

22
NOTICE
B

**ARCHITECTURAL GUIDELINES
FOR
RIVERBEND ADDITION**

These Riverbend Addition Guidelines (the "**Guidelines**") are adopted by the Board of Directors of Riverbend Planning Committee, Inc., a Texas non-profit corporation (the "**Association**") (the "**Board**") pursuant to the authority contained in the restrictive covenants recorded on January 2, 1953, executed by Riverbend, Inc., a Texas corporation, filed of record at Volume 2542, Page 63 of the Deed Records of Harris County, Texas, amended by instrument filed on November 13, 1997 under Clerk's File No. S729511 of the Real Property Records of Harris County, Texas, and further amended by instrument filed on December 26, 2007 under Clerk's File No. 20070750159 (as amended, the "**Restrictions**"), and Chapter 204 of the Texas Property Code, to maintain the harmonious and architectural design of the subdivision in accordance with the provisions of the Restrictions; and

WHEREAS, the Restrictions expressly creates the ARC for the specific purposes set forth below; and

WHEREAS, the Restrictions provide that no Improvement of any nature shall be commenced, erected, installed, placed, moved onto, altered, replaced, relocated, permitted to remain or maintained on any Lot or Dwelling by any Owner, which affect the exterior appearance of any Lot or Dwelling, unless plans and specifications therefor have been submitted to and approved by the ARC; and

WHEREAS, the Restrictions further provide that the ARC shall have the discretion to approve or disapprove plans and specifications for proposed Improvements on the basis of aesthetic considerations, compliance with the provisions of the Restrictions or these Guidelines, exterior design, appearance, quality of materials, compatibility with the scheme of development for the Subdivision, location, and similar criteria; and

WHEREAS, the Board and the ARC desire to establish guidelines with respect to the type, quality and color of exterior Improvements on Lots within Riverbend to be followed by the ARC so that a harmonious exterior design within the Subdivision is consistently maintained.

NOW, THEREFORE, the Board and the ARC hereby adopt the following guidelines relating to improvements on Lots within all sections of Riverbend which have been subjected to the provisions of the Restrictions:

FILED
2012 JAN -3 PM 4:43
Sta Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

I. DEFINITIONS

Terms used in these Guidelines shall have the following meanings:

ARC	The Architectural Review Committee of the Association.
Restrictions	Restrictions recorded on January 2, 1953, executed by Riverbend, Inc., a Texas corporation, filed of record at Volume 2542, Page 63 of the Deed Records of Harris County, Texas, amended by instrument filed on November 13, 1997 under Clerk's File No. S729511 of the Real Property Records of Harris County, Texas
Improvement	Any building, structure, fixture or fence, any transportable structure placed on a Lot, whether or not affixed to the land, and any addition to or modification of an existing building, structure, fixture or fence.
Subdivision	Riverbend Addition, Houston, Harris County, Texas, according to the Map or Plat filed of record at Volume 43, Page 21 of the Map Records of Harris County, Texas. ll

Each other capitalized term used in these Guidelines shall have the same meaning as that set forth in the Restrictions.

II. APPLICATION PROCEDURES

A. Overview

The purpose of architectural design review is to keep the community attractive for the enjoyment of residents and for the protection of property and property values. The Restrictions authorize the ARC to establish architectural guidelines providing an outline of minimum acceptable standards for proposed Improvements and requires homeowners to obtain written approval from the ARC for any proposed Improvements to their property. This is to ensure that Improvements comply with the provisions of the Restrictions and these Guidelines. The ARC and the Board have established these Guidelines in accordance with the authority granted to them by the provisions of the Restrictions and the Texas Property Code.

These Guidelines have been established to assure uniform and fair application of the Restrictions and are intended to provide Lot owners with information about: the type, color, and quality of materials which may be used in the construction of various kinds of Improvements; the size and location of such Improvements; and information about the procedures used by the ARC in reviewing applications for proposed Improvements.

The ARC reserves the authority to review and approve applications for Improvements which are not expressly described in these Guidelines, and to consider additional guidelines in the review process, whether published or not. These Guidelines maybe amended upon the written approval of not less than seventy-five percent (75%) of the entire Board. The ARC may propose amendments to these Guidelines by submitting the proposed changes, approved by at least two-thirds (2/3) of the members of the ARC, to the Board of Directors for its consideration. No amendment to these Guidelines shall be effective until recorded in the Official Public Records of Real Property of Harris County, Texas.

B. Submission

1. **Applications.** All applications for approval of any exterior Improvements must be submitted to the ARC in writing by completing the application form then in use by the ARC. The application should be supported by the following information:

- (i) A check in the amount of the then applicable Submission Fee, if any, made payable to "Riverbend Planning Committee". As of the effective date of these Guidelines, the Submission Fee shall be \$500.00 for a new Improvement and \$100.00 for the modification or renovation of an existing Improvement; however, the Submission Fee is subject to increase or decrease as deemed appropriate in the reasonable judgment of the Board of Directors depending on the estimated time to complete the review. The Submission Fee includes the time involved to review the plans and specifications submitted and correspond with the applicant regarding the ARC's decision. Additional time devoted to an application at the instant or request of the applicant shall be billed to the applicant on an hourly basis.
- (ii) Two (2) copies of an accurately drawn and dimensioned site development plan indicating the location of any and all Improvements, including, specifically, the Dwelling to be constructed on said Lot, the location of all driveways, walkways, decks, terraces, patios and outbuildings and the relationship of the same to any set-back requirements applicable to the Lot or Dwelling.
- (iii) Two (2) copies of a foundation plan, floor plans and exterior elevation drawing of the front, back, and sides of the Dwelling to be constructed on the Lot.
- (iv) Two (2) copies of written specifications and, if requested by the ARC, samples indicating the nature, color, type, shape, height and location of all exterior materials to be used in the construction of the Dwelling on such Lot or any other

Improvements thereto, including, without limitation, the type and color of all brick, stone, stucco, roofing and other materials to be utilized on the exterior of a Dwelling and the color of paint or stain to be used on all doors, shutters, trim work, eaves and cornices on the exterior of such Dwelling.

- (v) Two (2) copies of the lighting plan, including specifications, for any exterior lighting to be utilized with respect to such Lot or Dwelling.
- (vi) Two (2) copies of the landscaping and irrigation plans prior to the installation of any landscaping or irrigation.
- (vii) A written statement of the estimated date of commencement, if the proposed Improvement is approved, and the estimated date of completion.
- (viii) Such other plans, specifications or other information or documentation as may be required by the Guidelines.

The ARC reserves the right to request any additional information deemed by it to be necessary to properly evaluate the application. In the event that the ARC requests additional information, the application shall be denied and a new forty-five (45) day period shall commence upon the receipt by the ARC of the additional information. However, the applicant may thereafter submit a new application with the requested information to the ARC for its review. All applications shall be mailed or delivered to the ARC at the principal office of the Association. No application shall be considered complete until all necessary information is received by the ARC, together with the applicable Submission Fee.

2. ARC Decisions. ARC members shall consider each application for compliance with the Restrictions and with these Guidelines. The decisions of a majority of members to approve or disapprove an application shall be considered the decision of the ARC.

ARC decisions shall be conveyed in writing by the Association to the applicant and shall include a statement of the conditions under which the application is approved, if any, or the primary reason(s) for disapproving the application.

In accordance with the Restrictions, a complete application, inclusive of all necessary information and the applicable Submission Fee, that is not approved or disapproved within forty-five (45) days of the date of its receipt shall be deemed to have been automatically approved; provided, however, that (i) any such approval shall extend only to Guidelines and not to any of the use restrictions set forth in the Restrictions and (ii) in no event shall non-action be deemed to constitute approval of an application for any Improvement that would violate the restrictive covenants in the Restrictions. If construction of an approved Improvement has not substantially commenced within ninety (90) days of approval by the ARC of the plans and specifications for such Improvement, no construction may be commenced or continued and the Owner shall be

required to resubmit all plans and specifications for the Improvement and obtain the approval of the ARC. Unless otherwise stated in the ARC'S written response, all approved exterior changes, additions or Improvements (other than a new Dwelling) shall be completed within sixty (60) days of the date construction, installation or erection is commenced.

3. Board Appeals. In the event that the ARC disapproves an application, the applicant may within twenty (20) days submit an appeal to the Board of Directors. The Board shall review the appeal with reasonable promptness and notify the applicant of the Board's decision. All decisions of the Board shall be final.

4. Status of Applications During Appeal. During the appeal period, the decision of the ARC on the original application shall remain in effect. The failure of the Board to respond to a request for reconsideration within forty-five (45) days of the date of its receipt shall not automatically result in approval of the original application.

C. General Criteria for Considering Applications

1. General Criteria. The ARC shall consider the following factors upon the review of each application for an Improvement:

- a. The quality of construction and materials, colors, exterior design (elevations), size (dimensions), and location, all of which must be harmonious with existing and other proposed structures.
- b. The location must not violate the building setback lines, utility or drainage easements as shown on the official recorded plat or any other provisions of the Restrictions.

Note: The ARC may not grant permission to place an Improvement upon or across any utility easement; consent to encroach upon any utility easement must be obtained in writing from the owner of the easement (i.e. utility companies).

- c. Improvements which are intended for other than single-family residential purposes, or which may become an annoyance or nuisance to the neighborhood, are not permitted.
- d. Improvements must be located so that their use will not infringe upon the enjoyment of neighboring amenities or place neighboring property at increased risk of damage.

The ARC may also consider the provisions of the Restrictions and of applicable statutes, ordinances, and building codes. However, approval of an application shall not be construed as a warranty or representation by the ARC that the change, addition or Improvement, as proposed or

as built, complies with any or all applicable statutes, ordinances or building codes, or as a warranty or representation by the ARC of the fitness, design or adequacy of the proposed construction.

2. Variances. Notwithstanding the provisions in the Restrictions which grant to the ARC the authority to grant variances, the ARC shall not have the authority to grant a variance which allows the height of a Dwelling to exceed thirty-two (32) feet above finished grade or allows a Dwelling to be located nearer to a side property line than the set-backs established in Section 2.4(C) of the Restrictions, except as may be deemed appropriate by the ARC, with the approval of the Board of Directors, to resolve pending litigation or, in the absence of pending litigation, except with the written approval of owners representing two-thirds (2/3) of the Lots in the section in which the Lot in question is located and the written approval of owners representing two-thirds (2/3) of the Lots in a contiguous section of the Subdivision.

III.

GENERAL CONSTRUCTION PROCEDURES

1. Construction Review

(a) Foundations. For any Improvement that requires a poured foundation, a certified foundation form survey is required to be submitted three (3) days before any concrete is poured. The survey must confirm the placement of the Improvement in accordance with the plans approved by the ARC. A final written approval will be issued to the applicant acknowledging compliance with the location of the structure(s) depicted on the approved plans.

(b) Building Height. Upon the completion of the framing of an Improvement, and prior to the application of any roofing material, a certification is required to be submitted to the ARC confirming the height of the Improvement. A final written approval will be issued to the applicant acknowledging compliance with the approved plans.

(c) Pools. For a swimming pool, a certified survey is required to be submitted three (3) days before any excavation work is initiated. The survey must confirm the location of the swimming pool in accordance with the plans approved by the ARC. A final written approval will be issued to the applicant acknowledging compliance with the location of the pool depicted on the approved plans.

2. Construction Guidelines.

(a) Parking of vehicles is restricted to the side of the street where the construction is taking place to allow for emergency vehicle access. Under no circumstances may vehicles be parked in the driveway of another Lot or in a manner that impedes or prevents access to other driveways.

(b) All construction debris and other trash must be moved from the site at

least once per week. No trash may be left exposed that could be windblown onto adjacent property. Under no circumstances should storm sewer inlets be used to discard any trash or debris. The street will be kept clean of mud, excess concrete (including spillage from concrete trucks) and other materials generated from the construction site.

(c) Port-a-cans must be kept neat and maintained in proper working order. These temporary facilities must be located as far back from the street as possible consistent with servicing requirements. Port-a-cans must be screened from view from the street and neighboring properties to the extent possible. Contractors must install a flush toilet as soon as plumbing is connected and then remove the port-a-can.

(d) Building materials, trucks and other material or equipment may not be placed upon or parked on any area between the front property line and the street nor shall building materials or equipment be placed in the street.

(e) Construction work may take place ONLY between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday.

(f) Trees on the Lot, as well as trees on any adjacent Lot that may be affected by the construction work, must be protected from damage by the erection of temporary wood or chain link barricades around the drip line of each tree.

(g) Contractors must erect and maintain throughout the entire construction period a fence enclosing all of the construction area except at the construction entrance. Further, Contractors must take appropriate measures to prevent soil erosion.

3. Razing.

An existing Dwelling shall not be razed until plans and specifications for a new Dwelling have been submitted to and approved by the ARC.

IV. EXTERIOR ADDITIONS AND MODIFICATIONS

A. Outbuildings

1. General Rules. Any type of building which exists on a Lot but is not attached to the Dwelling on a Lot, other than the Dwelling itself, a detached garage, a gazebo or a children's play structure, shall be considered an outbuilding, including tool and/or storage sheds. Only one (1) outbuilding not exceeding twelve feet (12') in height and one hundred square feet (100 s.f.) in area shall be permitted on a Lot and such outbuilding must have a permanent ground attachment. The standard, type, quality and color of the materials used in the construction of an outbuilding shall be harmonious with the standard, type, quality and color of the materials used in the construction of the Dwelling on the Lot. No exterior portion of an

outbuilding shall be made of metal. The roof of an outbuilding shall conform to the provisions relating to roofing materials set forth in the Declaration and these Guidelines and shall be compatible with the color and type of materials used in the construction of the Dwelling. An outbuilding must be located in the backyard of the Lot inside the fence. An outbuilding shall not be any closer to any property line than the applicable building setback. No outbuilding shall be located on any utility or drainage easement or in a manner that causes water to flow onto an adjacent lot.

2. Gazebos. For the purposes hereof, a gazebo shall be defined as a free standing, open framed structure with lattice-type walls, the purpose of which shall not be for any type of storage. These typically are circular or octagonal shaped structures. There are two approved types of gazebos:

- a. Conical shaped (peaked) roofed gazebos. These gazebos cannot exceed twelve feet (12') in height (height measured from the ground) and the horizontal supports cannot exceed eight feet (8'), from the deck level. Decks shall not exceed two feet (2') in height (height measured from the ground).
- b. Flat-lattice (arbor type) roofed gazebos. These cannot exceed ten feet (10') in height (height measured from the ground) and the horizontal supports cannot exceed eight feet (8') in height from the deck level.

For both structures, the footprint area is limited to one hundred (100) square feet. All gazebos must have a permanent roof with materials as set forth in the Declaration and these Guidelines. The materials used in construction of the gazebo shall be harmonious with the standard, type, quality and color used in the construction of the Dwelling on the Lot. Louvered or trellis style gazebo roofs may be allowed as long as the quality of materials is approved. Pressure treated wood may be stained or painted. Water and electricity may be permitted upon approval and according to the National Electrical Code. All pipes and cables must be underground. A Gazebo shall not be closer to any property line than the applicable building setback. No gazebo shall be located on any utility or drainage easements or in a manner that causes water to flow onto an adjacent Lot.

3. Children's Play Structures. For the purposes hereof, a children's play structure shall mean any type of children's swing sets, play sets, climbing structure, slides, or raised play sets and play forts. A maximum of two (2) children's play structures are allowed on a Lot. The maximum dimensions for each play structure are ten feet (10') in width by fifteen feet (15') in length by twelve feet (12') in height. No wind-socks or streamers attached to the structure shall be permitted. Play structures must be located within the fence in the backyard. No play structure shall be located closer to any property line than the applicable building setback. No play structure shall be located on any utility or drainage easements- or in a manner that causes water to flow to an adjacent Lot.

B. Patio Covers

The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in the construction of the Dwelling; provided, however, that corrugated roofs for patio covers and aluminum patio covers shall not be permitted under any circumstances. If siding is used on patio covers, it must be of the same type, quality, and color as the siding on the Dwelling. Roofing materials on patio covers shall conform to the provisions relating to roofing materials set forth in the Declaration and these Guidelines. Louvered or trellis style patio cover roofs may be allowed as long as the quality of materials is approved. Pressure treated wood may be stained or painted provided the color shall conform to the provisions relating to painting set forth in these Guidelines. Any patio cover which is not attached to the Dwelling house shall be subject to the Guidelines set forth herein for gazebos.

The location of a patio cover must not encroach on any utility or drainage easement, nor shall it violate the building set back lines applicable to the Dwelling on any Lot. Patio covers must not interfere with drainage or cause water to flow onto any adjacent Lot.

All patio covers must be adequately supported and constructed of sturdy materials so that the patio cover has no visible sagging or warping. This also applies to any lattice attached to the sides of the structure.

Patio covers which are attached to the Dwelling shall be securely attached at a height not less than seven feet (7') nor more than twelve feet (12') from the ground. Patio covers which are attached to a detached garage or breezeway must be securely attached at a height below the eaves of each structure at a height of not less than seven feet (7') nor more than nine feet (9') from the ground. The patio cover roof shall provide an attractive slope away from the house at an angle which does not exceed that of the roof on the Dwelling.

The roof of all patio covers (other than arbor or trellis type) must be covered with shingles meeting the roofing guidelines set forth herein, and must have a minimum of 3:12 slope. In cases where it is not possible to have a minimum 3:12 slope, the ARC may approve a flat type roof with a modified membrane type roofing material provided the color and appearance of such roofing closely matches the roofing of the Dwelling.

If any portion of the patio has a peaked or cone-shaped roof, that portion of the patio cover must also comply with the guidelines for conical shaped (peaked roofed) gazebos, including guidelines for size, location and height.

C. Patio Enclosures

A "patio enclosure" is any patio cover which has exterior walls and/or screens (other than "sun rooms" as defined in these Guidelines). All structural components of patio enclosures, including roofing materials, shall be subject to the Guidelines set forth herein for

"patio covers". This section describes additional requirements for walls, screens and frames used to enclose a covered patio or deck.

The standard, type, quality and color of the materials used in the construction of a patio enclosure must be harmonious with the standard, type, quality and color of the materials used in the construction of the Dwelling. Exterior walls of a patio enclosure shall be constructed of brick or siding which is of the same type, quality, and color as those of the Dwelling on the Lot. Aluminum siding is not allowed. No visible part of the enclosure may be made of metal other than screens, frames, and storm doors. Patio enclosure screens must be the same color as existing window screens on the Dwelling and must have adequate cross-member support to avoid sagging. The exterior color of doors, sills, beams, frames, or other visible supports must match the exterior colors of the Dwelling or the color of existing window frames.

D. Sunrooms

A sunroom is any room with glass-enclosed walls or a glass ceiling. The ARC may reject any application to construct a sunroom on a Lot on the basis of its overall design and conformity with existing structures regardless of whether or not the proposed sunroom complies with the technical specifications set forth below.

- a. Applications must be accompanied by a detailed scale drawing or blueprint showing the three dimensional relationship of the sunroom to the existing structure. Applications must also include a plot plan showing the location of the sunroom in relation to all Lot boundary lines, the Dwelling, the easements and the building setback lines. Applications must also include a detailed material list and include the name, address, and business phone number of the contractor or installer. Applications maybe rejected for failure to provide any of these required items.
- b. A sunroom may be added to the rear of the Dwelling only. Applications for sunrooms on cul-de-sac Lots and corner Lots where the rear of the Dwelling faces a street will be considered on a case-by-case basis.
- c. Supporting structural members must be of a color and shade similar to and harmonious with the exterior color of the Dwelling. Glass must be tinted in a shade compatible with the exterior of the Dwelling. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Applicants maybe required to submit actual samples of the glass with the proposed shading/tinting material applied for approval.
- d. The floor of the sunroom must be of reinforced concrete slab construction with 3" minimum thickness. No other flooring material will be permitted.
- e. Only safety glass will be permitted for the panes. No fiberglass, plexiglass,

plastic, acrylic, mesh, or other materials will be allowed. Safety glass must be a minimum 3/16" thick if tempered glass or a minimum 1/4" thick if laminated glass. Maximum width of glass between support trusses will be 36" measured center-to-center.

- f. Support trusses (glazing bars) must be constructed of aluminum or aluminum alloys with electrostatically applied coloring/paint to withstand 100 m.p.h. wind and 25 lbs. per square foot. No natural aluminum oxidation coloring will be allowed. No wood, composite, steel, fiberglass, or plastic trusses will be allowed. Trusses must be of structural box or I-beam construction. Round, oval, or "T" shaped trusses will not be allowed.
- g. The roof of a sunroom must have a minimum pitch of 1" per 12" of projection. The sunroom may not project more than 20' measured from the rear facing plane of the Dwelling. The sunroom may not project beyond either side-facing plane of the Dwelling. A sunroom may not encroach on any existing setbacks or easements.
- h. Sunrooms are only permitted as ground structures. The maximum height of the roof, measured from the concrete floor, may not exceed either 12' or the height of the eaves of the wall that the sunroom projects from, whichever is lower.
- i. If ceiling lighting is installed, it must be downward-directed, focused, low-wattage track lighting.
- j. Sunrooms may not have turbine-type or forced fan roof ventilators installed. Only natural draft/convection flow panels that open may be installed. Panels that open may not exceed 36" x 36" in size and must be at least 36" in any direction away from adjoining opening panels.
- k. Sunrooms may not have exposed air conditioning or heating ductwork installed on the exterior thereof. Vents must be attached to the Dwelling. No ductwork shall be visible.
- l. Window coverings are not required. However, only interior coverings will be permitted; there shall be no exterior covering of the sunroom glass allowed. The side of the window covering facing the exterior must be of a neutral, earth tone or forest tone color, which must also blend with the exterior color of the Dwelling. If there is covering on any one window, then all windows must be covered with the same treatment. Color and material samples of coverings may be required to be submitted for approval, at the discretion of the ARC.
- m. No sunroom shall be nearer to any property line than the applicable building setback. No sunroom shall be located on any utility or drainage easement or in a

manner that causes water to flow on any adjacent Lot.

E. Decks

No deck shall be constructed on utility or drainage easements in a manner that causes water to flow on an adjacent Lot.

F. Garages and Carports

1. **Location.** A garage, carport or porte cochere shall not be nearer to any property line than the applicable building setback. Provided that, a garage which faces the street in front of a Lot shall not be nearer to the front wall of the Dwelling than twenty (20) feet. A carport or porte cochere shall not be nearer to the front wall of the Dwelling than three (3) feet. No garage, carport or porte cochere shall be located on any utility or drainage easement or in a manner that causes water to flow onto an adjacent Lot.

2. **Materials.** The standard, type, quality and color of the materials used in the construction of a garage, carport or porte cochere must be harmonious and compatible with the standard, type, quality and color of the materials used in the construction of the Dwelling. The front elevation of a garage shall be constructed with the same type, quality and color of brick used in the construction of the Dwelling. All carports and porte cocheres must be adequately supported and constructed of appropriate materials so that the structure has no visible sagging or warping.

3. **Height.** No garage shall exceed the height of the Dwelling; provided that, in no event shall the height of a garage exceed twenty-eight feet (28'). All garages, carports and porte cocheres are subject to a height certification and approval, as provided in Section III(1)(b) of these Guidelines, prior to the application of any roofing material.

4. **Setbacks.** As provided in the Declaration, no garage or carport shall be located nearer to the front or the rear property line than that shown on the applicable plat. No garage or carport shall be located nearer to a side property line than five (5) feet, except a corner lot in which case no garage or carport shall be located nearer to the side property line adjacent to the side street than that shown on the applicable plat.

G. Second-Story Living Area Above Garage

A second-story living area above the garage on a Lot is permitted with the approval of the ARC, subject to the following:

1. No portion of the living area above the garage may be located nearer to the side or rear property line than five (5) feet;
2. No window may be installed within the wall along or parallel to the rear

property line unless the wall is located no nearer to the rear property line than ten (10) feet or unless the rear property line is adjacent to property that is not within the Subdivision;

3. No window may be installed within the wall that is closest to a side property line;
4. No window or through-wall air-conditioning unit may be installed in any window of a second story living area.

H. Antennae

1. Outside satellite dish antennas which are greater than forty inches (40") in diameter are not allowed.
2. An outside antenna for a licensed operator of an amateur radio station is not allowed.
3. Outside microwave antennas are not allowed.
4. Outside short/long wave antennas of any kind are not allowed.

I. Exterior Siding

When exterior siding is to be added or replaced on any existing structure or new Improvement on the Lot, it must be of the same type, quality, size, and color as the existing siding on the Dwelling (unless all exterior siding is being replaced at one time). If all exterior siding is being replaced at one time, the type of siding may be changed to any of the following acceptable materials: wood, wood product (e.g. Masonite), Hardi plank, vinyl, vinyl-coated aluminum, or vinyl-coated steel, provided it is approved by the ARC. Aluminum, steel, or other metal siding shall not be acceptable. Stucco is not considered to be a masonry material for the purpose of complying with the provisions of the Declaration requiring at least fifty-one percent (51%) of the exterior finish on a Dwelling to be brick or masonry material. The following additional guidelines apply to replacement or additional exterior siding:

- i. minimum of a 20-year warranty from a reputable manufacturer (warranty information should be submitted with the application);
- ii. thickness, visible width, and spacing of siding must be consistent with that of the original exterior siding; each application submitted to the ARC shall specify the thickness, width and spacing of the existing and proposed siding, and shall include a sample of the proposed siding material;

- iii. color of all siding (including siding that is not painted) must be compatible with the Subdivision and the color(s) of the other exterior finishes on the Dwelling;
- iv. must be installed and maintained to avoid sagging, waving, warping or irregular coloration; the ARC may require the Owner (at Owner's sole responsibility and expense) to repair or replace siding that fails to adhere to these Guidelines.

J. Exterior Lighting

1. **Changes to Existing Lighting.** Outside lighting may be replaced with a new fixture provided that the wattage of the new single fixture does not exceed 150 watts. Existing gas lighting may be converted to an electric incandescent bulb provided that (a) the incandescent bulb is a clear glass type, and (b) the lighting color is white. In no event shall the lighting be directed to shine in a manner which disturbs a neighbor.

2. **New Lighting.**

- a. **Security Lighting.** Security lighting shall be permitted with the ARC's approval so long as the total wattage for any single fixture does not exceed 150 watts. Incandescent, reflector, down-directed or flood lights are preferred over the radial light style of mercury vapor lights. All security lighting shall be mounted behind the back plane of the Dwelling garage. No pole mounted security lights or lights mounted upon fences, trees or structures other than the Dwelling or garage, shall be permitted. No security light fixture shall be allowed above the eaves of the Dwelling or garage or more than twelve feet (12') from the ground. Exceptions to mounting security lighting behind the back plane of the Dwelling and/or allowing security lighting above the eaves of the Dwelling or garage may be granted by the ARC if the design and location of the house and/or garage on a Lot warrant an exception. Installation of all light fixtures must be approved by the ARC. Exceptions to the number of lights allowed may be granted only to corner Lots and cul-de-sac Lots, at the discretion of the ARC. No sodium vapor lights or quartz lights will be permitted. All wiring must be installed within walls or otherwise in a manner so that the wiring is not visible from the exterior of the Dwelling.
- b. **Landscape Lighting.** Exterior landscape lighting shall be permitted with the ARC's approval so long as the lighting is

located within flower beds, shrubs and/or trees and all of the wiring is buried. All landscape lighting must be white in color.

- c. Holiday Lighting. Exterior lighting for holidays (i.e., Christmas) shall be permitted so long as the lighting is removed on a timely basis as established by the Association.

3. Annoyances. The Board reserves the right to require the removal or modification of any lighting which it reasonably determines to be potentially annoying to neighbors.

K. Roofing Materials and Additions

1. Roofing Design. The form and massing of the roof should have a logical relationship to the style and massing of the Dwelling.

2. Roofing Materials. A sample or product data sheet of the proposed shingle to be placed on any existing roof or any new Improvement must be attached to each application submitted to the ARC. The ARC may maintain (but shall not be required to maintain) a chart depicting examples of the acceptable type, quality and color of roofing materials for Dwellings and other Improvements within the Subdivision. Each proposed shingle must be an acceptable type and quality and its color must be harmonious with the color scheme established for the Subdivision. The roofing material must be harmonious with the Dwelling. The color of each roofing material must not only be a wood or earth tone, but also an acceptable shade of a wood or earth tone color. Roofing material shall be asphalt composition shingles, fiberglass composition shingles, or other material approved by the ARC with a life of twenty-five (25) years or better. Wood shingles of any type are prohibited. Felt for all composition roofs must have a weight of at least 30 lbs. Roof soffits shall be wood, plaster or Hardi plank.

3. Roofing Additions. No skylights, solar panels, roof ventilators or similar types of additions shall be permitted on the front of the roof ridge line and/or gable of a structure, and are subject to approval by the ARC. All roof ventilators shall be located to the rear of the ridge line and/or gable of any structure and shall not extend above the highest point of such structure. The ARC shall have the right to approve exceptions to the foregoing in cases where safety or energy conservation and heating/ cooling efficiency require ventilators that, because of a particular roof design, cannot be hidden from public view. The color of roofing additions must match existing roof vents (if any) or be harmonious with the color of roofing materials.

L. Window Treatments

1. Awnings. Awnings which are visible from any street shall not be permitted. Awnings on the rear portion of a Lot must be approved by the ARC. The color and materials used are subject to approval by the ARC.

2. Solar Screens and Tint. The color of any solar screens must be harmonious with that of the Dwelling. The frames of the screens must match the color of the window frames of the Dwelling, or must match the color of the solar screen material. If any window is covered, all of the windows on the same side of the Dwelling must also be covered. The width of the screen frames must match individual window size (i.e. double-width screens are not allowed). Frames should have appropriate cross-member support to prevent sagging. Window tint shall be harmonious, shall not be reflective and must be maintained to prevent peeling, cracking, or irregular discoloration.

3. Lateral Windows. A "lateral window" is a transparent window situated in the side wall of a Dwelling. No second story lateral window may be installed in the side wall of a Dwelling that is located ten (10) feet or less from the side property line unless no portion of the lateral window, measured from the base of the window sill, is nearer than six (6) feet to the finished floor of the room in which it is located.

M. Air-Conditioning Equipment

Air-conditioning equipment shall not be located in the front of any Dwelling or on the side frontage of any corner Lot unless screened from public view by a solid fence or wall (i.e., landscaping is not acceptable). Air-conditioning equipment located along interior side Lot lines shall also be screened from view from the street in front of the Lot and from view by adjacent Lot owners by a solid fence or wall. No air-conditioning equipment shall be located nearer to a side or rear property line than three feet (3'). No air-conditioning equipment shall be located on any utility or drainage easement or in a manner that causes water to flow onto an adjacent Lot.

N. Basketball Goals

A basketball goal may not be installed or erected on Lot without the prior approval of the ARC and shall be subject to the following:

- a. Basketball goals must be mounted either on the garage wall or roof with the backboard parallel to the automobile entrance; or on a rigid steel or aluminum pole (no wooden poles).
- b. All pole-mounted goals must be behind the front building line that extends from the front of the Dwelling or garage parallel to the street. A pole mounted goal may not be nearer to any side or rear property line than the building setback. No pole mounted goals will be allowed along the neighbor's adjoining side of a driveway if a neighbor's first story Dwelling window(s) are exposed. The pole must have a manufacturer's weather resistant finish or be painted black or white.
- c. The backboard material must be fiberglass or safety glass. The color

must be clear (safety glass), gray or white with the exception of the white, black, orange or red manufacturer's outline markings. The rim should be of heavy gauge steel and white, black or orange in color. The net must be maintained in good condition as determined by the ARC.

- d. The basketball goal, rim and net must be maintained at all times or the basketball goal must be removed.
- e. The Board may revoke its approval and require removal of any basketball goal which it reasonably determines to be a nuisance to the neighbors.
- f. Portable basketball goals may not be situated on a Lot forward of the front building line or the side setback line on corner Lots. Portable basketball goals are subject to same requirements specified herein relating to color, materials and maintenance.

O. Skateboard Ramps

Skateboard ramps are not allowed.

P. Landscaping

1. **Topiaries.** For the purposes of these Guidelines, a "topiary" shall be defined as either a plant or shrub that has been trimmed or formed into a fantastic shape or any ornamental structure composed of or covered with living plant material. The following guidelines apply to topiaries:

- a. Topiaries require ARC approval.
- b. Approved topiaries must be maintained so that only living plant material of natural color is exposed. No mesh, substrate, or other non-living supporting structures may be visible at any time.
- c. Lights within the structure are prohibited.
- d. Topiaries must be planted in or placed on the ground; they may not be suspended from trees or other structures and may not be mounted on a pole or other visible structure.
- e. Topiaries may not be located on any utility or drainage easements.
- f. Topiaries located within a fenced backyard must not be visible from any

street and may not exceed at any point a height of eight (8') feet measured from the ground.

- g. Topiaries located elsewhere (i.e. other than within a fenced backyard):
 - i) are limited to not more than two (2) topiaries per Lot;
 - ii) must be located within ten (10') feet of the Dwelling or garage;
 - iii) must be set back at least ten (10') feet from any side street property lines, and at least five (5') feet from any interior property line;
- h. The ARC reserves the right to require removal or relocation of any topiary (approved or not) which it reasonably determines is not harmonious with the Subdivision.

2. General. As provided in the Declaration, all proposed landscaping on a Lot, whether new landscaping to be installed in conjunction with the construction of a Dwelling or replacement landscaping, is subject to ARC approval. Unless otherwise approved in writing by the ARC, the front and side yard of each Lot must be sodded with grass which shall not be permitted to grow to a height in excess of six inches (6") measured from the surface of the ground.

Q. Swimming Pools and Spas

An application for the construction of a swimming pool, spa or jacuzzi must include a plot plan showing the proposed location of the swimming pool, spa or jacuzzi in relation to the property lines, building lines, easements, existing structures and existing or proposed fences. No pool, spa or jacuzzi may be located nearer to a property line than the building setback. For purposes of determining whether a proposed pool is within an applicable setback, the pool shall be measured from the interior surface of the structure; for purposes of determining whether a proposed spa or jacuzzi is within an applicable setback, the spa or jacuzzi shall be measured from the backside of the structure, not the interior surface of the structure. If any trees are to be removed or relocated, this must also be noted. The application shall also include a timetable for the construction of the pool, spa or jacuzzi. No swimming pool, spa or jacuzzi shall be approved unless the area in which the pool is to be located is either enclosed by a fence constructed of wood or of wrought iron as provided in these Guidelines or such a fence is proposed to be constructed in conjunction with the swimming pool. Spas and jacuzzi must also have an adequate drainage system according to the requirements of any governmental agency having jurisdiction or, in the event there is no governmental agency having jurisdiction, as deemed appropriate of the ARC. Under no circumstances shall water from a swimming pool, spa or jacuzzi be permitted to drain onto the surface of the Lot on which the swimming pool, spa or jacuzzi is situated or onto any

adjacent Lot. During construction, the pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists. If a portion of an existing fence is removed during construction, a temporary fence or barrier must be erected to fully enclose the area in which construction is taking place. Further, no building materials shall be kept or stored in the street overnight. Excavated material shall either be used on site or removed from the premises by the pool contractor. No swimming pools may be enclosed with screens. No swimming pool, spa or jacuzzi shall be located on utility or drainage easements or in a manner that causes water to flow on an adjacent Lot. There shall be no above ground pools.

R. Structures for Pets

No structure for the care, housing or confinement of any animal or bird, except a permitted birdhouse, shall be visible from any street in the Subdivision. All structures for pets shall be located behind the front building line. No such structure shall extend above the fence enclosing the yard in which the structure is located. A structure for a pet shall be located no nearer than three feet (3') from the side and/or rear property line.

S. Birdhouses

Birdhouses shall be permitted without the approval of the ARC, subject to the following:

- a. A birdhouse shall be installed in the rear of the Lot only;
- b. No birdhouses shall be larger than two feet (2') in width, two feet (2') in length and two feet (2') in height;
- c. No more than two (2) birdhouses shall be permitted on a Lot;
- d. No birdhouses shall be situated higher than eight feet (8') above the ground;
- e. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the Dwelling and other Improvements on the Lot.

T. Driveways and Sidewalks

1. **Location.** Driveways shall not exceed twenty feet (20') in width, except as required for garage and porte cochere access and then only as approved by the ARC. Sidewalks shall not exceed four feet (4') in width. Hook-in or circular driveways, in the front of the Dwelling, must be approved by the ARC. The location of each proposed sidewalk must be approved by the ARC.

2. **Materials.** Driveways and sidewalks shall be paved with concrete, natural stone or

unit masonry. Asphalt paving or white portland cement is prohibited. All driveways and sidewalks must be maintained in a manner to retain original structure, texture and color characteristics.

U. Fences

1. Wood Fence Construction. Wooden fences facing the front street or along any side street or rear street property line shall be constructed with all pickets on the outside so that no posts or rails are visible from the street.

2. Setback Lines. Fences may not be constructed on a Lot forward of the front line of the Dwelling.

3. Maintenance of Fences. Pickets, rails, or bars that are broken, warped, bent, sagging, or which have otherwise deteriorated must be promptly repaired or replaced. All fences which are stained (on interior surfaces) shall be properly maintained to prevent cracking, chipping, fading or mildewing.

4. Attachments. No structure may be attached to a fence unless otherwise provided by the ARC.

5. Trellis. No trellis is allowed against any surface of a Dwelling, garage, or fence if visible from the street in front of the Dwelling or side street for a corner Lot. If used in a backyard, a trellis may not exceed twelve feet (12') in height, measuring from the ground.

V. Signs

1. Home Security Signs. Inconspicuous, discretely placed signs for the purpose of warning of the presence of a home security system are permitted. Each sign shall be from a professional security company and should not exceed one (1) square foot in area. One (1) sign shall be allowed in the front yard of each Lot. Each sign may be mounted on a stake or a wall of the Dwelling or garage. If stake mounted, the top of the sign shall not exceed two feet (2') from the ground level when installed and must be no further than three feet (3') away from the Dwelling or garage. Signs must be of an acceptable color which is harmonious with the surrounding structure and landscaping. Acceptable colors for security signs include earth tones, white, black, or dark shades of red, blue or green. The text and overall appearance of the signs must be acceptable and must primarily provide a security warning without prominent advertising of any business. Signs must be maintained in good condition and the Association may require removal of signs which have deteriorated. In addition, home security warning decals may be displayed on first floor windows or doors, provided that each decal is not larger than three inches (3") wide by four inches (4") tall. Not more than one decal may be displayed per window or door; provided the decals do not otherwise violate these Guidelines.

Other Types:

- i) Open House. One (1) temporary open house sign is allowed in front of Dwelling on the day of the open house only. Size: no more than six square feet (6') overall.
- ii) School Organization. One (1) school sign is allowed in the planting beds of a Lot not farther than three feet (3') from the outside wall of the Dwelling, unless otherwise approved by the ARC. Maximum Size Allowed: 42" in height and 18" in width.

W. Flag Poles

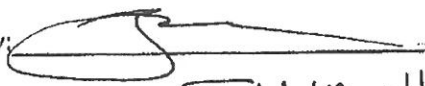
The Association encourages its residents to display the American Flag at appropriate times with due respect to national standards. However, flag poles are considered an architectural Improvement and, therefore, require ARC approval. Flags may not be used to advertise or promote any product, service, organization or commercial enterprise.

Each Lot may have not more than two (2) removable, wall-mounted flag poles or masts, which must be securely attached to the Dwelling or garage. The pole or mast may not exceed thirty-six inches (36") in length from which it is mounted. The pole or mast must be removed when-ever the flag is not being displayed. Permanent flag poles are permitted as long as the flags are well-maintained.

[Signatures appear on the following pages.]

CERTIFICATION

"I, the undersigned, being the President of the Riverbend Planning Committee, Inc., hereby certify that the foregoing Architectural Guidelines was adopted by at least a majority of the Association Board of Directors."

By:  President

Print name: Todd Mueller

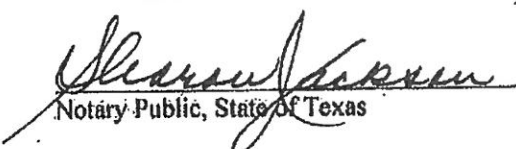
ACKNOWLEDGEMENT

STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared TODD MUELLER, President of the Riverbend Planning Committee, Inc., and known by 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 contained therein are true and correct.

Given under my hand and seal of office this the 6th day of DECEMBER, 2011.


Notary Public, State of Texas

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas.

JAN - 3 2012



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS



Ref:
Holt & Young
11200 Richmond Ave #450
Houston TX 77082