

Architectural Control Committee Guidelines

Approved December 2004, Amended May 2005

Amended July 2008, Amended July 2009

Last Amended April 2012

Introduction

The Bakers Branch Homeowners' Association (BBHOA) Architectural Control Committee (ACC) was created to help ensure that the character of the neighborhood in which we invested remains attractive to us and to those to whom we sell our property. Towards these ends, we all contracted to abide by the BBHOA Covenants, Conditions, and Restrictions (CC&R's) when we purchased our homes. Our CC&R's provide for very clear directives regarding alterations/additions to our properties. For example, your ACC is explicitly charged to "use its best efforts to promote and ensure a high level of taste, design quality, harmony and conformity throughout the Property ..." (CC&R's, Article 10.5[a]).

Our CC&R's state in detail the authority of the ACC to regulate buildings, relocation and/or height changes to a fence, and playground equipment over six feet tall, all walls and other structures. Before any of these things can be built, the ACC must approve the owners' plans, including a plat of the lot showing the location of proposed work. The committee is also explicitly charged to "prevent unusual, radical, curious, odd, bizarre, peculiar or irregular structures from being built in the development (10.5[e])." The ACC is generally to require, "that any plans meet the standards of existing improvements" in the neighborhood (10.5[e])." Further, the committee is granted sole discretion in determining what meets its charges. In fact, in the strictest interpretations, ACC approval is required for any change whatsoever to a property if it is visible from the outside (10.5 [c, iv]).

In other words, as the CC&R's we all agreed to are written, your ACC is mighty powerful.

On the other hand, we have had little reason to fear that our homeowners would attempt bizarre or structurally curious improvements. Generally speaking, homeowners' plans have been well in keeping with neighborhood standards and few concerns have arisen. Accordingly, the vast majority of applications to your ACC have been approved as submitted. Some applications have required minor revision, and a very few, major.

Objective

We homeowners of Bakers Branch have no desire to burden ourselves with needless paper pushing; yet if we do not ensure that the CC&R's are respected, they will cease to be in effect. This could lead to circumstances that might well adversely affect the resale value of our homes. While we might wish not to have to deal with the ACC, it is a necessary aspect of living in Bakers Branch – indeed, an aspect that many of our homeowners find a positive benefit.

In order to minimize the amount of paperwork that homeowners and ACC members have to process, we have established the following guidelines to help homeowners determine when an ACC application is appropriate.

Guidelines

As a general guideline, **maintenance of property** does not require additional approval. For example, if a home is to be **repainted** in the same color and style as it was originally, no additional approval is required (since the paint scheme was previously approved). Similarly, **replacing fence stakes, replacing windows**, replanting beds also do not need approval if the original appearance is maintained. Another example of maintenance that does not require approval is re-roofing with the same color and grade of shingles (after a hail storm, for example). In general, any maintenance that does not alter the appearance of the house or lot does not require ACC approval.

Landscape Changes and Replacing Dead Trees & Bushes

Similarly, typical landscape maintenance does not need approval. For example, trimming plants and trees, removing dead plants and trees, or replacing them with similar plants can be done without an ACC application. Obviously, if your old 30-foot oak croaks, you will probably be replacing it with a smaller tree, perhaps of a different species. If the replacement is similar, you won't need to submit an application to the ACC. **For example, replacing a Post Oak with a Red Oak or a Live Oak wouldn't need approval; replacing it with a Ginkgo would.** Dead trees or bushes should be **removed and replaced within one month**, unless tough summer heat makes it more reasonable to wait and do the replacement during cooler temperatures. Homeowners are not expected to apply to the ACC for typical seasonal changes of bedding plants (e.g. pansies in the winter, begonias in the summer, etcetera).

Other Exterior Alterations

In general, minor alterations to a homeowners' fenced-in yard that are not visible from the sidewalk and are lower than six feet do not require an ACC application. Major construction, on the other hand, such as a **swimming pool or pond**, does require approval of the ACC (in addition to city permits). This is true of any sort of project that affects drainage. **Satellite dish antennas** less than 3 feet in diameter and mounted on the back side of a member's house are acceptable. All other antennas still require approval as per the CC&R's.

The objective of these guidelines is to minimize the effort required to ensure that your ACC is able to do its job of keeping our neighborhood a place we wish to live. Needless to say, if homeowners start to experience problems with these guidelines, your ACC retains its full authority to enforce its detailed and explicit charges in our CC&R's. This announcement serves as an ACC bulletin establishing fair, reasonable, and uniformly applied standards. The foregoing notwithstanding, all major alterations to the appearance of the property, visible from the street or over six feet in height will continue to require an ACC application for approval. **It is solely the homeowners' responsibility to research and obtain all necessary Town permits.** Neither the Homeowners' Association nor its elected or appointed representatives carry this obligation.

Addition Approved May, 2005 – Trim for Flower Beds

ACC approval is not required for trimming existing flower beds with the following: natural materials (e.g. timber, stone); brick in keeping with the look of the house; or concrete edging in colors similar to brick or stone. Trim may be either temporary (e.g. dry-set stone) or permanent (e.g. mortar-set brick). Steel edging to replace that installed by the builder (e.g. dark green or black) also does not require approval. The ACC is still required to review any planned major landscape alterations as well as any project requiring city permits (e.g. walls higher than 12 inches).

Addition Approved July, 2008 – Fences and Stain

All wood fencing visible from the street shall be stained one of the following 4 colors (or one approved separately by the ACC): Behr Woodbridge, Sable, Russet or Chestnut. If another color is desired, an ACC application must be submitted to request approval. In exception, wood fences facing the greenbelt area on Cilantro (this applies to homeowners living on Tarragon with yards backing up to the greenbelt) shall be stained Behr Sable or another brand matching that color to keep a uniform look along the greenbelt. Wood fences need to be re-stained once they begin to fade enough that they appear more than 50% gray or faded and the stain color is no longer prominent. Wrought iron fences shall be painted black and need to be repainted when chipping, peeling or rust becomes noticeable from the street. Fence poles or posts must face interior of property and away from Common Areas.

Addition Approved July, 2009 – Roof Colors / Types of Shingle (Added 3/2012)

Weathered wood or weathered gray shingles, are the only ones approved for Bakers Branch Estates HOA. Owners are allowed to install shingles of certain materials made to resist wind and hail, provide heating/cooling efficiency, or generate solar energy as long as they are approved by the ACC in advance and are consistent in color with the weathered wood / weathered gray.

Addition Approved July, 2009 – House paint color

Changes to house paint color require ACC approval (repainting with the same color does not require ACC approval). If you desire to change the house paint color, please submit the ACC application (obtained from the website www.bakersbranchhoa.com or from the ACC chair at acc@bakersbranchhoa.com) along with a paint chip of the color requested; the ACC will also need to check a test sample of the color applied directly to the house in order to evaluate for approval.

Following Additions Approved March 2012

Rain Barrels – Owners are permitted to install rain-harvesting devices as long as the following apply:

- a. The device is not located between front building line and street,
- b. Color is consistent with home's color scheme,
- c. No language or other content is displayed on device other than as manufactured,
- d. AND if visible from the street, an ACC application is submitted for ACC to approve the size and material/appearance of device.

Solar Panels – Owners are permitted to install solar panels with prior ACC approval and with the following stipulations:

- a. Panels must not pose a threat to public health or safety
- b. Panels will be installed parallel (level) with the roof and must fit within the roof line (cannot overhang)
- c. Installation must be in a manner that maintains material warranties, permitted by the Town, and meet all applicable requirements including hail & wind rating for the area
- d. Equipment shall be maintained and all repairs performed within 30 days of damage.
- e. Panels are restricted to side and back roof of house, unless alternate location desired by homeowner would increase estimated annual energy production by more than 10% (this according to State requirements)
- f. Application for ACC approval must include: location on roof of home, size and number of panels, color of materials used, feed wires or pipes and/or ancillary equipment location, attachment method to roof/house, sample photo of similarly installed system, and installer certification information.

Flags & Flagpoles – Owners are permitted to install flagpole and display flag if:

- a. ACC has approved location of flagpole prior to installation
- b. Flagpole is constructed of permanent, long-lasting material with appropriate finish
- c. US and Texas flags are displayed according to flag code
- d. Flag and flagpole are maintained in good condition; any deteriorated flag or structurally unsafe flagpole must be repaired, replaced or removed.
- e. Flagpole is not more than 20 feet in height.