

Architectural Guidelines
San Miguel Civic Association

ARCHITECTURAL CONTROL COMMITTEE

SAN MIGUEL CIVIC ASSOCIATION

COMPLIANCE GUIDELINES

JUNE 1993

SMCA ACC GUIDELINES

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ARCHITECTURAL CONTROL COMMITTEE OUTLINE: MISSION STATEMENT: RULES & GUIDELINES

The Architectural Control Committee (ACC) was created to enhance property values by requiring conformity to certain standards of construction, visual appeal, uniformity and design. The Covenants, Conditions and Restrictions (CCR'S) are the basis of the DEED RESTRICTIONS. It is the general purpose of the ACC to approve or disapprove applications made to it for proposed alterations, additions or changes to be made to the exterior of the house and/or lot itself. The ACC is governed by the Homeowners Association Board of Directors, who are elected by the homeowners at the annual meeting in March of each year.

The CCR's provide that "No building, fence, wall structure, improvement, exterior appurtenance, or exterior corporeal hereditament, except landscaping (landscaping defined as "living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth; i.e., bark, mulch, etc. Trellises, window boxes, arbors, and permanent brick borders must have Architectural Control Committee approval. Landscape timbers and bricks without mortar do not need Architectural Control Committee approval unless they exceed a height of two (2) feet), shall be commenced, erected, placed, or altered on any Lot, nor shall any exterior addition to or change or alteration, other than landscaping, be made to the Lot, improvements, appurtenances, or corporeal hereditament until the construction plans and specifications describing the nature, kind, shape, height, materials and a plot plan showing the location of same, have been approved in writing." Landscaping does not generally require ACC approval unless specifically referenced in the deed restriction.

Procedure

A "Request For Home Improvement Approval Form" must be completed in its entirety and mailed to the address indicated at the top of the form. All pertinent information such as plans, specifications, building permits, locations indicated on a copy of the survey, etc., should be included with the application.

These forms are available from your management company. The ACC cannot respond to verbal requests for approval, all applications must be made in writing.

The ACC has thirty 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.

If an application is not approved, the ACC will state in their letter why such approval was

denied and what type of application changes, if any, would alter that decision. If an applicant wishes to discuss or appeal a decision made by the ACC, the management company to setup an appointment for future discussion with the BOARD/ACC.

Guideline

The following are guidelines adopted by the ACC to specify their standards, requirements and thought processes used in evaluating an application. These guidelines will be amended from time to time as the circumstances, conditions or opinions of the ACC dictate. 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 CCRs.

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 removal. Because guidelines may change from time to time, it is highly recommended that they are not published and distributed to the homeowners. Instead, they should be used by committee members only for the processing of applications. This reduces the possibility of homeowners following obsolete guidelines in their home improvements. If other questions are unclear please refer back to the deed restrictions before approval is given.

1.0 Outbuildings

1.1 An "outbuildings" is defined as any structure which is not attached to the main structure. This definition does not include bonafide additions to the main residence or garages, but does include storage sheds, gazebos, and playhouse/forts.

1.2 The ACC will consider the following:

- a.) The colors should match/blend with the predominant exterior colors of the main residence.
- b.) Materials should match those of the main residence in both size and color using same grade wood or brick.
- c.) It should have a peaked roof, no higher than feet (10 ft) from the ground to the highest point, and a maximum of 10'x12' floor space. Structure must be kept a minimum of three feet (3ft) off rear and side property line. The distance from side fence will be determined based on visibility from the street in front of the lot. At no time, however, will that distance from side fence be less than 5 feet, regardless of visibility. Location must also be far enough away from fence to allow for drainage to occur entirely on the owner's lot.
- d.) Storage buildings can not be placed on any utility easement unless written approval from HL&P
- e. No storage building can be built up against any side or rear wall of home unless its maximum height is less than 6 feet and it is not visible above the fence. It must also comply with all the other requirements for proper construction, size and location.
- f.) If under 6', may be placed in side yard provided no part can be observed from the street.
- g.) Playhouse/fort must be no higher than 8 ft maximum. If fort has a platform, then platform can be no higher than 4' off ground and centered in back yard to protect neighbor's privacy. Treated wood.
- h.) Gazebo - Freestanding - Must be at least 6 feet away from house). Case-by-case with a maximum height at peak of 11' and must be 5 ft off side and back fence. Treated wood, painted to match house or cedar.
- i.) Roof material must match house for color and weight on all outbuildings.
- j.) Metal buildings are specifically excluded. Since there are some metal buildings

"grandfathered"; see guidelines on metal buildings.

2.0

Basketball Goals

2.1 The basketball goal backboard and net must be maintained in excellent condition at all times.

2.2 All support mechanism shall be constructed of galvanized steel or painted iron to prevent leaning.

2.3 Attached goals must be centered above the garage door or doors. On residents with gable ends above the garage door, the goal must be centered on the wall.

2.4 Free standing poles must be located 16ft from the street curb and not more than 1 ft from the driveway and not less than 4 ft from the side lot line and not less than 9 ft from the neighboring residence.

2.5 If any complaints are received within 6 months after installation, the basketball goal will be subject to immediate removal at request of the ACC.

2.6 All backboards must be either clear or white fiberglass with a standard height of 10 ft to rim center.

2.7 Backyard goals must be 10 ft from any lot line.

3.0

Patio Covers

3.1 Constructed of treated wood, unless enclosed.

3.2 Prefab covers made of aluminum may be approved providing they are of an earth tone color, preferred to match paint trim. Unfinished aluminum will not receive ACC approval. All metal must be painted.

3.3 If attached to house, must be integrated into existing roof line (flush with eaves), and if it is to be shingled, shingles must match existing roof. Entire patio cover and posts should be trimmed out to match house. Supports must be painted wooden or metal columns. If wood is not painted it must be treated wood. No pipe is allowed.

3.4 At no time, however, shall a shingled roof be allowed with an unpainted frame unless treated wood is used.

- 3.5 Patio construction materials are as follows:
- Painted aluminum (to match trim of house).
 - Painted wood (to match trim of house).
 - Natural pressure treated wood such as cedar, fir, redwood, may be used.
 - Fiberglass or canvas roof is not an approved material under any conditions.

3.6 All patio cover material wood, metal, lattice, must be completely framed so that no edges of the material are visible.

3.7 Patio covers must be situated on the lot to provide drainage solely into the owner's lot. Patio cover location may not be closer than 5 ft feet to any lot line or be placed on any easement.

4.0 Room Additions

4.1 Exterior materials and colors should the house as much as possible and still meet the % brick requirement per the deed restrictions.

4.2 Detailed plans must be submitted to the ACC.

4.3 Room additions may not encroach into any utility easement.

4.4 On 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 addition must show a room of reasonable size to constitute a legitimate request for a room addition. Roof of addition must integrate with existing roof line so as to appear to have been part of the original home. Room additions cannot exceed one third of the remaining back yard, but may be denied for other reasons, i.e., structural integrity, architectural suitability, etc., even if it does only use one-third of the remaining yard.

4.5 Paint colors, brick and roof must match existing house.

5.0

Exterior Painting

5.1 Earth tone colors were most often used when homes were constructed. In general, an earth tone color should receive ACC approval.

5.2 Other earth tone blend colors will be considered. The color of neighboring homes will be taken into consideration along with the applicant's house brick features.

5.4 No blues, canary yellows, purple, pinks etc. will be allowed.

5.5 Flat or semi-gloss paint only.

5.6 Three (3) colors maybe permitted.

6.0

Storm Windows / Screen Doors

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

7.0

Decks

7.1 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.

7.2 Decks should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot.

7.3 Decks cannot be higher than 18 inches.

7.4 Paint should match the house if untreated wood is used.

7.5 All unpainted wood must be treated lumber.

7.6 All decks should be located no closer than three feet to adjoining property.

7.7 All wood touching the ground or slab must be treated wood.

8.0

Swimming Pool and Spas

8.1 No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Decking also requires consent agreement. Consents must be received prior to approval. NOTE: HL&P currently charges \$125 for this consent letter.

8.2 Ideally, any pool or spa should be located at least five feet (5') from a side and rear lot line to maintain proper drainage on lot. However, a minimum of 3 feet will be allowed in certain instances.

8.3 Above ground pools will receive special consideration. Above ground pool acceptable provided it is not over 4' in height. Decking around pool cannot be over 24 inches above ground so to ensure privacy of neighbors. If there is a walkway around pool, it cannot be wider than 2 feet nor higher than the wall of the pool. Railings for walkway cannot be visible above the 6 foot fence. It must also be three feet to five feet (3-5') from the side and rear fences.

8.4 Pool enclosures will be reviewed on an individual basis and height should not exceed 10 feet. Committee finds screened enclosure acceptable provided adequate tree planting is installed as per ACC recommendations for screening.

9.0

Solar Panels/Screens

9.1 The ACC will approve solar panels which are unobtrusive and which blend in with the roof shingle color.

9.2 Parabolic solar collectors which are not mounted so as to be flush with the roof will not be approved.

9.3 Solar panel frames should be bronze or black in color in order to best blend in with the shingles. All unfinished aluminum must be painted the color of the shingles.

9.4 No solar panel should be mounted so that it extends above the roof line.

9.5 The ACC would prefer to have solar panels mounted on the front roof of a house rather than mounted on stands to the side or back roof.

9.6 Solar screens allowed on windows.

9.7 Colors and manufacturers must be acceptable to ACC for both screens and panels.

9.8 Solar film must be non-reflective type.

9.9 No aluminum foil on any windows.

10.0 Satellite Dishes

10.1 Maximum height of 8 ft if hidden behind a 8 ft fence.

10.2 If a six foot fence is used, no more than 1 ft can be seen above the fence at any time.

10.3 The dish must be enclosed by fencing.

10.4 Trees and shrubs are recommended to hide satellite dish if an eight (8) foot fence is no used.

11.0 Fences and Fence Extensions

11.1 Case by case

11.2 Six foot fences should be used but No higher than 8' and granted on limited basis only. Consents from all affected neighbors must be submitted in order to be considered for height extension.

11.3 No painting, staining, or varnishing of fence.

11.4 Cedar only.

11.5 No split rail fences or decorative fencing permitted.

11.6 Fence extension requests should be submitted by both neighbors sharing the side lot line and fence, except in the case of a corner lot.

11.7 No fence may extend so as to encroach across the front building line.

11.8 If both neighbors do not concur as to a proposed fence extension, the ACC will examine the effect the fence extension will have on both properties. If one party will suffer detrimentally from the extension (i.e., will totally enclose a bay window) the ACC will reject the application.

11.9 Only fence extensions which will be installed picket side out shall be considered by the ACC.

11.10 Replacement or repairs of fence must be made with similar materials and construction details as used in original fence.

11.11 Picket side of the fence should always face the street.

11.12 If an extension to the fence is made, one complete side must be completed.

11.13 No chain link fences except at Civic Association Recreation Center.

11.14 Deice Iron gates may be approved for driveway entrances.

12.0 Decorations

12.1 On front lawns of lots and on any portion a lot visible from any street, there shall be no decorative appurtenances placed, such as sculptures, birdbaths, birdhouses, fountains, or other decorative embellishments unless such specific items have been approved in writing by the Architectural Control Committee. "No building, fence, wall, structure, improvement, exterior appurtenance, or exterior corporeal hereditament, except landscaping (landscaping defined as "living plants, trees, shrubs, flowers, etc." and utilization of non living material necessary for growth, i.e., bark, mulch, etc., trellises, window boxes, arbors, and permanent brick borders must have Architectural Control Committee approval."

12.2 Benches, burglar bars and gates will be reviewed on an individual basis.

12.3 House numbers may be placed on house or mailbox, but not on any type of freestanding structure in front yard.

12.4 Christmas lights must be removed no later than January 31.

13.0 Exterior Lighting

13.1 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.

13.2 Low voltage landscape lightings is acceptable.

13.3 Security, mercury vapor, or fluorescent lights, must be attached to the front of the house, preferably garage. Mercury vapor, fluorescent, and sodium halite and maybe permitted in back or side yard with ACC approval.

13.4 Yard lights may be gas or electric. Single lamp only. Maximum height 6 ft. May be in front or back. Gas or electric lights must be black, brown or white, depending on color of house and determination of suitable color will be the decision of the ACC.

14.0 Mailboxes

14.1 All mail boxes should be kept in good working order, dent free, straight and painted per the paint guidelines for color.

14.2 All mailboxes should be 3 to 4 feet in height from the street level and not protrude past the curb.

14.3 All custom built mailboxes should have ACC approval.

14.4 All brick boxes must match house brick.

15.0 Wind Turbines

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 roofline.

15.2 The wind turbines preferably should either be a color which will blend with the shingle color or be painted to match the shingle color.

16.0 Outdoor Carpeting

16.1 Can only be installed on porch area - no walkways, etc.

16.2 Earth tone colors are acceptable.

- 16.3 Specifically no green or blue carpet in areas visible from the street.

17.0 Gates

17.1 Full wooden panel with enough support from proper pole installation to maintain straight.

17.2 No chicken wire, deck gates.

17.3 Iron gates for driveways will be approved on an individual bases.

17.4 All electric gate openers can not be visible from the street.

17.5 Gate height should match fence height.

18.0 Burglar Bars

18.1 Must be approved by Acc and be painted black, white or match trim color.

18.2 All window bars must be mounted on interior of house.

18.3 All homes need a fire escape.

19.0 Bird Houses

19.1 Maximum preferred height 12 ft.

19.2 Mounted on 2" diameter metal pipe painted white, black, or galvanized.

19.3 Must be in the back yard.

20.0 Landscaping

20.1 Trees should be trimmed annually to maintain sidewalk clearance and stop sign obstructions.

20.2 All grass must be kept trim and cut on a regular bases. Above six inches will be mowed by the civic association.

20.3 Trees should be trimmed annually to maintain sidewalk and stop sign clearance.

20.4 It is recommended that all houses have two trees planted in front yard. Section 1 has to have two per the deed restrictions. It is recommended live oak or ash trees.

21.0 Antennas

21.1 No antennas of any type visible above the fence line is acceptable other than satellite dishes per the guidelines.

22.0 Swing Sets

22.1 Maximum height of 8'.

22.2 Location will be considered for neighbors privacy.

22.3 No plastic covers are allowed.

23.0 Driveway Extensions/Sidewalks

23.1 Case by case.

23.2 No closer than 3' to property line and sometimes up to 5'. Driveway extensions can extend no nearer to side property line than 3 feet and 5 feet in certain instances.

23.3 All sidewalks in the side yard must be no greater than 36 inches wide and centered between house and property line. 30" wide is the recommended width for the standard five foot (5') side yard.

24.0

Garage Conversions/ Carports

- 24.1 Conversions are permitted provided there are no exterior changes to garage.
- 24.2 Driveways can never be removed.
- 24.3 Carports are not acceptable.

25.0

Window Air Conditioners

- 25.1 Must not be visible from street and must be below fence line.

26.0 Window Shades/Awnings

- 26.1 Canvas awnings will not be permitted to be installed on windows to reduce solar exposure.
- 26.2 Colored aluminum awnings will be approved if colors match trim colors.

27.0

Greenhouses

- 27.1 Only greenhouse subject to ACC approval will be those constructed of clear glass or plexiglass panels. No fiberglass will be allowed.

These guidelines are adopted by the Board of Directors of S.M.C.A. as of June 1993.

Approved *[Signature]* Title PRESIDENT

Approved *[Signature]* Title Vice President

Approved *[Signature]* Title Director @ large

Approved *[Signature]* Title *[Signature]*

RETURN TO:

Property Masters, Inc.
11311 Richmond Ave., Ste. L-103
Houston, Texas 77082

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

[Signature]

12-29-1999 08:35 AM 1999112055
KW \$47.00
DIANNE WILSON, COUNTY CLERK
FORT BEND COUNTY, TEXAS

CERTIFICATION

I, the undersigned, pursuant to Texas Property Code 202.006 do hereby certify:

That I am the duly elected and acting Secretary of the San Miguel Civic Association, Inc. (hereinafter the "Association"), a Texas corporation;

That the attached document is the current document that applies to the operation and utilization of property within San Miguel Civic Association, Inc., a subdivision in Harris County and Fort Bend County, Texas.

That the property affected by these documents is set out on the attached Exhibit "A".

That the document which affects the use and operation of San Miguel Civic Association, Inc. is set out on the attached Exhibit "F".

That the attached document is a true and correct copy of the original.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this the 23rd day of December, 1999.

John Bowen
John Bowen, Secretary

STATE OF TEXAS *

COUNTY OF HARRIS *

BEFORE ME the undersigned authority, on this day personally appeared John Bowen the Secretary of the San Miguel Civic Association, Inc., known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that he is the person who signed the foregoing document in his representative capacity, and that the statements therein contained are true and correct.

Given under my hand and seal of office this the 23rd day of December, 1999.

Belinda J. Osborn
NOTARY PUBLIC, STATE OF TEXAS

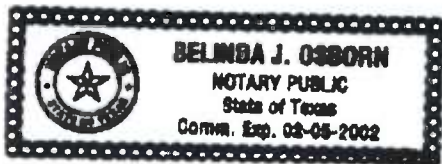


EXHIBIT "A"

PROPERTY DESCRIPTION

Mission Bend, San Miguel Civic Association, Inc. Sections One, Two, Five and Six described as follows:

Section One:

- Lots 1 through 65, both inclusive, in Block 6
- Lots 1 through 71, both inclusive, in Block 5
- Lots 1 through 26, both inclusive, in Block 4
- Lots 1 through 8, both inclusive, in Block 3

All in MISSION BEND, SAN MIGUEL, SECTION ONE (1), a subdivision in Fort Bend County, Texas, according to the map or plat thereof recorded in Volume 21, Page 32, of the Map Records of Fort Bend County, Texas.

Section Two:

- Lots 1 through 54, both inclusive, in Block 21
- Lots 1 through 25, both inclusive, in Block 22
- Lots 24 and 25, in Block 23
- Lots 1 through 6, both inclusive in Block 25

All in MISSION BEND, SAN MIGUEL, SECTION TWO (2), a subdivision in Fort Bend County, Texas, according to the map or plat thereof recorded in Volume 21, Page 33, of the Map Records of Fort Bend County, Texas.

Section Five:

Lots 1 through 57, both inclusive, in Block 1
Lots 1 through 65, both inclusive, in Block 2
Lots 9 through 27, both inclusive, in Block 3

All in MISSION BEND, SAN MIGUEL, SECTION FIVE (5)
a subdivision in Fort Bend and Harris Counties, Texas, according to
the map or plat thereof recorded in Volume 22, Page 20, and
Volume 280, Page 1, of the Map Records of Fort Bend and Harris
Counties, Texas respectively.

Section Six:

Lots 1 through 23, both inclusive, in Block 23
Lots 26 through 53, both inclusive, in Block 23
Lots 1 through 56, both inclusive, in Block 24
Lots 7 through 23, both inclusive, in Block 25
Lots 1 through 16, both inclusive, in Block 26

All in MISSION BEND, SAN MIGUEL, SECTION SIX (6),
a subdivision in Fort Bend County, Texas, according to the map
or plat thereof recorded in Volume 22, Page 21, of the Map
Records of Fort Bend County, Texas.

RETURN TO:

SAN MIGUEL CIVIC ASSOCIATION, INC.
C/O PROPERTY MASTERS, INC.
11311 RICHMOND AVE., SUITE L-103
HOUSTON, TEXAS 77082

EXHIBIT "F"

**RECORD OF DEDICATORY INSTRUMENT FOR MISSION BEND, SAN MIGUEL,
CIVIC ASSOCIATION, INC. SECTIONS ONE, TWO, FIVE AND SIX PURSUANT
TO PROPERTY CODE 202.006**

1. **Compliance Guidelines of Architectural Control Committee for San Miguel
Civic Association, Inc.**