

FOREST COVE PROPERTY OWNERS ASSOCIATION, INC.
ARCHITECTURAL GUIDELINES RELATING TO PERIMETER FENCES

RECITALS:

FOREST COVE PROPERTY OWNERS ASSOCIATION, INC. ("Association"), is a "property owners association" as provided in Texas Property Code §209.002(7)(A)-(C) and designated as the representative of the owners of property ("Owner[s]"), and manages and regulates the subdivision known as FOREST COVE, SECTIONS 1 THROUGH 7, and FOREST COVE COUNTRY CLUB ESTATES, SECTIONS 1 THROUGH 4 AND 4A, located in Harris County, Texas ("Subdivision"), according to the restrictions filed of record in Harris County, Texas as shown on Exhibit "A" incorporated by reference (collectively "Restrictions") which are "dedicatory instruments" as defined in Texas Property Code §209.002(2); and

Pursuant to the Texas Property Code §§204.011(b)(1) and 209.00505 and the Restrictions, an Architectural Control Committee ("ACC") was established under the auspices of the Association to review submissions of plans for proposed construction and modifications to improvements on lots in the Subdivision ("Lot[s]"); and no construction or modification of improvements may be constructed or made on any Lot in the Subdivision without the prior written approval of the ACC; and

Chapter 202 of the Texas Property Code was amended, effective on September 1, 2021, to add §202.023 relating to security measures, including perimeter fences, which an Owner may construct on a Lot, and provides that a property owners association may regulate the type of fencing that an Owner may install; and

In that regard, the Board of Directors of the Association has promulgated these Architectural Guidelines Relating to Perimeter Fences, which shall govern the submission, review, and approval of plans for the construction of perimeter fences on Lots in the Subdivision, and the regulation of the type of perimeter fencing that an Owner may install on a Lot, in accordance with Texas Property Code §202.023(c)(2) as follows:

ARCHITECTURAL GUIDELINES RELATING TO PERIMETER FENCES:

- Applications. Applications for approval of plans for perimeter fences extending beyond the front building setback lines as shown on the subdivision plat submitted to the ACC must be drawn on an accurate copy of the site plan of the Owner's Lot showing proposed materials, height, location, and construction, and must be approved by the ACC prior to commencement of construction. A completed Forest Cove Architectural Committee Application Form and the associated fee must accompany the submitted plans. No more than one (1) perimeter fence may be installed on any Lot. Fencing behind the front setback lines may be a privacy fence except in the case of golf course lots.

Golf course lots may have additional restrictions which apply to fencing extending rear of the residence to the rear of the property.

- Architectural Review Criteria. The objective of the review process is to promote aesthetic harmony in the Subdivision by providing for compatibility of specific designs with surrounding Lots, residences, the environment and the topography. In that regard and in accordance with the elements and powers of discretion which may be exercised by the ACC described in the Restrictions, the ACC may consider the harmony of design with the existing or approved fences of surrounding and adjacent Lots as Architectural Review Criteria in its evaluation of plan submissions. Additionally, corner Lots may have additional setback restrictions to comply with City of Houston and general visibility requirements for traffic flow.
- Construction Materials and Height. A perimeter fence extending beyond the front building setback lines as shown on the subdivision plat shall be constructed of non-ornamental wrought iron, tubular steel, galvanized metal, wire panel (minimum 2-inch openings) with or without framing, and a maximum of 25% opaque (unless otherwise approved by the ACC), or other building material approved by the ACC in its discretion, and shall not be more than six feet (6') in height. Other fence types may be considered by the ACC upon specific findings that a variance is necessary due to unusual circumstances which are reasonably beyond the control of the Owner applicant. Opaque portions of fencing shall be vertical, except for wire panel standards described above. Multiple construction types of materials shall be limited to 2 types of materials unless approved by the ACC. Barbed wire, razor wire, or other materials such as glass, slats, pickets, metal shards, etc. are prohibited unless approved by the ACC.
- Posts. Posts of a perimeter fence extending beyond the front building setback lines as shown on the subdivision plat shall be no larger than: (a) 4 inches by 4 inches for wood posts, or (b) 2 inches by 2 inches for tubular steel or aluminum, and wrought iron. Posts shall be no closer together than eight (8') feet except when necessary for access gates.
- Gates. Swing gates which are incorporated into a fence shall only open inward away from the street and sidewalk, and shall not open towards the street or sidewalk. A slide gate may be incorporated into a fence that runs parallel to a sidewalk only if the slide gate does not extend into an adjacent Lot or encroach into a sidewalk. Slide gates extending across driveways must match the construction material and design of the fence and must open and close parallel to the fence. Pedestrian gates must open into the Lot and not into the public sidewalk or right-of-way.

- Location. Perimeter fencing may extend forward of the front and side building lines towards the front and side property lines, and on golf course properties rearward of the residential structure on the Lot. Corner lots have two front building setback lines. A perimeter fence on a Lot which is adjacent to a sidewalk may not be constructed in a location which may in any way interfere with an easement or use of a sidewalk, or create a potential or actual safety hazard. A perimeter fence extending beyond the front building setback lines as shown on the subdivision plat must be 75% open to sight and may not obstruct any traffic control devices, or visibility of cross traffic to pedestrians and motorists. The portion of the driveway on a Lot that is part of a sidewalk or right-of-way used by the public shall not be blocked by a perimeter fence.
- Permits. All submissions for approval by the ACC for fences must be accompanied by copies of permits from the City of Houston if a permit is required.

To the extent any provision within these Architectural Guidelines Relating to Perimeter Fences is in conflict with the Restrictions, these Architectural Guidelines for Perimeter Fences shall control. To the extent any provision within these Architectural Guidelines for Perimeter Fences is in conflict with applicable law, such provision shall be modified to comply with the applicable law.