



**Westwood Landowners' Association Sections 1, 2, 3, & 4
Architectural Control Guidelines and Standards
Amended as of September 4, 2020**

STATE OF TEXAS
COUNTY OF MONTGOMERY

Westwood Landowners' Association, a Texas non-profit corporation (hereinafter the "Association" or the "WWLOA"), being the property owners' association for Westwood Landowners, a subdivision in Montgomery County, Texas according to the map or plat of said subdivision recorded in Plat Cabinet "B", sheet 62-A for Westwood One; Plat Cabinet "B", sheet 103-B for Westwood Two; Plat Cabinet "B", sheet 157-A for Westwood Three; and Plat Cabinet "C", sheet 25-A for Westwood Four Map Records of Montgomery County, Texas (hereinafter the "Subdivision"); pursuant to the Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations and Easements hereinafter the "Declarations" or "Deed Restrictions") amends, adopts and restates the following Architectural Control Guidelines and Standards for the Subdivision, to be effective upon filing with Montgomery County, TX.

Subject to the Deed Restrictions, the Association, acting by and through its Architectural Control Committee (ACC) and Board of Directors hereby adopts the Architectural Control Guidelines and Standard for the Subdivision and the Association's members.

The WWLOA is pleased to provide you with these Architectural Control Guidelines and Standards for your use in preparing an application for review by the ACC. The purpose of this is to serve as an adjunct to the Westwood Subdivision Deed Restrictions. In case of any conflict between the Deed Restrictions and these Guidelines and Standards, the Deed Restrictions shall control.

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Part One – Application Process

I. General Provisions

These Architectural Control Guidelines and Standards are intended to supplement, clarify, and to give effect to the Deed Restrictions (as currently exist) and therefore, the Architectural Control Guidelines and Standards should be read to harmonize with each other to the fullest extent possible to give effect to both the Declarations and the Architectural Control Guidelines and Standards. In the event of a conflict between the Architectural Control Guidelines and Standards which cannot be harmonized, the terms of the Deed Restrictions shall control. By adopting these Architectural Control Guidelines and Standards, the Association intends to exercise the maximum degree of discretion and rulemaking authority given to the Architectural Control Committee (hereinafter the "Committee" or the "ACC") by the Declarations and applicable law.

No building shall be **erected, placed or altered** on any lot, property or area in this subdivision until the building plans, specification and plot plans showing location of such building have been approved in writing by the Architectural Control Committee ("ACC") for residential lots and, after review by the ACC, the Board of Directors for commercial lots. Such improvements in Westwood shall reflect designs that conform and harmonize with the external and structural design and quality with existing structures in the subdivision.

Regardless of an application's compliance with the specific regulations hereunder, the Committee or Board may reject an application if they decide that the proposed improvement's external design and/or location does not conform and harmonize within the subdivision.

Repairs to any existing improvement that do not change the color, material, design, shape, dimensions or location do not require an application and approval. All changes to a property are required to adhere to the deed restrictions.

II. The Architectural Control Committee

The ACC generally meets to review applications twice a month. Meetings may be scheduled and/or rescheduled by the chairperson of the ACC as situations may warrant.

ACC members are appointed by the Association's Board of Directors (Board). Neither a community builder that owns a lot in Westwood, nor a contractor paid by the Association to review new home construction and existing home modifications/additions within the Westwood subdivision are eligible to serve on the ACC. Each is considered conflict of interest.

A quorum of the Committee is a majority of the total number of people currently serving on the Committee, usually three (3) to five (5) members. Decisions of the Committee are reached by

majority vote. If the Committee membership falls below three members, the Committee will make no rulings until the Association's Board of Directors secures enough new members to serve on the Committee to bring the number up to at least three (3) members. If necessary, members of the Association's Board of Directors can be called upon to serve on the ACC until such time as there are sufficient ACC members to review ACC applications.

III. The Application

There is no charge for having plans reviewed by the ACC. The landowner is responsible for any interaction that may be necessary with any regulatory agencies/governing authorities.

It is the landowner's responsibility to submit an application to the ACC. With the application, the landowner must attach a plot plan that shows the proposed change or addition. The landowner must also provide detailed plans, sketches, drawings, clippings, pictures, and/or catalog illustrations of the proposed change(s). Applications that do not have the plot plan and sufficient information (plans, sketches, clippings, pictures, and/or illustrations) to determine the nature of the proposed change(s) will be rejected, delaying the ACC's review of the application.

The ACC or Board has 30 days to approve, disapprove, conditionally approve, or reject an application. Plans submitted after rejection or disapproval will be subject again to a 30-day approval cycle. The ACC or Board, at its discretion, may also require a new application be submitted.

Any application that does not have the landowner's signature on the application form will be rejected. The applicant must also include a good contact telephone number, email, and mailing address.

IV. Residential Application Review Procedure

A residential application with all necessary information will be considered by the ACC on its individual merit, and using the Deed Restrictions and these Guidelines and Standards.

During the consideration of an application, ACC members may view the site and talk to the applicant and/or neighbors.

The Committee will consider the application including supporting documentation, comments from the applicant, neighbors, and other members of the Association.

A response will be provided, in writing, on or before thirty (30) days from receipt of the complete application.

The application will be approved, conditionally approved, denied, or rejected:

- a) **Approval** - The applicant will be notified in writing within 30 days of receipt of the application that the application was approved and work may begin. An ACC authorization sign may be posted at the front of the property as to be seen from the road.
- b) **Conditional Approval** - This is an approval with restrictions and/or additional requirements. Notice of the restrictions and/or additional requirements will be sent to the applicant. The applicant will need to respond, in writing, addressing all restrictions and/or requirements. The ACC will have 30 days from receipt of all requested information to respond to the applicant. After review of the requested information the applicant will be notified of the final decision to update the conditional approval status to either approved or denied. No work may begin during the conditional approval status. Information that is not received or not received completely may result in the application being denied.
- c) **Denied** - The applicant will be notified in writing within 30 days of receipt of the application that the application was denied and no work may proceed.
- d) **Rejected** – The applicant will be notified in writing within 30 days of the application that it was rejected due to the application not being completed correctly and/or required information, as indicated on the application or in these Guidelines and Standards, not included. The ACC, at its discretion, may try to contact the applicant to correct the application and/or obtain missing information before deciding to reject the application.

Residential Appeal Procedure & Protest: If the applicant disagrees with the decision of the ACC in its application review, the applicant may request a meeting with the ACC to discuss the decision. If the applicant is unable to come to an agreement with the ACC, then the applicant may meet with the Westwood LOA Board of Directors, in an open meeting, to discuss the application. The Board will vote to either:

1. Agree with the ACC's decision.
2. Request additional information and table the decision on the appeal to a future date.
3. Reverse the denial by the ACC and approve the application.

The Board's decision of the appeal is final.

V. Commercial Application Review Procedure

The ACC will review commercial application and will make its recommendation to the Board of Directors.

A commercial application with all necessary information will be considered by the Committee and Board on its individual merit, and using the Deed Restrictions and these Guidelines and Standards.

During the consideration of an application, ACC and/or Board members may view the site and talk to the applicant and/or neighbors.

The Board will consider the application including the ACC's recommendation, supporting documentation, comments from the applicant, neighbors, and other members of the Association.

A response will be provided, in writing, on or before thirty (30) days from receipt of the complete application.

The application will be approved, conditionally approved, denied, or rejected by the Board:

- a) Approval - The applicant will be notified in writing within 30 days of receipt of the application that the application was approved and work may begin. An ACC authorization sign may be posted at the front of the property as to be seen from the road.
- b) Conditional Approval - This is an approval with restrictions and/or additional requirements. Notice of the restrictions and/or additional requirements will be sent to the applicant. The applicant will need to respond, in writing, addressing all restrictions and/or requirements. The Board will have 30 days from receipt of all requested information to respond to the applicant. After review of the requested information the applicant will be notified of the final decision to update the conditional approval status to either approved or denied. No work may begin during the conditional approval status. Information that is not received or not received completely may result in the application being denied.
- c) Denied - The applicant will be notified in writing within 30 days of receipt of the application that the application was denied and no work may proceed.
- d) Rejected – The applicant will be notified in writing within 30 days of the application that it was rejected due to the application not being completed correctly and/or required information, as indicated on the application or in these Guidelines and Standards, not included. The ACC or Board, at its discretion, may try to contact the applicant to correct the application and/or obtain missing information before deciding to reject the application.

Commercial Appeal Procedure & Protest: If the applicant disagrees with the decision of the Board of Directors in its application review, the applicant may request to meet with the Board, during an open Board meeting, to discuss the decision. The Board will vote to either:

1. Uphold the original decision.
2. Request additional information and table the decision on the appeal to a future date.
3. Reverse the denial and approve the application.

The Board's decision of the appeal is final.

Part Two – Rules, Regulations & Requirements

I. General

These rules and regulations are adopted by the Westwood Landowners' Association, Inc. to promote and reinforce the restrictive covenants applicable to Westwood Subdivisions and in accordance with the architectural authority granted in the restrictive covenants and applicable law.

1. No lot may be re-subdivided without the written approval of the Westwood Landowners' Association.
2. No construction shall be started prior to receiving written approval of a submitted complete application with all required supporting information.
3. A list of all exterior materials, their final color and where used shall be submitted with the application.
4. A picture, sketch, drawing or artist's rendering shall be submitted with the application.
5. No building may be erected between the building lines as shown on the recorded plat and the street.
6. The improvements must be constructed in accordance with the building plans, driveway plans, water drainage plans and any other plans submitted with the Application and approved by the Architectural Control Committee.
7. Provide concrete foundation details including beam depths, widths, end view of typical beams; location and size of rebar; mesh gage and concrete slab thickness.

II. Residential and Commercial Building Construction

A. All Construction

- a) A complete set of scalable drawings or prints must be submitted to and remain with Westwood Landowner's Association, Inc. and filed for record.
- b) All drawings or prints submitted with the Application or thereafter must be of a professional scalable architectural type that fully represents the improvements to be constructed. The drawings, specifications and/or prints shall be complete and not comprised of various gatherings of drawing or prints and sketched in notations. The Architectural Control Committee may provide for the type and requirements of documents to be submitted with the Application.
- c) Architectural blueprints must include, but are not limited to, the following: foundation plan (including elevation of pad in respect to the street - elevation requirement is a minimum 6" above the center of the street unless ACC (for residential) or Board (for commercial) determines other requirements based on the location and grade), square feet of interior space, location of structure on lot plat, driveway plan, sewer or septic plan and water drainage plan.
- d) All attached garages must be set upon a permanent concrete foundation common to the standard practices of residential construction.
- e) Culvert is to be placed, by the county, before construction is initiated. Landowner is required to request the LOA Office submit a Culvert Request to the County on behalf of the landowner.
- f) Site shall not be elevated without written approval of the ACC (for residential) or Board (for commercial).
- g) Landowner must comply with the Texas Commission on Environmental Quality (TCEQ).
- h) Landowner must comply with Montgomery County building permit requirements.
- i) Landowner must comply with Montgomery County sewage and/or septic system approval requirements.
- j) Water Taps are to be paid to respective agencies that supply to the building location for Westwood Sections 1 & 2 or Westwood Sections 3 & 4 as applicable. Each has their own rates and tariff agreements with the TNRCC.
- k) Landowner is responsible for being aware of and following all Federal, State and County laws, rules and regulations associated with all construction performed on their property.

B. Specific to Home Construction

- a) Home plans submitted for approval shall not be the same floor plan or elevation of a home on either side of the proposed home.
- b) All dwellings erected on any residential lot shall have an interior area of not less than 1400 square feet.
- c) No building or structure, on a residential lot, may be erected nearer than five (5) feet, including roof overhang, from any interior lot line.
- d) All materials used in the exterior construction of any residence must be approved by the ACC. Only new construction materials shall be used except for used brick. No concrete blocks shall be used.
- e) All buildings shall be built on a slab or solid concrete beam foundation.
- f) In no event shall any old house or building be moved on to any residential lot.
- g) Driveways must be concrete or asphalt.
- h) Driveways must have a minimum width of 10 feet.
- i) Driveways must be paved from the point which County/State pavement terminates and includes all locations where vehicles are normally be expected to travel.
- j) Driveways shall be finished and complete before home is occupied.
- k) The location of all driveways shall not interfere with or alter the location and/or design of an aerobic septic system as defined in the official septic plan on file with the county.
- l) The applicant must include a Water Drainage Plan.

C. Specific to Commercial Building Construction

- a) A drainage plan is required. A Montgomery County approved drainage plan is required for construction projects having 15,000 or more sq. ft. of covered area on the entire property. Covered area includes building footprint, concrete or asphalt parking areas, etc. A signed letter of "No Impact" from the Engineer of Record showing the Engineer's seal is required regardless of the size of the covered area.

- b) Driveways and parking lots must be constructed using hard surface materials.
- c) All parking lots and driveways must be finished and complete before used by any commercial business.
- d) The location of all driveways shall not interfere with or alter the location and/or design of an aerobic septic system as defined in the official septic plan on file with the county.
- e) Commercial properties must apply to Montgomery County for a Fire Code Permit.

III. Outbuildings

The color shall reflect that of the residence or commercial building as applicable. Materials are limited to those used in the construction of the residence or commercial building as applicable, or as used in other outbuildings prominently found throughout Westwood. Outbuildings shall not impede the natural flow of the existing drainage. Outbuildings shall be constructed (whether site built or prefabricated) using solid foundation and shall have storm ties that will withstand a wind of 105 mph.

Up to 36 sq. ft. shall be set on a level area. All buildings may be set upon concrete block or concrete foundation. Wood frame flooring shall be set upon concrete block or concrete foundation. It is preferable that the building is stabilized with metal anchors.

Greater than 36 sq. ft. shall set on a level area and meet one of the following and initial on the applications as to which of the following guidelines that will adhere to:

1. Shall be set upon concrete foundation.
2. Shall be attached to a wood frame floor that is affixed to pilings set in cement. The pilings shall be placed at regular intervals throughout the structure and provide for a stable structure.
3. Shall be stabilized over concrete block or wood supports with metal anchors. The metal anchors shall be regularly spaced and provide for overall stabilization.

Any building larger than 320 sq. ft. shall be set on a level area and will require a concrete foundation and must incorporate a perimeter beam at least 18" deep and 12" wide and be reinforced using #4 steel rebar. The slab area must be at least 4" thick reinforced concrete.

Shall not impede or change the existing drainage.

The landowner is responsible for ensuring the location of all outbuildings does not interfere with or alter the location and/or design of an aerobic septic system as defined in the official septic plan on file with the county.

IV. Alterations to Existing Buildings

A. General

- a) All alterations to the outside of an existing residential or commercial building, including outbuildings, requires written approval of a submitted complete application with all required supporting information.
- b) Alterations include, but are not limited to, additions and/or changes to the color, material, design, shape, dimensions or location.
- c) Alterations shall not negatively impact water drainage from the property.
- d) Alterations shall not interfere with or alter the location and/or design of an aerobic septic system as defined in the official septic plan on file with the county.

B. Additions Including Patios and Decks

Any structural concrete slab or foundation shall be attached to the existing building and must incorporate a perimeter beam at least 18" deep and 12" wide and be reinforced using #4 steel rebar and dowelled to the existing slab to prevent movement. The slab area must be at least 4" thick reinforced concrete.

C. Patio and Deck Covers

- a) Patio or deck covers must be constructed of materials that complement the main structure.
- b) If the cover is attached to the main structure it must be integrated into the existing roofline.
- c) All exposed material (posts, soffits, etc.) must be painted or stained.
- d) If the cover is to be shingled the shingles must match the existing roof.
- e) Covers must be situated on the lot to provide drainage solely onto the owner's lot.
- f) Any cover or upright that is not situated on a foundation beam will have to have a concrete pier that is at least 18" deep.

Part Three – Definitions

The following words, phrases or terms when used in this Declaration (unless the context shall otherwise prohibit) shall have the following meanings:

- (a) Applicant, Builder or Contractor - Any owner, general contractor, builder or other person or entity having primary responsibility for the construction. In the instance where there is more than one person or entity, the liability will be joint and several.
- (b) Application – A written request, using the required form and containing all required supporting information, made to the Westwood Landowner's Association, Inc. and/or the Architectural Control Committee of the Westwood subdivision.
- (c) Association - Westwood Landowners' Association, Inc., a Texas non-profit corporation, its successors and assigns.
- (d) Board or Board of Directors - The Board of Directors of the Association.
- (e) Building site - The area of the Lot upon which the improvements are sought to be constructed.
- (f) Bylaws - The Bylaws of the Association.
- (g) Common Property or Common Area - Any real property and improvements thereon within the subdivision owned or maintained by the Association for the common use and benefit of the Owners, including the private streets in the Subdivision.
- (h) Declaration or Deed Restrictions - The declaration of restrictive covenant for each section as recorded and as may be amended.
- (i) Dedicatory Instruments - The Deed Restrictions, the Bylaws, the Articles of Incorporation of the Association and all other dedicatory instruments as defined in §209.002(4) of the Texas Property Code.
- (j) Lot - Each of the lots or reserve shown on the subdivision plats of Westwood subdivision and all property used in connection or appurtenant to any Lot.
- (k) Member or Members - A member or members of the Association. All Owners of Lots are members of the Association.
- (l) Landowner or Owner - A person, firm, corporation, partnership, association, trust or other legal entity or any combination thereof, who is the record owner of fee simple title to a Lot, excluding those having such interest merely as security for the performance of an obligation.

- (m) Plat - The subdivision plats of Westwood subdivision filed for record and recorded in Plat Cabinet "B", sheet 62-A for Westwood One; Plat Cabinet "B", sheet 103-B for Westwood Two; Plat Cabinet "B", sheet 157-A for Westwood Three; and Plat Cabinet "C", sheet 25-A for Westwood Four Map Records of Montgomery County, Texas.
- (n) Plans - The final construction plans and specifications of any Improvement to be erected, placed, constructed, maintained, repaired, replaced or altered on any Lot. Plans include site plans and any other plans required by the Architectural Control Committee.
- (o) Property or Subdivision - The land described in the Previous Declaration, together with all improvements and structures thereon and all rights, easements and appurtenances thereto.
- (p) Property Code - The Property Code of the State of Texas, as amended from time to time.
- (q) Outbuilding - Any structure, which is not attached to the main structure. For example: detached garage, RV/car port, shed, workshop, etc. A structure is that is physically separated AND is not dependent upon any other building or structure for structural support or enclosure. Connection to the residence using a walkway, breezeway or other structure will not cause the structure to be considered attached to the residence.
- (r) Residence or Residential Dwelling - The single-family residential structure constructed on a Lot.
- (s) Restrictions or Restrictive Covenants - Recorded restrictive covenants applicable to Westwood One, Westwood Two, Westwood Three and Westwood Four.

Executed on this 4th day of September, 2020.

CERTIFICATE OF ADOPTION

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF MONTGOMERY §

The undersigned, Rickey Baack, qualified and acting Chairman of Westwood Landowners' Association, Inc.' Architectural Control Committee, hereby certifies that the foregoing Architectural Control Guidelines and Standards were adopted by the Association's Architectural Control Committee.

IN WITNESS WHEREOF, the undersigned has executed this certificate as Chairman on behalf of the Association's Architectural Control Committee on the 4th day of September, 2020.

**ARCHITECTURAL CONTROL COMMITTEE OF
WESTWOOD LANDOWNERS' ASSOCIATION, INC.,**
a Texas nonprofit corporation

By: 

Name: Rickey Baack

Title: Chairman

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §



This instrument was acknowledged before me on the 4th day of September, 2020, by Rickey Baack, Chairman of Westwood Landowners' Association, Inc.' Architectural Control Committee.


Notary Public Signature

Executed on this 4th day of September, 2020.

CERTIFICATE OF ADOPTION

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF MONTGOMERY §

The undersigned, Michael Pidotella, qualified and acting Board Secretary of Westwood Landowners' Association, Inc., hereby certifies that the foregoing Architectural Control Guidelines and Standards were adopted by at least a majority of the Association's Board of Directors.

IN WITNESS WHEREOF, the undersigned has executed this certificate as Board Secretary on behalf of the Association on the 4th day of September, 2020.

WESTWOOD LANDOWNERS' ASSOCIATION, INC.,
a Texas nonprofit corporation

By: Michael Pidotella

Name: Michael Pidotella

Title: Board Secretary

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §



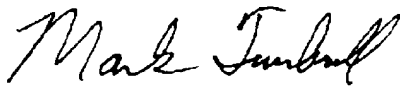
This instrument was acknowledged before me on the 4th day of September, 2020, by Michael Pidotella, Board Secretary of Westwood Landowners' Association, Inc., on behalf of said corporation.

Cheryl Hales
Notary Public Signature

After recording return to:

✓ Westwood Landowner's Association, Inc.
406 Mackintosh Dr.
Magnolia, Texas 77354

FILED FOR RECORD
09/04/2020 12:11PM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was filed in the file number
sequence on the date and time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

09/04/2020



County Clerk
Montgomery County, Texas