

CERTIFICATE OF PRESIDENT
of
OLD BRAESWOOD PROPERTY OWNERS ASSOCIATION
adopting
ARCHITECTURAL GUIDELINES
for
OLD BRAESWOOD PROPERTY OWNERS ASSOCIATION

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, Ann Garnett, President of Old Braeswood Property Owners Association (the “**Association**”), do hereby certify that at a meeting of the Executive Committee (the “Executive Committee”) duly called and held on the _____ day of October 2023, with at least a quorum of the members of the Committee being present and remaining throughout, and being duly authorized to transact business, the following Architectural Guidelines for Old Braeswood Property Owners Association was approved by a majority vote of the members of the Committee.

WHEREAS, the Old Braeswood Property Owners Association (the “Association”), acting through the Architectural Review Committee (“**ARC**”) and the Executive Committee (“Committee”), desires to exercise the authority granted by the Revised and Amended By-Laws of Old Braeswood Property Owners Association, recorded under Clerk's File No. 20110547767 of the Official Public Records of Real Property of Harris County, Texas (“**By-Laws**”), and Chapter 204 of the Texas Property Code, to maintain the compatible and architectural design of the subdivisions known as Section I -Braeswood Addition (“**Section 1**”), Braeswood Addition (“**Section 2**”), and Braeswood Extension (“**Section 3**”) (sometimes referred to collectively as the “**Subdivisions**”) in Harris County, Texas; and

WHEREAS, pursuant to Article XII, Section 1(b) of the By-Laws, the ARC has developed and submitted to the Committee for approval these Architectural Guidelines for Old Braeswood Property Owners Association (“Guidelines”) for the construction or modification of improvements within the Subdivisions; and

WHEREAS, the Committee finds it is in the best interest of the Association to adopt these Guidelines.

NOW, THEREFORE, the Committee of the Association hereby adopts the Guidelines attached hereto which are applicable to all Subdivisions that comprise the Association. The Guidelines will be effective upon recording in the Official Public Records of Real Property of Harris County, Texas and shall supersede any (i) policies and (ii) Architectural Guidelines for Old Braeswood Property Owners Association previously filed with the Official Public Records of Real Property of Harris County, Texas that are in conflict with these Guidelines.

I hereby certify that I am the duly elected, qualified and acting President of the Association and that the foregoing resolution was approved as set forth above and now appears in the books and records of the Association.

TO CERTIFY which witness my hand this the ____ day of _____, 2023.

Old Braeswood Property Owners Association

By: _____
Ann Garnett

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned notary public, on this day of _____, 2023 personally appeared Ann Garnett, President of Old Braeswood Property Owners Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.

Notary Public in and for the State of Texas

Old Braeswood Property Owners Association
Architectural Guidelines for All Subdivisions
Adopted _____, 2023

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EXHIBIT A – Subdivision Map

EXHIBIT B – Construction Rules

EXHIBIT C – Solar Panels

EXHIBIT D – Old Braeswood Tree Plan

1. **Association Approval** - The Deed Restrictions for all sections of Old Braeswood are binding on each property owner and cannot be waived, including explicit setback requirements. Some of those requirements are set out below for ease of access; any questions should be answered via reference to the Deed Restrictions.

- A. Plans requiring permitting by the City of Houston (each a “Major Project”) must have written approval from the Architectural Review Committee (“ARC”) of Old Braeswood Property Owners Association (the “Association”) before they can be submitted to the City of Houston for permitting. No incomplete submissions will be accepted for formal review by the ARC. A preliminary design review for a Major Review by the ARC is encouraged and may be arranged by contacting the Association office at ARC@OldBraeswood.com. The purpose of a preliminary design review is to clarify the requirements of the applicable Deed Restrictions and these Architectural Guidelines; it is not part of the formal ARC review. A Plan Review submittal is administratively complete, and the formal ARC review process begins when the ARC has verified receipt of the required items listed in the Association’s Plan Review Instructions for All Projects application and written confirmation of completeness has been issued to the applicant. The ARC will respond within 30 days of verifying receipt of the complete submittal for a Major Project.
- B. The following minor projects, which do not require permitting by the City of Houston, require ARC review and approval (each a “Minor Project”):
- i. paint - exterior color changes other than white, cream or other neutral colors
 - ii. front door/all exterior doors visible from the street
 - iii. roof replacement
 - iv. siding and siding replacement
 - v. fences 8 feet and under (fences over 8 feet must be permitted and are therefore considered a Major Project)
 - vi. walls and retaining walls
 - vii. walkways
 - viii. external lighting fixtures

The ARC will respond within 14 days of verifying receipt of the **complete** submittal for a Minor Project.

- C. If a change that affects the exterior of the of the residence or improvement is made during construction or after approval of plans by ARC for a Major Project or a Minor Project, the new design (or color, material, etc.) must be submitted to the ARC for approval.
- D. The City of Houston requires each applicant to sign a statement asserting that the project complies with applicable Deed Restrictions when submitting the permit application. The Deed Restrictions governing Old Braeswood require prior approval of plans. The Association has designated the ARC as the approving entity. ARC approval is therefore necessary to meet this condition of the City’s permit application rules. Plans must be reviewed and approved by the ARC before submitting a city building permit application.
- E. The ARC’s approval of a plan for a Major Project or Minor Project does not in any way guarantee that applicable building requirements of the City of Houston have been

satisfied. Only the City of Houston Permitting Division can make that determination. If changes to ARC-approved plans are required by the City of Houston Permitting Division, such changes must be provided immediately to the ARC for review and approval.

- F. Plans for Major Projects and Minor Projects are considered on a case-by-case basis, and each plan will be reviewed on its own merits. Exceptions to these Architectural Guidelines may be considered upon submission in writing to the ARC and must be approved in advance of commencing work. Prior approval of a plan or design that appears similar does not guarantee approval of a subsequently submitted application.

2. Compatibility

The ARC is responsible for determining whether the project's characteristics are compatible with the neighborhood, the Deed Restrictions, and these Architectural Guidelines.

3. Definitions

- A. Carport or Porte-Cochere means a free standing or attached structure intended to provide covered parking, that is open on each of two or more sides.
- B. Deed Restrictions means the respective recorded restrictive covenants for each section of the Subdivisions. Please refer to Exhibit A attached hereto for a Map of the Subdivision showing each section.
- C. Garage means an enclosed structure intended for the storage of vehicles. All garages must have a garage door.
- D. Finished Floor Level -

The City of Houston governs the elevation of the new construction or renovation of residences based on the 500-year floodplain. All of Old Braeswood lots have all been designated to lie within the identified 500-year floodplain, as shown on the FEMA Flood Insurance Rate Map (FIRM). The City of Houston governs the elevation of the new construction or required renovation of residences based on the FEMA FIRM map by ordinance codes. The City mandates the required minimum height of the base slab of a residence called the Design Flood Elevation ("DFE"). An additional height is now required above the DFE. This additional required height is referred to as Finished Floor Level.

- E. Natural Grade means the grade as it exists prior to construction or any alterations.
- F. Outbuilding means an enclosed, covered structure not directly attached to the residence it serves (other than a garage).
- G. Subdivisions collectively refers to Section I - Braeswood Addition ("**Section 1**"), Braeswood Addition ("**Section 2**"), and Braeswood Extension ("**Section 3**"). Please see the attached Exhibit A for a map showing the location of Section 1, 2 and 3.

4. Height Restriction

The following requirements with respect to the height of new residences and additions shall be consistently enforced in the manner prescribed below for all Subdivisions.

A. Dimensional Restrictions:

- i. Height shall be measured from Finished Floor Level.
- ii. For a pitched roof residence, the total height may not exceed 35 ft. from Finished Floor Level to top of ridge.
- iii. For a flat roof residence, the total height may not exceed 30 ft. from Finished Floor Level to top of roof or parapet. A flat roof residence is defined as:
 - (a) one whose roof pitch is 2-in-12 or less; or
 - (b) one which has a parapet extending up to hide a low slope roof.
- iv. A detached garage exceeding 30 ft. in height from the lowest point of elevation of the Natural Grade within the area between the structure and a line 5 ft. from the structure is prohibited.
- v. A new Outbuilding or other structure (besides a residence or detached garage) may not exceed 15 ft. in height from the lowest point of elevation of the Natural Grade within the area between the structure and a line 5 ft. from the structure is prohibited.

B. Number of Stories:

A residence may not exceed two (2) full stories and an additional half-story contained within the residence's roof line, provided that:

- i. The floor area of the half story may not exceed 60% of the floor area of the second story; and
- ii. The roof must be a pitched roof that springs from the second-floor top plate and runs as an unbroken plane to the ridge line or lines (this provision is specifically meant to preclude mansard roofs to circumvent the intent of this restriction).

C. Additional Requirements:

- i. Submitted plans must show distance from the top ridgeline to Natural Grade, to DFE and Finished Floor Level.
- ii. Plans must also show the dimension of Finished Floor Level from Natural Grade and from DFE.
- iii. The lot survey provided with submittals must include the DFE.

5. Building and Outbuilding Setbacks

A. Old Braeswood (“Section 1”)

- i. Section 1 has a minimum side setback of 6 ft. for lots with less than 90 ft. frontage and 10 ft. for lots with 90 ft. or greater frontage as required by the Deed Restrictions. The location of the side face of the structure must coordinate with the requirements of section 12 entitled Air Conditioner Compressors, Generators and Pool Equipment.
- ii. New Outbuildings cannot be built closer to front or side streets than the Outbuilding limit line specified on property plot. New Detached Garages or Outbuildings may have a maximum of 35 ft. in width for the face fronting the street. All Outbuildings must be of a style and material compatible with the main residence. A greenhouse may be a maximum of 20 ft. wide in any direction.
- iii. The aggregate of Outbuildings excluding a greenhouse may have a maximum width of 50% of the total property width measured at the rear building line. The aggregate of Outbuildings including a greenhouse may have a maximum width of 60% of the total property width measured at rear building line. Maximum width of aggregate Outbuildings can be increased by 10% if the total does not exceed the width of the residence.
- iv. See the Deed Restrictions for Section 1 for additional information including limited variance options related to setbacks which may be granted by the ARC.

B. Braeswood Addition (“Section 2”) and Braeswood Extension (“Section 3”)

Sections 2 and 3 have a 5 ft. minimum side setback including attached Carports, porches, and garages, but not for detached garages at the rear of the lot. Attaching an existing garage to the main body of the residence subjects it to the same setback restrictions as the residence. See the Deed Restrictions for additional information about setbacks. The location of the side face of the structure must coordinate with the requirements of Section 12 entitled Air Conditioner Compressors, Generators and Pool Equipment.

- C. Utility Easements. Under no circumstance may a structure encroach upon a utility easement.

6. Roof Overhangs

Roof overhangs must meet City of Houston guidelines and Deed Restrictions. There are different requirements for each section. Variances in roof overhangs are based on the section in which the property resides. Please refer to Exhibit A attached hereto for the location of Section 1, 2 and 3. Roof overhangs shall not extend into any Utility Easement for new construction.

7. Garages, Porte-cocheres, Driveways, and Walkways

When planning the location of and installing a new driveway or performing other sitework, every effort must be made to preserve trees and to avoid removing trees in the front setback

area and in the public right of way. Protective temporary fencing must be installed at the beginning of construction projects.

A. Garage Location for Sections 1, 2 and 3 – See Exhibit A attached hereto for the location of Section 1, 2 and 3, in addition to the Deed Restrictions and City of Houston guidelines.

B. Driveways

i. A residence without a front-loading garage and all lots in Section 1 may have a maximum driveway width in accordance with City of Houston guidelines.

ii. In Sections 2 and 3, a residence with a front-loading garage may have a maximum driveway width in accordance with City of Houston guidelines.

C. Circular Drives - A circular drive may have a maximum width in accordance with City of Houston guidelines.

D. Walkways - Walkways leading up to a residence may not be wider than 6.5 ft.

8. Sidewalks

Sidewalks must be in accordance with City of Houston guidelines which currently requires 5 ft. wide sidewalks in the public right-of-way in most instances when homes are being constructed or undergoing major renovations. However, the Association will provide a letter supporting reduced width sidewalks to be provided to the City of Houston and encourages the matching of sidewalk edges with neighboring properties. It is the Owner's obligation to seek a variance from the City of Houston.

9. Impervious Surface

A. Owners are encouraged to maximize the green space on their property. With the ARC application submittal package, a site plan, and drainage plan must be submitted showing all proposed grades, hardscape, swimming pools, and other site improvements.

B. All lots may have a maximum impervious lot coverage as required by City of Houston guidelines.

C. In calculating the footprint of impervious lot coverage, the City of Houston requirements should be followed.

D. All submittals must give the calculations for the impervious coverage for the entire lot and within the front setback.

10. Detention of Storm Water – City of Houston Guidelines should be followed for the detention of storm water.

Plans for detention must be submitted to the ARC prior to submission to the City of Houston's Code Enforcement Building Permits Division, which requires detention drawings signed by a civil engineer.

11. Materials

As stated in the Deed Restrictions, the principal exterior materials must be masonry, stone, or stucco. Other materials must be of a quality that will hold up over time. Siding, either of wood, fiber-cement, or other material, may only be used in limited areas. Samples of materials must be submitted for review for compatibility with the neighborhood.

- A. Windows – Windows must be of high quality, as determined by the ARC. A list of windows that have been previously approved is available upon request from the Association.
- B. Doors – Exterior doors and garage doors must be compatible with the style of residence and the neighborhood.
- C. Garage Doors – Garage doors must be compatible with the style of the residence.
- D. Instructions for Materials Review
 - i. Vendor information, cut sheets and website materials or physical samples of brick, stone, tile, stucco, siding (which may only be used minimally), and roofing materials must be submitted. Samples should be 12 in. x 12 in. For brick or rock that may have a range of color, please submit at least three samples showing that range.
 - ii. Color selections including metal finish samples (for windows, doors, roof materials, etc.) may be as small as 3 in. x 3 in.
 - iii. For roofing materials, in addition to a sample please provide a website link to the specific product and manufacturer.
 - iv. Schedules and cut sheets for the windows, doors, and garage doors showing design, dimensions, and location must be included in all submittals. Cut sheets must show manufacturer, series, and rating information. All paperwork should be clearly marked as to the specific window or door specified. Submit only the window/door information that relates to the specific project.
 - v. Mock-ups of building materials are encouraged but are not required. Mock-ups may be up to 5 ft. wide by 8 ft. tall and may remain in place no more than two months. A mock-up should be located in the front yard close to the front setback line.

12. Air Conditioner Compressors, Generators, and Pool Equipment, etc.

Air conditioner compressors and similar equipment may not be located on a roof. If compressors and similar equipment are required to be elevated by the City of Houston, such equipment must be at least 4 ft. from a side or rear property line in Section 1, and at least 3 ft. from a side or rear property line in Sections 2 or 3, as long as the top of the equipment is at least 1 ft. lower than the adjacent fence height. If the top of the equipment is higher than 1 ft. below the adjacent fence height, then such equipment must be set back 6 ft. for Section 1 and set back 5 ft. for Sections 2 and 3. See Building and Outbuilding Setbacks for Old Braeswood

- Section 1 and for Braeswood Addition Section 2 and Braeswood Extension - Section 3 for minimum location of the side setbacks. Coordinate the location of the side of structure to comply with the setbacks.

13. Fences

Replacement of existing fences that are not higher than 8 ft. above Natural Grade must be reviewed and approved administratively as a Minor Project in advance of construction. Significant changes to fence location or design requires formal review as a Major Project. Applicant must provide notice to adjacent neighbors and also provide proof to ARC that adjacent owners have been notified.

No retaining wall or garden wall, within the front setback, may be more than 12 inches above natural grade.

14. Construction Rules

See Exhibit "B" for rules including location and screening for bathroom facilities and prohibitions against contractor signs.

15. Solar Panels

See Exhibit "C" for requirements related to these topics.

16. Trees

A. Tree Protection

During construction all trees of 4" diameter or greater must be fenced to protect the area under the drip line. Soil in this area should not be compacted. Equipment and materials must not be stored on tree roots. It is recommended that trees on private property also be fenced, watered and cared for during construction.

B. Street Tree Requirements

Each residence should have street trees in accordance with the Old Braeswood Tree Plan, see Exhibit "D".

Questions may be directed to Old Braeswood POA, 713-807-1787 or ARC@OldBraeswood.com