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**BRAEBURN VALLEY WEST CIVIC ASSOCIATION,**  
**INC.**  
**AMENDED RULES, REGULATIONS**  
**AND POLICIES**

for file

Effective date: September 1, 2012

FILED  
2012 AUG 17 AM 9:00  
Stan Stanek  
COUNTY CLERK  
HARRIS COUNTY TEXAS

## **PURPOSE**

The Braeburn Valley West, Rules and Regulations were developed by the Braeburn Valley West Civic Association, Board of Directors (Board) to maintain and enhance property values by requiring conformity to certain standards of construction, visual appeal, uniformity, and design. It is the general purpose of the Rules and Regulations to standardized proposed modifications, additions or changes to be made to the exterior of the house and/or lot itself.

The Braeburn Valley West, Harris County, Texas, residential community consists of three (3) tracts of land according to the map of Braeburn Valley West filed of record in the real property records of Harris County, Texas. It is represented by the Braeburn Valley West Civic Association, Inc. (see: 1.01a), that developed the Rules and Regulations for the aforementioned three (3) tracts of land to bring about conformity to certain standards of construction, visual appeal, uniformity, and design. The three (3) tracts of land are as follows:

**Section One and Duplexes** as shown by plat filed of record in the Office of the County Clerk of Harris County, Texas on the 8<sup>th</sup> day of November, 1968, recorded in Volume 157, page 1, of the Map Records, Harris County, Texas.

**Section Two** as shown by plat filed of record in the Office of the County Clerk of Harris County, Texas on the 28<sup>th</sup> day of January, 1971, recorded in Volume 175, page 20, of the Map Records, Harris County, Texas.

## **Overview**

In order to protect neighborhood character and property values, the City of Houston is working with citizens to ensure building permits are not issued in violation of the subdivision's deed restrictions. Beginning September 1, 2008, the owner must submit a deed restriction affidavit prior to issuance of all building permits. There are two types of affidavits available, the Individual Owner Affidavit and the Corporate or Other Business Owner Affidavit.

When an individual (not a corporation or business entity) owns the property, the owner of the property must execute the affidavit on the back of the Residential Building Permit Application and have the affidavit notarized. Contractors or other delegates will no longer be able to execute the affidavit on the owner's behalf.

In addition to completion of the City of Houston, Individual Owner Affidavit, the Braeburn Valley West (BVW), Home Improvement Application must be submitted to the BVW management company. Board approval is required prior to the installation or construction of certain improvements or changes. If a modification to the residence or lot is made without Board approval, the Board has the legal right to enforce its removal. Homeowners may not utilize any wording contained within the BVW, Rules and Regulations document to determine automatic approval of any proposed modification to structure and/or property prior to Board approval.

## **Procedures**

The ACC Application” must be completed in its entirety and mailed to the address indicated at the top of the form or hand delivered. All pertinent information such as plans, specifications, building permits, and locations indicated on a copy of the survey should be included with the application. Paint chip(s) or BVW pre-approved reference number for paint must also be included.

The form is available from the management company. The Board will not respond to verbal requests for approval. All applications must be in writing.

The Board has thirty (30) days from the date of receipt of an application in which to respond. The applicant must allow for time required to complete the approval process when the Board requires additional information from the resident or other source.

The Board of Directors must approve all exterior modifications to your property in advance. The Board will review your request to make sure that the improvement is consistent with the Deed Restrictions and Rules and Regulations as well as compatible with the overall character and aesthetics of the community.

If the application is not approved, the Board will state in writing to the applicant why such approval was denied and what type of changes, if any, would alter that decision.

If an applicant wishes to discuss a decision made by the Board, the applicant should contact the Board of Directors through the management company.

### **Use of Property**

1. Each lot shall consist on one single family dwelling used exclusively for residential purposes. business
2. Residents may not use their property for any commercial, retail or business venture which may contribute to or result in: (a) apparent business activity detectable by sight, sound or smell from the outside the residence; (b) an influx of visitors to the community or residence; (c) offensive, obnoxious or dangerous activity which might nuisance other residents; (d) door-to-door solicitation; (e) delivery of materials; OR (f) business activity inconsistent with the residential character of the community.
3. No individual is permitted to conduct business ventures of any kind in the common areas (e.g., swimming lessons in the pool area).

### **Exterior Painting**

1. Earth tones and off-white tones for house trim are highly recommended. A pre-approved color chart with colors is available from Management Company.
2. The color of neighboring homes should be considered when selecting a color for house trim.

3. Entire brick structure of home must not be painted, only wooden trim features.
4. Fences or fence extensions must not be painted.
5. Fences or fence extensions may be stained only in natural wood colors.

#### **Fence and Fence Extensions**

4. Fences facing the street must be constructed of wood and style must be consistent with the neighborhood.
5. A homeowner's fence visible from the front street must not exceed 7 feet in height.
6. Side and rear fences are typically wooden; however, fences along common lots may be iron or chain link upon agreement between property owners.
7. Chain link fences are prohibited except sides and rears of non-corner homes.
8. The Board must approve fence extensions. Both neighbors sharing the side lot line and fence must submit the request for the extension.
9. No fence may extend nearer the front lot line than the plane of the front exterior wall of the home on such lot.
10. Decorative fencing must be pre-approved by the board. Alternating bays are acceptable for side and rear fences.
11. Repair of fence must be made with similar materials and construction details as used in the original fence.
12. Old fences not conforming to the guidelines above are grandfathered, but only until such time, as they need replacement. Partial replacement of grandfathered fences that can be seen from the street is allowed, as long as replacement does not constitute more than 25% or one-fourth of the total fence.

#### **Decorations**

1. House numbers may be placed on the house and/or painted on the curb in front of the house.
2. Lawn decorations and holiday lighting will be allowed for any holiday eight (8) weeks prior and four (4) weeks after that holiday.

#### **Exterior Lighting**

1. Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
2. Additional exterior lighting should not be of a wattage or lumen count, which will affect neighboring homes.
3. Low voltage landscape lighting in or around shrubs does not need Board approval.
4. Yard lights may be gas or electric. The maximum height is six (6) feet and may be in front or back

### **Garage Doors**

1. All garage door (attached or detached) on a residence, facing the street must be similar in texture and style.
2. Replacement of garage doors must be constructed of wood or raised panel variety of metal.
3. Garage doors must be maintained and must appear to be operational.

### **Landscaping**

1. Landscape timbers, stone, and bricks without mortar do not need board approval unless they exceed 2 feet in height.
2. Landscaping must complement the style and architecture of the home and conform to color scheme of immediate neighborhood.
3. Living plants, trees, shrubs flowers, etc., and utilization of materials necessary for growth, i.e. bark, mulch, etc., do not need board approval unless these items cover more than 1/3 of the lawn space in the front of the residence.
4. Home front must be visible from street. Manicured vines are permitted.

### **Play Equipment**

1. Location must be considerate of neighbor's privacy.
2. Equipment must not be visible from the front street but may be visible from a side or back street. If visible from street, condition must be maintained. No rotten wood, rusting metal, faded plastic or chipped paint.
3. Tree houses must have Board approval.

### **Additional Driveways**

1. Concrete, rock, or other materials used for the replacement of grass and/or planted areas for an additional driveway must have Board approval and must result in a professional appearance.
2. Additional driveway can extend no nearer to side property line than three (3) feet.
3. Oil and grease stains are not permitted on driveway and must be promptly removed.

### **Carpports and Additional Garages**

Carpports will not be allowed unless grandfathered but only until such time, as they need replacement. Total replacement shall not be allowed. If in the opinion of the Board, a property owner is attempting to ignore, circumvent, or delay carport repair or demolition to the detriment of property values, the Board can require the owner to repair or remove the carport.

1. Building of additional garage on lot must have Board approval.

### **Window Shades, Awnings, and Coverings**

1. Canvas or aluminum awnings visible from the street must be approved by the Board.
2. Aluminum foil must not be utilized as window treatment visible to the public.
3. Window screens must be maintained.
4. Burglar bars and exterior burglar bar gates must have Board approval

### **Signs**

1. No political sign may be placed on an owner's lot prior to the ninetieth (90th) day before the date of the election to which the sign relates, or remain on an owner's lot subsequent to the tenth (10th) day after the election date.
2. No more than one (1) political sign is allowed per political candidate or ballot item.
3. No sign may: contain roofing material, siding, paving, materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component; be attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object; include the painting of architectural surfaces; threaten the public health or safety; be larger than four feet by six feet; violate a law;

contain language, graphics, or any display that would be offensive to the ordinary person; or be accompanied by music, other sounds, by streamers or is otherwise distracting to motorists.

4. All patriotic signs and ribbons must be kept in good condition and be removed when faded or damaged.

### **Satellite Dishes, Antennas, & Weather Stations**

1. No exterior antennas, aerials, satellite dishes, or other apparatus for the reception of television, radio, satellite or other signals of any kind shall be placed, allowed, or maintained upon any Lot, which are visible from any street, Common Area or another Lot, unless it is impossible to receive an acceptable quality signal from any other location. In that event, the receiving device may be placed in the least visible location where reception of an acceptable quality signal is possible. The Board of Directors of the Association may require painting or screening of the receiving device, which painting or screening does not substantially interfere with an acceptable quality signal.
2. In no event are the following devices permitted: (i) satellite dishes, which are larger than one (1) meter in diameter; (ii) broadcast antenna masts, which exceed the height of the center ridge of the roofline; or (iii) MMDS antenna masts, which exceed the height of twelve feet (12') above the center ridge of the roofline.
3. No exterior antennas, aerials, satellite dishes, or other apparatus will be permitted, placed, allowed or maintained upon any lot, which transmit television, radio, satellite or other signals of any kind.

### **Pools, Spas, & Hot Tubs**

1. No pool/spa/hot tub may be installed without Board approval.
2. Any spa or hot tub, which is placed on the patio, must be located at least five (5) feet from the side lot line to maintain proper drainage on lot.
3. Decking under spa or hot tub cannot be over eighteen (18) inches above ground in order to insure privacy of neighbors.
4. Area surrounding pool/spa/hot tub must have limited access.

### **Roofing, Siding & Outside Woodwork**

1. The homeowner must obtain prior board approval of the color of the roofing, siding, or outside woodwork materials.
2. In general, pre-approved siding of earth tones, off-white tones and shades of black will receive Board approval.

3. Siding or outside woodwork of other color blends will be considered by the Board.
4. If a non-approved color is placed on the siding, roof or any portion of the house outside woodwork, the Board has the right to require the homeowner to change the color to an approved color.

### **Outbuildings and Sheds**

1. Outbuildings and sheds must have Board approval.
2. Outbuildings or sheds must be located in the rear of the house, so as to be completely screened from view from the street.
3. No shed or storage building can be built up against any side or rear wall of house unless its maximum height is less than seven (7) feet and is not visible above the fence. It must also comply with all the other requirements for proper construction, size and location.
4. There must not be a driveway adjoining the outbuilding or shed.

### **Decks & Deck Covers**

1. Deck floors may not be higher than three (3) feet.
2. Decks must not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot.
3. Decks covers do not have to be painted. If they are painted, the paint should compliment the house.
4. Deck and deck covers are not considered temporary structures.
5. Decks visible from the street must have Board approval.
6. Decks visible from the street must be maintained for both proper structure and appearance.

### **Patio & Patio Covers**

1. Patio covers are not temporary structures and must have Board approval.
2. Patio covers should be constructed of materials, which complement the main structure.
3. Shingles on patio covers must match roof of house.



4. Patio covers must be situated on the lot to provide drainage solely into the owner's lot in the five (5) feet setback.

### **Room Additions**

1. Detailed plans for a room addition must be submitted to the Board for approval along with building permits as required by the City.
2. Exterior materials and colors must match the house.
3. Size and shape of room additions will depend on architectural style and layout of house, size of lot, and how well the room addition integrates with existing home.
4. Plans for a room addition must show the structure internally attached to the main structure.
5. The roof of an addition must integrate with existing roofline to appear to have been part of the original home, however, an exception may be made for prefabricated sunrooms or solariums.

### **Owner's Maintenance**

1. The owner is responsible to maintain and keep in repair:
  - a. roofs
  - b. gutters
  - c. downspouts
  - d. exterior building surface (mildew, mold, etc.)
  - e. electric power service
  - f. outside audio and video service lines
  - g. water service lines
  - h. shutters on residence
  - i. windows, screens and glass door coverings (blinds, drapes, etc.) visible from the street
  - j. wood trim on residence
  - k. swimming pools, hot tubs, and spas
2. The owner shall not perform any act nor do any work that will impair the structural

soundness or integrity of another residence.

3. The owner shall not do any act nor allow any condition to exist, which will adversely affect the other residences or their owners.

### **Lawn Maintenance**

1. All lawns must be maintained in a neat, attractive, well-groomed manner.
2. Grass, ground cover, shrubs, and flowerbeds shall be cut, trimmed, edged and weeded as needed.
3. Grass and/or weeds in the yard shall not exceed approximately five (5) inches in height and shall not extend beyond the grass line into the curb or sidewalk.
4. Driveways, sidewalks and expansion joints must be clear of weeds, grass and debris.
5. Curb and/or street gutters along owner's property line(s) shall be kept clean by the property owner.
6. If upon proper notice from the management company, the property owner does not respond or resolve a lawn violation notice, the Association has the authority to hire a third party to do the maintenance work and charge the property owner for the service(s).
7. Trees branches overhanging streets or sidewalks must be kept trimmed at least fourteen (14) feet above ground.

### **Garage Sales**

1. According to Title 34, Part 1, Chapter 3, Subchapter O, Rule § 3.316(b)(2) of the Texas Administrative Code a resident who conducts more than two (2) garage sales in a given year is engaging in a taxable retail enterprise. Braeburn Valley West is a single family residential community which prohibits such business operations (See "Use of Property" Above). Therefore, residents are restricted to two (2) garage sales per year.
2. The Braeburn Valley West Civic Association will schedule and designate two (2) weekends (Friday, Saturday, and Sunday) for garage sales per year. The Board, by a majority vote, shall select one weekend in April and one weekend in October for the garage sales. The selected dates shall be published in the newsletter for the

Braeburn Valley West Association at least thirty (30) days in advance.

3. In the event of inclement weather on either of the two (2) weekends designated by the Board, the Board may extend permission for the garage sales to occur the following weekend or subsequent date
1. Any unauthorized garage sale by a resident of Braeburn Valley West that occurs on a weekend other than one of the two (2) weekends designated by the Board shall be a violation of the Rules and Regulations of the Braeburn Valley West Civic Association.
2. Owners who do not participate in the community garage sales on the scheduled dates may petition the Board for an alternative date. Alternative dates must be submitted to the Board at least two weeks in advance and must be approved by the Braeburn Valley West Board in writing prior to the date of the garage sale
3. Residents, who wish to participate in garage sales, must keep their signs located five (5) feet back from the esplanade Braeburn Valley West entrance signs. No signs may be placed in front of or on the esplanade Braeburn Valley West monuments. All signs advertising said garage sales must be removed immediately after the date of sale.

#### **Basketball Goals**

1. No basketball goals are allowed in the street, they must be situated on the owner's property.
2. A basketball goal must be mounted either on the garage wall or roof with the backboard parallel to the automobile entrance; or on a rigid galvanized or stainless steel. Wooden poles or wooden back boards are not allowed.
3. The basketball goal, rim and net must be maintained at all times or the basketball goal must be removed. (No rust, chipped, torn nets, or broken back boards.)
4. The Board may require removal of any basketball goal which it reasonable determines to be an annoyance, unsafe, or nuisance to the occupants of any surrounding residences.

#### **Storage of Vehicles, Trailers, Motor Homes, Etc.**

1. No inoperable vehicle, recreational vehicle camping unit, bus, commercial use truck, trailer, boat, canoe, kayak, jet ski, camper, motor home, all-terrain vehicle, and/or other watercraft normally associated with recreational use shall be stored on any lot, driveway, and/or alleyway, except in an enclosed garage or behind a solid fence

so as not to be visible from the street. Storage of approved vehicles on the driveway or street right-of-ways is defined as parking without movement for a period of forty-eight (48) hours or more during a period of seven (7) consecutive days. None of the aforementioned vehicles shall ever be permitted to be parked on the front or side lawn within view of the public.

### **Commercial Vehicles**

1. The controlling Section (§ 1, paragraph 28; § 2 paragraph 29; Duplex preamble adoption § 1 restrictions) in part state as follows:

***Commercial vehicles or busses shall not be parked in any drive, street or alleyway.***

The following policy shall be used by the Association in enforcement of the Commercial Vehicle prohibition:

Section 1.     **“Commercial Vehicles”** means any of the following:

- a. Any vehicle that displays one or more commercial signs
- b. Any vehicle carrying commercial equipment or attachments;
- c. Any vehicles containing more than two axles;
- d. Any vehicle with six (6) or more wheels, with the only exception being a stock dually pick up truck, owned by an individual without any additional equipment or commercial logos, signs or displays;
- e. Any box vans other than individually owned passenger vans;
- f. Any vehicle displaying any state mandated license or registration number (other than VIN number and license plate), internet site, email address, or the phone number of any business;
- g. Any flatbed trucks or trailers,
- h. Any vehicle with a Gross Vehicle Weight Rating over thirteen thousand pounds (13,000 lbs.), or
- i. Limousines, Wreckers, Taxi-cabs, busses, ambulances.

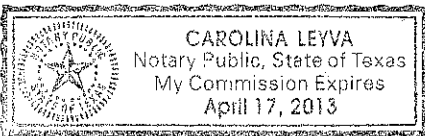
Dated: July 12, 2012

Angel Noe Morin  
Secretary  
Angel Noe MORIN

STATE OF TEXAS §  
COUNTY OF HARRIS §

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 12<sup>th</sup> day of July, 2012 by Angel Noe Morin, as secretary of BRAEBURN VALLEY WEST CIVIC ASSOCIATION, INC., on behalf of said corporation.



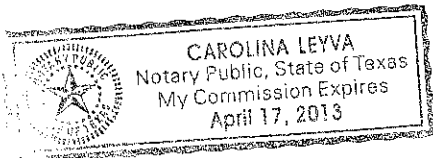
[Signature]  
Notary Public in and for the State of Texas  
[Signature]  
Board Member  
Claudia Hernandez

Dated: July 12, 2012

STATE OF TEXAS §  
COUNTY OF HARRIS §

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 12<sup>th</sup> day of July, 2012 by Claudia Hernandez as a board member of BRAEBURN VALLEY WEST CIVIC ASSOCIATION, INC., on behalf of said corporation.



[Signature]  
Notary Public in and for the State of Texas

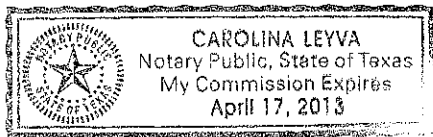
Dated: JULY 12, 2012

Mato Partida  
Board Member  
Matt Partida

STATE OF TEXAS §  
COUNTY OF HARRIS §

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 12<sup>th</sup> day of July, 2011, by Matt Partida, as a board member of BRAEBURN VALLEY WEST CIVIC ASSOCIATION, INC., on behalf of said corporation.



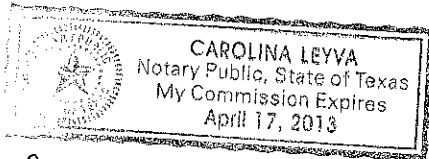
[Signature]  
Notary Public in and for the State of Texas

Dated: July 12, 2012

Patricia Dorsey  
Board Member Patricia Dorsey

STATE OF TEXAS §  
§  
COUNTY OF HARRIS §  
ACKNOWLEDGMENT

This instrument was acknowledged before me on the 12<sup>th</sup> day of July, 2011, by Patricia Dorsey, as a board member of **BRAEBURN VALLEY WEST CIVIC ASSOCIATION, INC.**, on behalf of said corporation.



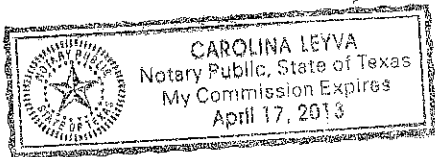
[Signature]  
Notary Public in and for the State of Texas

Dated: July 12, 2012

Janet Hillar  
Board Member Janet Hillar

STATE OF TEXAS §  
§  
COUNTY OF HARRIS §  
ACKNOWLEDGMENT

This instrument was acknowledged before me on the 12<sup>th</sup> day of July, 2011, by Janet Hillar, as a board member of **BRAEBURN VALLEY WEST CIVIC ASSOCIATION, INC.**, on behalf of said corporation.



[Signature]  
Notary Public in and for the State of Texas

Dated: \_\_\_\_\_

\_\_\_\_\_  
Board Member

STATE OF TEXAS §  
§  
COUNTY OF HARRIS §  
ACKNOWLEDGMENT

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, as a board member of **BRAEBURN VALLEY WEST CIVIC ASSOCIATION, INC.**, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for the State of Texas

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas.

AUG 17 2012



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS