

**ARCHITECTURAL CONTROL GUIDELINES
BEAR CREEK MAINTENANCE ASSOCIATION
APRIL 1998**

The Architectural Control Committee (ACC) was established to enhance property values by requiring conformity to certain standards of construction, visual appeal, uniformity and design. The Covenants, Conditions and Restrictions provide 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, be made on any Lot, until the construction plans and specifications showing the location of the structure or improvements have been submitted to and approved in writing by the Architectural Control Committee, or its duly authorized representative as to compliance with these restrictions, quality of material, 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 ACC to approve or disapprove of applications made to it for proposed alterations, additions or changes to the exterior of the house and/or lot itself. Landscaping does not require Architectural Control Committee approval unless specifically referenced in the deed restrictions. Landscaping is defined as living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth such as bark, mulch and sod.

PROCEDURE

An "Architectural Review Application" must be completed in its entirety and mailed to the address indicated on the form. All pertinent information such as plans, specifications, building permits, locations indicated on a copy of the survey, etc., should be included with the application.

These forms are available from Texas Community Management Inc., (TCMI), 11011 Richmond Suite 615, Houston, TX 77042, Phone: (713) 952-0000. The ACC cannot respond to verbal requests for approval. All applications must be made in writing, and must include surveys, where required, elevation drawings, materials and paint color samples. All costs of the application submitted must be born by the submitting owner.

Only record owners may submit applications. Applications from tenants will be denied.

If an application is not approved, the ACC will state in their letter why such approval was denied and what type of application changes, if any, would alter their decision. If an applicant wishes to discuss or appeal a decision made by the ACC, TCMI should be contacted at 713-952-0000.

GUIDELINES

The following guidelines were adopted by the ACC to specify their standards and requirements used in evaluating an application. These guidelines will be amended from time to time as the circumstances, conditions or opinions of the ACC dictate. It should be noted that each application is considered on its own merit. The ACC may grant a variance from these guidelines and/or from certain provisions of the Declaration of Covenants, Conditions and Restrictions, if the Declaration permits a variance on the issue under consideration.

In addition, it should be noted that ACC approval is required prior to the installation or construction of any improvement or change. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal, by court action if necessary.

INDEX

- 1.0 Room Additions
- 2.0 Siding
- 3.0 Exterior Paint and Stain
- 4.0 Outbuildings
- 5.0 Garages and Carports
- 6.0 Patio Covers and Awnings
- 7.0 Storm Windows, Screens and Doors
- 8.0 Decks
- 9.0 Swimming Pools, Pool Enclosures, and Signs
- 10.0 Solar Panels, Screens and Films
- 11.0 Fences
- 12.00 Basketball Goals
- 13.0 House Numbers
- 14.0 Exterior Lighting
- 15.0 Mailboxes
- 16.0 Outdoor Carpeting
- 17.0 Burglar Bars
- 18.0 Landscaping
- 19.0 Antennas and Satellite Dishes
- 20.0 Swing Sets and Playhouse/Forts
- 21.0 Driveway Extensions and Sidewalks
- 22.0 Window Air Conditioners
- 23.0 Roofing and Wind Turbans

1.0 ROOM ADDITIONS

- 1.1 A survey of the lot and existing improvements, showing all easements and setbacks and certified by a licensed surveyor must accompany the application.
- 1.2 Exterior materials and colors should match the house as much as possible.
- 1.3 Roof material should be the same as on the existing main dwelling.
- 1.4 Detailed plans must be submitted to the ACC, including but not limited to elevations drawings, location on the site, a list of exterior construction materials, paint, siding and roofing samples.
- 1.5 Room additions may not encroach into any utility easement or building setback line.
- 1.6 No room addition shall be constructed nearer that five (5) feet to the rear lot line or three (3) feet to the minimum setback line between the zero lot line and the patio home located on the adjoining lot.
- 1.7 Approval will be granted on an individual basis. Consideration will be given to the size and shape of the proposed addition, architectural style, layout of home, size of lot, and how well the room addition integrates with the existing home. Addition of a storage area will not qualify as a bonafide room addition and will not be permitted. Plans for room addition must show a room of reasonable size to constitute a legitimate request for a room addition. The roof of the addition must integrate with existing roof line so as so appear to have been part of the original home. Room additions cannot exceed one-third of the remaining back yard. It may be denied for other reasons, e.g.,/ structural integrity, architectural suitability, etc., even if it does not use more than one-third of the remaining yard.
- 1.8 Room additions for the purpose of changing the use of the home from a single family dwelling will be denied. For example no addition to accommodate business operations, child day care, multi-family use or any other use prohibited by the deed restrictions or any law or ordinance will be approved.
- 1.9 Landscape plans for the new addition must be submitted.
- 1.10 Building permits as required by the municipality (city, county, etc.) must be submitted with the Architectural Review Application.

2.0 SIDING

- 2.1 Requests will be reviewed on a case-by-case basis with color consideration based on the guidelines in Section 3.0 Exterior Paint and Stain.

3.0 EXTERIOR PAINT AND STAIN

- 3.1 Repainting of the home the original color does not require ACC approval. Requests for color changes require approval and will be reviewed on a case-by-case basis. Color samples must be sent with application.
- 3.2 Earth tone colors were most often used when the homes were originally constructed. In general, an earth tone color should receive Architectural Control Committee approval. White, certain pastel tones, and earth tone blend colors will be considered.
- 3.3 The color of the applicant's roof and brick color, along with colors of neighboring homes, will be taken into consideration when reviewing the application.

- 3.4 The following colors will be considered for approval if all the conditions in paragraphs 3.2 and 3.3 are in accordance. No pink, mauve, peach, light green or blue/green colors will be considered.

<i>BODY OF HOUSE</i>	<i>TRIM</i>
Dark Browns	Light Browns/Tans Pastel Yellow Beiges White
Light Browns/Tans	Dark Browns Beiges Forest Green White
White	Light Browns/Tans Dark Browns Dark Grey Light Grey
Dark Grays	Light Grays White
Light Grays	Dark Grays White
Pastel Yellow	Dark Browns Light Browns/Tans
Beiges	Dark Browns Light Browns/Tans Forest Green Dark Grays Light Grays Wedgwood Blue White

4.0 OUTBUILDINGS

- 4.1 An outbuilding is defined as any structure which is not attached to the main structure. This definition does not include bonafide additions to the main residents, but does include storage sheds, gazebos, greenhouses and similar structures.
- 4.2 The ACC will consider the following:
- A. The colors of paint and type of materials should match/blend with the predominant exterior colors of the main residence.
 - B. Materials should match those of the main resident in size, type color and design. Plywood or fiberboard may not be used as siding. material designed for the purpose of being used for residential siding must be used as siding. However, the ACC will approve small prefabricated metal storage buildings provide the color blends with the main residence.

- C. Storage sheds should have a peaked roof, no higher than nine (9) feet from the ground to the highest point. It should have no more than a maximum of one hundred (100) square feet of floor space. The structure must be kept at a minimum of the greater of the rear setback line or three (3) feet from rear property line. The minimum distance from side fence will be determined based on the visibility from the street in front of the lot. At no time, however, may that distance from side fence be less than the required side lot setback from the lot or three (3) feet whichever is greater regardless of visibility from the street. The location must be far enough away from the fence to allow for drainage to occur entirely on the owner's lot.
- D. A storage building placed on a concrete slab on top of utility easement will require letters of consent to encroach by the appropriate utility company as it will not be considered portable. If a storage building is not on the utility easement but on a slab, and can be moved, the ACC will consider it as portable.
- E. No storage building may be built up against any side or rear wall of a home unless its maximum height is less than six (6) feet. In this case, it must not be visible above the fence from the road. It also must comply with all the other requirements for proper construction, size and location.
- F. If a storage building is under six (6) feet high, it may be placed in a side yard provided the greater of three (3) foot minimum distance from the side fence or property line or the required side setback line for the lot is observed.
- G. Request for approval of freestanding gazebos and greenhouses will be reviewed on a case-by-case basis. A gazebo or greenhouse must be at least four (4) feet away from the house located in a rear or side fenced area, and the greater of three (3) feet away from the side and back fences or property line or the required side or rear setback line for the lot. It must have a maximum height of not more than eleven (11) feet at the peak as measured from the ground, not the foundation grade of the main residence.
- 4.3 No storage shed, greenhouse, gazebo, or other outbuilding may be placed in front of any building setback line, and not any closer to the main streets in front of or on the side of any house than the main residential structure.

5.0 GARAGES AND CARPORTS

- 5.1 Garage conversions are not permitted.
- 5.2 When necessary to replace a garage door, it must be replaced with a door substantially similar to the original. The door may be made of wood or metal and must be painted to match the color scheme of the house.
- 5.3 Carports are not permitted.

6.0 PATIO COVERS AND AWNINGS

- 6.1 Approval for patio covers will be granted on an individual basis with consideration given to size, height, and shape of the patio cover, and size of lot.
- 6.2 Patio covers must be constructed of materials that complement the main structure.
- 6.3 Patio covers made of aluminum with a factory baked on color finish may be approved providing they are of an approved color. Unfinished aluminum will not receive ACC approval. All metal surfaces must be painted.
- 6.4 If attached to the house, patio covers must be integrated into the existing roof line (flush with eaves). If the cover is to be shingled, the shingles must match house roof color. Entire patio cover and posts must be trimmed out to

match house. Pipes are not allowed to be used in the construction of the structure. All patio covers must be located the rear of fenced in side yard of the lot.

- 6.5 Patio covers must be constructed forward of all rear, side and front building setback lines.
- 6.6 Patio construction materials are as follows:
- A. Painted wood and aluminum (to match trim of house).
 - B. Metal roofing color should blend with house roofing. Single roofing should match house roof color.
 - C. Pressure treated wood may be left unpainted.
 - D. Fiberglass is acceptable and earth tone colors such as tan, brown, beige, gray and clear may be used. No green or yellow fiberglass will be allowed. Edges of fiberglass must not be visible from surrounding properties or from the street.
 - E. All patio cover material, i.e., fiberglass, corrugated aluminum, metal, wood, and lattice, must be completely fumed so that no raw edges of material are visible.
 - F. If canvas is used as roofing material on a patio cover, it must be approved earth-tone color such as brown, tan, gray or beige. No blues, reds or greens are allowed. The canvas must be kept in excellent condition and free of mildew or its removal will be requested by the ACC.
- 6.7 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 6.8 Patio covers must be situated on the lot to provide drainage solely into the owner's lot. If a proposed patio cover location is less than five (5) feet away from a side lot line, the ACC will require that it be guttered with downspouts, if it is to be a solid cover.
- 6.9 Metal and 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 a corner lot or lot that backs a street, awnings will not be permitted. When allowed, they must be an approved earth-tone color, such as tan, brown, beige or gray (no blues, greens, reds etc.) and must be kept in excellent condition at all times or will be subject to immediate removal upon notification by the ACC of their unacceptable condition.
- 6.10 Awnings will be allowed for use on playhouses and patio covers, provided they also comply with above mentioned requirements for proper location and color.

7.0 STORM WINDOWS, SCREENS AND DOORS

- 7.1 Frames of these must be a color compatible with the exterior house colors.
- 7.2 Screen colors must be natural aluminum or color must be approved by the ACC.
- 7.3 Screens must be kept in excellent condition at all times.
- 7.4 Reflective solar screens, and other reflective materials on windows and doors will not be permitted.

8.0 DECKS

- 8.1 Decks may not encroach into any utility easement, or into any building setback lines.
- 8.2 Decks should be located on the lot so that they will not affect drainage of the lot or neighboring lot.
- 8.3 Decks may not be higher than eighteen (18) inches.
- 8.4 Decks must be constructed of treated wood.
- 8.5 If deck is stained or painted, stain or paint color must match or complement the color of the house.
- 8.6 To avoid termite infestation decks must be constructed at least 1 inch from the main residential structure and at least 2 inches from any demising wood fence.

9.0 SWIMMING POOLS, POOL ENCLOSURES AND SPAS

- 9.1 No pool, spa or decking of any type may encroach into any utility easement or into any building setback line.
- 9.2 A pool or spa should be located at least four feet from the house and three to five feet from the side and rear property line or fence to maintain proper drainage on the lot.
- 9.3 Above-ground pools will receive special consideration. An above-ground pool should not be over four (4) feet in height. If there is a deck around the pool, it may not be wider than three (3) feet or higher than eighteen (18) inches. A variance of the deck height may be granted if an agreement in writing is signed by the adjoining neighbors. The deck may not be higher than the height of the wall of the pool. Railings for the deck may not be visible above the six (6) foot fence. The deck around the pool must be three to five (5) feet from the side and rear fences.
- 9.4 The electrical and mechanical devices for the pool or spa must meet city code requirements, may not be located in a setback or in any location which may cause a noise nuisance to neighbors.
- 9.5 Pool enclosures will be reviewed on an individual basis. Height of the enclosure may not exceed eleven (11) feet. Screened enclosures are acceptable but color and material specifications must be approved.

10.0 SOLAR PANELS, SCREENS AND FILMS

- 10.1 The ACC will approve solar panels that are unobtrusive and which blend in with the roof shingle color.
- 10.2 Solar collectors that are not mounted flush with the roof will not be approved.
- 10.3 Solar panel frames should be bronze or black in color in order to get the best blend with the shingles. All unfinished aluminum must be painted the color of the shingles.
- 10.4 No solar panel should be mounted so that it extends above the roof line.
- 10.5 The ACC prefers that solar panels be mounted on the back roof of the house rather than on the sides or front roof.
- 10.6 Non-reflective solar screens will be allowed on windows.
- 10.7 Colors and manufacturers must be acceptable to the ACC for both screens and panels.

- 10.8 Solar film must be the non-reflective type and must be applied professionally. Bubbled or torn solar film must be removed immediately.

11.0 FENCES

- 11.1 Requests for changes will be reviewed on a case-by-case basis.
- 11.2 Rear fences on lots located on the perimeter of the neighborhood may be no higher than six (6) feet.
- 11.3 No painting of fences will be allowed without ACC approval.
- 11.4 Fences must be constructed of the original material, i.e., either cedar, treated wood or brick.
- 11.5 No split rail fences or decorative fencing will be permitted without ACC approval.
- 11.6 No fence extensions will be allowed.
- 11.7 Chain link fences are expressly forbidden.
- 11.8 Wood fences may not be attached to any structure, at least 2 inches must be left between fence and structure.

12.0 BASKETBALL GOALS

- 12.1 All applications for permanent or portable basketball goals will be reviewed on a case-by-case basis.
- 12.2 The basketball goal backboard, net and post must be maintained in excellent condition.
- 12.3 If the backboard is to be mounted upon the roof or above garage, an appropriate mounting structure is to be used. The mounting structure must be painted to match the house color.
- 12.4 A driveway basketball goal must be placed on the side of the driveway that is furthest from the side property line. A permanent basketball goal must be mounted on a metal pole and frame that is designed for that use. The frame and pole may be painted black or white.
- 12.5 Backboards must be regulation size.
- 12.6 A backyard basketball goal may be mounted in the backyard, if the yard has four hundred (400) square feet in front of the goal. The goal must be mounted at least five (5) feet from the back or side property line.
- 12.7 If any complaints are received after installation, the basketball goal will be subject to immediate removal at the request of the ACC.
- 12.8 Basketball goals to be situated adjacent to neighbor's home bedrooms will most likely be rejected.

13.0 HOUSE NUMBERS

- 13.1 *House numbers may be placed on house, mailbox or curb. House numbers may not be larger than six (6) inches in height, and may not be placed on the driveway or any type of freestanding structure, other than the mailbox, in the front yard.*

14.0 EXTERIOR LIGHTING

- 14.1 All exterior lighting must have ACC approval and may not be detrimental to exterior appearance of the house.
- 14.2 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring homes.
- 14.3 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
- 14.4 Low voltage landscape lighting may receive ACC approval if placed in such a way that they will blend in with the landscaping.
- 14.5 Security, mercury vapor, or fluorescent lights must be attached to the house. Mercury vapor, fluorescent and sodium lights are permitted in back or side yards with written approval by the neighbors affected.
- 14.6 Yard lights may be of gas or electric, single lamp only, with maximum height of six (6) feet. Yard lights may be placed in the front or back yard. Gas or electric lights may be black, brown, white or brass, depending on the color of the house. Determination of a suitable color will be the decision of the ACC.

15.0 MAILBOXES

- 15.1 Where communal mailboxes are not in use, changes or improvements made to the initial mailbox will require ACC approval.
- 15.2 If the post is to be painted or stained, a paint sample must be submitted with the application. The ACC 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 structures, the application will be denied.
- 15.3 Mailbox size, design and height and location must meet U.S. Post Office requirements.
- 15.4 Bricked mailbox stands should receive approval providing the brick matches the house. A specific sketch should be included with the application.

16.0 OUTDOOR CARPETING

- 16.1 Outdoor carpeting is not allowed to be installed on a front porch or sidewalk leading to a front porch area or in any area that is visible from the street without ACC approval. Samples must be provided with application.

17.0 BURGLAR BARS

- 17.1 Burglar bars will be approved on an individual basis, provided they are in harmony with the house. All bars should have internal lock release mechanisms.

18.0 LANDSCAPING

- 18.1 Landscaping including timbers, bricks, stones, flower bed borders and sprinklers do not need ACC approval.
- 18.2 Landscaping must complement the style and architecture of the home and conform to color scheme of the house and neighborhood.

19.0 ANTENNAS AND SATELLITE DISHES

- 19.1 Antennas must be mounted on the back side of the house. They must be lower than the roof line and must not be visible from the street.
- 19.2 Maximum size allowed for satellite dishes is one (1) meter.
- 19.3 Satellite dishes should be placed in the rear/back yard side of the house, and not be visible from the street. However, if proper operation mandates it be in view of the street, some type of screening will be required.

20.0 SWING SETS AND PLAYHOUSE/FORTS

- 21.1 Swing sets may not exceed a maximum height of eight (8) feet. Location will be considered for neighbor's privacy.
- 21.2 A playhouse/fort must be no higher than nine (9) feet maximum. If playhouse/fort has a platform, then platform may be no higher than four (4) feet off the ground and be a minimum of eight (8) feet from the side fence or rear to protect neighbor's privacy. Canvas awnings must be kept in excellent condition at all times or will be subject to immediate removal upon notification from the ACC of their unacceptable condition.
- 21.3 No playhouse/fort or swing set may be placed in front of any building setback line

21.0 DRIVEWAY EXTENSIONS AND SIDEWALKS

- 21.1 No driveway extensions or sidewalks will be permitted to be constructed without ACC approval.

22.0 WINDOW AIR CONDITIONERS

- 2321 Window air conditioners are not permitted.

23.0 ROOFING AND WIND TURBANS

- 23.1 Reroofing the complete roof using the same color shingles does not require ACC approval.
- 23.2 Roofing requests with color changes will be reviewed on a case-by-case basis. Roof color must be earth tones. The colors of red, green, and blue will not be approved as a roof color by the ACC.
- 23.3 *Roofing material must be asphalt/composition shingles. Other materials will not be permitted.*
- 23.4 Roof patching will be approved if shingle size and color is the same as the existing roof.
- 23.5 When replacing wind turbans, they should be placed in the same position on the roof as originally installed.
- 23.6 Wind turbans may be replaced by roof vents which are build into the roof ridge, or power fan vents provided the covers match the color of the roof.