or electric with a maximum height of six feet(6'). They may be located in the front or back. Gas or electric lights must be black, brown, or white, depending on color of the house and determination of suitable color must be approved by the Committee.

### **14.0 Mailboxes**

- 14.1 Changes or improvements made to the initial mailbox will require approval of the Committee.
- 14.2 Replacement of the original pole with a wooden post should receive Committee approval. If the post is to be painted or stained, a paint sample must be included with the application. The Committee will consider the effect a painted or stained post will have on the street - if the proposed color will not readily blend in with the surrounding materials, that portion of the application will be denied.
- 14.3 Bricked mailbox stands should receive approval providing the brick matches the house, the stand is appropriate in size and design, and will meet U.S. Post Office requirements. A specific sketch should be included with the application. If the brick is not the exact brick used in the construction of the home. The new brick must meet with approval of the Committee.

### **15.0 Wind Turbines**

- 15.1 Wind Turbines should be mounted in the rear portion of the roof so that they are not visible from the front or above the roof line.
- 15.2 The wind turbines preferably should either be a color which will blend with the shingle color instead of unfinished aluminum or be painted to match the shingle color.

### **16.0 Outdoor Carpeting**

- 16.1 Outdoor carpeting can only be installed on porch area-no walkways, etc.
- 16.2 Outdoor carping can only be earth tone colors. Specifically no green or blue carpet.

16.3 Visibility of the carpet from street will be considered.

### **17.0 Birdhouses**

17.1 The maximum preferred height of bird houses is twelve feet (12').

17.3 Bird houses should be placed towards the middle of the back yard.

17.4 Birdhouses must not be visible from the front street.

17.5 They must be five feet from any fence line.

### **18.0 Landscaping**

18.1 Trellises, window boxes, arbors, and permanent brick borders [i.e. with mortar] must have Committee approval.

18.2 Landscape timbers and bricks without mortar do not need approval of the Committee unless they exceed two feet (2') in height.

18.3 Landscaping must complement style and architecture of home and conform to color scheme of immediate neighborhood to be approved.

18.4 Living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth; i.e. bark, mulch, etc. do not need approval of the Committee.

18.5 No hedge in excess of four feet (4') in height ... shall be erected or maintained nearer to the front Lot line than the plane of the front exterior wall of the residential structure on such Lot. No side or rear fence, wall, or hedge shall be more than eight feet high (6') as stated in Section 11.1 of these guidelines. The Committee may approve front or side hedges over four feet (4') on an individual basis.

18.6 No object or thing [including landscaping and plants] which obstructs site [sight] lines at elevations between two feet (2') and eight feet (8') above the roadways within the triangular area formed by the intersecting street property lines and a line connecting them at points ten feet (10') from the intersection of the street property lines or extension thereof shall be placed, planted or permitted to remain on any corner lots.

18.7 Landscaping of the backyard does not require approval of the Committee. However, the backyard must be maintained in a neat, attractive manner the same as the front yard. At the owners expense, the Association shall have the right to enter the backyard and remove any weeds or other materials that might cause rat infestation.

### **19.0 Antennas**

19.1 Back side of house, no higher than fifteen feet (15') above roof line.

19.2 If lot backs onto vacant property and can be seen from entrance to subdivision or adjacent road, screening will be required.

### **20.0 Swing Sets**

20.1 Maximum overall height of eight feet (8').

20.2 Location will be considered for neighbors privacy. For play gym sets and forts see: Sect. 1.1.

### **21.0 Driveway Extension/Sidewalks**

21.1 Case by case.

21.2 No closer than three feet (3') to property line and sometimes up to five feet(5'). Driveway extensions can extend no nearer to side property line than three feet (3') and five feet (5') in certain instances.

21.3 All sidewalks in the side yard must be no greater than thirty-six inches (36") wide. Thirty inches (30") wide is the recommended width for the standard five foot (5') side yard.

### **22.0 Garage Conversions, Carports, Detached Garages**

22.1 Detached garages/carports other than existing structures built are not permitted.

22.2 The addition of a detached garage will not be approved on a standard sized lot.

22.3 Driveways can never be removed from the front yard.

### **23.0 Flagpoles**

23.1 Flagpoles must be removable and of a temporary nature to be considered by the Committee.

23.2 Case by case.

### **24.0 Window Air Conditioners**

24.1 Must not be visible from the street and must be below the fence line.

### **25.0 Window Shades**

25.1 Awnings will not be permitted.

25.2 Metal and wooden slat-type shades may be allowed by the ACC if they are deemed necessary in reduction of solar exposure and installation on appropriate windows will be determined by the ACC. At no time, however, will they be allowed on windows on the fronts of homes.

25.3 Solar film must be non-reflective type.

25.4 Bed sheets are not permitted as window coverings unless manufactured in a manner comparable to other commercially available "curtains" and standard window coverings.

25.5 No foil or other reflective materials may be used in windows.