

SUPPLEMENTAL ACC RULES AND REGULATIONS ADOPTED FOR COMPLIANCE WITH THE 2011 LEGISLATURE

RAIN COLLECTION AND OTHER SUCH DEVICES

The Board of Directors hereby adopts the following requirements for installation of composting devices, rain barrels, rain harvesting devices, or any other such appurtenances:

(a) Prior to the installation of any such device, the Owner shall first request permission from the Architectural Control Committee in the same manner as any other improvement. These devices will be approved only if there is sufficient area to install such devices. For all such devices, they shall be located so that they are out of sight from the street.

(b) All such devices shall be located entirely on the Owner's property and not on property:

- (1) owned by the property owners' association;
- (2) owned in common by the members of the property owners' association;
- (3) in an area other than the fenced yard or patio of a property owner; or
- (4) located between the front of the property owner's home and an adjoining or adjacent street.

(c) the barrel or system cannot:

- (1) be a color other than a color consistent with the color scheme of the property owner's home; and
- (2) display any language or other content that is not typically displayed by such a barrel or system as it is manufactured.

(d) All irrigation systems shall be installed underground.

(e) Owners may substitute gravel, rocks, or cacti for grass only after receiving permission from the Architectural Control Committee and said permission will only be given when said use will blend with the overall appearance of the subdivision.

(f) The Architectural Control Committee may allow a rain barrel or rainwater harvesting device to be located on the side of a house or at any other location that is visible from a street, another lot, or a common area but only if there is a reasonably sufficient area on the property owner's property in which to install the device or appurtenance and the device is installed in such a manner as to sufficiently blend with the area.

SOLAR ENERGY DEVICES

In this section "solar energy device" has the meaning assigned by Section 171.107, Tax Code. The Board of Directors hereby adopts the following requirements for installation of solar energy devices:

Prior to the installation of any such device, the Owner shall first request permission from the Architectural Control Committee in the same manner as any other improvement. The following solar energy devices will not be permitted:

- (a) a device adjudicated by a court that:
 - (1) threatens the public health or safety; or
 - (2) violates a law;

(b) a device that is located on property owned or maintained by the property owners' association;

(c) a device that is located on property owned in common by the members of the property owners' association;

(d) a device that is located in an area on the property owner's property other than:

- (1) on the roof of the home or of another structure allowed under a dedicatory instrument; or

PLS/C
2012015970
5 PGS

1
K

- (2) in a fenced yard or patio owned and maintained by the property owner;
- (e) a device that is mounted on the roof of the home and:
 - (1) extends higher than or beyond the roofline;
 - (2) is located in an area other than an area designated by the property owners' association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the device if located in an area designated by the property owners' association;
 - (3) does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or
 - (4) has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;
- (f) a device located in a fenced yard or patio, is taller than the fence line;
- (g) a device as installed, voids material warranties.

ROOFING MATERIALS

The Board of Directors hereby adopts the following requirements for installation of solar energy devices:

Prior to the installation of any roofing shingles, the Owner shall first request permission from the Architectural Control Committee in the same manner as any other improvement. The following roofing shingles will be permitted:

- (a) those that are designed primarily to:
 - (1) be wind and hail resistant;
 - (2) provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
 - (3) provide solar generation capabilities; and
- (b) when installed:
 - (1) resemble the shingles used or otherwise authorized for use on property in the subdivision;
 - (2) are more durable than and are of equal or superior quality to the shingles described by Paragraph (a); and
 - (3) match the aesthetics of the property surrounding the owner's property.

FLAG DISPLAY

The Board of Directors hereby adopts the following requirements for installation and display of flags:

Prior to the installation of any flag for permanent display, the Owner shall first request permission from the Architectural Control Committee in the same manner as any other improvement.

- (a) The following flags will be permitted:
 - (1) the flag of the United States of America;
 - (2) the flag of the State of Texas; or
 - (3) an official or replica flag of any branch of the United States armed forces.
- (b) The permanent installation must comply with the current legal requirements:
 - (1) the flag of the United States must be displayed in accordance with 4 U.S.C. Sections 5-10;

and

(2) the flag of the State of Texas must be displayed in accordance with Chapter 3100, Government Code.

(c) A flagpole attached to a dwelling or a freestanding flagpole 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.

(d) The display of a flag, or the location and construction of the supporting flagpole, must comply with applicable zoning ordinances, easements, and setbacks of record.

(e) A displayed flag and the flagpole on which it is flown must be maintained in good condition and any deteriorated flag or deteriorated or structurally unsafe flagpole must be repaired, replaced, or removed.

(f) Additional Architectural Control Committee considerations include:

(1) maximum 20 feet in height;

(3) not oversized for the area it is to be displayed in;

(4) any lights used to illuminate a displayed flag must not disturb area neighbors;

(5) noise caused by an external halyard of a flagpole abated; and

(6) Owners cannot locate a displayed flag or flagpole on property that is:

(A) owned or maintained by the property owners' association; or

(B) owned in common by the members of the association.

DISPLAY OF RELIGIOUS ITEMS

The Board of Directors hereby adopts the following requirements for the display of religious items:

Prior to the permanent display of any religious items, the Owner shall first request permission from the Architectural Control Committee in the same manner as any other improvement. Permanent display does not include the temporary display of seasonal items.

(a) The following items will not be approved for display:

(1) items that threaten the public health or safety;

(2) items that violate a law;

(3) items that contain language, graphics, or any display that is patently offensive to a passerby;

(4) items in a location other than the entry door or door frame or extends past the outer edge of the door frame of the owner's or resident's dwelling; or

(5) items that individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size of greater than 25 square inches.

(b) Except as otherwise provided herein, an Owner or resident is not authorized to use a material or color for an entry door or door frame of the Owner's or resident's dwelling or make an alteration to the entry door or door frame that is not otherwise authorized by the restrictive covenants.

(c) The Association may remove an item displayed in violation of a restrictive covenant permitted by this section.


Name: Marvin F. Morgan
President of the Board of Directors of
Mission Bend Homeowners Association

102

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2012 Feb 15 10:08 AM

2012015970

LW \$23.00

Dianne Wilson COUNTY CLERK
FT BEND COUNTY TEXAS