

Architectural Control and Restrictive Covenant Guidelines



Memorial Northwest Homeowners Association

Draft - For Membership Comment

Memorial Northwest Homeowners Association

(A Texas Non-Profit Corporation)

Architectural Control and Restrictive Covenant Guidelines

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Table of Contents

Precautionary Note:.....	4
Guidelines Subject to Change:	4
Association and ACC Disclaimer.....	4
Definitions.....	5
The Architecture History of Memorial Northwest.....	6
Room Additions for Livable Space	7
Outbuildings and Structures	7
Play Structures and Equipment	8
Basketball Goals.....	8
Patio Covers and Sunshades	9
Exterior Painting.....	9
Windows and Doors.....	10
Storm Windows and Storm/Screen Doors.....	10
Decks.....	10
Swimming Pools and Spas.....	11
Antennae and Communication Devices.....	12
Fences	12
Yard and Holiday Decorations.....	14
Signs	14
Exceptions	15
Exterior Lighting.....	15
Mailboxes.....	17
Renewable Energy Sources – Solar, Wind, Generators	18
Outdoor Carpeting/Painted Concrete.....	18
Burglar Bars.....	18
Flags	18
Driveway and Sidewalks.....	20
Garage Conversion, Porte Cocheres and Carports	21
Window Air Conditioning Units	21
Single or Multizone Split Air Conditioning Units.....	21

Window Shades, Awnings and Canopies	21
Roofing	21
Garage, Estate or Occasional Sales	22
Trash and Recycling Vendor	23
Staging Period for Trash and Recycling	23
Yard Waste Prohibited	23
Storage Prohibited	23
Burning Prohibited	23

Precautionary Note:

Regardless of the contents of these guidelines, the Architectural Control provisions contained in the applicable provisions of the various Restrictive Covenants and conditions (the “Restrictions” or “Deed Restrictions” or “Declarations”) for numerous Sections with the Memorial Northwest Subdivision within the jurisdiction of the Memorial Northwest Homeowners Association (the “Association”) must be adhered to in all respects.

In all cases, an application for approval, accompanied by detailed plans and specification of the proposed improvements including a plat or survey of the property (whether new construction, or alteration/modification of existing buildings, structures, improvements of any nature) must be submitted to the Architectural Control Committee (the “ACC”) and the approval therefor received in writing, prior to beginning construction.

All construction, repairs, modifications, and/or improvements must be complete in a good workmanship like and aesthetics manner and must be completed in the time specified in the applicable ACC approval. All ACC applications for room additions, outbuildings, patio covers, structures, fences, antennae, and other improvements must be accompanied by detailed plans and specifications. Any details or specifications omitted in an application is subject to a future violation notice and shall be corrected when such notice is given. Such plans must clearly delineate the location and dimensions of the proposed construction in relation to the dimensions of the lot, existing buildings and/or structures located thereon, and applicable building or setback lines. All approvals granted by the Architectural Control Committee are for determining compliance with the intent of the restrictions and this document. See disclaimer for exclusions.

The building, structure, improvement, repair, or modification may be required to be removed or altered if it is constructed or performed in a manner or in any location other than specifically approved by the ACC.

Guidelines Subject to Change:

These Guidelines may be modified from time to time by the Association and its ACC should such modifications be deemed in the best interest of the Association.

Association and ACC Disclaimer

The Association and its ACC specifically deny and disclaim any liability or responsibility of any nature regarding the ramifications, impact or result of any ACC approval concerning: (1) adherence to Federal, State, or local laws; (2) injury or damage to person or property; (3) quality of construction; (4) impact on the value of the homeowner’s property. Unless a specific detailed written variance is issued by the ACC, no construction, repair, or modification project may be performed in violation of any provisions contained in the applicable Deed Restrictions.

Definitions

Architectural Control – means the authority granted in the Declarations of Covenants, Conditions and Restrictions filed with Harris County.

Association – means the Memorial Northwest Homeowners Association, a Texas non-profit corporation, its successors or assigns.

Attractive nuisance – means a condition on a landowner's property that may attract others subjecting the community to risk or harm.

Building – means a structure for permanent use.

Excellent Condition – means a condition of state, not perfect, yet achieving the highest levels of performance or expectations.

Ground Level – means an elevation less than the primary residence slab.

Lot – means a plot of land shown upon any record subdivision plat within the jurisdiction of Memorial Northwest subdivision.

Owner – means the record owner, whether one or more persons or entities of a fee simple title to any Lot which is part of the Properties subject to the Memorial Northwest Homeowners Association.

Properties – means aa certain tracts of land situated in Harris County, Texas, and described in the official plats and Declarations of Covenants, Conditions and Restrictions for Memorial Northwest Subdivision.

Public View – means visually seen from any vantage point beyond the property line of an owner's lot.

Restrictions – means one or more restrictive covenants contained or incorporated by reference in a properly recorded map, plat, replat, declaration, or other instrument filed in the real property records or map or plat records

Surface Drainage – means an engineered method whereby precipitation on a property is collected and drains in the direction of the public storm water collection system without impacting adjoining properties.

Subsurface Drainage – means an engineered method whereby precipitation on a property is collected in catch basins and utilizes underground plumbing to convey to the public storm water collection system without impacting adjoining properties.

Architecture of Memorial Northwest

The development of Memorial Northwest Subdivision began in 1970. The homes were constructed for single-family use. Each home featured a two or three car garage providing a secure place to store a personal vehicle out of public view. Vehicle's parking in public view like driveways and streets are considered attractive nuisances placing the community at risk.

All buildings are placed behind the 25-foot front building line of the property providing an appearance of harmony and clear unobstructed visual view to the public street. Homes were constructed as single- or two-story building of 2,500 square feet or more. The predominant materials of construction consisted of brick, stucco, painted horizontal planking, and architectural shingle roof.

A privacy fence was an owner option constructed of top grade 6 feet cedar pickets. Chain link fences are strictly prohibited.

The painted colors of the home consisted of earth tones to blend in harmony with nature consistent with manicured grass lawns, various shade tolerant vegetation and trees predominantly oak and pine.

Street lighting was accomplished by a six-foot post light fixture either electric or natural gas. Each post light fixture provided up to 800 lumens of warm light. The post placement on each property was aligned uniformly from the street. This provided a warm uniform lighting along the street for pedestrians, bicycle, and vehicle use.

Home external lighting consisted of wall lantern fixtures and switchable 40-degree flood lights. All lighting was installed no higher than the first-floor level (less than 8 feet). The light level of wall fixtures were 400 lumens at a color temperature below 3,000K. This lighting provided an aesthetically pleasing ambiance. Flood lights were directionally used to illuminate specific areas of the home for utility purposes. The flood light consisted of a 1,500 lumen 40-degree lamp at less than 3,000K. These were typically installed on the corners of the home and required to be facing down to the ground along the home as not to create a nuisance when the light was needed for utility purposes. Flood lights were directional to illuminate along the primary residence structure or equipment and not used to illuminate the side or front yards.

Utility easements are provided on each property survey. These easements provide necessary infrastructure for the use and enjoyment of all property owners within the community. The locations of easements vary throughout the subdivision, predominately along the back lot line of adjoining properties. Along the side lot line, the Restrictions provide a minimum 3-foot no building buffer of adjoining properties. This enables a minimum six-foot pathway to access any rear Utility Easement for a major infrastructure repair.

The original property development considered historical precipitation data on saturated or impervious ground conditions to properly drain away from land improvements. All properties were engineered, and through careful land management principles using surface or subsurface

drainage systems designed to collect and drain to the community storm water utility infrastructure without impacting adjoining properties.

Sidewalks were not provided as the Restrictions prevent vehicle parking in the streets allowing for unobstructed view and safe passage for pedestrians and bicyclist.

Room Additions for Livable Space

A room addition is an extension of existing living space on a lot. This applies to the primary residence or detached garage. Approval of the size and shape will depend on the architectural style and layout of the home, size of lot, and how the room addition integrates with the exiting residence. Such an addition must be of reasonable size to constitute a legitimate request as a room addition.

Addition of a storage area does not qualify as a room addition (See Outbuildings and Structures)

Room additions may not encroach into any Utility Easement unless written approval is granted and submitted with the ACC application. The addition may not encroach within five (5) feet of the side property line or beyond any building line or set-back line.

Room additions must be air-conditioned space for heating and cooling; window units are not allowed. Split systems are allowed provided the condenser and evaporator unit are not visible from any external (public) view.

Exterior materials must match the primary residence.

The roof of any addition must be integral with the primary residence. Materials in all respects (color, weight, and method of installation), may not exceed in height (at any point) the height of the roof of the primary residence.

The room addition may not exceed in size one-third (1/3) of the remaining backyard and may be denied for other reasons such as architectural suitability.

A room addition beyond single-family use shall be denied.

Outbuildings and Structures

Additional portable buildings placed on a lot, such as a storage building, gazebos, etc. may be approved for backyard location behind approved fences only, and must adhere to the site locations, observing easements, building lines and setback lines as provided in the Deed Restrictions, maps, or plats. These buildings or structures must be constructed of materials consistent with the materials on the main structure (with coordinating or matching colors) and must meet the ACC's standard of workmanship and quality.

The color(s) should match/blend with the predominant exterior color of main residence.

Material should match those of the main residence in both material, size, and color. Plywood shall not be used as siding.

All structure(s) should have a peak no higher than ten (10) feet from the ground to the highest point and a maximum of one hundred and twenty (120) square feet of floor space.

A building or structure placed on a concrete slab within a Utility Easement will require a Letter of Consent to Encroach issued by the applicable Utility Company as this will not be considered as portable.

No building or structure (lean-to) may be built abutting any side or rear wall of the residence. The building or structure must be detached and portable to be considered an outbuilding or structure.

Gazebos may be considered on a case-by-case basis.

Greenhouses may be considered on a case-by-case basis.

Play Structures and Equipment

Portable play structures (trampoline, swing-set, etc.) and equipment (volleyball, basketball, badminton, etc.) placed may be approved for backyard location behind approved fences only, and must adhere to the site locations, observing easements, building lines and setback lines as provided in the Deed Restrictions, maps, or plats.

The play structure(s) may have a peak no higher than ten (10) feet from the ground to the highest point. If the play structure has a platform, the platform must be less than six (6) feet above ground level.

The location of the play structure or equipment must be located no closer than ten (10) feet of the backyard property line(s) for neighbor's privacy.

Play equipment when not in use must be stored so they can't be seen from any street and/or from the adjacent property at ground level.

Basketball Goals

Permanent and portable basketball goals may be approved to be placed in the driveway and must adhere to the site location building and setback lines as provided in the Deed Restrictions, maps or plats. Only a single permanent or portable basketball goal may be installed in a driveway.

The basketball goal (permanent or portable) backboard, net and post/structure, all components thereof, must be always maintained in excellent condition and ready for play. Any basketball goal and any component thereof in disrepair as determined by the ACC may be subject to immediate removal at the request of the ACC.

A permanent basketball backboard may be mounted on the garage or an inground pole (concrete) on the side of the driveway. Poles and structures may be painted white, black or match the primary color of the residence.

A portable basketball goal may be placed on the side of the driveway and must be maintained in the upright position. No portable basketball goal may be placed or used beyond the front of the home.

Patio Covers and Sunshades

Permanent or portable patio covers may be approved for backyard location behind approved fences only, and must adhere to the site locations, observing easements, building lines and setback lines as provided in the Deed Restrictions, maps, or plats.

Prefab or permanent patio covers comprised of aluminum, metal or fiberglass shall NOT be approved.

Portable pre-manufactured patio cover constructed of tubular metal structure with sunshade fabric top and/or sides may be approved provided the structure does not exceed the roof line. The color must compliment the main residence.

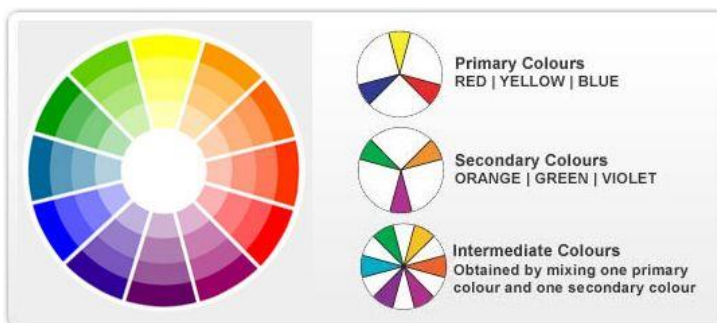
Permanent patio structure or sunshades may be approved provided the structure is made of natural weather resistant wood such as cedar, fir and/or redwood.

A permanent patio cover may be integrated into the existing roof line (flush with eaves), and shingles must match the roof of the residence in every aspect of color, weight, and method of installation. The patio cover may not exceed in height (at any point) the height of the roof of the primary residence. The entire patio cover and posts should be trimmed to match the house. Supports must be painted wood or metal columns; no exposed pipe allowed.

The patio cover must be situated on the lot to provide drainage solely into the owner's lot and must comply with side and rear set-back lines.

Exterior Painting

The allowable color selection of a home is based on the predominant colors used within the subdivision as well as the applicants brick features. In general, the primary colors and secondary colors are not acceptable for residential painting. The typical color scheme consists of a complimentary trim and base color maintaining a consistent and aesthetic manner throughout the Subdivision.



A predominant exterior color and an exterior trim color may be approved. No more than three (3) exterior colors will be approved for any premises.

The ACC application must delineate the location(s) of the base color and trim color. A photograph of the home to help define these locations is ideal.

A color sample or samples must accompany the ACC application. An application will be rejected if not provided. Providing the color name or numbering system is not acceptable without samples provided.

Painting of brick may be approved provided detailed specifications and colors are provided and there is a purpose to paint the brick.

Windows and Doors

Upgrading windows and doors improves the energy efficiency and sound privacy compared to the original windows and doors of the home. The election of trim and color are approved on a case-by-case basis. The color(s) selected must compliment the architecture and aesthetics of the home as determined by the ACC.

The ACC application must contain the technical specifications of the windows and doors as well as the colors being selected along with an elevation drawing or photograph of the location of the windows and doors being replaced. Under no circumstances shall a phased project be considered as all windows and doors shall be harmonious with the home and perceived as original uniform in appearance.

Only Energy Star rating for Southern climates is acceptable. The energy performance of all ENERGY STAR qualified windows, doors, and skylights must be independently tested, certified, and verified according to test procedures established by the National Fenestration Rating Council (NFRC).

Storm Windows and Storm/Screen Doors

Storm windows and storm doors are discouraged as upgrading windows and doors are a better value for the home. The election of trim and color are approved on a case-by-case basis. The color(s) selected must compliment the architecture and aesthetics of the home as determined by the ACC.

The ACC application must contain the technical specifications of all storm windows and storm doors as well as the colors being selected along with an elevation drawing or photograph of the location of the windows and doors being replaced. Under no circumstances shall a phased project be considered as all windows and doors shall be harmonious with the home and perceived as original uniform in appearance.

Decks

A deck can be a great addition to your backyard space. All decks must be less than twelve (12) inches above the primary slab elevation. A deck may not be constructed in the front of any lot nor the front or side of any corner lot.

The ACC application must contain the technical specifications of the materials to be used and any color being painted or stained and must delineate the location and size of the deck on a survey.

The deck may not encroach into any Utility Easement unless written approval is granted and submitted with the ACC application. The addition may not encroach within five (5) feet of the side property line.

If painted, the paint color should match the exterior color of the residence.

Natural pressure treated wood such as cedar, fir, pine, or redwood may be used.

Decks may only be installed behind an approved perimeter fence and may not be visible from any street. Decks should be situated on the lot such that they do not pose a problem for the effective drainage of the lot or neighboring lots.

Swimming Pools and Spas

In ground swimming pools and spas are great additions to a home provided the installation is done in a professional workmanship like manner and exceeds all federal, state, and local codes and regulations.

The ACC application must contain the technical specifications of the pool or spa to be installed and must delineate the location and size of the pool including all equipment on a survey.

The pool and equipment may not encroach into any Utility Easement unless written approval is granted and submitted with the ACC application. The pool, spa and equipment may not encroach within five (5) feet of the side property line.

A pool or spa may only be installed behind an approved perimeter fence.

Pools and spas should be situated on the lot such that they do not hinder the effective drainage of the lot and does not drain to the neighboring lot under any circumstance. Pool or spa overflow drainage is required and must be submitted with the ACC application.

Above ground pools are prohibited.

Antennae and Communication Devices

Please see Telecommunications Act of 1996, § 207, PL 104-104, 110 Stat 56, February 8, 1996, and the FCC regulations enacted 47 CFR § 1.4000. Under these rules, private restrictions against satellite receivers that are less than one meter in diameter are presumptively unreasonable and prohibited, unless the restriction has either a clearly defined and valid safety objective or is necessary to preserve a recognized historic district.

All external antennae or satellite dishes must be submitted for approval in an ACC application.

Safety concerns includes the following:

1. The installation must withstand CAT 3 hurricane force winds.
2. The antennae are of sufficient height (above roof line) to pose a risk of falling damaging neighboring property. In this circumstance, the antennae installation shall be installed per engineered drawings and submitted with the ACC application for approval.

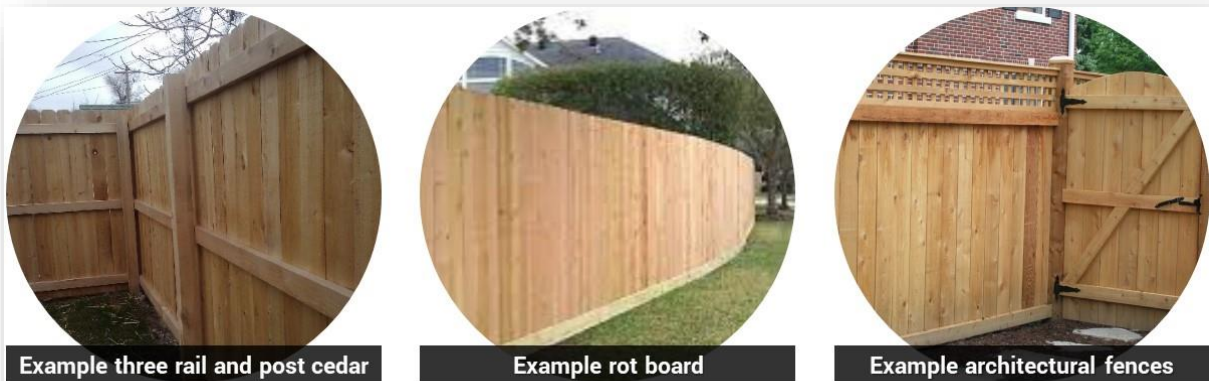
The installation may not be installed in front of the home unless there are no other feasible technical alternatives on the lot. In the event this is the case, the ACC application must provide the written technical reason by a competent and qualified person prior to ACC approval.

Fences

No fence shall be erected on any part of any lot parallel to the street and/or forward of the building line of such lot. No fence may project closer to the street than the applicable front corner of the primary residence (dwelling) on the Lot. Fences visible from any street shall be constructed in such a manner as that the smooth face pickets facing the street and the support structure (rails and post) are not visible to the street.

All replacement or new fences must be approved by the ACC prior to construction.





No fence of any kind is permitted in the front yard forward of the primary residence, or beyond any building line in order to maintain an unobstructed view to the street.

A fence may be located on the property line between neighboring properties. In this case, both owners are required to maintain the fence. In the event the fence is located within an owner's property line, the owner of the fence is required to maintain the fence. A professional land surveyor hired by the owner(s) is required to settle all disputes. Owners are to resolve all property disputes as it is not the responsibility of the Association.

All fences must be installed straight and level at the top of the picket. Any minor elevation changes may be adjusted at the bottom of the fence. Any major elevation change by staggering the height of the pickets must be approved by the ACC.

All fence pickets shall be number 1 cedar wood pickets six (6) feet in length and nominal six (6) inch in width. There shall be no gap between pickets when initially installed (shrinkage expected). The standard cedar picket may be dog-eared; any other design must be specifically submitted within the ACC Application.

All wood fences shall be constructed using three (3) rails (2" x 4") with a maximum span of eight (8) feet between post (4" x 4") secured sufficiently in concrete. The top and bottom rails to be approximately less than one (1) foot from the bottom and top of the pickets.

A maximum width of a twelve (12) inch rot board (cedar or pressure treated pine) may be used provided the fence (top of picket) is no taller than seven (7) feet above grade.

Sherman Williams Woodridge SW 3504 stain is the only stain approved by the ACC. Any other stains must be approved by the ACC in writing prior to application.

Wrought iron fences painted flat black are approved on a case-by-case basis depending on the design. Wrought iron gates may reach a peak of eight (8) feet in height if approved by the ACC.

When a portion of the fence requires repair and maintenance, a uniform appearance may be achieved by pulling older pickets from a less visible portions of a fence replaced by new cedar pickets and reinstalling the older pickets that are visible to the street.

Other architectural fences may be approved on a case-by-case basis by the ACC.

All plastic, painted wood of any kind, chain link and wire fences are prohibited.

Religious Display

Memorial Northwest supports the display of religious and provides protection to owners with an approved ACC application for a display of which is motivated by the owner's or resident's sincere religious belief.

An item may not threaten the public health or safety; contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content; violates any applicable building line, right-of-way, setback, or easement.

Yard and Holiday Decorations

All decorative embellishments must be aesthetically pleasing and conform to the predominant landscaping architecture within the Association.

There shall be no decorative accessories such a sculpture, birdbath, fountain, bench seating, tree swing, hammock, or any other decorative embellishments placed on any lot visible to any public street unless approved in writing by the ACC.

Holliday decorations, temporary in nature, are permissible during the following periods:

1. Fall decorations may be installed and displayed on the Saturday two weeks prior to October 31 and then removed by Sunday night after October 31; except when October 31 falls on a Sunday, then all decoration are removed by the following weekend.
2. Winter decorations may be installed and displayed starting on the day after Thanksgiving Day until the seventh (7) day of January.

All temporary decorations deemed offensive, obscene, or displayed beyond a reasonable time period must be removed when requested in writing by the ACC.

Signs

Refer to 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 lot for sale or lease."

Refer to restrictions: "The ACC reserves the right to review the design and wording of all signs and reserves the right to enter in and upon any lot for the purposes of removing any sign being

maintained thereon which was not approved and shall not be liable to any person or persons for any damages whatsoever nature in doing so.”

No sign or emblem of any kind may be kept or placed upon any Lot or mounted, painted, or attached to any building, fence, or other improvement upon such Lot to be visible from public view.

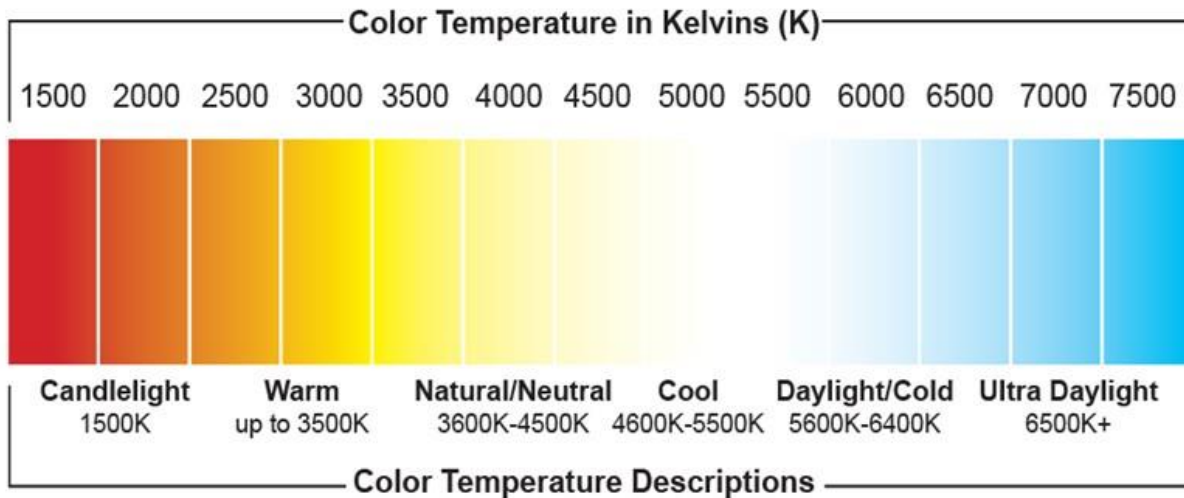
Exceptions

1. **Political Signs** may be displayed in accordance with Texas State Law Sec. 259.002. Only one sign per candidate may be displayed.
 - a. The sign may only be displayed within five (5) feet of the front premises or building/set-back line whichever is further.
 - b. The sign may only be free-standing ground mounted, no larger than five square feet, and not attached to any portion of the landscaping, tree, bush, or the premises.
 - c. The sign may only be displayed during the period defined within the law otherwise removed immediately.
2. **School Spirit Sign** may be displayed for Theiss, Doerre and Klein promoting school activities and pride.
 - a. The sign may only be displayed within five (5) feet of the front premises or building/set-back line whichever is further.
 - b. The sign may only be free-standing ground mounted, no larger than three (3) square feet, and not attached to any portion of the landscaping, tree, bush, or the premises.
 - c. There shall be only one sign per child under the age of eighteen (18).
 - d. The ACC recommends not identifying children names for safety.
3. **University School Spirit Flag** may be displayed only on game day weekends.
4. **Security Signs** may be displayed provided by a commercial security or alarm company.
 - a. The sign may only be displayed within five (5) feet of the front premises or building/set-back line whichever is further
 - b. The sign may not exceed eight (8) inches by eight (8) inches in area.
 - c. The sign must be free-standing ground mounted.

Exterior Lighting

Light Pollution is the inappropriate or excessive use of artificial light perceived as a nuisance by neighbors or disrupts the natural rhythms of the ecosystem of nature. Owners are required to control all artificial lighting sources at all times. The following provides guidelines are intended to achieve a harmonious balance.

Color Temperature All general-purpose lighting used for continuous use from dusk till dawn shall be less than 3,000 Kelvin.



Wall mounted fixtures designating an entrance may be installed in a manner less than 8 feet above ground level and have a total lumen output of 800 lumens when operating continuously.



Example, two fixtures operating at 400 lumens each.

Post light fixtures (less than 3,000K, 800 lumens, electric or natural gas) may be deployed indicating the with a fixture height of six (6) feet above the ground and uniformly placed in line with all other post light fixtures along that street.

The post may be flat black, white, or brown depending upon the color of the residence.

The post light fixture shall operate by photosensor from dusk to dawn and shall be in working order at all times.

No post yard lights may be placed beyond the owner's property line.

Skyward Light Fixtures are prohibited. No source of artificial light may direct upward (skyward) as it may interfering with aircraft operating in and out of the nearby airport.

Security/Flood Lights may be deployed utilizing motion sensors turning-on when an intruder is present and shall automatically turn-off after five (5) minutes after the intruder is departed.

All security/flood lights may be installed on the residence at a height no higher than eight (8) feet.

All security/flood light fixtures shall be a bulb type of 40-degrees, less than 1,500 lumens, and less than or equal to 4,100K.

Exception: Flood lights may operate continuously while a person is present utilizing the light for utility purposes. All flood lights shall be positioned such that

Architectural Lights, Accent Lighting, Low Voltage Lights may be deployed in a manner to illuminate pathways, landscaping, and entry ways to a residence. The source of an open lamp fixture may not exceed five (5) lumens; an indirect light fixture up to forty (40) lumens may be deployed for pathways. The lamp shall be less than 3,000K.

Area, Commercial and Industrial Fixtures commonly used as streetlights, factory, warehouse, wall packs, parking lights, yard area lights, security area lights, etc. regardless of controls with a lumen output greater than 1,500 lumens are strictly prohibited.



Mailboxes

All mailbox installation must meet the U.S. Postal Service® guidelines for installing and placing a mailbox at your home. The Association enforces the maintenance requirements contained in the U.S. Postal Service® guidelines. Should the mailbox not meet these standards, the Association may provide written notice of the defect and the owner must make repairs.

All replacement mailboxes must be approved in writing by the ACC.

Post may be painted white, flat black or the color of the main residence.

Brick mailbox stands may receive approval, providing that the brick matches the home.

Renewable Energy Sources – Solar, Wind, Generators

Renewable energy projects or additions are encouraged and considered on a case-by-case basis and may be approved. The application must contain the technical specifications, color selection, exact location of all equipment either/or on a survey, aerial view, or plat plan.

All wiring, conduits and structural attachments must be of a material or coated/painted to blend harmoniously with the roof or siding, installed straight and square to all building lines.

Generators shall not exceed 65 decibels when running. Additional sound attenuation may be required to meet this requirement.

Outdoor Carpeting/Painted Concrete

Outdoor carpeting may not be installed in any location visible from any street.

Painting of concrete sidewalk, driveway or porches may be approved by the ACC. Earth tone colors are acceptable and encouraged.

Burglar Bars

Burglar bars may be approved by ACC provided they are in harmony with the residence and painted to match the exterior.

Flags

No flag may be permanently displayed other than the flag of the United States, State of Texas, or a branch of the United States Armed Forces in accordance with the Texas Property Code.

All flags permanently displayed requires an ACC approval to be on file with the Association for the property. Flags, flag staff and flagpoles shall always be always maintained in excellent condition as determined by the ACC or the Association.

The Association reserves the right to determine if all aspects of this standard are being adhered to. The ACC or the Association may request in writing for an owner to correct any defect of these standards and require the removal if corrections are not made within 3 months of notice.

The following flags may be displayed permanently:

1. The United States flag may be displayed in accordance with all provisions of 4 U.S. Code §§ 1 - 10.
2. The Texas State flag may be displayed in accordance with Texas Government Code - Section 3100.
3. A branch of the United States armed forces may be displayed provide not in conflict with 1 and 2 above and in accordance with the branch of service.

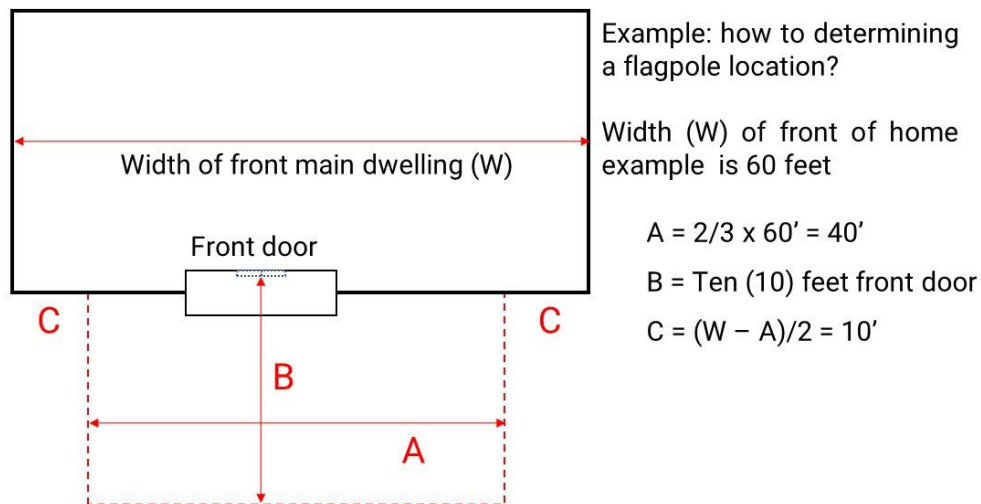
Permanent Flag Display requires an ACC approved application to be always on file with the Association. A permanent flag display may be either (1) affixed **flag staff** to the dwelling or (2) a **flagpole**. No other methods of display may be approved.

The following **Flag Staff** standards apply when affixed to a dwelling:

1. The maximum flag size shall be no larger than two and a half (2.5) feet by four (4) feet.
2. A **flag staff** shall be attached to the dwelling in such a manner that the staff and flag may be quickly removed for inclement weather, dusk to dawn retrieval, or for maintenance and repair. The attachment must blend in harmony with the home.
3. The staff must be constructed of permanent, long-lasting material, with a finish appropriate to the materials used in the construction of the staff and harmonious with the dwelling.
4. Each property may have, no more than two (2) wall mounted flags affixed to the dwelling.
5. The flag may not touch anything in the surrounding environment per the flag standards.
6. All illumination standards apply; see ACC guidelines concerning illumination and lighting.

The following permanent **Flagpole** standards apply:

1. The flagpole location may be located within the area defined as (1) no further than ten (10) feet from the front door towards the front property line and (2) no wider than two thirds ($2/3$) of the width of the home measured from the center line of the home (see example).



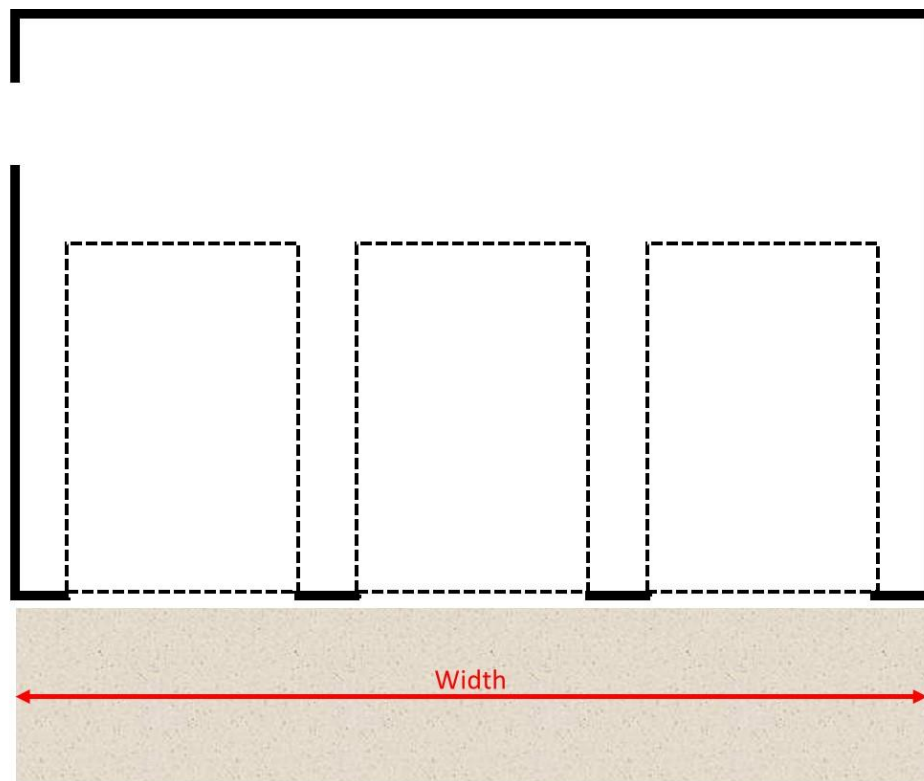
2. A free-standing flagpole (with concrete base) must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling.
3. Each property may have one (1) ground mounted flagpole, not to exceed twenty (20) feet in height, including topper. Topers shall be ball type in either bronze or silver. All installations must abate noise caused by the halyard of the flagpole.
4. Flags are prohibited from being attached to anything other than the dwelling or permanent flagpole (See 4 above).

Temporary Flag Display of the United States flag, for example provided by the Klein High School band as a fund raiser, may be displayed along the curb using a staff sufficient to be in compliance with federal, state and military flag standards during the following recognized temporary flag days:

- New Year's Day – January 1
- Flag Day – June 14
- Inauguration Day – January 20
- Independence Day – celebration week July 4
- Martin Luther King Jr.'s Birthday – 3rd Monday in January
- Labor Day – 1st Monday in September
- Veteran's Day – November 11
- Or other days announced by the Association posted on the website (mnwhoa.org).

Driveway and Sidewalks

Concrete is the only approved material for all driveways accessing an enclosed garage. The driveway width may not exceed the width of the garage structure.



Sidewalks leading from the street curb to the front door or from the driveway to the front door may be no wider than six (6) feet made of concrete or pavers.

Garage Conversion, Porte Cocheres and Carports

A **garage conversion** to livable space is prohibited. Livable space may be constructed above a garage provided architectural plans and specifications are submitted for approval. Exterior finishes must complement the existing residence as determined by the ACC.

Porte Cochere conversions are not permitted unless approved by the ACC. Exterior finishes must complement the existing residence. Porto Cochere must be an integral part of the residence. A Porte Cochere may not be used to store or park vehicles.

Carports structures are prohibited.

Window Air Conditioning Units

Window units whether mounted in windows or a wall are prohibited regardless of whether it may be seen.

Single or Multizone Split Air Conditioning Units

High energy efficient single or multizone split air conditioning units may be submitted for ACC approval. Plans and specifications must include the location of the condenser and evaporator unit. All power and condensate piping shall be internal to the residence and not routed along any portion of external walls or roof.

Window Shades, Awnings and Canopies

Fabric awnings and canopies may be approved over windows provided the quality of the material, resistance to mold and mildew, and wind rating of the product. Fabric awnings and canopies are prohibited over doorways.

The ACC application must contain the technical specifications and colors being selected. An elevation drawing or photograph of the home delineating the location of the improvement(s) is required. Colors must be in harmony with the home and the predominant colors of the neighborhood.

Faded, mildewed, torn or otherwise unsightly awnings and canopies must be immediately removed or replaced in coordination and appear uniform in all respects with all awnings and canopies.

Roofing

Roofing shall be constructed of asphalt composite shingles, Architectural Grade. A 5-tab or a 3-tab roof will not be approved.

The following materials are approved for use:

- **Elk Prestique Grande; XTRA:** Antique Slate, Barkwood, Weathered Wood, Sablewood
- **Elk Prestique Plus HD; Elk Prestique I; Elk Prestique II:** Antique slate, Barkwood, Hickory, Pewter Gray, Sablewood, Shakedown, Weathered Wood
- **Elk Prestique Gallery Collection:** Balsam Forest, Weathered Sage
- **Elk Domain Winslow; Domain Ashford:** Browncastle, Ravenswood, Shadow Grey, Stonehenge, Cimarron
- **Owens Corning Weather Guard HP; Oakridge Pro 30, 40, 50 AR:** Estate Gray, Driftwood, Brownwood, Onyx Black, Desert Tan, Colonial Slate, Teak
- **Celotex Presidential Shake:** Shadow Grey, Slate Gray, Weathered Wood
- **Celotex Dimensional:** Autumn Blend, Bark Brown, Driftwood, Charcoal Black, Shadow Gray, Colonial Grey
- **Tamko Heritage XL, 30 AR:** Thunderstorm Gray, Weathered Stone, Weathered Wood, Black Forest, Saddlewood, Oxford Grey, Black Walnut, Rustic Black, Harvest Gold, Slatestone Gray
- **GAF Timberline 30, 40, Ultra:** Charcoal Blend, Heather Blend, Weathered Wood Blend, Williamsburg Slate, Mission Brown, Burnt Sienna, Pewter Blend
- **GAF Grand Canyon; Grand Sequoia:** Black Oak, Mission Brown, Stonewood, Slate Blend, Stormcloud Grey, Weathered Wood, Autumn Blend, Charcoal Blend
- **Certainteed Landmark Premium:** Aged Bark, Chestnut, Country Gray, Platinum, Graphite, Slatestone, Hearthstone
- **Certainteed Landmark; Landmark PLUS:** Burnt Sienna, Granite Gray, Heather Blend, Colonial Slate, Moire Black, Resawn Shake, Weathered Wood
- **Certainteed TL Ultimate:** Autumn Blend, Charcoal Black, Bark Brown, Shadow Grey, Weathered Wood

All the above roofing materials must be a minimum of a 30-year rated shingle and must be a Raised Profile or a High-Definition Shingle. Installation method must be capable of resisting wind damage above hurricane category 3 or better.

Alternative roofing of superior quality as determined by the ACC may be approved.

Garage, Estate or Occasional Sales

All garage, estate and occasional sales shall comply with the Texas Limited Sales, Excise, and Use Tax Act – Chapter 151. Only two (2) garage, estate sales and/or occasional sales are permitted at any property per calendar year.

The Texas Comptroller defines a business as selling items reaching the \$3,000 limit, and made more than two sales, are considered engaged in business, and the sales and use tax exemption does not apply.

Operating a business within the subdivision is specifically prohibited within the covenants and restrictions.

The ACC may send a certified cease and desist letter and a copy forwarded to the Texas Comptroller to enforce this provision of the covenant and restrictions. Business operating within a single-family residential subdivision is strictly prohibited.

Trash and Recycling Vendor

The Association negotiates reduced rate contract for trash and recycling services for all owners within the Association at a reduced rate. Owners are required to contact this vendor to apply for services or may seek alternative means for trash service.

Staging Period for Trash and Recycling

Trash and recycling containers must always remain out of site from public view at all times except during the staging period. The trash and recycling staging period is from dusk (evening twilight) the day before and by 8 PM the day of pickup.

Yard Waste Prohibited

All yard waste must be stored within a closed container per Harris County nuisance abatement act. Any yard waste stored in public view not in a closed container during the allowable staging period for trash and recycling is nuisance violation per the restrictions.

Storage Prohibited

All unapproved storage of any kind on a lot including, but not limited to, vehicles, boats, trailers, campers, trash, trash cans, rubbish, toys, furnishings, storage containers of any kind, dumpsters of any kind, materials of any kind, etc. is strictly prohibited.

Storage on a lot may only be permitted by approved ACC to facilitate maintenance or renovation for a specific period of time.

Burning Prohibited

The disposing or reduction of waste of any kind from open burning is strictly prohibited, including but not limited to, trash, paper, foliage, or any other material. Exception: food preparation in a cooking apparatus specifically designed to minimize noxious smoke to the outdoor environment.