

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

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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. All plans requiring permitting by the City of Houston (hereinafter “Major Projects”) 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, also require ARC review and approval (hereinafter “Minor Projects”):

- i. paint - exterior color changes to any color 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
- ix. garage doors
- x. other material changes that are visible from the street

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 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. Natural Grade means the grade as it exists prior to construction or any alterations.
- E. Outbuilding means an enclosed, covered structure not directly attached to the residence it serves (other than a garage).
- F. 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 Restrictions

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 the lowest permissible Finished Floor level allowed by the City of Houston.ⁱ
- ii. For a pitched roof residence, the total height may not exceed 35 ft. from the lowest permissible Finished Floor level allowed by the City of Houston.ⁱ
- iii. For a flat roof residence, the total height may not exceed 26 ft. from the lowest permissible Finished Floor level allowed by the City of Houston 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 may not exceed 25 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.
- iv. 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.

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 to Finished Floor Level (as defined by the City of Houston requirements).
- ii. Plans must also show the distance from the Finished Floor Level to Natural Grade and to DFE.
- iii. The lot survey provided with submittals must include the DFE.

5. Setbacks and Building Size Limits

A. Old Braeswood (“Section 1”)

- i. The Deed Restrictions for Section 1 require 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. For

clarity, the side setback applies to all permanent structures and equipment, including but not limited to Air Conditioners, Compressors, Generators, and Pool Equipment.

- ii. In addition, no residence, including second story overhangs, attached porches, garages, or greenhouses, can occupy more than 80% of the width of property measured at front building line. Refer to the Deed Restrictions for Section 1 for more details on this requirement.
- iii. 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 compatible with the style of the main residence. A greenhouse may be a maximum of 20 ft. wide in any direction.
- iv. 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.
- v. 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. For clarity, the side setback applies to all permanent structures and equipment, including but not limited to Air Conditioners, 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 requirements.ⁱⁱ

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 requirements.ⁱⁱⁱ

B. Driveways

- i. A residence without a front-loading garage and all lots in Section 1 may have a maximum driveway width equal to the lesser of 12 ft. or the maximum allowed by City of Houston requirements.^{iv}
- ii. In Sections 2 and 3, a residence with a front-loading garage may have a maximum driveway width equal to the lesser of 18 ft. or the maximum allowed by City of Houston requirements.^{iv}
- iii. Parking courts are prohibited within the front setback.

C. Circular Drives

A circular drive is only allowed if it complies with the City of Houston requirements, state law and it doesn't create a safety issue or potentially cause an obstruction at a street intersection. A circular drive may have a maximum width equal to the lesser of 12 ft. or the maximum allowed by City of Houston requirements.^v

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 requirements 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 equal to the lesser 63% or the maximum allowed by City of Houston requirements.^{vi}
- C. In calculating the amount 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.

10. Detention of Storm Water

City of Houston requirements must be followed for the detention of storm water.^{vii}

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. 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.

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. Fences higher than 8 ft. above Natural Grade and significant changes to fence location or design require formal review as a Major Project.

In addition, 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

ⁱ Finished Floor Level – [Chapter 19](#) of the CoH Code of Ordinances currently states that, “The lowest floor and all utilities must be elevated to at least the minimum flood protection elevation;” “minimum flood protection elevation” is defined as “the 0.2 percent flood elevation, plus 2 feet.” *I.e.*, 500-year flood plain +2’.

ⁱⁱ R302.1 of the [Houston Amendments to the 2015 International Residential Code for One-and Two-Family Dwellings](#) states that, “Projections shall not extend within 2 feet of a lot line or to an imaginary line between two buildings on the same lot in accordance with the definition of *Fire Separation Distance* in this code.”

ⁱⁱⁱ No CoH provisions located

^{iv} 15.08.C.3 of the [CoH Design Manual](#) (p. 15-35) states, that there must be at least 20 feet (20’) between a residential driveway entrance and any adjacent street.

^v CoH Permitting Center [Traffic Residential Guidelines](#), state, “Minimum driveway width is 12 ft and minimum driveway radius is 4 ft.”

^{vi} [Chapter 9](#) of the CoH Infrastructure Design Manual states that, “Single family residential (SFR) lots of 15,000 square feet in area or less: SFR Lots are not required to provide detention if the Impervious area is less than or equal to 65%.” [See the regulations for more detail and provisions for lots >15,000 sf].

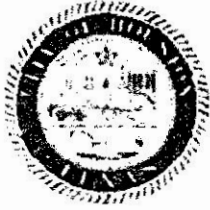
^{vii} See Chapter 9 of the CoH [Infrastructure Design Manual](#).

EXHIBIT A

Map of Old Braeswood Sections



EXHIBIT B



**City of Houston
Building Inspection
CODE WORD 2006**

INTERPRETATIONS AND APPLICATIONS OF
THE HOUSTON ADOPTED CODES
2006 IBC, 2006 IRC, 2011 NEC, 2006 UMC, 2006 UPC,
2006 IECC, 2009 IECC and ASHRAE 90.1-2007

No:	2006-71	Page:	1	of	1
PUBLICATION:	April 16, 2014				
SUBJECT:	Interpretation – Residential Fire-Ratings and Location				
CODE(S):	Residential				
SECTION(S)	R302.1				

The residential code requires fire rating for construction and projections located within the minimum fire separation distance to the property line. This is to clarify the extent of rating for construction and projections of various types.

- Within 3 feet of the property line openings are not allowed.
- At 2 feet or less from the property line projections are not allowed.
- Stairs are allowed within 3 feet of the property line provided the side of the stair, parallel and closest to the property line is protected up to, and including, any required guardrails with a one hour rating.
- Minor shade structures, not exceeding 120 square feet that do not have a solid roof, and are not part of the egress path, are allowed with one hour rating of the columns and beams.
- Noncombustible stairs that were previously approved for permitting may utilize bullet point three or have the one hour rating protected with properly applied intumescent coating.

Notwithstanding the above no construction, walls or projections may not be allowed at 3 feet or less from the property line adjacent to a residential structure or property without a maintenance agreement.

Approved:

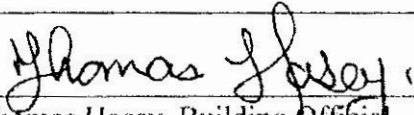

Thomas Hosey, Building Official

EXHIBIT C

OLD BRAESWOOD PROPERTY OWNERS ASSOCIATION

Construction Rules

These following rules have been adopted in response to numerous construction related complaints from residents over the past several years. We ask that you provide these to your construction crew and ensure compliance in order to minimize disruption to neighbors during the construction process.

1. **Communicate.** Let your neighbors know how to contact you and/or your contractor. Before construction begins, deliver a letter with your contact information, including cell phone numbers, to all adjacent property owners.
2. **Construction hours:** 7 a.m. to 6 p.m. Monday through Friday for exterior work, and 9 a.m.-6 p.m. on Saturdays. Please refrain from outdoor construction activity on major holidays. Sunday construction activities should be limited to interior work only after framing is complete and windows and doors have been installed.
3. **Maintain a clean jobsite.** Our residents take pride in the appearance of their homes and cars and like for them to remain clean. At the end of each work day, remove trash and debris from the yard or street. To help keep light weight trash from blowing to neighbor's yards, and to keep the local rodent population in check, please provide a permanent sealed container for luncheon trash and instruct workers to use it.
4. **Restore damaged curbs** to pre-construction condition or better.
5. **Sidewalks** should remain clean and unobstructed throughout the project. Install silt fences beside the sidewalk (part of city requirement S.W.P.D.) to keep dirt and fill on the site.
6. **Drainage.** No portion of the building site or lot should drain to another property per city ordinance. Remove mud and site debris from the street regularly.
7. **Protect Trees.** Install tree protection barricade around the root zones and beware of root compaction by heavy vehicles during construction which will kill trees. Care should also be taken not to damage the roots of trees during installation of sidewalks, irrigation, lighting or other landscaping features. For more information on tree protection and construction, visit www.TreesForHouston.org.
8. **Parking for workers** should be provided off-street or off-site when possible. Care should be taken to park at a sufficient distance from driveways so that access is maintained. Please try to ensure your crew parks in front of your property only. Special rules apply to certain areas with designated permit parking. Please contact the office for more information
9. **Porta-cans/latrines** *shall face the rear of the property for which they are intended to be of service. These temporary facilities must be and to screened from view (on at least three sides) by erecting a temporary privacy fence around them. They must be located at the back of the property during construction and may never be placed forward of the front setback line, or in the public right-of-way (i.e., easement between the front property line and the street).*
10. **Form Survey** – provide a slab survey to the ARC when foundation is formed and in advance of any concrete pour. The survey will be reviewed and approval will be granted within 36 hours for compliant projects.

OLD BRAESWOOD POA
P.O. Box 541346
HOUSTON, TX 77254
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EXHIBIT D

Old Braeswood POA Solar Device Policy

adopted September 2012

Section 3. Solar Energy Devices. Section 202.010 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device except as otherwise provided therein. As used in Section 202.010 of the Texas Property Code, "solar energy device" has the meaning assigned by Section 171.107 of the Tax Code, which defines the term as "a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar generated power". The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

The following Guidelines shall be applicable to solar energy devices in Braeswood:

- 3.1. **Committee Approval.** The installation of a solar energy device requires the prior written approval of the Committee. Provided that, the Committee may not withhold approval if these Guidelines are met or exceeded, unless the Committee determines in writing that placement of the device as proposed constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the device by all owners of property adjoining the lot in question constitutes prima facie evidence that substantial interference does not exist.
- 3.2. **Location.** A solar energy device is not permitted anywhere on a lot except on the roof of the residential dwelling or other permitted structure on the lot or in a fenced yard or patio within the lot. Provided that, free-standing solar panels are not permitted on the front of the roof of a residential dwelling. Free-standing solar panels must be located in a yard area enclosed by a fence; however, the solar panels shall not extend above the top of a fence enclosing the yard area in which the solar panels are located.
- 3.3. **Devices Mounted on a Roof.** A solar energy device mounted on the roof of the residential dwelling or other permitted structure on a lot:
 - a. shall not extend higher than or beyond the roofline;
 - b. shall conform to the slope of the roof and have a top edge that is parallel to the roofline;
 - c. shall have frames, support brackets and/or visible piping or wiring that are silver, bronze or black tone, as commonly available in the marketplace; and
 - d. shall be located on the roof as designated by the Committee unless an alternate location increases the estimated annual energy production of the device by more than ten percent (10%) above the energy production of the device if located in the area designated by the Committee. For determining estimated annual energy production, the parties shall use a publicly available modeling tool provided by the National Renewable Energy Laboratory.
- 3.4. **Visibility.** A solar energy device located in a fenced yard or patio shall not be taller than or extend above the fence enclosing the yard or patio.
- 3.5. **Limitations.** A solar energy device is not permitted on a lot if, as adjudicated by a court, it threatens the public health or safety or violates a law.

Section 4. Storm and Energy Efficient Shingles. Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing shingles that:

- a. are designed to:
 - (i) be wind and hail resistant;
 - (ii) provide heating and cooling efficiencies greater than those provided by customary composition shingles; or
 - (iii) provide solar generation capabilities; and
- b. when installed:
 - (i) resemble the shingles used or otherwise authorized for use on property in the subdivision;
 - (ii) are more durable than and are of equal or superior quality to the shingles described below; and
 - (iii) match the aesthetics of the property surrounding the owner's property.

4.1. Committee Approval. In order to confirm the proposed shingles conform to the foregoing Guidelines, owners are encouraged to apply to the Committee for prior approval. The Association may require an owner to remove shingles that do not comply with these Guidelines.

4.2. Regulations. When installed, storm and energy efficient shingles must resemble, be more durable than, and be of equal or superior quality to the types of shingles otherwise required or authorized for use in Braeswood. In addition, the storm or energy efficient shingles must match the aesthetics of the lots surrounding the lot in question.

EXHIBIT E

TREES FOR OLD BRAESWOOD

OLD BRESWOOD TREE PLAN

<u>Street</u>	<u>Goal (# of Trees)</u>	<u>Type/Species</u>
Greenbriar Dr.	85	Live Oak
Morningside	18	Water Oak
Underwood Blvd.		
2300 Block (east)	45	Live Oak
2300 Block (west)	44	Water Oak
2400-2500 Block	47	Live Oak
Blue Bonnet Blvd.		
2300 Block (east)	56	Water Oak
2300 Block (west)	29	Water Oak
2400/2500 Blk	41	White Oak
Glen Haven Blvd.		
2100/2200 Blk	37	Live Oak
2300 Blk	38	Live Oak
2400/2500	64	White Oak
Maroneal Blvd.		
2100/2200 Blk	71	Live Oak
2300 Blk	47	Live Oak
2400/2500 Blk	51	White Oak
Bellefontaine Blvd.		
2100/2200 Blks	50	Water Oak
2300 Blk	28	Water Oak
2400/2500 Blk	49	White Oak
Dorrington Blvd.		
2200 Blk	62	Live Oak
2300 Blk	35	Live oak
2400/2500	50	Live Oak
Kelving Dr.	88	Water Oak

Perimeter Streets surrounding Old Braeswood

<u>Street</u>	<u>Goal (# of trees)</u>	<u>Type/Species</u>
Holcombe	226	Live Oak
Montclair	18	Live Oak
Main St.	136	Live Oak
N. Braeswood	51	Live Oak
Kirby	188	Live Oak