

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

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, 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~~ harmonious 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 ~~Executive~~ 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 ~~Executive~~ 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.

~~Executive Committee~~
Old Braeswood Property Owners Association

By: _____
Ann Garnett

Date: _____

Printed Name: _____

Title: _____

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~~2019 (Version _____ ~~2019~~ (1/21/19))

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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. 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 ~~Approval Process. A preliminary review may not identify all issues found in the formal~~ 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 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.B. 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.C. The City of Houston requires each applicant to sign a statement asserting affidavit declaration stating that the project complies with applicable Deed Restrictions when submitting the permit application. The Deed Restrictions governing ~~documents of~~ 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.D. 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.E. 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. Harmony/Compatability

The ARC is responsible for determining whether the project's characteristics are compatible with the neighborhood, the Deed Restrictions, and these Architectural Guidelines. ~~As an historic neighborhood, the ARC will take into account a project's characteristics including authenticity of style (i.e., alignment with established historical or contemporary architectural examples), quality of design and materials, compatibility with the neighborhood's original intent as a suburban garden community with discreet garage and fencing locations, harmony with the neighborhood (including contextual compatibility and sensitivity to integrate with~~

~~the residences in the neighborhood), and landscaping (for example, trees and shrubbery that retain an open, garden-like appearance from the street).~~

3. Definitions

- A. Carport or Porte-Cochere means a free standing or attached structure intended to provide covered parking, that is ~~at least 80%~~ 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. ~~Lot Grade~~

- ~~1. For lots outside of the identified 500-year floodplain, as shown on the FEMA Flood Insurance Rate Map (FIRM) in effect at the time of complete plan submission, the lowest point of the Natural Grade between the structure and a line 5 ft. from the structure will be Lot Grade.~~

- ~~2. For lots within the identified 500-year floodplain, as shown on the FEMA Flood Insurance Rate Map (FIRM) in effect at the time of complete plan submission, the elevation of the 500-year base flood elevation as established on the FIRM current at the time of construction will be Lot Grade.~~

- E. Natural Grade means the grade as it exists prior to ~~development and unaffected by construction~~ or any alterations, techniques such as fill, landscaping, and berming.

- ~~EF.~~ Outbuilding means an enclosed, covered structure not directly attached to the residence it serves (other than a garage).

- ~~G. Porte-cochere means a structure that is open on at least two sides and allows temporary, covered, unloading of a vehicle before passing through to a garage or yard.~~

- ~~FH.~~ _____ 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:

1. ~~i.~~ Height shall be measured ~~determined~~ from the lowest permissible Finished Floor level allowed by the City of Houston ~~Lot Grade~~.

~~2.~~ ~~ii.~~ For a pitched roof residence, the total height may not exceed 35 ft. from ~~Lot Grade to top of ridge~~ the lowest permissible Finished Floor level allowed by the City of Houston.

~~iii.~~ For a flat roof residence, the total height may not exceed 26ft. from ~~Lot Grade~~ 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.

~~3.~~ ~~iv.~~ A detached garage exceeding 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 ~~is prohibited~~.

4. ~~iv.~~ An 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.

~~5. A chimney may exceed the height of the residence by not more than 3 ft.~~

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:

~~1.~~ ~~i.~~ The floor area of the half story may not exceed 60% of the floor area of the second story; and

~~2.~~ ~~ii.~~ The roof must be a pitched roof ~~that~~ which 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:

1. ~~i.~~ Submitted plans must show distance from the top ridgeline to Natural Grade, ~~and~~ to DFE, and to Finished Floor Level (as defined by the City of Houston Guidelines requirements) ~~500-year flood plain~~.

2. ~~ii.~~ Plans must also show the distancedimension from the ~~of f~~ inished f l Level to ~~from~~ Natural Grade and to from DFE ~~500-year flood plain~~.

~~3.~~ ~~1.~~ The lot survey provided with submittals must include the DFE ~~500-year flood plain~~ elevation.

5. Setbacks and Building Size Limits and Outbuilding Setbacks

A. Old Braeswood ("Section 1")

~~i.1. The Deed Restrictions for Section 1 has 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. Chimneys or purely ornamental projections may extend 4 ft. closer to the side property line than the residence.~~

~~iii. 2.—New~~ Outbuildings cannot be built closer to front or side streets than the Outbuilding limit line specified on property plot. ~~New~~ Detached ~~G~~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 of the same~~ style ~~and material as of~~ the main residence. A greenhouse may be a maximum of 20 ft. wide in any direction.

~~iv. 3.—~~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.4.~~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 guidelines requirements not extend more than 2 ft. into any setback. In Section 1, roof overhangs must also not extend more than 2 ft. beyond the limit line defined by 80% of width of property line measured at the front building line. In~~

~~Sections 2 and 3, the Outbuilding or detached garage roof overhangs must be at least 2 ft. from the side property line.~~

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 guideline requirements.~~

- ~~1. A front loading attached garage, meaning the garage door faces the street the residence fronts, and which is also attached to a residence, must be set back a minimum of 35 ft. behind the front setback line. If a garage is not integral with a residence, meaning under the same roofing mass and sharing at least one common wall but is connected by a connector, that connector must be enclosed, air conditioned, a minimum of 8 ft. in width, have at least an 8 ft. interior ceiling height, and have a design that is supportive of the main structure.~~
- ~~2. A detached garage and all other Outbuildings must be behind the Outbuilding limit line as shown on the property plot, but in no case may be less than 3 ft. from a side property line. See Deed Restrictions for Section 1 for additional information.~~
- ~~3. An attached front loading garage shall be limited to either two (2) single garage doors of no more than 10 ft. in width, or one (1) double garage door of no more than 18 ft. in width.~~
- ~~4. A garage with entry 90 degrees to the front street is permissible for all lots. The setback for attached garages with entry 90 degrees to the front street is the same as for the residence itself.~~
- ~~5. A carport or porte-cochere must be setback a minimum of 10 ft. from the most forward building mass of the residence.~~

B. ~~Garage Location for Sections 2 and 3~~

- ~~1. A front loading attached garage, meaning the garage door faces the street the residence fronts, must be set back a minimum of 22 ft. behind the front setback line. If a garage is attached, it must also follow the side setback requirements for the residence.~~
- ~~2. A detached garage or an Outbuilding must be set back a minimum of 3 ft. from the side property line. (See Exhibit "A".)~~
- ~~3. Any front loading garage shall be limited to either two (2) single garage doors of no more than 10 ft. in width, or one (1) double garage door of no more than 18 ft. in width.~~

~~4. A garage with entry 90 degrees to the front street is permissible for all lots. The setback for attached garages with entry 90 degrees to the front street is the same as for the residence itself.~~

~~5. A carport or porte-cochere must be setback a minimum of 2 ft. from the most forward building mass of the residence.~~

~~C.~~ B. Driveways

~~1. 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/guidelines of 12 ft. between the front property line and front building line.~~

~~2. 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/guidelines of 18 ft. between the front property line and front building line.~~

~~3. iii. Parking courts are prohibited within the front setback.~~

~~4. For lots with less than 90 ft. of frontage, driveways may not be closer than 2 ft. to the side property line within the front setback. For lots with 90 ft. or greater frontage, driveways may not be closer than 4 ft. to the side property line within the front setback.~~

~~5. All permanent parking must be behind the front building line.~~

~~D. C.~~ C. Circular Drives ~~-~~ —

~~A circular drive is only allowed if it complies with the City of Houston guidelines/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/guidelines of 12 ft.~~

~~1.~~

~~2. A circular drive is not allowed if there is a front loading garage.~~

~~3. A circular drive is only allowed on lots fronting the following streets where parking is non-existent or extremely limited: Dorrington Boulevard, Greenbriar Drive, Maroneal Boulevard (between Greenbriar Drive and South Main Street), Morningside Drive, North Braeswood Boulevard, and South Main Street.~~

~~4. Circular drives may not be used for permanent parking.~~

E.D. — Walkways

~~Independent of the paving at a front entry pad, Wwalkways leading up to a residence may not be wider than 6.5 ft.~~

~~Driveway Gates~~

~~Driveway gates may not be opaque. They must be 80% open.~~

8. Sidewalks

~~Sidewalks must be in accordance with City of Houston requirements guidelines which~~The City currently requires 5 ft. wide sidewalks in the public right-of-way in most instances when homes are being constructed or undergoing major renovations. ~~The Association supports the installation of required sidewalks to match sidewalks widths of adjacent properties, sometimes 4ft. It is the owner's obligation to seek any variances or clarifications from the City about sidewalks. However, the Association will provide a~~A letter supporting reduced width sidewalks ~~to be provided to the City of Houston and encourages the matching of sidewalk edges with neighboring properties.is available from the Association upon request. It is the Owner's obligation to seek a variance from the City of Houston.~~

9. Impervious Surface

~~A. 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. B.~~ All lots may have a maximum ~~of 63% of~~ impervious lot coverage equal to the lesser of 63% or the maximum allowed by City of Houston requirements guidelines.

~~C. Within the front setback, lots may have a maximum of 45% impervious lot coverage.~~

~~D. C.~~ In calculating the ~~amount~~footprint of impervious lot coverage, the City of Houston requirements requirements should be followed. following must be included in the calculation: foundation of the residence, garage, Outbuildings, driveways, walkways, patios, gravel and decomposed granite areas, swimming pools, tennis courts, and synthetic grass. If paving materials are labeled as permeable (which is encouraged) they will still be included in the footprint calculation. Front sidewalks along the street are in the public right of way and are not a part of this calculation.

~~E. 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 requirements Guidelines must be followed for the detention of storm water.

~~All city required or owner desired detention must be stored underground. Plans for detention must be submitted to the ARC prior to submission to the City's of Houston's Code Enforcement Building Permits Division, which requires detention drawings signed by a civil engineer. Lots over 15,000 sq. ft. will likely be required by the City to have detention. Lots under 15,000 sq. ft. may still require detention depending on the impervious lot coverage.~~

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.

~~1. Windows must be made of wood, composite, fiberglass, or metal. Windows made of vinyl, PVC, or unfinished metal are not allowed. Windows must be of high quality, as determined by the ARC. A list of approvable windows is available upon request from the Association and may be amended from time to time.~~

~~2. True divided lite windows are permitted. Simulated divided lite windows are permitted if there is a thick profiled muntin bar on the exterior surface of the glass as well as a spacer bar between panes of insulated glass.~~

~~3. No windows may have divided lites that have only interior grilles in the airspace between insulated glass or have grilles only on the interior of a window.~~

B. Doors - Exterior doors and garage doors must be compatible with the style of residence and the neighborhood.

~~Exterior doors and garage doors must be compatible with the style of the residence and the neighborhood. Steel or metal doors must have a stile and rail of sufficient width to be substantial, as determined by the ARC.~~

~~C. Garage Doors~~

~~Garage doors may not be added to any original Porte cochere or carport unless those structures meet the guidelines for garage setbacks listed above. Garage doors are a design element that will be reviewed along with all other components of the residence and improvements.~~

~~D.C.~~ _____ Instructions for Materials Review

- ~~1.~~ i. ~~Vendor information, cut sheets and website materials or P~~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.
- ~~2.~~ ii. _____ Color selections including metal finish samples (for windows, doors, roof materials, etc.) may be as small as 3 in. x 3 in.
- ~~3.~~ iii. _____ For roofing materials, in addition to a sample please provide a website link to the specific product and manufacturer.
- ~~4.~~ 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. ~~The submittal must also show elevations and cut-away profiles of the cross sections of windows and doors including divided lites where applicable.~~ Submit only the window/door information that relates to the specific project.
- ~~5.~~ 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 ~~of an approved design~~ 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 Fences higher than 8 ft above Natural Grade and significant -changes to fence location or design requires formal review as a Major Project.

In addition, aApplicant must provide notice to adjacent neighbors and also provide proof to ARC that adjacent owners have been notified,neighbors have signed off on new and replacement fences.

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,~~Rain Barrels, Flag Poles, Religious Art, etc.~~

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

16. Trees

A. Tree Protection

During construction, Aall 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