

ARCHITECTURAL DESIGN GUIDELINES
Memorial Plaza Sections One, Two and Three

I. DEFINITIONS

Terms used in these Architectural Guidelines shall have the following meanings:

- ARC:** The Architectural Review Committee of the Association.
- Declaration** Amended and Restated Restrictions for Memorial Plaza, Sections One, Two and Three A Harris County Subdivision
- 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.

Each other capitalized term used in these Architectural Guidelines shall have the same meaning as that set forth in the Declaration. Clarify term Architectural Review Committee (ARC) is the same as Architectural Control Committee (ACC).

II. OVERVIEW

The purpose of architectural review is to preserve the plan and scheme of development for the Subdivision. The Declaration authorizes the ARC to establish Architectural Guidelines for the Subdivision and requires Owners to obtain the prior written approval of the ARC for any Improvement to be constructed or modified on a Lot. The prior written approval of a proposed Improvement is required to ensure that the proposed Improvement complies with the provisions of the Declaration and these Architectural Guidelines and that it is compatible with existing Improvements. The ARC and Board have established these Architectural Guidelines in accordance with the authority granted to them by the provisions of the Declaration and Chapter 204 of the Texas Property Code.

These Architectural Guidelines provide information about: the type, color, and grade of exterior materials which may be used in the construction of various types of Improvements; the permissible size, height and location of Improvements; and the procedures used by the ARC in reviewing applications for proposed Improvements.

The ARC reserves the authority to review and approve or disapprove Plans for a proposed Improvement not expressly addressed in these Architectural Guidelines and to consider additional guidelines in the review process, whether published or not. These Architectural Guidelines may be amended by the ARC as it deems necessary and appropriate, subject to the approval of the Board of Directors.

A. APPLICATION PROCEDURE

1. Submission. An application for approval of a proposed Improvement must be submitted to the ARC Chairman in writing by completing the application form then in use by the ARC. All formal submittals must be signed for in person with a date of submission. Electronic submittals via email must be acknowledged received by ARC Chairman to start the submittal process. Plans must be submitted with the application, which Plans shall include the following:

a. A check or payment in the amount of \$125.00 (one hundred twenty five dollars), or the then applicable Submission Fee, made payable to "Memorial Plaza Civic Club." Payments shall be sent to: PO Box 79108 Houston TX 77279-9108 or delivered to the treasurer of Memorial Plaza Civic Club. Payments must accompany The Memorial Plaza Subdivision ARC Submittal Form for Remodeling, Additions and New Construction. The form must be completely filled out including contact information and Submittal Date.

b. Two (2) copies of a demolition plan showing the extents of demolition for all structures, walkways, driveways and existing trees on site. Included with the demolition plan shall be a temporary drainage plan, soil erosion plan and tree mitigation plan for protecting existing trees. A tree survey with dimensions shall be included and coordinated with the proposed new improvement(s).

c. Two (2) copies of an accurately drawn and dimensioned site development plan indicating the location of the Residential Dwelling or other Improvement to be constructed on the Lot, the location of each driveway, walkway, patio, fencing, accessory building and the relationship of the same to the building setbacks applicable to the Lot and any utility easements. Fences must be shown behind the front building setback lines. The site plan shall also identify the location of any temporary facilities such as portable toilets.

d. Two (2) copies of a foundation plan, floor plans and exterior elevation drawing of the front, rear, and sides of the Residential Dwelling (or, if applicable, other Improvement) to be constructed on the lot.

e. Two (2) copies of written specifications and samples indicating the color, type, and grade of all exterior materials to be used in the construction of the Residential Dwelling or other Improvement on such Lot, including, without limitation, the type and color of *all masonry, roofing, siding, exterior trim, shutters and other materials* to be utilized on the exterior of the Residential Dwelling or other Improvement; the color of paint, color impregnation and/or stain to be used on any portion of the exterior of the Residential Dwelling or other Improvement; and the proposed location of each type of exterior building material on the Residential Dwelling or other Improvement.

f. Two (2) copies of the exterior lighting plan, including the type and location of each exterior light or lighting fixture.

g. Two (2) copies of the landscaping and irrigation plans.

h. A written statement of the estimated date of commencement, if the proposed Improvement is approved, and the estimated date of completion.

i. Such other Plans, information or documentation as may be required by these Architectural Guidelines or requested in writing by the ARC.

The ARC reserves the right to request additional information deemed by it to be necessary to properly evaluate the application. In the event that the ARC requests additional information in writing, the application shall be deemed to be disapproved, whether or not so stated in the written communication, and a new forty-five (45) day period (as addressed below) shall commence upon the receipt by the ARC of the additional information. All applications shall be mailed or delivered to the ARC at the principal office of the Association. See Memorialplazavicivclub.com for more information and ARC contact information.

2. ARC Decisions. The ARC shall consider each application for compliance with the provisions of the Declaration and these Architectural Guidelines. Provided that, only a complete application will be considered. The decision of a majority of members of the ARC to approve or disapprove an application shall be the decision of the ARC.

ARC decisions shall be conveyed in writing by the ARC or its representative 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 Declaration, a complete application that is not approved or disapproved within forty-five (45) days of the date of its actual receipt (unless additional information is requested as provided in part 1 above, and the Declaration) shall be deemed to be approved; provided, however, that no such deemed approve shall permit an Owner to construct an Improvement on a Lot that violates any express provision in the Declaration or these Architectural Guidelines. Construction of an approved Improvement shall be commenced within ninety (90) days of the date of approval by the ARC.

3. Appeal of an ARC Decision. The applicant may appeal to the Board of Directors a decision of the ARC disapproving an application or approving an application only with modifications. The Board of Directors shall review the appeal at one of its next two (2) meetings following the date upon which the appeal is received and notify the applicant of the Board's decision. All decisions of the Board of Director shall be final.

4. Status of Application During Appeal. During the pendency of an appeal to the Board of Directors, the decision of the ARC shall remain in effect. The failure of the Board of Directors to respond to an appeal within forty-five (45) days of the date of its receipt of notice of the appeal shall not result in deemed approval of the application.

B. GENERAL GUIDELINES

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

a. The exterior materials, colors, design (elevations), size (dimensions), location and appearance, all of which must be of high quality and harmonious with existing Improvements and consistent with the plan and scheme of development for the Subdivision;

b. Compliance with all applicable setbacks set forth in the Declaration or shown on the Plat as well as location in relation utility, drainage, aerial or other easements. The improvement footprint in relationship to existing trees and how the new structure impacts the site.

c. Limitations set forth in the Declaration as to the number of Improvements which may be constructed on a Lot (with ARC approval).

d. Thoughtful preservation of mature trees and landscaping on site in relationship to new construction, additions or remodeling improvements. The design shall consider the location of existing landscaping and trees as well as site topography for drainage requirements. If trees must be removed due to conflict with new foundations then a minimum of two (2) new oak type trees equal to four (4) inch caliper shall be planted in the front yard. The ARC may require additional trees planted if the number of trees removed exceeds six (6). The ARC may require additional trees planted if the lot size is greater than 10,000 square feet.

2. Statutes, Ordinances and Building Codes: Disclaimer. In addition to the provisions of the Declaration and these Architectural Guidelines, the ARC may consider any applicable statute, ordinance, or building code. However, approval of an application shall not be construed as a warranty or representation by the ARC that the Improvement, as proposed or as constructed, complies with any or all applicable statutes, ordinances or building codes, nor shall approval be construed as a warranty or representation by the ARC of the fitness, design or adequacy of the proposed Improvement. An Improvement must comply with any applicable statute, ordinance or building code, but it is the applicant's responsibility to assure that the Improvement, if approved by the ARC, complies with all applicable statutes, ordinances and building codes. If the provisions of these Architectural Guidelines are more restrictive than an applicable statute, ordinance or building code, the provisions of these Architectural Guidelines shall be applicable.

3. Deviations from Approved Plans. A deviation from approved Plans during construction requires ARC approval as provided in the Declaration and these Guidelines; a deviation without the prior written approval of the ARC constitutes a violation and correction or removal of the deviation may be required.

4. Commencement of Construction. Construction of a new Residential Dwelling on a Lot shall commence within ninety (90) days of the date of Plan approval. Failure to commence construction within ninety (90) days of Plan approval will result in a fine of \$75.00 per day for each day that construction fails to commence after ninety (90) days of the date of Plan approval, subject to notice as may be required by law. Any fines levied shall be secured by the lien against the Lot in question created for the benefit of the Association per the provisions of the Declaration; the fines shall also be the personal obligation of the Owner of the Lot. As used herein, "commencement of construction" means the date that materials and/or equipment are

delivered to the site and meaningful construction activity begins. New construction must be completed within two hundred seventy (270) days and other improvements within one hundred eighty (180) days. Any extension of time must be approved by the ARC in writing. Builders and/or property owners not in compliance with the Deed Restrictions or Architectural Design Guidelines are subject to fines of seventy five (75) dollars per day.

C. VARIANCES

Notwithstanding the provisions in the Declaration 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 Residential Dwelling to exceed thirty-six (36) feet above finished grade or allows a Residential Dwelling to be located nearer to a side property line than the setbacks established in Section 3.4 of the Declaration, 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 ($\frac{2}{3}$) of the Lots in the section in which the Lot in question is located and the written approval of Owners representing two-thirds ($\frac{2}{3}$) of the Lots in a contiguous section of the Subdivision.

A person seeking a variance must comply with the following provisions:

a. Submit Plans through the normal application procedure. (Note: a variance request cannot be initiated unless an application for the proposed Improvement has been denied);

b. Notice of the request for a variance must be submitted in writing to the Board of Directors of the Association. The notice must specifically describe the variance and include dimensional drawings and any other information deemed appropriate by the Board.

c. The Board of Directors or the Association's counsel shall prepare a consent form to be completed and signed by Owners who consent to the variance. The consent form prepared by the Association must be used for this purpose; consents submitted by Owners on any other form or in any other manner will not be considered.

d. The person seeking the variance shall then solicit consents from Owners in the section of Memorial Plaza in which the property made the subject of the variance request is located, as well as Owners in sections 1,2,3 of Memorial Plaza that is closest to the Lot made the subject of the variance request. Each consent form must be executed by a person who has an ownership interest in the Lot identified in the consent form. Consent forms executed by lessees or other persons will not be considered.

e. The person seeking a variance must obtain the consents of Owners representing not less than two-thirds ($\frac{2}{3}$) of the Lots in sections 1,2,3 of Memorial Plaza in which the Lot made the subject of the variance is located.

f. If the requisite number of consent forms have not been delivered to the Association within ninety (90) days of the date that the consent form is provided to the person seeking the variance, the request for a variance shall be deemed to be disapproved. Thereafter,

the requesting Owner may, at any time, resubmit his/her request for the variance, in which event the procedure outlined above shall be repeated. If the same or a substantially similar request for a variance is disapproved a second time as a result of the failure to either.

The variance procedures set forth herein is not available to an Owner in the event of new construction. In other words, if an existing Improvement on a Lot is either voluntarily razed or destroyed by storm, fire or other hazard, the new Improvement must be constructed in accordance with these Guidelines. The variance procedure set forth herein is only available to an Owner in the event of remodeling an existing Improvement of the Lot.

GENERAL CONSTRUCTION PROCEDURES

1. Construction Review and Mockups

Mockups- A mockup of exterior finishes (masonry, mortar, siding, trim, paint colors, shutters, roofing) may be required on site for the ARC to evaluate and determine the acceptance of proposed exterior finishes, materials quality as well as workmanship. Mockups must be approved by the ARC prior to ordering and installation of exterior finishes. The cost of mockups will be the responsibility of the Property Owner.

(a) Foundations. For an Improvement that requires a poured foundation, a certified foundation form survey is required to be submitted three (3) days before the concrete is poured. The survey must confirm the placement of the Improvement in accordance with the Plans approved by the ARC and all applicable setbacks. 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. The height of a Residential Dwelling shall not exceed thirty-six (36) feet above finish grade nearest to the front building setback line. Residential Dwellings with low pitch roofs (less than 6:12) shall not exceed twenty-eight (28) feet in height above finish grade nearest to the front building setback line. A final written approval will be issued to the applicant acknowledging compliance with the approved plans.

(c) Pools and Decks. For a swimming pool and deck, 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 and all applicable setbacks. No swimming pools shall be enclosed with a screen. No above ground swimming pools are permitted on a lot. 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) Construction vehicle parking is restricted to the side of the street on which 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 trash must be moved from the Lot at least once per week. No trash may be left exposed that could be windblown onto adjacent Lots. Under no circumstances shall storm sewer inlets be used to discard any trash or debris. The street shall be kept clean of mud, excess concrete (including spillage from concrete trucks) and other materials generated from the construction site. The builder and property owner are responsible for protecting city curbs and streets from damage. All repairs or replacement costs will be the responsibility of the property owner.

(c) Port-a-cans must be kept neat and maintained in proper working order. A port-a-can must be located as far back from the street as possible while still enabling the port-a-can to be regularly serviced. Port-a-cans must be screened from view with typical wood fencing pickets on three sides and from the street and neighboring Lots. In the case of construction of a new Residential Dwelling, the Contractor must install a flush toilet as soon as plumbing is connected and then remove the port-a-can.

(d) Building materials, trucks and equipment shall not be placed upon or parked on the 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 8:00 p.m., Monday through Saturday. Radios for music are limited to inside during construction and must not be heard from the exterior or neighboring properties.

(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, chain link, or plastic barricades around the drip line of each tree. Prior to demolition a tree mitigation plan and tree protection plan must be approved by the ARC. All attempts to protect and preserve mature trees must be made. Placement of underground utilities, piping, electrical must be carefully coordinated not to disturb existing tree roots. In some cases hand digging around major root structures may be necessary.

(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 by submitting and maintaining a soil erosion plan. Temporary drainage may be necessary to prevent storm water from entering neighboring properties during construction.

3. Razing. An existing Residential Dwelling shall not be razed (demolished) until Plans for a new Residential Dwelling have been submitted to and approved by the ARC. Provided that, the Board of Directors shall have the authority to allow an existing Residential Dwelling on a Lot to be razed without the prior approval of Plans for a new Residential Dwelling

to be constructed on the Lot if the Owner of the Lot (a) enters into a written agreement to submit and obtain approval of Plans for a new Residential Dwelling to be constructed on the Lot within one hundred-eighty (180) days of the date of the agreement), (b) pays a deposit to the Association to assure that the Lot is properly maintained, (c) agrees to pay extension fees for non-compliance with the terms of the agreement) and (d) agrees to secure and maintain the Lot.

III. EXTERIOR ADDITIONS AND MODIFICATIONS

A. Exterior Colors

No exterior surface of a Residential Dwelling or other Improvement of a Lot shall be painted or repainted or color impregnated without the prior written approval of the ARC. Provided that, if a Residential Dwelling or other Improvement on a Lot is repainted with the identical paint (meaning both the same color and paint manufacturer), and there is no change in the areas to which the particular paint is applied, the approval of the ARC shall not be required. Color samples or "paint chips" of the proposed exterior color(s) must be attached to each application submitted to the ARC. The ARC may, but shall not be required to, maintain a chart depicting examples of the acceptable colors tones and shades for the exteriors of Residential Dwellings and other Improvements on Lots within the Subdivision. Iridescent colors or tones considered by the ARC to be brilliant or extremely bold are not permitted. The following additional Guidelines shall also apply:

1. Harmonious Colors. The proposed colors must be harmonious with each other and with colors of exterior brick, masonry and roofing materials.

2. Principal Colors of Dwellings. The principal color of the Residential Dwelling on a Lot shall not be the same color as the Residential Dwelling on adjacent Lot or the Lot directly across the street. The ARC may approve similar paint colors on neighboring Residential Dwellings in cases where the brick or accent colors are substantially different.

3. Number. The number of exterior colors on a Residential Dwelling is limited to three (3), inclusive of the brick color.

4. Variety. Even if the proposed color scheme for a Residential Dwelling complies with the requirements of these Architectural Guidelines, some or all of the colors may be disapproved if those colors already exist on the particular street, the objective being to provide variety and not allow a particular color to dominate a particular street scene.

B. ACCESSORY BUILDINGS

Except as otherwise provided in these Architectural Guidelines, an accessory building shall not exceed twelve (12) feet in height or have a floor area greater than one hundred (100) square feet. Accessory buildings shall not be built/placed in any easement nearest to the rear or side setback lines. The standard, type, grade and color of the materials used in the construction of an accessory building must be harmonious with the standard, type, grade and color of the materials used in the construction of the Residential Dwelling on the Lot. Further, an accessory

building must be architecturally compatible with the Residential Dwelling. No exterior portion of an accessory building shall be metal or plastic. The roof of an accessory building shall conform to the provisions relating to the roofing materials set for in the Declaration and these Architectural Guidelines and shall be compatible with the color and type of materials used in the construction of the Residential Dwelling. An accessory building must be located in the rear yard of the Lot within the applicable building setbacks. An accessory building shall not encroach into a utility or drainage easement. Mechanical equipment shall not encroach into a utility or drainage easement; further, mechanical equipment must be screened from view from a street adjacent to the Lot.

C. GARAGES, CARPORTS AND PORTE COCHERES

1. Location. A garage, carport or porte cochere shall not be nearer to 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 Residential Dwelling than twenty (20) feet. A carport or porte cochere shall not be nearer to the front wall of the Residential Dwelling than three (3) feet. No garage, carport or porte cochere shall be located on a 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 Residential 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 Residential 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 Residential Dwelling; provided that, in no event shall the height of a garage exceed twenty-eight (28) feet. All garages, carports and porte cocheres are subject to a height certification and approval, as provided in Section III, 1(b), of these Architectural 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 the setback 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 the setback shown on the applicable plat.

5. Hook-in Garages. A hook-in garage is not permitted on a Lot. No circular or half moon driveways are permitted unless located on Memorial Drive.

D. SECOND STORY LIVING AREA ABOVE GARAGE

A second-story living area above the garage on a Lot is permitted with the prior 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 or door shall be installed within the wall along or parallel to the rear property line.
3. No window or door shall be installed within the wall that is closest to a side property line;
4. No window or through-wall air-conditioning unit shall be installed in any window of a second..story living area.

E. ROOFS, ROOF MATERIALS AND ROOF ADDITIONS

1. General: Slope. The form and massing of the roof of a Residential Dwelling must have a logical relationship to the style and massing of the Residential Dwelling. The minimum roof pitch of a Residential Dwelling is six (6) inches vertical to twelve (12) inches horizontal.
2. Materials. A sample of the proposed roofing material for a Residential Dwelling or other Improvement must be submitted to the ARC. The- roofing material must be compatible with the Residential Dwelling. The color of each roofing material must be an earthtone color. Shingles must be composition asphalt with not less than a 25 year warranty, unless an alternative roofing material is approved in writing by the ARC prior to the construction. Provided that, a metal roof on an Improvement is not permitted and no roof extension shall be metal.
3. Roofing Additions. No skylights, solar panels, roof ventilators, wind turbines, rain barrels, collection systems or similar types of additions shall be permitted on the front of the roof ridge line and/or gable of a Residential Dwelling or other Improvement. Skylights, solar panels, roof ventilators, wind turbines, rain collection systems and the like are subject to approval by the ARC. No solar or other energy collection panel, wind turbine, equipment or device shall be permitted on the roof of a Residential Dwelling if visible from a street in or adjacent to the Subdivision. All roof ventilators shall be located to the rear of the ridge line and/or gable of the Residential Dwelling or other Improvement and shall not extend above the highest point of the roof. 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 screened :fro~ public view. The color of roofing additions must match existing roof vents (if any) or be harmonious with the color of roofing materials.

F. Window Treatments

1. Awnings. Awnings which are visible from a street are not permitted. Awnings on the rear portion of a Lot must be approved in writing by the ARC as to color and type of materials.
2. Shutters. Shutters must be appropriately scaled to relate to the window opening and appear authentic. Shutters must always occur in pairs. The color of a shutter must harmonize with the other colors used on the exterior of the Residential Dwelling.

3. Solar Screens and Tint. The color of a solar screen must be harmonious with the Residential Dwelling. The frames of the screens must match the color of the window frames of the Residential 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 Residential 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.

4. Lateral Windows. A "lateral window" is a transparent window situated in the side wall of a Residential Dwelling. No second story lateral window may be installed in the side or rear wall of a Residential 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. Transparent windows on two story dwellings must be finished with window treatments for privacy.

5. Burglar Bars are not permitted on the exterior of a residential dwelling or other improvement on a lot. Burglar bars are permitted on the interior of a residential dwelling or other improvement only if burglar bars are not visible from any street within the subdivision or neighboring property.

6. Window Coverings- Interior window coverings (*i.e.* blinds, shades, curtains) are required on all transparent windows visible to adjacent properties on the rear and side of a lot where the line of sight between properties is open or visible to neighboring properties.

G. AIR-CONDITIONING EQUIPMENT

Air-conditioning equipment shall not be located in the front of a Residential Dwelling or on the side frontage of a corner Lot unless screened from 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 (2) feet. 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.

H. 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 setbacks, easements, existing structures and existing or proposed fences. The application must also identify any trees which are to be removed or relocated. 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 or a fence is proposed to be constructed in conjunction with the pool, spa or jacuzzi. 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 located, or onto an 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. No building materials shall be kept or stored in a street adjacent to the Lot for any length of time. Excavated material shall either be used on site or removed from the Lot. The construction of a swimming pool, spa or jacuzzi must be in compliance with the National Electrical Code and include the installation of a ground fault circuit interrupter. No swimming pool, spa or jacuzzi shall be enclosed with a screen. A swimming pool, spa or jacuzzi must be constructed within the applicable setbacks and it shall not encroach into any utility or drainage easement. Adequate space for landscaping must be provided. No above-ground swimming pool is permitted on a Lot. An aboveground spa, jacuzzi or hot tub is permitted so long as it is recessed in decking and does not extend more than three (3) feet above the ground. Swimming pool features other than an approved diving board or slide shall not extend more than three (3) feet above the concrete or stone decking around the pool.

I. DRIVEWAYS AND SIDEWALKS

1. Location. Driveways shall not exceed twenty (20) feet in width, except as required for garage and porte cochere access and then only as approved by the ARC. Sidewalks shall not exceed four (4) feet in width. A circular driveway in the front of the Residential Dwelling must be approved in writing by the ARC. Circular driveways are only permitted on Memorial Drive with properties having a Memorial Drive address. The location of each proposed sidewalk must be approved in writing 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. Chert, gravel and loose stone is prohibited. All driveway and sidewalks must be maintained in a manner to retain original structure, texture and color characteristics.

3. Front Walkways. A front walkway should complement the architectural style of the Residential Dwelling. Each Residential Dwelling must have a front walkway from either the street curb or the driveway to the front door. Concrete, stone or brick pavers are the only permitted front walkway materials. A front walkway requires the written approval of the ARC prior to construction.

J. FENCES

1. Wood Fences. A wood fence which faces a street adjacent to the Lot shall be constructed with all pickets on the outside so that no posts or rails are visible from the street. A wood fence must have pickets which are 1" x 6"; the pickets must be number one or number two grade cedar or treated pine unless otherwise approved in writing by the ARC. A fence shall be constructed only with new wood. The top of a fence must be level. If the topography of the Lot varies, the top of a fence should "step" up or down (stagger) as required so that the top of the fence is always level with the horizon.

2. Gates. The design and materials used in the construction of a gate must be compatible with the appurtenant fence. Iron fences and gates, including driveway gates, are not permitted to have large logos, art or crests attached to the gate. Gates must be in harmony and similar appearance to other gates in the neighborhood. Iron fence and gate designs, operators and operator controls must be approved by the ARC. Solar panel controls for gate operators must not be seen from streets or neighboring properties. A pedestrian gate shall not exceed forty-two (42) inches in width.

3. Color. No portion of a wood fence on a Lot which is visible from a street shall be painted or stained without the prior written approval of the ARC.

4. Chain Link and Wire Fences. Chain link and wire fences are prohibited.

5. Location. No fence or gate shall be located nearer to the front property line of a Lot than ten (10) feet from the front plane of the Residential Dwelling nearest to the fence. No fence shall be located nearer to the side street adjacent to a corner Lot than the side wall of the Residential Dwelling.

6. Maintenance of Fences. Pickets or rails that are broken, warped, bent, sagging or which have otherwise deteriorated must be promptly repaired or replaced. A fence which is painted or stained (with the prior written approval of the ARC) shall be properly maintained to prevent cracking, chipping, fading or mildewing.

7. Height. As provided in the Declaration, no fence on a Lot shall exceed eight (8) feet in height.

K. EXTERIOR SIDING

When exterior siding is to be added to or replaced on an existing or new Improvement the Lot, it must be of the same type, quality, size, and color as the existing siding on the Resident 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 or Hardi plank, provided it is approved in writing by the ARC. Vinyl, aluminum, steel, or other metal siding is not acceptable. Stucco is not considered to be a masonry material for the purpose complying with the provisions of the Declaration requiring at least fifty-one percent (51%) of the exterior finish on a Residential Dwelling to be brick or dimensioned masonry material. Concrete masonry units, concrete masonry unit products or manmade masonry or stone veneers or stone veneers are not permitted. The following addition guidelines apply to replacement or additional exterior siding:

1. minimum of a 20-year warranty from a reputable manufacturer (warranty information should be submitted with the application);

2. 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; Sheet good siding is not permitted.

3. color of all siding (including siding that is not painted) must be compatible with the general color scheme of the Subdivision and the color(s) of the other exterior finishes on the Residential Dwelling;

4. 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;

5. only horizontal siding is permitted unless siding is replaced to match existing on an existing structure.

IV. **HEIGHT AND SETBACK REQUIREMENTS**

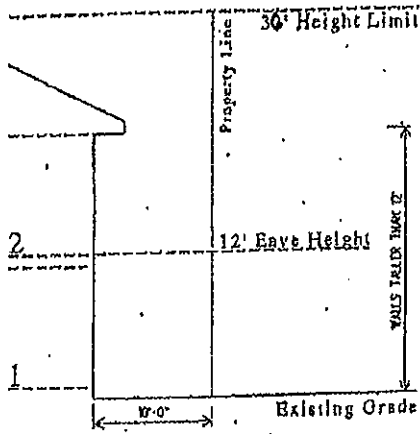
Section 3.4 of the Declaration addresses the location of Improvements on Lots and the applicable setbacks. The side setbacks applicable to a Residential Dwelling are different, depending upon the height of the wall adjacent to the side property line, measured from the top of the slab to the eave of the roof. Exhibit "A" attached to these Guidelines includes examples which illustrate the application of the side setbacks. Notwithstanding the illustrations attached hereto as Exhibit "A" or any other provision in these Guidelines, no exterior wall shall exceed a height of twenty-two (22) feet, measured from the top of the slab to the eave of the roof.

For purposes hereof, the term "wall" means that part of the vertical plane with a constant width that extends perpendicularly (at 90°) from the slab; it does not include that part of the vertical plane that does not extend perpendicularly (at 90°) from the slab but rather becomes narrower as it extends upward consistent with the slope of the roof.

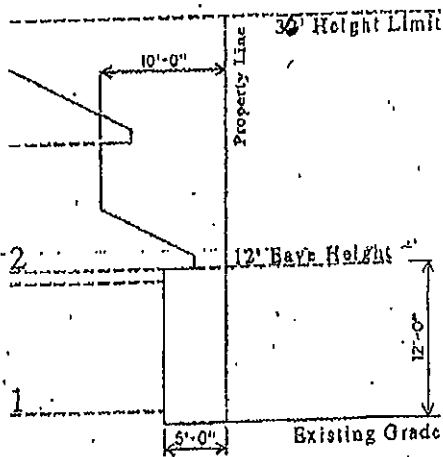
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V HEIGHT AND SETBACK REQUIREMENTS

A. Side Setbacks, Illustrations for Section 2.4 C. Location of Improvements-Setbacks



example a 2 Story Construction,
10 feet setback with walls taller than 12 feet



example b. 2 Story Construction,
5 feet setback for walls less than 12 feet tall
10 feet setback with walls taller than 12 feet