

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.", "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, RP-2017-244864, RP-2018-74005, RP-2018-475347, RP-2019-470032 and RP-2020-140256 ("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 Amended and Restated Memorial Bend Architectural Review Guidelines.**

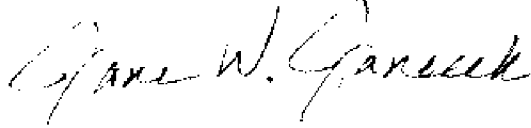
A true and correct copy of such Dedicatory Instrument is attached to this Supplemental Notice.

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.

RP-2021-160840

Executed on this 26th day of March, 2021.


MEMORIAL BEND CIVIC ASSOCIATION, INC.

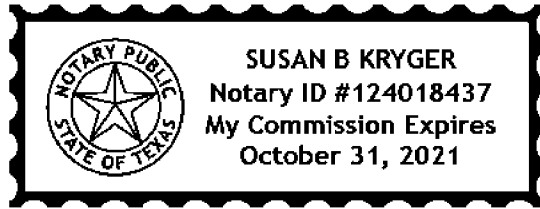


By: _____
Jane W. Janecek, authorized representative

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 26th day of March, 2021 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-2021-160840

CERTIFICATE OF SECRETARY
of
MEMORIAL BEND CIVIC ASSOCIATION, INC.
regarding
BOARD RESOLUTION
adopting
AMENDED AND RESTATED
MEMORIAL BEND ARCHITECTURAL REVIEW GUIDELINES

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 22 day of MARCH, 2021:

The Board adopts the "Amended and Restated Architectural Review Guidelines", attached hereto and incorporated herein, which shall replace and supersede all prior guidelines.

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 25 day of MARCH, 2021.

MEMORIAL BEND CIVIC ASSOCIATION, INC.

By: 

Name: JENNIFER RICHMAN

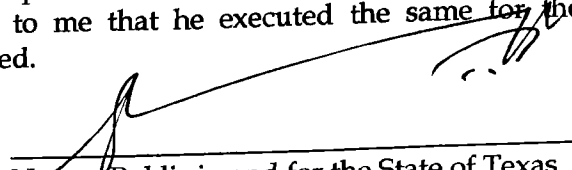
Its: Secretary

THE STATE OF TEXAS

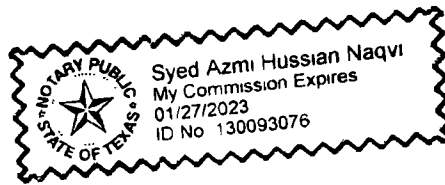
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COUNTY OF HARRIS

BEFORE ME, the undersigned notary public, on this 25th day of MARCH, 2021 personally appeared JENNIFER RICHMAN, 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 he executed the same for the purpose and in the capacity therein expressed.



Notary Public in and for the State of Texas



MEMORIAL BEND
Amended and Restated Architectural Review Guidelines
Adopted by the Board of Directors of Memorial Bend Civic Association, Inc.
March 2021

Article I. Definitions and Purpose

The following terms have the meanings set forth below unless otherwise provided herein. Capitalized terms that are not defined have the meanings ascribed to them in the Declaration (hereinafter defined).

“Applicant” means the Owner of a Lot or a third party authorized to submit an Architectural Review Application (as defined herein) on behalf of the Owner of a Lot.

“Architectural Review Application” or “Application” means the application form promulgated by the Architectural Review Committee (“Committee”) along with all required fees, plans, scale drawings, surveys, drainage plans, foundation plans, exterior finish specifications and other details related to the proposed project that may be required by the Committee. An Application will not be considered complete until all requested information has been submitted to the Committee.

“Architectural Review Fee” or “Fee” is the amount due and payable upon submission of an Architectural Review Application in accordance with the Fee Schedule attached hereto and incorporated herein.

“Association” means Memorial Bend Civic Association, Inc., a non-profit corporation incorporated under the laws of Texas, its successors and assigns.

“Buildable Area” means the Permissible Coverage (defined herein) of a Lot as calculated from the area within the building setback lines identified on a survey of the Lot. Building setback shall include the setbacks provided on the recorded Plat together with all easement areas and rights of way.

“Board” means the duly elected Board of Directors of the Association.

“Committee” means the Architectural Review Committee established by the Board of Directors of the Association.

“Declaration” means 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, as it may be amended or supplemented from time to time.

“Foundation Survey” means a professionally-prepared drawing showing the foundation system of the planned residence and improvements to be constructed on a Lot. A Foundation Survey must be prepared by an engineer, architect, or other similarly-qualified, licensed professional.

RP-2021-160840

“Guidelines” means these Architectural Review Guidelines adopted by the Board of Directors of Memorial Bend Civic Association, Inc., as they may be amended from time to time.

“Intermediate Project” refers to a project for which the total labor and materials cost is greater than \$10,000 but less than \$100,000.

“Lot” or “Building Plot” means both the plot of land shown upon the recorded Subdivision maps upon which there has been or will be constructed a single-family residence, and the residence and improvements constructed or to be constructed thereon but shall not mean any Common Areas in the Subdivision.

“Owner” means the record owner, whether one or more persons or entities, of a fee simple title to any Lot or portion of a Lot on which there is or may be built a detached single-family dwelling, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

“Major Project” refers to a project for which the total labor and materials cost is \$100,000 or more.

“Management Company” means the Association’s management company identified in the most recent Management Certificate filed of record in the Official Public Records of Real Property of Harris County, Texas.

“Minor Project” refers to a project for which the total labor and materials cost is less than \$10,000.

“Project” means the construction or renovation of a residence or improvement on a Lot for which an Application is submitted. The term shall include a Minor Project, an Intermediate Project, and a Major Project, as those terms are defined herein.

“Substantial Completion” or “Substantially Complete” means the point in time when the residence or improvement is suitable for its intended use.

Section 1.01 Purpose of the Guidelines

(a) Intent, Objectives and Goals

- (i) The purpose of architectural review is to preserve the plan and scheme of development for the Subdivision. The intent of the Guidelines is to provide a predictable and consistent approach to, by way of example and not limitation, exterior changes, significant landscaping projects, renovations, additions, demolition, and new construction in Memorial Bend Subdivision in an effort to maintain the character of the neighborhood for the common benefit of the community. The goal is to preserve of the neighborhood’s character while supporting high-quality improvements and new development in a manner suited for the common benefit of the community.
- (ii) The objective of the Guidelines is to enable Owners to achieve a high standard of visual appeal in the community for both the immediate and long-

term common benefit of the Owners. These Guidelines are intended to promote residential maintenance and development expressed through designs that encourage and contribute to an aesthetically-pleasing and cohesive sense of community.

- (iii) The goal of the Guidelines is to provide a detailed outline for current and potential Owners and Applicants for the purpose of reviewing construction plans for new homes and modifications to existing homes in Memorial Bend and to ensure the exterior design of improvements contributes to the overall integrity and character of the neighborhood. However, these Guidelines are not intended to be exhaustive and cannot be expected to address every issue. The Board, through the Committee, is charged with applying these Guidelines with reference to the Declaration and otherwise evaluating conditions and Projects in consideration of the overall character of our neighborhood as well as considering other factors deemed relevant to resolve these issues.
 - (iv) Owners are solely responsible for ensuring Projects submitted for review comply with all current federal, state and local laws, codes, and regulations.
 - (v) Should a conflict arise between the Guidelines and the requirements of any governing jurisdiction, the more restrictive provision will control.
- (b) Applicability
- (i) The Guidelines apply to all Lots that are now or in the future become subject to the Declaration.
 - (ii) The Board's approval of any variance application under specific facts and circumstances shall have no precedential effect as to any other variance application.
 - (iii) Upon recordation in the Official Public Records of Real Property of Harris County, Texas, these Guidelines will supersede and replace all previously adopted architectural guidelines of the Association.
- (c) Authority
- The Board shall have full power and authority to enforce these Guidelines. The Board shall appoint the Committee members, who will assist the Board in the execution of its authority and evaluation of matters addressed or which are otherwise the subject matter of these Guidelines.
- (d) Publication and Availability of the Guidelines
- The Guidelines are available to Owners through the Association's website and the Association's Management Company.

Section 1.02 Submission and Review Process

- (a) This section identifies projects that require an Application for Committee review.
 - (i) The following projects require an Application for Committee Review:

- 1) Demolition;
- 2) Tree removal;
- 3) New Construction;
- 4) Exterior Changes, including color changes, roofing, exterior modifications and/or additions to the residence and/or 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) Significant Landscaping Projects that include, by way of example and not limitation, removal of trees three inches (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 objects and 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 boundaries 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 City of Houston 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) The following items do not require review by the Committee, but must comply with local governmental requirements, if any:
 - 1) Interior projects;
 - 2) Routine maintenance, including but not limited to, repainting to with the existing paint color; and
 - 3) Window replacement that complies with the Guidelines and involves the installation of windows of the same size and color as those being replaced.

(b) Timing of Submissions and Submission Procedures

- (i) Owner shall submit a completed Application prior to (i) commencement of the Project and (ii) submission of an application for a City of Houston building permit. Applicants are urged to submit digital copies of all Applications and supporting documents. Physical copies can be accepted but are discouraged.
- (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 submitted to the Association's Management Company. See Exhibit A for the Application form promulgated by the

Committee.

- (iv) If the Owner has questions or desires clarification regarding the Application, questions can be submitted to the Committee, via the Committee's designated email address as provided by the Management Company. The Committee may discuss with the Owner how the Declaration and the Guidelines may affect the Project. However, such discussions are non-binding and the Committee does not provide advisory opinions or pre-approvals.
- (v) Comments by or approval of a Project by the Committee in no way supersedes requirements of the City of Houston 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 applicable governmental laws, rules and regulations.
- (vi) The Application, along with plans, specifications and submissions, must be complete and specific. 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. 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 a new submission 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 by the Committee will be considered non-compliant and may result in legal action, including a request for injunctive relief, against the Owner.
- (viii) Any decision made by the Committee in relation to the Guidelines may be challenged by the Owner by an appeal to the Board in writing within thirty (30) days of the Committee's decision. 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. The parties may mutually agree in writing to extend the time of the hearing.
- (ix) The decision of the Board resulting from an Owner's appeal shall be final and binding upon the Owner in all respects.

(c) Committee Review Process

- (i) The Committee will review the Application and required plans to render a decision. Such review may be conducted in coordination and with assistance of an architect, engineer, or other similarly-qualified, licensed professional engaged by the Association. The Committee's decision will be provided to the Owner in a substantially similar format to the Review Notification Form attached hereto as Exhibit B. The following decisions may be made by the Committee:
- 1) APPROVED – allowing the commencement of construction.
 - 2) CONTINGENT APPROVAL WITH CONDITIONS – allowing the commencement of the proposed construction with conditions, provided that Owner accepts the conditions in writing.
 - 3) REVISE AND RESUBMIT – the Owner cannot commence work on the Project, although only certain portions of the Application are incomplete or incorrect. The Committee requires all or a portion be corrected and re-submitted for review.
 - 4) DENIED – the Owner cannot commence work on the Project because it does not meet one or more requirements of the Guidelines or Declaration. A denial may also indicate the Application is incomplete and a complete resubmission of the Project is required.
- (ii) Provided that an Application is complete when submitted, the Committee will use reasonable efforts to render a decision in writing within twenty (20) days of submission for a Minor Project, within thirty (30) days of submission for an Intermediate Project, and within forty-five (45) days of submission for Major Project. A decision on the submission of a Major Project or an Intermediate Project requires signatures of at least four (4) members of the Committee, one of which must be the Chairperson. A decision on the submission of a Minor Project requires signatures of at least two (2) members of the Committee, one of which must be the Chairperson.
- (iii) The Committee may establish administrative deadlines for receipt of Applications to encourage efficient, timely submissions to the Committee. In the event an Application is received after an established deadline, such Application may be reviewed during a subsequent review cycle. The Owner should confirm that the Committee received the Application.
- (iv) The Committee may require submission of a Foundation Survey together with a drawing that includes the overhangs of the structure to confirm compliance with setback requirements of these Guidelines. The requirement of this submission is at the discretion of the Committee and shall be at the expense of the Owner.
- (v) Approved and contingently approved Applications expire if construction is not commenced within 180 days of such approval.
- (vi) Unless a written extension of time to complete the Project is obtained from the Committee, an expired approved Application must be re-submitted in full, with the applicable Fee, for consideration.

- (vii) After an approved Project has commenced, said Project must be Substantially Complete within the following timeframes: (a) For new construction and Major Projects, 360 days from the earliest to occur of: (1) groundbreaking, (2) delivery of materials to the Lot, or (3) commencement of demolition or construction, and (b) for all other Projects, 180 days from issuance of 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 as set forth in Exhibit D.
 - (ix) The Committee may defer review of Applications that relate to Lots with outstanding deed restriction violations or unpaid assessments until such time as the violations are corrected or the assessments are paid.
- (d) Inspections
- (i) The Committee may perform interim inspections during construction to ensure compliance with an approved Application.
 - (ii) The Committee may perform a final inspection to confirm compliance with an approved Application.
 - (iii) The Committee may engage third parties including an architect or other professional retained by the Association to conduct inspections.
- (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 stated time 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 is attached hereto in the Appendix as Exhibit C.
 - (iii) In the event of a violation of these Guidelines or the Declaration, without prejudice to other remedies, the Board may authorize the filing of a lawsuit seeking injunctive relief and/or all other remedies available by law against the Owner.
- (f) Failure to Enforce Restrictions
- (i) The failure of the Association to enforce these Guidelines or the Declaration, as they may be amended 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 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 and the Committee makes not representations or warranties related to an Owner’s Application or plans.
- (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, losses or otherwise to anyone submitting plans 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 details 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, an Owner may be required to correct erosion or other drainage conditions created by improvements approved by the Committee, as otherwise required by law. The drainage plan shall reasonably demonstrate 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. For new construction and substantial remodel Projects that involve changing the existing building footprint and/or roof structure, the Committee may require, without limitation, demonstration of sufficient catch basins and subsurface drainage systems to the street or, for properties adjacent to waterways, that runoff is substantially directed toward such waterways or such other measures as deemed appropriate to achieve the purpose of this section.

Section 1.03 Committee Structure

- (a) Make-up of Committee
 - (i) The Committee shall be composed of at least four (4) members including the Committee Chairperson, who must be a member of the Board.
 - (ii) The Board shall appoint Committee members and the Chairperson.
- (b) Meetings
 - (i) Committee meetings shall be held with such frequency as the Chairperson

deems necessary and appropriate to administer the business of the Committee and review Applications. The Committee may meet in person, by teleconference, or by other electronic means as arranged by the Committee to enable review of Applications.

- (ii) The day, time and location of the meetings shall be determined by the Committee members.
- (iii) Committee meetings are not open to members of the Association, but residents or applicants may request to address the Committee by submitting a written request to the Board.

Section 1.04 Abbreviations, Terms and Definitions

(a) Fees & Construction Deposit

- (i) Applicants must pay the Architectural Review Fee at the time an Application is submitted. Additional Fees may be assessed if substantial changes or revisions are made that require additional full reviews. The Fee shall be made payable to "Memorial Bend Civic Association, Inc." and sent to the Management Company. The Fee shall be provided with the Application or request for extension as described in Article I, Section 1.02(c)(viii).
- (ii) Fee Schedule. Please refer to Exhibit D attached hereto for the current Fee Schedule. The Fee Schedule may also be posted on the Association's website.
- (iii) Construction Deposit. An Application must submit a Construction Deposit as provided in Exhibit D not later than the 10th business day after the date the Application receives an approval or contingent approval. The Construction Deposit is refundable after submission of a Certificate of Completion, a satisfactory final construction inspection, and verification by the Committee that there are no outstanding violations. The costs of fees, violations and attorney fees may be deducted from the Construction Deposit to the extent they remain unpaid by the Owner and/or Applicant. 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 may engage the services of an independent engineer, architect or other similarly-qualified, licensed professional to act as a consultant for a Major Project, and the cost of such professional services are included in the Fee. For Projects other than Major Projects, if the Committee determines in its sole discretion that professional review is warranted due to complexity of the plans or otherwise, the cost of such professional review must be paid in advance by the Applicant. The Committee shall promptly inform the Applicant in writing of the Committee's need for outside professional review and the reason(s) for it. The Applicant shall respond in writing to either (1) accept the Committee's decision and pay the professional review fee, (2) withdraw the Application, or (3) appeal the Committee's decision to the Board.

- (v) The Committee's use of the Fee may include obtaining a survey by an independent professional surveyor to verify compliance with the Guidelines and approved Application.
- (vi) The Fee Schedule attached hereto as Exhibit D may be amended from time to time by the Board.

Section 1.05

(a) Use of Lots

- (i) The building(s), improvement(s), impermeable, paved areas, and garage, shall not have a footprint covering more than seventy percent (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 of the Lot. For building setbacks, see the recorded plat together with all easement areas and rights of way. Furthermore, no portion of a structure shall encroach upon or within the setback areas described in these Guidelines, the Declaration, or plats of Memorial Bend.
- (ii) Although a swimming pools itself is generally not included when calculating the Permissible Coverage, surrounding 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. The Committee may consider the Pool Features when reviewing the Permissible Coverage.
- (iii) In evaluating a Project that affects 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.

(b) Easements

- (i) Easements for installation and maintenance of utilities are reserved as shown and provided for on the recorded plats.
- (ii) Aerial easements are not allowed.

(c) Access to Property

- (i) Access to or egress from any Lot or Common Area in the Subdivision may not be blocked or denied at any time.

(d) Fences

- (i) The type, material, and height of a fence shall not conflict with the requirements of the Declaration. Fence height shall not exceed eight (8) feet. However, solely for Lots fronting Beltway 8, the Committee may give additional consideration concerning materials and height provided the

RP-2021-160840

proposed fence is otherwise compliant with then-current City of Houston Municipal Code and the Declaration.

- (e) Grandfathering
 - (i) Any improvement on a Lot allowed to remain pursuant to the Grandfather Clause in Section 5.1 of the Declaration may not be rebuilt if it is demolished. In such case, the Grandfathering term will end and any new improvements must be constructed in a manner compliant with these Guidelines. Any conditions which are the subject of compliance or enforcement actions by the Association are not considered to be Grandfathered.

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, Intermediate, 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 these Guidelines and the Declaration.
- (c) General Construction and Materials
 - (i) A residence, garage and any other permanent structure shall be built on a concrete slab.
 - (ii) A residence shall be constructed with an exterior comprised of 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 fifty-one percent (51%) minimum requirement.

The Committee may permit a variance of this requirement, 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 residence.
 - (iv) In calculating 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 that 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 shall be included as non-masonry in determining the percentage of masonry, except windows that are less than fifty percent (50%) of the vertical height of the wall containing the window.

The Committee may permit a variance of this requirement, provided the new structure is in the mid-century or ranch style which is prevalent throughout the neighborhood.

- (vi) Color selections must be consistent with Section 2.01(x) of these Guidelines.
- (vii) Unfinished exterior wood materials are not permitted.

The Committee may permit a variance of this requirement, 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 not be visible from public rights-of-way.

(d) Building Height

- (i) The intent is to prevent structures from overwhelming adjacent residences, 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 maintain consistent character within the neighborhood. Owners are encouraged to design residences and additions such that taller portions of the improvement are located away from the perimeter of the Lot.
- (ii) The building height, at any point, cannot exceed thirty-three (33) feet above the average height of the surrounding undisturbed soil within the Buildable Area. However, the Committee may permit a variance of this requirement in limited cases if an Owner submits a request as provided in Section 2.01(d)(iii) of these Guidelines. 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
 - A Building comprised of a 24-inch slab on natural grade plus 31 feet

- of primary structure and roof
- A Building comprised of an 18-inch slab with six (6) inches of adjusted (raised) grade plus 31 feet of primary structure and roof

(iii) Solely in cases where the City of Houston, Harris County or other governmental authority body requires additional structural elevation and such requirements are provided to the Committee in documented, verifiable form, the Committee may provide a special height allowance. The maximum allowance is one (1) additional foot provided that no more than twenty-five percent (25%) of the overall roof structure exceeds the standard thirty-three (33) foot limit.

(e) Setbacks

The following building setbacks and aerial setbacks shall apply to all Projects unless a more restrictive setback is set forth in the survey and/or recorded plat:

- (i) Side setbacks:
 - a) 0-5ft from property line: building construction not permitted within this area; this includes overhangs (aerial easement rights are not allowed). No roofs, eaves, and other parts of the structure may encroach in this setback area.
 - b) 5-15ft from property line: average height of a building in this area shall not exceed 25ft, including all roofing and dormer ridges, but excluding chimneys.
- (ii) Front setbacks:
 - 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 residence 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) Rear setbacks:
 - 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.
- (iv) Aerial Setback Considerations.

The aerial setbacks set out in Section 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 Sections 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 Sections 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.

(vi) Imposing views.

No new window, door, or balcony shall be placed such that it offers an imposing view to a neighbor's rear or side yard. The Committee shall, subject to an Applicant's right to appeal a Committee decision to the Board, have the sole and absolute discretion to determine if a window, door, or balcony offers an imposing view to a neighbor's rear or side yard.

(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 residence 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 three (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 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 residence.
- (iii) Features, such as windows, may also be required to be included or deleted to continue the character of the residence across the entire elevation. All Garage doors must be maintained and operational.
- (iv) No metal Garages are allowed.

(g) Roofs

- (i) Roof pitches and overhangs may vary as dictated by the architectural style of the residence. 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 Application.

- (ii) All roof vents and stacks are to be at back of residence 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) Must not be visible from any public right-of-way.
 - (ii) Are discouraged, but allowed on portions of the residence 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 complement the exterior of the residence. 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 residence.
- (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 treatments 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 residence. 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 (e.g. point of approach from public right of way and point of entry to garage bays). However, the average driveway width should not exceed sixteen (16) to eighteen (18)feet.
 - (iii) Configurations

- 1) Standard driveway configuration consists of a straight path from the public street to a Garage, porte-cochere or similar parking location.
 - 2) Garage entries can be and are encouraged to be, perpendicular to the roadway in an effort to minimize visual impact.
 - 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 and are subject to Committee approval.. 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 and require Committee approval.
 - 5) Driveway configurations not addressed in these Guidelines must be reviewed and approved by the Committee prior to construction.
- (iv) Accessories
- 1) Driveway reflectors or markers are not permitted unless 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 residence will be viewed from more than one street.
 - (ii) Garages should be located so that the entrance is not at the front of the residence.
- (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 residences, or similar structures including all other structures not previously itemized. Structures that are not visible from public rights-of-way 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 residence. Roof material shall match or complement that of the residence.
 - (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 complement the residence. Fireplaces, fire pits, chimineas 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 residence 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) Sculptures, Decorative Objects and other Freestanding Ornamentation
- 1) Freestanding sculptures are not allowed on the Lot if visible from any public right-of-way or the 1st floor of neighboring homes.
 - 2) Decorative objects and other freestanding ornamentation eighteen (18) inches or less in size and which are commonly in use and within the character of the neighborhood are permissible in the front yard provided that quantities are reasonably limited.
 - 3) Decorative objects and other freestanding ornamentation greater than eighteen (18) square inches in size and which are commonly in use and within the character of the neighborhood are permissible in the front yard with Committee approval, provided that quantities are reasonably limited. Examples include benches, bird baths, and statues of small children playing, animals, and the like.
 - 4) With respect to Section 2.02(s)(2) and (3), all such structures must generally coordinate with the design of the residence and reasonably blend with the natural environment unless otherwise approved by the Committee.
 - 5) With respect to Section 2.02(s)(2), (3) and (4), the Committee, subject to an Applicant's right to appeal a Committee decision to the Board, shall have the sole and absolute discretion to determine (i) that a use or

proposed use is common and in character with the neighborhood, (ii) coordination with the design of the residence and blending with the natural environment and (iii) that quantities are reasonably limited.

(t) Structural Ornamentation

- (i) No ornamentation beyond widely accepted construction details shall be added or affixed to any structure. This includes, but not limited to exterior fabrics, embellishments, 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 residence or fence near the residence.
- (iii) Freestanding mailboxes are allowed only when installed three (3) feet or less from the structure of the residence (edge of slab).
- (iv) Must be scaled and aesthetically appropriate for the residence.
- (v) Color and finish of mailboxes must complement the style and finishes of the residence.

(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 ten (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, Christmas, and other recognized religious holidays. Seasonal lighting shall be permitted for a period not to exceed thirty (30) days per recognized event, except Christmas lights, which may be displayed from Thanksgiving Day through January 15th.

- (w) Sidewalks
 - (i) Street sidewalks must be finished in accordance with City of Houston requirements and be 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 degree 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 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 as required by the City of Houston.

- (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. "Day-glow", 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 sodded with live plant material. Synthetic lawn materials are not allowed where visible from public rights-of-way. Corner lots with the flanking yard from the curb to the residence for the full depth of the lot is also to be sodded. 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 deemed necessary 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 materials safety data sheets listing all components contained in a given product for review by the Committee.

(c) Landscape Structures

- (i) Landscape structures beyond the front building line shall be limited in height to eighteen inches (18").
- (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 (1) tree per 1,000 square feet of total land area.
- (v) Any lot with total land area increment of 500 square feet 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

- (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 Management Company 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 any time 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 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 placed at least five feet (5') from a front sidewalk or ten feet (10') from the back of the curb to avoid impeding pedestrian foot traffic on public rights-of-way.
- 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. Contemporaneous delivery of materials with commencement of work 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 Portable Chemical Toilet ("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 six inches (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 construction sites overnight only if additional use of the vehicle will be made within the following three (3) days.

- (ii) All vehicles must comply with City of Houston 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 City of Houston 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 (“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 jurisdictionally-approval facilities are available in the residence.
 - (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) 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 Owner or designated contractor.

- (iii) Should the damage not be repaired in a timely or satisfactory manner after notice 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 serve 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

For requirements related to these items, please refer to 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.*” recorded in the Official Public Records of Real Property of Harris County, Texas under Clerk’s File No. 20120147679.

Article III. Exhibits

- Exhibit A: Memorial Bend Application for Architectural Review
- Exhibit B: Memorial Bend Committee Review Notification Form
- Exhibit C: Certificate of Compliance
- Exhibit D: Fee Schedule

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

RP-2021-160840

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

RP-2021-160840

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: _____

RP-2021-160840

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: _____

RP-2021-160840

Exhibit C

Certificate of Compliance

State of Texas §
 §
County of _____ §

BEFORE ME, the undersigned Notary Public, on this day personally appeared the undersigned affiant, who being by me duly sworn on oath, deposed and said:

"My name is _____ [individual name].

I am the owner of the property _____ [address].

I give this Confirmation of Compliance (the "**Confirmation**") for the benefit of Memorial Bend Civic Association, Inc. ("**MBCA**") with the intention that MBCA rely on this Confirmation and each of my statements contained in it.

As of _____ [completion date] (the "**Completion Date**"), the project that we submitted for review and approval to MBCA through our "**Application for Architectural Approval for Memorial Bend**" dated _____ [date of application] has been completed (the "**Project**").

The Project does and will conform in all respects to our Project application as finally approved and/or conditioned in writing by MBCA.

The foregoing statements are within my personal knowledge and are true and correct."

[printed name], Affiant

SUBSCRIBED AND SWORN TO before me on the ____ day of _____, 20__ by to certify which witness my hand and official seal.

Notary Public, State of _____

RP-2021-160840

Exhibit D

**Memorial Bend Civic Association
Architectural Review Fee Schedule**

The Fees for Architectural Review Submissions and Construction Deposits are as follows:

A. Architectural Review Submission Fees

- | | | |
|----|--------------------------|----------|
| 1. | New Construction Project | \$750.00 |
| 2. | Major Project | 650.00 |
| 3. | Intermediate Project | 250.00 |
| 4. | Minor Project | 100.00* |

*May be reduced at the discretion of the Committee.

The Committee reserves the right, in its sole discretion, to classify projects without regard to project cost, in cases where the Committee determines the project scope, complexity, or other factors so require.

B. Construction Deposit

In addition to the Architectural Review Submission Fee, an Owner shall submit a Construction Deposit for New Construction Projects and Major Projects. The amount of the Construction Deposit is the lesser of one percent (1%) of the total labor and materials cost for the completed project or \$4,000.00. The Construction Deposit is refundable after a satisfactory final construction inspection, based on an executed Certificate of Compliance and verification that no violations of the Guidelines or Declaration are outstanding. The Construction Deposit is not required to be kept in a separate account and may be deposited in the Association's general account.

C. Right to Amend

The Board of Directors has the authority to amend the foregoing Fee Schedule and Construction Deposit requirements from time to time.

RP-2021-160840
Pages 37
03/26/2021 02:10 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$158.00

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.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2021-160840