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AMENDED AND RESTATED ARCHITECTURAL GUIDELINES  
AND RULES AND REGULATIONS FOR  
THE NEW PROPERTY OWNER'S  
ASSOCIATION OF NEWPORT, INC.

April 24, 2025

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AMENDED AND RESTATED  
ARCHITECTURAL GUIDELINES, AND RULES AND REGULATIONS  
FOR ALL PORTIONS OF THE NEWPORT SUBDIVISION  
IN HARRIS COUNTY, TEXAS

Applicability: The provisions of this document apply to each of the following portions of the Newport Subdivision, Harris County, Texas:

- |                                                                                                                                             |      |
|---------------------------------------------------------------------------------------------------------------------------------------------|------|
|                                                                                                                                             | (23) |
| a) Newport Section One, under Volume 190; Film Code No. 683424; Film Code No. 683426                                                        | 1ee  |
| b) Newport Section Two, under Volume 195, Page 35;                                                                                          | 1ee  |
| c) Newport Section Three, under Volume 195, Page 66;                                                                                        | 1ee  |
| d) Newport Section Four, under Volume 198, Page 53; Film Code No. 678152; Film Code No. 685125; Film Code No. 688176; Film Code No. 692763; | 1ee  |
| e) Newport Section Five, under Volume 196, Page 138;                                                                                        | 1ee  |
| f) Newport Section Six, under Volume 205, Page 008; Film Code No. 690936;                                                                   | 1ee  |
| g) Newport Section Seven, under Volume 206, Page 134; Film Code Nos. 689090; 687650; 691514; 691539; and 692599;                            | 1ee  |
| h) Newport Section Eight, under Volume 288, Page 20; Film Code Nos. 677906; 682281; 684272; and 685230;                                     | 1ee  |
| i) Newport Section Nine, under Film Code 68115;                                                                                             | 1ee  |
| j) Newport Section Ten, under Volume 220, Page 76; Film Code No. 692117;                                                                    | 1ee  |
| k) Newport Section Eleven, under Film Code 605103; amended under Film Code 642094;                                                          | 1ee  |
| l) Newport Section Twelve under Film Code No. 679559;                                                                                       | 1ee  |
| m) Newport Country Club Estates, under Volume 293, Page 64; Film Code 692598; Film Code No. 692595;                                         | 1ee  |
| n) Oaks of Newport, under Volume 312. Page 64;                                                                                              | 1ee  |
| o) Deer Pointe, Section One, under Volume 286, Page 103;                                                                                    | 1ee  |
| p) Patio Woods, under Volume 235, Page 139;                                                                                                 | 1ee  |
| q) Fairway Port under Clerk's File Nos. E075878, E120309, E329384, E599459 AND R810383;                                                     | 1ee  |
| r) Seven Oaks North, under Volume 638, Page 86;                                                                                             | 1ee  |
| s) Seven Oaks South, under Volume 668, Page 228;                                                                                            | 1ee  |
| t) Golf Terrace under unrecorded map;                                                                                                       | 1ee  |
| u) The Villas at Newport under Film Code 673168;                                                                                            | 1ee  |
| v) Newport Court under Film Code No. 679433;                                                                                                | 1ee  |
| w) Preserve at Newport under Volume 699, Page 399 for Section One and Volume 700, Page 629 for Section Two;                                 | 1ee  |
| x) All commercial tracts, platted or un-platted.,                                                                                           |      |

All of which are collectively referred to herein as "Newport".



WHEREAS, the Declarations applicable to each of the above-named sections and subdivisions of NEWPORT are recorded in the Real Property Records of Harris County, Texas "THE DECLARATIONS"

- a) Declaration of Covenants, Conditions and Restrictions for Newport Section One, recorded under Harris County Clerk's File Nos. D588103, D854348 AND R848995;
- b) Declaration of Covenants, Conditions and Restrictions for Newport Section Two, recorded under Harris County Clerk's File Nos. D872798 and R869408;
- c) Declaration of Covenants, Conditions and Restrictions for Newport Section Three, recorded under Harris County Clerk's File Nos. D859026 and E100510;
- d) Declaration of Covenants, Conditions and Restrictions for Newport Section Four, recorded under Harris County Clerk's File Nos. D738594 and H699806;
- e) Declaration of Covenants, Conditions and Restrictions for Newport Section Five, recorded under Harris County Clerk's File Nos. D738593 and D859027;
- f) Declaration of Covenants, Conditions and Restrictions for Newport Section Six, recorded under Harris County Clerk's File No. D900382;
- g) Declaration of Covenants, Conditions and Restrictions for Newport Section Seven, recorded under Harris County Clerk's File Nos. D990281, E123376 and H429123;
- h) Declaration of Covenants, Conditions and Restrictions for Newport Section Eight, recorded under Harris County Clerk's File Nos. G098969 and H429124;
- i) Declaration of Restrictive Covenants for the Newport Section 9, recorded under Clerk's File No. 2017-236586;
- j) Declaration of Covenants, Conditions and Restrictions for Newport Section Ten, recorded under Harris County Clerk's File Nos. F771494, F887460 and U803879;
- k) Declaration of Restrictive Covenants for the Northwood Subdivision (Section 12), recorded under Clerk's File No. 2016-451896;
- l) Declaration of Covenants, Conditions and Restrictions for Country Club Estates, recorded under Harris County Clerk's File Nos. G425209 and R848994;
- m) Declaration of Covenants, Conditions and Restrictions for Oaks of Newport, recorded under Harris County Clerk's File No. H962478;
- n) Declaration of Covenants, Condition and Restrictions for Deerpointe Section One. Recorded under Haris County Clerk's File Nos. G251465 and R848993;
- o) Declaration of Covenants, Conditions and Restrictions for Patiowoods, recorded under Harris County Clerk's File Nos. E620356 and R810382;
- p) Declaration of Covenants, Conditions and Restrictions for Fairway Condominiums, recorded under Harris County Clerk's File No. E075878;
- q) Declaration of Covenants, Conditions and Restrictions for Seven Oaks North, recorded under Harris County Clerk's File No. 20070541806; amended by instrument filed February 17, 2011 under Clerk's File No. 20110068082;
- r) Declaration of Covenants, Conditions and Restrictions for Golf Terrace, recorded under Harris County Clerk's File No. J576494; and

- s) Declaration of Covenants, Conditions and Restrictions for County Club Villas, recorded under Harris County Clerk's File No. H658276;
- t) Declaration of Restrictive Covenants for the Seven Oaks South Subdivision, recorded under Harris County Clerk's File No. 20140442751;
- u) Declaration of Covenants, Conditions and Restrictions for Villas at Newport, recorded under Clerk's File No. 20150158014;
- v) Declaration of Covenants, Conditions and Restrictions for Newport Court, recorded under Clerk's File Nos. 2017-58682 amended by Variance filed under Clerk's File No. RP-2021-164946, and Amendment to Restrictions recorded under Clerk's File No. R-2021-682436;
- w) Declaration of Restrictive Covenants for Preserve at Newport, recorded under Clerk's File No. 2022-285059;
- x) Restrictive covenants contained within the Declarations and/or vesting deeds or other documents recorded in the real property records of Harris County, Texas covering commercial tracts of land.

WHEREAS, the most recent Architectural Guidelines for The New Property Owners Association of Newport, Inc. (the "Association") are recorded in the Real Property Records of Harris County, Texas, under Clerk's File No. RP 2022-594365, et seq., along with any amendments or supplements thereto (the "Architectural Guidelines"); and

WHEREAS, Texas Property Code Section 204.010(a)(18)(A) and (B), authorizes the Association, through its Board of Directors, to implement and modify the architectural control guidelines for the Association; and

WHEREAS, pursuant to the Declarations and Texas Property Code Section 204.010(6), the Board of Directors has the authority to regulate the use and appearance of the sections and subdivisions subject of this document.

NOW THEREFORE, in accordance with the foregoing and as evidenced by the signatures of at least a majority of the Association Directors, the Association hereby adopt the following rules, regulations, and guidelines relating to any kind or type of: building, structure, decoration, decorative appurtenance, statue and/or improvement, and any changes, modifications and/or additions of the same, on lots, tracts or parcels of land within NEWPORT, which rules, regulations and guidelines have been created to give the property owner an idea of how the deed restrictions within NEWPORT will be enforced.

## DEFINITIONS

Terms used in this document shall have the following meanings:

ACC	Architectural Control Committee of the Association
ASSOCIATION	New Property Owners Association of Newport, Inc.
BOARD	Board of Directors of the Association
CCE	Newport Country Club Estates, Section One
DECLARATION	Reservations, Restrictions, Covenants and Liens
DP	Deer Pointe
DRC	Deed Restriction Committee of the Association
Guidelines	Rules, standards and procedures established by the ACC pertaining to buildings, additions, or other improvements in NEWPORT
HIR	Home Improvement Request. Standard form used to submit requests to the ACC
LOT	Lot shall include any tract or parcel of land in Newport
MANAGER	The manager hired by the Board to perform certain management duties for the Association
NEWPORT	All Newport Subdivision Sections, Tracts or Parcels of land, for which New Property Owners Association of Newport, Inc. has the authority, by a Declaration or otherwise, to manage and maintain the properties located within such land.
NC	Newport Court
NPOA	The Newport Property Owners Association of Newport, Inc.

OAKS	Oaks at Newport Section One
PW	Patiowoods
PRESERVE SET BACK LINES	The Preserve at Newport As determined by the plat or restrictions. If no side set back line recited in the plat or restrictions, the minimum building side set back is five feet (5") from the property line.
SO	Seven Oaks North and Seven Oaks South

## **OVERVIEW**

The purpose of Architectural control is to maintain an attractive community for the enjoyment of residents and for the protection of property and property values. The Declaration authorizes the ACC to establish rules, standards and procedures for the orderly development of NEWPORT, and requires owners of every lot, tract or parcel of land to obtain written approval from the ACC for any new structures, changes, additions or other improvements to their property. This is to ensure that the improvements comply with the provisions of the Declaration. The ACC has established these guidelines in accordance with the authority granted to it by the Association's Board of Directors and the provisions of the declaration.

These guidelines have been established to assure uniform and fair application of the Declaration and are intended to provide all lot owners in NEWPORT with information about the following: The type, color, and quality of materials which may be used in construction, maintenance, changes or improvements; the size and location of such improvements, and information about the procedures used by the ACC in reviewing applications for proposed exterior improvements or changes.

The ACC reserves the authority to review and approve applications for new structures, changes, additions, or improvements to the exterior of the property which are not explicitly described by the Guidelines, and to consider additional guidelines in the review process whether published or not. These guidelines may be amended when deemed necessary and appropriate by the ACC and adopted by the Board of Directors.

## **DEED RESTRICTIONS CONTROL**

To the extent the Deed Restrictions applicable to any Lot impose restrictions which are greater or lesser than the requirements of these Guidelines, the Deed Restrictions will control.

## **LIMITS OF LIABILITY**

The Architectural Committee shall never be, in any way, responsible for any defects in any plans or specifications submitted, revised or approved by it or for any structural or other defects in any work done according to such plans and specifications or for the location of any improvement submitted for approval.

## **ARTICLE 1**

### **APPLICATION PROCEDURE**

All applications for approval or new construction of a home or other structure, or to make any addition or exterior change to any kind or type of: building, structure, decoration, decorative appurtenance, statue and/or improvement, including colors, additions or improvements on a Lot, Tract or Parcel of land must be submitted to the ACC through the Managing Agent, in writing, by completing the application form then currently in use by the ACC. Plans and specifications for said additions or exterior changes should be attached to the application. The application should be supported by the following information:

- 1.1 Drawing(s) and when appropriate stamped engineered plans of the proposed structure showing the top, front, side and rear exterior views; overall dimensions (length, width, height) of the structure; and the layout and dimensions of supporting structures (e.g., beams, rafters, trusses, foundation, etc.)
- 1.2 A copy of an official survey or other approved drawing of the lot showing location of the easements, existing buildings and structures, and the proposed location of the improvement.
- 1.3 A description of all Materials used, including product name, model number, size, color, etc. Color samples for all colors involved must be included.
- 1.4 Harris County Permit, if required. Harris County is requiring permits for, among other items:

- Replacing or widening an existing driveway
- Adding concrete to any portion of your property
- Adding or replacing a deck or patio that is more than thirty (30) inches off the ground and/or more than 120 square feet
- Sheds or other outbuildings of more than 200 square feet regardless of whether it is on a concrete slab or blocks
- Both in-ground and above ground swimming pools

- 1.5 Applications may be rejected for failure to provide any of the required items.
- 1.6 The ACC has up to thirty (30) days {Sections 8, 9, 10, 11, 12, PW, SO} and forty (40) days {Sections 1, 2, 3, 4, 5, 6, 7, Oaks, CCE, DP} to respond to a given request. In the event the governing documents are silent, the ACC shall have up to thirty (30) days to respond.
- 1.7 ACC members shall evaluate each application for compliance with the restrictions of the declaration with these guidelines. The decision of a majority of the members to approve or disapprove an application shall be considered the decision of the ACC.
- 1.8 ACC decision shall be conveyed in writing to the applicant through the Managing Agent of the Association and shall include a statement of the conditions under which the application is approved, if any, or the primary reason(s) for disapproving the application. An applicant shall have six (6) months from the date of approval to complete the improvement as described in the application.
- 1.9 Changes made to an approved application must be resubmitted for approval by the ACC. In the event the changes alter the type, size or locations of the improvement, the prior submitted application shall be automatically negated.
- 1.10 In accordance with the Declaration, any application that is not approved or disapproved within thirty (30) days {Sections 8, 9, 10, 11, 12, NC, SO, Preserve, PW} and forty (40) days {Sections 1, 2, 3, 4, 5, 6, 7, OAKS, CCE, DP} of the date of its receipt by the managing agent shall be deemed to have been automatically APPROVED in Sections 8, 10, DP and DISAPPROVED in all other sections in Newport unless the ACC shall give written notice of such in 30 or 40 days, whichever is applicable, to the party presenting the application that more time is required to review such plans. In Sections 8, 10, OAKS, CCE and DP, the application shall be deemed to be DISAPPROVED.
- 1.11 In the event that the ACC disapproves an application, the applicant has the right to a hearing as per Section 209.007 of the Title 11 of the Texas Property Code and any additions or future changes to Chapter 209 that pertain to these types of hearings.

- 1.12 Final ACC decisions or appeal decisions by the Board of Directors shall be conveyed in writing, by the Managing Agent of the Association to the applicant.

## **ARTICLE 2**

### **GENERAL GUIDELINES**

The ACC shall consider the following factors upon the review of each application for an exterior change, addition or improvement.

- 2.1 The quality of construction and materials, colors, exterior design (elevations), size (dimensions), drainage and location must be harmonious with existing and other proposed structures.
- 2.2 Metal Structures are not permitted.
- 2.3 The location must not violate the building set back lines, utility, natural drainage, or drainage easements as shown on the official recorded plat or stated in the restrictive covenants. If there are no building set back lines shown on the official recorded plat or stated in the restrictive covenants, all improvements shall be at least five (5) feet from the property lines and may not encroach into any utility easements.
- 2.4 Improvements which may become an annoyance or nuisance to the neighborhood are not permitted.
- 2.5 Structures on adjacent lots mean any structure proposed on a lot that is contiguous and faces the same street except for corner lots that are contiguous by either a side lot or back lot. Any adjacent lot with an approved structure must be sold or transferred with the lot containing the residence. In the event the lot containing the residence is sold or transferred without the adjacent lot, the owner must remove the structure from the adjacent lot and restore the adjacent lot to its original condition existing prior to construction of the structure.

The ACC shall also consider the provision of the Declaration and of applicable statutes, ordinances, and building codes. However, approval of an application shall not be construed as a warranty or representation by the ACC that the change, addition or improvement, as proposed or as built, complies with any or all applicable statutes, ordinances or building codes, or as a warranty or representation by the ACC of the fitness, design or adequacy of the proposed construction.

## **ARTICLE 3**

### **FENCES AND GATES**

- 3.1 Section 2, 3, 4, 5 and 6 prohibit fences on a pipeline pursuant to the recorded plats. Fences in these sections may go to the pipeline but not extend into the pipeline.
- 3.2 Lots adjacent to platted drainage easements – fences are not permitted within the platted drainage easement pursuant to Harris County.
- 3.3 Lots adjacent to the golf course. Fences on the golf course must be four (4) foot wrought iron fence. Fences from the front of house to the rear of the house may be six (6) foot wooden privacy fence with 6-inch rot board, but tapered down to 4 feet to match with the four (4) foot wrought iron fencing, provided it does not obstruct the adjacent owner's view of the golf course. Wrought iron fences must be at least sixteen (16) feet from the rear property line unless a variance is granted by the ACC.
- 3.4 Corner lots may not construct a fence over the side set back line, including angles as shown on plat, to maintain clear sight, including visibility from adjacent street.
- 3.5 With exception to the guidelines in Nos, 1, 2, 3, and 4 above, all other lots in Newport Subdivision may construct privacy fences from the front set back line to the rear property line and across the rear property line. Material must be approved by the Architectural Control Committee.
- 3.6 No fence of any type may be constructed over a setback line shown on the recorded plat of their respective section in Newport.
- 3.7 All fences must have the approval of the Architectural Control Committee.
- 3.8 All Home Improvement Requests for fences must be accompanied by an engineered survey (plot plan) showing the location of all improvements, set back lines, easements and highlighting the location of the proposed fence.
- 3.9 Without a special variance, all fences shall be constructed of wood or wrought iron. Chain link fences are not permitted.
- 3.10 No fence shall exceed six (6) feet in height. One level rot board not to exceed six (6) inches in width shall be allowed but not calculated in the six (6) feet in height.
- 3.11 Wood fences shall be constructed with Pine or Cedar pickets on the outside so that no posts or rails are visible from a street. Good neighbor fencing (alternating panels) is required in Sections 6 Replat 1, 9, 12 and The Preserve with alternating panels except when a fence faces a street, easement, or reserve which requires all pickets on the



outside with no posts or rails visible from a street or reserve. There are further exceptions in Sections 9, where shadow box fencing is required in accordance with Section 9 Restrictions along the reserve facing South Diamondhead Blvd and the Preserve regarding fences on back yard fencing on lots that back up to the golf course, easements or reserves. Special Conditions in Section 6 Replat 1; the finished side of a fence should always face the exterior or public side. Any exposure to greenbelts, ditches, or detention basin will be considered public view. Replacement of good neighbor fencing is required when the existing fence is a good neighbor fence.

- 3.12 PVC Vinyl fencing must be approved by the ACC Committee, and must look like wood and have a color of Cedar or Pine.
- 3.13 Painting or staining of fences is not allowed unless prior approval is obtained from the ACC.
- 3.14 Wrought iron fences, or other metal fences of similar material and appearance approved by the ACC and gates must be painted black or in a color that is harmonious with the main residence. Rust and/or corrosion must be removed immediately. For wrought iron fences around swimming pools see Article 6 Section 6.8.
- 3.15 Provided there is no encroachment, any fence connecting to a neighbor's fence must have written approval from the neighbor and be submitted to the ACC with the Home Improvement Request.
- 3.16 Fences shall be no closer to the street than the front of the house, adjacent houses or front of building line (whichever is furthest from the property line).
- 3.17 Pickets, rails, or bars that are broken, warped, bent, sagging, mildewed, infested with termites or which have otherwise deteriorated must be repaired or replaced. All fences, which are stained or painted, shall be properly maintained to prevent cracking, chipping, fading or mildewing.
- 3.18 Garden fencing must be harmonious and approved by the ACC (if visible from the road, golf course, or neighbor's yard).

#### **ARTICLE 4**

##### **SECURITY FENCES**

- 4.1 Any fence along the front set back line of a lot containing a residential improvement shall be wrought iron, no higher than five (5) feet with a gate across driveway that is

either automatic or has a swing that will allow vehicles to remain in driveway when opening.

## **ARTICLE 5**

### **DOG RUNS AND CAGES**

- 5.1 Chain link fencing for small dog runs and cages may be approved provided the dog run or cage is not on a golf course lot and is not in public view from the street or from a neighbor's yard.

## **ARTICLE 6**

### **SWIMMING POOLS AND SPAS**

- 6.1 An application for the construction of an in-ground or above ground swimming pool and/or spa must include a plot plan showing the proposed location of the swimming pool and/or spa in relation to the property lines, building lines, easements, existing structures and existing or proposed fences. The pool and pool equipment must be within the building lines.
- 6.2 All applications must show adequate drainage plans on submitted survey.
- 6.3 The construction of all swimming pools must be in compliance with the National Electric Code and include the installation of a ground fault circuit interrupter.
- 6.4 The construction of all swimming pools shall comply with the current Standard Swimming Pool Codes unless otherwise specified herein.
- 6.5 Pool equipment such as filters, pumps, LPG tanks, etc., must be screened from view of the street.
- 6.6 All devices used to fill swimming pools and spas must have a back flow preventer.
- 6.7 Pools and spas must have an adequate drainage system according to the requirements of any governmental agency having jurisdiction or, in the event there is no governmental agency having jurisdiction, as deemed appropriate by the ACC. Under no circumstances shall water from a swimming pool and/or spa be permitted to drain onto the surface of an adjacent lot.

6.8 No swimming pool and/or spa shall be approved unless the area in which the pool and/or spa is to be located is either enclosed by a screen enclosure, a wrought iron fence with a maximum of four (4) inch bar spacing and a minimum height of four (4) feet, or a wood fence with a minimum height of four (4) feet. This fence must be sufficient to prohibit unauthorized entry by children at all times and have a self-locking gate. (See Article 3)

6.9 No swimming pool and/or spa shall be approved on a lot which borders the golf course (SPECIAL VARIANCE REQUIRED) unless the area in which the pool and/or spa is to be located is enclosed by a screened enclosure or wrought iron fence with a minimum of four (4) feet in height and with a maximum of four (4) inch bar spacing.

This fence MUST be sufficient to prohibit unauthorized entry by the children at all times and have a self-locking gate. (See Article 3)

6.10 Construction access is limited to Applicant's property.

6.11 No building materials or contractor's equipment shall be left on the street overnight.

6.12 The pool contractor and homeowner are responsible for establishing proper drainage of the lot and deck areas during and after pool construction. No swimming pool and/or spa shall be constructed in a manner to impede drainage on a lot or cause water to flow on an adjacent lot.

6.13 Pool water must be properly maintained such that it does not provide a breeding environment for insects or become a nuisance to neighbors.

6.14 No pool or decking can encroach an easement or building set back line.

6.15 Homeowners must provide a Compaction Certificate to the Home Owner's Association when filling in a pool.

## **ARTICLE 7**

### **GARAGE DOORS AND CARPORTS**

7.1 All replacements or alterations to garage doors need ACC approval. Dented, rotted, sagging panels and broken windows must be repaired or replaced. Garage doors must be matching in design, construction and color.

7.2 Metal carports are NOT permitted.

## **ARTICLE 8**

### **GARAGES**

- 8.1 All residences must have an attached garage. Some sections require two car garages. All garages must comply with Deed Restrictions applicable to the lot. Any alteration to an existing garage or construction of a separate garage must have ACC approval.
- 8.2 Garages are to house automobiles and other vehicle parking. Garages may not be converted to living quarters without simultaneous approval for construction of a separate garage meeting the specific requirements of restrictive covenants for the section in which the residence is located.
- 8.3 A detached garage will be required to attach to the residence by a breezeway, provided it meets all restrictions, governmental rules and regulations such as setbacks and drainage requirements.
- 8.4 Breezeways must have a minimum 3:12 roof pitch.
- 8.5 The standard type, quality and color of the materials used in the construction of a breezeway must be harmonious with the standard type, quality and color of the materials used in the construction of the main residence.
- 8.6 All breezeways must be attached and have a continuous roof line to the house and garage.
- 8.7 Garages constructed on an adjacent lot must be attached to the residence by a breezeway. Garages on adjacent lots may contain oversized garage doors to accommodate storage of recreational vehicles and boats.
- 8.8 The standard type, quality and color of the materials used in the construction of a garage must be harmonious with the standard type, quality and color of the materials used in the construction of the main residence. Metal garages or corrugated roofs are not permitted.
- 8.9 Separate garage and additions to an existing garage must follow the same general guidelines set forth in these ACC Guidelines for new construction.
- 8.10 All garages must have a driveway from the street to the garage.

## **ARTICLE 9**

### **DRIVEWAYS AND SIDEWALKS**

- 9.1 A plot plan showing the location of new, replacement or widening of an existing driveway is required with the application.
- 9.2 All new driveways and new curb cuts have to be to County specifications and need a permit from Harris County. Permits for the installation of driveways must be obtained from the County Engineer prior to the start of construction. When widening, even if no curb cut is requested, a permit is needed.
- 9.3 Any new or replaced driveway or sidewalk must be reinforced concrete. Reinforcement of the entire driveway must be equivalent to the Harris County requirements for aprons for residential driveways. Driveways must be a minimum of 3000 PSI and have #3 rebar for the entire length and width of the driveway or meet the Harris County Requirements for aprons for residential driveways (whichever is greater).
- 9.4 Any new driveway or additions to existing driveways must be constructed to take into consideration the drainage of the lot to the street. In the event drainage will be inhibited or changed by the addition of the new or expanded driveway, additional drainage will be required which may include French drains or area drains.
- 9.5 Any new or additions to existing driveways cannot encroach on the neighbor's portion of the county right of way. To insure this, all driveways need to be five (5) feet or more from the property line before the start of the driveway apron.
- 9.6 The material and method to be used to repair a cracked driveway or sidewalk require ACC approval.
- 9.7 Weeds and grass must not be allowed to grow in expansion joints of driveways or sidewalks.
- 9.8 Driveways located on the same property shall be separated by a minimum of twenty (20) feet per Harris County requirements.
- 9.9 Maximum width of a driveway is forty (40) feet per County requirements, with the exception of Sections One and Two of the Preserve where the driveway may not exceed one (1) foot on either side of the garage (maximum twenty (20) feet).

## **ARTICLE 10**

### **SHEDS**

- 10.1 Any type of building, which exists on a lot that is not attached to the residential dwelling or garage, and does not exceed the maximum size set forth in this Article shall be considered a shed.
- 10.2 Sheds shall not exceed ten (10) feet in height except where rooflines and pitch matching the main residence cause the roof peak to exceed that amount in which case the side walls shall not exceed eight (8) feet in height.
- 10.3 The maximum size of the foot print of the shed will depend on the lot size and the location but in any event shall not exceed 180 square feet.
- 10.4 The standard type, quality and color of the materials used in the constructed of a shed must be harmonious with the standard type, quality and color of the materials used in the construction of the main residence. Corrugated roofs for sheds shall not be permitted under any circumstances.
- 10.5 Metal sheds are not permitted.
- 10.6 Sheds (except for those on golf course lots) shall be located in the rear of the property unless approved by the ACC. Sheds on golf course lots will be located on the side of the property unless otherwise approved by the ACC.
- 10.7 Sheds shall not encroach upon easements or set back lines shown on a recorded plat of the property, be at least five (5) feet from the property lines, and should be located to minimize visibility from the street and neighboring property.
- 10.8 There can only be one shed on a lot, not including a doghouse.

## **ARTICLE 11**

### **OVERSIZED BUILDINGS**

- 11.1 Any type of out building larger than a shed as defined in Section 10 of these ACC Guidelines and not connected to the residence or garage is an Oversized Building. The maximum size of an Oversized Building will depend on the lot size and the location, but in no event shall exceed 360 square feet. Any building over 360 square feet shall be considered a garage and be subject to the requirements set forth in Section 8 of these guidelines.

- 11.2 Oversized Buildings shall not exceed ten (10) feet in height except where the rooflines and pitch matching the main residence cause the roof peak to exceed that amount in which case the side walls shall not exceed eight (8) feet in height.
- 11.3 The standard type, quality and color of the materials used in the construction of an Oversized Building must be harmonious with the standard type, quality and color of the materials used in the construction of the main residence. Corrugated roofs shall not be permitted under any circumstances.
- 11.4 Construction plans for the building must be submitted.
- 11.5 Metal Oversized Buildings are not permitted.
- 11.6 No wet space will be permitted in an Oversized Building other than one half bath and may not be used as temporary or permanent living quarters.
- 11.7 Oversized Buildings are not permitted on lots facing the golf course.
- 11.8 Oversized Buildings shall be located on the rear of the property and shall not encroach upon easements or set back lines shown on a recorded plat of the property, be at least five (5) feet from property lines, and should minimize visibility from the street and neighboring property.
- 11.9 Any Oversized Building placed on a concrete slab be reinforced concrete. Reinforcement of the entire slab must be equivalent to the Harris County requirements for aprons for residential driveways. Slabs must be a minimum of 3000 PSI and have #3 rebar for the entire length and width of the slab.

## **ARTICLE 12**

### **POOL HOUSE**

- 12.1 Construction plans for the pool house and breezeway must be submitted and include, in addition to the materials, details on how the breezeway will be attached to both the pool house and the Residence, and how deep the footers will be for support poles.
- 12.2 No wet space will be permitted in a pool house, other than one half bath and the Pool House may not be used as temporary or permanent living quarters.

## **ARTICLE 13**

### **GAZEBOS, PERGOLAS AND PALAPAS**

Gazebos, Pergolas and Palapas shall be defined as a freestanding, open framed structures, whose purpose shall not be for any type of storage.

- 13.1 The structure may not encroach on easements, front, rear or side building setback lines shown on the recorded plat of the property, be at least five (5) feet from property lines, and should be located to minimize visibility from the street and neighboring property.
- 13.2 The maximum height of a structure may not exceed twelve (12) feet measured from ground level.
- 13.3 The maximum height of the gazebo walking area is eighteen (18) inches measured from ground level.
- 13.4 The standard color of the materials used in the construction of the gazebo must be harmonious with the main residence.
- 13.5 Palapas are required to be flame retardant.

## **ARTICLE 14**

### **CHILDREN'S PLAY STRUCTURES**

For the purposes hereof, a children's play structure shall mean any type of children's swing set, play set, climbing structure, slides or raised play sets.

- 14.1 The maximum dimension for a play structure is ten (10) feet in width by fifteen (15) feet in length by ten (10) feet in height.
- 14.2 Play structures must be located in the backyard. No play structure above eight (8) feet in height may be located within ten (10) feet of any property line if the adjoining lots are residential lots.
- 14.3 No play structure shall be approved for construction on easements, or may impede the drainage on the lot or cause water to flow to an adjacent lot.
- 14.4 Batting cages will be reviewed by the ACC on a case-by-case basis.



## **ARTICLE 15**

### **DECKS, PATIOS, PATIO COVERS AND ENCLOSURE**

- 15.1 Decks and patios must be located on the rear or side of the residence. Applications must be accompanied by a detailed scale drawing or blueprint showing the three-dimensional relationship of the patio cover or enclosure to the existing structure. Applications must also include a plot plan showing the location of the deck, patio, patio cover or enclosure in relation to all lot boundary lines, the residence, all easements, building setback lines, and any aerial or drainage easements.
- 15.2 Harris County permits are required for decks and patios over 30" above ground and more than 120 square feet in total area.
- 15.3 The standard type, quality and color of the materials used in the construction of a patio cover or patio enclosure must be harmonious with the standard type, quality and color of materials used in the construction of the main residence.
- 15.4 The roof of all patio covers (other than arbor or trellis type) must be adequately supported and constructed of sturdy materials so that the patio cover has no visible sagging or warping. This also applies to any lattice attached to the sides of the structure. The roof of all patio covers must be covered with shingles meeting the roofing guidelines set forth herein, and must have a minimum of a 3:12 slope. In cases where it is not possible to have a minimum 3:12 slope (e.g., a patio cover attached to a single-story dwelling) the ACC may approve a flat type roof with a modified membrane type roofing material provided the color and appearance of such roofing closely matches the roofing of the house or metal roofing with electrostatically applied coloring/paint. Such other types of roofing material of equal or superior quality may be approved in writing by the ACC.
- 15.5 Applications must contain a drawing and information of how a patio cover will attach to the existing dwelling and the depth of the footers for all support columns.
- 15.6 Corrugated roofs for patio covers shall not be permitted under any circumstances.
- 15.7 Patio enclosure screens must be the same color as existing window screens on the main dwelling and must have adequate cross-member support to avoid sagging.
- 15.8 The exterior color of doors, sills, beams, frames or other visible supports must match the exterior color of the main dwelling or the color of existing window frames of the home.
- 15.9 All decks and patios must be maintained in such a fashion that they do not detract from the neighborhood.

## **ARTICLE 16**

### **SUNROOMS**

A sunroom is any room with glass-enclosed walls or a glass ceiling attached to a residence.

- 16.1 The ACC may deny any application to construct a sunroom attached to a residence on the basis of its overall design and harmony with existing structures regardless of whether or not the proposed sunroom complies with the technical specifications set forth below.
- 16.2 Applications must be accompanied by a detailed scale drawing or blueprint showing the three-dimensional relationship of the sunroom to the existing structure. Applications must also include a plot plan showing the location of the sunroom in relation to all lot boundary lines, the residence, the easements and the building setback lines. Application must also include a detailed material list and include name, address and business phone number of the contractor or installer. Applications may be rejected for failure to provide any of these required items.
- 16.3 Supporting structural members must be of a color and shade similar to and harmonious with the exterior color of the residence. Glass must be tinted in a shade compatible with the exterior of the residence. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Applicants may be required to submit actual samples of the glass with the proposed shading/tinting material applied for approval.
- 16.4 The foundation of the sunroom must be of reinforced concrete slab construction with a four (4) inch minimum thickness. The floor must be tied into the main structure of the home.
- 16.5 Window coverings are not required. However, only interior coverings will be permitted; there shall be no exterior covering of the sunroom glass allowed, except hurricane shutters which must have ACC approval.

## **ARTICLE 17**

### **ROOFING MATERIALS, GUTTERS AND DOWNSPOUTS**

- 17.1 The proposed shingles shall be of an acceptable type and quality and color that are harmonious with the existing dwelling.
- 17.2 All shingles must have a minimum of 30-year warranty. For new construction and roofing replacement, architectural or dimensional shingles are required in all Newport Sections

except for Sections 3, 5, 6, 10 and 11. Section 6 Replat 1 requires a minimum of 30-year three-dimensional shingles.

- 17.3 Such other type of roofing material of equal or superior quality may be approved in writing by the ACC, including without limitations, shingles designed primarily to be wind and hail resistant; shingles providing heating and cooling efficiencies greater than the customary composite shingles; and shingles that provide solar generation capabilities.
- 17.4 All roof ventilators shall be located to the rear of the ridgeline and/or gable of any structure and shall not extend above the highest point of such structure.
- 17.5 The ACC shall have the right to approve exceptions to the foregoing in cases where energy conservation and heating/cooling efficiency require ventilators that, because of a particular roof design, cannot be hidden from public view.
- 17.6 The color of roofing additions must match existing roof vents (if any) or must be harmonious with the color of roofing materials.
- 17.7 Color of roofing should stay in the blacks, browns, or greys and must be approved by the ACC Committee.
- 17.8 Deteriorated roofing and ventilators must be repaired or replaced.
- 17.9 Gutters and downspouts shall be painted in an approved color that is harmonious with the house.
- 17.10 Gutters must be maintained in such a fashion that they do not detract from the neighborhood. Bent, broken, leaning gutters and downspout must be repaired, replaced or removed. Gutters or downspouts in need of painting must be repainted or replaced.
- 17.11 Any roof repair shall be made in a manner so as not to result in a patched appearance.
- 17.12 The Newport POA Manager may only pre-approve an HIR for an emergency repair in case of damage.
- 17.13 Metal roofs must be 24 gauge, the color must blend with the house and be harmonious with the neighborhood. Metal roofing samples required.

## **ARTICLE 18**

### **PAINTING**

No exterior surface of any house, garage, or other structure or improvement on any lot shall be painted without the color or stain being approved by the ACC. Color samples of the proposed exterior color(s) must be included with each application submitted to the ACC. When painting the main residence, any sheds, detached garages or oversized buildings must be painted at the same time. The following additional guidelines shall also apply:

- 18.1 The proposed colors must be harmonious with each other and with the colors of exterior brick and roofing materials.
- 18.2 Soffits, fascia boards, window and door trim and rain gutters must also be harmonious in color; however, the shades of trim color and/or front door may contrast with the principal color of the dwelling or garage.
- 18.3 Any outbuilding or storage building shall also be subject to these painting guidelines and shall be painted a color harmonious with the color of the principal dwelling.
- 18.4 Faded, cracked, peeling or otherwise deteriorated paint must be repainted or replaced.
- 18.5 Painted or stained fences must be maintained.

## **ARTICLE 19**

### **EXTERIOR SIDING, BRICK, TRIM AND FASCIA**

When exterior siding is replaced or added to any existing structure or new improvement on the lot, it must be of the same type, quality, size and color as the existing siding on the main residence (unless all exterior siding is being replaced at one time).

- 19.1 If all exterior siding is being replaced at one time, the type of siding may be changed to any of the following acceptable materials: wood, wood product (e.g., Masonite), cement board. ACC approval is required. The following additional guidelines apply to replacement or additional exterior siding:
- 19.2 Exterior siding, trim and fascia must be installed and maintained to avoid sagging, warping, rot or irregular coloration; the ACC may require the homeowner (at homeowner's sole responsibility and expense) to repair or replace siding that fails to adhere to these guidelines.
- 19.3 Brick walls and columns must be maintained to prevent leaning, sagging or cracking.
- 19.4 Biological growth, such as mold, algae or mildew must be allowed to accumulate an exterior surface.

## **ARTICLE 20**

### **ENTRY, SCREEN AND STORM DOORS, WINDOWS, AND WINDOW AND DOOR AWNINGS**

- 20.1 Entry door, screens and storm doors, and windows must be maintained in such a fashion that they do not detract from the neighborhood. Damaged or dented doors with torn screens or broken glass, and windows with broken glass must be repaired or replaced. Doors in need of painting must be repainted or replaced.
- 20.2 Awnings, which are visible from any street or golf course, shall not be permitted. Awnings on the rear portion of a lot must be approved by the ACC. The color and materials used are to be harmonious with the home and other improvements on the lot. Awnings are to be cleaned periodically to avoid discoloration because of mildew and are to be replaced/repainted when torn or faded.

## **ARTICLE 21**

### **SATELLITE DISHES**

- 21.1 Owners should use best efforts to keep satellite dishes to the maximum extent restricted from public view. All dishes must be in a color harmonious with the house. Only satellite dishes in use can be approved. All others must be removed.

## **ARTICLE 22**

### **SOLAR SCREENS, WINDOW TINT, PERMANENT AND TEMPORARY WINDOW COVERINGS**

- 22.1 The color of any solar screens or window tint must be harmonious with that of the house. The frames of the screens must match the window frames or screen color. Window tint shall not be reflective and must be maintained to prevent peeling, cracking or irregular discoloration. The color of the material must be submitted with your HIR application.
- 22.2 If any windows are tinted, all of the windows on the same side of the building must also be tinted.
- 22.3 Temporary paper, tin foil and bedding on windows are not permitted.

- 22.4 Deteriorated window coverings, such as blinds, curtains/drapes, or screens must be repaired or replaced.
- 22.5 Broken window glass must be replaced.

## **ARTICLE 23**

### **SOLAR PANELS**

- 23.1 Solar panels are permitted on the roof of the house or other approved structure.
- 23.2 Solar panels are permitted in a fenced in yard or patio provided the panel is no higher or wider than the roofline of the structure it is mounted on. The top edge of the solar panel must be parallel with the roofline and conform to the slope of the roofline.
- 23.3 Solar panels located in a fenced yard must be lower than the fence line.
- 23.4 All solar panel frames, brackets, wires and pipes shall be of a shade harmonious with the house.

## **ARTICLE 24**

### **FLAGPOLES AND FLAGS**

- 24.1 Freestanding flagpoles must be constructed of either steel or aluminum with a maximum height of twenty-five (25) feet.
- 24.2 All flagpoles must be maintained in a structurally sound condition. Steel flagpoles must be painted with a color harmonious with the main residence.
- 24.3 Flagpoles attached to a dwelling must be constructed of permanent, long-lasting materials with a finish appropriate to the materials used in the construction of the flag pole and harmonious with the dwelling.
- 24.4 The following flags are permitted to be displayed: United States Flag; Texas Flag; any of the five (5) branches of the United States Armed Forces.
- 24.5 No more than one flagpole per residence.
- 24.6 United States Flags must be displayed in Accordance with 4 U.S.C. Sections 5-10.
- 24.7 The Texas Flag must be displayed in Accordance with Chapter 3100 of Texas Government Code.

- 24.8 Flags and flagpoles must be maintained in good condition; flags and poles that are deteriorating or represent an unsafe condition must be repaired, replaced or removed.
- 24.9 College and sports team flags may be displayed on a game day but must be taken down at the end of the day.

## **ARTICLE 25**

### **SIGNS**

- 25.1 Except as provided herein and in the recorded restrictions, no sign, billboard or advertising device of any kind shall be displayed to the public view on any portion of a lot, without the express prior written consent of the ACC. The Association, or its assigns, will have the right to remove any sign, advertisement, billboard or structure that does not comply with the above.
- 25.2 For Sale or Rent Signs: One sign for each lot may be provided for advertising the property for sale or rent (golf course lots may also have an additional sign which may be placed on the golf course side). The sign must have one maximum dimension of thirty-six (36) inches, unless otherwise approved by the ACC.
- 25.3 Home Security Signs: One home security sign (golf course lots may have an additional sign on the golf course side) for each lot shall be permitted provided the sign has one maximum dimension of twelve (12) inches, unless otherwise approved by the ACC.
- 25.4 Contractor Signs: One small contractor sign is permitted during construction and/or renovations but the sign must be removed within one week of completion of work.
- 25.5 Political Signs: An owner may display political signs in accordance with Texas Property Code Sec. 202.009, provided that the owner complies with the following requirements:
- a) No sign may be displayed prior to the 90<sup>th</sup> day before the date of the election to which the sign relates, and any such sign must be removed no later than the 10<sup>th</sup> day after the election date.
  - b) All signs must be ground mounted.
  - c) No more than one sign may be displayed for each candidate or ballot item.
  - d) No signs shall:
    - 1) Contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component;

- 2) Be attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object;
  - 3) Include the painting of architectural surfaces;
  - 4) Threaten the public health or safety;
  - 5) Be larger than four (4) feet by six (6) feet;
  - 6) Violate a law;
  - 7) Contain language, graphics, or any display that would be offensive to the ordinary person; or
  - 8) Be accompanied by music or other sounds or by streamers or is otherwise distracting to motorists.
- 25.6 School Related Signs: School related signs naming students and their school related activities (such as signs noting that a resident of a home is a member of a school's athletic team or other school group activity) may be placed on a lot. Any such sign may not exceed six (6) square feet, and there may not be more than one sign per named individual without ACC approval.
- 25.7 Garage Sale Signs: Garage Sale Signs are not permitted to be displayed in the neighborhood except on the dates for the spring and fall garage sale. All garage sale signs posted for the community garage sale must be removed by 4 pm on the date of the sale.

## **ARTICLE 26**

### **OUTDOOR LIGHTING, HOLIDAY LIGHTING AND DECORATIONS**

- 26.1 White security lighting may be affixed to a dwelling or outbuilding located on a privately owned lot in Newport Subdivision provided the lights do not illuminate the interior of a dwelling or outbuilding on an adjacent lot and does not invade the privacy of an adjacent property owner.
- 26.2 All exterior lighting must be white except during designated holiday periods.
- 26.3 Low voltage landscape lights may be located at ground level on the lawn or in flowerbeds. Landscape lights that are visible from the street must be white, except during holiday seasons.



- 26.4 Holiday lights and decorations may be placed thirty (30) days before the event without ACC approval and must be removed within seven (7) days after the event.
- 26.5 The Christmas season is defined, for the purpose of this document, to extend from Thanksgiving to January 15<sup>th</sup>. During this period, decorative Christmas lights may be installed without the need of ACC approval. Lights may be installed beginning November 1<sup>st</sup> but may not be illuminated until Thanksgiving.
- 26.6 Decorative Christmas lights are defined here to include low voltage landscape lights and soffit lighting whose colors are modified for the season. At the end of the Christmas season, decorative Christmas lights must be removed and landscape lights must be restored to their original white color.
- 26.7 Broken, leaning or otherwise deteriorated lighting fixtures must be repaired or replaced.
- 26.8 Soffit lighting must be permanently installed, no exterior wiring allowed.

## **ARTICLE 27**

### **BASKETBALL GOALS**

Freestanding basketball goals are permitted without ACC approval. All other Basketball goals must have approval of the ACC and meet the following guidelines.

- 27.1 Basketball goals may be mounted either on the garage wall or roof or on a rigid steel or aluminum pole. Portable goals must not be closer than fifteen (15) feet to an adjacent lot owner's amenities (air conditioning unit, shrubbery, gas meter, etc.). No pole-mounted goals will be allowed along the neighbor's adjoining side of a driveway if a neighbor's house window(s) is exposed. The pole must have a manufacturer's weather resistant finish or be painted black or white.
- 27.2 Basketball goals permanently mounted on the garage wall or roof must be firmly attached to the structure using both carriage bolts and nuts through the structure's roof or wall. Nails, by themselves, are not permitted. Mounting supports may be made of wood, steel or aluminum. Supports must be painted black or of a color complying with the house painting guidelines.
- 27.3 All backboard material must be fiberglass or safety glass. Wooden/plywood backboards are not permitted. The color must be clear (safety glass), gray or white with the exception of the manufacturer's outline markings. The rim should be of a heavy gauge steel and white, black or orange in color. Nets should be replaced when damaged.
- 27.4 A basketball goal must be maintained at all times or the basketball goal must be removed. This includes broken, damaged or deteriorated backboards.

- 27.5 The ACC may require removal of any basketball goal, which is reasonably determines to be a nuisance to the neighbors.
- 27.6 Freestanding basketball goals may not be in the street.

## **ARTICLE 28**

### **LAWN FURNITURE AND ORNAMENTS**

- 28.1 Lawn furniture must be maintained in such a fashion that is does not detract from the neighborhood. Broken furniture or furniture in need of painting must be repaired, replaced or removed.
- 28.2 No decorations, decorative appurtenances, statues, mannequins, tubs, sink basins, toilets, yard items, yard art, or other similar items, as determined in the discretion of the Association, shall be permitted on any lot unless prior written approval is first applied for and obtained by the ACC, or the item is completely concealed from public view of any street, lot or common area.

## **ARTICLE 29**

### **RAIN BARRELS/WATER HARVESTING SYSTEMS**

- 29.1 Rain Barrels or water harvesting systems are permitted on the homeowner's property provided the barrel or system is in a color that is consistent with the color scheme of the home, and such barrels or system cannot be located between the front door of the home and an adjoining or adjacent street (the front yard). The barrel or system may not display any language or other content that is not typically included on the item when it is manufactured.
- 29.2 Water Harvesting Buildings shall be used solely for rain water harvesting systems and may not contain any items not connected to the water harvesting system.
- 29.3 The size, capacity and color of rain barrels or systems must be approved by the ACC.
- 29.4 The barrels or systems must be screened from public view.

## **ARTICLE 30**

### **OPEN FIRE PITS**

- 30.1 Open Fire pits, other than free standing fire pits (such as chimineas) are not permitted without ACC approval.

## **ARTICLE 31**

### **TREES**

- 31.1 No lot may be cleared without ACC approval. The homeowner is required to retain as many healthy trees larger than eight (8) inches diameter as feasible. A perimeter of up to fifteen (15) feet from home foundation, garage, driveway, pool and other approved structure can be cleared of healthy trees only with ACC approval.
- 31.2 Dead trees and tree stumps in public view may be removed and do not need ACC approval. However, when trees die, the homeowner will still be required to have at least two live trees not less than four (4) inch diameter in the front yard (replanting if necessary) and two trees not less than four (4) inch diameter in the back yard of the property unless additional trees are required in the restrictions for said lot or unless ACC approves otherwise.
- 31.3 If lot is less than 8000 square feet then only one (1) tree is required in the front yard.

## **ARTICLE 32**

### **DRAINAGE**

- 32.1 All changes to the grading or drainage of any lot, tract, or parcel in Newport requires the approval in advance by the ACC Committee. These changes must not interfere with the drainage on adjacent lots. If appropriate drainage cannot be accomplished by a swale or a French drain then other acceptable means will be required. The ACC may request the applicant to provide copies of permits.

## **ARTICLE 33**

### **LEASES AND TENANTS**

This Article applies to all owners of homes which are leased to third parties:

- 33.1 All tenants must comply with the provisions of this document and the Declarations. Owners are encouraged to provide their tenants with copies of this document and the Declaration applicable to the owner's home.

## **ARTICLE 34**

### **WHOLE HOME GENERATORS/PROPANE TANK**

- 34.1 Propane tanks must meet all applicable safety standards, be accessible for filling, yet be screened from public view by landscaping or approved fencing.
- 34.2 All permanently installed stand by generators must meet the following criteria:
- a) Must be installed and maintained in compliance with manufacturer's specifications and applicable governmental health, safety, electrical and building codes.
  - b) All electrical, plumbing and fuel connections must only be installed by licensed contractors.
  - c) All liquefied petroleum gas fuel line connections must be installed in accordance with rules and standards of the Rail Road Commission of Texas as well as all other applicable governmental health, safety, electrical and building codes.
  - d) All required non-integral standby generator fuel tanks be installed and maintained in accordance with applicable municipal zoning ordinances and governmental health, safety, electrical and building codes.
  - e) Cannot generate all or substantially all of the electrical power to a residence except in times when utility generated power is not available for cause other than non-payment of utility bills.
  - f) Periodic testing must be conducted at reasonable times consistent with manufacturer's recommendations.
- 34.3 Both generators and propane tanks require the submittal of an official survey marked with the locations of the generator and/or propane tank.

## **ARTICLE 35**

### **MISCELLANEOUS**

- 35.1 Temporary storage/moving containers, such as PODS, must have ACC approval if located in public view for more than seven (7) day period.
- 35.2 Bent, broken, leaning mailboxes must be repaired, replaced, or removed without ACC approval. Mailboxes in need of painting must be repainted or replaced. Any color other than black must have ACC approval.

- 35.3 A/C window units are prohibited in Sections 9, 12, Section 6 Replat No. 1, and NC in accordance with the restrictions of record for those sections. Except where prohibited by the Declaration for the applicable section, A/C window units that are not visible from the street or golf course may be allowed only with ACC approval on a case-by-case basis.
- 35.4 No boundary plantings shall exceed eight (8) feet in height, except single trunk trees which shall be permitted. No wall, fence, shrubbery or boundary planting shall interfere with the vision of pedestrians, bicyclists or operators of motor vehicles. Any landscaping in the County right-of-way (approximately sixteen (16) feet from the curb where there is a two-lane street) may not exceed twenty-four (24) inches in height.
- 35.5 If cars are covered for a period of over a week, the cover must be a car cover, not a tarp or other sheeting.
- 35.6 No motorized vehicle shall ever be parked on an unpaved area of owner's property.
- 35.7 Trash shall be placed in a container and may not be visible from the street except for 6pm on the evening before trash pick-up day until 6 pm the next day.
- 35.8 Household pets must be on a leash or in an enclosed area when outside the owner's residence.
- 35.9 RVs are permitted in owner's driveway for a period not to exceed 48 hours to prepare for a trip and a period of time not to exceed 48 hours upon return to clean the RV prior to storage.
- 35.10 Boats are permitted in an owner's driveway for a period not to exceed 48 hours to prepare for use and a period of time not to exceed 48 hours upon return to clean prior to storage.
- 35.11 No business, other than a home office, shall be conducted from any single-family lot in any section in Newport Subdivision.
- 35.12 Sunshades, canopies, and portable gazebos must be kept in good shape and located at the rear of the property.
- 35.13 No inoperable vehicle may be stored in public view on any property even covered by a car cover.
- 35.14 All lots in Newport Subdivision shall be kept and maintained in a clean, healthful, sightly and wholesome conditions. All miscellaneous items, including without limitation, barbeque grills, smokers, children's toys, lawn and other equipment shall be stored out of public view when not in use.

## **ARTICLE 36**

### **BUILDER GUIDELINES FOR NEW CONSTRUCTION OF HOMES**

- 36.1 Builder's shall pay a deposit to the Association in the amount of \$2,500.00 with each application for a new home construction submitted to the ACC. In the event a Builder fails to comply with the applicable Deed Restrictions, ACC Guidelines or the Builder's Guidelines set forth herein, the NPOA shall notify the Builder of the violation and the time in which Builder has to correct such violation. In the event a Builder fails to correct the violation, the NPOA shall have the right but not the obligation to cause such violation to be corrected and deduct the cost of correcting said violation from the Construction Deposit. Failure of a builder to correct a violation could result in a cease and desist being issued until the violation is corrected. NPOA shall also have the right to deduct any unpaid fines levied against a Builder from the Construction Deposit. The balance, if any, of the Construction Deposit shall be returned upon completion of the home. In the event the Construction Deposit is depleted before the completion of the home, the Builder shall be required to make an additional deposit upon request of the NPOA. Builder's construction multiple homes in Newport shall only be required to pay one deposit.
- 36.2 No lot may be cleared without ACC approval. The Builder is required to retain as many healthy trees larger than eight (8) inch diameter as feasible. A perimeter of up to twenty (20) feet from home foundation, garage, driveway, pool and other approved structure can be cleared. In the event Builder is given ACC permission to clear cut a lot, the builder shall be required to plant at least 2 trees not less than four (4) inch diameter in the front yard of the property unless additional trees are required in the restrictions for said lot. If lot is less than 8000 square feet then only one (1) tree is required in the front yard.
- 36.3 Unless otherwise stated in the restrictions or on the plat for the lot on which a Builder is constructing, no building or structure shall be closer to any side building line than five (5) feet.
- 36.4 Builder's must display the address of the property on a sign visible from the street at commencement of construction.
- 36.5 Work hours for Builder's and Builder's Contractors are daylight-dusk.
- 36.6 Builder's and/or Builder's Contractors shall not play music so that is can be heard inside a neighbor's residence.
- 36.7 Builder's and /or Builder's Contractors must park vehicles so that they do not disturb the flow of traffic or block the mailbox in front of an existing residence without permission from the owner.

- 36.8 A Builder shall not commence any type of construction including, without limitation, the clearing of any lot prior to (i) ownership of the lot and (ii) approval from the ACC.
- 36.9 A Builder will not pour any foundation until a Forms Survey is presented to the ACC Manager and approval is obtained for that foundation to be poured.
- 36.10 All foundation plans must have an engineer stamp.
- 36.11 A Builder shall have rough grade completed prior to dropping frame material.
- 36.12 In order to maintain clean streets and prevent siltation of storm sewers and drainage channels, all constructors in Newport are required to practice sediment control during construction. As soon as earthwork commences with destroys the natural vegetative cover on any portion of a lot, sediment fencing must be installed in such a way as to filter all storm water run-offs from the tract into the public street. The sediment control system shall remain in place and in good repair until construction and landscaping is complete. Builder's and Subcontractors are jointly responsible for cleaning dirt and debris on the street daily. Proper sand bagging or storm drains is required prior to commencing construction.
- 36.13 Builder shall provide a portable toilet on each lot at the time forms are set and picked up after construction is complete.
- 36.14 The Builder shall place a four-sided fenced dump area for construction debris and a solid container 55 gallon or larger labeled for garbage on the lot
- 36.15 The Builder shall remove trash, garbage and building debris from the lots weekly or as often as necessary to maintain an orderly construction site. Builders shall notify the Manager of NPOA as to what day or days its trash is removed.
- 36.16 Construction site inspections shall be performed each week during construction. The first time a construction site is found not to be in compliance of guidelines set forth in 36.4, 36.12, 36.13, 36.14 and/or above, the Builder will receive a written warning from the NPOA and will be given seven (7) working days to bring the construction site into compliance. If after the expiration of seven (7) working days from the date of warning or if no satisfactory arrangements have been made with the NPOA, the construction site remains out of compliance, Builder will be fined the sum of \$100 on each guideline out of compliance during the weekly inspection until the site is in compliance. NPOA will take a picture of the site showing the violations. The fine will be charged to the property account. If the fine is not paid in thirty-one (31) days from the date it is charged, NPOA shall deduct the fine from the Builder's security deposit.
- 36.17 Construction debris, including excess concrete, may not be burned, dumped or disposed of in any areas of Newport.



- 36.18 Work done in esplanades or reserve areas (for connecting utilities, etc.) must protect existing plantings, berms, etc. Existing adjacent lots and greenbelts must be protected by erecting a temporary silt screen along the street and safety screen along the perimeter of the property line prior to the beginning of lot clearing. Builders will be responsible for the repair and/or replacement of trees, plants, sidewalks, lights, etc. Damaged during construction.
- 36.19 Trespassing by Builder or Builder's Subcontractors and/or suppliers is STRICTLY PROHIBITED. Harris County Sheriff's Department can and will issue citations that could result in fines and/or imprisonment by the trespasser.
- 36.20 Builders must secure any driveway excavations, curb cut-outs, or other excavations with caution tape and maintain such precautions until excavation is filled or driveway is poured.
- 36.21 Driveways or sidewalks must be reinforced concrete. Reinforcement of the entire driveway must be equivalent to Harris County requirements for aprons for residential driveways. The NPOA management office must be notified forty-eight (48) hours prior to the placing of concrete in order to complete its inspection.
- 36.22 All lots shall be graded to drain back to front unless required otherwise by Harris County and/or approved by the ACC. Lots shall be graded in such a way as to not interfere with the drainage on adjacent lots. If drainage cannot be accomplished by a swale, builder must provide a French drain or other acceptable means of drainage of the lot.
- 36.23 All homes constructed on corner lots shall have brick on three sides, and an elevation as approved by the ACC.
- 36.24 All homes constructed in Newport shall have an elevation and exterior (color of brick, stone or other approved material) that is harmonious with the surrounding existing homes; provided colors of existing homes have been approved by ACC. New sections in Newport and newly developed areas in existing sections are required to have primarily 8:12 roof pitches when viewed from the front. Hip roofs without prominent or multiple steeples or gables are not permitted in new sections in Newport and newly developed areas in existing sections.
- 36.25 Fences require a separate fence approval. No fence may be erected on any pipeline within the subdivision, or at any location at which fences are prohibited by the plat. No fence can be made of spruce.
- 36.26 Builders shall sod the front of the property and side yard if visible from any street or common area. Builders shall sod the entire backyard of golf course lots. Landscaping of the front yard is required and must meet community standards.



- 36.27 In the event a builder request is denied, Builder shall have the right to request a hearing before the ACC by requesting in writing to the ACC Manager to be placed on the agenda of the next Acc meeting. In the event Builder does not resolve its issues at its hearing with the ACC, Builder shall then have the right to request a hearing before the Board of Directors of the NPOA.
- 36.28 Compaction certificates and elevation certificates are required from builders on all lots that are in a flood plain or that are eroded.

The foregoing Amended and Restated Architectural Guidelines and Rules and Regulations for Newport Subdivision Sections to which the Declarations are assigned to The New Property Owners Association of Newport, Inc., ARE HEREBY ADOPTED AND EFFECTIVE on this 24<sup>th</sup> day of April, 2025. 105

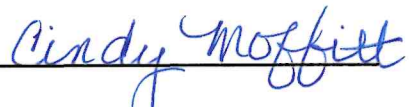
  
\_\_\_\_\_  
Kim Davila, President

STATE OF TEXAS  
COUNTY OF HARRIS

**RECORDER'S MEMORANDUM:**  
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility. carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

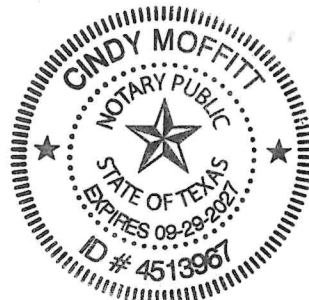
Before me, the undersigned authority, on this day personally appeared Kim Davila, President of The New Property Owners Association of Newport, Inc., a Texas non-profit corporation, known to me personally to be the person whose name is subscribed to the foregoing document and acknowledged to me that she executed the same for the purposes and consideration and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 24<sup>th</sup> day of April, 2025.

  
\_\_\_\_\_  
Notary Public for the State of Texas

✓  
After Recording Return to:

Newport Property Owners Association  
PO Box 1362  
Crosby, Texas 77532



FILED FOR RECORD

3:26:54 PM

Friday, May 30, 2025

*Laneshia Hudspeth*

COUNTY CLERK, HARRIS COUNTY, TEXAS

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

THE STATE OF TEXAS

COUNTY OF HARRIS

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

Friday, May 30, 2025

*Laneshia Hudspeth*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

