

SUPPLEMENTAL NOTICE OF DEDICATORY INSTRUMENTS
for
MEMORIAL BEND CIVIC ASSOCIATION, INC.

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The undersigned, being the Authorized Representative of Memorial Bend Civic Association, Inc. (the "Association"), a property owner's association as defined in Section 202.001 of the Texas Property Code, hereby supplements the "Notice of Dedicatory Instruments Governing the Memorial Bend Civic Association", "Notice of Dedicatory Instrument Memorial Bend Civic Association", "Supplemental Notice of Dedicatory Instrument for Memorial Bend Civic Association, Inc.", "Supplemental Notice of Dedicatory Instruments for Memorial Bend Civic Association, Inc.", "Supplemental Notice of Dedicatory Instruments for Memorial Bend Civic Association, Inc.", "Supplemental Notice of Dedicatory Instruments for Memorial Bend Civic Association, Inc.", "Supplemental Notice of Dedicatory Instruments for Memorial Bend Civic Association, Inc." and "Supplemental Notice of Dedicatory Instruments for Memorial Bend Civic Association, Inc." recorded in the Official Public Records of Real Property of Harris County, Texas under Clerk's File Nos. U156395, 20100075061, 20100423082, 20120147679, 20130007264, 20140149753, 2017-244864 and 2018-74005 ("Notice"), which Notice was filed of record for the purpose of complying with Section 202.006 of the Texas Property Code.

Additional Dedicatory Instrument. In addition to the Dedicatory Instruments identified in the Notice, the following document is a Dedicatory Instrument governing the Association.

- **Certificate of Secretary of Memorial Bend Civic Association, Inc. regarding Board Resolution adopting Memorial Bend Architectural Review and Compliance Committee Architectural Guidelines Adopted by Memorial Bend Civic Association, Inc. September 17, 2018 Version.**

A true and correct copy of such Dedicatory Instrument is attached to this Supplemental Notice.

This Supplemental Notice is being recorded in the Official Public Records of Real Property of Harris County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Supplemental Notice is true and correct and that the copy of the Dedicatory Instrument attached to this Notice is a true and correct copy of the original.

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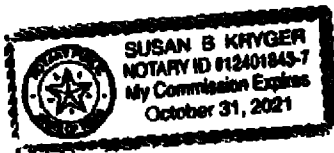
Executed on this 17th day of October, 2018.


MEMORIAL BEND CIVIC ASSOCIATION, INC.

By: 
Jane W. Janecek, Authorized Representative

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 17th day of October, 2018 personally appeared Jane W. Janecek, Authorized Representative of Memorial Bend Civic Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.




Notary Public in and for the State of Texas

RP-2018-475347

CERTIFICATE OF SECRETARY
of
MEMORIAL BEND CIVIC ASSOCIATION, INC.
regarding
BOARD RESOLUTION
adopting
**MEMORIAL BEND ARCHITECTURAL REVIEW AND
COMPLIANCE COMMITTEE ARCHITECTURAL GUIDELINES
ADOPTED BY MEMORIAL BEND CIVIC ASSOCIATION, INC.**
September 17, 2018 Version

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §


The undersigned, being the duly elected, qualified and acting Secretary of Memorial Bend Civic Association, Inc., a Texas non-profit corporation ("Association") does hereby certify that the following is a true and correct copy of a resolution of this corporation as adopted by the Board of Directors of the Association ("Board") at a duly called meeting of the Board held on the 17th day of September, 2018:

The Board adopts the "Memorial Bend Architectural Review and Compliance Committee Architectural Guidelines Adopted by Memorial Bend Civic Association, September 17, 2018 Version", attached hereto and incorporated herein and said document replaces and supersedes the prior documents entitled "Memorial Bend Architectural Guidelines" adopted January 20, 2014 and "Memorial Bend Architectural Review and Compliance Committee Architectural Guidelines Promulgated by the Memorial Bend Civic Association, Inc. May 2017 Version".

I certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing resolution was approved as set forth above and now appears in the books and records of the Association.

TO CERTIFY WHICH WITNESS my hand on this 16th day of OCTOBER, 2018.

MEMORIAL BEND CIVIC ASSOCIATION, INC.

By: 
Susan Croley, Secretary

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THE STATE OF TEXAS

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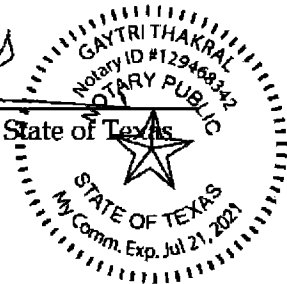
COUNTY OF HARRIS

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BEFORE ME, the undersigned notary public, on this 16th day of OCTOBER, 2018 personally appeared Susan Croley, Secretary of Memorial Bend Civic Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.


Notary Public in and for the State of Texas



RP-2018-475347

MEMORIAL BEND
Architectural Review and Compliance Committee
Architectural Guidelines
As Adopted by Memorial Bend Civic Association, Inc.

Article I. Introduction

Section 1.01 Purpose of the Guidelines

(a) Intent, Objectives and Goals

- (i) The intent of the Architectural Guidelines (hereinafter "Guidelines") is to provide a predictable and consistent approach to, but not limited to, renovations, additions, demolition and new construction in the Memorial Bend in an effort to maintain the 'character' of the neighborhood. The general character is visible but is a combination of predominately mid-century modern and ranch style homes followed by traditional brick and some contemporary homes. Our goal is to maintain, even increase the property values of residents' homes. While many arguments can be made as to how that is accomplished the committee has sought outside counsel given the unique and predominant home styles of Memorial Bend.
- (ii) The objective of the Guidelines is to achieve a high standard of visual appeal in our community for both the immediate and long-term benefit of the homeowner (hereinafter "Owner"). We desire residential development that through design encourages and contributes to a sense of community. It is well recognized today that curb appeal is important in creating and maintaining a home's value. In this respect, the Guidelines provide an important protection for a homeowner's investment.
- (iii) The goal of the Guidelines is to provide a detailed outline for current and potential residents and applicants for the purpose of reviewing construction plans for all new homes and modifications to existing homes in Memorial Bend and to ensure the exterior contributes to the overall value of the neighborhood.
- (iv) The Guidelines reasonably assume that projects submitted for review comply with all current federal, state and local laws, codes and regulations. The Association reasonably assumes all parties involved in execution of the Project shall comply with all federal, state and local codes and regulations.
- (v) Should a conflict occur between the Guidelines and any governing jurisdiction, the governing jurisdiction requirements shall take precedence.

(b) Applicability

- (i) The Guidelines shall apply to the Memorial Bend Subdivision:
 - 1) Memorial Bend, Section One, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 49, Page 40 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
 - 2) Memorial Bend, Section Two, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 51, Page 66 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
 - 3) Memorial Bend, Section Three, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 54, Page 38 and replatted in Volume 56 and Page 14 and Volume 144, Page 62 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.

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4) Memorial Bend, Section Four, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 64, Page 73 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.

5) Memorial Bend, Section Five, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 66, Page 32 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.

(hereinafter "Memorial Bend"). The Guidelines are in addition to the "Second Superseding Declaration of Restrictive Covenants Restrictions and Conditions of Memorial Bend Subdivision Section One, Section Two, Section Three, Section Four and Section Five" filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. U191970. (hereinafter "Declaration")

(ii) The Board's approval of any variance application under these facts and circumstances shall have no precedential effect as to any other application.

(iii) Upon recordation in the Official Public Records of Real Property of Harris County, Texas these Guidelines will supersede and replace the "Memorial Bend Architectural Guidelines Adopted May, 2017" attached to the "Notice of Dedicatory Instruments for Memorial Bend Civic Association, Inc." recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. RP-2017-244864.

(c) Authority

(i) The Board shall have full power and authority to enforce the restrictions, covenants, and conditions imposed upon Memorial Bend in these Guidelines. The Board shall appoint an Architectural Review and Compliance Committee ("Committee") which will assist the Board in the execution of its right and duties contained in this Article.

(d) Modification of the Guidelines

- (i) Requests for revisions by residents shall be submitted to the Board which will in-turn submit to the Committee for review. The Committee shall review and report its findings within 30-45 days in terms of approval, contingent approval with conditions, request to revise and resubmit or denial.
- (ii) The Guidelines may be modified to the extent required to comply with Federal, State or Local laws and codes.
- (iii) The Committee shall present the Board proposed revisions, if any, upon periodic review of the current Guidelines.
- (iv) The Board of Directors shall review; vote and either approve or disapprove with comments any proposed modifications by a simple majority of the Board.
- (v) Amended Guidelines shall be effective upon recordation in the Official Public Records of Real Property of Harris County, Texas. The amended Guidelines supersede and replace any other Guidelines previously published, or amended.
- (vi) The Guidelines will be made available to residents upon request. Moreover, the Guidelines may be made available through the Association's management company (the "Management Company") as set forth in the most recent Management Certificate as required by Section 209.004 of the Texas Property Code and filed of record in the Official Public Records of Real Property of Harris County, Texas and/or posted to the website; <http://memorialbendhouston.com/>. If requested from the Management Company there will be a charge of \$20.00.

Section 1.02 Submission and Review Process

(a) When are submissions required?

(i) Items to be submitted shall comply with (b) below:

- 1) Demolition;
- 2) Tree removal;
- 3) New Construction;
- 4) Exterior Renovation, including changes, modifications and/or additions to both the residence and other structures on a Lot as well as other changes, modifications and/or additions to a Lot (including but not limited to driveways, parking areas, play areas and other improvements);
- 5) Swimming Pools, their related mechanical systems and surrounding surfaces that affect drainage and impervious areas;
- 6) Major Landscaping Projects that include, by way of example and not limitation, removal of trees 3" caliper or greater, significant changes to site grading, installation of large rocks and boulders (i.e. greater than 24"), installation of architectural and/or decorative features visible from the street in front of the Lot; and
- 7) Fences; other than replacement of perimeter fences that are the same type construction as the fence being replaced and that follow the property and do not extend beyond the front building line. Fence height shall not exceed eight feet (8'-0"). However, solely for Lots fronting Beltway 8, the Committee may give additional consideration concerning materials and height provided the proposed fence is otherwise compliant with then-current CoH code and the Declaration. Except during construction and approved construction signage, there shall be no signage, ornamentation or fabrics attached to fences and gates in a manner visible from the front of a Lot.

- (ii) Items that do not require review by the Committee, yet must still comply with local jurisdictional requirements:
 - 1) Interior projects;
 - 2) Routine maintenance such as, but not limited to, painting to match the existing color; and
 - 3) Window replacement that comply with the Guidelines and are the same size and color as those they are replacing.

(b) Submission process

- (i) Owner shall submit a completed Application including required data, drawings, etc. as outlined in the application prior to commencement of the (i) Project and (ii) Owner's application for CoH building permit.
- (ii) Placement of improvements, alterations, modifications, construction or demolition (as applicable) shall not commence on any Lot or building site in any of the areas subject to these restrictions until after plans for such construction or demolition have been approved in writing by the Committee.
- (iii) The Application, signed by the Owner with supporting documentation and applicable fee shall be sent to the Association's designated representative as set forth in the Association's Management Certificate as required by Section 209.004 of the Texas Property Code and filed of record in the Official Public Records of Real Property of Harris County, Texas. See Exhibit A for the Application form.
- (iv) If the Owner has any substantial questions or requests clarifications regarding the Project, an appointment can be made, via the Board, prior to making a formal submittal, with the entire Committee or a portion of the Committee as the Committee deems appropriate, at its next regularly scheduled meeting. The Owner must present clear, accurate, legible drawings and other data of sufficient size and detail as the Committee may require to illustrate the Project intent. The Committee can discuss with the Owner how the Declaration and the Guidelines may affect the Project.
- (v) Comments by or approval by the Committee in no way supersedes the Declaration or requirements of the CoH or any other governmental authority having jurisdiction over the property for approvals and permits. The Owner is responsible for complying with the procedures and Guidelines outlined herein along with all zoning and other applicable governmental laws, rules and regulations.
- (vi) Plans, specifications and submissions should be as complete and specific as possible. This will enable the Committee to review and approve requests in a timely manner. Owner must provide accurate and complete data for submissions and the Owner's calculations must be consistent with these Guidelines and the Declaration. The Owner is solely responsible for any inaccuracies, misstatements and incomplete submissions. If the Committee issues a notice of approval of a project in reliance upon data contained in the Owner's submission and that data contains inaccuracies, misstatements, or incomplete data, then the approval may be withdrawn by the Committee in consultation with the Board. No approval issued in reliance upon inaccuracies, misstatements, or incomplete data shall be deemed an approved variance for any reason nor shall it have any precedential effect.
- (vii) Deviations from Approved Plans - Any deviation from approved new construction or renovation plans must be submitted to the Committee for review in the same manner as the procedures and submission requirements outlined above prior to commencement of said changes or revisions. This shall include deletion from scope of work. The Owner shall submit changes at the earliest possible time to avoid costly delays. Changes shall be conspicuously identified by a bubble or similar means. Such deviations without notification and prior approval as outlined in Article 1, Section 1.02(b) (ii) may be subject to all or part of Article 1, Section 1.02 (e).

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- (viii) Any decision made by the Committee in relation to the Guidelines may be challenged by residents or the Owner in an appeal to the Board in writing within thirty (30) days of initial notification. The Board will hold the hearing on the appeal at the next regularly scheduled meeting in the calendar month following the month the Board receives the notice of appeal, unless either side requests an extension of not more than ten (10) days or an extension of time mutually agreed to by all parties.
- (ix) Decision of the Board may be appealed to the Members of the Association (hereinafter "Membership") for a final decision. Any such final appeal to the Membership must comply with the rules for calling special meetings of the Membership and also the rules of quorum as set forth in the By-Laws of the Association. All decisions made at such a special meeting shall be determined by a simple majority of the Membership entitled to vote that are present either in person or by proxy. The costs associated with arranging the meeting time and location will be paid by the unsuccessful party. In the event the Membership decides in favor of the Applicant making the appeal, the costs of such meeting will be paid by the Association. Should the Membership decide in favor of the original decision, the appealing Owner or resident shall be liable for the costs of such meeting, said costs shall be the personal obligation of the unsuccessful appealing Owner or resident. Prior to calling the special meeting, the Board can require a deposit of costs for the special meeting to be deposited with the Association.

(c) Committee Review Process

- (i) The Committee will review the Application and required plans to render a decision. The Committee will consider each Application in light of the Declaration and most recent Guidelines. This form can be found in Appendix B. A decision by the Committee is defined as:
 - 1) APPROVED – allowing the commencement of construction
 - 2) CONTINGENT APPROVAL WITH CONDITIONS – allowing the commencement of the proposed construction with conditions, as long as the homeowner accepts the condition(s) in writing
 - 3) REVISE AND RESUBMIT – the applicant cannot construct or install the proposed work although only portions of the submission may be incomplete or incorrect & the Committee requires that portion be corrected and re-submitted for review
 - 4) DENIED – the applicant cannot construct or install the proposed project. A denial may also indicate the Application is incomplete and a complete resubmission of the entire project is required.
- (ii) Provided that it receives a timely submission by the Owner, the Committee will use reasonable efforts to render a decision in writing within 20 calendar days for Minor projects, 30 calendar days for most projects and up to 45 calendar days for large ground-up new construction, of the submission. Any decision requires signatures of at least four members of the Committee, one of which must be the chairperson. Minor Projects, as determined by the Committee, require only two (2) signatures from the Committee, one of which shall be the chairperson.
- (iii) The Committee may establish administrative deadlines for receiving submission to encourage efficient, timely submission of applications. In the event a submission is received after an established deadline, it may be reviewed during a subsequent review cycle. The Owner should confirm that the Committee received the application.
- (iv) At the discretion of the Committee, the Owner may be required to submit a wood form survey that includes the overhangs of the structure confirming compliance with setback requirements of these Guidelines. This submission is at the discretion of the Committee and paid for by the Owner.
- (v) Approved and contingently approved applications expire after 180 days of inactivity.

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- (vi) Unless a written approval of extension to complete the Project is submitted prior to the expiration is obtained from the Committee, the Project must be re-submitted in full, with fee, for consideration.
 - (vii) After an approved Project has commenced, said Project must be substantially complete within the following timeframe: (a) For new construction and substantial remodel projects, 360 days from the earliest to occur of (1) groundbreaking or (2) commencement of other similar work unless otherwise approved by the Committee and (b) for all other projects, 180 days from issuance of an approval or contingent approval by the Committee.
 - (viii) Project extension requests shall be in 30-day increments must be submitted to the Committee and may require a Project Extension Fee of \$250.00 for each extension.
- (d) Inspections
- (i) The Committee may perform interim inspections to insure compliance with the plans submitted to the Committee.
 - (ii) The Committee may perform a final inspection of the property in order to confirm compliance with the plans & supporting information submitted to the Committee.
- (e) Enforcement
- (i) The Committee may, at any time, inspect a Project, Lot or Improvement and, upon discovering a violation of these Guidelines, provide a written notice of non-compliance to the Owner, including a reasonable time within which to correct the violation.
 - (ii) Upon completion of the Project or within five (5) business days following the Committee's written request, the Owner shall execute and deliver a notarized "Certificate of Compliance" affidavit to the Association through its Management Company. The form can be found in the Appendix as Exhibit C.
 - (iii) In the event an Owner or Project is in violation of these Guidelines, without prejudice to other remedies, the Board authorizes the filing of suit and/or injunctive relief against the Owner in violation.
- (f) Failure to Enforce Restrictions
- (i) The failure of the Association, the Committee, the Owner of any Lot included in the Property, their respective legal representatives, heirs, successors and assigns, or any Resident (not an Owner), to enforce this Declaration, any amendment thereto, or any portion thereof shall in no event be considered a waiver of the right to do so thereafter, as to the same violation or breach or as to such a violation or breach occurring prior or subsequent thereto.
- (g) Non-Liability of the Committee
- (i) The content of the Guidelines, and any actions of the Committee or its designees, are not intended to be and should not be construed to be, an approval of the adequacy, reasonableness, safety, structural integrity, or fitness for intended use of submitted plans, materials, or construction nor ensuring compliance with building codes, zoning regulations or other governmental requirements.
 - (ii) Neither the Memorial Bend Civic Association, Inc., the Board of Directors, the Committee, nor their respective members or representatives shall be liable for damages or otherwise to anyone submitting plans to it for approval, or to any Applicant by reason of mistake in judgment, negligence or nonfeasance, arising out of any action of the Committee with respect to any submission, or for failure to follow the Guidelines.

- (iii) The role of the Committee is directed toward review and approval of site planning, appearance, architectural vocabulary and aesthetics. Neither the Memorial Bend Civic Association, Inc., the Board of Directors, the Committee, nor their respective members or representatives assume any responsibility with regard to design or construction, including, without limitation, the geotechnical, civil, structural, mechanical, plumbing or electrical design, and methods of construction, technical suitability of materials, or resulting erosion or damage from alteration of grading or drainage.
- (iv) Notwithstanding any approval by the Committee hereunder, owners may be required to correct erosion or other drainage conditions created by improvements approved by the Committee, as otherwise required by law. In connection with certain projects, the Committee may require submission of a drainage plan that reasonably demonstrates that water will not be diverted toward adjacent properties. In accordance with state law, no owner may divert or impound the natural flow of surface water or permit a diversion of impounding to continue, in a manner that damages the property of another.

Section 1.03 Committee Structure

- (a) Make-up of Committee
 - (i) The Committee shall be composed of at least five (5) members including the committee chairperson.
 - (ii) The Parliamentarian shall chair the Committee.
- (b) Meetings
 - (i) Committee meetings shall be held monthly unless the committee is unable to meet due to extenuating circumstances in which case they will endeavor to meet the following calendar month or via teleconference or other means as arranged by the Committee to enable review of submissions.
 - (ii) Day, time and location of the meetings shall be determined by the Committee members.
 - (i) Committee meetings are not public, but residents or applicants may request to address the Committee via the Board.

Section 1.04 Abbreviations, Terms and Definitions

- (a) Terms (Definitions)
 - (i) "**ADA**" means Americans with Disabilities Act
 - (ii) "**BoC**" means Back of Curb, a common origination point for measurement
 - (iii) "**CoH**" means City of Houston
 - (iv) "**Grandfathering**" refers to existing conditions which are in compliance with prior Guidelines and the Declaration (prior to the adoption of these Guidelines) shall be considered compliant.
 - (v) "**MSDS**" means Material Safety Data Sheet, listing all components contained in a given product.
 - (vi) "**PCT**" refers to a Portable Chemical Toilet (aka Port-a-Potty).
 - (vii) "**Substantial Completion**" means the point in time when a project is suitable for its intended use.
 - (viii) "**TAS**" means the Texas Accessibility Standards
 - (ix) "**Wood Form Survey**" means drawing showing the wood framing for the foundation of the home prepared by an engineer or other licensed professional.
- (b) Fees & Construction Deposit

- (i) The “**Architectural Review Fee**” (hereinafter “**Fee**”) is an amount paid at the time of application in the amount as set forth in the schedule below or established by a majority vote of the Board. Additional fees may be assessed if substantial changes or revisions are made thus requiring subsequent, full reviews. The fee shall be made payable to “Memorial Bend Civic Association, Inc.” and send to the Association’s management company as set forth in the most recent Management Certificate as required by Section 209.004 of the Texas Property Code and filed of record in the Official Public Records of Real Property of Harris County, Texas. The Fee shall be provided with the Application or request for extension as described in Article 1, Section 1.02, (b).
- (ii) Fee Schedule. The Fee for major renovations and new home construction (collectively “Major Projects”) where the labor and materials cost is greater than \$100,000, is \$500. The fee for projects where the labor and materials cost is less than \$100,000 but greater than \$10,000 is \$250. However, the Committee in its sole discretion may reduce the Fee in cases where the proposed project is deemed ‘minor’ in scope and duration. ‘Minor’ projects may include but are not limited to; painting, replacement of a fence, etc. (hereinafter “**Minor Projects**”).
- (iii) Construction Deposit. The Owner and/or contractor shall deposit a Construction Deposit for Major Projects. The amount of the Construction Deposit is either 1% of the labor and materials cost for the completed project or \$5,000. The Construction Deposit is refundable after satisfactory final construction inspection based on a certificate of compliance and verification of no outstanding violations. The Construction Deposit is not required to be kept in a separate account and may be deposited in the Association’s general account.
- (iv) The Committee shall have authority at the discretion of a majority of Committee members, to engage the services of an independent architect or other professional to act as a consultant. The cost of such will be borne by the Owner and a deposit of 50% will be required prior to engaging said professional. The Owner shall be informed in writing of the Committees need for outside counsel and the reason(s) why. The owner shall respond in writing to either accept the Committees decision and proceed by submitting the deposit, cancel the Project or appeal as per Article 1,
- (v) Use of the Fee may include a survey by a third party to verify compliance with the Guidelines.
- (vi) The amount of the Fee may be changed by the Board with a majority vote.

Section 1.05

(a) Use of Land

- (i) No building including all heated/cooled spaces, impermeable, paved areas and garage, shall have a footprint covering more than 70% of the buildable area (the “**Permissible Coverage**”) of the lot as calculated from the area within the building setbacks (see **Exhibit A**) as identified on the survey. For building setbacks, see the recorded plat together with all easement areas and rights of way. Furthermore, no portion of the structure shall encroach upon or within the setback areas described in these Guidelines, the Declaration or plat of Memorial Bend.
- (ii) Although Swimming Pools themselves generally are not considered when calculating the Permissible Coverage, paving, sidewalks, coping with depth and width greater than 6 inches measured at the pool perimeter, architectural features and other elements supporting or adjacent to a swimming pool (the “**Pool Features**”) may affect the Permissible Coverage. In other words, the Committee may consider the Pool Features when evaluating an Owner’s compliance with the Permissible Coverage.
- (iii) In evaluating submissions that affect the overall impermeable surface area of a Lot, the Committee may limit impermeable features (whether inside or outside the buildable area) to address issues affecting potential drainage to neighboring lots, planting requirements, tree installation requirement, and other factors relating to the overall site plan.

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- (b) Easements
 - (i) Easements for installation and maintenance of utilities are reserved as shown and provided for on the recorded Subdivision plats.
 - (ii) Aerial Easements are not allowed.
- (c) Access to Property
 - (i) Access to or egress from any property may not be blocked or denied at anytime.
- (d) Fences
 - (i) Type, material, height shall not conflict with the Declaration. Fence height shall not exceed 8'-0". However, solely for Lots fronting Beltway 8, the Committee may give additional consideration concerning materials and height provided the proposed fence is otherwise compliant with then-current CoH code and the Declaration.
- (e) Grandfathering
 - (i) Any improvements on the Property which are/were Grandfathered, but are demolished shall no longer be considered Grandfathered and new improvements must be compliant with these Guidelines in force at the time of review.

Article II. Guidelines

Section 2.01 Construction

- (a) Interior Projects
 - (i) Interior renovation projects are not subject to review by the Committee. The Applicant shall obtain all necessary approvals and permits as required by federal, state and local jurisdictions.
- (b) Exterior Projects
 - (i) Projects may be considered Major or Minor and must be submitted for review by the Committee as prescribed in Article 1, Section 1.02.
 - (ii) All projects must comply with the Declarations.
- (c) General Construction and Materials
 - (i) All residences, garages and other permanent structures shall be built on concrete slabs.
 - (ii) Residences shall be constructed with at least fifty-one percent (51%) brick, stone, stone tile, (cultured or natural) or stucco. Synthetic stucco is not considered an approved masonry substitute. Although cementitious board is a permissible construction material, it is not considered an approved masonry material for the purpose of achieving the 51% minimum requirement.

Special consideration can sometimes be given provided the new structure is in the mid-century or ranch style which is prevalent throughout the neighborhood.
 - (iii) Other exterior construction materials may be used only with the prior written approval of the Committee. Each material is to be complimented by details appropriate to the style of the house.
 - (iv) In determining such percentages of masonry, roof areas and detached garages shall be excluded, but attached garages, porches, and other structures constituting part of the residence shall be included. A garage, which is separated from the residence by at least ten feet (10.) but connected to the residence by a covered walkway, is not considered attached.

(v) All doors and windows are to be included as non-masonry in determining the exterior construction percentage, except windows less than fifty percent (50%) in height of the vertical height of the wall containing the window.

1) Special consideration can be given provided the new structure is in the mid-century or ranch style which is prevalent throughout the neighborhood.

(vi) Color selections should be consistent with 2.01(x).

(vii) Unfinished exterior wood materials are not permitted.

Special consideration can be given provided the new structure is in the mid-century or ranch style which is prevalent throughout the neighborhood.

(viii) All stucco must be painted or integrally colored.

(ix) For all new construction and exterior remodeling projects, the Owner shall provide a dedicated area for 'out-of-sight' storage of garbage and recycling bins. These receptacles shall be visible from public right-of-ways.

(d) Building Height

(i) The intent is to prevent structures from overwhelming adjacent houses, to avoid visual crowding, maintain visual distance between neighboring structures, mitigate direction of rainwater from roofs to neighboring properties, to allow adequate spacing for tree canopies and otherwise avoid being out of character with the neighborhood. One method may include pushing the taller portions of a new house, or addition, away from the perimeter of the lot.

(ii) The Building Height, at any point, cannot exceed 33 feet above the average height of the surrounding undisturbed soil within the buildable area. For the purpose of determining the average height of undisturbed soil the Committee in its discretion may consider requests to exclude unusual elevation changes such as elevation changes associated with rights of way (e.g. Harris County Flood Control). For the purposes of this section "Building" includes all foundation elements (whether slab or pier and beam or other system approved by the Committee) plus the primary structure plus the roof. As examples, a compliant height could be:

- A Building comprised of a 12-inch slab on natural grade plus 32 feet of primary structure and roof on natural grade
- A Building comprised of a 24-inch slab on natural grade plus 31 feet of primary structure and roof on natural grade
- A Building comprised of an 18-inch slab on natural grade plus 31 feet of primary structure and roof with 6 inches of adjusted (raised) grade

(e) Buildable Area

(i) Side yard setback:

- a) 0-5ft from property line: building construction not permitted to extend beyond the set-back, this includes overhangs (aerial easement rights are not allowed). No roofs, eaves, and other parts of the structure may encroach the setback areas.
- b) 5-15ft from property line: average height shall not exceed 25ft including all roofing and dormer ridges, but excluding chimneys.

(ii) Front yard setback:

- a) 0-25ft from property line (or in front of the building setback reflected on the Plat) - building construction not permitted. No roofs, eaves, and other parts of the structure may encroach the front set back area.
- b) Up to 15ft behind the front building setback line, average height shall not exceed 25ft including all roofing and dormer ridges, but excluding chimneys. However, if the overall architectural style of the house would benefit from a portion of the front façade exceeding the average, then the Committee may consider that feature in relation to the overall design in rendering their decision.

(iii) Back yard setback:

- a) 0-10ft from property line - building construction not permitted. No roofs, eaves, and other parts of the structure may encroach the rear set back area.
- b) 10-20ft from property line - average height shall not exceed 25ft including all roofing and dormer ridges, but excluding chimneys.

(vi) Aerial Setback Considerations. The aerial setbacks set out in 2.01(e)(i)-(iii) are intended to, among other things, limit visual crowding, maintain visual distance between neighboring structures, mitigate direction of rainwater from roofs to neighboring properties and to allow adequate spacing for tree canopies. For aerial setbacks described in 2.01(e)(i)(b), 2.01(e)(ii)(b) and 2.01(e)(iii)(b), the Committee may consider other factors including the overall plot and site plan, roof plan, architectural features, partial building setbacks that help achieve the preceding goals in the event a portion of the structure would technically exceed the limits described in 2.01(e)(i)(b), 2.01(e)(ii)(b) and 2.01(e)(iii)(b).

(v) Grade adjustments. In the event grade adjustments are made or other changes to topography are made as part of project, in no event shall those adjustments be done in a manner that causes water to flow from the subject property to neighboring properties. If grade adjustments are made within setback areas, the slope and height shall be disclosed in the application and are subject to approval by the Committee with reference to the overall project.

(f) Garages

- (i) Exterior walls and roofs of garages, carports and porte-cocheres (hereinafter "**Garage**"), on a residence, shall be constructed of the same material which is used on the exterior walls and roof of the residence. Each house must have and maintain two (2) but not more than three (3) car bays. No more than two (2) car bays are permitted side by side facing a public right of way (e.g. viewable from street). For 3-car bays, the third car position can be in tandem (positioned behind) in relation to another car position (e.g. one car in front of the other) or constructed so that the third or greater garage door opening does not face the public right of way.
- (ii) Garage, carport or porte-cochere design should utilize varied setbacks and massing. The intent is to minimize and diminish the visual impact or importance of the Garage. For Garages with openings that face the street, the Committee may require an increase in the garage setback to visually diminish the importance of the garage to the front facade of the house.
- (iii) Features, such as window, may also be required to be included or deleted to continue the character of the house across the entire elevation. All Garage doors must be maintained and operational.
- (iv) No metal Garages allowed.

(g) Roofs

- (i) Roof pitches and overhangs may vary as dictated by the architectural style of the house. Renovations and additions must match the existing, retained roof pitch unless otherwise approved by the Committee. Proposed variations in roof pitch must be noted and described with specificity in an Owner's submission.
- (ii) All roof vents and stacks are to be at back of house or otherwise visually diminished, where possible, when viewed from a street.
- (iii) Downspouts shall not direct the flow of water onto adjacent properties.
- (iv) The top of the roof shall comply with Article II, Section 2.01, (d).

(h) Chimneys

- (i) If any, shall be integrated with the building architecture and proportional thereto.

(i) Awnings

- (i) Are not allowed to be visible from any public right-of-way.
- (ii) Are discouraged, but allowed on portions of the house not visible from a street.

(j) Windows and Doors

- (i) Careful attention should be given to the proportion, form, consistency of detailing, and surround treatment around all door and window openings. Glass should be clear. Opaque or tinted glass may be appropriate in some cases. No reflective glass or reflective tinting is permitted. Low-E glass is permitted. Painting of glass is not permitted except in the case of true spandrel glass applications. Interior window treatments must compliment the exterior of the house. No sheets, blankets, papers, foils, films or similar treatments are allowed.
- (ii) Shutters, windows and doors may be painted or stained in colors that complement the siding and masonry used on the house.

(k) Entry Porte-cocheres

- (i) Shall comply with Article II, Section 2.01(d)
- (ii) Roofed entry porticos with detached columns shall be tied back to the main facade of the structure.

(l) Dormers

- (i) Dormers should be functional or appear as such. Interior window treatment shall be incorporated in nonfunctional dormers so that the unfinished attic space is not visible.

(m) Demolition of Structures

- (i) Any building, structure or improvement partially or totally damaged or destroyed by fire, storm, deterioration, or by any other means shall be repaired or completely demolished within 180 days from date of loss, and the Lot restored to an orderly and attractive condition.
- (ii) Should additional time be necessary to achieve the above, extended time periods for repairs may be requested by the Owner, for review and approval by the Committee.
- (iii) For demolition in advance of new construction, the Owner shall submit a request for approval to the Committee including information concerning preservation of trees ("**Tree Survey**" by a third-party surveyor or other means that accurately depicts diameter and species). The Committee may require (1) that the Owner retain trees and other landscaping until a new construction application is

approved by the Committee and (2) installation by Owner of interim landscaping until the new, approved construction is commenced pursuant to an approved tree plan.

(iv) Owners are encouraged to undertake a plan of salvage and recycling in connection with each demolition.

1) In order to reduce landfill waste as a result of demolition, the Owner should allow for deconstruction of the house. This benefits the neighborhood; over-taxed landfills and the Owner as tipping fees are reduced. There may even be tax incentives.

a) The Owner may contact a deconstruction appraiser to examine tax benefits. The Association does not endorse individual appraisers and recommends an internet search of "deconstruction appraisers Houston".

b) A good resource regarding deconstruction is from HARC (Houston Advanced Research Center).

(n) Driveways

(i) Material(s)

1) Each driveway must be concrete or other masonry type product and must be approved by the Committee. Glazing or other finishing material for driveways is subject to review by the Committee. Colors shall be gray or earth tones; shades of bright colors are not allowed.

(ii) Size and Width

1) Extensions, widening, or rerouting of existing driveways shall be subject to review and approval of the Committee before any work is undertaken. New driveways and driveway extensions shall be no wider than necessary to reasonably accommodate two (2) non-commercial, passenger vehicles, not to exceed twenty-two (22') feet in total width at the widest point (i.e. approach and entry to garage bays). However, the average driveway width should not exceed 16-18 feet.

(iii) Configurations

1) Standard driveway configuration consists of a straight path from the public street to a Garage, porte-cocheres or similar parking location.

2) Garage entry's can be and are encouraged to be, perpendicular to the roadway in an effort to minimize entries.

3) Circular driveways (e.g. two or more points of ingress and egress at the street) are only allowed on main thoroughfares (Memorial Drive and Beltway 8 frontage roads) for safety reasons but are subject to Committee approval in each case. The Committee will evaluate the overall site plan, proposed driveway width, Lot coverage and other factors in considering submissions of circular driveways for Memorial Drive and Beltway 8.

4) Circular driveway are not grandfathered for new construction.

5) Driveway configurations not previously addressed in these Guidelines must be reviewed and receive approval from the Committee prior to execution.

(iv) Accessories

1) Driveway reflectors or markers are not permitted unless otherwise approved by the Committee. An example of an exception is Memorial Drive which has a drainage ditch in lieu of curbs and gutters.

(o) Corner Lots

- (i) Designs should take into consideration that the house will be viewed from more than one street.
 - (ii) Garages should be located so that the entrance is not at the front of the house.
- (p) Mechanical Equipment
- (i) All mechanical equipment must be visually screened from the streets. Screening methods may include fencing, walls, evergreen shrubs or similar architectural or landscaping treatment. HVAC, emergency back-up generators, swimming pool equipment and other mechanical equipment shall be designed, located and installed in a manner so as to minimize operational noise audible from adjacent Lots. Submissions for new construction, substantial remodeling projects that include changes to mechanical equipment, and pool installation projects shall disclose equipment decibel ratings and features that limit sound affecting neighboring Lots. Equipment will be considered as part of an overall site plan and noise mitigation plan. However, equipment with a decibel rating in excess of 70db is subject to denial.
- (q) Freestanding Structures and Accessory Buildings
- (i) Care should be given to planning of free standing structures to compliment the architectural style of the home. Free standing structures shall include gazebos, arbors, garden sheds, storage/accessory buildings, play equipment and houses, or similar structures including all other structures not previously itemized. Structures that are not visible from public right-of-ways but may be visible by neighboring homes must comply with these Guidelines.
 - (ii) Paint and stain finishes shall be coordinated with and compliment those of the house. Roof material shall match or complement that of the house.
 - (iii) Unless approved by the Committee, overall height shall not exceed ten (10) feet. Gazebos and trellis/arbors shall not exceed 144 square feet in size. Larger sizes may be considered by the Committee depending upon the yard area and proposed location. Free standing structures shall be located in the side or rear yards only; maintain a five (5) foot setback from all common property lines on interior lots.
 - (iv) A storage/accessory building shall be no more than 10 feet wide, 12 feet deep and 10 feet high at the peak of the roof. Metal, plastic, or vinyl storage/accessory buildings are not allowed unless placed so as not to be visible from any common area, street, public right-of-way or the 1st floor of neighboring homes.
- (r) Outdoor fireplaces and barbeque pits
- (i) Permanent outdoor fireplaces and barbecue pits shall not be visible from the street or any public right-of-way. The Committee recommends they be of approved exterior materials that compliment the house. Fireplaces, fire pits, chiminea's or similar elements may not be located closer than fifteen (15) feet to any property line and shall not encroach onto any easement or alter the surface drainage. These structures should be in scale with and integrated into the design of the house structure, deck and/or landscape areas and shall be sited in consideration of neighboring properties. Chimneys shall not be placed directly under trees canopies. The maximum height, excluding chimneys, shall not exceed six (6) feet. Height of the chimney shall be as required for proper operation and code compliance.
- (s) Freestanding Ornamentation
- (i) Sculptures
 - 1) Not allowed on private property if visible from any public right-of-way or the 1st floor of neighboring homes.

- a) Exceptions may include small commonly accepted items such as benches, small children playing, animals or the like. Quantities shall be limited.
- (f) Ornamentation
 - (i) No ornamentation beyond widely accepted construction details shall be added to any structure. This includes, but not limited to exterior fabrics, gargoyles or similar elements visible from the streets adjoining the Lot.
- (u) Mailboxes
 - (i) USPS Mail is delivered by foot and therefore mailboxes must not be at the street.
 - (ii) May be attached to the house or fence near the house.
 - (iii) Freestanding mailboxes are allowed only when installed three feet or less from the structure of the house (edge of slab).
 - (iv) Must be scaled and aesthetically appropriate for the house.
 - (v) Color and finish of mailboxes must complement the style and finishes of the house.
- (v) Exterior Lighting
 - (i) The intent is to limit and contain artificial light to be within the property from which it emanates and eliminate light onto neighbor's property and limit general light pollution.
 - (ii) Purpose(s) of exterior lighting are safety, security, decoration and identification.
 - (iii) Energy efficiency and maintenance should be a consideration, but is not regulated by the Committee.
 - (iv) Light in excess of 10 foot-candles may not shine beyond the property line. This is to avoid interfering with the vision of drivers or pedestrians and shining in neighboring yards or homes. Motion sensor lights are permitted but shall not be activated by a pedestrian walking in a public right of way (e.g.; sidewalk) or vehicles driving down the public streets.
 - (v) Light fixtures and standards should be chosen to blend into and enhance the area they are illuminating.
 - (vi) Exterior lighting shall be shielded and installed so that the source of the light is not readily visible from neighboring property and no light is directed onto neighboring property or into a public right-of-way.
 - (vii) All lights shall be in shades of white. Colored lights are not permitted with the exception of seasonal lighting. Seasonal lighting includes; New Year, Independence Day (4th of July), Halloween, Thanksgiving and Christmas and other recognized religious holidays shall be permitted for a period not to exceed 30 days per recognized event. Furthermore, holiday lighting and decoration shall not be installed more than forty-five days prior to the holiday.
- (w) Sidewalks
 - (i) Street sidewalks must be finished per the governing CoH requirements and consistent throughout. The existing sidewalk along street frontage is to remain until flatwork begins.
 - (ii) New sidewalks constructed under requirements that differ from existing sidewalks shall be integrated with existing sidewalks. An example would be existing 4'-0" wide sidewalks and new 5'-0" wide sidewalks. The new sidewalk shall taper down at 45 deg. angles to integrate with the existing sidewalk. The surface of the new sidewalk must also align with the surface of the existing sidewalk so as to provide a consistent surface. Should the existing sidewalk not be level, the new sidewalk, shall

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be level and code compliant and taper to be integrated with the existing sidewalk while meeting all jurisdictional requirements.

(iii) Corner lots shall provide ADA/TAS compliant ramps.

(x) Exterior Treatments. For new construction of a residence and changes to the exterior color, colors should blend with the natural surroundings. Earth tone colors (including whites, browns, tans, greys) were most often used for exterior colors when residences were originally constructed and remodeled and Owners are urged to submit these colors. Other colors may be considered with prior approval of the ACC. For the purposes of this section, earth tone colors are defined by those colors that harmonize with the natural color of the brick, stone and other exterior coverings of residences and include white and subdued shades. "DayGlow", fluorescent, "bright" colors such as reds, pinks, purples, oranges and yellows), metallic and similar shades and colors are generally not permissible ("Vivid Colors"). Vivid colors may be considered on a case-by-case basis for accent elements only (e.g. a midcentury modern entry door). Exterior wood (including the primary structure features and garage doors) shall not be left untreated and shall be stained with an opaque stain color. Exterior wood shall be kept in good repair and re-stained or refinished as necessary to minimize the appearance of sun fading and water damage. All exposed metal such as skylights, frames, stacks, vents, gutters, downspouts, flashings, flues, air handling equipment etc., must be finished to blend with the primary structure.

(y) By submitting an application, Owner is representing that anyone working on the Owner's property is appropriately qualified, licensed and insured to perform the requested work.

Section 2.02 Site & Landscaping

(a) Plantings

(i) The front yard, including sections abutting streets, and each side yard shall be sodden with live plant material. Synthetic lawn materials are not allowed where visible from public right-of-ways. Corner lots with the flanking yard from the curb to the house for the full depth of the lot is also to be sodden. Landscape materials such as flowerbeds are allowed.

(b) Retaining Walls

(i) The Intent is to have exposed surface of retaining walls shall be faced with masonry product of the same type and style as used on the structure or blend with that which is used on the residence.

(ii) Retaining walls shall be limited to eighteen inches (18") in height. A series of walls in terraces may be required to comply with the height restriction. Taller retaining walls may be allowed if justified and approved by the Committee. Retaining walls shall not alter or impair the surface drainage of the adjacent properties. Treated wood walls are permitted with Committee approval. Railroad ties are not permitted as retaining walls nor are any materials containing materials considered hazardous. Non-masonry materials must be submitted with MSDS sheets for review by the Committee.

(c) Landscape Structures

(i) Landscape structures beyond the front build line shall be limited in height to eighteen (18") inches.

(ii) Landscape benches, fountains or other yard accessories and structures including bird baths, if visible from any public right-of-way, shall blend with the natural environment.

(d) Tree Preservation

- (i) Preservation of trees within Memorial Bend is a priority of the Committee and must be reasonably assured. It is widely recognized that all trees, especially mature trees are some of the most valuable amenities in our community and they positively affect property values. Therefore, Owners are required to use best efforts in preserving trees. Owners shall remove fallen, dead or trees that pose a danger to the health safety or welfare of residents.
- (ii) Trees that are three (3") caliper inches or greater, fallen or dead trees shall be identified on the applications via a tree survey generated by a registered or licensed surveyor. Trees less the three (3") caliper inches may be removed at the discretion of the Owner.
- (iii) The Committee may require the Owner to provide evidence to the Committee from a professional arborist which substantiates a request to remove a tree that is three (3") caliper inches or greater.
- (iv) Lots must have a minimum of one tree per 1,000 square feet of total land area.
- (v) Any lot with total land area increment of 500 or greater shall be rounded up. (e.g.; a total lot size of 8,490 sf will require eight trees; a total lot size of 8, 510 sf will require nine trees). 50% of new trees shall be a minimum of 4" caliper inches. 50% of new trees shall be a minimum of 6" caliper inches. If an odd number of new trees are required, the greater number shall be 6.
- (vi) "caliper. The Committee, in its sole discretion, may approve a tree plan that includes reasonable substitutions such as:
 - (a) two (2) 4" caliper trees for each 6" caliper requirement to a maximum of (3) three new 6" caliper trees;
 - (b) three (3) Lob-Lolly Pine trees to fulfill each 6" caliper requirement to a maximum of three (3) new 6" trees.
- (vii) The Committee reserves the right to require the Owner to plant a total caliper inches of new trees that equals the total caliper inches of trees being removed. Hardwood trees are required for the required number of new trees, but varying types of trees proposed may be submitted to the Committee for review. Consideration will be given to the type(s) of trees proposed, the growth rate, suitability for the area and the total required caliper inches. The Committee may, in its sole discretion, consider Owner's retention of sizable, mature trees and their overall caliper measure in counting them as additional trees for the purpose of Owner satisfying the minimum tree requirements.
- (viii) Massing of the structure should respond to the conditions of the site and existing trees to avoid excessive trimming of a tree which may cause the tree stress and thus endanger the viability of the tree.
- (ix) Tree protection during construction. Owner(s) shall ensure the tree protection measures are implemented before commencement of construction and maintained thereafter pursuant to Section 2.03(k).
- (e) Cleanouts, Pipes and Irrigation System Access Points

Cleanouts, pipes and irrigation system access points must not be visible from the street. Where appropriate, other such features should be flush with grade and utilize earth tone colors that minimize their visibility. To hide PVC pipes and cleanouts from street view, they may be obscured with appropriate plantings and landscaping, natural stone and/or artificial rock covers of an appropriate size and color to blend into the Lot's other landscaping features.

Section 2.03 Construction Rules

- (a) Applicability (Applications)
 - (i) These rules shall apply to all Owners and Builders (any reference herein to an Owner shall also apply to the Owner's builder and subcontractors).

- (ii) Applications for demolition must be submitted to the Committee for review as described in Article 1, Section 1.02(b) and receive approval prior to execution of work.

(b) Contractor signage.

- (i) Signage shall be installed at each job site during the entire period of construction (demolition through substantial completion). Signage should be removed promptly upon substantial completion of the project. Signage must include a clear, legible notice of permissible work hours as set forth in Section 2.03.
- (ii) Signage shall identify and contact information (name and phone number) for the general contractor. If no general contractor, the identity and contract information of the specific contractor or entity conducting or supervising the work and the Owner (collectively the "Project Information").
- (iii) The Owner shall deliver the Project Information and any updates to that Information with the Association's designated representative (as set forth in the Association's Management Certificate as required by Section 209.004 of the Texas Property Code and filed of record in the Official Public Records of Real Property of Harris County, Texas) during all periods of construction.

(c) Hours of Construction and Noise

- (i) All construction activities and deliveries of material must be conducted between 8:00 AM to 7:00 PM Monday through Friday, 9:00 AM to 6:00 PM on Saturdays and Sundays and 12pm to 5pm on recognized holidays although construction activity during holidays is strongly discouraged.
- (ii) No loud radios or distracting noises shall be permitted during construction.

(d) Rubbish and Debris

- (i) In order to maintain a neat and orderly appearance at all times in Memorial Bend, the Owner shall adhere to all requirements consistently and on a daily basis.
- (ii) All domestic refuse such as food scraps, packaging, cups, plates, napkins, etc. which exist at anytime on the job site must be contained, controlled and disposed of in a timely manner to eliminate unsanitary conditions which might attract animals or escape the property via wind, water or other means.
- (iii) All lightweight material or construction debris that may blow away such as roofing paper, insulation bags, foam sheathing, polyethylene, etc. must be secured.
- (iv) Dumpster(s):
 - 1) Must be emptied and the debris hauled away on an as-needed basis and before it is crests the top of the container.
 - 2) Must be placed on a firm surface such as concrete or wood so as not to sink into the ground even during or after heavy rainfall.
 - 3) Shall be at least five feet (5') from a front sidewalk or ten feet (10') from BoC to avoid impeding pedestrian foot traffic on public right-of-ways.
 - 4) Shall be perpendicular to the street.
 - 5) May not be located in the street.
- (v) No burning or burial of construction debris or vegetation is allowed.

(e) Material Storage

- (i) Construction materials shall be kept in a secure and safe manner and wholly contained on the Owner's lot.

- (ii) The Owner is responsible for securing all construction material. Just in time delivery of materials will reduce the likelihood materials being stolen or vandalized and reduces the overall crime in the Neighborhood.

(f) Fencing

(i) Temporary Construction Fencing. For all new construction projects and major renovations (as specified by the Committee), Owner shall utilize metal construction fencing at least six (6) feet high to control access to the Project, control debris and ensure the PCT is not visible from the street, among other functions. Fencing shall include a locking gate and access shall be limited to approved construction hours. Owner is responsible for maintaining all fencing and ensuring gates are secured. Except for temporary unloading and access, no part of the gate or fence shall obstruct sidewalk traffic, road traffic or impair driver visibility. Construction fencing shall be installed no later than thirty (30) days from commencement of a Project. Construction fencing shall be removed upon substantial completion of the Project.

(ii) Silt Fencing. Silt fencing for erosion and sedimentation control shall be installed, as may be directed by the Committee and at a minimum in compliance with all local, state and Federal regulations such as, but not limited to the National Pollution Discharge Elimination Systems regulations from the Clean Water Act and requirements as established by City of Houston Code of Ordinances. By way of example, but not limited to, silt fencing shall be fully supported and extend a minimum of 6" below grade and maintained at all times. Sand bags or similar means for filtration shall be placed on either side of storm water inlets.

(g) Parking

- (i) All vehicles must be parked so as not to impede traffic or damage vegetation in neighboring lawns. Except for temporary loading or unloading, vehicles shall be parked so that their tires contact only paved areas (e.g. no yard or easement parking permitted). No construction vehicle (trucks, vans, cars, trailers, construction equipment, etc.) may be left parked on any street within Memorial Bend overnight. Construction vehicles may be left on home sites overnight only if additional use of the vehicle will be made within the following three (3) days.
- (ii) All vehicles must comply with CoH ordinances including, but not limited to parking a vehicle so that it faces the direction of traffic (no vehicle may park facing on-coming traffic).

(h) Miscellaneous Best Practices

- (i) Concrete providers and contractors shall not clean their equipment outside the individual building location or allow excess material to wash down CoH storm sewers.
- (ii) Contractors shall conduct themselves in a professional manner and respect the fact there are neighbors in close proximity.
- (iii) Careless disposition of flammable materials is strictly prohibited.

(i) Portable Chemical Toilets

- (i) An enclosed, regularly serviced Portable Chemical Toilet (hereinafter "PCT") must be provided at each Project during construction no later than thirty (30) days from the commencement of a Project if plumbing services are not otherwise available within the Project.
- (ii) The PCT shall be located in a reasonably inconspicuous a location where feasible.
- (iii) The PCT shall be utilized until fully functioning, inspected and jurisdictional approval facilities are available in the house.
- (iv) Each PCT shall be fully enclosed by a secondary structure so as to be blocked from view from the street. By way of example, a typical method for enclosing a PCT would be a 7'-0" cedar fence enclosure. Multiple construction sites may share a single PCT as long as the sites are within reasonable

walking distance to one another. A construction fence with sufficient screening material attached to it and that otherwise satisfies the requirements of Section 2.03(f) may satisfy this subsection as it relates to enclosure of a PCT in the discretion of the Committee.

(v) If not already removed, the PCT shall be removed from the site no later than Substantial Completion.

(j) Property Damage

- (i) The Owner shall be responsible for all damages to any local improvements, personal or public property, and utilities or similar.
- (ii) Damage must be repaired immediately by the Owners or their designated contractor.
- (iii) Should the damage not be repaired in a timely or satisfactory manner as notified in writing from the Committee, the Committee may authorize the repairs and the cost of those repairs will be the responsibility of the Owner.
- (iv) Should any telephone, cable TV, electrical, gas, water or similar utility or service lines which serves any property other than the Project, be damaged, cut, or in any way compromised by work being performed on the Project, the owner shall:
 - 1) Report the matter within thirty (30) minutes to the respective utility company.
 - 2) Report the matter within two (2) hours to the Management Company.
 - 3) Bear any and all costs incurred in connection with repairing such damage.

(k) Tree Protection. Owner shall be responsible for compliance with all the following:

- (i) Mark trees to be saved with surveyor's flagging or ribbon so as to clearly distinguish them from trees to be removed pursuant to approved tree plan;
- (ii) Construct barricades made of wood or wire fencing around trees to establish a tree protection zone. Tree barricades shall be ideally located a minimum of one (1) foot from the tree for each one-inch diameter of tree trunk or otherwise as approved in the tree plan;
- (iii) Place tree protection signs on the barricade;
- (iv) Designate one corridor for site access, preferably where the driveway will be located. Limit construction equipment access, material storage, equipment operation, chemical or cement rinsing to non-tree areas.

Section 2.04 Compliance Guidelines regarding Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items

The "Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items for Memorial Bend Civic Association, Inc." attached to the Supplemental Notice of Dedicatory Instruments was recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. 20120147679 ("**Chapter 202 Guidelines**") filed to be in compliance with Chapter 202 of the Texas Property Code are still in effect. Please refer to the Chapter 202 Guidelines regarding these items.

Article III. Appendices

FORMS:

Exhibit A: Memorial Bend Application for Architectural Review

Exhibit B: Memorial Bend Committee Review Notification Form

Exhibit C: Certificate of Compliance

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Exhibit A

Memorial Bend Application for Architectural Review

Submit this form together with the Affidavit of Owner's with one (1) copy of site and house plans. The approved copy will be kept in the Committee's files. Denied plans will be returned to the property owner.

Name of Owner: _____

Current Address: _____

Phone: _____ Alt Phone: _____ Email: _____

Description of the Project: _____

Name(s) and Contact information for Builder and Architect: _____

1. Site Plan (One (1) set of plans) to include:

- a. A survey of subject property;
- b. The proposed site plan;
- c. The proposed floor plan;
- d. Elevations showing windows, doors, building materials and roof pitch;
- e. Roof plan;
- f. Other Improvements (*garage, flatwork, decks, patios, trash and recycle bin enclosure, etc.*);
- g. Front, rear, and side yard building setbacks dimensioned;
- h. Driveway, sidewalks, and utility easements from recorded plat;
- i. Fences and walls (*including retaining walls*);
- j. Trees with a diameter of 4" or greater that will be removed.

2. Coverage and Height Breakdown:

Total Lot Size: _____ S/F

Buildable Lot Area
(*Total Lot Size less Front Setback,
Side Setbacks and Utility Easement*): _____ S/F

Coverage:
(*structure including all
heated/cooled spaces, garage PLUS
impervious areas*): _____ S/F

Coverage as a Percentage of
Buildable Lot Area: _____ %

Height of Structure _____ Feet

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3. House Elevations (showing architectural exterior and layout appropriateness) including percent Masonry used (see "Exteriors").

4. Exterior Building Materials:

Material	Color
Wall: _____	
Trim: _____	
Front Door: _____	
Shutter: _____	
Garage Door: _____	
Roof: _____	
Window: _____	
Other: _____	

Submitted by: _____
Signature

Printed

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AFFIDAVIT OF OWNER

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority on this day personally appeared the undersigned affiant, who swore on oath that the following facts are true:

1. Each element set out in my Application for Architectural Review ("**My Application**") including each statement in **Exhibit A** annexed to this Affidavit is true and correct and represents each of the improvements and/or alterations that will be conducted.
2. To the best of my knowledge after due inquiry, nothing in the proposed improvement and/or alteration is in violation of the Declaration of Covenants, Conditions, and Restrictions ("**Deed restrictions**") as applicable to the subject lot.
3. I undertake that the proposed improvement and/or alteration will be effected in strict compliance with the Deed Restrictions.
4. I understand that approval shall in no way be construed as a waiver or modification of the Deed Restrictions.
5. I undertake that the proposed improvements/alterations will be in conformity and harmony with the exterior design and location of surrounding structures and topography, and that the quality of workmanship and materials involved will be in conformity with any existing adjacent structures.
6. It is my responsibility to conform with all city, county, state, Federal, or any other jurisdictional building code or ordinance that may apply to this improvement/alteration and that approval shall in no way be construed as a waiver of such code or ordinance.
7. Without limiting any other rights and remedies available to Memorial Bend Civic Association, Inc. and/or its authorized officers and agents ("**MBCA**"), any approval or contingent approval of My Application given by MBCA is subject to withdrawal by MBCA in the event of any misrepresentation, misstatement of fact or failure to complete the proposed improvement/alteration in conformity with My Application as approved or conditionally approved by MBCA.
8. MBCA may from time to time conduct interim and post construction inspections to review compliance with My Application and any conditions under which an approval was granted or conditionally granted by MBCA.

Printed Name

(Owner) - Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on the ____ day of _____ 20____, to certify which witness my hand and official seal.

Notary Public, State of Texas

Printed name of Notary
Commission expires: _____

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Exhibit B
Memorial Bend Committee Notification Form

Review Process Finding

- _____ Approved – Commencement of construction may begin.

- _____ Contingent Approval with Conditions – Commencement of the proposed construction with conditions, as long as the homeowner accepts the condition(s). For Committee Required Conditions please see below.

- _____ Denied – The applicant **cannot** start construction.

- _____ Revise & Resubmit – The applicant **cannot** start construction until complete information outlined below is provided.

- _____ Minor Project – The signatures of two (2) Committee members constitutes action by the entire Committee.

Committee Required Conditions:

Reviewed and Approved by:

Committee Member: _____ **Date:** _____

print _____

Committee Member: _____ **Date:** _____

print _____

Committee Member: _____ **Date:** _____

print _____

Committee Member: _____ **Date:** _____

print _____

I hereby acknowledge receipt of the Committee Notification Form and understand the Review Process Finding:

Acknowledged by Property Owner: _____

Date: _____

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Pages 31
10/17/2018 02:19 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$132.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS

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