

MEMORIAL PARKWAY COMMUNITY ASSOCIATION
DEED RESTRICTIONS AND
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

GUIDELINES STATEMENT

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

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

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

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

PROCEDURE

The approved ACC form must be completed in its entirety and mailed or delivered to the address indicated on the form.

All pertinent information such as plans, specifications, building permits, locations of the proposed improvements, and so on, must be indicated on a copy of the survey, etc., and all of these items should be included with the application.

Architectural Control Forms are printed in the monthly Parkscripts magazine, can be obtained from the MPCA office, or on the website at mphoa.org.

The ACC cannot respond to verbal requests for approval – all applications must be made in writing.

Surveys, when included, must be prepared and signed by a registered surveyor, engineer or other qualified professional. The survey must the actual location, in feet and inches, of the proposed building, fence or other improvement on the lot in relation to other buildings and improvements and to all set-back lines, building lines and utility easements on the lot. Measurements should also include the height, width, and foundation size and type of any structure.

The ACC will not approve any structure encroaching on an easement.

The ACC has forty-five (45) days from the date of receipt of an application in which to respond. If additional information is required by the ACC, the application process will be extended accordingly. Plans for the implementation of the proposed improvement(s) should allow for the time required to complete the approval process. No construction should begin prior to the approval. If the ACC does not respond within 45 days, the application is considered approved by default.

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

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

INTRODUCTION

The following are guidelines adopted by the ACC to specify standards, requirements and the process used in evaluating an application. The guidelines may be amended from time to time as the circumstances, conditions or opinions of the ACC determine. It should be noted that each application is considered on its own merit and that the ACC may grant a variance from these guidelines and/or from certain provisions of the CC&Rs to the extent written. The ACC has the right to deny approval for a similar improvement based on the proximity of a property to a main boulevard or the visual relativity of the site to the overall development. As an example, a home located on the perimeter of the development may be permitted to have a certain styled storage building (differing in height), whereas on a main entry boulevard (and depending on the configuration of the lot), this same structure may not be approved due to the visible profile of the location. The intent is to maintain overall integrity within areas that may have higher visual impact. It should also be noted that ACC approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal.

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1. Outbuildings

- a. An “outbuilding” is defined as any structure, which is not attached to the main structure.
- b. The color should match/blend with the approved exterior colors of the main residence.
- c. Materials should match or closely approximate those of the main residence in both size and color.
- d. It should have a peaked roof, no higher than eight feet (8’) from the ground to the highest point, and a maximum of 10’ X 12’ floor space. Structures must be placed and maintained a minimum of five feet (5’) off the rear property and five feet from the side fence.
- e. The location must also be far enough away from the fence to allow for drainage to occur entirely on the owner’s lot.
- f. A storage building over a utility easement will not be approved.
- g. No storage building can be build up against any side or rear wall of a home unless its maximum height is less than six feet (6’) and does not extend above the fence. It must also comply with all the other requirements for proper construction, size and location.
- h. If under six feet (6’), a storage structure may be placed in the side yard, provided a three-foot (3’) minimum setback is observed.
- i. A playhouse/fort must be no higher than 42” above ground and centered in platform, that platform can be no higher than 42” above ground and centered in the back yard to protect the neighbor’s privacy. It shall also be placed so as not to be visible from the fronting street.
- j. Gazebo – A freestanding gazebo must be at least six feet (6’) away from the house. Must be reviewed on a case-by-case basis with a maximum height at peak of eleven feet (11’) and must be five feet (5’) from the side and back fence.

2. PATIO COVERS

- a. Should be constructed of materials that complement the main structure.
- b. Prefabricated covers made of aluminum may be approved provided they are of earth tone color – unfinished aluminum will not receive ACC approval.
- c. All metal must be painted
- d. If attached to house, must be integrated into existing roofline (flush with eaves,) and if it is to be shingled, shingles must match roof.
- e. Entire patio cover and posts should be trimmed out to match house.
- f. Supports must be painted wood, treated wood or metal columns. No pipe is allowed.
- g. At no time, shall a shingled roof be allowed with an unpainted frame. Frames are to be painted to match trim of house whether treated or untreated wood is used.
- h. Patio construction materials are as follows:
 - 1. Painted aluminum (to match trim of house);
 - 2. Painted wood (to match trim of house);
 - 3. Natural pressure treated wood such as cedar, fir, redwood may be used. Treated pine must be painted or stained.
 - 4. Fiberglass is acceptable, and earth tone colors such as tan, brown, and beige, clear may be used. Edges of fiberglass must not be visible from surrounding properties or from any street.
- i. Patio covers may not encroach into any utility easement.
- j. Patio covers must be situated on the lot to provide drainage solely into the owner's lot. If a proposed patio cover location is less than five feet (5') away from side lot line (and the cover is to be solid), the ACC will require it to be guttered with down spouts.

3. Exterior Painting

- a. All homes have some painted areas (such as trim and wood siding areas.) If the owner wishes to paint an area that has not been previously painted or wishes to change a color, approval by the ACC will be required. Owners may change the color of paint used on their home if, in the opinion of the ACC the new color is

compatible with the individual home, the neighborhood and the selected color palette.

- b. All painted surfaces must be clean and smooth with no bare areas of peeling paint, and all surfaces must be free of mildew. All painted areas that have faded and/or deteriorated must be properly repaired.
- c. Earth tone colors are most often used when homes are constructed. In general, an earth tone color should receive ACC approval.
- d. Generally, primary, bright, pastel colors will not be approved. No oranges, reds, blacks, pink, gold, turquoise, or purple will be approved. Blues will be allowed on a case by case basis. Blues must stay within the muted tones. All paint colors will be subject to approval based upon appearance and impact upon the harmony of the community design.
- e. The color of neighboring homes will be taken into consideration, along with the applicant's house brick features.
- f. No painting of brick will be approved. If bricks need to be sealed, a clear sealant should be used, and this will also require ACC approval.

4. Decks

- a. Decks must be located in the rear of the home behind a fence.
- b. Decks may not encroach into any utility easements.
- c. Decks should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lots.
- d. Decks cannot be higher than 48" above grade.
- e. Paint or stain should match the house.
- f. Second story decks will receive ACC approval on a case-by-case basis.
- g. Second story decks will only be approved for those properties that had an original second story deck or with adjacent property owners' approval. This means owners to both sides and the rear of the proposed deck.

5. Swimming Pools and Spas

- a. No pool, spa, or decking that encroaches upon an easement will be approved.
- b. The pool or spa shall be located at least five feet (5') from a side and rear lot line to maintain proper drainage on the lot.
- c. Pool pumps and other equipment must be screened within the fence perimeter and not visible from the fronting street.
- d. Pool enclosures will be reviewed on an individual basis and height should not exceed eight feet (8').
- e. Above ground pools will not be permitted.
- f. All pools must be enclosed within a fenced area. It is the owner's responsibility that the fenced area is maintained and properly secured.

6. Room Additions

- a. Exterior materials and color should match the house as much as possible.
- b. Detailed plans must be submitted to the ACC.
- c. Room additions may not encroach into any utility easement.
- d. Approvals shall be on an individual basis. Size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. Addition of a storage area will not qualify as a bonafide room addition and will not be permitted. Plans for room additions must show a room of reasonable size to constitute a legitimate request for a room addition. Roof of addition must integrate with existing roofline so as to appear to have been part of the original home. The addition must be opened to the main structure and be serviced by central heating, air conditioning and electrical. All such improvements must be designed to building code standards. Room additions may be denied for other reasons (i.e.: structural integrity, architectural suitability, etc.).
- e. Building permits if required by the applicable municipality (city, county, etc.) must be submitted with the "Architectural Control Form".

- f. Addition of a room over a garage will be considered if the main structure has 2 stories.
 1. Cannot be used as living quarters.
 2. Windows cannot be in the back of the structure or on the side overlooking the nearest homeowner's property.
 3. Access to the second floor must be from inside the garage.
 4. Exterior finish must match the main structure in materials and paint. Roofing material must match the roof on the main structure.

7. Driveways and Sidewalks

- a. All driveway extensions require ACC approval and will be reviewed on an individual basis.
- b. Driveway extensions can extend no nearer to side property line than three feet (3') and five feet (5') in certain instances, unless otherwise approved.
- c. The driveway on each Lot shall be constructed of concrete. Other materials (ex. brick) may be used but only if approved in writing by the Architectural Review Committee.
- d. Sidewalks should be no closer than three feet (3') to property line and must be parallel to curb. All sidewalks in the side yard must be no greater than forty-eight inches (48") wide.
- e. All sidewalks which are visible from the street in front of the Lot at ground level or , if a corner Lot, the side street adjacent to the Lot at ground level, shall be paved; chert, gravel and loose stone sidewalks are prohibited.
- f. No driveway or sidewalk shall be painted or stained without the prior written approval of the Architectural Review Committee.
- g. Sidewalks shall not be blocked by any obstructions, for example cars.
- h. The driveway within the boundaries of a Lot, and any portion of a driveway serving a single Lot which extends from the Lot across an unpaved portion of a street, if any, shall be maintained by the Owner of the Lot. All sidewalks within Common Area shall be maintained by the Association, all other sidewalks shall be maintained by the Owner of the Lot on which the sidewalk is situated.

8. Garage Conversions, Carports, Detached Garages

- a. Conversion of garage to living area is not permitted.
- b. All garages must be capable of housing a minimum of two (2) cars at all times. All garage doors shall be operational.
- c. No carports that are visible from the street will be permitted.
- d. Driveways can never be removed from the front yard, even if alternate garage is built.

9. Fences

- a. Fences and gates must be kept in good order. All rotted, rusted or damaged wood or metal must be replaced and all damaged brickwork must be repaired.
- b. Approvals shall be on an individual basis.
- c. No side or rear fence shall be higher than six feet (6') in height (exclusive of bottom rot board which may not be wider than one foot (1')).
- d. Fence extension requests must be submitted jointly by both owners sharing the side lot line and fence, except in the case of a corner lot.
- a. If both owners do not concur as to a proposed fence extension or replacement of an extension, the ACC will not approve the extension.
- e. Replacements or repairs of a fence must be made with similar materials and construction details as used in original fence.
- f. Fencing shall be uniform throughout the development.
- g. Wrought iron may be used in areas or decorative use in sections across driveways or where used across a building line so long as there are not items (storage or otherwise) visible from a fronting street.
- h. Fences will be installed picket side out to the street.
- i. Staining or varnishing of the fence will require ACC approval.
- j. Split rail fences and chicken wire are not permitted.
- k. Wind screen material (or similar material) attached to fences and gates shall be considered on an individual basis for the rear and side fence lines only and shall

not exceed 3 feet (3') in height and will be kept in excellent condition at all times.

- l. Chain link fences will be approved on an individual basis for side and rear fences only.
- m. The requirements set forth above shall also apply to gates.

10. Basketball Goals

- a. The installation of a basketball goal, temporary or permanent, requires ACC approval.
- b. The basketball goal backboard, net and post must be maintained in excellent condition at all times.
- c. Must be mounted on garage or placed on the side of driveway.
- d. Must be placed at least 3 feet behind the frontline of the house.
- e. If placed on the side of the driveway, it must be placed on the driveway side that is closest to the owner's house.
- f. If any complaints are received, the basketball goal will be subject to immediate removal at the request of the ACC.
- g. Rims must be no more than ten feet (10') in height.
- h. Backboards must be regulation size and white in color or transparent.
- i. Portable basketball goals may not be placed in cul-de-sacs, on the street, or curb area.

11. Flagpoles

- a. One (1) in-ground flagpole is permitted on a Lot with the prior written approval of the Architectural Review Committee. An in-ground flagpole must be located in the rear yard of a Lot within the applicable side and rear building setbacks.
- b. No in-ground flagpole may exceed fifteen (15) feet in height.
- c. An in-ground flagpole may not be illuminated.

- d. Only one (1) flag may be displayed on a flagpole at any given time. In-ground flagpoles are intended to display the American flag, the flag of the State of Texas, and seasonal flags. The flag must be kept in good condition.
- e. The Board of Directors shall have the authority to require the removal of any flag that is reasonably deemed to be inappropriate or offensive by reason of condition, color or content.

12. Landscaping

- a. Landscaping shall not change the configuration of the grounds, inhibit sightlines, or use prohibited building materials.
 - 1. The deed restrictions require that certain sight lines remain uninhibited by landscaping within the following restrictions:
 - 2. At each intersection of a driveway and a sidewalk there is a 10-foot triangle within which no planting can exceed 2 feet in height.
 - 3. On corner lots there is a 25 foot triangle in which no planting can exceed 2 feet in height.
 - 4. In the case of trees, no hanging branches below 6 feet from the ground
- b. Landscaping may not be installed in such a manner as to change the topography or drainage of the lot, which may cause water to spread across any other lot.
- c. Landscape timbers, bricks, stone, flower bed borders, landscape lights, trellises and sprinklers may be approved subject to ACC review. Under no circumstances will railroad ties be allowed.
- d. Front lawn shall be comprised of Saint Augustine or Bermuda grass; no rocks or other landscaping materials are allowed.
- e. No vegetable, herb or similar gardens or plants shall be planted or maintained in the front yard of a Lot or in the side yard of a Lot if visible from a street in the Subdivision.
- f. No Owner shall allow the grass on his Lot to grow to a height in excess of six (6) inches, measured from the surface of the ground.

- g. Landscaping must compliment style and architecture of home and conform to color scheme of immediate neighborhood.

13. Exterior Lighting

- a. Additional exterior lighting shall be of a wattage or lumen count that will not adversely affect neighboring homes.
- b. Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
- c. Security, mercury vapor, or fluorescent lights must be attached to the front of the house, preferably the garage. Mercury vapor, fluorescent, and sodium halite may be permitted in backyards as long as it in no way shines onto adjacent property in an offensive manner as determined by the ACC.
- d. Yard lights may be gas or electric. They must be single lamp only and a maximum height of ten feet (10'). They may be located in the front yard or the backyard. Gas or electric lights must be black and kept in excellent condition.

14. Yard Maintenance

- a. All lots shall be kept in a healthful and attractive condition, all weeds removed and grass regularly mowed and edged.
- b. Dead plants, trees and bushes shall be promptly removed.
- c. Tree stumps are to be totally removed.
- d. There shall be no storage of any materials, clutter, debris or other items in public view.
 - 1. NOTE: Covenants give the association the right and responsibility to have unkempt property maintained and to place a lien against the home for expenses after reasonable attempts have been made to communicate with the homeowner of record.
- e. Sidewalks, driveways and curbs must be clean and undamaged, and all seams must be kept free of weeds.

- f. Trash cans must be stored out of view. Trash cans must be set out no earlier than the night before trash pick-up day. Trash cans must be pulled in the by the night of trash day.
- g. No parking of any vehicles will be allowed on the lawn at any time.

15. Decorations

- a. The Architectural Review Committee shall have the authority to require an Owner to remove or eliminate any object situated on such Owners Residential Dwelling or Lot that is visible from a street in the Subdivision or another Lot, if in the Architectural Review Committee's sole judgment, such object detracts from the visual attractiveness of the Subdivision or does not comply with the provisions of this guidelines.
- b. No birdhouses will be allowed on front lawns.
- c. In addition to a mail box, there will be a limit of two other freestanding structures or decorative appurtenances, such as bird baths, swings, fountains, benches, etc. allowed on front lawns of a size that is complimentary to the residence and surrounding landscaping.
- d. House numbers may only be placed on the house, mailbox or curb.
- e. Seasonal decorations shall not exceed 6 feet in height or 5 feet in width, excluding light sets.
- f. Christmas decorations, including lighting, may not be placed on the house or in the front yard prior to Thanksgiving Day, and must be removed no later than January 31.
- g. All other seasonal decorations shall be limited to a maximum thirty- (30) day period.
- h. All lawn ornaments, installed outside of the fenced portion of the property, whether temporary or permanent, will conform to the general restrictions of the ACC
- i. Items on Porches: In general, items kept on porches such as furniture and planters will not require written permission unless a specific complaint is received. The only requirement is that such items be kept in the same quality of

repair as is required of the home and land as specified in the deed restrictions.
The ACC will only make a judgment if a justified complaint is received.

16. Mailboxes

- a. Changes or improvements made to mailboxes will require ACC approval.
- b. Bricked mailbox stands should receive approval provided the brick matches the house, the stand is appropriate in size and design, and will meet U.S. Post Office requirements. A specific sketch should be included with the application.
- c. The size and shape of the mailbox shall be of a standard normally sold in most stores.
- d. Arts and crafts type alteration from standard manufactured shapes (such as pigs, cows, etc) will not be allowed.

17. Children's Swing Sets and Play Structure

- a. One (1) free-standing play structure is permitted on a Lot.
- b. A play structure may not exceed a maximum height of eight feet (8').
- c. A play structure on a Lot must be located within the rear yard behind a fence.
The structure may not be visible from fronting street.
- d. A play structure must be set back at least 5 feet from the rear or side fence lines.
- e. The canopy on a play structure, if any, shall be a solid color, a multi-colored canopy is not permitted.

18. Adult Swing Sets/Outdoor furniture

- a. Maximum height of swing should be no more than 7 feet.
- b. Must be set back at least 15 feet from the street area.
- c. Must be kept in an attractive condition. Metal areas must be kept rust-free.

19. Garbage Disposal and Trash Cans

- a. Trash and garbage receptacles must be stored out of public view.
- b. Trash cans must be set out no earlier than the night before trash pick-up day. Trash cans must be pulled in the by the night of trash day.
- c. No gasoline, motor oil, paint, paint thinner, pesticide or other product considered to be a contaminant or a hazardous substance under applicable federal or state laws and or regulations shall be disposed of on a Lot nor shall any such material be deposited into a storm sewer manhole or drain.

20. Stored Items

- a. Nothing is to be temporarily or permanently stored on the driveway, beside the house or on the front porch.
- b. All items stored must not be viewed from the street.

21. Window Air Conditioners

- a. Must not be visible from street and must be below the fence line.
- b. Cannot be mounted in an upstairs window.

22. Burglar Bars

- a. Acceptable provided they are in harmony with the house.
- b. Painted to match adjacent wall.

23. Window Treatments

- a. Canvas awnings will not be permitted on windows or patios to reduce solar exposure.
- b. Metal and wooden slate-type shades may be allowed by the ACC if they are deemed necessary in reduction of solar exposure and installation on appropriate

windows will be determined by ACC. At no time, however, will they be allowed on windows on the front of the homes.

- c. No foil coverings will be allowed on windows. Solar film is acceptable.
- d. No blankets, sheets, or any other window coverings are allowed. If there are no window coverings on the front windows of a home and you can see stored items from the street you will be required to install mini blinds.
- e. Drapes, linings and all other types of window coverings, which are visible from a street in the Subdivision or a neighboring Lot, must be white or beige.
- f. Storm windows and storm or screen doors are acceptable provided the frames of these are of a color compatible with the exterior house colors. Storm windows and storm or screen doors must receive prior ACC approval.

24. Antennas and Dish-type Devices

- a. No direct broadcast satellites or multi-channel dish distribution type devices shall exceed 39 inches in diameter on any lot.
- b. All such devices requires written ACC approval prior to installation
- c. The site must be shown in a plot plan
- d. An approval will not affect the owner's obligation to comply with all governmental laws and regulations and other such restrictions affecting the lot concerned.
- e. Dish devices, antennas, and any mast or anchoring structure must be located to the rear half of the lot and must serve only one household.
- f. Any such roof device shall not extend above the roof of the house or be visible from the street, to the extent feasible.
- g. No such device can be placed upon any easement.
- h. All such devices must be securely mounted on a base to withstand the effects of high winds or other extraordinary weather conditions but no guy wires or similar mounting apparatus will be allowed.
- i. No slogans or advertising, other than the manufacturer's logo, will be permitted on any such device.
- j. No such device is ever allowed to send or receive ham radio signals.

- k. No such device shall be permitted to cause distortion or interference with other electronic devices in the subdivision.
- l. All such devices must be one solid color and blend or match the color of the roof or house on the lot.
- m. All such devices shall be installed in a manner that complies with all applicable laws and regulations and manufacturer's instructions.

25. Wind Turbines

- a. Wind turbines must be painted to match the roof color and mounted on the rear of the roofline when possible.
- b. Ridge vents should be covered with matching roof material.

26. Outdoor Carpeting

- a. Can only be installed on porch area at the rear of the house and should not be visible from the street.
- b. Earth tone colors are acceptable

27. Easement Encroachment

- a. The ACC will not approve buildings and other improvements that encroach into an easement.