

Londonderry  
Homeowners Association, Inc.\*  
Architectural Control Guidelines

Date of Issue  
October 1, 2010

To supersede all other previously recorded guidelines

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**LONDONDERRY  
HOMEOWNERS ASSOCIATION, INC.  
ARCHITECTURAL CONTROL GUIDELINES**

**OVERVIEW**

**The Declaration**

A system of Architectural Control is created by the following Declaration of Reservations, Restrictions and Covenants:

Londonderry, Section One	Harris County Clerk's File No. E923575
Londonderry, Section Two	Harris County Clerk's File No. H310565
Londonderry, Section Three	Harris County Clerk's File No. U232738

\*All recording information refers to the Official Public Records of Harris County, Texas.

All of the foregoing, as well as those state laws which supplement and add to the dedicatory instruments which govern the Londonderry Subdivision including, but not limited to, Chapter 204 of the Texas Property Code, shall be collectively referred to as the "Declaration." Pursuant to the provisions of the Declaration, the Londonderry Homeowners Association, Inc. is the successor in interest and assignee from the Declarant, of all of the duties, powers and responsibilities of the Declarant, as described in the Declaration and Chapter 204.011 of the Texas Property Code, relating to Architectural Control including, but not limited to, the rights of inspection, review, and approval of all improvements existing in the Londonderry Subdivision.

**Purpose and Objectives**

The purpose of these Architectural Control Guidelines (the "ACC Guidelines") is to, among other things, establish and preserve a harmonious and aesthetically pleasing design for the Londonderry Subdivision (the "Subdivision") and to protect and promote the value of the properties subject to the restrictions set forth in the Declaration. The ACC Guidelines are designed to provide a standard by which the Londonderry Homeowners Association, Inc. (the "Association") approves any improvements, modifications, or alterations to existing improvements, and shall establish a standard with regard to the general upkeep of properties within the subdivision.

To preserve the architectural and aesthetic appearance of the Subdivision, site work, placement of improvements, construction of improvements, or alterations that effect the exterior appearance of existing improvements shall not commence, unless and until they have been submitted to and approved in writing by the Londonderry Architectural Control Committee (the "ACC") as to the compliance of such work and improvements with the Declaration and the ACC Guidelines.

These guidelines are intended to function as a summary of the detailed expectations and design requirements of the Association in accordance with the power bestowed upon it by the Declaration. The Association has the exclusive jurisdiction over the approval of all improvements made to properties and modifications or additions made to existing improvements on properties. Properties shall mean all lots and common facilities shown on the Subdivision Plat.

The Declaration also specifies that “no activity, whether for profit or not, shall be conducted on any Lot which is not related to single family residential purposes. No noxious or offensive activity of any sort shall be permitted nor shall anything be done on any Lot which may be or become an annoyance or a nuisance to the neighborhood.” These Architectural Guidelines are also intended to illuminate to the membership the manner in which the Architectural Control Committee construes the nuisance provision set forth in the Declaration by defining those activities predetermined, based upon resident input and historical prospective, to be a nuisance, noxious, unhealthful, unsanitary, or offensive to residents within the Subdivision.

## **Things to Remember**

**Restrictions Protect All Property Owners** – All property owners are subject to the Declaration and have agreed to comply with them. Most problems can be resolved and unnecessary complications avoided by a thorough understanding of the Declaration and these Guidelines. Compliance with the Declaration and these Guidelines by all neighbors will permit property owners to enjoy living and raising their families in a pleasing environment and an attractive community with sustained property values.

**The Appropriate Guideline** – Many different kinds of modifications to a property can be made. Those described on the following pages are the most common but not all are described. If a project is not included on the following pages, please contact the ACC to obtain the guidelines to use for preparing an application to the ACC.

**Don't Copy Your Neighbors** – When considering a Modification to your property, do not rely on what your neighbors have done or said regarding their property. Your neighbor's modification may have been permitted under a prior guideline but is no longer allowed, may not have been approved, or it may have been disapproved and require modification.

**Changes by Previous Owners** – Purchasers of a previously occupied property sometimes are surprised and disturbed when they receive notice that the previous owner made an unapproved alteration or additions and that they have purchased a property which is in violation of the Declaration. Current owners are responsible for any existing violations. Any owner who finds himself in this situation should submit an application for approval of the improvements with an explanation of the circumstances.

**Limitation of Responsibilities** – The primary goal of the ACC is to review applications, plans, specifications, materials and samples submitted by homeowners in order to determine if the proposed improvement or modification conforms in appearance and design with the standards and policies as set forth by the ACC. The ACC does not warrant or assume responsibility for the following:

- The structural adequacy, capacity or safety features of the proposed improvement or structure.
- Soil erosion or unstable soil conditions.
- Compliance with any or all building codes, safety requirements, governmental laws, regulations or ordinances.
- Performance or quality of construction performed by any applicant or his subcontractor(s).
- Marketability of the product.

## Application Procedure

### Application Procedure

Applications shall be obtained from the Association or its assigned agent. A completed application package shall include: Two complete sets of drawings and specifications, and the completed ACC application. The applicant shall provide a valid, current address and phone number. Incomplete applications shall be rejected and returned. Applications shall be submitted via mail to the Association or its assigned agent. All applications must be in writing. The ACC will not respond to verbal requests. It is the applicant's responsibility to insure that the Association or its assigned agent has received the application. Do not assume it was received.

### Approval/Disapproval/Processing Period

The ACC will respond in writing to all completed applications. Upon approval, one (1) copy of the application will be marked "approved" and returned. "In writing" may refer to a written reply delivered through the mail, through email, -by telefacsimile transmission, or by delivery in person.

Please note that the ACC has thirty (30) calendar days from date of receipt of a complete application within which to respond. If additional information is required by the ACC, the thirty (30) day processing period will commence upon receipt of the additional information. Scheduling for the implementation of the proposed improvement(s) should allow for the time required for completion of the approval process.

In the event the ACC fails to indicate its approval or disapproval within the thirty (30) days after completion of the ACC application, including receipt of all required documents, then the approval process and the related covenants set out in the Declaration shall be deemed to have been fully satisfied, provided that the proposed improvements are in general harmony with the scheme and aesthetics of the Subdivision and do not violate any of the provisions contained within the Declaration and these ACC Guidelines. Failure to respond on the part of the ACC does not imply permission to encroach upon an easement or a building setback line.

If an application is not approved, the ACC will respond in writing as to why such approval was denied. If an applicant wishes to discuss the decision made by the ACC, the applicant must contact the Association or its assigned agent to make arrangements for a meeting. The Board of Directors shall have the final authority over all actions taken by the ACC by a majority vote of the directors at a duly convened meeting.

No ACC member can approve his/her own improvement.

**Please note that ACC approval is required PRIOR TO the installation or construction of any improvement or modification to an existing improvement. If an improvement is made without ACC approval, the Association has the legal right to enforce its removal or modification at the property owner's expense along with the forfeiture of any applicable fees.**

If construction has not begun within six (6) months from the date of approval, the approval is null and void, and the application must be resubmitted. ACC approval is non-transferable.

All construction shall be completed within the agreed-upon date of completion set forth in the Application unless express written approval for an extension is granted by the ACC.

### **Easements**

The ACC cannot approve any application if there is an encroachment on an easement until the homeowner resubmits revised plans to correct the encroachment. Any non-portable structure, with the exception of fences, on an easement is considered permanent and, thus, an encroachment. Approval by the ACC of any encroachment of an easement, by and through a variance or otherwise, shall not serve as an amendment or change of that easement and shall not create liability through or upon the ACC. Any encroachment upon such easement shall be at the sole risk and expense of the owner.

### **Variances**

Each application is considered on its own merit, and the ACC may grant a variance from these guidelines if the circumstances warrant and the variance is approved by the majority vote of the board of directors at a duly convened meeting.

Variations will be granted in writing only and, when given, will become part of these guidelines to the extent of the particular lot(s) involved. Because a variance may have been granted in one instance does not mean that improvements of a similar nature need not be applied for. Unless the guidelines are amended and reissued, applications for improvements must be submitted, regardless of any variations previously granted.

Any variations applied for and granted does not and will not be construed as a waiver of any restrictions as set forth in the Declaration and/or any of the guidelines established in this document. The approval by the ACC of any plans and specifications for any work done or proposed, or in connection with any other matter requiring the approval and consent of same, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar plans and specifications, drawings, or matters subsequently or additionally submitted for approval or consent. Any variance granted shall be applicable only to the factual basis and specific instance giving rise to it and may not be used by any Owner as a basis for a variance for a different Lot.

All requests for approvals, variations and adjustments must conform to all city, county and local municipal building and/or zoning ordinances where applicable.

## **Right of Inspection**

All improvements are subject to inspection by the Association, the ACC or their assigned agent(s). During reasonable hours, the Association, and/or its agents, shall have the right to enter upon and inspect any Lot within the Subdivision, or any portion thereof, and the exterior portions of improvements thereon for the purpose of ascertaining whether or not the provisions of the Declaration, the guidelines of the ACC, and/or the representations set forth within the Application submitted are being complied with and shall not be deemed guilty of trespass by reasons thereof.

## **Enforcement**

The Declaration provides, among other things, that the Association has the right to prosecute any owner violating or attempting to violate any of covenants or restrictions established for the Subdivision by seeking a prohibitive or mandatory injunction and recovering all costs and damages, including attorney's fee, arising in connection with the violation and/or the Association's attempts at affecting compliance with the Declaration as well as the rules and regulations promulgated from same.

The Association and the ACC, as well as their agents, assigns or employees, shall not be liable to any other party for any loss, claim or demand asserted on account of their administration of these ACC Guidelines and the performance of their duties hereunder, or any failure or defect in such administration and performance.

## **Complaints**

Property owners are encouraged to help maintain the beauty of the Subdivision. To this end, all property owners have an obligation to conform to the Declaration and ACC Guidelines and to ensure non-complying improvements get corrected. If you should have a complaint regarding a violation, please notify the Association or its assigned agent. All complaints will be handled in a professional manner and shall remain confidential.

## **Controlling Documents**

In the event of a conflict between these Guidelines and the Declaration, the Declaration shall control.

## **Interpretation**

If these ACC Guidelines or any word, clause, sentence, paragraph, or other part hereof shall be susceptible to more than one or conflicting interpretations, then the interpretation which is most nearly in accordance with the general purposes and objectives of the Declaration and/or these Guidelines shall govern.

## **GUIDELINES**

The following Design Guidelines and Improvement Criteria shall apply to any change to the exterior of a structure and to any grading, excavation, tree removal, landscaping or other change to a lot within the Subdivision.

### **Address Treatments**

Numbers shall be a minimum of four inches (4") in height. All Homes must have a visible street address. Numbers may be made of wood, plastic, metal, ceramic, or carved into stone. Painting of address numbers on street curbs is permitted but must be maintained. **HOUSE NUMBERS MUST BE VISIBLE FROM THE STREET (LIGHTING IS RECOMMENDED BUT NOT REQUIRED) AND CANNOT BE OBSTRUCTED BY SHRUBS, TREES, ETC.**

### **Basketball Goals**

**No basketball goal will be permitted to be placed in the street. Residents may not be permitted to install basketball goals on attached front loading or side loading garages. Furthermore, no pole-mounted goals will be permitted to be placed facing any adjacent neighboring lot's residence's windows, air-conditioning unit, or landscaping.**

**Poles** – Poles must be painted black and maintained free of rust.

**Nets** – Nets shall be maintained in good working condition and must be replaced when, in the sole opinion of the ACC, the net is torn, shredded, or broken to such a degree as to constitute a visual nuisance to the surrounding lots and/or common areas.

All basketball goals shall be maintained in such a manner as to not detract from the neighborhood. Maintenance shall include, but not be limited to, the following:

- Replacement of torn or missing nets.
- Repair of bent or damaged supports, poles or rims.
- Replacement or repainting of worn or discolored backboards.
- Repair or replacement of the structure or other improvements near to where the goal and backboard unit are mounted on (i.e., garage roof, doors, gutters, etc.)

If damage to homeowner's or a neighbor's adjoining property is incurred as a result of the installation of a basketball goal or if repeated complaints are received concerning excessive noise or disturbing the peace, the ACC has the authority to require the homeowner to relocate or remove the basketball goal.

**Provided this modification is in compliance with the above noted guidelines, it is not necessary to submit for approval. However, in the event that these guidelines are not**

**adhered to as stated above, said improvement would be considered a violation and may be subject to necessary procedures to correct.**

### **Burglar Bars**

Typically, burglar bars are not an enhancement to the beautification of a home and only in high crime areas are they believed to add value to the property. Burglar bars are only acceptable when placed on the interior of the windows and painted to be in harmony with the house. Burglar bars on doors must be painted to match the door or must blend in with the brick or exterior trim (whichever is less conspicuous) and must comply with the industry's recommended safety standards.

**ACC Guidelines: A detailed drawing of the house showing the location of the proposed burglar bars, a contractors brochure or drawing showing the design of the burglar bars and an explanation of the color and how it meets the above requirements must be submitted with the ACC application for approval prior to installation.**

### **Carports**

Carports are not permitted.

### **Certificate of Compliance for Sale of Lot**

Pursuant to the laws of the State of Texas, the Londonderry Homeowners Association, Inc. is required to provide to certain individuals, upon resale of lots within the purview of the Association and when requested, a description of any condition on an owner's lot that the Association has actual knowledge is in violation of the restrictions applicable to the Subdivision or by the rules and laws of the Association. To that end, a lot owner, and/or the owner's real estate agent or Title Company, has the responsibility of notifying the Association, or its representative, at least ten (10) days prior to the scheduled sale of the lot that the lot owner's home is on the market. The lot owner is required to obtain from the Association and tender to the prospective buyer a Certificate of Compliance setting forth all known violations of restrictions afflicting the lot, if any. In lieu of the Certificate of Compliance, the lot owner may obtain from the Association and tender to the prospective buyer the Resale Certificate for Property Subject to Mandatory Membership in a Property Owners' Association promulgated by the Texas Real Estate Commission whose form requires the same information relating to all known violations of restrictions afflicting the lot(s) to be sold.

If a lot is afflicted with a deed restriction violation which has not been fully cured before closing, it will be up to both the lot owner and the buyer to work out arrangements as to who will be responsible for bringing the lot into full compliance. If the buyer takes possession of a home that is not in full compliance, then the buyer becomes responsible for curing all outstanding violations. If the lot is sold without the lot owner requesting an onsite inspection, the buyer shall be responsible with the lot owner for the violations and subject to any and all remedies available to the Association for violations, including, but not limited to, the power to impose fines, to require the lot owner to remedy the violations, or to remedy the violations through the Association's own initiative and assess the costs thereof to the lot owner and/or the buyer.

## **Clotheslines/Animal Running Cables**

The drying of clothes in public view is prohibited.

Running cables for pets shall be directly behind the primary residence and concealed from view of the streets or neighboring Lots.

## **DECKS**

DECKS MAY NOT ENCROACH ONTO ANY UTILITY EASEMENT UNLESS THE UTILITY COMPANIES INVOLVED HAVE GRANTED THEIR WRITTEN CONSENT TO SUCH ENCROACHMENT.

NO DECK SHALL RESTRICT DRAINAGE ON THE LOT OR CAUSE WATER TO FLOW ONTO AN ADJACENT LOT.

**ACC GUIDELINES: ALL DECKS MUST BE APPROVED BY THE ACC WITH RESPECT TO LOCATION AND THE TYPE, COLOR AND QUALITY OF MATERIALS USED IN CONSTRUCTION. DECK COLORS MUST BE HARMONIOUS WITH OTHER EXTERIOR DESIGN ELEMENTS OF THE LOT, INCLUDING THE RESIDENCE OR ANY OTHER STRUCTURES APPURTENANT THERETO.**

## **Decorations**

Christmas, holiday or other festive decorations of a temporary nature are acceptable. “Temporary” as used in the context of this document means for a period beginning thirty (30) days before and ending fourteen (14) days after the event or holiday.

### **Lighting of Decorations**

**Lighting During the Christmas Season** – Decorative lighting may commence the day after Thanksgiving until January 10th. At the end of the Christmas season, decorative Christmas lights must be removed and landscaping lights must be restored to their original white color.

The ACC has the authority to require the relocation or removal of any fixtures which adversely affect neighboring properties.

## **Doors**

### 1. Front Door

Exterior doors must be in a color that is compatible with the exterior colors of the house.

### 2. Storm Doors

Storm doors shall be permitted but with the following guidelines

- Door trim must match existing color of home.
- Doors must be maintained.
- Unfinished aluminum doors will not be permitted.
- Wooden screen doors are not permitted.

The mounting of the storm doors should not detract from overall appearance of the house. All modification requests must include brochure and/or photograph of door.

### 3. Garage Doors

Garage doors shall be constructed with decorative panels and should be painted no more than one color to match the exterior siding of the residence. Garage doors must be properly maintained and be harmonious in color and design with the residence. Doors should be metal or wood in construction. Garage door window treatments must be compatible with the existing color and exterior of the residence and must screen the contents of the garage from public view. All garage doors must be approved in writing by the ACC.

## **Driveways & Sidewalks**

Driveways and sidewalks must be constructed of reinforced concrete or of properly-designed and interlocking pavers. Asphalt and loose gravel or rock is strictly prohibited as construction materials.

## **Driveway Extensions**

Driveways must be paved with a hard surface such as concrete, exposed aggregate, patterned or stamped concrete. Asphalt or crushed gravel is not acceptable materials for construction. Driveway colors shall be natural concrete unless express approval for any other color is given by the ACC. Stamped driveway improvements are the only permitted color application for driveways. Design and color must be pre-approved before any work begins. Driveways painted or colored prior to 1/1/2010 are “grandfathered” but must be maintained in an acceptable manner per their existing design, color and size. If the “grandfathered” driveway is allowed to fall into a state of disrepair by the lot owner, or if some other event or incident causes damage to the driveway to such a degree that repair can only be done by replacement, then the replacement driveway must conform to the specifications listed herein. Failure to obtain ACC approval prior to construction of any replacement or new driveway will result in the lot owner being forced, at its own expense, to remove the offending structure.

Location and Dimensions: Show the dimensions and location of the driveway extension. A minimum of two feet (2’) of green space must be maintained between the driveway and property line and the driveway and the house. A maximum extension width of three feet (3’) may be

allowed. All driveway extensions must be maintained in such a fashion that they do not detract from the neighborhood. Any driveway extension located three feet (3') to a side property line must be constructed in such a manner as to direct all drainage off the driveway toward the street and not onto adjacent property.

All driveways shall be a minimum of ten feet (10') wide from the right-of-way to the garage. Concrete driveways will be reinforced with steel and not less than four inches (4") thick. Driveways shall have dowel expansion joints located no more than twenty feet (20') apart. Slope on driveways shall be a minimum one percent (1%).

Circular driveways, driveway extensions or any addition of concrete beyond the primary driveway are required to be approved by the ACC through a modification application. In an instance where a driveway addition or extension is permitted, adequate plant material may be required to screen the extended area from public view.

### **Exterior Antennae**

To the extent allowed by the Telecommunications Act of 1996 as well as the regulations promulgated by the FCC therefrom, exterior antennas, whether used for transmission or reception of any television, radio, C.B. or any other communication signals of any type shall be erected on the back side of the roof so as to not be seen from the street.

Satellite dishes are permitted in Londonderry; however, the applicant should be mindful of the need to protect home values in Londonderry and, as a result, should adhere to the following guidelines:

Satellite dish systems can be no larger than thirty-nine inches (39") maximum in diameter.

- Locate the system so that it is not visible from the street.
- Locate the system so that it is not offensive to neighbors
- Select a color which blends with existing surrounding colors so attention is not drawn to the dish if possible.
- The use of screening (landscaping, lattice, etc.) is recommended and may be required where appropriate.

### **Exterior Colors**

Two (2) paint colors are preferred per residence. These colors must complement each other. The original colors are preferred, but similar colors compatible with the brick and neighborhood will be approved; however, colors must be submitted to the ACC for prior approvals. Stains, high sheen enamels and high gloss finishes will not be approved.

The home's base color must be used as the only base color for the home. It is preferred that the shutters and trim be painted a complimentary darker color. Trim colors also require ACC approval prior to application to the home or any exterior structure.

Painting of brick on a home is strictly prohibited unless the brick on the residence was painted before year 2007. In all instances where the brick on residences was painted prior to year 2007, the painted brick must be maintained in a manner acceptable to the ACC. Such maintenance includes keeping the painted brick free from mildew and, when necessary, same must be repainted in the same color or to a new color acceptable and approved by the ACC.

Paints, stains and coatings applied to decks visible from street view or any other exterior structure must be pre-approved by the ACC prior to application.

Maintenance: The exterior of a home must be painted when the existing paint is fading, chipping, peeling or otherwise in need of repainting. All rotted wood must be replaced. Mildew must be removed as needed. A home may require repainting once mildew has been removed.

### **Exterior Lighting**

Mercury vapor, sodium halide or fluorescent lights are prohibited. Any "security" or "flood" lighting should be of a wattage or lumen count which does not indiscriminately illuminate neighboring property. These fixtures should be mounted onto a home so that they are screened from public view or painted to match the primary color of the residence.

Standard commercial grade landscape lights are permitted in landscaping beds only. Wiring and transformers must be buried or concealed from view. Low voltage lights using white or frosted bulbs only will be permitted. Colored bulbs or lens covers will not be permitted on any front exterior lighting except during the Christmas holidays.

**ACC Guidelines: All decorative and/or security lighting need not be pre-approved; however, if it does not meet the qualifications set out in the Association's governing documents, or if it is bothersome to the neighbors, it is subject to removal.**

### **Exterior Materials and Finishes**

The following exterior materials are generally appropriate for use on residences in the Subdivision. However, approval of certain items listed below may be restricted.

#### 1. Brick

All brick shall be a domestic clay type. All mortar joints shall be tooled; "slumped" joints are not acceptable. Mortar shall be natural and not colored unless the ACC gives prior approval. The use of dark mortar is discouraged, and mortar joints shall be approximately three-eighths (3/8") of an inch in thickness.

#### 2. Stucco

Stucco may be used as exterior wall finishes only if the quality of the stucco and method of construction are acceptable to the ACC. When stucco is used as an exterior wall material, its detail should be consistent with the style of the architecture. "Heavy" applications of a rough texture, Mexican or adobe style finishes are not acceptable. Smooth-finished stucco may be used as an exterior wall material. The ACC has the right to require that a stucco finish contain a mildew retardant.

### 3. Metal

Factory finished aluminum in durable anodized or baked-on enamel paint, wrought iron or copper metals are acceptable in certain applications with approval by the ACC.. Galvanized or mill finish materials are not permitted.

### 4. Wood

Non-reflective finishes shall be used on all exterior wood surfaces. Modifications providing for wood siding and/or masonite type products (with ACC approval) shall be horizontal lap type, with a weather exposure of no less than four and one half inches (4½") and no more than seven and one half inches (7½"). No diagonal siding shall be used except by special consent of the ACC. It is required that all wood trim be smooth, high quality, finish-grade stock, stained or painted as approved the ACC. Soffits made of hardboard and/or masonite requires special approval by the ACC. Modifications using rough cut wood trim are prohibited.

### 5. Synthetic Materials

Use of synthetic materials such as aluminum or vinyl siding requires the approval of the ACC.

### 6. Fiber Cement Siding also called hardiplank.

### 7. Changes in Materials

**All proposed changes in materials from that used on the existing structure must receive approval of the ACC.**

## **Fencing**

### 1. Wood Fencing

Where wood fencing is approved in a neighborhood, all internal privacy shall be two rail or three rail, Number 2 or better cedar or treated, one inch by four inch (1" x 4") or one inch by six inch (1" x 6") notched pickets and one 6" treated or cedar base board for a total height not to exceed six (6) foot.. Line posts shall be a maximum of eight feet (8') apart. Fences should be located no less than ten feet (10') and no more than fifteen feet (15') inside of side property lines on corner lots and recessed a minimum of twenty-five percent (25%) from the front face of a home.

Side yard neighboring fences should align with each other. Front yard fencing of any kind, which extends beyond the most forward portion of the dwelling structure, is not permitted. All fence lines on any single side must be of the same height, kind, and design.

Structural framing or the “unfinished” side of a fence or gate shall not be exposed to any public street, sidewalk, or green space.

Maximum height of any fence, will be no more than six feet & six inches (6’6”) except for those homes backing a commercial district, in which the maximum height allowed is 8’6”, (8’ picket and one (1) 6” base board.

Wood fences may not be altered in any form or fashion to incorporate any artistic design, cutouts, wagon wheels, etc. **Painting of wood fences is prohibited.** Stain approved by the ACC will be allowed.

## 2. Metal/Wrought Iron/Aluminum Fencing

Metal walk-thru gates will be permitted based on a determination by the ACC that the proposed gate is consistent with the architectural style of the home.

Wooden driveway gates are permitted with approval of the ACC so long as they do not extend beyond the front face of the home. Same must be maintained and operational.

No chain link fencing is permitted in public view.

**ACC Guidelines: Fences being repaired at the same height, location, and using the same materials do not need to be pre-approved by the ACC. However, if it does not meet the qualifications set out in the Declaration and/or Guidelines, it is subject to removal.**

## **Flags & Flagpoles**

The United States or Texas flag can be flown using an ACC-approved flagpole only, and such other placement of flags will not be permitted (i.e., in flower beds or mailboxes).

## **Garages**

All buildings shall have a minimum of a two (2) car garage. Carports are not permitted. All garages shall be a minimum of twenty feet (20’) by twenty feet (20’) and shall not be used for leased habitation purposes. Detached garages shall be one (1) story unless the ACC gives prior approval. Any modification or addition to an existing garage shall require approval by the ACC regarding its relation to design, placement, lot, street visibility, etc.

## **Grading and Drainage**

Applicants shall not make modification to the grading or drainage improvements installed by the builder unless to improve upon the originally designed drainage flow patterns. The ACC does not assume any responsibility whatsoever for any damage brought about by the grading, drainage or other improvements or modification made by the builder or the applicant.

## **Gutters and Downspouts**

Gutters and downspouts shall be painted or have a factory applied color to match the approved siding or trim color of the home. Any addition of gutters from those present at the time of closing with a builder shall require approval. If a residence experiences damage or deterioration to gutters or downspouts, the owner will be required to replace them. If a home did not have gutters originally installed by a builder, they will not be required unless damage is resulting to fascia, siding or landscaping.

## **Irrigation Systems**

Irrigation systems will not require approval by the ACC; however, proper permitting must be obtained prior to installation by the City of Houston or Harris County where applicable or where required by city ordinance. The systems should be designed to insure that indiscriminate watering does not occur on streets, sidewalks or neighboring yards. Screening of any above ground valves or controllers will be required.

## **Mailboxes**

All mailboxes shall be of a standard or brick make and design as approved by the ACC and shall be installed and maintained in accordance with the design standard.

**ACC Guidelines: You may contact the ACC for information on ACC approved mailboxes.**

## **Window AC Units**

**No window AC Units will be allowed to be visible from the street or on the second level of any house and shall be screened from the view of any neighbors. Approval is recommended before installation.**

## **Nuisances**

In accordance with the Declaration, “no activity, whether for profit or not, shall be conducted on any lot which is not related to single family purposes. No noxious or offensive activity of any sort shall be permitted nor shall anything be done on any lot which may be or become an annoyance or a nuisance to the neighborhood.”

Based upon historical perspective, accepted practices and activities within the community, as well as homeowner input, the following activities are expressly prohibited:

- The performance of work on automobiles or other vehicles in driveways or public drives abutting Lots, other than work of a temporary nature (not to exceed 36 consecutive hours or such other reasonable time as determined by the ACC using its sole discretion.
- Parking vehicles in such a manner as to obstruct or block a public sidewalk, street, or right-of-way.
- Maintenance of trash, debris, or other refuse on the Lot which is not contained in a suitable covered disposal container out of public view from any street or neighboring Lot in the Subdivision.
- Maintenance of service yards, woodpiles, or other storage piles without the use of a screening wall to conceal them from public view from any street or neighboring Lot in the Subdivision.
- Failure to maintain a Lot’s lawn and landscaping in a sanitary, healthful and attractive manner.
- Excessive Noise in violation of local and municipal ordinances, or disturbance of the peace as indicated by local statutes.
- Commercial activities such as sale of goods or services in any manner from or upon an improvement on any Lot that constitutes a traffic, safety or health hazard.
- Allowing pets including, but not limited to, dogs and cats, to roam the Subdivision unattached to a leash. Keeping pets for breeding or commercial purposes. Failing to remove pet feces from common areas and residents lots other than your own.
- Speeding and/or reckless driving within the Subdivision.

- Parking, storing or keeping inoperable vehicles on a Lot or street if same are visible from any street or neighboring Lot for a period totaling forty-eight (48) hours within 30 days period.
- Parking, storing or keeping trailers, boats, boat trailers, travel trailers, camp trailers, house trailers, mobile homes, recreational vehicles or similar property on any Lot, street or driveway for a period totaling forty-eight (48) hours within a 30 day period.
- Boats, equipment, supplies and storage containers must be screened from public view either behind a wooden fence, wooden gate, or in the garage
- Storage of boats or other recreational type vehicles are to be screened from public view. Under no circumstances shall they be stored in a manner that results in the destruction of the landscaping or grass on any lot.

## **Outbuildings**

An outbuilding is defined as any structure that exists on a lot that has a floor and/or walls and/or a permanent roof, but is not attached to the main residential dwelling. This definition does not include bonafide additions to the main resident or garages, but does include storage sheds, and playhouses, for example.

The type, quality, and color of the materials used in the construction of the outbuilding shall be harmonious with those of the main residence on the lot.

An outbuilding may not be located on any utility easement. Outbuildings must also conform to the building front and side setback restrictions. No outbuilding shall impede drainage from the lot or cause water to flow onto an adjacent lot.

No outbuildings shall be used as a residence, living quarters, or for commercial activities.

No outbuildings shall be located in such a manner as to constitute a nuisance to any neighboring lot.

Outbuildings shall have not more than 120 sq.' floor area and with a maximum 8' peak height. Storage buildings exceeding these limits that were installed prior to 2007 are considered grandfathered and will be allowed to remain, however, when replaced, the size guidelines as stated above are to be followed.

Outbuildings shall be made of plywood or osb and roofs are to be shingled.

Maintenance: The exterior of an outbuilding must be painted when the existing paint is fading, chipping, peeling or otherwise in need of repainting. All rotted wood must be replaced. Mildew must be removed as needed. An outbuilding may require repainting once mildew has been removed.

**ACC Guidelines: All outbuildings must be submitted to the ACC for approval prior to installation.**

## **Patio Covers**

All patio covers or other form of shade structure shall be of wood construction, with the exception of professionally installed anodized or baked enameled finish aluminum patio covers, all of which require approval on a case-by-case basis.

If a patio cover is attached to the house, then it must be integrated into the existing roofline (flush with the eaves). If the cover is to be shingled, the shingles must match the color and quality of those used on the residence. Supports for the covers must be either painted wood, treated wood, or painted metal columns. Unfinished metal or corrugated fiberglass will be strictly prohibited from use. Pipe material used as a structural support must be concealed from view.

Frames must be painted to match the trim of the house when untreated wood is used. Exposed surface shall match or harmonize with the existing colors and materials of the home.

Patio covers may not encroach into any utility easement or building lines without prior written consent of appropriate utility companies. Patio covers must be located so that drainage is contained on the owner's lot. If a proposed patio cover location is less than five feet (5') away from a side lot line and has an enclosed roof design, the ACC may require gutters and downspouts to be installed in order to control drainage.

Unacceptable patio or shade structure materials consist of:

- Corrugated metal or fiberglass
- Canvas
- Plastic webbing
- Wood shingles
  
- Built up roof cover using any bituminous material, etc.
- Receded or straw-like materials

Acceptable patio or shade structure materials consist of:

- Baked enameled finish aluminum.
- Painted wood (to match trim on the house).

- Natural pressure treated wood such as cedar, fir, redwood or pine.

Retractable shade covers are permitted with prior written approval by the ACC. Canvas must be solid in color and maintained in like new condition.

Other materials the ACC may find acceptable after review will be permitted.

### **Patio Extensions/Decks/Arbors/Gazebos**

The maximum height of Arbors and Gazebos may not exceed twelve feet (12') measured from the ground up.

The maximum height of the decking or patio extensions from the slab level is eighteen inches (18"). Multi-level decks are permitted but the highest level may not exceed eighteen inches (18"). Benches and railings may exceed this height.

Upper level decks may not exceed beyond the building lines nor exceed the height of the second floor level.

Arbors and Gazebos must be made of natural wood or match the home in color. Roofs must be shingled to match the home or in an open roof design should consist of wood slats or lattice.

**Metal and fiberglass materials are strictly prohibited.**

### **Pets**

No poultry, livestock or other animals shall be raised or kept on any lot other than dogs, cats or other usual common household pets. No owner will be permitted to own more than two (2) adult pets of the same breed, with the exception of constantly caged indoor animals and litters born to an animal that are less than three (3) months old. No animals of any kind shall be raised, bred, kept or maintained for commercial purposes.

### **Play Forts and Swing Sets**

Play structures and swing sets should be located in the rear yard within setbacks established for the lot. Play structures shall be constructed of materials resistant to rust or decay and should be either stained, or painted to match the color scheme of the home or allowed to attain a natural weathered finish that is harmonious with surrounding fences. Roofing shall either match the material used on the home or may be a durable canvas that is securely attached to and made a part of that particular structure. Canvas covers should be a solid color to compliment the surrounding improvements. Play structures shall not exceed fourteen feet (14') in height (with canvas can go up to 14' feet). Play structures and swing sets located on lots which back up to or join main arterial roadways, common areas or neighborhood entries may be required to be further screened from view. Structures must be located at least five feet (5') from side or rear fence line. All play structures and swing sets shall be properly maintained so as not to detract

from the neighborhood. Maintenance shall include the repair or replacement of any worn, broken, missing, torn or discolored materials as well as painting of any rusted or discolored parts.

## **Roofs**

### 1. Roof Pitch, Form and Materials

Roofs may take on a variety of forms, however gabled or hipped roofs are preferred. The minimum acceptable roof pitch shall be 6 on 12 and the maximum shall be 12 on 12. Mansard, gambrel and other types of non-standard roof forms are not permitted. All roof edges will have a minimum overhang of twelve inches (12"). Roofing material must meet the specifications prescribed by the Declaration and be of a suitable color, style, and material for the design of the home as determined by the ACC. All roofing must have, as a minimum, a twenty- (20) year warranty from the manufacturer thereof; or, what is otherwise generally accepted in trade as a minimum of a "twenty year roof". Shingles for separate structures such as garages, patio covers, and outbuildings must have a shingle that matches the existing roofing material on the primary dwelling.

All asphalt shingles must be a minimum classified weight of 230 pounds and must be brown or black in color. No other asphalt shingle colors will be permitted. Roof tiles made of clay, pre-colored concrete, or other synthetic materials are allowed with ACC approval, provided that they compliment the architectural style and color of the home. **Wood shingles of any kind are not, as a matter of law, permitted. Painting of roofing materials is also prohibited.**

Photo of home must accompany home improvement application.

### 2. Exposed Roof Metal

Since roofing material is an integral part of a home's exterior appearance, all roof stacks, attic ventilators, plumbing vents, flashing and other penetrations shall be painted to match the roof color.

All stacks, attic ventilators, plumbing vents and other penetrations shall be placed on the rear slope of a home's roof where possible, and must be mounted perpendicular to the ground plane. The use of copper or pre-finished metal roofing on select accent areas may be permitted.

### 3. Skylights

The location and design of all skylights must receive approval from the ACC. Skylights on the front slope of any roof shall not be permitted without special approval from the ACC.

### 4. Solar Devices

To the extent allowed by state and federal law, Solar devices can only be installed upon prior approval by the ACC.

To the extent allowed by state and federal law, Solar devices are permissible only on rear or side elevations, excluding those side elevations on corner lots or rear elevations facing a neighborhood perimeter or roadway.

## **Room Addition and Renovation**

Building extensions may not exceed beyond the building setbacks indicated on individual lot survey. If a building line is not indicated on either the plat or in the lot survey, the single story additions shall be no nearer than ten feet (10') from the rear property line and two story additions shall be no nearer than fifteen feet (15') from the rear property line.

Materials and Color: All of the materials for the additions must match existing home. Any changes in materials on the same elevation must be logical and related to the overall style of house. Criteria must include Supplemental Amendments to incorporate the percentages of brick requirement set forth within the Declaration if the addition is to the front of home.

For glass enclosures, the structures can be wood, painted to match the house, aluminum, Electrostatically painted in bronze or to match the trim of the house.

The ACC will consider the relationship of the addition or sun room to the original building and the ACC will consider the relationship of the adjacent buildings, including views to and from adjacent buildings and visibility of the addition from the street and neighboring lots.

A sunroom is any room with glass-enclosed walls or a glass ceiling. Glass may be tinted in a shade compatible with the exterior of the residence. No metallic or direct reflecting style shading or tinting of the glass will be permitted.

Exterior materials and colors must match the existing building, including, but not limited to, brick, wood, roofing materials, windows and doors.

Room additions and sunrooms may not encroach onto any setback or utility easement unless the utility companies involved have granted their written consent to such encroachment.

**2 copies of professionally designed blueprints by an architect showing the size, dimensions, and details of the improvement must be submitted with the application for a room addition and/or renovation. The design should also include distances from building lines, property lines, and all utility easements located on the property. A detail of exterior materials to be used including type and color is required.**

**ACC Guidelines: Detailed plans must be submitted to the ACC for approval.**

## **Screen Enclosures and Doors**

All screen enclosures shall be located within setback requirements of a lot (as noted on lot survey) and must be single story in height. Screen enclosures shall be constructed of anodized or black enamel painted aluminum. All colors are subject to approval of the ACC.

Bright finished metal exterior doors, windows, window screens, louvers, exterior trim or structural members shall not be permitted. All colors are subject to approval of the ACC and must be a solid color to compliment surrounding improvements.

## **Setback Criteria**

Applications will be required to observe all building line setbacks as indicated on the lot survey for each lot as required by Harris County. Setback requirements not indicated on an individual lot survey may be noted on a neighborhood plat recorded with Harris County. Encroachments into Utility Easements are at the risk of the homeowner. The Association assumes no liability or responsibility by approving any improvement that encroaches into the utility easement. It is the responsibility of the homeowner to obtain any information regarding utilities located on a lot.

Easement locations and lot setback lines are governed by separate and distinct criteria that must be adhered to when making any improvements or modifications to a lot.

## **Signage Guidelines**

### 1. For Sale/Rent Signs

Only one sign advertising the sale of a lot is permitted within the Subdivision. The sign must not exceed 24" x 36" in area and must be professionally manufactured exclusively for the purpose of advertising the sale of real property. No signs, billboards, posters or other advertising devices of any character shall be permitted.

### 2. Political Signs

Political signs are only permitted pursuant to Texas law as temporary signs on private property in the Subdivision for all local, state or federal election purposes if they meet the following criteria:

- Maximum sign measurements cannot exceed 24" x 36".
- No sign can be mounted on any exterior part of the dwelling, garages, patios, fences or walls.
- Signs may be posted not more than ninety (90) days prior to the election and must be removed within ten (10) days following the election.
- Only one sign for each candidate or ballot item can be displayed.

### 3. High School and Booster Club Signs

All high school and booster club signage is permitted provided they meet the following criteria:

- Maximum sign measurements cannot exceed 24" x 36".
- A maximum of two (2) signs (or one sign per student) is allowed.
- Signs may only be placed inside the windows or in front of the home.

### 4. Home Security Signs

All home security signs will be permitted provided the following guidelines are adhered to. Signs are not to be used to promote any security company.

- Must be professionally manufactured.
- The sign shall not exceed fifteen inches (15") in height when installed.
- One (1) sign shall be permitted at the front or rear entrance to the home. One (1) sign shall be permitted to be placed on an exterior fence.
- Security signs are not permitted to be placed on the home or garage.
- Window decals shall not exceed six inches (6") and shall not exceed two (2) where visible to the public.

Special occasion signs may be displayed for two weeks. This includes birth and graduation announcements. Birthday decorations may be placed on the exterior of the home for three (3) days.

***\*THESE SIGNS DO NOT REQUIRE PRIOR APPROVAL PROVIDED THEY ARE IN COMPLIANCE WITH THESE GUIDELINES.\****

### 5. Other Signs

Signs of any nature including, but not limited to, garage sale, lost/found, birthday, and for sale signage are not to be placed on any pole, stop sign or any other structure within Londonderry.

If not otherwise specified by these guidelines, all signs permitted by these guidelines and/or the ACC shall be removed within 72 hours of the placement of same by the resident.

## **Swimming Pools/Spas and Ponds**

Swimming pools, spas, hot tubs, and pool decking will be permitted provided they are not located any closer to side or rear property lines than as prescribed in the setbacks requirements or public utility easements for a home. The construction or installation of all pools must be in compliance with the current National Electrical Code. The installation must include a ground fault circuit interrupter and a backflow preventer device in the water supply line. Above ground pools are to be maintained. A self latching gate with a spring shall be installed.

Pool, spa, or pond pumps and equipment must be contained within a fenced backyard and must not be visible from any street or public area. **Pool enclosures are subject to ACC approval.** All drainage must follow county, city, and state drainage guidelines.

The perimeter fence around the rear and side yard of a home should be sufficient screening for a pool, provided it is in compliance with any applicable health or safety codes regarding pools. In any event, pools must be screened from public and neighboring lots' views. Only those pools completely enclosed within a fenced area may be approved.

During construction of any pool-related improvements, the site must be kept secure from public access and maintained in a clean, workmanlike condition.

Pool water or backwash must not drain onto adjacent properties.

A Self-Latching Gate with a spring shall be installed to all entrances to a fence or gates after the completion of pool construction as required by Texas Law.

Deposits may be required for the removal of adjacent common area fences.

Waterfalls shall not exceed above the fence line and shall be screened from public view when necessary.

**ACC Guidelines: An application for the construction or installation of a swimming pool, lagoon, pond, spa, or hot tub, collectively referred to as a pool, must include a site plan showing the proposed location of the pool in relation to the property lines, easements, building lines, existing structures, and existing or proposed fences. The application shall also include a timetable for the construction of the pool, and the indicated direction for the construction access on the plot plan. A copy of the blueprints designed by a licensed engineer is required showing the size, dimensions, and details of the improvement. The design should also include distances from building lines, property lines, and all utility easements located on the property. Please include details of exterior materials to be used including type and color.**

## **Trampolines**

Trampolines must be placed at least five feet away from each fence line and must be placed in the back yard.

## **Trash Cans/Containers**

No garbage, trash or other refuse, or garbage, trash or refuse container, shall be maintained on a Lot such that it is visible from any street or neighboring Lot, except to make the same available for collection (and then only for the shortest duration reasonably necessary to accomplish such collection.) In no event shall trash, garbage, refuse, lawn clippings or the containers thereof be set out for collection earlier than the day preceding trash collection and must be removed from the curb no later than 9am following the day of pickup. Garbage, trash and refuse made available for collection shall be placed in bags or covered containers and appropriately secured from spillage or dumping. Trash containers must be placed out of public view while not in use for commercial pick up.

## **Vehicles**

No property owner or resident of a Lot shall park, keep or store any vehicle on a Lot which is visible from any street in the Subdivision or neighboring Lot other than a passenger vehicle, or pick-up truck or van, and no vehicle may not exceed a one (1) ton capacity.

All vehicles must display a valid license plate, registration, and inspection issued by the State of Texas or, if displaying a license from another state, same must be eligible to obtain proper licensing from the State of Texas. A new resident must have proper Texas licensing for their vehicles within 45 days of moving into the Londonderry Community.

No vehicle of any kind shall be parked on any unpaved portion of a Lot at any time (i.e. parking on grass and in yards is strictly prohibited.)

No inoperable vehicle shall be parked, kept or stored on the street or on a Lot if the inoperable vehicle is visible from any street or neighboring Lot in the Subdivision for a period totaling forty eight (48) hours within a 30 day period. A vehicle is deemed "inoperable" if it (1) does not display all current and necessary licensing and inspection permits, (2) it is maintained in a wrecked, junked, or demolished condition, (3) it does not have fully-inflated tires, or is positioned on blocks, jacks, or other structure indicating that motorized travel is not possible, (4) or is otherwise incapable of being legally operated on a public street or right-of-way.

No mobile home, trailer, travel trailer, utility trailer, recreational vehicle, boat or the like shall be parked, kept or stored on any street in the Subdivision or on any portion of any Lot if visible from any street or neighboring Lot for a period totaling forty-eight (48) hours within a 30 day period. A mobile home, trailer, travel trailer, utility trailer, recreational vehicle, or boat may be

parked on a Lot in a garage or some other structure approved by the ACC, provided that the vehicle is concealed from public view from any street or neighboring Lot.

## **Window Treatments**

### 1. Windows (including garage windows)

The use of foil or reflective mirror finishes on windows is prohibited. Vinyl clad, aluminum clad and wood windows will be permitted subject to color approval.

### 2. Window Awnings, Shades and Coverings

Canvas awnings may be permitted to be installed on a home to reduce solar exposure. When allowed, they must be neutral or earth tone in color and must be well maintained at all times.

Awnings will be allowed for use on patio covers provided they comply with requirements for proper location and color and have received approval by the ACC.

Shades, shutters, curtain, blinds and all other window coverings visible from public shall appear and be maintained in good condition. Natural wood blinds are permitted. No paper, bed sheeting, foil or other such material will be permitted to be placed on any windows whatsoever. Storm windows require approval and must compliment existing window treatment.

### 3. Glazing/Glass Tinting

Factory-installed tinted glass shall be permitted to be used on a residence to reduce solar exposure. The application of a film or other forms of material over windows or door glazing will be permitted provided they meet the following acceptable colors: gray, charcoal or crystal/light silver clear film. All windows on any particular side of the home must be tinted.

**Provided this modification is in compliance with the above noted guidelines, it is not necessary to submit for approval. However, in the event that these guidelines are not adhered to as stated above, said improvement would be considered a violation and may be subject to necessary procedures to correct.**

### 4. Solar Screening

All solar screens must be 20 x 30 mesh and be made of heavy gauge vinyl mesh in color to compliment the home. The mesh must be enclosed and framed in aluminum which matches the window screen it is being applied to. The screens may not detract from the overall appearance of the home. Screens must be applied to all windows on any particular side of the home.

**Provided this modification is in compliance with the above noted guidelines, it is not necessary to submit for approval. However, in the event that these guidelines are not**

**adhered to as stated above, said improvement would be considered a violation and may be subject to necessary procedures to correct.**

## **LANDSCAPE STANDARDS AND CRITERIA**

### **Purpose**

It is the intent of this section to establish certain requirements and criteria, which will ensure a minimum standard for landscape treatment on homes in the Londonderry Community.

### **Acceptable Landscaping Material and Practices**

#### 1. Planting Beds

All planting beds are shall be mulched with a minimum of two inches (2”) of mulch. Mulch should be added to beds as needed to maintain the minimum requirements. Beds that are adjacent to side or rear wood fencing will require a buffer of treated wood or synthetic moisture barrier between the beds and wood fencing.

#### 2. Edging and Borders

Edging around planting beds is encouraged for maintenance purposes and to help define the shape of the beds. Edging should not compete with or dominant the landscaping treatment but should enhance its appearance. Natural border plants, such as monkey grass, liriopie or jasmine, are strongly encouraged around all bed areas. Edging or borders around street trees is permitted.

Landscaping timbers must be maintained in an attractive condition and must be replaced with a likeness or other pre-approved border material if the original timbers are allowed to deteriorate. Concrete scalloped borders must compliment the exterior color scheme of the residence. Concrete borders are to be maintained properly and kept weed free.

Unacceptable edging material includes plastic, wire, railroad ties, or other materials not in character with the desired landscaping effect.

**All edging and border material must comply with this guideline.**

#### 3. Lawn

Front and side yards, not in planting beds, shall be solid sod.

#### 4. Annuals/Perennials

Flowers must be properly maintained and cut back or removed at end of each growing season.

5. Statues and Topiaries

Topiaries must be properly and attractively maintained at all times. Proposed statues must be a natural color or one to enhance the home.

6. Yard Furniture

Any yard furniture placed on the porch, or in the front yard, must be maintained at all times. All outdoor furniture must have ACC approval.

## **Landscape Maintenance**

Proper maintenance and care of the landscaping is vital to the overall appearances of a home and its neighborhood. All landscaping areas are required to be maintained on a regular basis. This includes proper mowing of lawns, edging of driveway, walkway, and curbs, weeding of beds and pruning of plant material. All plant material that is destroyed through drought, disease, neglect, etc. shall be replaced immediately. Replacement of any dead materials must be accomplished within fifteen (15) days of notification by the Association. Installation of an automatic irrigation system is encouraged. A City of Houston/Harris County permit may be required for the installation of any sprinkler system so check with these authorities before installation.

No living tree shall ever be removed from any lot without first obtaining the prior written consent of the ACC. Dead trees must be removed in a timely manner.

## **Trees on Property Lines**

A homeowner of a property which has a tree impeding a fence line and causing damage to the fence shall be responsible for the cost of removing the tree. If a compromise between the owner of the tree and the neighbor can be made to move the fence line around the tree, the cost incurred shall be the obligation of the owner of the tree. The “owner of the tree” is defined as the owner of the property upon which the majority of the tree trunk is located.