

**AMENDMENT TO THE ARCHITECTURAL CONTROL GUIDELINES
FOR FAIRFIELD INWOOD PARK NEIGHBORHOOD ASSOCIATION, INC.**

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS Fairfield Inwood Park Neighborhood Association, Inc., (hereinafter the "Association") is the governing entity for Fairfield Inwood Park, Sections 1 through 8, and Trails of Fairfield, Section 1, additions in Harris County, Texas, according to the maps or plats thereof, recorded in the Real Property Records of Harris County Texas as follows:

Fairfield Inwood Park, Section 1, under Clerk's Film Code No. 339125;
Fairfield Inwood Park, Section 2, under Clerk's Film Code No. 339126;
Fairfield Inwood Park, Section 3, under Clerk's Film Code No. 345146;
Fairfield Inwood Park, Section 4, under Clerk's Film Code No. 483117;
Fairfield Inwood Park, Section 5, under Clerk's Film Code No. 359081;
Fairfield Inwood Park, Section 6, under Clerk's Film Code No. 355084;
Fairfield Inwood Park, Section 7, under Clerk's Film Code No. 356077;
Fairfield Inwood Park, Section 8, under Clerk's Film Code No. 357076;
Trails of Fairfield, Section 1, under Clerk's Film Code No. 516901034;

(together, hereinafter the "Subdivision") and,

WHEREAS the Subdivision and the Association are governed by the Declaration of Covenants, Conditions and Restrictions for Fairfield Inwood Park, Sections 1 and 2, recorded in the Real Property Records of Harris County, Texas, under Clerk's File No. L619440, along with any annexations, amendments, and supplements thereto (hereinafter the "Declaration"); and,

WHEREAS Article VI, Section 10 of the Declaration authorizes side yard fences, subject to certain restrictions and qualifications; and,

WHEREAS Article VI, Section 10 of the Declaration requires Owners to screen their trash containers; and,

WHEREAS Article VI, Section 20 of the Declaration authorizes the Association's Architectural Review Committee to "establish and promulgate rules, standards, and procedures [...] for the orderly development of the Property;" and,

WHEREAS Section 204.010(a)(6) of the Texas Property Code empowers the Association's Board of Directors to regulate the modification and appearance of the Subdivision; and,

WHEREAS in January of 2010, the Association adopted Residential Architectural Control Guidelines, which are filed for record in the Real Property Records of Harris County, Texas, under Clerk's File No. 20100014842; and,

WHEREAS the Association desires to amend the Guidelines to allow Owners to construction side-yard fencing sufficient to screen garbage containers in such a fashion as to be consistent with the Subdivision's aesthetic; and,

WHEREAS the Association desires to amend the Guidelines to clarify the height of certain structures, including play equipment and fencing; and,

WHEREAS the Association desires to amend the Guidelines to prohibit certain types of windows which are inconsistent with the Subdivision's aesthetic; and

WHEREAS this Dedicatory Instrument consists of Restrictive Covenants as defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to these Restrictive Covenants;

NOW THEREFORE, pursuant to the foregoing and as evidenced by the Certification hereto, the Association's Architectural Control Guidelines are amended as follows:

Article II, Section H. "Fences and Gates", subsection 1(a), (pg. 7), which previously read:

(a) Height:

Typically limited to six (6) feet nominal measurement above natural grade Builder may be required to construct eight (8) foot high fences where perimeter conditions warrant.

is amended to read and shall now read:

(a) Height:

Typically limited to six (6') feet nominal measurement above natural grade, except that fences may (but are not required to) contain a six inch (6") rot board, and fences containing a six inch (6") rot board need not include the rot board when calculating height, so that a fence with a six inch rot board may be six foot, six inches in height, including the rot board. Builder may be required to construct eight (8') foot high fences where perimeter conditions warrant.

Article II, Section H. "Fences and Gates", (pg. 7), is amended to include an additional subsection 1(e), which shall read:

- (e) Subject to the conditions and restrictions outlined herein, Owners may construct a side yard fence for the purposes of screening trash containers when such trash containers are not in use.**
 - i. No Owner may construct such a side yard fence until the Owner has submitted an application to, and received the written approval of, the Association's Architectural Review Committee.**
 - ii. No such side yard fence may exceed six feet (6') in height and no such side yard fence may be shorter than four and one-half feet (4.5').**

- iii. Side yard fences on corner lots shall not be located nearer to the property line than the building setback line shown on the Subdivision's Plat.
- iv. Any such side yard fence must be constructed from the same materials as, and be of the same color as, the existing fence on the Lot.
- v. Such a side yard fence shall be considered an improvement and, as such, no side yard fence may be located nearer than ten feet (10') from the side lot line.
- vi. Side yard fences may, but are not required to, contain a rot board no taller than six inches (6"). Side fences that contain a rot board need not include the rot board when calculating height, so that a side fence with a rot board may be six foot and six inches in height, including the six inch rot board.

Article II, Section I. "Decks, Pools, Ancillary Buildings, Etc...", subsection 3. "Ancillary Buildings and Other Structures" (pg. 9), which previously read:

Gazebos, play structures, storage structures, shade and other structures must be submitted to the ARC for approval prior to construction. The size and height of these buildings are strictly controlled in the DCC&R's of each neighborhood. Gazebos, arbors and shade structures must be architecturally compatible with the main home and be in compliance with applicable restrictions. Structures proposed for greenbelt and lake frontage lots must not screen views from adjacent lots. Storage structures must be architecturally consistent with the style and materials of the home or actually be a part of the home structure. Detached storage structures may require screening from public view. All ancillary buildings and other structures must not exceed 10 feet in height.

is amended to read and shall now read:

Gazebos, play structures, storage structures, shade and other structures must be submitted to the ARC for approval prior to construction. The size and height of these buildings are strictly controlled in the DCC&R's of each neighborhood. Gazebos, arbors and shade structures must be architecturally compatible with the main home and be in compliance with applicable restrictions. Structures proposed for greenbelt and lake frontage lots must not screen views from adjacent lots. Storage structures must be architecturally consistent with the style and materials of the home or actually be a part of the home structure. Detached storage structures may require screening from public view. All ancillary buildings must not exceed 10 feet in height, except that play structures/play equipment may be twelve feet (12') in height.

All play structures must additionally be of a sufficient width and depth, as determined by the ARC on a case-by-case basis, in order to ensure the play structure's stability and support, taking into consideration the circumstances of the particular lot and the particular play structure in question. No portion of a play structure may be within five feet (5') of any fence line. On a corner lot home. All structures must be located on the interior side of the lot.

Article III, Section I. "Screening", subsection 1. "Wood Fences" (pg. 17), which previously read:

1. Wood Fences

All wood fences exposed to permanent public view must be constructed in accordance with these guidelines and screened with a combination of trees and shrubs.

is amended to read and shall now read:

1. Wood Fences

- a. All wood fences exposed to permanent public view must be constructed in accordance with these guidelines and screened with a combination of trees and shrubs, except that side yard fences built in accordance with Article II, Section II.H.1 of the Guidelines need not be so screened unless such screening is required by the ARC in response to the Owner's application to construct such a side yard fence.
- b. No wood fence may be taller than six feet (6'), except that wood fences may (but are not required to) contain a rot board no taller than six inches (6") and, in the event a fence contains a rot board, then said rot board shall not be included when calculating fence height, so that a wood fence with a rot board may be six foot and six inches in height, including the six inch rot board.

Article III, Section C. "Entrances and Windows", subsection 2. "Windows" (pg. 14), which previously read:

2. Windows

Windows, like entrances, should be compatible with the overall building mass and architectural character and quality of the elevation.

If shutters are incorporated as part of the design, they should be appropriately scaled to relate to the window opening and appear authentic. They must also always occur in pairs. The shutter color must harmonize with the other colors on the home. Where shutters are used on a home located on a corner lot, they should occur on the side street elevation as well as the front.

Wrought iron and/or burglar bars will be considered only if the ARC determines that they are compatible with the architectural character of the home. Burglar bars over windows are generally prohibited and must be submitted to the ARC for consideration. Approval must be granted prior to installation.

If storm windows are to be utilized, they must resemble existing window frames of the home and neighborhood. They should have the same general configuration as the existing window frames if this is a replacement application. Additionally, storm windows must have

a similar color value to the existing window frames of the neighborhood. Mechanical roll-down storm window boxes, if utilized, must match the window frame color of the home.

is amended to read and shall now read:

1. Windows

Windows, like entrances, should be compatible with the overall building mass and architectural character and quality of the elevation.

If shutters are incorporated as part of the design, they should be appropriately scaled to relate to the window opening and appear authentic. They must also always occur in pairs. The shutter color must harmonize with the other colors on the home. Where shutters are used on a home located on a corner lot, they should occur on the side street elevation as well as the front.

Wrought iron and/or burglar bars will be considered only if the ARC determines that they are compatible with the architectural character of the home. Burglar bars over windows are generally prohibited and must be submitted to the ARC for consideration. Approval must be granted prior to installation.

If storm windows are to be utilized, they must resemble existing window frames of the home and neighborhood. They should have the same general configuration as the existing window frames if this is a replacement application. Additionally, storm windows must have a similar color value to the existing window frames of the neighborhood. Mechanical roll-down storm window boxes, if utilized, must match the window frame color of the home.

Sliding windows, and/or windows that open and close horizontally and/or by means of sliding along a fixed track, are expressly prohibited in the Subdivision, except on exterior walls facing the rear or side lot lines.

CERTIFICATION

"I, the undersigned, being a director of Fairfield Inwood Park Neighborhood Association, Inc., hereby certify that the foregoing was adopted by the Association's Architectural Review Committee and ratified by at least a majority of the Association's Board of Directors at an open and properly noticed meeting of the Board of Directors at which at least a quorum of directors were present."

By: _____

Print Name: David Lambert

Title: Vice President

ACKNOWLEDGEMENT

STATE OF TEXAS

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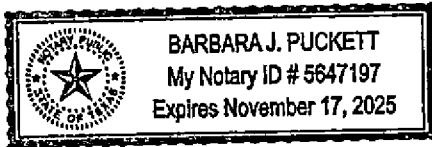
COUNTY OF HARRIS

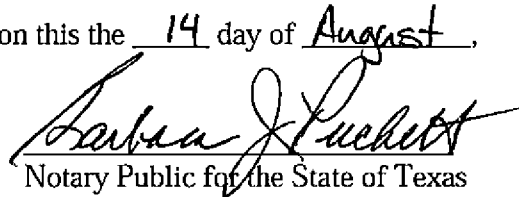
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BEFORE ME, the undersigned notary public, on this day personally appeared David Lambert, the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose in the capacity and with the authority therein expressed, as the act and deed of the corporation.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 14 day of August, 2023, to certify which witness my hand and official seal.




Notary Public for the State of Texas

RP-2023-314350

RP-2023-314350

Pages 7

08/17/2023 10:47 AM

e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY

TENESHIA HUDSPETH

COUNTY CLERK

Fees \$38.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or
use of the described real property because of color or
race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me; and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS