

**NOTICE OF FILING OF DEDICATORY INSTRUMENTS  
FOR  
Westmont Maintenance Association, Inc.**

**STATE OF TEXAS                                    )**  
**)**     **KNOW ALL MEN BY THESE PRESENTS**  
**COUNTY OF TARRANT                            )**

**THIS NOTICE OF DEDICATORY INSTRUMENTS FOR Westmont Maintenance Association, Inc. ("Notice")** is made the 17<sup>th</sup> day of November, 2015, by the **Westmont Maintenance Association, Inc. ("Association")**.

**WITNESSETH:**

**WHEREAS**, the Association is the property owners' association created to manage or regulate the planned development covered by the **Declarations of Covenants, Conditions & Restrictions of Westmont**; and

**WHEREAS**, Section 202.006 of the Texas Property Code provides that a property owners' association must file each dedicatory instrument governing the association that has not been previously recorded in the real property records of the county in which the planned development is located; and

**WHEREAS**, the Association desires to record the attached dedicatory instruments in the real property records of Tarrant County, Texas, pursuant to and in accordance with Section 202.006 of the Texas Property Code and for the purpose of providing public notice of the following dedicatory instruments affecting the owners of property within **Westmont** subdivision ("Owner").

**NOW THEREFORE**, the dedicatory instruments attached hereto on Exhibit "A" are originals and are hereby filed of record in the real property records of Tarrant County, Texas, in accordance with the requirements of Section 202.006 of the Texas Property Code.

**IN WITNESS WHEREOF**, the Association has caused this Notice to be executed by its duly authorized agent as of the date first written above.

**Westmont Maintenance Association, Inc.**  
By: \_\_\_\_\_  
Name: Susan Ross  
Title: Auth. Agent

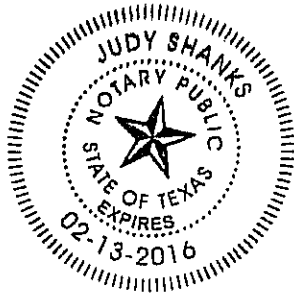
**ACKNOWLEDGMENT**

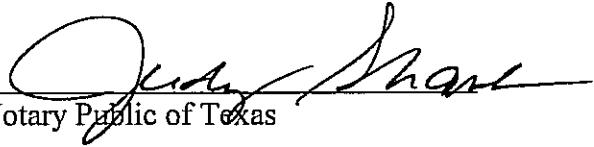
**STATE OF TEXAS**

**COUNTY OF TARRANT**

BEFORE ME, the undersigned authority, on this day personally appeared Susan S. Ross, authorized agent of **Westmont Maintenance Association, Inc.** known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same for the purposed and consideration therein expressed on behalf of said corporation.

SUBSCRIBED AND SWORN TO BEFORE ME on this 17<sup>th</sup> day of November, 2015



  
Notary Public of Texas



## **ARCHITECTURAL STANDARDS AND REQUIREMENTS**

### **INTENT**

The Westmont addition to the City of Colleyville, Texas is intended by its developer, builders, planners and residents to embody the finest standards in single-family detached housing. With reference to traditional architectural elements and craftsmanship of classic home developments around the country, Westmont is conceived as a neighborhood enriched by distinctive and well-built homes, which convey a continuity of traditional forms, materials and details. Sizes of houses, their placement on lots, and locations of driveways as well as garages are regulated to accomplish a community-wide sense of elegance in the street space/yard space.

Careful site planning and architectural design provide each home with views of specially enhanced landscape and encourage use of the front yard space as a place of social activity, once characteristic of warm and inviting neighborhoods.

Exterior designs of houses are required to employ only traditional architectural elements. While there is design latitude to allow for fresh interpretation of the concept of "traditional house", the essential and identifying aspects of the traditional archetype are to be faithfully portrayed. Design overstatements in either the architecture of the houses or the landscape treatment of their lots should be strictly avoided.

In accordance with the intent that Westmont be built as a distinguished residential environment Westmont, the following architectural and landscape standards and requirements have been compiled by the developer and its consultants and adopted as a guide to residents, architects, designers, and builders by the Architectural Control Committee, known hereafter as "the Committee", which has granted purview with respect to all matters of architectural design, construction, and landscaping of residences in Westmont. These standards elaborate upon the commitment to the highest levels of architecture and landscape quality, deal specifically with numerous elements of the residential environment, and are upheld by the Committee.

Issues of architectural integrity, appropriateness of materials, craftsmanship, construction quality, and deviation are determined solely by the Committee. In cases where the Committee determines that additional design enrichment would benefit the above-described intents, it may grant variances to any of the following standards or make requirements greater than the following standards.

In addition, the Committee recognizes that these standards should be dynamic as the community guided by them matures. Therefore, the Committee may, at its sole discretion, revise these standards to further the above-described intent. Such revised standards shall apply to plans submitted after the date of publication of the revised standards by the Committee, unless the Committee grants a variance thereto (as, for example, in the

circumstance of a home for which the lot was contracted to be purchased prior to publication of revised standards).

Furthermore, the Committee is authorized to settle deviations from approved plans and these Standards as it determines in its sole discretion to be best: by correction of the deviation, by enhancement of the house or landscaping, or by tolerance. However, no Committee decision regarding such deviations shall be precedential allowing or requiring in the future any deviation from these Standards or approved house plans.

It is the objective of Westmont that the neighborhood be comprised of homes that artfully and in a well--crafted way depict popular historical archetypes. For purposes of more effectively guiding design of houses in the development; the Committee elaborates the developers' intent by adopting as guidelines that exteriors of houses in the development should:

a) Demonstrate thoroughly the identifying elements of the historic house style being depicted, those being "massing, scale, proportion, and character derived from the nature of the building materials, and details".

b) Reject design elements that are not consistent with the historic style of the house being depicted;

c) Avoid exaggerated and insufficient gestures of style;

d) Eschew eclecticism and decoration, materials, fixtures, and construction techniques that belie the historic house style being depicted.

e) Achieve proper proportion consistent with the historic house style being depicted.

Preliminary and final house plans are required to be submitted to the Committee, on the cover sheet of which a narrative statement of stylistic intent is required. Which lists the identifying features of the selected house style\* as described in A Field Guide to American Houses by Virginia and Lee McAlester.

This narrative is intended to lead the designer to consider, in composing elevations of a house, a holistic integrity in the use of architectural details by rooting their aggregated use, in a shared derivation of style and history. Equally important to any identification of style is a sense of massing that is typical of the style articulated. Therefore, roof plane designs are required to define a composition of forms reflective of style rather than merely being derived from the floor plan of the house. Traditional homebuilding for more than a century in the United States has generally followed recognizable design parameters that architectural scholars have variously named. Pursuant to the direction of the developer of Westmont, the Westmont Architectural Control Committee has established the following architectural styles, as defined in A Field Guide to American Houses, written by Virginia and Lee McAlester, as appropriate in the Westmont addition: Neoclassical, Tudor, Tudor Revival, Prairie, Craftsman, Italian Renaissance, Spanish Eclectic, Spanish Revival, Post medieval English, Arts and Crafts, Georgian, Georgian Revival, Adam, Greek Revival, Colonial Revival and French Provincial Farmhouse Revival, French Eclectic.

Preliminary house plans are required to be scaled at 1/4" = 1'0" and consist of a cover page, site plan, floor plans, all elevations, and roof plan.

Final house plans are required to consist of a cover sheet; a site plan, grading and drainage plan, foundation plan bearing structural engineers seal and signature, foundation silhouette, floor plans, elevations, roof plan, and such construction details as necessary to



fully explain and enable construction of all exterior elements to proceed there from. The foundation plan, the site plan, the foundation silhouette, and all landscape plans are required to show proposed finished pad and finished floor elevations.

All house plans, whether preliminary or final, are required to have a title block on each page, the architect or designers company name, postal address, email address, phone number and fax number, as well as the owners' name and the builders name. Each succeeding plan submittal must show the original date of the plans, i.e. the date of the Preliminary Plans, and the date of each succeeding revision.

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D. REVIEW OF CONSTRUCTION

## **I. SITE PLANNING**

### **A. BUILDING LINES**

1. Typical setbacks of building lines from property lines, as well as utility and drainage easements, are determined by ordinance of the City of Colleyville. In addition to these requirements, further setbacks are enforced by deed restrictions for aesthetic reasons.
2. In Westmont, the front building line is established at thirty-five (35) feet or greater to provide a more elegant setting for homes therein.
3. The Committee may, in special cases, grant variance to building lines not specifically determined by City Ordinance. A variance will be allowed only if the designers can demonstrate it to the Committee's satisfaction of the particular house that the variance will enhance the elegance of the house design, the landscape design, or more importantly, the community as a whole.

### **B. STAKING APPROVAL**

In making its determination regarding the appropriateness of a site plan, the Committee has authority to require that houses, driveways and garages be staked out and that the Committee approves such siting before any tree cutting is done or any construction site work is begun. In lieu of staking approval, builder may submit a site exhibit laid out at 1": 30' scale locating existing trees, house, all flatwork and outbuildings for Committee approval.

### **C. TREE REMOVAL**

No trees measuring six inches in diameter at a point two feet above ground level, no native flowering trees, shrubs or evergreens may be removed without prior approval of the Committee, unless located within ten feet of an existing building, within ten feet of the approved site for a building, or within the approved right-of-way of a driveway or walk.

### **D. SITE MAINTENANCE DURING CONSTRUCTION**

1. *Lot owners shall utilize such Best Management Practices as installation of hay bales, silt fences, rock entry and exit areas, and other means of erosion and sedimentation control as are required to prevent lot erosion and sediment from leaving the lot. Prior to when excavation or construction activities are commenced, including the offloading of soil for purposes of filling the lot, equipment, or any construction materials, the lot owner shall undertake the Best Management Practices called for in the Federal Clean Water Act and the Texas Pollutant Discharge Elimination System program.*

2. *Prior to commencing construction on a lot, the lot owner shall obtain coverage under the Texas Commission on Environmental Quality ("TCEQ") general permit authorizing storm water discharges from construction activities under the Texas Pollutant Discharge Elimination System program and shall comply diligently with the requirements of such program throughout the*

*period of construction on the lot, including landscaping, as well as after construction is complete in order to fully comply with the federal Clean Water Act and the Texas Pollutant Discharge Elimination System program.*

#### **E. TCEQ PERMIT.**

To evidence the above-described coverage, the lot owner shall deliver to the Committee, ***at or prior to final plan submittal***, a copy of its Notice of Intent ("NOI") requesting coverage under TCEQ General Permit Number TXR150000 Relating to Discharges From Construction Activities for the Lot(s) subject to Closing, certified to the Committee as having been filed with the permitting authority, or a copy of the lot owner's permit authorizing storm water discharges associated with construction activity for the Lot(s).

1. The Committee shall not be obligated to review plans submitted to it until it has received the above-described NOI, certified to the Committee as having been filed with the permitting authority.
2. The NOI form may be obtained online at [www.tceq.state.tx.us](http://www.tceq.state.tx.us) according to the most recent information available to the Committee. (Input NOI in the site research box in upper right of web page to bring up the form).

#### **F. STAGING OF CONSTRUCTION ACTIVITIES, TRASH AND DEBRIS.**

1. All materials and debris associated with construction on a lot shall be contained within the lot boundaries. Materials and debris that inadvertently leave a lot shall be collected immediately by the lot owner or the lot owner's representative and disposed of properly.
2. All construction activities at a lot, including but not limited to excavation, provision of fill, retaining wall construction, fence building, materials delivery, plumbing and foundation work, framing, roofing, application of exterior surface materials, flatwork and landscaping shall be kept contained within the lot, such that no such activities occur on nor is there use of other lots in Westmont, whether residential lots, common open space areas or unpaved rights-of-way in Westmont.
3. Except by prior written agreement, suppliers and sub-contractors are prohibited from entering any privately owned property in Westmont, including common open space areas

within the development, other than the property at which said suppliers and sub-contractors are engaged to work.

#### **G. TRESPASS.**

*The Westmont Maintenance Association will seek enforcement of Texas Penal Code § 30.05 to the fullest extent possible.*

#### **H. SIGNS:**

1. Only one sign shall be allowed on a lot without permission of the Committee. Any unauthorized signs found on a lot will be removed by a Committee representative.
2. Open house signs are strictly limited to those that have received approval of the Committee and such approval must be obtained before these signs can be used.

### **II. FOUNDATIONS**

#### **A. HEIGHT (FIGURE 1)**

1. The elevation of the front entry of each residence shall be at least one foot, six inches (1'-6") above the finished pad level of the related lot, as established by the Lot Grading Plan for Westmont. This standard is enforced for aesthetic reasons: the scale of the residence, especially at the first level, is augmented, allowing the use of the extra height above grade to establish a stronger base table and connection to the ground.
2. Raising the front entry elevation necessitates steps at the front entry of each residence, which serve to develop a sense of graciousness in the relationship between yard and residence. The aesthetic purpose of these front steps makes them more than functional.
3. To further enhance the aesthetic qualities of each residence, the front steps and front porch, the tread of each front step, the front entry porch, and any related front porches are required to be surfaced with brick, stone, or some other masonry material approved by the Committee. Washed aggregate surfacing is not permitted.

#### **B. FINISH (FIGURE 2)**

Where viewed from any street, foundation concrete shall not be visible above the finished grade.

1. The masonry ledge for all foundation work visible from the street shall be dropped to an elevation that is a maximum of one (1) inch above finished grade level (FIGURE 2).
2. Where the grade is sloping, the masonry ledge shall be stepped so that no more than 6 inches of concrete is visible above grade at any one point along the grade.

3. Where stucco is used as a veneer material, the stucco shall either come in contact with a masonry base or be dressed with a stucco ledge that meets the criteria for masonry ledges above finished grade level.
4. The edges and beams of all foundation slabs shall be vibrated so that a smooth face and square edge is created. In those cases where, in the determination of the Committee, foundation installation produces uneven, honeycombed or other irregularities on the face or edges, the Contractor must parge the edges and/or face of the slab with latex concrete, so that the required smooth and square edge and face of the concrete foundation is attained.

### **III. EXTERIOR WALL TREATMENT**

#### **A. BRICK: TYPES AND SIZES OF BRICK (FIGURE 3)**

The dominant exterior wall material of this development shall be brick. Brick is the essential material in the perceived continuity of Westmont, and proposed stucco exterior wall treatment may be denied by the Committee for any reason.

1. Brick used in Westmont shall be a domestic hard-fired modular brick or queen-size brick manufactured by Boral/Bickerstaff (or other manufacturer approved by the Committee).
2. Other brick sizes are not permitted. Flash finished bricks are preferred. Slurry finished brick may be denied approval by the Committee.
3. All brick laid up in horizontal courses must be laid up in half (running) bond pattern.
4. King-size brick may not be used.
5. Bricks used in Westmont shall be "blended" bricks (blended meaning a mixture of darks and lights, including some flashed and/or slurried) with an earth tone hue.
6. No solid colors shall be used without written approval of the Committee.
7. Wire cut, wood mold, tumbled and antique bricks may be used but no emboss or molded distress are allowed.
8. Brick sample panels must be approved by the Committee.

#### **B. MORTAR JOINTS**

1. All mortar joints shall be tooled; "slump" joints or "weeping" joints are unacceptable. Maximum 3/8" joints for brick, 1/2" joints for stone.

2. Only natural gray or light colored mortars shall be used.
3. Colored mortars can only be used if approved by the Committee in a sample panel of the actual brick and mortar being proposed. Dark mortars are prohibited.

#### **C. STONE**

To create a stronger sense of a picturesque streetscape, stone (rustic, chopped, finished, or concrete cast stone) is encouraged as a veneer or accent material.

1. A mosaic stone pattern may not be used.
2. Stone patterns that emulate traditional masonry wall construction (rather than veneer construction) are required. These patterns include rubble, coarse rubble, random ashlar and coarse ashlar.
3. When stone is used in conjunction with brick, the stone shall be used to enhance a discrete architectural form (such as a turret or other subordinate mass), or to articulate openings (such as a window or door surround).
4. In other applications of stone, it shall be limited to the ground connected elements of the façade (such as water table).
5. In additions the above, finished stone or concrete cast stone may be used for belt courses, corner articulation (such as quoins or pilaster columns) or cornice and gable/pediment articulation.
6. Brick may be used as an accent with stone in the same relationships as described above.
7. Artificial stone: Concrete or other artificially manufactured naturalistic stones are prohibited.
  - a. This publication does not include "cast stone" with a smooth limestone finish and color.
  - b. Cast stone proposed for use in Westmont must be approved but he Committee for application, color, texture, and compositional quality.

#### **D. SIDING**

Siding may be used as accent material only.

1. Prior to installation, all siding applications must be proposed to the Committee with sufficient specifications and details in the Committee's opinion for it to render an approval or denial decision.
2. Siding shall only be individual wood members horizontally applied in the form of lap siding or-tongue and groove siding.
3. Cementitious siding product such as "Hardiboard" may not be used. No diagonal siding shall be used.
4. Vertical siding, wood shingle or, wood shake siding may be used if it is essential to a particular style and approved by the Committee.
5. Rough-sawn wood siding shall not be used, except in the case of cedar shakes or shingles used as siding in the manner specified above.
6. No Masonite, composition wood product, such as particleboard, shall be used as siding in any exterior application.
7. All wood siding shall be primed on the "back side" before installation.
8. If "Hardiboard" or like product is utilized, it must be smooth finished, used in lengths of wall that do not exceed 24 feet, approved only for soffits . No Hardiboard is approved for siding.
9. Where areas of siding (or other material) project beyond the plane of the exterior wall that contacts the ground, the area projected must have the appearance that it is structurally supported by columns, brackets, or other structural device unless otherwise approved by the Committee. This standard does not apply to bay windows.

#### **E. TRIM AND SOFFIT BOARD**

All wood trim shall be smooth, high quality finish-grade wood stock, stained or painted as approved by the Committee.

1. Prior to installation, all trim applications must be proposed to the Committee with sufficient specifications, and details in the Committee's opinion for it to render an approval or denial decision.
2. The Committee may grant exceptions in writing as to materials that may be used for trim.

3. Without Committee approval, no composition wood products shall be used for exterior trim with the exception that exterior grade finished veneer plywood; other smooth finish soffit board or Trimcraft may be used for soffits.
4. If fascia board is to be jointed along any one continuous run of fascia, the joint must be a spline joint of wood and all fascias must be of the same material, i.e. wood and not cementitious or other non-wood product.
  - a. All fascia board at corners must be mitered and blocked with sufficient closure so that it will paint out with a smooth corner so that the joint is not detectable from the public sidewalk.
  - b. Corners may not be closed by any means other than a carpenter joint.
  - c. Trim clips are disallowed.
  - d. Fascia board must be "stepped" at drip mould.
5. The trim board that forms the brick pocket must have a quality of complexity achieved in one of the following ways:
  - a. trim mold,
  - b. built up, step molding, or
  - c. other traditional detail such as dentil molding.
6. All wall sections must include detailing of fascia and brick pocket. Fascia boards on front and side elevations must have complex molding detail submitted to and approved by the Committee.
7. Columns may be of a material other than wood so long as that material is stone or a painted iron.
8. Where siding comes to an opening or a corner and creates a joint, the trim used to cover (close) the joint must be of substantial width.
9. On dormers, this trim must be at least 3-1/2 inches wide.
10. On other areas of siding, the trim must be wide enough to comprise a decorative solution, but in no case shall it be smaller than 3-1/2".
11. A scale drawing showing all dormer trim and detailing shall be submitted for Committee approval.



12. Bargeboard: When installing a bargeboard in a gable with a sweeping cornice, one of the following details must be followed:
- a. Spatulated Barge: The spatulated bargeboard allows a straight-line extension of the bottom chord (of barge) and a sweeping extension of top chord (of barge.) The diverging lines create a spatulated tip that can be decoratively treated with a scroll or other decorative profile along bottom chord. The straight extension of bottom chord allows brick pocket and projected rowlocks and/or soldiers to be run in a straight line thereby avoiding cut masonry.
  - b. Sweeping Barge: A sweeping barge (one that follows sweep of roof plane) must be jointed so that the joint for the sweeping portion does not occur in the sweep radius or at the point of tangency with the straight portion of barge. Such joint must be placed at least 8" up the rake from point of tangency (into straight portion of barge).
  - c. Brick cuts as necessary must be executed so that mortar joints do not exceed 3/8'.

#### **F. STUCCO**

Stucco may be used as an exterior wall finish only when approved by the Committee because the use of this material is essential to a classical (not contemporary) style being portrayed in the design.

1. When stucco is called for as an exterior wall material, its detailing should be consistent with the style of the architecture.
2. The Committee may require that stucco be painted if the Committee deems it not to be uniform in color.
3. Stucco must be an authentic lath and stucco technology.
4. Dryvit-type systems or Styrofoam products may not be used except as approved by the Committee. EIFS is acceptable for cornice and trim above 8' AFF.
5. All surrounds, trim and cornice shall be cast stone.
6. The intent of the Committee is to establish a solid substrate and discourage wall sections that do not convey the attributes of permanence and quality. Therefore, EIFS coatings may be used if used over an authentic lath and stucco or masonry substrate.
7. Control joints in stucco must be coordinated with the architectural design and should be indicated on the plans submitted.

### **G. SYNTHETIC MATERIALS**

Synthetic materials, such as metal siding, Masonite, Styrofoam, and vinyl siding, may not be used.

### **H. CHANGES IN MATERIAL (FIGURE 4)**

The location of exterior wall material changes (e.g. brick to wood siding) should have a logical relationship to changes in the form of the house, and not be dictated by simple economy.

1. Material changes in the same wall plane are prohibited unless it is part of a detail that is characteristic of an historic architectural style or the dominant material is terminated with an architectural element (such as a pilaster column) that clearly implies structural termination.
2. Material changes at corners are prohibited.
3. All materials must wrap the corner and change in one of the manners described above.

## **IV. WINDOW TREATMENT**

### **A. WINDOW TYPE**

Windows are a primary means for visually conveying "quality" in construction. Wood windows have the visual "heaviness" of mullion and jamb that is characteristic in most historic archetypes. Therefore, only wood or wood clad windows (vinyl or aluminum over wood) may be used in Westmont on all elevations visible from streets and rights-of-way, including doors with windows.

1. All mullions and brick moulding visible from any street must be of the same material, same design and same construction. All windows must have brick mold if visible from the street.
2. Houses with shutters must have brick moulding of sufficient dimensions and construction to properly secure and support operable shutters hung from said brick moulding by hinges acceptable to the Committee.
3. If any wood clad windows are approved, all windows and doors with windows must be wood clad, except the front entry door.
4. If windows are adjoined by wood mullion as described below, wood clad windows are not permitted. For front facing windows they must be aluminum clad wood windows with brick mold.

5. Unless approved by the Committee, all windowpanes, all muntin bars, all mullions and all brick moulding, including those of doors, must have the same dimensions, same material, and same construction.
6. Windows attached together must have a mullion, typically wood, elaborated or built up with moulding or routed in way that demonstrates craftsmanship, consistent with that depicted on the approved elevation. Window mulling may not be accomplished with masonry, except cast stone or cut shaped brick.
7. Except as approved by the Committee, all windows on the front elevation and side elevations visible from a right-of-way or easement must be operable, either double hung or casement.
8. No front or side windows may have screens without Committee approval.
9. The interior window dressing of all front and side windows (drapes, shutters, blinds, shades, etc.) is subject to Committee approval.
10. All windows visible from the street shall be fully divided light.

#### **B. WINDOW SILL (FIGURE 5)**

To maintain the sense of order and purposeful design, it is important that the windows of an elevation have a common reference line that addresses the sill or head.

1. Therefore, the random placement of windows is discouraged and will typically be disapproved by the Committee, including raising the sill of windows used in baths, closets, laundries and kitchens.
2. Where such bath, closet, laundry and kitchen windows are on the front elevation, the use of a window without a sill is encouraged.
3. Windows without a sill include round, elliptical, octagonal or square decorative windows.
4. The Committee will disapprove windows on the front elevation that do not conform to a common sill line unless the deviation is visually explained by the design of the elevation.

#### **C. WINDOW HEAD (FIGURE 6)**

1. All windows shall be below the cornice detail.

2. Windows may abut the cornice detail or be engaged with it if the design of the window surround modulates with the banding or detailing of the cornice.
3. In all cases where windows are visible from the street, a cornice detail shall exist between the window and the soffit.

#### **D. WINDOW SURROUND OR HEADER (FIGURE 7)**

1. Street visible windows shall be accentuated with a projected surround or header.
2. Articulation of the accentuating detail can be of masonry, stone, or cast stone.
3. On a stucco house, only stone or cast stone will be allowed.
4. Wood may be used for this purpose on an elevation that has siding and must be compliant with this standard.

#### **E. ATTACHED WINDOWS**

1. A wood mullion shall divide windows that are adjoined horizontally and/or vertically.
2. When adjoined both vertically and horizontally, both mullions shall be wood.

#### **F. MASONRY SEPARATIONS OF WINDOWS**

1. Brick or stone detail used to vertically divide adjoining windows shall be at least 8 inches wide.
2. When specially shaped cut stone or concrete cast stone masonry is used to divide adjoining windows, the distance between windows can be a dimension that is appropriate to the design and approved by the Committee.
3. Cut stone or concrete cast stone may be used as a horizontal division between adjoining windows.
4. Brick or stone cannot be used as a horizontal division between adjoined windows.

#### **G. METAL WINDOWS**

The use of metal windows is prohibited on the street elevation in Westmont, except genuinely clad wood windows. Elevations not visible from the street may use a metal window provided:

1. A brick mould is used to conceal the metal flange.
2. The brick mould used on metal windows matches the brick mould used on the wood windows of the same house.

#### **H. GLAZING**

1. No reflective glazing will be allowed on any front or side façade or on any façade that is visible from the street.
2. Tinted glass and dark adhesive film is not encouraged by the Committee and will not be permitted on any street visible windows where the transmission coefficient exceeds 27%.
3. Stained and leaded glass is allowed provided that the glass is crafted according to one of the following techniques:
  - a. Soldered caming
  - b. Lead "H" caming
  - c. No acrylic or "piurable" techniques will be allowed.

#### **I. WINDOW ORNAMENTATION**

1. Shutters on elevations that are visible from the street must be operable (or with the approval of the Committee, may be affixed when mounted on an acceptable hinge) and be of such overall dimensions that when closed, they cover any window opening on which they are used.
2. A drawing showing the exact shutter, hinge, and window design must be submitted to the Committee for approval.
3. The use of burglar bars on the exterior of any window is prohibited and
4. Front door metalwork and front door gate enclosure is prohibited.

#### **V. ROOF TREATMENT**

##### **A. ROOF MASSING (FIGURE 8)**

To the extent possible, roofs shall be massed with an orderly sequence of subordinate roofs extending from a dominant roof mass. Ridgelines shall be straight and not interrupted by intersecting ridges that create a hump in the ridgeline.

## **B. ROOF PITCH**

1. The minimum roof pitch visible from the street shall be at least a 12 ft. of rise to 12 ft. of run, unless the Committee approves a lower roof pitch.
2. Certain architectural styles (such as Georgian or Mediterranean) do not require a steep minimum roof pitch, and the appropriateness of a pitch less than that specified above will be analyzed on a case-by-case basis to determine if it is an important historical expression of the style being portrayed. In such cases, the Committee is authorized to approve a roof pitch less than the minimum.

## **C. ROOF PROJECTIONS**

No plumbing stacks, venting stacks, skylights or attic ventilators shall penetrate roof surfaces facing the street or visually dominant in the street view.

1. All such roof penetrations must be mounted straight and perpendicular to the ground plane (except for skylights and attic ventilations) and be painted to blend with the roof color.
2. In addition to showing all roof penetrations on plans proposed to the Westmont Architectural Control Committee, the equipment and fixtures that give rise to those roof penetrations must be shown on the plans.
3. All plumbing and venting stacks must have jacks unless otherwise approved by the Committee.
4. No solar collecting frames or satellite dishes shall be mounted to any roof unless their height and location is specifically approved by the Committee.
5. Turbine attic vents are not permitted in Westmont.

## **D. MATERIALS**

1. Roof materials shall be a high quality composition shingle.
2. Roof materials equal to or better Class 4 roofing products are required. However, the Committee may approve roof materials when other conditions for roof construction and architectural enhancement of the house or landscaping is a necessary part or an enhancement of the house design in the Committee's determination.
3. No three tab shingles shall be allowed. Estate homes must have "Z" tab ridges.

4. Other permitted roofing materials include natural slate, high quality clay or concrete tile in a gray blend or dark color range.
5. All asphalt shingle roofs shall have closed valleys.
6. Standing seam metal (factory finished steel or copper) and metal shingles used in applications other than accent roofing over a canopy or bay require special approval of the Committee.
7. Galvanized metal or metal roofs with a seam other than a standing closed seam are not allowed without Committee approval.
8. Wood shingles are not allowed except that true (fire treated) wood shakes will be allowed if consistent with the historic style proposed in the design.
9. "Hardislate" or a similar material acceptable to the Committee will be permitted if it meets other standards set forth by the Committee.
10. Shingle sample panels must be approved by the Committee.
11. Slate roofs shall have mitered hips.
12. Where concrete or clay tiles are used, the roof forms should be as simple as possible to eliminate the visual distraction of many protruding hip and ridge tiles.
13. SHED ROOF: Only copper or galvanized metal standing seam materials and construction, as appropriate to the architectural style of the house, are permitted for shed roofs.

#### **E. ROOF COLOR**

Like brick, roof color is an important element in the visual conveyance of continuity. Therefore, the roof colors shall be limited to a narrow range of dark colors ranging from dark gray to a black, including the earth tones of a dark "weathered blend". Examples of such colors in the Elk capstone Premium Choice are "Fossil Gray", "Granite" and "Moss Rose". Where natural slate is used, the natural color of the stone is acceptable.

#### **F. CHIMNEYS (FIGURE 9)**

Each house in Westmont is required to have at least one chimney prominent in street view.

1. All fireplace chimneys shall be brick or stone, according to the predominant exterior material of the house walls, proportionate at least thirty-six inches (36") wide and twenty-four inches (24") deep and architecturally elaborated;
2. stucco chimneys will be approved only when inherent in the architectural style of the house, as determined by the Committee, and when stucco is used in substantial proportion on the surface of the house within street view. Stucco chimneys shall be embellished with masonry.
3. In addition, the shaft of the flu shall be distinctively detailed so that the chimney has a complexity in plan as well as elevation.
4. *All metal chimney flu caps must be enclosed inside a decorative envelope of brick or fabricated metal and match the cap detail of and full masonry firebox chimneys in the same house.*
  - a. *Metal chimney caps should emulate a decorative extension of the chimney shaft rather than merely being a piece of hardware that is not a part of the chimney but designed simply to hide the spark arrestor. The latter emphasizes the spark arrestor rather than complementing richer elements of the chimney.*
  - b. *Metal chimney caps should (1) make a terminating gesture, one that splays or tapers from the perimeter of the shaft, (2) have some decorative edge or top that resolves the end of the chimney with a decorative treatment, and (3) because metal chimney caps are not masonry, they should have some obvious level of craftsmanship, i.e. elements of refinement.*
5. Prefabricated metal fireplaces and metal flues may be used, but their chimneys must be masonry clad to present the appearance of traditional masonry chimneys.
6. Any chimneys visible from the street must have the appearance of a full masonry firebox with a "chimney breast" at least 6 feet wide and a flu of a size consistent with a masonry flu.
7. All elements of street visible chimneys and chimney caps must be specifically detailed and submitted with specifications for Committee approval.

## **VI. ENTRY FORM, MATERIALS AND DETAILS**

### **A. VISUAL SIGNIFICANCE (FIGURE 10)**

Entries are hierarchically significant. Therefore, the architectural form which embodies the entry shall be with or engaged by the dominant roof mass. This principal shall apply unless a deviation from the principal is essential to accuracy of an historic style.



## **B. ENTRY ENHANCEMENT**

1. Whenever permitted by the architectural massing of the house, the entry form shall be enhanced with coach lights.
  - a. Coach lights shall have a minimum height of 30 inches and shall be mounted at a six foot mounting height, unless the Committee otherwise approves a different height. Benedict Hill will have a minimum height of 24 inches.
2. Cast stone casing detail at entry shall be applied to the return of the opening and meet the face of the opening in a crafted and weather tight manner.

## **C. ENTRY DOORS (FIGURE 13)**

1. Single Doors: When single doors are used, jambs, brick moulding, and headers enframing the door shall be used to subdivide and order the entire entry. To accomplish this, headers, brick moulding, and jambs must be made of wood and be of a dimension compatible

## **D. ENTRY LIGHTING**

All entry lighting fixtures visible from any street must be approved by the Committee. Where possible, decorative fixtures should complement the architectural features of the residence. Whenever permitted by the architectural massing of the house, the entry form shall be enhanced with coach lights.

1. Coach lights shall have a minimum height of 30 inches in Estate Homes and 24 inches in Benedict Hill, and shall be mounted at a six foot mounting height, unless the Committee otherwise approves a different height.
2. No pole-mounted lighting or building mounted high intensity lighting will be allowed.
3. Foundation mounted and other facade uplighting is prohibited.
4. Facade lighting may be accomplished by soft ambient lighting affixed to front yard trees.

## **VII. GARAGES (FIGURE 11)**

### **A. RELATION TO STREET**

Garages shall face the side lot line or rear of the property, unless the garage is screened by a

1. porte-cochere,
2. detached behind the front side of the house in relation to the street, or
3. meets the conditions of STANDARD VIII C (below).

#### **B. GARAGE DOORS**

1. Garage doors visible from the street in the determination of the Committee shall have masonry, stone or stucco (used in conformance with Standard IV above (Wall Treatment) over the garage door up to the soffit.
2. Cornice details shall continue uninterrupted over the garage door.
3. All design and specifications of such doors must be submitted to the Committee for approval.

#### **C. GARAGES PERMITTED TO FACE THE STREET**

1. In cases where garage doors are visible from the street (such as corner lots), the doors shall be a 9 ft. maximum width and door openings shall be enhanced with such elements as brick/stone surrounds, deep insets and coach lights.
2. Adjacent doors shall be separated by at least 12 inches of masonry material.
3. The garage door facing the street shall be set back from the plane of the house closest to and most parallel with the right-of-way line of the street a minimum distance of 24 feet.
4. In all cases, garage doors facing the street shall be screened by a fence with landscaping, a wall with landscaping, or a wall approved by the Committee.

### **VIII. GABLES (FIGURE 12)**

#### **A. STYLE**

To the extent possible, gables shall be varied within any one block by the use of detailing that is historically appropriate for the style. The treatment of the gable shall be designed so that elements of craftsmanship are fully employed. Gables on an elevation shall be consistent in design and detail except as approved by the Committee. Hipped roof styles are not meant to be discouraged by these criteria.

#### **B. DETAIL AND CONSTRUCTION**

1. Where barge boards and gable trim is "pieced" (made by joining one or more pieces of material in the same plane), the craftsmanship of the joint created must be of quality that the joint will "paint out" and not be visible. (See *STANDARD III.E.* above)
2. All architectural details and materials of gables visibly from any street must be specified in a drawing submitted to the Committee for approval.

#### **IX. CORNICE AND PLATE**

##### **A. CORNICE**

1. Cornices shall be enhanced with more than one course of projected brick, stone, or cast stone (used in conformance with *STANDARD III.A.1.* above), which creates shadow, texture and visual complexity where the wall plane meets the soffit.
2. Where the cornice detail is "pieced" (made by joining one or more pieces of material in the same plane), the joint created must be of a craftsmanship that the joint will "paint out" and not be visible.

##### **B. PLATE**

85% or more of the plate height of the front elevation shall be 10 feet (10' 0") or greater.

#### **X. EXTERIOR COLOR SCHEME**

All exterior paint and stain colors must be approved by the Committee. The palette of exterior paints and satins for each residence shall be selected to complement, coordinate or harmonize with the colors of building materials which are used in their "natural" state, such as brick, stone, copper, etc.

1. As deemed appropriate by the Committee, exterior colors selected for a residence may be modified or changed in order to respond to existing color palettes of adjacent residences.
2. *Stains shall have all of the following attributes:*
  - a. *Semi-transparent quality that allows wood grain and texture to be seen;*
  - b. *Seek to emulate the natural colors of weathered wood (as wood weathers, the base color tends toward gray; therefore, the stain color selected should have base tones of gray);*
  - c. *Redwood stains and other red, mahogany and dark brown stains require special Architectural Control Committee approval and will not normally be approved.*

#### **XI. MECHANICAL EQUIPMENT**

All air-conditioning compressors, power and meter boxes, satellite dishes, pool equipment and any other equipment shall be completely screened from public view. Screening may consist of architectural or planting elements to be approved by the Committee.

#### **XII. MAINTENANCE**

Each residence shall be maintained in a neat, clean, orderly condition by the owner. Periodic, repairs shall be made to correct broken shingles, peeling paint, broken brick and any other condition, which suggests visual deterioration of a residence. Landscape contractors shall be approved by the Committee.

#### **XIII. INTENT**

The desired landscape character is one of simplicity emphasizing tree placement and attractive layering of shrubs, ground cover, and flowers at the building foundation. The landscape and site elements for homes in Westmont should be understated, creating a warm, traditional setting for the houses rather than competing with the architecture for visual attention. The use of large, non-growing, non-essential materials in front or side yards is discouraged and may not be approved by the committee. These include boulders, sculpture, other forms of yard art, and areas of rock in lieu of plant material.

#### **XIV. SITE ELEMENTS**

##### **A. COVERAGE**

Total site coverage of building, driveways, walks, decks, pools, and other structures may not exceed 50 percent of the area within the property lines without Committee approval.

##### **B. DRIVEWAYS AND MOTOR COURTS**

To the extent possible, automobile circulation and storage areas are to be deemphasized, highlighting the landscape and pedestrian environment.

##### **1. Locations and Configuration**

- a. Driveways shall be located to minimize the amount of pavement.
- b. Driveways shall be a maximum of 12 feet in width except the apron required for garage access and except as approved by the Committee.
- c. In addition, unless otherwise approved by the Committee, the driveway shall be located a minimum of two feet from the side property line to allow for planting and/or fencing.

- d. Driveways shall have a curving rather than straight alignment whenever possible.
  - e. Driveways shall extend from the sidewalk to the garage.
  - f. The driveway shall not visually or physically break the sidewalk.
  - g. Broom finish concrete aprons will transition the area from the curb to the sidewalk.
2. Materials
- a. Decorative brick or stone bands approved by the Committee and which may occur in the driveway may only occur between the public sidewalk and the house. Refer to FIGURE 14.
  - b. Driveways shall be hard paved with natural color broom-finished or sandblasted concrete from the curb of the street into the garage area without change of color or texture.
  - c. Brick edged concrete or brick arrival areas are encouraged.
  - d. Any other materials, finishes, or colors must have the approval of the Committee.
  - e. All driveway materials must be maintained in a manner to retain consistent, original structure, texture and color characteristics.
3. Circular Drives/Motor Courts
- a. Motor courts shall be surfaced, gated, fenced or walled and otherwise screened, as well as landscaped by means acceptable to the Committee, which shall consider aesthetic aspects of all such elements with respect to nearby properties and in view of streets and together public and private (common area) open space.
  - b. Drives that must negotiate an elevation change from street to raised front yard should be cut into the grade in order to create driveway slopes that are as uniform as possible, with smooth transitions between areas of varying pitch.
  - c. Planting should screen the direct view of the drive area from the streets to the extent possible as illustrated in Figure 15 & 16.
  - d. Builders must submit a grading plan, with spot elevations and slopes indicated, and a landscape plan for approval of circular drives and retaining walls.
    - i. All exposed faces of any retaining walls must be faced with stone or brick, and

ii. an architectural section of the wall shall be submitted with the landscape plan.

### **C. DRIVEWAY GATES**

Driveway gate design and specifications must be approved by the Committee.

1. Minimum picket size of steel gates is 3/4".
2. Minimum post size is 4" for steel gates.

### **D. WALKS AND STEPS**

1. Public sidewalks 5 feet (5' 0") in width, located 10 feet (10' 0") from back of curb are required in front of all lots in Westmont and on the street side of corner lots, except as otherwise approved by the Committee.
  - a. Material of sidewalks is to be natural color, broom-finished concrete throughout the neighborhood.
  - b. Consistent sidewalk color and finish shall continue through both driveway and front private walk paving.
  - c. Standard construction and finish details are illustrated on FIGURE 17.
2. Steps and Plinths
  - a. The steps and lead walk should be a complementary component of the site architecture and should not compete visually with the house and landscape.
  - b. Steps at the elevation change between the sidewalk and house pad are required on many lots, as illustrated on FIGURE 18.
  - c. If the difference between the top of curb elevation and the pad elevation is 18" or greater, then private sidewalk steps shall be built adjacent to the public sidewalk.
  - d. Retaining plinths measuring a minimum of 16" in width x the length of step run x the height of the elevation change shall flank the steps.
    - i. The plinths should be built out of the house brick with all solids for the cap or of stone with natural stone or cast stone cap.
    - ii. Only natural stone or cast stone shall be used for stucco houses approved by the Committee.
3. Front (lead) walks from the public sidewalk to the front door shall be five (5) feet wide.

Lead walks may be natural brushed or sandblasted concrete, or rectangular masonry units such as brick or stone. Material and finish must be approved by the Committee.

- a. If a landing is constructed between the sidewalk and curb, it should be wider than the typical front walk.
- b. The size, width, configuration and material of the lead walk and other private walks shall be shown on the landscape plans submitted for approval.
- c. Front steps and porch must be veneered with either a brick or stone that is approved by the Committee. If bricks are utilized they must be solid pavers or whole house masonry bricks. No brick holes can be exposed or visible. Other masonry material may be used if approved in writing by the Committee. *All elements of the Westmont entry surface standard remain unchanged except as modified herein. Approved materials for surfaces of front entries are only veneers of brick, stone or tile, consistent with the masonry of the house and finish of walks and driveway. Such veneers must be approved by the Committee.*
- d. Fountains, statuary, and planters within the lead walk and front yard are strongly discouraged.

#### **E. HOUSE ADDRESS NUMBERS**

Address numbers may only be of a consistent style, finish, and mounting on each house.

1. House address numbers shall be only in the form of a ten gauge steel plaque custom cut with plasma torch, hand finished, and spray painted glossy black using polyurethane and with the paint baked on as prescribed by the paint manufacturer.
2. House address numbers shall be mounted on the front of the house with #14 half round head solid brass screws and solid brass finish washers.
3. The house address numbers plaque shall be floated from the surface of the house by means of 1/4" neoprene spacers.
4. Location of mounting on the house shall be determined by the owner and approved by the Committee. A five (5) foot mounting height is recommended.
5. House address numbers may be purchased from the Westmont Maintenance Association.

#### **F. MAILBOXES (FIGURES 20 & 21)**

Mailboxes including mailbox stanchion and address plaque shall be of standard design promulgated by the Committee and shall be obtained from Westmont Limited Partnership or otherwise as determined by the Committee.

1. Mailboxes shall have house numbers mounted on the box.
2. Mailbox stanchions shall be spray painted glossy black using polyurethane with the paint baked on as prescribed by the paint manufacturer.
3. Address numbers for mailboxes may be purchased from Chaenomeles, Inc., P.O. Box 7011, Dallas, Texas 75209 (214/ 249-6785).
4. Mailbox paint color is specified by Westmont Maintenance Association.
5. Mailbox stanchions shall be curb mounted, and unless approved by the Committee, shall be located in street right-of-way straddling the projected common lot line of adjacent lots as specified by the U.S. Postal Service.
6. Dual-service mailboxes and stanchions, including related landscaping, must be installed by the first owner to need mail service.
  - a. That owner shall promptly pay Westmont Limited Partnership, upon receipt of an invoice for same, one half of its cost in obtaining and installing the dual mailbox and mailbox stanchion. The second of the owners to need service shall pay Westmont Limited Partnership, promptly upon receipt of an invoice for same, the balance of its cost for the dual-mailbox and mailbox stanchion.
7. Replacement mailbox address plaques may be purchased from Chaenomeles, Inc., P.O. Box 7011, Dallas, Texas 75209 (214/249-6785).
8. No other addresses may be displayed without Committee approval.

#### **G. POOLS, DECKS, AND OTHER STRUCTURES**

Total coverage of house and all hardscape elements (such as paving, pool, and other structures) may not exceed 50 percent of total lot area without Committee approval.

1. Swimming Pools and Spas
  - a. Pools may be constructed within the architectural building lines of the rear yard of each lot.
  - b. Pool decks may extend beyond the building line, but must allow adequate area for landscaping and fencing.
  - c. Pool surface, deck and equipment must be screened from public view, including public streets, common areas and reserves.



2. Other Structures

All structures including gazebos, playhouses, storage buildings, arbors, and trellis, or shade structures must be submitted to the Committee for approval, and may require screening from public view.

**H. STREET VISIBLE WALLS AND FENCES**

The Committee discourages solid privacy fencing along "street visible" lot lines. The opacity of such fences contributes to a confluence of materials that disrupts the sense of continuity defining Westmont. The Committee encourages the use of tubular steel or wrought iron fences where possible.

1. Two adjacent houses (sharing a common lot line) may not have masonry walls adjoining within the 'street visible' portions of the lot line.
2. Where a house has built a masonry wall, the house constructed next to it must abut that masonry wall with a tubular or forged steel fence as shown in FIGURE 22.
3. Where tubular steel fencing is used, the Committee requires designs that evidence excellence in craftsmanship. Therefore, finials and other such decorative elements are required.
4. These fences shall be offset from one another approximately ten feet (10' 0").
5. In addition, neighboring fences that meet along the same street visible lot line shall be offset ten feet (10' 0") unless the Committee approves another configuration.

**I. MASONRY WALLS**

Screening that is visible from the street and located between and more or less parallel with the fronts of houses may be of either

- a. masonry or
  - b. tubular steel or
  - c. wrought iron construction and
  - d. must be six feet (6' 0") in height (unless another height is approved by the Committee).
1. Masonry materials shall match house materials.

3. West side yard and rear yard screening on Lots 1 and 20 of Block B may be required by the Committee to have a common material and a matching elevation.
  - a. This masonry and steel fence may be required to have plant materials installed and maintained inside the property line, and
  - b. the Committee may place limitations on other plant materials and improvements placed inside the rear yard area of said lots.
  - c. Brick may be required to match Westmont common area entryway brick.

#### **J. STANDARD WOOD FENCES (FIGURE 23)**

1. Unless construction of a Standard Steel Fence is required pursuant to ¶K.1. hereof or a Standard Wood Fence has already been constructed by the adjacent lot owners(s) pursuant to the provisions hereof, a Standard Wood Fence(s) is required to be constructed on side and rear property lines of the lot strictly according to the architectural style and specifications of Landscape Exhibits A and B by the owner of each lot in Block C and D prior to the occupancy of a home thereon;
2. Standard Wood Fences are permitted only in locations along or near each property line in locations approved in advance by the Committee; Standard Wood Fences are required to be built according to the architectural style and specifications of Landscape Exhibits A and B unless variation therefrom is approved but he Committee;
3. where a Standard Wood Fence is required along a property line with a retaining wall, fence posts are required to be set prior to construction of the retaining wall, and the retaining wall is required to be built around the posts;
4. Standard Wood Fences built along the north. side of lots 20/C, 21/C, 22/C, 14/D and 15/D are required to be built south of the existing columns and strictly according to the architectural style, specifications and locations of Landscape Exhibit A;
5. Standard Wood Fences are required to maintain a level elevation along the top of the fence (i.e. there should not be any portion of a fence with a top that is not level or horizontal); where grade changes necessitate height changes in the Standard Wood Fence, steps shall be made in minimum 6" or maximum 12" increments, which may cause the fence to be slightly taller or shorter than the standard height; any deviation from this re- quires approval from the Committee;
6. The first lot owner to construct a fence is required to install in the tops of all steel fence posts a flat steel post cap prior to installation of the 2"x6" cedar cap shown in Landscape

Exhibit A; the lot owner who subsequently builds on the adjacent lot is required to remove all flat steel post caps and install the second 2"x6" cedar cap.

7. Standard Wood Fences that are not adjoined by another lot are required to have either one 2"x12" cedar cap or two 2"x6" cedar caps.

#### **K. STANDARD STEEL FENCE (FIGURE 24)**

1. Unless a Standard Steel Fence has already been constructed by an adjacent lot owner pursuant to the provisions hereof; a Standard Steel Fence is required to be constructed by the owner of each lot prior to the occupancy of a home thereon, strictly in accordance with the architectural style and specifications of Landscape Exhibits C and D and in the following locations: along the side and rear property lines of all lots in Block A and 13, along the south property line of lots 1/C and 1/D, along the west property line of lots 5/C, 6/C, 9/C, 10/C, 13/C, 14/C, 19/C, and 20/C, and along the 100-year floodplain lines of all lots in Block D as indicated on the final plat of Westmont; recorded in the records of Tarrant County, Texas, unless a different location is approved by the Committee;
2. Standard Steel Fences are permitted only in locations listed in ¶K.1. above and in locations approved in advance by the Committee; Standard Steel Fences are required to be built strictly according to the architectural style and specifications of Landscape Exhibits C and D unless variation there from is approved by the Committee;
3. where a Standard Steel Fence is required on a property line with a retaining wall, fence posts must be set prior to construction of the retaining wall, and the retaining wall is required to be built around the posts;
4. where one Standard Steel Fence intersects another Standard Steel Fence or changes bearing, a steel corner post approved by the Committee shall be installed unless a Standard Stone Column or alternate column is approved or required by the Committee;
5. where a steel fence of different design than the Standard Steel Fence is proposed to be built intersecting the Standard Steel Fence shown in Landscape Exhibits C and D, a Standard Stone Column as defined herein is required at said intersection, unless an alternate column is approved or required by the Committee;
6. Standard Steel Fences are required to be primed and painted with two coats of Benjamin Moore custom mixed paint ("Black Bronze") or other paint supplier approved by the Committee;
7. Standard Steel Fences are required to maintain a level elevation along the top of the fence (i.e. there should not be any portion of a fence with a top that is not level or horizontal);

where grade changes necessitate height changes in the Standard Steel Fence, the steps shall be made in minimum 6" or maximum 12" increments, which may cause the fence to be slightly taller or shorter than the standard height; any deviation from this requires approval from the Committee;

8. Standard Steel Fences are required to have fillet welds; spot welding and the use of silicone to cover gaps that result from spot welding are not permitted.

#### **L. STANDARD STONE COLUMNS (FIGURES 25A, 25B, 25C)**

1. Standard Stone Columns are required to be built in locations approved by the Committee where Standard Wood Fences and any steel fences intersect unless an alternate column is approved by the Committee;
2. Standard Stone Columns described in ¶Ll. are required to be built strictly according to the architectural style and specifications of this document unless variation there- from is approved by the Committee;

#### **M. PRIVACY SCREENING AT STANDARD STEEL FENCES**

1. If the owner of a lot desires privacy screening where a Standard Steel Fence is required pursuant to ¶K.l. above, only myrica cerifera (wax myrtle) of consistent spread and height from seven-gallon or larger containers planted four feet on center, four feet from the Standard Steel Fence may be used for that purpose; the wax myrtle shall be planted in a planting bed prepared and maintained as described in f/fv/.2., and the planting bed may contain no other plant material except such plant material as may be approved by the Committee, if any;
2. wax myrtle used for these screening purposes shall be planted in a bed prepared according to ¶XIX.D.14. herein and kept at or below eight feet in height and spread by pick pruning rather than shearing;
3. if the owner of a lot does not desire privacy screening where a Standard Steel Fence is required pursuant to ¶K.l. above, sod regularly mowed to maintain a height of no greater than 6 inches or a groundcover bed approved by the Committee shall be installed and maintained adjacent to the Standard Steel Fence;

#### **N. LOCATIONS AND HEIGHTS OF FENCES AND WALLS**

1. All fences and walls behind the front building line must be at least six feet (6') feet tall and no more than seven (7) feet tall unless otherwise approved by the Committee.

2. No fences or walls may extend forward of the front building line without Committee approval and other required approvals.

#### **O. RECREATION EQUIPMENT**

Permanent or movable recreation equipment, such as basketball goals and play structures, is not allowed in front yards or in the side yard of corner lots without the approval of the Committee.

1. Mounted basketball goals, if approved, must be installed above a garage door that is not visible from a street. The equipment should be selected in subdued colors to blend with the façade of the house to the extent possible. Only Committee-approved, house mounted goals may remain in view permanently. Ground-mounted goals may be approved if entirely screened from public view in a manner acceptable to the Committee by means of evergreen shrubs or appropriately located trees, in the sole judgment of the Committee. Portable goals may not stand on driveways or in any other area in public view except when in actual use and may not be left in view overnight.
2. All play structures taller than six feet (6'-0") are required to be permanently screened with plant materials to obscure it in a manner approved by the Committee.
3. Location of structure relative to public view and neighboring private property will be taken into consideration.
4. One criteria of adequate screening shall be to assure screening of highest point of structure from view of adjacent lot(s).
5. Bright colors of canvas or frame will not be approved.

#### **P. LANDSCAPE LIGHTING**

All elements of exterior lighting fixtures visible from any street, common area or adjacent property must be approved by the Committee. Where possible, decorative fixtures should complement the architectural features of the residence. To create a harmonious nighttime aspect and to avoid the artificial demarcation resulting from autonomous landscape lighting installations, only landscape lighting fixtures installed to create a moonlighting effect will be approved for use in public view.

1. Except for ornamental coach lights and approved decorative lights, light fixtures and source shall be obscured from the street visible view.
2. No pole-mounted lighting or building mounted high intensity lighting will be allowed.
3. Foundation mounted and other facade uplighting is prohibited.

4. Landscape down lighting in trees is encouraged.
5. Facade lighting may be accomplished by soft ambient lighting affixed to front yard trees.
6. Any floodlighting shall not illuminate adjacent public or private property.
7. No lighting shall be directed so that it shines directly toward neighboring property.
8. Front house elevations may not be floodlit, and no floodlighting of the front yard is permitted. Front house elevations may be "washed" in light as approved by the Committee.
9. Tree lighting mounted in new trees less than 8" in caliper is discouraged.
10. Fixtures must be recessive in color and hidden from view by other landscaping.
11. Lighting bulb types may be mercury vapor or metal halide only.

#### **Q. ORNAMENTAL LIGHTING**

Accent lighting must be integrated with the building or architectural elements. Excessive accent lighting is prohibited.

1. Freestanding pole light fixtures and freestanding walkway lights are prohibited.
2. Sconces or carriage lamps are encouraged near the front door.
3. Front doors may have recessed lighting above the door or pin spots in trees.
4. Lighting of walkways may be from above by means of "moonlighting" (down lighting).
5. Walkway step lighting may be recessed in hardscape elements such as steps or plinths and must be approved in advance by the Committee.

#### **XV. SCREENING**

##### **A. Mechanical Equipment**

1. All mechanical and electrical equipment (pool, air-conditionings, satellite dish antennae, etc.) must be completely screened from public view. A combination of trees, hedges, fences or walls should be used to screen equipment and mechanical areas.

##### **B. Rear Yard**

1. Pools, play structures, play equipment, barbecue areas, and lawn furniture shall be screened from public view by a combination of trees, walls, fences, or shrubs.

#### **C. Driveways and Parking Areas**

1. Automobile areas are to be substantially screened.
2. Circular drives and auto courts shall be substantially screened from public view with a combination of trees and shrubs.

#### **D. Exposed Foundations**

1. All exposed foundations shall be screened from public view.

### **XVI. Grading and Drainage**

#### **A. Slope at Sidewalk**

1. Lawn slope at front sidewalk should be emphasized rather than the sidewalk tapering evenly to the house, as illustrated in Figure 4. Lawn slopes shall be 3:1 maximum and 5:1 minimum on those lots with raised building pads.
2. Retaining walls, if used, must be stone, brick or other masonry construction materials approved by the Committee. Retaining wall location and elevation must be submitted to the Committee for approval. See Figure 6.

#### **B. SITE AND ROOF DRAINAGE**

1. There must be positive drainage away from the house.
2. Surface run-off shall not flow onto adjacent lot areas unless permitted by the City and the Committee.
3. Gutter downspouts on street visible elevations must drain into drain lines that are carried underground to a point shown on the Landscape Plan and acceptable to the Committee or otherwise drain by means acceptable to the Committee.
4. Downspouts are required to penetrate any street visible water table or projection on the exterior of the house.

5. All proposed gutter and downspout elements and accessories including but not limited to elbows, splash blocks, downspout extenders, gutter screens, leader boxes, and helmets, etc. must be approved by the Committee prior to installation.
6. Underground drainpipe shall be SD35 piping or other pipe approved by the Committee. ADS piping is not permitted.
7. Curbs may not be cut to accept underground pipe but must be cored by a contractor acceptable to the Committee. See FIGURE 26. No cut curbs are allowed.
8. Downspouts shall be located at comers or other architecturally appropriate places on the elevation (such as offsets, pilasters and points symmetrical to the facade where the design is symmetrical).
9. Gutter downspout termination methodology for front and front/side yards must be approved by the Committee.
10. All homes in Westmont are required to use half round gutters and round downspouts where visible in street view.
11. Pool backwash must be drained through underground drain lines that exit at the street through a cored curb, cored by a contractor approved by the Committee.

#### **C. BERMS**

Berms in front yards are prohibited except as approved by the Committee for screening circular driveways.

#### **D. SIDE YARD RETAINING WALLS**

1. Retaining walls, if required, on the downhill side of each lot are required to be built by each lot owner according to the criteria of FIGURE 27, including related wood and steel fencing, unless otherwise approved by the Committee.
2. Structural design of retaining walls shall be based upon thorough and professional investigation of all relevant matters, including but not limited to soils and anticipated ground- water conditions of the site, hydrostatic and lateral earth pressure including potential surcharge behind the wall, overturning and sliding forces induced by retained earth, the bearing capacity of the soil, minimum ASTM standards for material the weight and wind load effects of fencing anchored in the wall, and surface drainage of storm water.



3. Retaining walls shall be built according to said structural design using best construction practices.
4. Architectural design of retaining walls shall be proposed by the lot owner to the Westmont Architectural Control Committee for approval prior to the beginning of construction. For this purpose, either a thorough written description of what is proposed to be built or a drawing with notations may be submitted. Particular attention must be given by the lot owner to explaining the relationship of the face of the wall to the lot property line, the terminus proposed at each end of the wall, proposed wall height and grades at the bottom and at the top of the wall, and the interrelationship of fencing associated with the wall and fencing proposed nearby.
5. The face side yard retaining walls shall be constructed in a plane extending vertically from the side yard property line, i.e. at a 90-degree angle to level ground at the base of the wall plumb with the side property line.
6. The surface of retaining walls shall be horizontally coursed Millsap sandstone typically four, five or six inches in height with natural, gray mortar and lightly raked five-eighths inch {5/8"} joints. Pseudisodomum coursing is permitted.
7. Side yard retaining walls shall be maximum four feet (4') in height
8. Changes in grade shall be accomplished by incremental steps, rather than angling or sloping to accomplish grade change.
9. Other than sediment control as described above in ILD., SITE MAINTENANCE DURING CONSTRUCTION, lot grading and preparation for retaining wall construction, no improvements may be undertaken on any lot until retaining wall construction and related lot grading is complete.
10. If, prior to construction of a house built on any uphill lot, the adjacent, downhill lot owner has built an uphill side yard retaining wall and/or fencing, said wall and/or fence shall be deemed to be the requisite downhill retaining wall/fence required herein to be built by the uphill lot owner and, upon written notice from the Committee of Westmont CCR'S (the "Side yard Wall/Fence Reimbursement Notice") the uphill lot owner shall promptly reimburse the downhill lot owner, or other person as is designated in the Side yard Wall/Fence Reimbursement Notice, the cost of design and construction of the wall and any related fencing specified therein, as is reasonably determined by the Committee of Westmont CCR'S in its (their) sole discretion. Upon the designated party's receipt of said reimbursement, the uphill lot owner shall be provided by the designated party a full written release of its obligation for such reimbursement.

11. Refer to details on FIGURE 27.
12. Any wall with a height greater than 30" requires a qualified engineer for the design.

## **XVII. PLANTING**

### **A. FRONTYARDS**

The intent of these guidelines is to produce a refined and elegant landscape setting for Westmont houses. Landscape should not compete with the house for attention but should attractively complement the house and its architecture. The emphasis of Westmont landscape standards and requirements is upon those areas of a lot that are visible from public areas of Westmont. Greater tolerance of non-traditional landscape design and installation may be shown by the Committee for yard areas not visible from public areas of the neighborhood.

### **B. FRONT AND FRONT/SIDE YARD TREES**

1. A minimum of four additional trees in the front and side yards are required unless otherwise approved by the Committee for lots with existing front yard trees or where fewer trees are appropriate given the size of the trees at the time of planting.
2. Trees are to be minimum 3-inch caliper unless otherwise approved by the Committee.
3. Front yard trees may be selected only from the short list of trees that follows.
4. Other trees proposed must receive special approval by the Committee.

### **C. ORNAMENTAL TREES**

Yards visible from the street shall not have ornamental trees or shrubs unless approved by the Committee.

### **D. SHRUBS AND GROUNDCOVER BEDS**

1. Shrub planting shall consist of a minimum of two layers of shrubs planted in beds having a minimum depth of 72" at the front foundation and at side foundations visible from rights-of-way and easements. *Planting beds on the front (and sides of houses adjacent to streets, open space and common areas within the development) are required to be a minimum of eight feet (8'0") in depth.*
2. Three layers of foundation planting are required: one upper layer of medium evergreen shrubs approximately 30-36" in height and two lower layers of shrubs or groundcover.

3. All plants must conform to the species indicated on the Committee Approved Plant List that follows. Use of variegated, "Pom Pom", "Skyrocket", "Weeping", "Corkscrew" or other "exotic" forms or varieties of plants is prohibited.
4. Upper layer medium shrubs shall be planted from a minimum of 5-gallon containers, planted at 30 inches on center, with staggered or 'triangular' spacing. Plants are required to meet minimum specifications of the 'American Standard for Nursery Stock' as published by the American Nursery & Landscape Association, May 12, 2004, and recommended by the Texas Nursery & Landscape Association.
5. Lower shrub layers shall be planted from minimum 3-gallon containers, planted at minimum 24 inches on center, with staggered or 'triangular' spacing. Plants are required to meet minimum specifications of the 'American Standard for Nursery Stock' as published by the American Nursery & Landscape Association, May 12, 2004, and recommended by the Texas Nursery & Landscape Association.
6. Groundcover planting shall be planted from minimum 4-inch pots at 9" inches on center with staggered or 'triangular' spacing.
7. Plants located in front of windows may not exceed height of windowsill at maturity.
8. Curvilinear beds are preferred. Rectilinear bed forms will be allowed if proper care is used in establishing pleasing forms.
9. The number of plant species in front- and side yard beds must be kept to a maximum of five, varying only from one shrub layer to the next.
10. Ornamental specimen shrubs and trees are not counted in the maximum number of five plant species.
11. The number of plants shall be appropriate for the size bed. Plants shall be spaced to cover the entire bed within one growing season unless otherwise approved by the Committee.
12. Open mulch areas are prohibited. See FIGURES 28 & 29.
13. Free-floating beds in lawn areas are prohibited without Committee approval.
14. All bed areas shall have 6" of professional bed mix by Living Earth Technology (or equal) tilled into the top 10" of the soil.

15. Shredded cypress mulch, medium and large pine bark mulch (pine "nuggets"), and pecan hull mulch are prohibited in front yard and side yard beds, although mulch mixes with low percentage of pecan hulls is permitted.
16. All construction debris must be removed from bed areas before bed preparation.
17. Shrubs and groundcover requiring intensive irrigation should be avoided in areas with native trees such as post oaks and blackjack oaks. Natural leaf mold, mulch, or native groundcover such as coralberry that require little or no irrigation should be used.
18. Annual planting must conform to the species indicated on the Approved Plant List that follows.
19. Artificial plants of any sort are prohibited in public view.

#### **E. BED EDGING**

1. All beds shall be edged with green Ryerson steel edging.
2. Brick or masonry edging may be used. Concrete edging is not allowed.
3. Approved bed edging is only steel painted dark green or a beveled, trenched edge. All other bed edging proposed requires special Committee approval. Specifications and manner of installation of bed edging must be detailed in a plan note on the hardscape or landscape plan
  - a. Edging is required to be installed so that it is virtually invisible when landscape is installed, allowing the turf and shrubs to define the border of the bed.
  - b. Bed edging must be installed so that it is no higher than 3" above grade, i.e., approximately the height of mown turf.
  - c. Edging material should be either 3/16 x 4 inches deep or 1/4 x 5 inches deep. Anchoring stakes should be manufacturer's standard 16 inches tapered steel.
  - d. Brick or stone bed edging materials are prohibited in landscaped areas in public view except with special Committee approval.
  - i. Only dark-toned, natural materials will normally be approved. Light-colored stone/brick distracts the eye, creates conflict with the lines of the house and imposes a harsh visual 'barrier' between street and house.

e. Concrete mow strips are acceptable if finished a dark tone, as used on the house, and installed at grade.

**F. LAWN**

1. Front yards, if not in shrub beds, shall be solid sod or hydromulched as approved by the Committee.
2. Seeding front lawns (other than by means of hydromulch) is prohibited.
3. Turf variety must receive Committee approval.

**G. REPRESENTATIVE LANDSCAPES**

See FIGURES 28 AND 29 for examples of appropriate front yard landscaping.

**H. REAR YARDS**

In all areas not visible to public view, owners may landscape as limited herein.

1. Areas not in landscape beds may be solid sod, sprigged or hydromulched.
2. Screening for privacy may be accomplished by the use of fences, walls, hedges, or ornamental evergreen trees. Please refer to "Approved Plant List" below for species.

**XVIII. WESTMONT PLANT LIST**

The following is a listing of plant material approved for installation in Westmont:

**A. TREES: FRONT AND REAR YARD**

|              |                                                                                                                                                                                                                                                  |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Quercus var. | Oak-Shumard, Bur, Chinquapin, White, Texas Red, Nuttall, Pin, Overcup, Post, Blackjack, Shingle, Swamp white, Scarlet, Water, Laurel, Bluff, Swamp chestnut, Monterey, Loquatleaf, Shuette's, Biglow, English, Chestnut, Druand, Compton, Saul's |
| Ulmus        | Elm-Cedar, American                                                                                                                                                                                                                              |
| Acer         | Maple-'October Glory', 'Autumn Blaze' x red, Caddo, Bigtooth, 'Florida'                                                                                                                                                                          |
| Pinus        | Pine-Eldarica, Spruce, Slash, Loblolly, Austrian, Virginia,                                                                                                                                                                                      |

|           |                                |
|-----------|--------------------------------|
|           | Longleaf                       |
| Juniperus | Juniper, E. red cedar, various |

**B. TREES: REAR YARD ONLY**

|                 |                                     |
|-----------------|-------------------------------------|
| Betula          | River birch-'Heritage', 'Dura Heat' |
| Carya           | Pecan, Hickory                      |
| Fraxinus        | Ash-Texas, 'Urabite'                |
| Ginkgo          | Hybrid (male) varieties only        |
| Cupressocyparis | Cypress, Leyland                    |
| Sophora         | Eve's necklace                      |
| Taxodium        | Cypress, bald                       |
| Ulmus           | Elm-Cedar, American, lacebark       |
| Magnolia        | Magnolia grandiflora                |

**C. ORNAMENTAL SHRUBS, LARGE AND TREES, SMALL: FRONT AND REAR YARD**

|                    |                                                                                                                                                                                                                                             |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acer               | Maple, Japanese                                                                                                                                                                                                                             |
| Cercis             | E redbud, 'Forest Pansy', Texas redbud, 'Oklahoma', 'Texas White'                                                                                                                                                                           |
| Cornus             | Dogwood                                                                                                                                                                                                                                     |
| Lagerstroemia      | Grape myrtle                                                                                                                                                                                                                                |
| Prunus Mexicana    | Plum, Mexican                                                                                                                                                                                                                               |
| Magnolia           | Deciduous                                                                                                                                                                                                                                   |
| Llex               | Holly-'Nellie R Stevens', 'Mary Nell', 'Emily Brunner', 'Foster's', 'Savannah', E. Oakleaf, 'Needlepoint', American, Yaupon, Possumhaw, 'Red' hollies (Robin, Oakleaf, Liberty, Patriot, Festive, etc.), 'Wirt L. Winn'latifolia, Eggleston |
| Myrica             | Wax myrtle                                                                                                                                                                                                                                  |
| Prunus caroliniana | Cherry laurel, 'Compacta', 'Bright'nTight'                                                                                                                                                                                                  |

**D. ORNAMENTAL SHRUBS, SMALL: FRONT AND REAR**

|       |             |
|-------|-------------|
| Vitex | Chaste Tree |
|-------|-------------|

|           |                   |
|-----------|-------------------|
| Chilopsis | Desert willow     |
| Chitalpa  | Hybrid            |
| Crataegus | Hawthorn, various |

**E. ORNAMENTAL SHRUBS, SMALL: FRONT AND REAR**

|                     |                                                                             |
|---------------------|-----------------------------------------------------------------------------|
| Abelia              |                                                                             |
| Aucuba japonica     | Green-no variegated varieties                                               |
| Azalea              | Various varieties                                                           |
| Berberis thunbergii | Barberry, dwarf, various varieties                                          |
| Buxus               | Boxwood                                                                     |
| Callicarpa          | American beautyberry                                                        |
| Eleagnus            | Silverberry                                                                 |
| Hesperaloe          | Red yucca                                                                   |
| Fatsia              | Aralia sieboldiana                                                          |
| Hydrangea           | Oakleaf, various varieties                                                  |
| Hypericum           | St. John's wort                                                             |
| Llex                | Holly, 'Burford', 'Carissa', Chinese, dwarf yaupon, various dwarf varieties |
| Juniper             | Various dwarf varieties                                                     |
| Leucophyllum        | Texas sage, various varieties                                               |
| Mahonia             | Various                                                                     |
| Myrica pusilla      | Wan myrtle, dwarf                                                           |
| Nandina             | Various                                                                     |
| Raphiolepis         | Indian hawthorn, various                                                    |
| Rosa                | Rose, various varieties                                                     |
| Spiraea             | 'Anthony Waterer', various varieties                                        |
| Ternstroemia        | Cleyera                                                                     |
| Yucca recurvifolia  | Soft leaf yucca                                                             |

**F. PERENNIALS AND GRASSES: FRONT AND REAR**

|                    |                                |
|--------------------|--------------------------------|
| Miscanthus         | Maidengrass, various varieties |
| Muhlenbergia       | Muhly grass, various varieties |
| Pennisetum         | Fountaingrass, various         |
| Eragrostis curvula | Weeping love grass             |
| Stipa              | Mexican feathergrass           |
| Buddleia           | Butterfly bush                 |

|               |                                      |
|---------------|--------------------------------------|
| Allium        | Various                              |
| Chrysanthemum | Garden mums, var.                    |
| Aquilegia     | Columbine 'Hinckley's'               |
| Coreopsis     |                                      |
|               | Daisy, 'Shasta', 'Ox-eye'            |
| Echinacea     | Coneflower                           |
| Hererocallis  | Daylily                              |
| Hosta         |                                      |
| Iris          | Various                              |
| Lantana       |                                      |
| Lavandula     | Lavender, various                    |
| Liatris       | Gayfeather                           |
| Lythrum       | Cultivars only 'Modern's Pink', etc. |
| Melampodium   | 'Blackfoot' daisy                    |
| Penstemon     | Various                              |
| Perovskia     | Russian sage                         |
| Rosmarinus    | Rosemary, various                    |
| Rudbeckia     | Blackeyed Susan, various             |
| Ruellia       | Mexican petunia, various             |
| Salvia        | Sage, Autumn, Mexican, various       |
| Scutellaria   | Texas skullcap                       |
| Sedum         | Various, 'Autumn Joy'                |
| Solidago      | Goldenrod, various                   |
| Stachys       | Lamb's ear                           |
| Tagetes       | Mexican Mint Marigold                |
| Verbena       | Various<br>Aster, 'Stokes', 'Tahoka' |
| Achillea      | Yarrow, various                      |
| Zinnia        | Linearis, angustifolia               |

#### G. GROUNDCOVER

|                    |                                |
|--------------------|--------------------------------|
| Ajuga reptans      | Ajuga                          |
| Euonymus coloratus | Purple wintercreeper           |
| Hedera             | Ivy, English, Persian, various |
| Juniperus          | Prostrate juniper, various     |
| Liriope            | Various                        |
| Ophiopogon         | Various                        |
| Pachysandra        | Pachysandra                    |
| Phyla nodiflora    | Frogfruit                      |
| Trachelospermum    | Asian jasmine                  |



|            |                                                    |
|------------|----------------------------------------------------|
| Vinca      | Major or minor                                     |
|            | Ferns, various: Southern wood, Holly, Autumn, etc. |
| Rosmarinus | Rosemary, trailing                                 |
| Thymus     | Thyme, various                                     |
| Hypercium  | St. John's wort                                    |
| Sedum      | various                                            |

#### **H. VINES**

|                        |                                                                                            |
|------------------------|--------------------------------------------------------------------------------------------|
| Bignonia capreolata    | Crossvine                                                                                  |
| Camsis                 | Trumpet vine, named varieties                                                              |
| Clematis               | Various                                                                                    |
| Hedera                 | Ive, English                                                                               |
| Gelsimium sempervirens | Carolina Jessamine                                                                         |
| Lonicera sempervirens  | Coral honeysuckle                                                                          |
| Parthenocissus         | Boston ivy, Virginia creeper                                                               |
| Rosa                   | Climbing roses, various                                                                    |
| Mellitia reticulata    | Evergreen wisteria                                                                         |
| Wisteria               | Various<br>Confederate jasmine<br>Silverlace vine<br>Coral vine<br>Fig Ivy<br>Passion vine |

#### **XIX. IRRIGATION**

All landscaped areas, including the street trees and parkway strip, must be irrigated with an underground irrigation system approved by the Committee.

##### **A. SYSTEM REQUIREMENTS**

1. Lawn and trees must be on separate controller zones.
2. Spray heads must be used everywhere; no rotor irrigation is permitted without Committee approval.
3. In order to preserve native trees, separate irrigation zones are required for areas beneath native trees in order to properly irrigate these trees and the groundcover beneath their dripline.

##### **B. LANDSCAPE INSTALLATION**

Installation of landscaping and site improvements is to be executed in a high quality manner, consistent with the image of Westmont.

1. The Committee may reject any improvement and require prompt replacement where the material or workmanship fails to meet acceptable industry standards.
2. Within 45 days of occupancy of the house, or within 90 days after completion of construction (whichever occurs first), street trees, irrigation, front yard, side yard and all other required landscaping must be installed.
3. The remainder of the front and rear yard landscape (where publicly visible) must be installed within 60 days of occupancy.

#### **C. SIGNAGE**

1. Landscape contractor and subcontractor signs are permitted in Westmont only with Committee approval.

#### **XX. MAINTENANCE**

Maintenance and proper care of installed landscaping is critical to the appearance of the Westmont community and the health and beauty of the plant materials. Therefore, all landscaped areas are required to be maintained by the builder or homeowner as approved by the Committee and not modified without its approval. All landscaped areas are to be maintained in a healthy and beautiful appearance. Landscape maintenance contractors must be approved by the Committee.

#### **A. PROPER MAINTENANCE INCLUDES**

1. Proper irrigation for vigorous plant health,
2. Fertilization of trees, shrubs, hedges, and lawns,
3. Pruning of all trees, except street trees which shall be pruned by the Westmont Owners Association,
4. Mowing of grass,
5. Seasonal weeding of shrub beds,
6. Weed control in lawns,
7. Annual mulching of shrub beds,

8. Insect and disease control,
9. Prompt replacement of plant material, dead or diseased, with original species and size.
10. It will be obligation of the homeowner to maintain all seasonal color beds in the front and side yards (if visible from the street) full with healthy looking seasonal color a minimum of 46 weeks out of the year.
11. If seasonal color fails between change outs, the homeowner is obligated to replace the color to maintain a full, healthy looking bed.
12. The homeowner will be permitted to eliminate a seasonal color bed with all approved planting (we suggest using the predominant groundcover used in the adjacent bed), should such maintenance be too great.

#### **XXI. DEVIATION FROM APPROVED PLANS OR ARCHITECTURAL AND LANDSCAPE STANDARDS AND REQUIREMENTS**

The Committee is authorized to resolve deviations from approved plans and these Standards. In its sole discretion, the Committee may require that deviations be rectified by correction or by enhancement of the house or landscaping. Or, the Committee may tolerate the deviation. However, no Committee decision regarding such deviations shall be precedential allowing or requiring any deviation from these Standards or approved house plans.

#### **XXII. ARCHITECTURAL CONTROL COMMITTEE**

##### **A. AUTHORITY**

This design standards document is promulgated pursuant to authority granted unto the Committee of the Westmont (herein referred to as the "Development") under Section 2.1 of the Declaration of Covenants, Conditions and Restrictions for Westmont, recorded in Volume 13256, Pages 0116, of the real property records of Tarrant County, Texas as amended (hereinafter referred to as the "Declaration"). The requirements and provisions of the Declaration shall be in addition to and not in lieu of the requirements and provisions of other ordinances, laws or deed restrictions in effect.

##### **B. PURPOSE, INTERPRETATION, VARIANCE & TOLERANCE OF NON-COMPLIANT CONSTRUCTION OR LANDSCAPING**

Architecture and Landscape plans must be submitted to and approved by the Committee pursuant to the Declaration and these design standards for the sole and exclusive purpose of assuring that all structures and landscape improvements within the

development are in harmony of design in terms of exterior space, planting, massing, general styling, use of detail, size, and craftsmanship. The Committee realizes that differing conditions exist on lots in Westmont and therefore will apply the Standards to the extent possible to achieve the intent stated herein. The Committee may vary its application of these Standards in approving plans submitted to it in those cases where (in the opinion of the Committee) site conditions or view conditions, style, and/or aesthetic considerations warrant such a variation. In circumstances where the Committee's requirements, the Standards, or approved plans are not adhered to in construction or landscaping of on a lot, the Committee may require reconstruction, mitigation in the form of other improvements at the lot, or may accept the construction or landscaping as is.

### **XXIII. PRELIMINARY ARCHITECTURAL SUBMITTALS**

#### **A. BEFORE DESIGN**

The owner's or builder's architect or designer would be wise to discuss his objectives, standards and ideas with a member of the Committee before preparing any drawing. It is strongly recommended that the owner and the architect or designer visit and investigate the site prior to initial design work. The corners of all Westmont lots have been monumented. Using the recorded subdivision plat, the architect should be able to find these monuments. However, an effort should be made to insure that the monuments identified are in fact true lot corner monuments and not offset corner monuments, points of tangency, section corners or easement lines which may also be located on the lot or along lot lines. If the monuments cannot be found, owners should seek the assistance of a licensed surveyor before beginning any planning. Before the architect or designer begins his site plan, he should have a licensed surveyor do an accurate topographic and tree survey of the lot with the building setbacks drawn in. Topographic extrapolations done from aerial surveys are not sufficiently accurate for this purpose.

#### **B. REQUIREMENTS**

##### **1. Speculative Built Homes**

The lot owner or builder planning to build a speculative home is encouraged to submit a program statement for the proposed residence stating the intended square footage, proposed sales price and any unusual conditions about the lot that may necessitate additional consideration under the requirements of these Standards.

#### **C. CUSTOM BUILT HOMES**

The lot owner or builder intending to build a custom home for a client is encouraged to submit a design program statement stating the proposed approximate square footage of the structure, any special requirements of the client that may be at variance with these

Design Standards and any particular features of the lot that may necessitate additional consideration under the requirements of these Design Standards.

#### **D. TREE MARKING**

The lot owner or builder shall review the lot with a member of the Committee to identify any particular trees that must remain on the lot after house construction.

#### **E. REVIEW OF THESE DESIGN STANDARDS**

The lot owner or builder should review these Design Standards and state any issues which affect his proposed plans to build on the lot and so indicate on his design program statement.

#### **F. OPTIONAL CONCEPTUAL DESIGN**

The lot owner or builder is strongly urged to prepare or have prepared a preliminary design set which includes site plan, floor plans, elevations and a roof plan. Identification of design issues at the preliminary stage is usually easier to address. Any conceptual plans submitted would be reviewed and if found in conformance with these Standards, a "Notice of Preliminary Plan Approval" shall be issued. Only two complete preliminary set submittals will be reviewed by the Committee. The lot number, block number, section number, and owner must be clearly printed on the first page of the submittal. All drawings must be accurate enough to be scaled reliably.

#### **G. NOTICE OF APPROVAL**

Approval of any preliminary design should be taken as approval to proceed with design based upon the preliminary submission itself. However, approval or conditional approval of a preliminary design does not constitute automatic approval of the final submission. By emphasizing the preliminary design review, the Committee hopes that all design issues for each residence will be resolved before final drawings are submitted for review.

### **XXIV. FINAL ARCHITECTURAL SUBMITTALS**

#### **A. ARCHITECTURAL PLAN REQUIREMENTS**

The Committee requires that each final design submittal consist of two full-size sets and one reduced set of the following:

1. Site Plan/Roof Plan, including:
  - a. Locations, dimensions, and material notations for sidewalk, drive, and all other exterior flatwork,
  - b. Proposed location for exterior mechanical equipment,

- c. Percentage of lot coverage,
  - d. Height and material of any exterior fence or wall shown.
2. Floor Plans and Electrical Plans.
3. In Estate Homes only, foundation plan showing the finished floor plan elevation, including provisions for meeting the one foot six inches (1' 6") or more front entry above finished grade, the finished pad grade elevation, the dropped brick ledge in public view, and accommodation of water table wall projection.
4. All elevations at 1/4" = 1' 0" scale, including:
  - a. Notation of locations of all exterior wall materials,
  - b. Roof plan with notation of roof materials and roof penetrations,
  - c. Appropriate building sections, wall sections, details and other drawings as required to receive a building permit and construct the residence.
5. In addition to the above, final submission shall also include:
  - a. Color Samples: samples of all exterior and roof colors must be submitted applied on an actual sample of the materials to be used.
6. Exterior Lighting: catalog sheets showing the type of fixture at each location and specifying the bulb type to be used.
7. Exterior Material Panels: sample of all exterior materials, especially masonry shown in an actual sample panel that includes the mortar to be used.
8. Landscape plan submittal (see next section).
9. The lot, block number, section number and owner must be clearly printed on the first page of the submittal.
10. One set must also include the samples described above (of all materials and colors to be used on the building exterior) or specifications that will positively (to the satisfaction of the Committee) identify materials. An address of an existing residence where a submitted material is already in use (such as brick or roof shingles) is also acceptable.

11. Architectural Plan Submittal shall be sent to: Current submittal address on WMA web site.

NOTE: Final architectural submittals will not be approved without the corresponding landscape design.

#### **B. NOTICE OF APPROVAL**

1. Final architectural submittals for each residence must be approved by the Committee in writing before construction of the residence can begin unless otherwise approved by the Committee.
2. Deviation from approved final architectural and landscape submittals during construction (without written approval by the Committee) constitutes a violation of the Declaration. On the Committee's authority, corrections of such deviations will be required.

#### **C. REVIEW OF CONSTRUCTION**

The Committee reviews construction in Westmont from time to time to insure that each residence is built as approved and according to the Standards. This also allows builders to address any difficulties of compliance with Committee approvals, thereby insuring the design integrity of the residence and the community as a whole.

### **XXV. LANDSCAPE PLAN SUBMITTALS**

#### **A. LANDSCAPE PLAN SUBMITTAL PROCEDURE AND TIMING**

1. Landscape plans shall be submitted to the Committee prior to or with final application for architectural approval unless otherwise approved by the Committee.
2. The Committee shall review plans and respond as required by the Declaration.
3. If revisions are required, plans shall be resubmitted and the Committee will review and respond in a timely fashion.
4. Landscape plan submittals shall be sent to: Current submittal address on WMA web site.
5. The Committee will meet with owners, builders, or contractors to discuss proposed site improvements, but will not grant verbal approval prior to plan submissions.

#### **B. LANDSCAPE PLAN REQUIREMENTS**

Landscape plans shall consist of: Three sets (two full-size and one reduced set) of all plans, prepared at one inch equals ten feet (1/4"=1'0") scale, drawings, and specifications necessary to describe and construct the proposed landscape improvements, including drives, fences, walls, walks, irrigation, porches, and lighting. Plans will not be reviewed unless all of the following information is shown:

1. Planting layout and Specifications for areas of all residential lots in the development that are within street view, including back and/or side yards of all lots that back or side to open space and side yards of lots that side to open space or streets;
  - a. Site plan to scale, showing:
    - i. Owner and builder name (if different from owner), address and phone number of owner, and address and phone number of builder (if different from owner),
    - ii. House, block and lot number,
    - iii. House address with all adjacent street names,
    - iv. Landscape architect, address, and phone number and seal,
    - v. Date of drawing,
    - vi. North arrow and scale of drawing,
    - vii. Property lines, easements, setback lines, curb lines, street lights (if any), building footprint and existing vegetation,
    - viii. Any additional elevations, sections, structural details or sketches to completely describe the proposed site improvements.
    - ix. Planting area preparation (soil amendment and debris removal).
    - x. Locations, size, type and quantity of plant materials and critical dimensions of shrub beds; all materials and dimensions must be specified,
2. A grading and drainage plan with one-foot (1'-0") contours and spot grades is required. Final landscape plan submittal must include the following, on either the hardscape, landscape or a separate grading/drainage plan, which may have been previously submitted with architectural plans:
  - a. Show top of slab grade ("Finished Floor"), final yard grades, including drainage flows, spot grades of swales, and grades at the top of proposed and existing retaining walls as necessary to accomplish lot
  - b. drainage and discharge locations as shown on the grading plan exhibit to the Lot Sales contract
  - c. Show grading of front of lot on plan: Top of front yard at minimum grade for drainage, i.e. nearly flat front yard, before rolling over at 3:1 slightly convex ('bellied') slope to the public walk.
  - d. Show grading as it transitions to adjacent lots, maintaining the elevations of the grading plan, as required by the owner's Lot Sales Contract and as shown on the grading plan exhibit to the contract



- e. Show how and where drainage from the roof will evacuate water from foundation, including specifics of drain materials
  - f. Include a plan note referencing FIGURE 26 (curb cute prohibited)
3. Hardscape Layout and Specifications, including flatwork, stepping stones, wall layout and specifications, fencing layout and specifications, pedestrian and driveway gates and mechanical equipment relating to driveway gates, recreational and play equipment, satellite discs and other antennae, bird and other wildlife houses, flagpoles, fountains, sculpture and statuary, outdoor furniture visible in public view, and other yard art proposed, if any;
    - a. Material selection, samples, color swatches, catalog cutsheets, etc., elevation rendering and construction details of fencing, walls, walks, steps, plinths, above-grade elements of pools and all other site improvements in public view must be included with Hardscape plan.
  4. Irrigation Layout and Specifications, including identification of proposed equipment. Include plan notes stating:
    - a) Risers in front yard planting beds will be copper,
    - b) Only popups (no rotors) will be used in front yards
    - c) All trees in front yard and parkway will be irrigated with tree bubblers on separate zone(s)
    - d) Native trees, if any, will be irrigated on separate zone(s)
    - e) No trenching will be done in the root zone/within the dripline of native trees or across the rootball of transplanted trees.
  5. Landscape and Security Lighting Layout and Specifications, including identification of purpose, i.e., lighting effect of proposed equipment and area each fixture will light. Only moonlighting is permitted for front yard landscape lighting. Include plan notes stating:

### **C. NOTICE OF APPROVAL**

1. Notice of approval shall be a letter from the Committee to the lot owner.
2. Copies of approved plans and approval letters will be kept on file with the Committee.
3. No construction shall begin until receipt of Committee approval.

### **D. REVIEW OF CONSTRUCTION**

The Committee may conduct a review of construction to ensure compliance with the guidelines and conformity to the approved plans.

MARY LOUISE GARCIA

COUNTY CLERK



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Submitter: ROSS LAW OFFICES PC

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OPR 58 PGS \$240.00

By: \_\_\_\_\_

*Mary Louise Garcia*

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ANY PROVISION WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE DESCRIBED REAL PROPERTY  
BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.