

**KIRKWOOD COUNTRY
ARCHITECTURAL CONTROL COMMITTEE
GUIDELINES**

Effective
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From time to time the Kirkwood Country Homeowners’ Association may approve separate policies and guidelines in addition to those set out in the main body of the ACC Guidelines. This usually occurs in response to changes mandated by the Texas Legislature. Those separate policies and guidelines are recorded in the local property records and posted on the Kirkwood Country Homeowners’ Association website.

These ACC Guidelines are subject to change when the law changes after the effective date of this version of the ACC Guidelines. If a law supersedes or modifies an existing guideline, the affected guideline shall in turn be considered changed to the extent necessary to make the existing guideline comply with the new law, while leaving the balance of the unaffected guideline in place and in effect.

The improvement requested by the Owner in the Request For Home Improvement Approval Form (RFHIA) shall be completed as soon as circumstances permit. All Approvals granted by the ACC and Kirkwood Country HOA shall terminate 6 months after that date of approval. If work on the improvement has not commenced during the 6th month approval period, a new Request For Home Improvement Approval Form must be submitted and approved before any work can commence. An Owner cannot use an expired approval to begin work on the same or similar improvement outside the 6-month approval period.

If work has commenced on an approved project but is not completed during the 6-month approval period and additional time is needed to complete the project, an extension will be reasonably granted to allow completion of the project upon written request from the Owner explaining the reasons additional time is needed. Inaction on the part of the owner and/or inconvenience to the owner's schedule is not considered a reasonable ground for granting an extension. Natural disasters, governmental regulations and mandates, and material shortages are typical instances where the HOA may grant an extension of time to complete an ongoing project that is not completed within the 6-month approval period.

ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

The Architectural Control Committee (ACC) was created to enhance property values by requiring conformity to certain standards of construction, visual appeal, uniformity, and design.

It is the general purpose of the ACC 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 the lot itself.

General Procedure

A "Request For Home Improvement Approval Form" (RFHIA), also commonly called an "Application/ACC Form" must be completed in its entirety and mailed or delivered to the address indicated at the top of the form. All pertinent information such as plans, specifications, building permits, materials used, paint and shingle samples, locations indicated on a copy of the survey, etc. should be included with the RFHIA application. RFHIA Forms need to be filled in completely. Historical experience has shown that many denials result from failure to include basic information such as color choice samples for paint colors, and shingle colors.

These forms are available from our management company and can be found online on the KCHOA website. The ACC cannot respond to verbal request for approval - all applications must be made in writing.

The ACC has thirty (29) days from date of receipt of a RFHIA in which to respond. If additional information is required by the ACC, the application process will be extended accordingly. Plans for implementation of the proposed improvement(s) should allow for time required to complete the approval process. An approved RFHIA is good for 6 months from the date of approval and then it terminates. If a project takes longer than 6 months to complete, a time frame and schedule should accompany the initial RFHIA submitted so that the 6-month time period of the RFHIA can be adjusted.

If a RFHIA application is not approved by the ACC, notice of the denial will be provided to the Owner by certified mail, electronic delivery, or hand delivery. The ACC will state in its written notice the basis for the denial of the RFHIA application in reasonable detail and what type of application changes, if any, would alter that decision and make the RFHIA application approved. If an applicant wishes to discuss or appeal a decision made by the ACC, the Owner or the Owner's Designated Representative submitting the RFHIA should contact the management company representative for the KCHOA.

The written notice shall inform the Owner that the Owner may request a hearing on or before the 29th date after the date the denial notice is mailed or delivered to the Owner to appeal the denial of the RFHIA. The Board shall hold a hearing not later than the 29th day after the date the Board receives written notice of the Owner's request for a hearing and shall notify the Owner

of the date, time, and place, of the hearing not later than the 10th day before the date of the hearing. Only one hearing to appeal the denial of the RFHIA will be granted.

During the hearing, the Board, or a designated representative for the KCHOA and the Owner or the Owner's designated representative will each be provided the opportunity to discuss, verify facts, and resolve the denial of the Owner's RFHIA application or request for construction of improvements, and the changes, if any, requested by the architectural review authority in the written notice provided to the Owner concerning the denial.

The Board or Owner may request a postponement of the hearing. If a postponement is requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties. The KCHOA or the Owner may make an audio recording of the meeting. The Board may affirm, modify, or reverse, in whole or in part, any decision of the architectural review authority as consistent with the subdivision's declaration.

These provisions may be changed from time to time based on changes in the law.

Guidelines

The following are guidelines adopted by the ACC to specify their standards, requirements, and thought processes 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 and that the ACC may grant a variance from these guidelines if an extremely good reason is given. Granting variances is strongly discouraged as it reduces the enforceability of these guidelines and hurts the credibility of the ACC. The ACC cannot allow variances from the Declaration or Covenants, Conditions & Restriction's except where specifically stated in the Declaration. The Declaration can only be changed with a majority vote of the homeowners.

It should be also be noted that ACC approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal. Additionally, the City of Houston has its own ordinances and codes that must be complied with in addition to KCHOA Guidelines.

1.0 Outbuildings

1.1 *"No structure of a temporary character, trailer, basement, tent, shower, garage, barn, or other outbuilding shall be constructed, erected, altered, placed or permitted to remain on any lot at any time as a residence or other use, either temporarily or permanently except such buildings or structures as may be hereafter permitted..... "* (Art VIII, Sec 7). This meaning of this statement is fully explained in the Appendix, however, to summarize; the only structures which are enclosed by walls and a roof (other than the main residence) that are allowed are **storage sheds for lawn storage, playhouses, and forts**. All others are prohibited such as workshops, barns, and greenhouses. Room additions (which must be attached to the main structure) are covered in section 5.0.

1.2 The ACC will consider the following:

- a. In order to severely limit an outbuilding's visibility from the front street, it must have a peaked roof no higher than six (6) feet if any part of it **extends past the left or right side walls of the house**. A maximum height of eight (8) feet is allowed if the outbuilding **does not extend past the left or right sides of the house**. Visibility from a side street or back street is not to be taken into consideration. The structure must be kept a minimum of three (3) feet off rear and side property lines. Its location must also be far enough away from fence to allow for drainage to occur entirely on the owner's lot.
- b. It is preferred that the floor space be 100 square feet or less, however, the ACC will approve up to 120 square feet. Its door cannot be a garage door and cannot exceed six (6) feet in width. There shall be no driveway adjacent to the outbuilding. Building permits as required by the City of Houston should be submitted with request form.
- c. The colors should match or blend with the predominant exterior colors of the main residence and must be a muted color.
- d. Materials should match those of the main residence in both size and color, however, the ACC will approve small prefabricated metal storage buildings providing the color blends with the main residence.
- e. A storage building placed on a concrete slab on top of a utility easement will be portable and not affixed to the slab.
- f. No storage building can be built up against any side or rear wall of home unless its maximum height is less than six (6) feet. It must also comply with all the other requirements for proper construction, size and location. All City set back lines must be complied with.
- g. If a fort has a platform, then the platform can be no higher than four (4) feet off ground and centered in back yard to protect neighbor's privacy.

- h. Detailed plans must be submitted to the ACC and approval obtained before work begins.

2.0 Basketball Goals & Portable Basketball Goals

- 2.1 The basketball backboard, net, and post must be maintained in excellent condition at all times.
- 2.2 Rims must be ten (10) feet in height.
- 2.3 Backboard must be regulation size and its color must not clash with the colors of the house. Beige, grey, clear, and white generally acceptable colors. Black is not acceptable.
- 2.4 Permanent basketball goals are not allowed to be installed.
- 2.5 Portable basketball goals shall not be allowed on streets or left unattended. After use, the goal shall be moved from out of view of the front of the residence.

3.0 Patio Covers

- 3.1 Patio covers are only allowed in back of the house. They cannot extend past the left or right-side walls of the house in order to severely limit their visibility from the front street. An exception to this rule is specifically allowed for patio homes whose patios are on the side of their houses. The ACC believes that it would be unfair to prohibit patio-home owners from having patio covers.
- 3.2 Should be constructed of materials which complement the main structure.
- 3.3 Prefab covers made of aluminum may be approved providing they are of a muted color such as grey, brown, or beige. Unfinished aluminum will not receive ACC 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 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 wooden or metal columns. No pipe is allowed. At no time, however, shall a shingled roof of a patio cover be allowed with an unpainted frame (this does not apply to deck covers which cover a wooden deck). The frame will have to be painted to match the trim of the house whether treated or untreated wood is used.
- 3.5 Acceptable patio construction materials are as follows:
 - a. Colored or painted aluminum to match the trim of the house.
 - b. Painted wood to match the trim of the house.

- c. Wood such as cedar, fir, redwood, or pressure treated pine may be used. Other Construction materials will be considered on a case-by-case basis.
 - d. Fiberglass is acceptable and muted colors such as tan, brown, beige, and clear may be used. No green or yellow is allowed. Edges of fiberglass must not be visible from surrounding properties or from the street. General Note: All patio cover material, i.e., fiberglass, corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.
 - e. If canvas is used as roofing material on a patio cover, it must be a muted color and Also, the canvas must be kept in quality condition or its removal will be requested by the HOA. No blues or greens allowed for residential use.
- 3.6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 3.7 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.
- 3.8 Detailed plans must be submitted to the ACC and approval obtained before work begins.

4.0 Decks, Deck Covers, & Gazebos

- 4.1 Decks, deck covers, and gazebos are not prohibited by Art III Sec 7 as long as they are not fully enclosed by walls and a roof.
- 4.2 They are only allowed in the back yard; however, deck covers and gazebos cannot extend past the left or right-side walls of the house in order to severely limit their visibility from the front street. Decks can extend past the side walls as long as they are not visible from the front street.
- 4.3 Their floors cannot be higher than eighteen (18) inches.
- 4.4 Deck covers generally must comply with the patio cover guidelines, however, their frames do not have to be painted, even if they have a shingled roof, if the deck is not painted. If they are painted, the paint should match the house.
- 4.5 Decks, deck covers, and gazebos may not encroach into any utility easement unless companies involved have granted their written consent to such encroachment.
- 4.6 They should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot.
- 4.7 Gazebos must also be at least six (6) feet away from house. Their maximum height at the peak is eleven (11) feet and they must be at least three (3) feet off side and back fence.

4.8 Detailed plans must be submitted to the ACC and approval obtained before work begins.

5.0 Room Additions

5.1 See Article VIII Section 4 of CCR for detailed information of where the main residence (including room additions) cannot be located for the various types of houses. To summarize for a Single Family Detached house, it cannot be located nearer than twenty (20) feet to the front property line, nearer than ten (10) feet from the rear property line, nearer than five (5) feet to an interior side lot line, or nearer than ten (10) feet to an exterior lot line (on a corner lot).

5.2 Exterior materials and colors should match the house as much as possible.

5.3 Detailed plans must be submitted to the ACC and approval obtained before work begins.

5.4 Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.

5.5 On 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 or a greenhouse will not qualify as a bonafide room addition and will not be permitted. Plans for a room addition must show a room internally attached to main structure being of reasonable size which will then constitute a legitimate request for a room addition. Roof of addition must integrate with existing roof line so as to appear to have been part of the original home. Room additions cannot exceed one-third of the remaining back yard.

5.6 Building permits as required by the City of Houston must be submitted with the "RFHIA" form. In some instances, the ACC will grant approval with provision that a copy of the permit be received by the ACC within thirty (29) days of the approval letter.

6.0 Prefabricated Sunrooms & Solariums

6.1 See Article VIII Section 4 of CCR for detailed information of where the main residence (including attached sunrooms and solariums) cannot be located for the various types of houses. To summarize for a Single Family Detached house, it cannot be located nearer than twenty (20) feet to the front property line, nearer than ten (10) feet from the rear property line, nearer than five (5) feet to an interior side lot line, or nearer than ten (10) feet to an exterior lot line (on a corner lot).

6.2 It must be attached to the back of the house and it must not extend past the left or right-side walls of the house in order to severely limit its visibility from the front street. If it is not attached to the house, then it must be denied.

6.3 May not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.

- 6.4 Its height cannot exceed eleven (11) feet.
- 6.5 Exterior materials and colors should match the house as much as possible.
- 6.6 All aluminum should be painted. No mill finish allowed.
- 6.7 Detailed plans must be submitted to the ACC and approval obtained before work begins.

7.0 Exterior Painting and Painting of Brick and Masonry

- 7.1 All paint colors must be muted and of Earth Tone colors (not vivid) greys, browns, or beiges, including greys, browns, or beiges which have slight tints of other colors such as blue, red, yellow, or green. The home shall only have two colors, one body color and one trim color. The ACC recognizes that color choice is personal decision but is also guided by the Declarations which seek to establish uniform plan for the benefit of both the present and future owners. All paint colors shall be submitted to the ACC for consideration. Black, Purple, Robin's Egg Blue, and Pink have historically not been approved colors. If you are contemplating painting any part of your home, whether it be trim, siding, garage door, shutters or otherwise, using a color that is not used widely within the subdivision, and do not get consent first, you may be required to repaint the unapproved color with an approved color.
- 7.2 The applicant's brick color and roof color must be taken into consideration.
- 7.3 Limewash of Brick is discouraged but is allowed on a case-by-case basis and needs pre-approval of the ACC. Limewash is powdered limestone treated by heat and water to change its chemical composition that if applied properly to porous brick results in a stable durable product. Unlike paint it does not have chemicals and does not rest on the surface of the brick but is drawn into the brick and calcifies.
- 7.4 Brick and masonry cannot be painted. Paint does not breathe and traps moisture in the brick leading to mold build up. Whitewash is a mixture of thinned paint and water.
- 7.5 German Smear, a Mortar Wash, is a mixture of mortar and Portland Cement. German Smear is discouraged but is allowed on a case-by-case basis and needs pre-approval of the ACC.
- 7.6 Slurry Wash, a Mortar Wash, is discouraged but is allowed on a case-by-case basis and needs pre-approval of the ACC. Slurry Wash is also a thicker mixture of mortar and Portland Cement producing a stucco look.
- 7.7 Detailed plans must be submitted to the ACC and approval obtained before work begins.

8.0 Storm Windows and Storm/Screen Doors

- 8.1 Providing the frames and screens of these are of a color compatible with the exterior house colors, storm windows and storm or screen doors should receive ACC approval.
- 8.2 Detailed plans must be submitted to the ACC and approval obtained before work begins.

9.0 Swimming Pools, Spas, and Enclosures

- 9.1 No pool, spa, or pool enclosure of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Decking also requires consent agreement. Consents must be received prior to approval.
- 9.2 Ideally, any pool, spa, or pool enclosure should be located at least five (5) feet from a side and rear lot line to maintain proper drainage on lot. However, a minimum of three (3) feet will be allowed in certain instances. They are only allowed in back of the house.
- 9.3 Above ground pools will receive special consideration. Above ground pool acceptable provided it is not over four (4) feet in height. Decking around pool cannot be over eighteen (18) inches above ground so to ensure privacy of neighbors. If there is a walkway around pool, it cannot be wider than two (2) feet nor higher than the wall of the pool. Railings for walkway cannot be visible above the six (6) foot fence. It must be three (3) feet to five (5) feet from the side and rear fences.
- 9.4 Pool and spa enclosures cannot extend past the left or right-side walls of the house in order to severely limit their visibility from the front street. Exterior materials and colors should match the house as much as possible. All aluminum should be painted. No mill finish allowed. Detailed plans must be submitted to the ACC.
- 9.5 A Homeowner may install a swimming pool and spa enclosure that conforms to State Law or local safety requirements under Chapter 202 of the Texas Property Code. Sec. 202.002 that consists of transparent mesh or clear panels set in metal frames, is not more than 6 feet in height, and is designed not to be climbable.
- 9.6 Detailed plans must be submitted to the ACC and approval obtained before work begins.

10.0 Solar Energy Devices, Solar Panels, Screens, & Films

- 10.1 These guidelines apply to solar energy devices ("Devices") as defined in Section 171.107(a) of the Texas Tax Code. A solar energy device means 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 energy. 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.
- 10.2 Such Devices may only be installed with advance written approval of the Kirkwood Country Homeowners' Association Architectural Control Committee subject to these guidelines. Detailed plans must be submitted to the ACC and approval obtained before work begins.

- 10.3 Any such Device must be installed on land or structures owned by the property owner. No portion of the Devices may encroach on adjacent properties or common areas.
- 10.4 Such Devices may only be installed in the following locations:
- a. on the roof of the main residential dwelling; or
 - b. on the roof of any other approved structure; or
 - c. within a fenced yard or patio.
- 10.5 For Devices mounted on a roof, the Device must:
- a. have no portion of the Device higher than the roof section to which it is attached; and have no portion of the Device extend beyond the perimeter boundary of the roof section to which it is attached; and
 - b. conform to the slope of the roof; and
 - c. be aligned so the top edge of the Device is parallel to the roof ridge line for the roof section to which it is attached; and
 - d. have a frame, brackets and visible piping or wiring that is a color to match the roof shingles or a silver, bronze or black tone commonly available in the marketplace; and
 - e. be located in a position on the roof which is least visible from any street or common area, so long as such location does not reduce estimated annual energy production more than 10% over alternative roof locations (as determined by a public ally available modeling tool provided by the National Renewable Energy Laboratory [www.nrel.gov] or equivalent entity).
- 10.6 For Devices located in a fenced yard or patio, no portion of the Device may extend above the top of the fence. If the fence is not a solid fence which blocks view of the Device, the Association may require the Device be placed in a location behind a structure or otherwise require visual screening. The Association may consider installation of Devices on properties without a fenced yard if there is adequate screening from public view from any street or common area.
- 10.7 All Devices must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. Permits must be obtained where required by law.
- 10.8 Installed Devices may not:
- a. threaten public health or safety; or
 - b. violate any law; or
 - c. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner.
- 10.9 All Devices must be maintained in good repair. Unused or inoperable Devices must be removed.
- 10.10 The ACC will approve solar panels which are unobtrusive and which blend in with the roof shingle color.
- 10.11 Parabolic solar collectors which are not mounted so as to be flush with the roof will not be approved.

- 10.12 Solar panel frames should be bronze or black in color in order to best blend in with the shingles. All unfinished aluminum must be painted the color of the shingles.
- 10.13 No solar panel should be mounted so that it extends above the roof line.
- 10.14 Solar screens whose colors blend with the colors of the house are allowed on windows.
- 10.15 Colors and manufacturers must be acceptable to ACC for both screens and panels.
- 10.16 Solar film must be non-reflective type.

11.0 Satellite Dishes

- 11.1 No satellite dish of any kind which is visible from any ground location off of the Lot shall be maintained on any portion of any Lot unless such satellite dish is adequately screened from view.
- 11.2 The ACC believes any screening other than the lot's fence would look worse than the satellite dish itself, therefore the maximum height of the satellite dish is six (6) feet to eliminate the need for additional screening.
- 11.3 Must not be placed on any utility easement without consent-to-encroach letter.
- 11.4 Detailed plans must be submitted to the ACC and approval obtained before work begins.

12.0 Fence and Fence Extensions

- 12.1 An ACC application must be submitted for approval prior to staining, or varnishing of any fence or fence extension.
- 12.2 Decorative fencing is permitted in the front of the house; however is subject to ACC approval.
- 12.3 No fence may extend nearer the front Lot line than the plane of the front exterior wall of the residential structure on such lot
- 12.4 Replacement or repairs of fence must be made with similar materials and construction details as used in the original fence. All replacements and/or repairs are subject to ACC approval.
- 12.5 Chain link fences are prohibited in Kirkwood Country subdivision.
- 12.6 It is recommended that the cost of any shared fence repair and/or fence replacement be split between both shared parties.

- 12.7 See **Section 31** of these ACC Guidelines dealing with Security measures and Perimeter fences.

13.0 Decorations

- 13.1 On front lawns of lots and on any portion of a lot visible from any street, there shall be no decorative appurtenances placed, such as sculptures, birdbaths, birdhouses, fountains, or other decorative embellishments, unless such items have been approved in writing by the ACC. (Art IV Sec 1)
- 13.2 Benches and gates will be reviewed on an individual basis.
- 13.3 House numbers may be placed on the house or mailbox, but not on any type of freestanding structure in the front yard.

14.0 Exterior Lighting

- 14.1 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring homes.
- 14.2 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
- 14.3 Low voltage landscape lighting should receive ACC approval.
- 14.4 Security, mercury vapor, or fluorescent lights must be attached to the front of the house, preferably garage. Mercury vapor, fluorescent, and sodium halite lights are not permitted in the back or side yard.
- 14.5 Yard lights may be gas or electric. Single lamp only. Maximum height six (6) feet. May be in front or back. Gas or electric lights must be black, brown, or white, depending on color of the house and determination of suitable color will be the decision of the ACC.
- 14.6 Flags may be illuminated only in compliance with the provisions listed in 29.0. Flags.
- 14.7 Detailed plans must be submitted to the ACC and approval obtained before work begins.

15.0 Mailboxes

- 15.1 In subdivisions where communal mailboxes are not in use, changes or improvements made to the initial mailbox will require ACC approval. Detailed plans must be submitted to the ACC and approval obtained before work begins.

- 15.2 Replacement of the original pole with a wooden post should receive ACC approval. If the post is to be painted or stained, a paint sample must be included 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 materials, that portion of the application will be denied.
- 15.3 Bricked mailbox stands should receive approval providing 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.
- 15.4 In subdivisions or sections of subdivisions which use the communal mailboxes, applications for the installation of individual mailboxes will be denied.

16.0 Wind Turbines

- 16.1 Wind turbines should be mounted in the rear portion of the roof so that they are not visible from the front or above the roof line.
- 16.2 The wind turbines preferably should either be a color which will blend with the shingle color instead of unfinished aluminum or be painted to match the shingle color.
- 16.3 Detailed plans must be submitted to the ACC and approval obtained before work begins.

17.0 Outdoor Carpeting

- 17.1 Can only be installed on porch area - no walkways, etc.
- 17.2 Muted colors such as grey, brown, and beige are acceptable even if slightly tinted otherwise.
- 17.3 Specifically no green or blue carpet.
- 17.4 Visibility from street will be considered.
- 17.5 Detailed plans must be submitted to the ACC and approval obtained before work begins.

18.0 Gate Covers

- 18.1 Wooden gate covers must meet the following:
 - a. The gate cover must be constructed of new wood, pressure treated lumber, or an approved material with approval from the ACC. pickets no more than six (6) feet high, six (6) inches wide, and one (1) inch thick.
 - b. The pickets may either be painted or covered with a clear finish of either shellac, varnish, or polyurethane. If painted, the color must match either the basic or trim

color of the house and the paint must be kept in the same good condition as is required for the paint of the exterior house.

- c. The pickets may be fastened to the outside of the existing wrought iron gate. The method of fastening may be either U-bolts, or a like type of fastener. Under no circumstances may the cover be fastened with wire or nails bent around to surround the wrought iron bars.
- d. The wooden cover should allow space on either side for proper operation of the gate.
- e. Should the pickets become broken or split, they must be replaced with new pickets of the same material and dimensions as the original.

18.2 No other wooden gate cover will be approved, including lattice, whether it is partially covered or not.

18.3 The only other method that will be approved will be the use of black wire mesh screen, a solid flat metal surface cover attached to the gate frame or the addition of wrought iron bars. No chicken wire or any other form of screening will be approved regardless of its visibility from the street.

18.4 Detailed plans must be submitted to the ACC and approval obtained before work begins.

19.0 Burglar Bars

19.1 Acceptable provided in harmony with the house.

19.2 Painted to match exterior trim or black.

19.3 Detailed plans must be submitted to the ACC and approval obtained before work begins.

20.0 Birdhouses & Birdfeeders

20.1 Maximum height twelve (12) feet.

20.2 Mounted on two-inch diameter metal pipe painted white, black, hunter green or approved color that matches the main body color of the home.

20.3 Should be placed towards the middle of the back yard.

20.4 Birdfeeders (both seed and sugar/nectar based) should be periodically cleaned.

20.5 Detailed plans must be submitted to the ACC and approval obtained before work begins.

21.0 Landscaping

- 21.1 Trellises, window boxes, arbors, and permanent brick borders [i.e. with mortar] must have ACC approval.
- 21.2 Landscape timbers and bricks without mortar do not need ACC approval unless they exceed 2' in height.
- 21.3 Must complement style and architecture of home and conform to color scheme of immediate neighborhood to be approved.
- 21.4 Living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth; i.e. bark, mulch, etc." do not need ACC approval. On any portion of a lot visible from any street, there shall be no plastic potted planters, flamingos, toilet potted plants, or tire planters.
- 21.5 No hedge in excess of three (3) feet in height ... shall be erected or maintained nearer to the front Lot line than the plane of the front exterior wall of the residential structure on such Lot. No side or rear fence, wall, or hedge shall be more than eight (8) feet high.
- 21.6 No object or thing [including landscaping and plants] which obstructs site [sight] lines at elevations between two (2) feet and eight (8) feet above the roadways within the triangular area formed by the intersecting street property lines and a line connecting them at points ten (10) feet from the intersection of the street property lines or extension thereof shall be placed, planted or permitted to remain on any corner lots.
- 21.7 Xeriscape Landscaping.
 - a. The installation of Xeriscape Landscaping requires the prior written approval of the ACC.
 - b. A proposed installation of Xeriscape Landscaping shall be reviewed by the ACC to ensure, to the extent practicable, maximum aesthetic compatibility with other landscaping in Kirkwood Country Homeowners Association
 - c. As a general rule, full lawns composed of naturally green turf are required in the front yard space and the space along the side of the residential dwelling on a Lot not enclosed by a fence. If a deviation from this general rule is allowed, non-turf areas must be decomposed granite, hardwood mulch, crushed limestone, flagstone, or loose stone material as approved by the ACC. Concrete surface are limited to driveways and sidewalks. Non-turf materials may not be used in an area between a sidewalk and an adjacent street as the material is likely to wash out onto the street. The area within a particular Lot that may be non-turf shall be determined by the ACC; the non-turf area may vary from Lot-to-Lot depending upon the size and configuration of the Lot and the objective of preserving maximum aesthetic

compatibility with other landscaping in Kirkwood Country Homeowners Association

- d. Xeriscape Landscaping is subject to the same requirements as other landscaping and must be maintained at all times to ensure an attractive appearance. Plants must be trimmed, beds must be kept weed-free and borders must be edged. Leaves and other debris must be cut back to remove dead materials during winter. This includes most ornamental grasses and other flowering perennials, which go dormant to the ground in winter.

21.8 Detailed plans must be submitted to the ACC and approval obtained before work begins.

22.0 Antennas

22.1 Back side of house, lower than roof line and must not be visible from the front side of the lot.

22.2 If a lot backs onto vacant property and can be seen from entrance to subdivision or adjacent road, screening will be required. Trees can be used as an effective screen.

22.3 Not allowed on corner lot if visible from front or side street regardless of screening.

22.4 Detailed plans must be submitted to the ACC and approval obtained before work begins.

23.0 Swing Sets

23.1 In order to severely limit a swing set's visibility from the front street, it must be no higher than six (6) feet if any part of it **extends past the left or right side walls of the house**. A maximum height of eight (8) feet is allowed if the swing set does not **extend past the left or right sides of the house**. Visibility from a side street or back street is not to be taken into consideration.

23.2 Location will be considered for neighbors' privacy.

23.3 Detailed plans must be submitted to the ACC and approval obtained before work begins.

24.0 Driveway Extensions & Sidewalks

24.1 Case by case. All Driveway repairs and extension require City Permits. No Slurries or coatings can be used.

24.2 No closer than three (3) feet to property line and sometimes up to five (5) feet. Driveway extensions can extend no nearer to side property line than three (3) feet and five (5) feet in certain instances.

24.3 All sidewalks in the side yard must be no greater than thirty-six (36) inches wide. Thirty (29) inches wide is the recommended width for the standard five (5) foot side yard.

24.4 Detailed plans must be submitted to the ACC and approval obtained before work begins.

25.0 Garage Conversions, Carports, Detached Garages

25.1 Conversions of attached garages are permitted provided there are no exterior changes to the garage (i.e. the converted garage must still look like a garage and have a garage door).

25.2 Detached garages, other than existing structures built by Builders, are not permitted.

25.3 Driveways can never be removed from the front yard.

25.4 Detailed plans must be submitted to the ACC and approval obtained before work begins.

26.0 Window Shades/Awnings

26.1 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 at all from the street. On a corner lot or a lot that backs onto a street, canvas awnings will not be permitted at all. When allowed, they must be muted colors, no blues, greens, etc., and must be kept in excellent condition at all times or will be subject to immediate removal upon notification by the HOA of their unacceptable condition.

26.2 Awnings will still be allowed for use on playhouses and patio covers, provided they also comply with the above-mentioned requirements for proper location and color.

26.3 Metal and wooden slat-type shades may be allowed by the ACC, if they are deemed necessary in reduction of solar exposure and installation on appropriate windows will be determined by the ACC.

26.4 Detailed plans must be submitted to the ACC and approval obtained before work begins.

27.0 Roofs

27.1 All buildings shall be roofed with composition shingles unless otherwise approved in writing by the Kirkwood Country Homeowners Association Architectural Control Committee Wood shingles are specifically prohibited for safety reasons.

27.2 Composition shingles must weigh at least 229 pounds per square and have a stated warranty of at least 25 years. Shingles must have a laminated design. Three-tab shingles are specifically prohibited except for use as a starter and cap rows.

27.3 Roof shingles must be dark brown or dark gray tones or light brown or light gray. Blue, green, red and white colors are not allowed.

27.4 Roof overlays are not allowed. Prior to roofing, all existing materials must be removed

- down to clean decking. Any damaged or deteriorated decking must be replaced.
- 27.5 Ridge vent are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.
- 27.6 All roof protrusions, such as vents, roof jacks, must be painted to match the shingles.
- 27.7 Subject to Section 8 below and with advance written approval from the Architectural Control Committee, an owner may install shingles ("Alternative Shingles") which are designed primarily to:
- a. be wind and hail resistant; or
 - b. provide heating or cooling efficiencies greater than traditional composition shingles; or
 - c. provide solar energy capture capabilities.
- 27.8 Once installed, any such Alternative Shingles must:
- a. resemble the shingles used or authorized to be used on other structures within the Association; and
 - b. be more durable than and of equal or superior quality to the shingles used or authorized to be used on other structures within the Association; and
 - c. match the aesthetics of properties surrounding the owner's property.
- 27.9 All roof colors must be muted (not vivid) greys, browns, or beiges, or black.
- 27.10 The roof color must blend or accent the applicant's brick color and paint color.
- 27.11 Roofing materials other than composite asphalt shingles may be used, such as aluminum, however, these must have the appearance of composite shingles in order to remain consistent with the neighborhood.
- 27.12 Detailed plans must be submitted to the ACC and approval obtained before work begins.

29.0 Rainwater Harvesting Systems

- 28.1 Rainwater Recovery Systems may be installed with advance written approval of the Kirkwood Country Homeowners Association Control Committee subject to these guidelines.
- 28.2 All such Systems must be installed on land owned by the property owner. No portion of the Systems may encroach on adjacent properties or common areas.
- 28.3 Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Systems, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area. Screening may be accomplished by:
- a. placement behind a solid fence, a structure or vegetation; or
 - b. by burying the tanks or barrels; or
 - c. by placing equipment in an outbuilding otherwise approved by the Kirkwood Country Homeowners Association Architectural Control Committee.
- 28.4 A rain barrel may be placed in a location visible from public view from any street or

common area only if the configuration of the guttering system on the structure precludes screening as described above with the following restrictions:

- a. the barrel must not exceed 55 gallons; and the barrel must be installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle; and
 - b. the barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
 - c. any hose attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible position when not in use.
- 28.5 Overflow lines from the Systems must not be directed onto or adversely affect adjacent properties or common areas.
- 28.6 Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed, however, where space allows and where appropriate, Kirkwood Country Homeowners Association Architectural Control Committee approved ponds may be used for water storage.
- 28.7 Harvested water must be used and not allowed to become stagnant or a threat to health.
- 28.8 All Systems must be maintained in good repair. Unused Systems should be drained and disconnected from the gutters. Any unused Systems in public view must be removed from public view from any street or common area.
- 28.9 Detailed plans must be submitted to the ACC and approval obtained before work begins.

29.0 - Flags

- 29.1 These Guidelines apply to the display of (“Permitted Flags”):
- 29.1.1 the flag of the United States; and
 - 29.1.2 the flag of the State of Texas; and
 - 29.1.3 the official flag of any branch of the United States armed forces.
- 29.2 These Guidelines do not apply to any flags other than the Permitted Flags listed in Section 1 above including, but not limited to:
- 30.2.1 flags for schools, sports teams, businesses or foreign countries; or
 - 30.2.2 flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
 - 30.2.3 historical versions of flags permitted in section 1 above.
- 29.3 Permitted Flags may be displayed subject to these guidelines. Advance written approval of the Kirkwood Country Homeowners Association Architectural Control Committee is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags.
- 29.4 Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.

- 29.5 Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
- 29.6 Permitted Flags shall be no larger than three foot (3') by five foot (5') in size.
- 29.7 Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14') tall.
- 29.8 Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
- 29.9 A flagpole attached to a structure may be up to six feet (6') long and must be securely attached with a bracket with an angle of 29 to 45 degrees down from vertical. The flagpole must be attached in such a manner as to not damage the structure. One attached flagpole is allowed on any portion of a structure facing a street and one attached flagpole is allowed on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.
- 29.10 Free-standing flagpoles may be up to twenty feet (20') tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. One free-standing flagpole is allowed in the portion of the owner's property between the main residential dwelling and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.
- 29.11 Free-standing flagpoles may not be installed in any location described below:
- 29.11.1 in any location other than the Owner's property; or
 - 29.11.2 within a ground utility easement or encroaching into an aerial easement;
or
 - 29.11.3 beyond the side or rear setback lines (for example, on a lot with a 10' side setback line, a flagpole may not be installed closer than 10' from the side property line); or
 - 29.11.4 beyond half the distance of the front setback line (for example, on a lot with a 29' front setback line, a flagpole may not be installed closer than 15' from the front property line); or
 - 29.11.5 closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).
- 29.12 Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:
- 29.12.1 be ground mounted in the vicinity of the flag; and
 - 29.12.2 utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and

29.12.3 point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and

29.12.4 provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.

29.13 Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.

29.14 Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.

29.15 All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.

29.16 Detailed plans must be submitted to the ACC and approval obtained before work begins.

30.0 Display of Religious Items

30.1 Pursuant to Section 202.018 of the Texas Property Code, a property owner or resident may display or affix on the Owner's or resident's property or dwelling, one or more religious items, subject to the following regulations.

30.2 No Owner may display or affix a religious item that:

- a. is not motivated by the Owner's or resident's sincere religious belief (the Association should not attempt to discern a person's motive or sincerity of belief beyond that stated by the Owner or resident);
- b. threatens the public health or safety;
- c. violates a law other than a law prohibiting the display of religious speech;
- d. contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content.

30.3 In order to facilitate the swiftest possible approval of applications, the Association's ACC recommends Owners consider the following suggestions and strongly recommends Owners incorporate these suggestions into their applications:

- a. Refrain from affixing, attaching, and/or placing, any religious items, upon the roof of any dwelling or outbuilding on Owner's Lot;
- b. Refrain from including electronic lighting of any kind;

- c. Refrain from constructing, installing, and/or placing any religious items larger than six feet in height and/or is larger than six feet in width.
- 30.4 No Owner may display or affix a religious item on property owned or maintained by the Association.
- 30.5 No Owner may display or affix a religious item in violation of any applicable building line, right-of-way, setback, or easement.
- 30.6 No Owner may display or affix a religious item to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

31.0 - Security Measures, Motion Detectors, Security Cameras, Perimeter Fences

- 31.1 Pursuant to Section 202.023 of the Texas Property Code, a property owner may install security measures, including but not limited to, a security camera, motion detector, or perimeter fence, to the extent such measure complies with the regulations set forth below.
- 31.2 An Owner is prohibited from installing a security camera in a place other than on the Owner's private property.
- 31.3 No chain link fences, barbed wire/razor wire fences, concertina wire fences, welded wire fences, post and rail fences, chicken wire/mesh fences, wood lattice fences, composite wood fences, vinyl fences, or louver fences are permitted in the Subdivision under any circumstances.
- 31.4 Any security perimeter fence to be installed at or behind the front building line (and as to corner lots, the front and side street building lines) must meet all Association requirements in its dedicatory instruments relative to materials, height, location and appearance for privacy fencing, including, but not limited to, the following requirements:
- a. No such security perimeter fence to be installed at or behind the front building line may exceed eight (8) feet in height.
- 31.5 Any security perimeter fences to be installed forward of the front (or side street) building line are subject to the right of the ACC to require different types of fencing front of the building line than the type behind the building line (including without limitation the type of material, color, style and design) and must comply with regulations to be established by the board of directors of the Association, if any.
- b. Any security perimeter fences to be installed forward of the front (or side street) building line must be constructed within three (3) feet of the front (or side) lot

line, except that if such construction would place the security perimeter fence within any easement and/or right-of-way, then such security perimeter fence must be installed on the Owner's Lot within two (2) feet of the easement and/or right-of-way at issue.

- c. All security perimeter fences installed forward of the front (or side street) building line must be constructed of wrought iron, black in color, and no security perimeter fence installed forward of the front (or side street) building line may be higher than six (6) feet.
 - d. Decorative features may not be installed on, placed, or present on, security perimeter fences installed forward of the front (or side street) building line.
 - e. No more than one (1) security perimeter fences installed forward of the front (or side street) building line shall be permitted on any one Lot.
- 31.6 No security perimeter fence may be constructed of living, organic, and/or plant material of any kind (including artificial material resembling living, organic, and/or plant material).
- a. However, thorny plants (including but not limited to rose bushes) may be planted on an Owner's property at the base of Owner's security perimeter fence.
- 31.7 No electrified fences are allowed in the Subdivision under any circumstances.
- 31.8 No Owner may install a security camera such that the security camera's primary field of view, or a large part of same, consists of a neighboring homeowner's Lot.
- 31.9 No Owner may install a motion detector such that the motion detector's primary area of coverage, or a large part of same, consists of a neighboring homeowner's Lot.
- 31.10 In the event any Owner's security camera requires, includes, and/or utilizes a light of any kind, in no event shall such light be permitted to interfere with any neighboring homeowner's quiet enjoyment of their Lot.
- 31.11 No Owner may install a security measure that is visible from any street in the Subdivision until they have submitted a written application to, and received written approval from, the ACC.
- a. No ACC application for the construction of a perimeter security fence will be deemed properly submitted unless it is accompanied by documentation demonstrating approval from the City of Houston. Any ACC application for the construction of a perimeter security fence that does not include documentation demonstrating approval from the City of Houston will be rejected and returned to the submitting Owner as incomplete.

32.0 – Gutters and Downspouts

- 32.1 A properly functioning gutter systems is required on all homes. Gutters and Downspouts are to be kept securely attached to the Home. Sagging Gutters need to be secured to the home's surface (trim, eaves, siding, soffit, etc.) so they drain as intended and not drain into an adjacent neighbor's yard. Downspouts must be properly connected to Gutters so the downspouts direct water away from the foundation to prevent damage to the foundation and prevent erosion of soil.
- 32.2 Gutter and downspouts are to be kept clear of debris that interfere with the proper functioning of the gutter system. Debris includes leaves, branches, growing plants and plant material, or any other item that interferes with the proper functioning of the gutter system. Gutter covers and shields are permitted as long as they are the same or similar color of the Gutter.
- 32.3 Gutters and Downspouts may be painted to match the color of the home. Brown and White are commonly accepted colors. Other Color choices require advance approval by The ACC.
- 32.4 Rainwater must not be drained on an adjacent owner's property.
- 32.5 Detailed plans must be submitted to the ACC and approval obtained before work begins.

33.0– Garbage & Trash Carts and Recycle Carts

- 33.1 All Garbage and Trash Carts and Recycle Carts are to be removed from the street and stored out of site except during the time periods and dates set out by the City of Houston. If requiring a new trash can, you may call City of Houston 301 and request one.
- 33.2 All Garbage and Trash Carts and Recycle Carts are to be kept clean and free of maggots, flies, and rodents.
- 33.3 Garbage and Trash Cart Screens are discouraged on the front and sides of the house. The ACC will consider a variance in using garbage screens on a case by case basis but approval by the ACC is required in advance of the construction and location of the Garbage and Trash Cart screens.
- 33.4 Detailed plans must be submitted to the ACC and approval obtained before work begins.

34.0 – Grass and Weed Maintenance - General Guidelines

- 34.1 Grass and weeds in all yards must be mowed and cut periodically. Grass and weeds according to City Houston Regulations must be kept 9 inches or less. Flower beds shall be maintained periodically to keep the flower beds free of grass and weeds. Maintenance includes, but is not limited to, removing weeds, and applying mulch and other weed

suppressants, and keeping the bed's borders distinct and defined from the areas where grass and turf predominate.

- 34.2 All sidewalks must be kept edged so that grass and weeds do not extend into the surface area of the sidewalk. All driveways must be kept edged so that grass and weeds do not extend into the surface area of the driveway.
- 34.3 All curbs must be kept edged so that grass and weeds do not extend into the street.
- 34.4 Any area in the front and side yards that is visible from the street or sidewalk in front of the house must be maintained. Backyards the house must also be maintained.
- 34.5 The ACC recognizes that landscaping is an art and not an exact science. Sidewalks should be free from weeds and grass (Johnson grass) that stain clothing and hinder pedestrian traffic. High grass provides opportune hiding spots for rats, vermin and other animals (wasps, bees, termites) that are commonly detrimental to a property and may injure a pedestrian.

35.0 – Tree Stumps

- 35.1 Tree stumps are not allowed to be seen above ground level. The stump must be taken down to ground level. Termites and ants use the stumps as mounds to live in. Alternatively, the owner may conceal the stump portion above ground level by incorporating it into a flower bed. A well-defined flower bed can be filled with mulch to conceal the stump. Over time the concealed stump will decompose and the stump can be removed to the ground level at the owner's discretion.

36.0 – Holiday Lights and Decorations

- 36.1 KCHOA recognizes that it is a diverse community with many holidays that are observed, some involving religious themes. Exterior lights and decorations are permitted to celebrate long recognized holidays. Exterior lights can be placed on the house including the roof and on shingles.

Exterior Holiday lights can be displayed during the months of November, December and end January 15th. Wreaths, garlands, and other displays such as Inflatable figurines (Santa, Reindeer, snowmen, etc.) recognizing the holiday are permitted in the yard as long as the displays and figurines are secured to the ground, maintained in good condition, and do not interfere with sidewalk traffic. Religious themes are also permitted.

At the conclusion of the season, all exterior lights, displays and figurines that are not exempted under the provisions of ACC Guideline 30 must be removed from view.

36.2 Displays and figurines celebrating recognized Federal and State Holidays are permitted during the 2-week period prior to the Federal and State Holiday. Presently recognized Federal Holidays are New Year’s Day, Martin Luther King Day, Presidents’ Day, Memorial Day, Juneteenth Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, Christmas Day are recognized as Federal Holidays. Recognized Texas Holidays include Texas Independence Day. Displays and figurines are permitted but must be secured to the ground, maintained in good condition, and do not interfere with sidewalk traffic. Holiday lighting is permitted during the 2-week period prior to the holiday.

At the conclusion of the 2-week period, all exterior lights, displays and figurines must be removed from view. Excluding Christmas day as Christmas Décor can be installed in November and kept up until January 15th.

36.3 Displays and figurines celebrating recognized holidays but not Federal and State Holidays are permitted during the 2-week period prior to the Holiday. The holidays include but are not limited to, Valentine’s Day, St. Patrick’s Day, Cinco De Mayo Day, Mother’s Day, Father’s Day, Patriot Day, Halloween Day, Displays and figurines are permitted but must be secured to the ground, maintained in good condition, and do not interfere with sidewalk traffic. Holiday lighting is permitted during the 2-week period prior to the holiday.

At the conclusion of the 2-week period, all exterior lights, displays and figurines must be removed from view.

Appendix - Definitions

Article III, Section 7 Explanation

Article III, Section 7 of the CCR's states *"No structure of a temporary character, whether trailer, basement, tent, shack, garage, barn or other outbuilding shall be maintained or used on any Lot at any time as a residence, or for any other purpose, with the exception of lawn storage or children s playhouses which have received Architectural Control Committee approval; ... "* Since this statement has a large impact on what is and is not allowed in Barrington Place, its definition has been recorded here to make sure the ACC fully understands and enforces it.

In order to understand this statement, the key words must first be understood. Webster's

Third International Dictionary defines these as follows:

Structure-something constructed or built; esp: a building of imposing size: edifice.

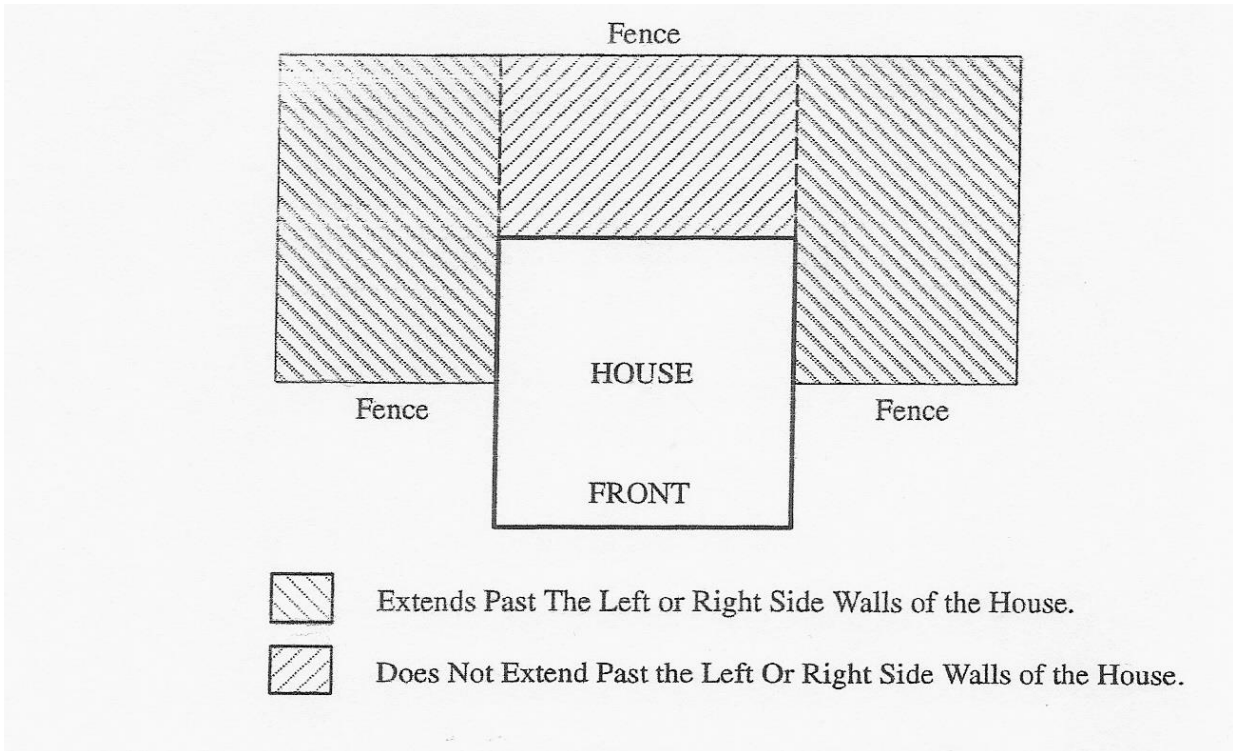
Temporary - existing or continuing for a limited time.

Out-building - a detached building, subordinate and accessory to a main building.
Building - a constructed edifice designed to stand more or less permanently, covering a space of land, usually covered by a roof and more or less completely enclosed by walls, and serving as a dwelling, storehouse, factory, shelter for animals, or other useful structure - distinguished from structures not designed for occupancy (as fences or monuments) and from structures not intended for use in one place (as boats or trailers) even though subject to occupancy.

So according to Webster's, the word 'structure' could mean anything built, or it could mean only a 'building'. If the former definition is used, then Section 7 would be prohibiting any temporary thing built and used for any purpose which would include decks, patio covers, fences, outdoor grills, pools, antennas, satellite dishes, and even automobiles! It then becomes obvious that the latter definition is meant (i.e. a 'building'). Therefore, a "*structure of a temporary character*" means any 'building' other than the permanent main residence, which is actually the same definition as 'outbuilding' (i.e. something covered by a roof and completely enclosed by walls which is detached from the main residence). This definition also agrees with the context of Section 7 since Section 7 goes on to list other 'outbuildings' such as a "*trailer [trailerhome], tent, shack, garage, barn or other outbuilding*". Therefore, the only 'outbuildings' allowed in Barrington place are lawn storage sheds and children's playhouses, which could include forts. All other 'outbuildings' are prohibited such as workshops, barns, and greenhouses. This definition of Section 7 does not prohibit decks, deck covers, patio covers, gazebos, and the like since these are not 'buildings' as long as they are not enclosed by walls and a roof.

Side Walls of the House

When an improvement's guidelines talks about extending past the left or right side walls or the house, it means the following:



The main purpose is to severely limit the improvement's visibility from the front street, thus keeping the uncluttered appearance of our neighborhood. The consequences of not following these guidelines are severe, because if the ACC allows something normal in the backyard, like a storage shed, to be visible from the front street, then it would be forced to allow something 'abnormal', like an eight (8) foot glow-in-the-dark statue of Adolf Hitler, to also be visible. (The ACC would be hard pressed to convince the statue owner that someone else's old storage shed looks better his piece of 'artwork'.) This would lead to a serious question of what is normal and what is not. So, by following these location guidelines, the ACC severely limits the visibility from the front street of all improvements, and therefore, eliminates this problem.

In general, an acceptable location is defined as anywhere in the backyard for anything that is six (6) feet tall or less (i.e. hidden by the fence), subject to all the other rules for that type tall, they must be placed behind the main house and must not extend past the side walls of the house.

The ACC uses this side-wall-of-the-house rule, instead of just stating that the improvement must not be visible from the front street, because of its simplicity of approval and enforcement. Visibility from the front street depends on many factors such as distance to the neighboring houses, depth of the backyard, relative height of the fence to the street and of the backyard to the fence, as well as the height of the improvements and its location on the survey. The only way to assure that an improvement would not be visible would be to build it and move it until it is not visible, which of course would be a disaster for many improvements. It would also bring up the issue of visible to who, a six foot person or a five foot person? The side-wall rule only requires the height of the improvement and its location on the survey to determine if the improvement is acceptable. So the end result of using the side-wall rule is slightly increased visibility from the street, but a much simpler rule to use.