

**MEMORIAL NORTHWEST  
HOMEOWNERS ASSOCIATION**  
(a Texas Non-Profit Corporation)

**ARCHITECTURAL CONTROL COMMITTEE ("ACC")  
GUIDELINES**

**PRECAUTIONARY NOTE:** Regardless of the contents of these Guidelines, the Architectural Control provisions contained in the applicable provisions of the various restrictive covenants and conditions (the "Restrictions" or "Deed Restrictions") for the numerous Sections within Memorial Northwest Subdivision within the jurisdiction of the Memorial Northwest Homeowners Association (the "Association") must be adhered to in all respects. In all cases, an application for approval, accompanied by detailed plans and specifications of the proposed improvement (whether new construction or alteration/modification of existing buildings, structures or improvements of any nature) must be submitted to the Architectural Control Committee (the "ACC"), and approval therefor received in writing, prior to beginning construction. All mandatory provisions of the Declaration (e.g., square footage, percentage brick and building set-back requirements, etc.) must be strictly adhered to, unless a prior written variance is obtained from the Association's ACC.

All construction, repairs, modifications and/or improvements must be completed in a good, workmanlike and aesthetic manner, and must be completed within the time specified in the applicable ACC approval. All ACC applications for room additions, outbuildings, patio covers, structures, fences, antennae, and other improvements must be accompanied by detailed plans and specifications therefor. Such plans must clearly delineate the location and dimensions of the proposed construction in relation to the dimensions of the proposed construction in relation to the dimensions of the lot, existing buildings and/or structures located thereon, and applicable building or setback lines. The building, structure, improvement, repair or modification may be required to be removed or altered if it is constructed or performed in any manner or in any location other than that specifically approved by the ACC.

**GUIDELINES SUBJECT TO CHANGE:** These Guidelines may be modified from time to time by the Association and its ACC should such modifications be deemed in the best interest of the Memorial Northwest Subdivision and/or the homeowners/residents thereof. In the event that these Guidelines have been distributed to the Association's membership, any modifications hereto shall be by written instrument and a copy thereof shall be mailed to all homeowners/members by regular U. S. mail at their respective addresses as reflected in the Association's then current records of ownership.

**ASSOCIATION AND ACC DISCLAIMER:** The Association and its ACC specifically deny and disclaim any liability or responsibility of any nature regarding the ramifications, impact or result of any ACC approval concerning: 1) adherence with Federal, State or local laws, licensing requirements, guidelines, inspection and/or permit requirements, rules or regulations; 2) injury or damage to persons or property; 3) quality of construction; and 4) impact on the value of the homeowner's property. Unless a specific detailed written variance is issued by the ACC, no construction, repair or modification project may be performed in violation of any of the provisions contained in the applicable Deed Restrictions.

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1.0 **OUTBUILDINGS/ROOM ADDITIONS, ETC.**

1.1 Room additions, porches, patio covers, porte cocheres and like additions must conform to site location requirements, observing

easements, building lines and setback lines as provided in the Deed Restrictions , maps or plats and be constructed of materials consistent in architectural appearance and quality with the main structure.

Additional buildings placed on the lot, such as storage buildings, gazebos, playhouses, etc. may be approved for backyard location behind approved fences only, and must adhere to site locations, observing easements, building lines and setback lines as provided in the Deed Restrictions, maps or plats. These buildings must also be constructed of materials consistent with the materials on the main structure (with coordinating or matching color) and must meet the ACC's standard of workmanship and quality. Applications for greenhouses shall be considered on a case-by-case basis.

- 1.2 The Architectural Control Committee ("ACC") will consider the following:
  - a. The color(s) should match/blend with the predominant exterior color of the main residence.
  - b. Materials should match those of the main residence in both size and color. Plywood may not be used as siding. Material designed to be used for exterior siding should be used as siding. However, the ACC may approve small prefabricated metal storage buildings provided the color blends with the main residence.
  - c. The structure(s) should have a peaked roof no higher than eight feet (8') from the ground to the highest point and a maximum of one hundred twenty (120) square feet of floor space. A maximum of 10' x 12' of floor space is recommended. The structure(s) must be kept a minimum of ten feet (10') off the rear property line and five feet (5') from the side property line. Location must also be far enough away from the fence for drainage to occur entirely on the owner's lot.
  - d. A storage building placed on a concrete slab on top of a utility easement will require a letter of Consent to Encroach issued by the applicable utility company(s) as it will not be considered portable. If a storage building is not on the utility easement, but on a slab, and can be moved, the ACC will consider it as portable.

- e. No storage building can be built abutting any side or rear wall of the residence unless its maximum height is less than six feet (6') and it is not visible above the fence. It must also comply with all the other requirements for construction, size and location.
- f. If the storage building is less than six feet (6') in height and is located behind a wooden fence, it may be placed in the side yard provided the side setback line as outlined in item "c" above is observed.
- g. Playhouses/forts may not exceed ten feet (10') in height. If the structure has a platform, the platform can be no higher than six feet (6') off ground and must be in a position in the backyard to protect neighbor's privacy (See also Paragraph 21.4 hereinbelow).
- h. Gazebo - Freestanding - Must be located behind a wooden fence and must be at least ten feet (10') from the house. Gazebos will be considered on a case-by-case basis, with a maximum height at peak of eleven feet (11'). Side and back setback lines must be adhered to.
- i. Greenhouses shall meet the requirements of 1.2 c above.

## 2.0 **BASKETBALL GOALS & VOLLEYBALL/BADMINTON GOALS/NETS**

- 2.1 The basketball goal backboard, net and post must be maintained in excellent condition at all times.
- 2.2 The basketball backboard may be mounted on the garage or placed on a pole on the side of the driveway. If the residence is a corner lot and the resident driveway accesses the side street, the goal post may be approved when placed adjacent to the driveway on or behind the property line on the side street. Basketball goals may not be installed, placed or located at any location directly or diagonally in front of the primary residence on the lot. Further, no basketball goal may be placed closer than ten feet (10') to any street curb. Only a single basketball goal may be installed at any one residence.
- 2.3 Portable basketball goals not located as provided above may not remain in unapproved locations when not in use; provided, however, that no portable basketball goal may at any time be

located on a street or placed in such a location as to occasion basketball play in the street.

- 2.4 Basketball goals may be approved for backyard placement when building setback lines and easements are observed.
  - 2.5 If the backboard is mounted onto the roof of the garage, the mounting structure must be painted to match the primary color of the residence.
  - 2.6 Backboards must be regulation size and color, and may not exceed regulation height. Poles must be painted white, black or a color that blends with the main color of the residence.
  - 2.7 If the basketball goal is allowed to fall into a state of disrepair, the basketball goal, and all components thereof, will be subject to immediate removal at the request of the ACC.
  - 2.8 Any badminton net, volleyball net, soccer goal, trampoline or other such structure may be approved for backyard placement only and only if installed behind a perimeter fence enclosing the backyard of the property. Consideration should be given to the placement of the net, goal, trampoline or other such structure, which structure should be located as far as possible from the property fence line.
- 3.0 **PATIO COVERS**
- 3.1 Patio covers should be constructed of materials which compliment the main structure.
  - 3.2 Prefab covers made of aluminum, other metals or fiberglass will NOT be approved.
  - 3.3 If attached to the house, a patio cover must be integrated into the existing roof line (flush with eaves), and the shingles must match the roof of the residence (e.g., color, weight, material and method of installation). The roof of the patio cover may not exceed in height (at any point) the height of the roof of the primary residence. The entire patio cover and posts should be trimmed to match the house. Supports must be painted wooden or metal columns. No exposed pipe is allowed.
  - 3.4 Acceptable patio construction materials are as follows:
    - A. Painted wood (to match trim of house).

B. Natural pressure treated wood such as cedar, fir, pine and redwood may be used. Treated pine must be painted or stained.

C. Neither canvas, nor any other cloth material, may be used as a roofing material on a patio cover.

3.5 Patio covers may not encroach into a utility easement unless the utility company(s) involved have granted their written consent to such encroachment.

3.7 Patio covers must be situated on the lot so as to provide drainage solely into the owner's lot and must comply with side and rear set back lines.

#### 4.0 **ROOM ADDITIONS** (see also Section 1.0 of these Guidelines)

4.1 Exterior materials and colors must match the main structure of the residence.

4.2 Room additions may not encroach into any utility easement unless the utility company(s) involved have granted their written consent to such encroachment.

4.3 Approval of size and shape will depend on architectural style and layout of home, size of lot, and how well the room addition is integrated with the existing residence. Addition of a storage area will not qualify as a bonafide room addition. Such an addition must be of reasonable size to constitute a legitimate request for a room addition. The roof of an addition must integrate with the existing roof line of the primary residence so as to appear to have been part of the original home. The roof of any addition must match the roof of the primary residence in all respects (e.g., color, weight, material and method of installation), and may not exceed in height (at any point) the height of the roof of the primary residence. Room additions cannot exceed in size one-third (1/3) of the remaining backyard, and may be denied for other reasons (i.e., structural integrity, architectural suitability, etc.).

4.4 All required permits must be submitted with the Request for Home Improvement Application form (i.e., ACC application form). In some instances, the ACC will grant approval with the provision that a copy of the permit must be received by the ACC within thirty (30) days from the date of the ACC's approval letter.

#### 5.0 **EXTERIOR PAINTING**

- 5.1 The color of the other subdivision homes will be taken into consideration, along with the applicant's house brick features. The ACC's goal here is to maintain the Subdivision's architectural color scheme in a consistent and aesthetic manner.
- 5.2 A predominant exterior color and an exterior trim color may be approved. Nor more than two (2) exterior colors will be approved for any premises.
- 5.3 The ACC application must delineate the location(s) of the predominant and trim paint colors proposed for use. A color sample or samples, as applicable, must be attached to the ACC application.

#### 6.0 **STORM WINDOWS AND STORM/SCREEN DOORS**

- 6.1 Providing the frame of these are of a color compatible with the exterior house colors, storm windows and storm or screen doors may receive ACC approval.

#### 7.0 **DECKS**

- 7.1 Decks may not encroach into any utility easement unless the utility company(s) involved have granted their written consent to such encroachment.
- 7.2 Decks should be situated on the lot so that they do not pose a problem for the effective drainage of the lot or neighboring lots.
- 7.3 Decks cannot be more than twelve inches (12") in height.
- 7.4 If painted, paint color should match the exterior color of the residence.
- 7.5 Natural pressure treated wood, such as cedar, fir, pine or redwood may be used.
- 7.6 Decks may only be installed behind a perimeter fence and may not be visible from any street.

#### 8.0 **SWIMMING POOLS AND SPAS**

- 8.1 No pool or spa of any type may encroach into any utility easement unless the utility company(s) involved have granted their written consent to such encroachment.

8.2 Any pool or spa must be located at least five feet (5') from a side and ten feet (10') from a rear lot line in order to adhere to setback lines and to maintain property drainage on the lot.

8.3 Above ground pools will not be approved.

8.4 Pools must be completely enclosed by a secure fence in accordance with Section 11 hereof. All governmental safety requirements must be adhered to

8.5 Pools or spas may NOT be located in the front of a residence.

#### 9.0 **SOLAR COLLECTORS**

9.1 No solar collector shall be installed without the prior written approval of the ACC. Such installation shall be in harmony with the design of the residence. Solar collectors shall be installed in a location not visible from the public street toward which the residence faces.

#### 10.0 **AERIAL AND SATELLITE DISH ANTENNAE**

**\*\*\*See separate Aerial and Satellite Dish Antennae Guidelines recorded, or to be recorded, in the Official Public Records of Real Property of Harris County, Texas.**

#### 11.0 **FENCES**

11.1 No fence, wall, hedge, pergola or other attached or detached structure shall be erected, grown or maintained on any part of any lot parallel to the street and/or forward of the building line of such lot, as the case may be. No fence may project closer to the street than the applicable front corner of the primary residence (dwelling) on that Lot. Fences visible from any street should be constructed in such a manner that smooth face pickets will face the street and horizontal or diagonal rails and vertical posts face into the rear or side yard.

11.2 In no event shall fences or walls constructed of chain link or any form of metal, wire or wire mesh be erected on any lot. No wall, pergolas, or other attached or detached structures, such as bird baths, statues, benches or topiaries, shall be erected or maintained on any part of the lot forward of the front building line or side building line on side facing street. All fences located along the

outer perimeter of any lot must be six feet (6') in height and constructed of cedar wood, unless otherwise approved by Declarant, its assigns, or by the Association's ACC, as applicable.

- 11.3 Fences are customarily six feet (6') in height.
  - 11.4 No painting, staining, or varnishing of fences shall be permitted. Clear weatherproofing is allowed.
  - 11.5 Wood fences shall be constructed of cedar wood only.
  - 11.6 No fences of any kind, including, but not limited to, split rail fences or decorative fencing are permitted in the front yard. No fence may be forward of the primary residence.
  - 11.7 No fence may extend so as to encroach across the front of building lines.
  - 11.8 Fences visible from the street must be installed picket side out.
  - 11.9 Replacement or repairs of fence must be made with substantially the same materials and quality of construction as used in the original fence.
  - 11.10 No chain-link, metal or wire fence will be permitted on any Lot.
  - 11.11 Plain black painted wrought iron fences may be allowed to a height of six feet (6'). Wrought iron gates may peak at eight feet (8') in height if approved by the ACC.
- 12.0 **DECORATIONS AND SIGNS**
- 12.1 On front lawns of lots and on any portion of a lot visible from any street there shall be no decorative accessories placed such as sculptures, birdbaths, birdhouses, fountains or other decorative embellishments unless such specific items have been approved in writing, in advance, by the ACC.
  - 12.2 Benches, burglar bars and gates will be reviewed on an individual basis.
  - 12.3 House and curb numbers (appropriate in size, shape and color) may be placed on a house, curb or mailbox, but not on any type of freestanding structure in the front yard.

12.4 Signs may not promote any commercial entities and may not constitute a nuisance or an eyesore to the community.

12.5 No sign or emblem of any kind may be kept or placed upon any Lot or mounted, painted or attached to any building, fence or other improvement upon such Lot so as to be visible from public view with the possible exception of the following (which the Committee may review on an individual basis):

- For Sale/Lease Signs. An owner may erect one (1) sign on his Lot, not exceeding 2' X 3' in dimension, fastened only to a stake in the ground and extending not more than six feet (6') above the surface of such Lot. Such sign shall be for the purpose of advertising the property (Lot) for sale or lease.

- Builder Signs. Any home builder may utilize one (1) professional sign, of not more than five (5) square feet in size, per Lot for the purpose of advertising and sales promotion of such house for sale.

- Political Signs. Political signs may be erected upon a Lot by the owner(s) of such Lot advocating the election of one or more political candidates or the sponsorship of a political party, issue or proposal, provided that such signs shall not be erected more than thirty (30) days in advance of the date of election to which they pertain and shall be removed within ten (10) days after such elections.

- School Spirit Signs. Signs containing information about one or more children residing in the house and the school they attend may be permitted so long as the sign is no larger than 3' X 3'. The sign may not be nailed to a tree, hung from the house or hung from a tree, but must be mounted on a pole. There shall be no more than one (1) sign for each child under the age of eighteen (18) residing in the house. Banners of any kind are not permitted.

- Security Signs/Stickers. A sign or window sticker provided to an owner by a commercial security or alarm company providing service to the house may be permitted so long as the sign is not more than 1' X 1' or the sticker is no more than 4" X 4".

### 13.0 **EXTERIOR LIGHTING**

- 13.1 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring homes.
- 13.2 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
- 13.3 Aesthetically installed low voltage landscape lighting may receive ACC approval.
- 13.4 Yard lights in front or back may be gas or electric, with a maximum height of six feet (6'). Gas or electric light posts must be black, brown or white depending on the color of the residence and which color will suitably blend with the main color of the residence.

14.0 **MAILBOXES**

- 14.1 Mailboxes and stands must be in aesthetic harmony with the surrounding neighborhood.
- 14.2 If the post is to be painted or stained, a paint sample must be included with the application. The ACC will consider the affect a painted or stained post will have on the architectural scheme of the neighborhood. If the proposed color will not readily blend in with the surrounding materials, that portion of the application will be denied.
- 14.3 Bricked mailbox stands may receive approval, providing that the brick matches the house, the stand is appropriate in size and design and meets U.S. Post Office requirements. A specific sketch should be included with the application.

15.0 **WIND TURBINES/GENERATORS**

- 15.1 Wind turbines should be mounted in the rear portion of the roof so that they are not visible from the front or above the roof line.
- 15.2 The wind turbines should either be a color which will blend with the shingle color or unfinished aluminum.
- 15.3 No wind generators shall be erected or maintained on any Lot if said wind generator is visible from any other Lot or from any street within the Subdivision.

16.0 **OUTDOOR CARPETING/PAINTED CONCRETE**

16.1 Outdoor carpeting may not be installed in any location visible from any street.

16.2 Earth tone colors are acceptable and preferable.

16.3 No concrete slab visible from any street may be painted any color, including, but not limited to, driveways, sidewalks and porches.

17.0 **BURGLAR BARS**

17.1 Burglar bars may be approved provided they are in harmony with the residence and painted to match the exterior.

18.0 **BIRDHOUSES**

18.1 Birdhouses must be mounted on two inch (2") diameter metal pipe painted white or black, or a color blend to match the house.

18.2 Birdhouses must be placed in the backyard, must adhere to setback requirements and must be securely installed with a concrete base.

19.0 **LANDSCAPING**

19.1 Timbers, bricks, stones, flower bed borders, landscape lights, trellises and sprinklers must compliment style and architecture of home, and conform to color scheme of neighborhood.

20.0 **FLAGPOLES**

20.1 No flagpole shall be permanently erected on any Lot unless prior written approval has been granted by the ACC. A permanent mounting device for temporary flagpole installation may be utilized; however, such devices must be securely installed and must be approved in advance by the ACC.

21.0 **PLAYGROUND EQUIPMENT**

21.1 Maximum height of ten feet (10').

21.2 Location must be behind property fence, and will be considered for neighbor's privacy.

21.3 Portable toys or play equipment when not in use must be stored so they cannot be seen from any street and/or from adjacent property from ground level.

21.4 Playhouses/forts may not exceed ten feet (10') in height. If the structure has a platform, the platform can be no higher than six feet (6') off the ground and must be in a position in the backyard to protect neighbor's privacy. "Ground level" may not be increased in height in an effort to usurp this provision. Playhouse/fort roofs must be constructed of either: a) approved composition shingles; b) exterior grade plywood painted an approved color; or c) approved dark green or brown canvas. Playhouse/forts and the roofs thereof must be kept in good repair and aesthetic in appearance at all times.

## 22.0 **DRIVEWAY EXTENSIONS/SIDEWALKS**

22.1 Will be considered on a case-by-case basis.

## 23.0 **GARAGE CONVERSIONS AND PORTE COCHERES/CARPORTS**

23.1 Garage conversions are not permitted unless they are done in conjunction with the construction of another garage approved by the ACC. Exterior finishing must compliment the existing residence.

23.2 No porte cochere shall be erected or permitted to remain on any lot without the express prior written approval of the ACC. Said approval will be denied unless the porte cochere is shown to be an integral part of the residence, with any construction using the same design, color and materials of the primary residence. See also Sections 1.0, 1.1 and 1.2 hereof. Carports are expressly prohibited.

## 24.0 **WINDOW AIR CONDITIONERS**

24.1 Window air conditioners are NOT permitted.

## 25.0 **WINDOW SHADES/AWNINGS/CANOPIES**

25.1 Homeowner/resident shall, in advance, request Architectural Control Committee approval in writing and affix thereto all applicable plans and specifications.

- 25.2 Advance written approval from the Memorial Northwest Homeowner Association's Architectural Control Committee is required prior to installation of an awning or canopy, which installation must be in harmony with the architectural scheme of the subdivision.
- 25.3 Cloth awnings or canopies are acceptable so long as they are constructed of canvas and comply with all requirements hereof.
- 25.4 Awnings and canopies may not be constructed to the front or side of any residence within the subdivision. Accordingly, such awnings or canopies may be constructed to the rear or back of a residence only and they must be securely fastened to the residence.
- 25.5 Cloth awnings or canopies may not be constructed above doorways. Rather, said awnings or canopies may be constructed above windows only. Cloth patio covers, regardless of the material, are specifically prohibited.
- 25.6 Only approved subdued colors, or such other color(s) as may be mutually agreed upon by the homeowner and the Architectural Control Committee, are allowed. The color must blend well with the color of the brick and trim of the residence, as well as the neighborhood surroundings.
- 25.7 Awnings and canopies must be tailored (i.e., simple and trim in design and constructed of sturdy material). Scollops are prohibited.
- 25.8 After approval and construction, awnings or canopies must be properly maintained so as to maintain the aesthetic environment of the subdivision.
- 25.9 Faded, mildewed, torn or otherwise unsightly awnings or canopies must be immediately removed (or replaced if necessary to coordinate with other existing awning(s) or canopy(s); and
- 25.1 Awnings or canopies constructed over numerous windows must be maintained so as to appear uniform in accordance with the original Architectural Control Committee approval.

26.0 **ROOFING MATERIALS**

- 26.1 The roof of any home constructed shall be constructed or covered with asphalt or composition type shingles comparable in color to wood

shingles. The decision of such comparison shall rest exclusively with the ACC. Any other type of roofing material shall be permitted only at the sole discretion of the Architectural Control Committee upon written request.