

KIRKWOOD COUNTRY HOMEOWNERS ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

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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.

PROPERTY

The Property that these Guidelines apply to is described as, to wit:

Kirkwood Country, Sections One and Two, additions in Harris County, Texas, according to the maps or plats thereof, recorded in the Map Records of Harris County, Texas, under Volume 285, Page 1, Clerk's File No. F937697; and Volume 285, Page 10, Clerk's File No. F937698, respectively, along with any amendments, supplements, replats, and annexations;

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. The Covenants, Conditions and Restrictions (CCR's) provide *that no* building, fence, wall, structure, improvement, exterior appurtenance, or exterior corporeal hereditament, except landscaping (landscaping defined as "living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth; i.e., bark, mulch, etc. Trellises, window boxes, arbors, and permanent brick borders must have Architectural Control Committee approval. Landscape timbers and bricks without mortar do not need Architectural Control Committee approval unless they exceed a height of two (2) feet"), shall be commenced, erected, placed, or altered on any Lot, nor shall any exterior addition to or change or alteration, other than landscaping, be made to the Lot, improvements, appurtenances, or corporeal hereditaments until the construction plans and specifications describing the nature, kind, shape, height, materials and plot plan showing the location of same, have been approved in writing

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. Landscaping does not require ACC approval unless specifically referenced in the deed restrictions.

Procedure

A "Request For Home Improvement Approval Form" (RFHIA) must be completed in its entirety and mailed to the address indicated at the top of 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 our management company. The ACC cannot respond to verbal request for approval - all applications must be made in writing.

The ACC has thirty (30) days from date of receipt of an application 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.

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 that decision. If an applicant wishes to discuss or appeal a decision made by the ACC, the Designated Representative should be contacted at a specified number.

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 CCR's except where specifically stated in the CCR's. The CCR's 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 Kirkwood Country Homeowners' Association Board of Directors has the legal right to enforce its removal.

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."* This means that no structures which are enclosed by walls and/or a roof (other than the main residence) are allowed; however, the Association will allow **storage sheds for lawn storage, playhouses, and forts, subject to the provisions hereof and subject to ACC approval.** All other temporary or other outbuildings 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. (See Figure "A")** Visibility from a side street or back street is not to be taken into consideration. The structure must abide by any building setbacks shown on the subdivision plat, if no setbacks are shown, then 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. If a Building Permit is required by the City of Houston, it should be submitted with request form. To contact the City of Houston Residential Permit Department, call 832-394-8820 or visit the website at www.houstonpermittingcenter.org.

- 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 must be portable, such that it can be removed from the slab. No building shall be located upon any utility easement, unless the owner has obtained the approval of the applicable utility company in writing.
- f. No storage 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.
- 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.

2.0 Basketball Goals

- 2.1 The portable basketball backboard, net, and stand must be maintained in excellent condition at all times.
- 2.2 Basketball goals are prohibited from being mounted to the house.
- 2.3 All portable basketball goals are to be stored out of public view after 10:00 PM and/or when not in use. They are prohibited from being left out overnight.
- 2.4 Portable basketball goals are prohibited from being left in the street.

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.
 - 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: It is preferred that 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.

4.0 Decks, Deck Covers, & Gazebos

- 4.1 Decks, deck covers, and gazebos are permitted, subject to ACC approval and these guidelines as long as they are not fully enclosed by walls and a roof.

- 4.2 All decks and gazebos, including their location on a lot, are subject to ACC approval. They are 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. The structure must abide by any building setbacks shown on the subdivision plat, if no setbacks are shown, then the structure must be kept a minimum of three (3) feet off side and back fence.

5.0 Room Additions

- 5.1 For a Single Family Detached house, the structure must abide by any building setbacks shown on the subdivision plat, if no setbacks are shown, then the structure: 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 for ACC approval prior to construction.
- 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 If a Building Permit is required by the City of Houston, it must be submitted with the "RFHIA" form. To obtain a permit contact the City of Houston Residential Permit Department at 832-394-8820 or visit the website at www.houstonpermittingcenter.org. In some instances, the ACC will grant approval with provision that a copy of the permit be received by the ACC within thirty (30) days of the approval letter.

6.0 Prefabricated Sunrooms & Solariums

- 6.1 For a Single Family Detached house, prefabricated sunrooms and/or solariums 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.

7.0 Exterior Painting

- 7.1 All paint colors must be muted (not vivid) grays, browns, or beiges, including grays, browns, or beiges which have slight tints of other colors such as blue, red, yellow, or green.
- 7.2 The applicant's brick color and roof color must be taken into consideration.
- 7.3 Exterior brick is prohibited from being painted.
- 7.4 All paint is subject to ACC approval.

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 must receive ACC approval prior to construction.

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. Their height cannot exceed eleven (11) feet. 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.

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 or Kirkwood Country Homeowners' Association Architectural Control Committee subject to these guidelines.
- 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 publicly 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 The ACC would prefer to have solar panels mounted on the front roof of a house rather than mounted on stands to the side or back roof.
- 10.15 Solar screens whose colors blend with the colors of the house are allowed on windows.
- 10.16 Colors and manufacturers must be acceptable to ACC for both screens and panels.
- 10.17 Solar film must be non-reflective type.

11.0 Satellite Dishes

- 11.1 Satellite dishes mounted to home or outbuildings must not be visible from the street.
- 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 An owner may apply to the ACC for an alternative location or for a variance from this section 11.0, only if the owner cannot transmit or receive signal from a location that is allowable within these guidelines.

12.0 Fence and Fence Extensions

- 12.1 It is preferred that no side or rear fence, wall, or hedge shall be more than six (6) feet high. All fences must be constructed of ornamental iron, wood, or masonry at least six (6) feet in height. Fence heights of up to eight (8) feet may be considered on a case by case basis. All fences and fence extensions are subject to ACC approval.
- 12.3 An ACC application must be submitted for approval prior to staining, or varnishing of any fence or fence extension.

- 12.4 Decorative fencing is permitted in the front of the house; however is subject to ACC approval.
- 12.5 No fence may extend nearer the front Lot line than the plane of the front exterior wall of the residential structure on such lot.
- 12.6 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.
- 12.7 Chain link fences are prohibited in Kirkwood Country subdivision.
- 12.8 It is recommended that the cost of any shared fence repair and/or fence replacement be split between both shared parties.

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.
- 13.2 Benches and gates will be reviewed on an individual basis and are subject to ACC approval.
- 13.3 It is preferred that house numbers may be placed on the house or mailbox, or 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 adversely affect neighboring homes as determined by the Association.
- 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 must 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 30.0. Flags.

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.
- 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 to exhaust attic must 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.

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 Visibility from street will be considered.

18.0 Gate Covers (Zero lot line houses only, i.e. patio homes)

18.1 Wooden gate covers are subject to ACC approval and must meet the following:

- a. The gate cover must be constructed of new cedar 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, 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.

19.0 Burglar Bars

19.1 Acceptable provided in harmony with the house.

19.2 Painted to match exterior trim or black.

20.0 Birdhouses

20.1 Maximum height twelve (12) feet.

20.2 Mounted on two-inch diameter metal pipe painted white or black. Birdhouses are permitted in the backyard only.

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, bricks and all other landscape bordering materials must first be approved by the ACC, particularly with respect to color, size and materials.
- 21.3 Must complement style and architecture of home and conform to color scheme of immediate neighborhood to be approved.
- 21.4 Modification of landscaping requires ACC approval; however, living plants, trees, shrubs, flowers, etc., may be replaced with the same or substantially similar items without ACC approval. Further, the utilization of natural, non-living material necessary for growth; i.e. bark, mulch, etc. does not require ACC approval if it is being replaced with material that is substantially the same color and appearance as the existing material. All living plants, trees, shrubs, flowers, etc. must be maintained in excellent condition at all times.
- 21.5 No hedge in excess of six (6) 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. Hedges up to eight (8) feet tall may be applied for and considered on a case by case basis.
- 21.6 It is preferred that no object or thing [including landscaping and plants] which obstructs site [sight] lines at elevations between two (2) feet and six (6) feet above the roadways within the triangular area formed by the intersecting street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street property lines or extension thereof shall be placed, planted or permitted to remain on any corner lots.

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 An owner may apply to the ACC for an alternative location or for a variance from this section 22.0, only if the owner cannot transmit or receive signal from a location that is allowable within these guidelines.

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 All swing sets are subject to ACC approval.

24.0 Driveway Extensions & Sidewalks

- 24.1 All driveways extensions and/or sidewalks must submit for ACC approval prior to construction. They will be reviewed on a case by case basis.
- 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 (30) inches wide is the recommended width for the standard five (5) foot side yard.
- 24.4 Driveways are not permitted to be removed from the front yard.

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 are prohibited.
- 25.3 Driveways can never be removed from the front yard.

26.0 Window Air Conditioners

- 26.1 Window air conditioners and water coolers are prohibited by the restrictions.

27.0 Window Shades/Awnings

- 27.1 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.
- 27.2 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.
- 27.3 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. At no time, however, will they be allowed on windows on the fronts of homes.
- 27.4 All window shades and/or awnings are subject to ACC approval.

28.0 Roofs

- 28.1 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.
- 28.2 Composition shingles must weigh at least 230 pounds per square and have a stated warranty of at least 25 years. Laminated design will be permitted with ACC approval.
- 28.3 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.
- 28.4 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.
- 28.5 Ridge vents are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.
- 28.6 All roof protrusions, such as vents, roof jacks, must be painted to match the shingles.
- 28.7 Subject to Section 8 below and with advance written approval from the Kirkwood Country Homeowners' Association 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

- c. shingles; or
provide solar energy capture capabilities.

28.8 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.

28.9 All roof colors must be muted (not vivid) grays, browns, or beiges, or black.

28.10 The roof color must blend or accent the applicant's brick color and paint color.

28.11 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.

29.0 Rainwater Harvesting Systems

1. Rainwater Recovery Systems may be installed with advance written approval of the Kirkwood Country Homeowners' Association Architectural Control Committee subject to these guidelines.
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.
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.
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.
- 5. Overflow lines from the Systems must not be directed onto or adversely affect adjacent properties or common areas.
- 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.
- 7. Harvested water must be used and not allowed to become stagnant or a threat to health.
- 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.

30.0 Flags

- 1. These Guidelines apply to the display of ("Permitted Flags"):
 - 1.1. the flag of the United States; and
 - 1.2. the flag of the State of Texas; and
 - 1.3. the official flag of any branch of the United States armed forces.
- 2. These Guidelines do not apply to any flags other than the Permitted Flags listed in Section 1 above including, but not limited to:
 - 2.1. flags for schools, sports teams, businesses or foreign countries; or
 - 2.2. flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
 - 2.3. historical versions of flags permitted in section 1 above.
- 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.

4. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.
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.
6. Permitted Flags shall be no larger than three foot (3') by five foot (5') in size.
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.
8. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
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 30 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.
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.
11. Free-standing flagpoles may not be installed in any location described below:
 - 11.1. in any location other than the Owner's property; or
 - 11.2. within a ground utility easement or encroaching into an aerial easement; or
 - 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
 - 11.4. beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or

- 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).
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:
 - 12.1. be ground mounted in the vicinity of the flag; and
 - 12.2. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
 - 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
 - 12.4. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.
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.
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.
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.

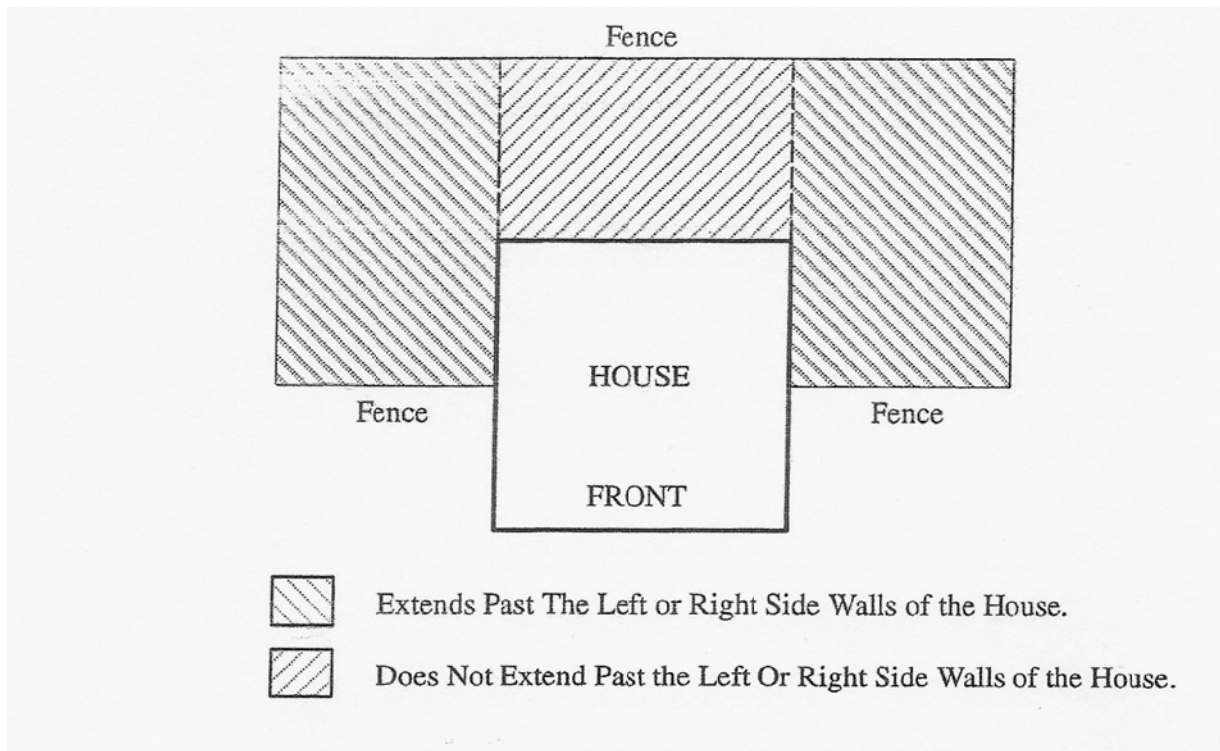
31.0 Display of Religious Items

1. A property owner or resident may display or attach one or more religious items to each or any entry to their dwelling. Such items may include anything related to any faith that is motivated by the resident's sincere religious belief or tradition.
2. Individually or in combination with each other, the items at any entry may not exceed 25 square inches total in size.
3. The items may only be displayed on or attached to the entry door or frame and may not extend beyond the outside edge of the door frame.
4. To the extent allowed by the Texas state constitution and the United States constitution, any such displayed or affixed religious items may not:
 - a. threaten public health or safety; or
 - b. violate any law; or

- c. contain language, graphics or any display that is patently offensive to a passerby.
5. Approval from the Kirkwood Country Homeowners' Association or the Kirkwood Country Homeowners' Association Architectural Control Committee is not required for displaying religious items in compliance with these guidelines.
6. As provided by Section 202.018, the Association may remove any items displayed in violation of these guidelines.

Figure "A", Side Walls of the House

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



KIRKWOOD COUNTRY HOMEOWNERS ASSOCIATION, INC.

CERTIFICATION

“I, the undersigned, being the President of Kirkwood Country Homeowners Association, Inc., hereby certify that the foregoing Guidelines were adopted by at least a majority of the Association Board of Directors on the ____ day of _____, 2012.”

By: _____, President

Print Name: _____

ACKNOWLEDGEMENT

STATE OF TEXAS §

§

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day, personally appeared _____, President of Kirkwood Country Homeowners Association, Inc., and being the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same as the act of the Association for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this ____ day of _____, 2012.

Notary Public, State of Texas

After Recording Return to:
HOLT & YOUNG, P.C.
11200 Richmond Ave., Ste. 450
Houston, Texas 77082