# Architectural Control Committee Guidelines

Memorial Parkway Community Association
Katy, TX 77450

Revised November 8, 2021
By the Board of Directors of the Memorial Parkway Community Association

Note: This revised version of the Architectural Guidelines replaces and supersedes the previous June 21, 2016 document, which should no longer be used. The revisions were made to be in compliance with the new laws imposed in the 87th Legislative session of the Texas Legislature ending on May 31, 2021.

These Architectural Guidelines also are available at the Memorial Parkway web site: www.mphoa.org.

## GUIDELINES STATEMENT

The Architectural Control Committee (ACC) was created to enhance property values by requiring standardization of construction, visual appeal, uniformity, and design per Article VI, Section 6.2 of the Covenants, Conditions, and Restrictions (CC&Rs) for Memorial Parkway Community Association (MPCA).

It is the purpose of the ACC to approve or deny applications made to it for proposed alterations, additions, or changes to be made to the exterior of the house and/or the lot itself. Such approval must be obtained prior to beginning any work.

The ACC is not required to provide approval for "after the fact" construction. The unapproved change is deemed to be a violation of the CC&Rs.

- You may be required to remove said improvements
- The Board of Directors has the legal right and duty to enforce the removal of unapproved changes

## PROCEDURE

The approved ACC form must be completed in its entirety and mailed or delivered to the address indicated on the form. All pertinent information such as plans, specifications, building permits, locations of the proposed improvements, and so on, must be indicated on a copy of the survey, etc., and all of these items should be included with the application.
Architectural Control Forms are can be obtained from the MPCA office or on the website at mphoa.org. The ACC cannot respond to verbal requests for approval – all applications must be made in writing.

Surveys, when included, must be prepared and signed by a registered surveyor, engineer or other qualified professional. The survey must the actual location, in feet and inches, of the proposed building, fence or other improvement on the lot in relation to other buildings and improvements and to all set-back lines, building lines and utility easements on the lot. Measurements should also include the height, width, and foundation size and type of any structure. The ACC will not approve any structure encroaching on an easement.

The ACC has forty-five (45) days from the 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 the implementation of the proposed improvement(s) should allow for the time required to complete the approval process. No construction should begin prior to the approval. If the ACC does not respond within 45 days, the application is considered approved by default.

If an application is not approved, the ACC will state in its letter why such approval was denied. If an applicant wishes to discuss or appeal a decision made by the ACC, the ACC should be contacted in writing.

Each owner is ultimately responsible for ensuring all improvements conform to the Covenants, Conditions, and Restrictions and other applicable guidelines. Failure by an owner to perform modification and/or improvements in conformity with the CC&Rs and applicable guidelines subjects owner to the risk and expense of removal of each non-complying improvement.

## INTRODUCTION

The following are guidelines adopted by the ACC to specify standards, requirements and the process used in evaluating an application. The guidelines may be amended from time to time as the circumstances, conditions or opinions of the ACC determine. It should be noted that each application is considered on its own merit and that the ACC may grant a variance from these guidelines and/or from certain provisions of the CC&Rs to the extent written. The ACC has the right to deny approval for a similar improvement based on the proximity of a property to a main boulevard or the visual relativity of the site to the overall development. As an example, a home located on the perimeter of the development may be permitted to have a certain styled storage building (differing in height), whereas on a main entry boulevard (and depending on the configuration of the lot), this same structure may not be approved due to the visible profile of the location. The intent is to maintain overall integrity within areas that may have higher visual impact.

It should also be noted that ACC approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal.

**TABLE OF CONTENTS** **PAGE**

1. **Adult Swing Sets/Outdoor furniture**

a) Maximum height of swing should be no more than 7 feet.

b) Must be set back at least 15 feet from the street area.

c) Must be kept in an attractive condition. Metal areas must be kept rust-free.

2. **Antennas and Dish-type Devices**

a) All such devices require written ACC approval prior to installation. The site must be shown in a plot plan. An approval will not affect the owner's obligation to comply with all governmental laws and regulations and other such restrictions affecting the lot concerned.

b) No direct broadcast satellites or multi-channel dish distribution type devices shall exceed 39 inches in diameter on any lot.

c) All such devices must be one solid color and blend or match the color of the roof or house on the lot. No slogans or advertising, other than the manufacturer's logo, will be permitted on any such device

d) Dish devices, antennas, and any mast or anchoring structure must be located to the rear half of the roof and must serve only one household. Any such roof device shall not extend above the roof of the house or be visible from the street, to the extent feasible. No such device can be placed upon any easement.

e) All such devices must be securely mounted on a base to withstand the effects of high winds or other extraordinary weather conditions but no guy wires or similar mounting apparatus will be allowed.

f) No such device is ever allowed to send or receive ham radio signals. No such device shall be permitted to cause distortion or interference with other electronic devices in the subdivision.

3. **Basketball Goals**

a) The installation of a basketball goal, temporary or permanent, requires ACC approval. If any complaints are received, the basketball goal will be subject to immediate removal at the request of the ACC.

b) The basketball goal backboard, net, rim, and post must be maintained in excellent condition at all times. Backboards must be regulation size and white in color or transparent. Rims must be no more than ten (10) feet in height. Poles without the backboard, rim, and/or net must be removed from the property.

c) Must be mounted on garage or placed on the side of driveway. If placed on the side of the driveway, it must be placed on the driveway side that is closest to the owner's house. Must be placed at least 3 feet behind the frontline of the house.

d) Portable basketball goals may not be placed in cul-de-sacs, on the street, or curb area.

**4. <u>Children's Swing Sets and Play Structure</u>**

a) One (1) free-standing play structure is permitted on a Lot and must be kept in good condition.

b) A play structure may not exceed a maximum height of eight feet (8').

c) A play structure on a Lot must be located within the rear yard behind a fence. The structure may not be visible from fronting street. A play structure must be set back at least 5 feet from the rear or side fence lines.

d) The canopy on a play structure, if any, shall be a solid color, a multi-colored canopy is not permitted.

**5. <u>Decks</u>**

a) The installation of a deck requires ACC approval.

b) Decks must be located in the rear of the home behind a fence. Decks may not encroach into any utility easements. Decks should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lots.

c) Decks cannot be higher than 48" above grade.

d) The paint or stain of the deck should be in harmony with the house. Color samples must be provided and approved by the ACC Committee.

e) Second story decks will only be approved for those properties that had an original second story deck or with adjacent property owners' approval. This means owners to both sides and the rear of the proposed deck. Second story decks will receive ACC approval on a case-by-case basis.

**6. <u>Decorations</u>**

a) All lawn ornaments, installed outside of the fenced portion of the property, whether temporary or permanent, will conform to the general restrictions of the ACC Committee. The ACC Committee shall have the authority to require an Owner to remove or eliminate any object situated on such Owners Residential Dwelling or Lot that is visible from a street in the Subdivision or another Lot,

if in the Architectural Review Committee's sole judgment, such object detracts from the visual attractiveness of the Subdivision or does not comply with the provisions of this guidelines.

b) In addition to a mail box, there will be a limit of two other freestanding structures or decorative appurtenances, such as bird baths, swings, fountains, benches, etc. allowed on front lawns of a size that is complimentary to the residence and surrounding landscaping. No birdhouses or pink flamingos will be allowed on front lawns.

c) House numbers may only be placed on the house, mailbox or curb.

d) No more than three (3) flower pots are permitted in the front of the home. Empty flower pots or those with dead plants must be removed from public view. All flower pots must be decorative in nature, comprised of clay, terra cotta, porcelain. No plastic containers can be used. Artificial flowers, plants, or other greenery may not be displayed in the front yard.

e) Seasonal decorations shall not exceed six (6) feet in height or five (5) feet in width, excluding light sets. Christmas decorations, including lighting and clips, may not be placed on the house or in the front yard prior to Thanksgiving Day, and must be removed no later than January 31. All other seasonal decorations shall be limited to a maximum thirty (30) day period.

f) In accordance with Texas SB 1588 and SB 581, you have the right to display a religious item on the entry to a home, such as the Jewish Mezuzah. Residents are authorized to display religious items of any size on their property so long as such items are motivated by the resident's "sincere religious belief". The association my prohibit a display that threatens the public health or safety, violates a law, contains language, graphics, or any display that is patently offensive for reasons other than its religious content, is installed on an Association property, violates any applicable building line, right-of-way, setback, or easement, or is attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole or fixture.

**7. <u>Driveways</u>**

a) The driveway within the boundaries of a Lot, and any portion of a driveway serving a single Lot which extends from the Lot across an unpaved portion of a street, if any, shall be maintained by the Owner of the Lot.

b) The driveway on each Lot shall be constructed of concrete. No driveway shall be painted or stained.

c) Driveways must be clean and undamaged and all seams must be kept free of weeds.

d) All driveway extensions require ACC approval and will be reviewed on an individual basis. Driveway extensions can extend no nearer to side property line than three (3) feet and five (5) feet in certain instances, unless otherwise approved. Other materials (ex. brick) may be used but only if approved in writing by the Architectural Review Committee.

**8. Exterior Lighting**

a) Additional exterior lighting shall be of a wattage or lumen count that will not adversely affect neighboring homes. Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.

b) Security, mercury vapor, LED, or fluorescent lights must be attached to the front of the house, preferably the garage. Mercury vapor, fluorescent, and sodium halite may be permitted in backyards as long as it in no way shines onto adjacent property in an offensive manner as determined by the ACC.

c) Yard lights may be gas or electric. They must be single lamp only and a maximum height of ten (10) feet. They may be located in the front yard or the backyard. Gas or electric lights must be painted black and kept in excellent condition.

**9. Exterior Painting**

a) All painted surfaces must be clean and smooth with no bare areas of peeling paint. All painted areas that have faded and/or deteriorated must be properly repaired. All surfaces must be free of mildew, dirt, and stains.

b) All homes have some painted areas (such as trim and wood siding areas.) If the owner wishes to paint an area that has not been previously painted or wishes to change a color, approval by the ACC will be required. If an owner wants to paint the same color as the existing color, he still needs to get approval, since some existing colors were not approved. Owners may change the color of paint used on their home if, in the opinion of the ACC the new color is compatible with the individual home, the neighborhood and the selected color palette.

c) Colors must be approved by ACC before painting has started. If color approval was not obtained prior to painting and the color is not approved, the owner will have to re-paint within 3 months from the date of the first notification.

d) Earth tone colors are most often used when homes are constructed. In general, an earth tone color should receive ACC approval. The color of neighboring homes will be taken into consideration, along with the applicant's brick color(s). All paint colors will be subject to approval based upon appearance and impact upon the harmony of the community design.

e) Generally, primary, bright, pastel colors will not be approved. No oranges, reds, pink, gold, turquoise, or purple will be approved. Blues and greens will be allowed on a case by case basis. Blues must stay within the muted grey tones. Greens must stay within the sage tones for siding or trim. Paint colors on the garage must be the same colors as those used on the main residence.

f) Painting of brick will be considered on a case by case basis. If bricks need to be sealed due to mortar that has crumbled causing leaks, a clear or colored sealant may be used, and this will also require ACC Approval.

**10. <u>Exterior Repairs</u>**

a) Rotten wood on a home must be repaired or replaced and painted to match the existing color of the home.

b) Missing fascia boards, trim, or siding on the exterior of the home must be replaced and painted to match the existing color of the home.

**11. <u>Fences/Gates</u>**

a) Fencing shall be uniform throughout the development and requires ACC approval. Fences and side gates should be 6-foot comprised of wooden cedar pickets. No side or rear fence shall be higher than six (6) feet in height. A one (1) foot bottom rot board may be used making a total height of seven (7) feet tall. Fences will be installed picket side out to the street.

b) A gate may be placed across the driveway with ACC approval. Driveway gates may be no higher than the adjoining fence and a max of seven (7) feet tall. Wrought iron may be used in gates across driveways or where used across a building line so long as there are not items (storage or otherwise) visible from a fronting street. Wind screen material (or similar material) attached to wrought iron fences and gates shall be considered on an individual basis and must be kept in excellent condition at all times. Anything stored on the driveway, may not extend above the top of the gate making it visible from the street (ex. RV, boats, campers, commercial vehicle, etc.)

c) Chain link, split rail fences, and chicken wire are not permitted.

d) Fences and gates may not be painted. Staining or varnishing of the fence will require ACC approval.

e) Fences and gates must be kept in good order. Replacements or repairs of a fence must be made with similar materials and construction details as used in original fence. All rotted, rusted or damaged wood or metal must be replaced and all damaged brickwork must be repaired. All repairs and altercations to fencing requires ACC approval.

f) Fence extension requests must be submitted jointly by both owners sharing the side lot line and fence, except in the case of a corner lot. Approvals shall be on an individual basis. If both owners do not concur as to a proposed fence extension or replacement of an extension, the ACC will not approve the extension.

g) No front fence, wall or hedge in excess of three (3) feet in height shall be placed or permitted to remain on any said lots in the area between and street adjoining same and the front building lines.

**12. <u>Flagpoles/Flags</u>**

a) One (1) in–ground flagpole is permitted on a Lot with ACC approval. In-ground flagpoles are intended to display the American flag, the flag of the State of Texas, and seasonal flags. The flag must be in accordance with U.S. and Texas flag codes. The Board of Directors shall have the authority to require the removal of any flag that is reasonably deemed to be inappropriate or offensive by reason of condition, color, or content.

b) An in-ground flagpole must be located within ten (10) feet of the main residence within the applicable side and rear building setbacks. No in-ground flagpole may exceed twenty (20) feet in height.

c) The flagpole and flag must be kept in good condition. The materials must be made out of durable long lasting materials. The flag cannot be worn, torn, or damaged. The pole must have a finish harmonious with the dwelling. If there is not flag on the pole, the pole must be removed from the property.

**13. <u>Garage Conversions, Carports, Detached Garages</u>**

a) All garages must be capable of housing a minimum of two (2) cars at all times. All garage doors shall be operational. Conversion of garage to living area is not permitted.

b) Carports are approved on a case by case basis. Carports will only be approved if they are shingled roofed, with brick columns, or painted to match the home. Carports constructed out of metal or plexi-glass are not permitted.

c) A second floor may not be added to the garage if the main residence is a 1-story home.

**14. Garage Doors**

a) Garage doors must be in good condition and working properly. Garage door color must match either siding or trim color on the main residence and requires ACC approval.

b) Garage doors off of the roller must be re-attached. Damaged panels in the door must be replaced. Missing panels and windows in the door must be replaced.

**15. Graffiti**

a) Graffiti must be removed from fencing, siding, or any other structure visible from the street.

**16. Gutters and Downspouts**

a) Gutters and downspouts must be maintained in excellent condition at all times. Color of gutters and downspouts must match house trim or siding or be white.

b) Missing, hanging, broken, sagging, or otherwise unsightly gutters and downspouts should be repaired within thirty (30) days.

c) Gutters must be free of mold, mildew, dirt, stains, etc.

d) Gutters must be kept free of weeds, vegetation, and other greenery.

e) Discharge from downspouts must not adversely affect drainage on adjacent properties.

f) Rain Barrels or such system is allowed but must not be located between the street and the home.

**17. Landscaping**

a) Landscaping shall not change the configuration of the grounds, inhibit sightlines, or use prohibited building materials. Landscaping may not be installed in such a manner as to change the topography or drainage of the lot, which may cause water to spread across any other lot. Landscaping must compliment style and architecture of home and conform to color scheme of immediate neighborhood.

b) The deed restrictions require that certain sight lines remain uninhibited by landscaping within the following restrictions:

   i. At each intersection of a driveway and a sidewalk there is a ten (10) foot triangle within which no planting can exceed two (2) feet in height.

   ii. On corner lots there is a twenty-five (25) foot triangle in which no planting can exceed two (2) feet in height.

   iii. In the case of trees, no hanging branches below 6 feet from the ground.

c) Shrubs and bushes must be neatly trimmed and should not be taller than the first story trim of a home. Flower beds are to be kept free of weeds and dead plants. Dead plants and bushes shall be promptly removed. Vines must be trimmed so that they do not grown over the trim and roof lines and removed if they are dead.

d) Tree branches hanging over the sidewalk and street must be trimmed so as not to inhibit a pedestrian or to rub the tops of vehicles driving in the street. Tree branches hanging over your property line cannot adversely affect your neighbor's property (i.e. touching your neighbor's home). Dead trees must be promptly and completely removed. Tree stumps are to be totally removed.

e) No more than three (3) potted plants are to be placed on the porch, on the driveway, or on the front lawn.

f) Landscape timbers, bricks, stone, flower bed borders, landscape lights, trellises and sprinklers are subject to ACC review. Under no circumstances will railroad ties be allowed.

g) No vegetable, herb or similar gardens or plants shall be planted or maintained in the front yard of a Lot or in the side yard of a lot if visible from a street in the Subdivision.

**18. Lawn Maintenance**

a) All lots shall be kept in a healthful and attractive condition, all weeds removed and grass regularly mowed and edged. No owner shall allow the grass on their lot to grow to a height in excess of six (6) inches, measured from the surface of the ground. Sidewalks, driveways, and curbs must be clean and all seams must be kept free of weeds.

b) Front lawn shall be comprised of Saint Augustine or Bermuda grass. Bare spots or areas where grass has died must be replaced with grass. River rocks, mulch, ivy or other cover may be allowed on a case by case basis when grass cannot grow.

c) No parking of any vehicles will be allowed on the lawn at any time.

**19. Leasing of Property**

a) Homeowners are allowed to lease homes. An owner who leases his home shall promptly forward the execution of any such lease to the Association.

b) A house cannot be physically divided into two separate units.

c) Not more than one family may be residing the in the home. A single room or part of a home may not be subdivided and rented out individually.

d) No Short-Term rentals are allowed.

**20. Mailboxes**

a) Mailboxes must be maintained in excellent condition at all times. Changes or improvements made to mailboxes will require ACC approval.

b) The size and shape of the mailbox shall be of a standard normally sold in most stores. Mail boxes must be painted in a neutral color (such as black, white, tan). Arts and crafts type alteration from standard manufactured shapes (such as pigs, cows, etc) will not be allowed.

c) Bricked mailbox stands should receive approval provided 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.

d) Broken or rusty mail boxes must be replaced or removed. If the mailbox is removed, the post holding it has to be removed also. The post holding the box must be kept upright and cannot be leaning.

**21. Outbuildings**

a) An "outbuilding" is defined as any structure, which is not attached to the main structure. All "outbuildings" are subject to ACC approval.

b) It should have a peaked roof, no higher than eight (8) feet from the ground to the highest point, and a maximum of 10' X 12' floor space. The color and materials should match or closely approximate those of the main residence in both size and color.

c) Structures must be placed and maintained a minimum of five (5) feet off the rear property and five feet from the side fence. The location must also be far enough away from the fence to allow

for drainage to occur entirely on the owner's lot. A storage building over a utility easement will not be approved.

d) No storage building can be build up against any side or rear wall of a home unless its maximum height is less than six (6) feet and does not extend above the fence. If under six (6) feet, a storage structure may be placed in the side yard, provided a three (3) foot minimum setback is observed.

e) A playhouse/fort must be no higher than forty-two (42) inches above ground and centered in platform, that platform can be no higher than forty-two (42) inches above ground and centered in the back yard to protect the neighbor's privacy. It shall also be placed so as not to be visible from the fronting street.

f) Gazebo – A freestanding gazebo must be at least six (6) feet away from the house. Must be reviewed on a case-by-case basis with a maximum height at peak of eleven (11) feet and must be five (5) feet from the side and back fence.

g) Outbuildings/sheds that have been installed on the property without ACC approval are subject to removal as decided by the Board of Directors.

**22. <u>Outdoor Carpeting</u>**

a) Can only be installed on porch area at the rear of the house and should not be visible from the street.

b) Earth tone colors are acceptable.

**23. <u>Patio Covers</u>**

a) Should be constructed of materials that complement the main structure. All patio covers are subject to ACC approval.

b) Patio covers must be integrated into existing roofline (flush with eaves,) and if it is to be shingled, shingles must match roof. The entire patio cover and its posts should be trimmed out and painted to match house. Supports must be painted wood, treated wood or metal columns. No pipe is allowed.

c) Patio construction materials are as follows:

   (1) Painted aluminum (to match trim of house);

   (2) Painted wood (to match trim of house);

   (3) Natural pressure treated wood such as cedar, fir, redwood may be used. Treated pine must be painted or stained.

(4) Fiberglass is acceptable, and earth tone colors such as tan, brown, and beige, clear may be used. Edges of fiberglass must not be visible from surrounding properties or from any street.

d) 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 feet (5') away from side lot line (and the cover is to be solid), the ACC will require it to be guttered with down spouts. Patio covers may not encroach into any utility easement.

**24. <u>Pet Control</u>**

a) As stated in Section 6.19 of the Deed Restrictions; no animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose.

b) Such dogs and cats may not create a nuisance or annoyance to surrounding Lots or the neighborhood and are in compliance with applicable Harris County ordinances.

c) All animals must be kept under restraint while in the unincorporated areas of Harris County, Texas. The custodian of a dog or cat is not authorized to have, harbor or keep any unlicensed dog or cat nor to allow any dog or cat to become a stray.

d) Each resident pet owner shall be responsible for cleaning up after their pet(s), including the removal from any portion of the Properties of any droppings caused by Occupants' dog(s) or other pet(s). HOA common areas are included and are not to be used as an area for pet droppings.

**25. <u>Residential Construction and Use</u>**

a) According to Section 6.1 of the Deed Restrictions, no platted lot shall be used except for residential purpose and no building shall be erected, altered, place, or permitted to remain on any lot other than on detached single-family dwelling of one, one and one-half and two stories in height, and a private garage for not less than two cars not more than three cars.

b) Customer-oriented businesses are not allowed.

c) For non-customer-oriented businesses, the following special requirements must be met:

1. No sign or other advertising device of any nature shall be placed upon any lot.
2. No exterior storage of business-related materials will be allowed.

**26. Roofs**

a) Roofs must be maintained in excellent condition at all times. Changes or improvements made to homeowners will require ACC approval.

b) The roof of any building shall be constructed or covered with composition shingles. Any patches or repairs to part of a roof must be re-shingled in the same color as the existing shingles already on the roof.

c) Wind turbines, exhaust pipes and roof jacks must be painted to match the roof color and mounted on the rear of the roofline when possible.

d) Ridge vents should be covered with matching roof material.

**27. Room Additions**

a) Exterior materials and color should match the house as much as possible.

b) Detailed plans must be submitted to the ACC.

c) Room additions may not encroach into any utility easement.

d) Approvals shall be on an 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 will not quality as a bonafide room addition and will not be permitted. Plans for room additions must show a room of reasonable size to constitute a legitimate request for a room addition. Roof of addition must integrate with existing roofline so as to appear to have been part of the original home. The addition must be opened to the main structure and be serviced by central heating, air conditioning and electrical. All such improvements must be designed to building code standards. Room additions may be denied for other reasons (i.e.: structural integrity, architectural suitability, etc.).

e) Building permits if required by the applicable municipality (city, county, etc.) must be submitted with the "Architectural Control Form".

f) Addition of a room over a garage will be considered if the main structure has 2 stories.

   (1) Cannot be used as living quarters.

   (2) Windows cannot be in the back of the structure or on the side overlooking the nearest homeowner's property.

   (3) Access to the second floor must be from inside the garage.

(4) Exterior finish must match the main structure in materials and paint. Roofing material must match the roof on the main structure.

**28. Security Measures**

a) Per TX State Property Code 202.023; security cameras and motion detectors may be installed on a homeowner's private property. Security fencing may be installed per ACC Section 11 Fencing.

**29. Sidewalks**

a) Sidewalks should be no closer than three (3) feet to property line and must be parallel to curb. All sidewalks in the side yard must be no greater than forty-eight (48) inches wide.

b) All sidewalks which are visible from the street in front of the Lot at ground level or, if a corner Lot, the side street adjacent to the Lot at ground level, shall be paved concert; chert, gravel and loose stone sidewalks are prohibited. Sidewalks cannot be painted or stained.

c) Sidewalks must be clean and undamaged. All sections of the sidewalk must be even with the other ones. In some cases, concrete may be used to fill in the recessed section creating a slope between the two sections. All seams must be kept free of weeds and grass.

d) Sidewalks shall not be blocked by any obstructions, for example cars.

**30. Signs**

a) As stated in Section 6.13 of the Deed Restrictions, no sign of any kind shall be displayed to the public view on any lot except one sign of not more than five (5) square feet advertising the property for sale or rent.

b) Signs showing school pride are allowed temporarily if placed close to the main residence.

c) Political signs are permitted to be displayed no more than thirty (90) days before the election and must be removed within ten (10) days after the election.

**31. Solar Energy Devices**

a) Pursuant to Chapter 202 of the Property Code, homeowners have the right to install solar panels. A solar energy device is defined to mean a mechanism that would collect and transfer solar-generated energy (per Section 171.107 of the Tax Code), thus including solar panels.

b) Solar panels must be located on the rear portion of the home's roof. Solar panels cannot be visible from the street. If installed in the yard or patio may not be taller than the fence.

**32. <u>Stored Items</u>**

a) Nothing is to be temporarily or permanently stored on the driveway, beside the garage, house or on the front porch or any other location that can be viewed from the street.

b) Chains, ropes, wires, cords or cables strung from one object to another must be removed or relocated so that they cannot be seen from the street. Free hanging chains, ropes, wires, cords, or cables must be removed.

**33. <u>Swimming Pools and Spas</u>**

a) Swimming Pools and Spas require ACC approval and Harris County Residential Permitting. No pool, spa, or decking that encroaches upon an easement will be approved.

b) The pool or spa shall be located at least five (5) feet from a side and rear lot line to maintain proper drainage on the lot. All pools must be enclosed within a fenced area. It is the owner's responsibility that the fenced area is maintained and properly secured.

c) Swimming pools, spas hot tubs and sprinklers must have a testable back flow prevention device and must have them inspected. Swimming pools must drain to the sanitary system.

d) Pool pumps and other equipment must be screened within the fence perimeter and not visible from the fronting street.

e) Per Section 202.002 of the TX State property code, pool enclosures must conform to applicable state and local requirements. A pool enclosure is a fence that surrounds a water feature, including swimming pool or spa; consists of transparent mesh or clear panels set in metal frames, is not more than six (6) feet in height and is designed to not be climbable. Pool enclosures must obtain ACC Review and approval.

f) Above ground pools will not be permitted.

**34. <u>Trash Cans and Garbage Disposal</u>**

a) Trash cans are NOT permitted to be stored on the front yard, front porch, driveway, in front of the garage, on the side of the home, or any other place on the property that will allow them to be viewed from the street.

b) Trash cans must be set out no earlier than the night before trash pick-up day. Trash cans must be pulled in by the night of trash day.

c) No gasoline, motor oil, paint, paint thinner, pesticide or other product considered to be a contaminant or a hazardous substance under applicable federal or state laws and or regulations shall be disposed of on a Lot nor shall any such material be deposited into a storm sewer manhole or drain.

d) There shall be no storage of any materials, clutter, debris or other items in public view.

e) A dumpster is permitted temporarily in the driveway during renovations to the home, but owners must notify the Association before it is brought on the property and give an estimated time when it will be removed.

**35. Use of Temporary Structures**

a) Pursuant to Section 6.10 of the Deed Restrictions, no structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.

b) No tents, canopies or other such shade providers are permitted on any yard or driveway.

**36. Utility Easements**

a) Pursuant to Section 6.8 of the Deed Restrictions, Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Neither declarant nor any utility company using the easements herein referred to shall be liable for any damage done by them or their assigns, their agents, employees or servants, to shrubbery, trees and flowers or other property of the owners situated on the land covered by said easements.

b) The ACC will not approve buildings and other improvements that encroach into an easement.

**37. Vehicles**

a) Pursuant to Section 6.15 of the Deed Restrictions, no trucks, vans, trailers, RV's, campers, boats or any vehicle other than passenger cars will be permitted to park on street or on driveways longer than a twelve (12) hour period. A commercial truck, van, trailer, boat, or any vehicle other than passenger cars that are parked on the property every day, but for less than twelve (12) hours, is considered to be semi-permanent and must be screened from public view. Permanent and semi-

permanent storage of such items and passenger vehicles must be screened from public view, either within the garage or behind the fence which encloses the rear of the lot.

b) Only passenger vehicles must also adhere to the following guidelines:
   i. In operating condition.
   ii. Are registered, licensed and in daily use as motor vehicle on Streets and highways of the state of Texas, and do not exceed 6'6"in height, 7'6" in width, and 21' in length.
   iii. Vehicles parked in the driveway are not permitted to be covered.
   iv. Vehicles parked on the street cannot block access to mailboxes or driveways.

d) RV's, campers, or commercial vehicles parked on a driveway behind a gate/fence must be removed from the property if any part of the RV extends over the top of the gate/fence and can be seen from the street.

e) No non-motorized vehicle, trailer, boat, marine craft, hovercraft, machinery or equipment of any kind may be parked or stored on any part of any lot, easement, street right-of-way, or common area.

f) No one shall conduct repairs or restorations of any motor vehicle, boat, trailer, aircraft, or other vehicle upon any street, driveway, lot or portion of the common elements, except for repairs to the personal vehicles of the residents conducted exclusively in the enclosed garage (and provided such personal vehicle repairs do not cause excessive noise or disturb the neighbors at unreasonable hours of the night).

g) According to House Bill 1376, a junked vehicle is one that displays an expired license plate or invalid inspection certificate; and/or is wrecked, dismantled or partially dismantled, or discarded, or is inoperable for more than 72 hours on public property or for more than 30 consecutive days on private property.

**38. <u>Window Air Conditioners</u>**

a) Must not be visible from street and must be below the fence line.

b) Cannot be mounted in an upstairs window.

c) AC vents may be permitted with Board approval if they are less than six (6) inches in height and no wider than the width of the window. No foil, cardboard or tape may be used to secure the vent in the window.

**39. Windows**

a) Windows on homes must be comprised of glass and kept in good condition.

b) Broken glass panes in windows or doors must be replaced. No boards, duct tape, or other material are permitted to cover the holes or secure a cracked window.

c) Solar or reflective film is acceptable. Reflective film or solar film must be removed from the window if it becomes torn or damaged. No foil coverings will be allowed on windows.

d) Window screens must be kept in good condition and removed if they have holes or tears in them. Solar screens are permitted by the ACC.

e) Metal and wooden slate-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 ACC. At no time, however, will they be allowed on windows on the front of the homes. Canvas awnings will not be permitted on windows or patios to reduce solar exposure.

f) Burglar bars are acceptable provided they are in harmony with the house. Painted to match adjacent wall.

g) Storm windows and storm doors or screen doors are acceptable provided the frames of these are of a color compatible with the exterior house colors. Storm windows and storm doors, or screen doors, must receive prior ACC approval.

h) Window Treatments must be kept in good condition.

   i. Broken window blinds or damaged curtains must be replaced or removed from the window.

   ii. Drapes, linings, blinds, and all other types of window coverings, which are visible from a street in the Subdivision or a neighboring Lot, must be white or beige.

   iii. No blankets, sheets, or any other window coverings are allowed. If there are no window coverings on the front windows of a home and you can see stored items from the street you will be required to install blinds.

**40. Garage Sales**

a. Garage sales are permitted on the first weekend of every month.

b. Items brought in from another location are not to be displayed or sold.

FILED FOR RECORD

8:00:00 AM

Monday, December 6, 2021

COUNTY CLERK, HARRIS COUNTY, 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

Monday, December 6, 2021

COUNTY CLERK
HARRIS COUNTY, TEXAS

22
NOTICE
Z|R

Instrument to Record Revised Dedicatory Instrument

RP-2021-695427
12/06/2021 RP3 $102.00

These Instruments are being recorded by MEMORIAL PARKWAY COMMUNITY ASSOCIATION, a Texas not-for-profit corporation (the "Association") pursuant to Section 202.006 of the Texas Property Code.

Section 202.006 of the Texas Property Code requires a property owner' association to record each dedicatory instrument in the real property records of the County in which the property to which the dedicatory instrument relates is located, if such instrument has not previously been recorded.

This revised version of the Architectural Control Committee Guidelines replaces and supersedes the previous Guidelines filed in August of 2016 under file number RP-2016-350257.

Executed on the 23rd day of November 23, 2021.

Memorial Parkway Community Association
A Texas not-for-profit corporation
By: _____
Printed Name: Charles M. Herring
Title: President

1 OR 1EE

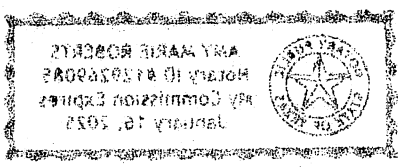
STATE OF TEXAS )
)
COUNTY OF HARRIS)

This instrument was acknowledged before me on 23rd day of November 2021, by Charles Herring, President of MEMORIAL PARKWAY COMMUNITY ASSOCIATION, a Texas not-for-profit corporation, for and on behalf of said corporation.

Amy Roberts
Notary Public, State of Texas

**After recording, return to:**
**Memorial Parkway Community Association**
**21600 Cimarron Parkway**
**Katy, Texas 77450**

NOTARY PUBLIC STATE OF TEXAS
AMY MARIE ROBERTS
Notary ID #129269085
My Commission Expires
January 16, 2025


AMY MARIE ROBERTS
Notary ID 8172428096
My Commission Expires
January 16, 2025