

PORT O’CONNOR, TEXAS
RESIDENTIAL DESIGN GUIDELINES FOR
MATAGORDA BAYVIEW SUBDIVISIONS – September 2019

I. PURPOSE:

The development review process is a creative and collaborative process designed to protect and preserve the natural charm and beauty of the Matagorda Bayview Subdivision(s) through careful review of proposed development. This process is important because Matagorda Bayview desires to maintain its small coastal community image in the development of its private homes. It is the overall intent of the policies included in these Residential Design Guidelines (“Guidelines”) to create and maintain a small coastal community image. These Guidelines allow the creative process to continue while providing guidance as to the primary standards by which a project will be evaluated. These Guidelines augment existing standards contained in the Declaration of Easements, Restrictions, Covenants and Conditions of Matagorda Bayview Section 1 recorded at Clerk’s File No. 2020-00446 in the Official Public Records of Calhoun County, Texas (the “Initial Restrictions”) and any additional lands annexed into and made subject to the Initial Restrictions (“Future Restrictions”). The Initial Restrictions and the Future Restrictions are collectively referred to herein as the “MBV Restrictions.”

II. APPLICABILITY:

These Guidelines apply to all new construction of a Single Family Residence, Outbuilding and Fencing within the Matagorda Bayview Subdivisions as well as any additions or subtractions to Structures and any remodeling thereof which affects the exterior elevation of such structures, including the color thereof, any exterior building materials or roofing materials.

These Guidelines are intended for use by applicants in design before a project application is submitted to the Architectural Review Committee (“ARC”). The ARC will use these Guidelines to evaluate the suitability of a proposed project. Applicants are encouraged to consult with the ARC with any questions prior to project submittal.

Contextual compatibility of development is of foremost importance and underlies the purpose of these Guidelines. Context is considered to be the setting in which a structure exists, including the project site, properties immediately adjacent to a project site and the larger surrounding neighborhood. Building scale and massing, how the building is presented to the street and its setting and the architectural style all contribute to the perception of compatibility.

The Matagorda Bayview Subdivisions consist of one type of development: single-family residential dwellings. These Guidelines are intended to promote contextual compatibility of structures within the Subdivisions.

III. DEFINITIONS:

Capitalized terms used, but not defined in these Guidelines, shall have the meanings attributable to them in the MBV Restrictions.

Building Form. The configuration, shape, size and type of a building. Building form is a critical component for defining the character of the Matagorda Bayview Subdivisions. The primary building forms within the Matagorda Bayview Subdivisions are one and two-story single family residential dwellings.

Building Site. The area between all required setback lines on a Lot as shown on a final plat of any portion of the Matagorda Bayview Subdivisions.

Common Area. Any easement area dedicated for the benefit of the Owners of land within the Subdivisions and as may be specifically identified as Common Areas in the MBV Restrictions.

Frontage. The side of the dwelling facing the private street (not the side facing Matagorda Bay or Boggy Nature Park or Taylor Avenue).

Matagorda Bayview Subdivisions. The lands platted by Matagorda Bayview Subdivision Section 1, recorded at Instrument No. 2019-00081 of the Calhoun County Deed Records, Slide No. 596B and any additional lands annexed into and governed by the MBV Restrictions.

Outbuilding. A garage, barn, storage structure, workshop, pool house, view tower, or other building detached from the Single Family Residence structure. A covered walkway between such Outbuilding and the Single Family Residence structure does not make the Outbuilding connected to the Single Family Residence.

Plans. A complete written set of drawings and specifications for the construction, remodeling (other than a remodeling which does not impact the exterior of a structure) or addition to any Single Family Residence or Outbuilding. As to any change in color or changes in exterior building or roofing materials, a written description of the intended work along with material and color samples shall be constitute the Plans.

Private Roadway. Any portion of the Subdivisions identified on a final plat thereof as a Private Road and Utility Easement.

Project. The construction or reconstruction of a Structure, the remodeling of a Structure which affects its exterior elevations, changing of exterior building materials or color thereof, and any changes to the grade of a Lot which affects the drainage of the Subdivision.

Review Fee. The cash fee payable to the ARC for the review of any Plans for the construction, remodeling, or alteration of a structure on a Lot within the Subdivisions. For new construction of a Single Family Residence (together with any Outbuildings), the Review Fee shall be \$200.00. For a remodeling of a Single Family Residence, any addition to a Single Family Residence, the construction of an Outbuilding (at a different time from the construction of any Single Family Residence) or the remodeling or addition to any Outbuilding, the Review Fee shall be \$100.00. There shall be no Review Fee for any re-painting or change in exterior materials of any Structure

on a Lot. The ARC reserves the right to waive a Review Fee for any project deemed a small project, such as the installation of an individual flag pole, mailbox or customary Children’s Play Structure.

Sense of Place. Sense of place is a feeling or perception resulting from the experience and knowledge of the characteristics that make a place special or unique, including the history, geography, natural and social environment.

Structure. A Single Family Residence, an Outbuilding, Children’s Play Structure or Fence.

Variance. A modification or deviation from any setback or other building or architectural restriction set forth in the MBV Restrictions. Variances shall be specifically requested by a Lot Owner in any application for ARC review of Plans.

IV. PROCEDURES

Prior to the commencement of the construction, remodeling, repainting, re-roofing or other change to the exterior of any structure situated on a Lot, the Owner shall submit to the ARC two (2) copies of the Plans along with the applicable Review Fee and an address for responding to the Owner with respect to the Plan submission. To the extent that a Lot Owner seeks a Variance, Lot Owner shall make specific written request for Variance with its Plan submission. The address for delivery of the Plans is:

Matagorda Bayview Architectural Control Committee
1819 St. James Place
Houston, Texas 77056

The ARC shall make review of the Plans within a reasonable period of time and may require adjustments to the Plans in order to comply with the MBV Restrictions and these Guidelines. To the extent that the ARC requests modifications to the Plans or rejects a set of Plans, the ARC shall provide, in writing to Owner, specific reasons for the Plan rejection and shall be reasonably specific in its request for any modifications to the Plans. To the extent a set of Plans is either approved or rejected, then the ARC shall mark the submitted Plans “Approved”, or “Rejected”, whichever is the case, with the date on which such action was taken, shall retain one set of the Approved or Rejected Plans for its records and shall return the other set to the Owner. The Lot Owner may make the requested adjustments to any rejected Plans and resubmit to the ARC. No additional Review Fee shall be required provided any such resubmission is made within one (1) year of Lot Owner’s original submission. Should a Lot Owner fail to commence construction of the structures covered by an approved set of Plans within one (1) year after the ARC’s approval of such Plans, then Lot Owner shall resubmit its Plans to the ARC for review. A Lot Owner shall not commence construction of a project for which Plan review is required without the express written approval of the submitted Plans by the ARC.

In the event of a material casualty to a previously approved structure on a Lot, the Lot Owner may rebuild the affected previously approved structure provided it delivers written notice of its intent to the ARC prior to the commencement of construction. All Review fees for a rebuild of a previously existing structure after a material casualty shall be waived. To the extent that a Lot

Owner desires to modify the exterior design, materials or color of any previously approved structure, then the Lot Owner shall comply with the other provisions of this Article.

The ARC may grant variances from compliance with the restrictions of the Declaration, and these Guidelines, when circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require, but only in accordance with duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing, or (b) estop the ARC from denying a variance in other circumstances. For purposes of these Guidelines, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing, shall not be considered a hardship warranting a variance.

V. GOALS:

The overarching goal of these Guidelines is to ensure compliance with the MBV Restrictions and guide the character and appearance of development within the Matagorda Bayview Subdivisions in order to achieve consistency with the vision for the neighborhood outlined in the MBV Restrictions. A cohesively designed neighborhood creates a visual sense of community and establishes the character of that neighborhood.

There are five main focus areas of these Guidelines: (1) Building Scale and Massing, (2) Frontage Design, (3) Architectural Elements, (4) Fencing and Lighting, and (5) Utilities and Services. The specific goal for each focus area is identified below.

A. Goal for Building Scale and Massing:

Create consistency and compatibility in the built environment within the Matagorda Bayview Subdivisions in support of the “coastal town” image.

B. Goal for Frontage Design:

Create frontages that present a coastal town image, are attractive from the Private Road and allow reasonable visibility of the Bay from the Private Road.

C. Goal for Architectural Elements:

Allow for a diversity of building styles while ensuring that Structures complement each other with respect to design and materials to reflect the character of the Matagorda Bayview Subdivisions.

D. Goal for Fencing and Lighting:

Use fencing, and lighting within the Lots in the Matagorda Bayview Subdivisions that complements the structures and the surrounding environment with respect for one’s neighbor.

E. Goal for Utilities and Services:

Locate utility connections, private infrastructure and similar services so that they do not detract from the visual character of the neighborhood while still being conveniently and safely located.

V. EVALUATIONS:

These Guidelines are to be used in addition to the requirements set forth in the MBV Restrictions as a gauge of whether a Project is appropriate. A Project does not necessarily need to comply with every Guideline in order to be approved; however, the greater the degree of compliance a Project has with these Guidelines, the greater the likelihood of approval. A Project must comply with the MBV Restrictions, unless a Variance is granted by the ARC.

The Guidelines for the Matagorda Bayview Subdivisions are divided into five sections:

- Building Scale and Massing
- Frontage Design
- Architectural Elements
- Fencing and Lighting
- Utilities and Services

Each section describes aspects related to a specific facet of design within the Matagorda Bayview Subdivisions. Sections begin with a compendium of applicable policies and objectives followed by specific design guidelines which implement these policies.

A. Building Mass and Scale

Mass and scale are important contributors to how an individual will experience a Sense of Place. The way that residents and visitors feel within a community should be consistent with the objectives and goals of the MBV Restrictions. These spaces should also exhibit the desired neighborhood character which starts with the mass and scale of buildings. Not only is it important for residents and visitors to identify with the characteristics of the neighborhood, but it is also important that a building's mass and scale be consistent with other surrounding buildings.

1. Objectives. The following overall objectives relate to the mass and scale of Structures within the Matagorda Bayview Subdivisions:

Objective 1: The size, scale and form of Structures and their placement on a Lot should be compatible with adjacent and nearby properties, and with the dominant neighborhood character.

Objective 2: The scale and character of development should be consistent with the character of a residential neighborhood and consistent with a "coastal town" image.

Objective 3: Overall building shapes as well as parts of any Structure (such as walls, screens, towers, driveways, or signs) shall be in proportion to and in scale with the Lot and the existing permitted structures in the area.

Objective 4: The review of all second-story additions and any additions to an existing Single-Family Residence structure or Outbuilding shall be conducted so as to achieve neighborhood compatibility, including but not limited to protection of appropriate residential density, privacy, and neighborhood views of Matagorda Bay.

Objective 5: The form of Structures shall create a picturesque skyline. Visible pitched roofs are recommended.

2. Standards. To further articulate the foregoing Objectives relating to mass and scale, the following Standards shall be applied to all development Projects within the Matagorda Bayview Subdivisions.

1. *Compatibility:* New Structures or modifications to Structures should be compatible with surrounding Structures and with the character of the Matagorda Bayview Subdivisions. Coastal town charm should be reflected in the scale and form of the Structures.

2. *Structure:* Structures should be composed of varying masses. Variety in the shape, scale and design of building Structures is encouraged throughout the neighborhood.

3. *Scale:*

a. Single Family Residence building façades (on all sides) should incorporate design features, such as larger windows, doors, off- set wall planes, dormers, bay windows, porches and pergolas, to add interest and variety to the building, but in a manner consistent with the architectural style of the Single Family Residence. Building articulation is encouraged

b. Outbuildings shall be complimentary in scale and dimension to the Single Family Residence and may not dominate the view from the Private Roadway.

B. Frontage Design

Well-designed frontages to the Single Family Residences and Outbuildings within the Matagorda Bayview Subdivisions are key to the success of the neighborhood. These Guidelines address the design and use of frontages within the Matagorda Bayview Subdivisions and how they should interact with the Private Roadway.

Objectives: The following overall objectives relate to the frontage of the Single Family Residences:

Objective 1: The design and details of Single Family Residence frontages and any Outbuildings which are plainly visible from the Private Roadway should be designed from the vantage point of their appearance from the Private Roadway

Objective 2: Main entrances to the Single Family Residences should be oriented on the building façade which faces the Private Roadway. Entry elements such as porches, stoops, patios, and forecourts are encouraged. Such entry elements should be selected for their compatibility with the adjacent Single Family Residences and the general neighborhood pattern.

Objective 3: Garages (whether attached or detached) and Outbuildings should not dominate views of the Lot from the Private Roadway.

Objective 4: Minor variations in front yard building alignments within a block are encouraged. Relatively steady setback patterns clearly define the view from the Private Roadway and reinforce the neighborhood character.

Standards: To further articulate the foregoing Objectives relating to frontage design, the following Standards shall be applied to all development Projects within the Matagorda Bayview Subdivisions.

1. Front Entrance. The front entrance to the Single Family Residence should be located on the building façade which faces the Private Roadway. However, the entry door is not required to face the Private Roadway and may be oriented towards the side of a Lot. Landscaped front yards, landscaped and/or hardscaped forecourts, and raised front porches and dooryards are encouraged.

2. Building Articulation. Building articulation along the frontage of Single Family Residences is encouraged: e.g. balconies, bay windows, dormers, porches, and pergolas.

3. Other Elements. Single Family Residence frontages should include porches and other elements that are compatible in scale and spacing with any existing development within the Subdivisions. Frontages that include porches and/or yards where residents may sit or interact with the neighbors are encouraged. A boundary such as a landscape feature between the Private Roadway and the Single Family Residence may exist, but not in a manner that prevents the desired interaction.

4. Attached Garages Facing Frontage. Garages attached to the Single Family Residence may be constructed to accommodate the storage of boats and other watercraft, however such garages should not dominate the front facade of the Single Family Residences. Garages included as part of the frontage design of the house are acceptable but should include measures to reduce their prominence. Attached garage design should include windows, trellises, separate doors, decorative trim and other architectural elements to enhance the aesthetics of the garage portion of the Single Family Residence. When placed at the front of a house attached garages should be set back from the main frontage and entry.

5. Detached Outbuildings. Detached Outbuildings shall be set back from the front façade of the Single Family Residence by a reasonable distance designed to minimize the visual impact of the Outbuilding and avoid any Outbuilding's domination of the views from the Private Roadway.

6. Carports and Parking Courts. Carports and parking courts should be located out of view from the Private Roadway, save and except carports and parking courts that are located under an elevated the Single Family Structure.

C. Architectural Elements

Architectural elements such as windows, doors, cornices, dormers, and roof forms play a significant role in the appearance of a structure and can also influence how a building's mass and scale are perceived. Although there is no required architectural style for Matagorda Bayview, a common architectural theme of high-quality, coastal town structures should be followed.

Objectives: The following overall objectives relate to architectural elements.

Objective 1: Overall building shapes, as well as parts of any Structure (buildings, walls, screens, towers, or signs) shall be in proportion to and in scale with the Building Site and with other existing or permitted structures in the area.

Objective 2: The design shall provide for consistency and unity of composition and treatment of all exterior elevations.

Objective 3: Houses within the neighborhood may vary in materials and style, but strong contrasts in scale, color and roof forms should generally be avoided.

Standards: To further promote these standards, the following standards relating to architectural elements should be applied:

1. Architectural Style. The selected architectural style should include the primary identifying features indicative of that style.

2. Architectural Details.

a. Elements such as windows and doors should be consistent in design with the architectural style.

b. Bay windows, dormers, balconies, covered porches and other decorative elements are encouraged when appropriate to the architecture of a Structure, particularly when these elements are oriented toward the Private Roadway.

c. Fenestration should be provided to add architectural interest when façades are visible from the Private Roadway.

d. Exterior architectural detail and treatment should be carried around all sides of the Structures.

3. Colors

a. Muted tones are encouraged, or other colors determined to be appropriate by the ARC.

b. Colors of Outbuildings should be consistent with Single Family Residence on the same Lot. Outbuildings, however, may have a metal façade.

4. Privacy. Second floor balconies, windows and decks that are oriented toward the Private Road are preferred. When these features face adjacent private properties, they should be located and designed to protect the privacy of the neighboring properties.

5. Materials Exterior walls of the Single Family Structure on a Lot should be finished with stone, wood, brick, Hardie board, stucco, or other high-quality aesthetic treatment. The exterior walls of a Single Family Structure may not be finished in metal.

D. Fencing and Lighting. Fencing and lighting are critical components of development within Matagorda Bayview. These details make a significant contribution to the sense of place established in Matagorda Bayview. Inappropriate fencing can isolate a property and inhibit its interaction with the neighborhood. Lighting design is important as a means of providing safety and minimizing light pollution.

Objectives: The following overall objectives relate to fencing, and lighting.

Objective 1: Enforce height standards for fencing set forth in the MBV Restrictions. Low walls, low and open type fences, and low hedges should be encouraged along the frontages to define the edge of the private yard area, where appropriate.

Objective 2: Ensure that outdoor lighting on a Lot is sensitive to the character and natural resources of the coastal area with respect for one's neighbor and minimizes light pollution to the maximum extent feasible.

Objective 3: Lighting shall be low-intensity as well as located and designed so as to minimize direct view of light sources and diffusers and to minimize halo and spillover effects.

Standards: To further promote these standards, the following standards relating to fencing and lighting should be applied:

1. Fencing. Fences should be finished on both sides to create a uniform appearance as viewed from either side. Open wood or wood type fences are appropriate on exterior lot lines and can be no higher than 4.5 feet above ground level. Though chain-link fences are not permitted as the primary fence material, chain-link and other open material may be used on the inner side of the fence to restrict pets as long as the chain-link or other open material is relatively obscured behind the primary fence.

2. Lighting. Outdoor lighting should include fully shielded fixtures positioned so that light is not visible above the horizontal plane of the fixture, cutoffs for fixtures to prevent spillover onto neighboring properties and motion sensitive lighting where appropriate.

E. Utilities and Services.

Public utilities and services are an important element to consider in planning new development. Amenities such as trash enclosures, utility lines, backflow preventers, antennas, and solar panels should be appropriately located and screened.

Objectives: The following overall objectives relate to Utilities and Services:

Objective 1: Mechanical and electrical equipment and trash storage should be concealed from the neighborhood view and integrated in the total design concept.

Objective 2: Utility hardware, such as water meters, backflow preventers, and similar devices, as well as trash receptacles, are not attractive and so should be screened from the neighborhood view.

Objective 3: House numbers should be visible from the Private Roadway.

Standards: To further articulate the objectives relating to Utilities and Services, the following guidelines apply.

1. Utility Placement. Utility lines should be placed underground.
2. Utility Hardware. Utility hardware (air conditioner units, backflow prevention devices, utility vaults, etc.) and solid waste containers should be placed out of view from the Private Roadway and screened using landscaping or other architectural or aesthetic features.
3. Trash Receptacles. Waste containers shall be stored in areas screened from neighborhood view from the Private Roadway. Waste containers may be placed along Private Roadway the evening before trash pickup and must be returned to their screened storage area by the evening after trash pickup.
4. Antennas. Antennas should be located so as to not detract from the frontage of the Single Family Residence.
5. Solar Panels. When solar panels are used, they are encouraged to be placed on rooftops of the Single Family Residence or an Outbuilding. Solar panels should not detract from the style or architecture of the building, but rather be integrated into the design. Solar panels may not be placed on the ground or on pedestals on the Lot. Solar panels should be low profile and parallel with the plane of the roof. Top of panels should not extend above the ridgeline of a pitched roof and should be located away from the edges of a flat roof. Placement of panels should be uniform and support structures and frames should be neutral in color and compatible with the roof surface color.