

**SHADOWBRIAR COMMUNITY ASSOCIATION, INC.**

**ARCHITECTURAL REVIEW COMMITTEE**

**GUIDELINES**

**May 2010**

## **ARCHITECTURAL REVIEW COMMITTEE GUIDELINES**

The Architectural Review Committee ("ARC") was created to enhance property values by requiring conformity to certain standards of construction, visual appeal, uniformity and design. Article II, Section 1, of the Declaration of Covenants, Conditions and Restrictions ("CC&Rs") provides that "No buildings or improvements of any character shall be erected or placed, or the erection thereof begun, or changes made in the design thereof after original construction, on any Lot until the construction plans and specifications and a plot plan showing the location of the structure or improvements have been submitted to and approved in writing by the Architectural Control Committee as to compliance with these restrictions, quality of material, color, harmony of external design with existing and proposed structures, and as to location with respect to topography and finish grade elevation."

It is the general purpose of the ARC to approve or disapprove applications made to it for proposed alterations, additions, or changes to be made to the exterior of the house and/or lot itself.

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## **PROCEDURE**

An "Application for Approval to Modify Home or Property" ("ARC Form") must be completed in its entirety and mailed to the address indicated on the form. All pertinent information such as plans, specifications, building permits, colors, locations of the proposed improvements, etc., must be indicated on a copy of the survey, and all of these items should be included with the application.

ARC Forms are available from the management company and on the web site. The ARC cannot respond to verbal requests for approval. All applications must be made in writing.

The ARC has thirty (30) days from the date of receipt of an application in which to respond. If additional information is required by the ARC, the application process will be extended accordingly. Plans for the implementation of the proposed improvement(s) should allow for the time required to complete the approval process. No construction should begin prior to the approval. Additionally, should an application be submitted after the fact of construction, the ARC is not required to provide approval, and the unapproved change is deemed to be a violation of the CC&Rs. The removal of said improvements may be required at the homeowner's expense.

If an application is not approved, the ARC will state in its letter why such approval was denied and what type of application changes, if any, would alter that decision. If an applicant wishes to discuss or appeal a decision made by the ARC, the Designated Representative should be contacted in writing.

Each owner is ultimately responsible for ensuring all improvements conform to the CC&Rs and other applicable guidelines. Failure by an owner to perform modifications and/or improvements in conformity with the CC&Rs and applicable guidelines subjects owner to the risk and expense of removal of each such non-complying improvement.

Note: The above general procedures pertaining to applications to the ARC do not apply to the installation of antennas, satellite dishes, and related masts. Please see Section 9 hereof for the special provisions which apply to antennas, satellite dishes, and related masts.

## **INTRODUCTION**

The following are guidelines adopted by the ARC to specify standards, requirements and the process used in evaluating an application. The guidelines may be amended from time to time as the circumstances, conditions or opinions of the ARC determine. It should be noted that each application is considered on its own merit and that the ARC may grant a variance from these guidelines and/or from certain provisions of the CC&Rs to the extent written. The ARC has the right to deny approval for a similar improvement based on the proximity of a property to a main boulevard or the visual relativity of the site to the overall development. As an example, a home located on the perimeter of the development may be permitted to have a certain styled storage building (differing in height), whereas on a main entry boulevard (and depending on the configuration of the lot), this same structure may not be approved due to the visible profile of the location. The intent is to maintain overall integrity within areas which may have higher visual impact.

It should also be noted that ARC approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ARC approval, the Board of Directors has the legal right to enforce its removal.

Because guidelines may change from time to time, it is highly recommended that they not be published and distributed to the homeowners. Instead, they should be used by ARC members only for the processing of applications. This reduces the possibility of homeowners following obsolete guidelines in home improvement. However, the guidelines should be dated and a chronological book be maintained to evidence the process for review over time.

### **1. Outbuildings**

1.1 An "outbuilding " is defined as any structure which is not attached to the main structure. This definition does not include bona fide additions to the main residences or garages wherein an actual opening to the main structure exists, but does include storage

sheds, gazebos, and playhouse/forts.

1.2 The ARC will consider the following:

- a. The number of storage sheds shall be limited to one (1) per household.
- b. The colors should match/blend with the predominant exterior colors of the main residence.
- c. Materials should match those of the main residence in both size and color; however, the ARC may approve small prefabricated storage buildings, providing the color blends with the main residence.
- d. It should have a peaked or sloped roof, no higher than eight feet (8') from the ground to the highest point, and a maximum of 10' x 12' floor space. Structures must be placed and maintained a minimum of five feet (5') off the rear property line and the distance from the side fence will be determined based on visibility from the street in front of the lot. At no time, however, will that distance from the side fence be less than five feet (5'), regardless of visibility. Location must also be far enough away from the fence to allow for drainage to occur entirely on the owner's lot.
- e. A storage building placed on a concrete slab over a utility easement will require letters of Consent to Encroach, as it will not be considered portable. Utility companies may charge a fee for this consent letter. If a storage building is not on the utility easement, but on a slab, and can be moved, the ARC will consider it as portable.

- f. No storage building can be built up against any side or rear wall of a home unless its maximum height is less than six feet (6') and does not extend above the fence. It must also comply with all the other requirements for proper construction, size and location.
- g. If under six feet (6') in height, a storage structure may be placed in the side yard to the rear of the house, but must be located no closer than three feet (3') from the property lines.
- h. A playhouse/fort must be no higher than nine feet (9'). If the fort has a platform, that platform can be no higher than 42" above ground and must be located approximately in the center of the back yard to protect the neighbors' privacy. It shall also be placed so as not to be visible from the fronting street.
- i. A freestanding gazebo must be at least six feet (6') away from the house. These must be reviewed on a case-by-case basis with a maximum height at the peak of eleven feet (11') and must be located to the rear of the house and must be located no closer than five feet (5') from the property lines.

2. **Basketball Goals**

- 2.1 The basketball goal backboard and post must be maintained in excellent condition at all times. If the net is worn, it must be replaced or removed.
- 2.2 The backboard must be mounted on garage or placed on the side of driveway, recognizing a minimum setback to correspond with the building line. The backboard may be mounted onto the roof by use of a

small, triangular mounting structure, in which case the mounting structure must be painted to match the shingle color.

- 2.3 Rims must be a minimum height of eight feet (8') and a maximum height of ten feet (10').
- 2.4 Backboard must be regulation size, and white in color or painted to match trim on home or transparent (all of which is subject to ARC approval).
- 2.5 If any complaints are received within six (6) months after installation, the basketball goal will be subject to immediate removal at the request of the ARC.

3. **Patio Covers**

- 3.1 Patio covers require a City of Houston building permit.
- 3.2 Should be constructed of materials which complement the main structure.
- 3.3 Prefab covers made of aluminum may be approved provided they are of an earth tone color. Unfinished aluminum will not receive ARC approval. All metal must be painted and certain structures using fiberglass roofing and wood frame may be allowed to go unpainted provided treated wood is used.
- 3.4 If attached to the house, it must be integrated into existing roof line (flush with eaves), and if it is to be shingled, shingles must match roof. Entire patio cover and posts should be trimmed out to match house. Supports must be painted wood, treated wood or metal columns. No pipe is allowed.
- 3.5 At no time, however, shall a shingled roof be allowed with an

unpainted frame. Frames will have to be painted to match trim of house whether treated or untreated wood is used.

3.6 Approved patio construction materials are as follows:

- a. Painted aluminum (to match trim of house).
- b. Painted wood (to match trim of house).
- c. Natural pressure treated wood such as cedar, fir, or redwood may be used.
- d. Fiberglass is acceptable, and earth tone colors such as tan, brown, beige, or clear must be used. Green or yellow is not allowed. Edges of fiberglass must not be visible from surrounding properties or from any street and should be trimmed out.
- e. If canvas is used as roofing material on a patio cover, it must be an earth tone color and the structure must be kept in quality condition or its removal will be requested.

3.7 Patio covers may not encroach into any utility easements unless the utility companies involved have granted their written consent to such encroachment.

3.8 Patio covers must be situated on the lot to allow for drainage to occur entirely on the owner's lot. If a proposed patio cover location is less than five feet (5') away from side lot line (and the cover is to be solid), the ARC will require that it be guttered with down spouts.

3.9 No patio cover shall be erected within three (3) feet of a property line.

4. **Room Additions**

4.1 Room additions require a City of Houston building permit, which must be submitted with the ARC Form. In some instances, the ARC will grant

approval with the provision that a copy of the permit must be received by the ARC within thirty (30) days of the approval letter. In addition, detailed plans and specifications must be submitted to the ARC.

- 4.2 Exterior materials and color should match the house as much as possible.
- 4.3 Room additions may not encroach into any utility easement
- 4.4 Approvals shall be on an individual basis. Size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. Addition of a storage area will not qualify as a bona fide room addition and will not be permitted. Roof of addition must integrate with existing roof line so as to appear to have been part of the original home. The addition must be opened to the main structure and be serviced by central heating, air conditioning and electricity. All such improvements must be designed to the building code standards of the City of Houston. Room additions may be denied for other reasons (i.e., structural integrity, architectural suitability, etc.).

**5. Exterior Painting**

- 5.1 Earth tone colors are most often used when homes are constructed. In general, an earth tone color should receive ARC approval.
- 5.2 Other earth tone blend colors will be considered. The color of neighboring homes will be taken into consideration, along with the applicant's house brick features.
- 5.3 Brick is not permitted to be painted due to the long-term maintenance, and based on predominantly contemporary style of homes within the subdivision.

**6. Replacement Windows, Storm Windows, and Storm/Screen Doors**

Provided the frames of these are of a color compatible with the exterior house colors, storm windows and storm or screen doors should receive ARC approval. All require submittal and approval of an ARC Form.

**7. Decks**

- 7.1 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 7.2 Decks must be situated on the lot to maintain and facilitate existing drainage directly from the lot to the street.
- 7.3 Decks cannot be higher than eighteen inches (18") above grade.
- 7.4 Paint or stain should match or compliment the house.
- 7.5 Second story decks will receive ARC approval on a case-by-case basis.

**8. Swimming Pools and Spas**

- 8.1 Swimming pools require a City of Houston pool permit.
- 8.2 No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Pool decking which extends into an easement also requires a consent agreement. Consents must be received prior to approval. Note: The respective utility company may charge a fee for this consent letter.
- 8.3 Ideally, any pool or spa should be located at least five feet (5') from a side and rear lot line to maintain proper drainage on the lot. However, a minimum of three feet (3') will be allowed in certain instances.

- 8.4 Above ground pools will not be permitted
- 8.5 Only those pools completely enclosed within a fenced area may be approved.
- 8.6 Pool pumps and other equipment must be screened within the fenced perimeter and not visible from the street.
- 8.7 Pool enclosures will be reviewed on an individual basis and height should not exceed eight feet (8').

**9. Antenna and Satellite Dishes**

- 9.1 The following guidelines apply to antennas, satellite dishes, and any related masts:

CATEGORY 1

Antenna or Satellite Dish in Excess of One Meter (39 inches): No antenna or satellite dish which exceeds one meter (39 inches) in diameter is permitted on any lot.

CATEGORY 2

Antenna or Satellite Dish of One Meter (39 inches) or Less, and Other Antennas and Related Masts. An antenna or satellite dish of one meter (39 inches) or less, and other antennas and related masts are permitted to be placed on a lot provided any such item must comply with all of the below set forth minimum conditions. Further, the Association must receive written notification at its then current address from the resident of the applicable lot, on or before the installation of any antenna, satellite dish and related mast provided for in Category 2. Such notification must include the type and color of antenna, satellite dish, and any related mast to be installed, and the method, manner, and site of installation. The site must be shown in a plot plan. As of the date hereof, the Association's address is:

c/o Planned Community Management, Inc.  
15995 N. Barker's Landing, Suite 162  
Houston, Texas 77079

If the resident of a lot proposes to install an antenna, satellite dish and any related mast from Category 2 in any manner whatsoever which does not strictly comply with

the below set forth minimum conditions, such resident must submit an application to the ARC and obtain the written approval of the ARC prior to commencing such installation. In connection with the ARC's decision, the ARC shall consider such factors as it deems appropriate, in its reasonable discretion. The application to the ARC must be made on a form approved by the ARC and contain such information as may be required by the ARC, including a statement which specifically describes the manner in which it is proposed that such antenna, satellite dish and related mast will vary from such minimum conditions. The ARC shall endeavor to make its decision regarding the proposed antenna, satellite dish and any related mast on an expedited basis within seven (7) days after receipt by the ARC of the completed application and all information required therein. The granting of a variance from such minimum conditions shall in no way affect the resident's obligation to comply with all governmental laws and regulations and other regulations affecting the lot concerned.

### **MINIMUM CONDITIONS**

In addition to the foregoing requirements, no antenna, satellite dish, or any related mast, including its base and anchoring structure, shall be erected, constructed, placed, or permitted to remain on any lot unless such installation strictly complies with the following minimum conditions (however, each Minimum Condition shall not apply if it unreasonably delays installation of the applicable antenna, satellite dish, and any related mast, or unreasonably increases the cost of such items or their installation, or precludes reception of an acceptable quality signal):

- a) The antenna, satellite dish and any mast must be located to the rear one-half (1/2) of the lot and must serve only improvements on

the particular lot in which it is located.

- b) To the extent feasible, the antenna, satellite dish and any mast, including its base and anchoring structure, shall not extend above the roofline of the house located on the lot and shall not be visible from the frontage street or any adjoining street.
- c) To the extent feasible, no antenna, satellite dish or mast shall be constructed or placed or permitted to remain on any utility easement or other easement or right-of-way located on any lot.
- d) The antenna, satellite dish and any mast must be securely mounted to a base, so as to be able to withstand the effects of high winds or other extraordinary weather conditions; however, no guy wires or similar mounting apparatus will be allowed.
- e) No advertising slogans, logos, banners, signs or any other printing or illustration whatsoever shall be permitted upon or be attached to the antenna, satellite dish or mast.
- f) No satellite dish or antenna shall ever be used for the transmission of any signal whatsoever and said antenna or satellite dish shall be for the purpose of receiving only normal signals through airwaves for television viewing purposes only.
- g) No antenna or satellite dish shall be permitted to cause any distortion or interference whatsoever with respect to any other electronic device in the subdivision.
- h) The antenna, satellite dish, and any mast shall be one solid color

only -- either white or black, or shades of either brown, gray, or tan.

- i) Each lot shall be permitted to have no more than one antenna or satellite dish and any related mast, as applicable, for each category of the following categories of video programming providers, to-wit: direct broadcast satellites, multi-channel multi-point distribution (wireless cable) providers, and television broadcast stations.
- j) Any antenna, satellite dish, or mast installed hereunder shall be installed and secured in a manner that complies with all applicable laws and regulations and manufacturer's instructions.
- k) If any provision of this Section 9 is ruled invalid, the remaining provisions of this Section 9 shall remain in full force and effect. 0

**10. Fence and Fence Extensions**

- 10.1 Approvals shall be on an individual basis with the objective of maintaining uniformity throughout the subdivision.
- 10.2 No fence shall be higher than eight feet (8') in height.
- 10.3 No chain link type of fence. Split rail type of fence or decorative type of fence may be permitted on a case-by-case basis.
- 10.4 No fence may extend beyond the building face, except for landscaped decorative fences approved in Section 10.3 above.
- 10.5 Fence extension requests must be submitted jointly by both owners

sharing the side lot line, and the fence, except in the case of a corner lot. If both neighbors do not concur as to a proposed fence extension, the ARC will examine the effect the fence extension will have on both properties. If one party will suffer detrimentally from the extension (i.e., will totally enclose a bay window), the ARC has the right to deny the application.

- 10.6 Replacements or repairs of a fence must be made with similar new materials and construction details as used in the original fence or better.
- 10.7 Fences will be installed picket side out to the street.
- 10.8 Wrought iron may be used for sections across driveways or across a building line between houses so long as there are no items (storage, trash or otherwise) visible from a fronting street.

11. **Decorations**

- 11.1 Decorative appurtenances (such as sculptures, birdbaths, birdhouses, fountains or other decorative embellishments) placed on the front lawn of any portion of a lot visible from any street must be approved in writing, by the ARC prior to their placement.
- 11.2 Benches and gates will be reviewed on an individual basis.
- 11.3 House numbers may be placed on the house, mailbox or curb. House numbers placed on any type of free-standing structure in the front yard may be approved on a case-by-case basis.
- 11.4 Christmas decorations, including lighting, may not be placed on the house or in the front yard prior to Thanksgiving Day, and must be

removed no later than January 31. All other seasonal decorations shall be limited to a maximum thirty (30) day period.

**12. Exterior Lighting**

- 12.1 Additional exterior lighting shall be of a wattage or lumen count which will not adversely affect neighboring homes. If any complaints are received within six (6) months after installation, the lighting will be subject to removal at the request of the ARC.
- 12.2 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
- 12.3 Low voltage landscape lighting should receive ARC approval.
- 12.4 Security, mercury vapor, or fluorescent lights may be attached to the front of the house, garage or rear of dwelling provided it in no way creates a nuisance for other surrounding owners. Mercury vapor, fluorescent, LED, and sodium halide may be permitted as long as it in no way shines onto adjacent property.
- 12.5 Yard lights may be gas or electric. They must be a single lamp only and a maximum allowable height of six feet (6'). They may be located in the frontyard or backyard. Gas or electric lights must be black or brown, depending on color of house and the color shall be approved by ARC.

**13. Mailboxes**

- 13.1 Changes or improvements made to mailboxes will require ARC approval.
- 13.2 Replacement of the original post should receive ARC approval. If the post is to be painted or stained, a paint sample must be included with the application. The ARC will consider the effect a painted or stained

post will have on the street. If the proposed color will not readily blend in with the surrounding materials, that portion of the application will be denied.

- 13.3 Bricked mailbox stands should receive approval provided the brick matches the house, the stand is appropriate in size and design, and will meet U.S. Post Office requirements. A specific sketch should be included with the application.

**14. Wind Turbines and Ridge Vents**

Wind turbines should either be a color which will blend with the shingle color instead of unfinished aluminum, or be painted to match the shingle color, and positioned on the rear slope of the roof structure so as not to be visible from fronting street. Ridge vents should be of a color which will blend with the shingle color.

**15. Outdoor Carpeting**

- 15.1 Cannot be installed on the front portion of the house.
- 15.2 Earth tone colors are acceptable.
- 15.3 Green or blue carpet is not allowed.
- 15.4 Visibility from street will be considered.

**16. Burglar Bars**

- 16.1 Acceptable provided they are in harmony with the house.
- 16.2 Painted to match exterior trim.

**17. Birdhouse**

- 17.1 Maximum allowable height is fifteen feet (15').
- 17.2 Must be mounted on 1-1/2" diameter metal pipe painted white or black; or 4 x 4 treated wood.

17.3 Must be placed toward the back of the lot.

**18. Landscaping**

18.1 Timbers, bricks, stone, flowerbed borders, landscape lights and trellises are approved subject to ARC review.

18.2 Must complement style and architecture of home and conform to color scheme of immediate neighborhood.

18.3 Landscaping may not be attached to the fence of any adjacent property.

18.4 Landscaping may not be installed in such a manner as to change the topography or drainage of the lot which may cause water to spread across any other lot (rear or side).

18.5 No hedge, wall or fence in excess of three feet (3') in height shall be placed nearer to the front lot line than the walls of the dwelling existing on the lot.

**19. Children's Play Structures**

19.1 For the purposes hereof, a children's play structure shall mean any type of children's play/swing set, climbing structure, trampolines, or play fort.

19.2 No play structure shall be constructed on utility or drainage easements in a manner that causes water to flow to an adjacent Lot. Play structures, are limited to (i) a maximum overall height of eleven feet (11') and (ii) an above ground grade platform maximum height of sixty-two inches (62"). The intent of this provision is to offer optimum private enjoyment of adjacent properties without visibility from fronting street.

**20. Driveway Extensions/Sidewalks**

- 20.1 Reviewed on an individual basis.
- 20.2 Sidewalks shall be no closer than three feet (3') to the curb line and must be parallel to the curb. Driveway extensions can extend no nearer to side property line than three feet (3') or five feet (5') in certain instances, unless otherwise approved.
- 20.3 All sidewalks in the side yard must be no greater than forty-eight inches (48") wide.

**21. Garage Conversions, Carports, Detached Garages**

- 21.1 Conversions to living area are not permitted and all garages must be capable of housing a minimum of two (2) cars at all times. All garage doors shall be operational.
- 21.2 Detached garages/carports are permitted on a very limited basis, subject to ARC approval, and can only be used to store additional vehicles.
- 21.3 Driveways can never be removed from the front yard, even if an alternate garage is built.

**22. Window Shades/Awnings/Shutters/Window Air Conditioners**

- 22.1 Canvas awnings will not be permitted to be installed on windows to reduce solar exposure unless they are on the back side of the house on an interior lot and not visible from the street. On corner lots that back onto a street, canvas awnings will not be permitted. When allowed, they must be earth tone colors, and must be kept in excellent condition at all times or will be subject to immediate removal upon notification.

- 22.2 Awnings will still be allowed for use on playhouses and patio covers, provided they also comply with the aforementioned requirements for proper location, and maintenance. The color of awnings on playhouses is not subject to the color requirements in Section 23.1 above, but must be approved in writing by the ARC prior to being installed.
- 22.3 Exterior metal and wooden slat-type window shades may be allowed by the ARC if they are deemed necessary for reduction of solar exposure, but installation on appropriate windows will be determined by ARC. At no time, however, will they be allowed on windows on the front of homes.
- 22.4 Window Air Conditioners – Must be hidden from view from any adjacent property.

**23. Roof Replacements**

- 23.1 Materials. A sample of the proposed shingle to be placed on any existing roof or any new improvement must be attached to each ARC Form. All roofs must be constructed or covered by asphalt dimensional composition or fiberglass composition shingles with a minimum manufacturer's guarantee of thirty (30) years. Other roofing materials will be approved on a case-by-case basis, but must meet the 30-year minimum standard. The color of the roofing material must be harmonious with the color of the house.