

WEST MEMORIAL CIVIC ASSOCIATION

CERTAIN POLICIES & GUIDELINES REGARDING DEED RESTRICTION MATTERS

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- I. Name of the subdivision: West Memorial, Section One (1); West Memorial, Section Two (2); West Memorial, Section Three (3); West Memorial, Section Four (4); and West Memorial South, Section One (1).
- II. Name of association: West Memorial Civic Association
- III. Subdivision recording data (i.e. the map or plat recording data for each section in the subdivision):

<u>Subdivision Name/Section</u>	<u>Map /Plat Recorded in Clerks File/Film No.</u>
West Memorial, Section One (1)	D200694;
West Memorial, Section Two (2)	D609426;
West Memorial, Section Three (3)	E711255;
West Memorial, Section Four (4)	E125153; and
West Memorial South, Section One (1)	F128962

- IV. Declaration of Covenants, Conditions and Restrictions recording data: (the recording data for each Declaration for each section in the subdivision):

<u>Subdivision Name/Section</u>	<u>Declaration Recorded in Clerk's File No.</u>
West Memorial, Section One (1)	D306992;
First Amendment West Memorial, Section One (1)	D551659;
West Memorial, Section Two (2)	D794098;
West Memorial, Section Three (3)	E249606;
West Memorial, Section Four (4)	E190685; and
West Memorial South, Section One (1)	F259846.

- V. Pursuant to Sections 202.007, 202.009, 202.010, 202.011, 202.018, Title 11 of the Texas property code, policies/guidelines regarding flag display, religious display, political signage display, solar energy devices & roofing materials, and composting, harvesting & irrigation devices & systems were approved by a regular meeting of the Board of Directors for the WEST MEMORIAL CIVIC ASSOCIATION, hereinafter referred to throughout as the "Association", said meeting being properly called and a quorum being present on the 25 day of October, 2011.

A. FLAG DISPLAY POLICY

- 1. ARCHITECTURAL CONTROL/REVIEW COMMITTEE APPROVAL REQUIRED. The Association may adopt or enforce reasonable dedicatory instrument provisions to regulate the size, number, and location of flagpoles on which flags are displayed; therefore, a written architectural application must be submitted, and written approval be granted by the Architectural Control/Review Committee prior to erecting a permanent flagpole or exterior illumination.
- 2. ARCHITECTURAL CONTROL/REVIEW COMMITTEE SUBMISSION REQUIREMENTS. A copy of the existing site plan showing the house and other structures, fences, significant vegetation, property and setback lines with the following information: the proposed location and dimensions of the flag and flagpole, materials and finish of flagpole, materials and finish of proposed lighting fixture, location and bulb color and wattage.
- 3. FLAGS. This policy is only for the display of the flag of the United States of America; the flag of the State of Texas; and an official or replica flag of any branch of the United States Armed Forces on any

property. No disrespect should be shown to the flag of the United States of America. Flags shall be no larger than 3 feet by 5 feet.

4. **FLAGPOLES.** No more than one building or pole-mounted flagpole not to exceed 20 feet in height will be permitted on any property. Any flagpole attached to a dwelling or a freestanding flagpole must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling. The display of a flag, or the location and construction of the supporting flagpole, shall comply with applicable zoning ordinances, easements, and setbacks of record. Flagpoles should be located so as to minimize their impact on neighboring properties. When locating freestanding flagpoles, the size of the property, relationship to adjacent residences, the size of the flag, the height, color and material of the pole shall be considered.
5. **CONDITION.** A displayed flag and the flagpole on which it is flown shall be maintained in good condition. Any deteriorated flag or deteriorated or structurally unsafe flagpole shall be repaired, replaced, or removed.
6. **NOISE.** Flags shall be displayed in such a manner so as to abate noise caused by an external halyard of a flagpole so as to not be a nuisance, irritant or adversely impact other neighboring property owners.
7. **LIGHTS.** Any lighting used to illuminate a displayed flag must not be a nuisance or impact neighboring properties with regard to glare or intensity. Lighting which is part of the original structure may not be altered without prior approval. Proposed replacement or additional fixtures must be compatible in style and scale with the existing property. Exterior lighting shall not be directed outside the owner's property, and should not have an adverse visual impact upon adjoining neighbors.
8. **ASSOCIATION PROPERTY.** Property Owners may not locate a displayed flag or flagpole on property that is owned or maintained by the Association.

B. RELIGIOUS DISPLAY POLICY

1. **ENTRY DISPLAY.** The Association will not enforce or adopt a restrictive covenant that prohibits a property owner or resident from displaying or affixing on the entry to the owner's or resident's dwelling one or more religious items, the display of which is motivated by the owner's or resident's sincere religious belief. The association may remove an item displayed in violation of a restrictive covenant permitted by the following paragraphs.
2. **PROHIBITED.** The Association is not prohibited from enforcing or adopting a covenant that, to the extent allowed by the constitution of this state and the United States, prohibits the display or affixing of a religious item on the entry to the owner's or resident's dwelling that: (i) threatens the public health or safety; (ii) violates a law; (iii) contains language, graphics, or any display that is patently offensive to a passerby; (iv) is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the owner's or resident's dwelling; or (v) individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size of greater than 25 square inches.
3. **ENTRY DOOR.** Owner or resident may not use a material or color for an entry door or door frame of the owner's or resident's dwelling, or make an alteration to the entry door or door frame that is not authorized by the restrictive covenants governing the dwelling.

C. POLITICAL SIGNS DISPLAY POLICY

1. **SIGN DISPLAY PERIOD.** The association will not enforce or adopt a restrictive covenant that prohibits a property owner from displaying on the owner's property one or more signs advertising a political candidate or ballot item for an election: (i) on or after the 90th day before the date of the election to which the sign relates; or (ii) before the 10th day after that election date.

2. **SIGN DISPLAY ENFORCEMENT.** The Association may enforce or adopt a covenant that requires a sign to be ground-mounted, or that limits a property owner to displaying only one sign for each candidate or ballot item. The Association is not prohibited from enforcing or adopting a covenant that prohibits a sign that: (i) contains roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component; (ii) is attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object; (iii) includes the painting of architectural surfaces; (iv) threatens the public health or safety; (v) is larger than four feet by six feet; (vi) violates a law; (vii) contains language, graphics, or any display that would be offensive to the ordinary person; or (viii) is accompanied by music or other sounds, or by streamers, or is otherwise distracting to motorists.
3. **SIGN REMOVAL.** The Association may remove a sign displayed in violation of a restrictive covenant permitted by the paragraph above labeled 'Sign Display Period' and 'Sign Display Enforcement'.

D. SOLAR ENERGY & ROOFING MATERIAL POLICY

1. **ARCHITECTURAL CONTROL/REVIEW COMMITTEE APPROVAL REQUIRED.** The Association requires that a written architectural application be submitted and written approval be granted by the Architectural Control/Review Committee prior to the installation of any solar energy device or roofing materials. "Solar energy device" has the meaning assigned by Section 171.107, Tax Code. Approval for installation of a solar energy device shall not be withheld if the provisions of the dedicatory instruments and conditions contained in this policy are met or exceeded, unless it is determined in writing that placement of the device as proposed by the Owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. For purposes of making a determination, the written approval of the proposed placement of the device by all property owners of adjoining properties constitutes prima facie evidence that such a condition does not exist.
2. **SOLAR DEVICE INSTALLATION.** The Association will include or enforce a provision in a dedicatory instrument that prohibits a solar energy device that: (i) is located in an area on the Owner's property other than the roof of the home or another structure allowed under a dedicatory instrument; or (ii) in a fenced yard or patio owned and maintained by the property Owner; (iii) if located in a fenced yard or patio, is taller than the fence line; or (iv) as installed, voids material warranties; or (v) was installed without prior approval by the Architectural Control/Review Committee.
3. **ROOF MOUNTED SOLAR DEVICE.** The Association will include or enforce a provision in a dedicatory instrument that prohibits a solar energy device which if mounted on the roof of the home: (i) extends higher than or beyond the roofline; (ii) is located in an area other than an area designated by the Association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the device if located in an area designated by the Association; (iii) does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or (iv) has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace.
4. **ROOFING MATERIALS.** The Association will not include or enforce a provision in a dedicatory instrument that prohibits or restricts an Owner who is otherwise authorized to install shingles on the roof of the Owner's property from installing shingles that are designed primarily to: (i) be wind and hail resistant; (ii) provide heating and cooling efficiencies greater than those provided by customary composite shingles; or (iii) provide solar generation capabilities; and when installed resemble the shingles used or otherwise authorized for use on property in the subdivision; are more durable than and are of equal or superior quality to the shingles which are wind and hail resistant; and match the aesthetics of the property surrounding the owner's property.

5. **PROHIBITION.** The Association will not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device unless the solar energy device threatens public health or safety or violates a law as adjudicated and determined by a court. During the development period, the declarant may prohibit or restrict a property owner from installing a solar energy device. Property Owners may not locate any solar energy device or install roofing materials on property that is owned or maintained by the Association.

E. COMPOSTING, RAIN HARVESTING & IRRIGATION POLICY

1. **ARCHITECTURAL CONTROL/REVIEW COMMITTEE APPROVAL REQUIRED.** A written architectural application must be submitted and written approval be granted by the Architectural Control/Review Committee prior to the installation of any composting device, rain barrel/rain harvesting system, water conservation or irrigation system.
2. **COMPOSTING.** The Association will not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from implementing measures promoting solid-waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass. However, the Association will regulate requirements, including size, type, shielding, and materials, for or the location of a composting device so long as the restriction does not prohibit the economic installation of the device on the owner's property where there is reasonably sufficient area to install the device. Composting devices must be installed in fenced yard or patio of an owner's property.
3. **IRRIGATION SYSTEMS.** The Association will not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from implementing efficient irrigation systems, including underground drip or other drip systems. However, it will regulate the installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes.
4. **WATER CONSERVATION.** The Association may restrict the type of turf used by a property owner in the planting of new turf to encourage or require water-conserving turf. The Association is not prohibited from regulating the installation or use of gravel, rocks, or cacti or yard and landscape maintenance if the restrictions or requirements do not restrict or prohibit turf or landscaping design that promotes water conservation.
5. **RAIN BARRELS OR RAINWATER HARVESTING SYSTEMS.** The Association will not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing rain barrels or a rainwater harvesting system. However, the Association will not permit a rain barrel or rainwater harvesting system to be installed in or on a property: (i) if the property is located between the front of the property owner's home and an adjoining or adjacent street; or (ii) the barrel or system is of a color other than a color consistent with the color scheme of the property owner's home; or (iii) displays any language or other content that is not typically displayed by such a barrel or system as it is manufactured. The Association will regulate the size, type, and shielding of, and the materials used in the construction of, a rain barrel, rainwater harvesting device, or other appurtenance that is located on the side of a house or at any other location that is visible from a street, another lot, or a common area if the restriction does not prohibit the economic installation of the device or appurtenance on the property owner's property; and there is a reasonably sufficient area on the property owner's property in which to install the device or appurtenance.
6. **ASSOCIATION PROPERTY.** Property Owners may not locate a composting device, rain harvesting or irrigation system on property that is owned or maintained by the Association.

