

**MARBELLA LANDING TOWNHOMES HOA, INC.
REGULATION OF SOLAR PANELS, ROOF SHINGLES, FLAGS, FLAG POLES,
RELIGIOUS ITEMS, RAIN BARRELS, XERISCAPING, AND ELECTRIC GENERATORS**

WHEREAS, Marbella Landing Townhomes HOA, Inc. (the "Association"), is the governing entity for the Marbella Landing, a subdivision in Harris County, Texas filed of record in the Map Records of Harris County, Texas under Clerk's File No. 20150156441, being a replat of Lots 1, 2, 3, 4, 6, 7, and 10 in Block 1 of Kendall Place, an addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 241, Page 21 of the Deed records of Harris County, Texas (the "Subdivision"); and

WHEREAS, Chapter 202 of the Texas Property Code was amended with respect to Sections 202.010, 202.011, 202.012, 202.018, 202.007, and 202.019, which require the Associations to allow solar panels, certain roofing materials, flags, flag poles, religious items, rain barrels, draught-resistant landscaping/water-conserving turf (xeriscaping), and standby electric generators, and authorizes the Association to regulate such items; and

WHEREAS, this Dedicatory Instrument consist of Restrictive Covenants as defined by Texas Property Code §202.001, et. seq, and the Association shall may exercise discretionary authority with respect to these Restrictive Covenants; and

WHEREAS, in the event of a conflict between these Regulations and any previously adopted regulations regarding this subject matter, these Regulations shall control;

NOW THEREFORE, in accordance with the foregoing, the Association hereby adopts the following Regulations:

I. Solar panels are permitted to the extent required by 202.010 of the Texas Property Code, subject to the following regulations:

- 1) The owner shall first apply to and receive written approval from the Architectural Control Committee (herein referred to as "ACC") prior to installation of any solar panels or other solar items (collectively "Solar Panels") permitted by 202.010.
- 2) Solar Panels shall be located in a fenced-in yard or patio OR on the roof of the house or other approved structure, not visible from the front of the structure, and in a location approved by the ACC (subject to any limitation imposed by 202.010).
- 3) Solar Panels shall be located entirely on the property of the owner erecting the Solar Panels and shall not be located on any other lot, property or common area.
- 4) When mounted on a structure, no Solar Panel may be higher or wider than the roofline of the structure it is mounted on.
- 5) When mounted on a structure, the top edge of all Solar Panels shall be parallel with the roofline and shall conform to the slope of the roofline.

- 6) If located in a fenced-in yard or patio, the Solar Panels shall be lower than the fence line of the yard or patio.
- 7) If located in a yard or patio that is fenced-in by a wrought iron fence, the Solar Panels shall be screened from public view using vegetation, or otherwise, as required and as approved by the ACC, in its sole discretion.
- 8) Solar Panels shall not cause an unreasonable or disproportionate visual impact on neighboring lots. If the Solar Panels would “substantially interfere with the use and enjoyment of land causing unreasonable discomfort or annoyance to persons of ordinary sensibilities” it will not be allowed unless all adjoining owner’s give their written approval. The ACC will decide what is an unreasonable or disproportionate visual impact on neighboring lots and will inform the property owner of what changes must be made to correct any unreasonable or disproportionate visual impact.
- 9) Solar Panel frames, brackets, wires and pipes shall be a shade of silver, bronze or black.

II. To the extent required by 202.011 of the Texas Property Code, Owners are entitled to install roof shingles designed primarily to be wind and/or hail resistant; shingles that provide heating and cooling efficiencies greater than those provided by customary composite shingles; and shingles that provide solar generation capabilities (collectively referred to as “Alternative Shingles”), subject to the following regulations:

- 1) The owner shall first apply to and receive written approval from the ACC prior to installation, alteration or modification of Alternative Shingles.
- 2) Alternative Shingles shall resemble the shingles commonly used on property in the Association.
- 3) Alternative Shingles shall be more durable than and of equal or superior quality than the shingles commonly used on property in the Association.
- 4) Alternative Shingles shall match the aesthetics of the property surrounding the owner’s property.

III. To the extent required by 202.012 of the Texas Property Code, Owners are entitled to display a United States Flag, a Texas State Flag, and a replica flag of any branch of the United States Armed Forces, (“Permitted Flags”), and to install a flag pole on their property for the purpose of displaying the Permitted Flags; subject to the following regulations:

- 1) The Owner shall first apply to and receive written approval from the ACC prior to installation of any flag pole.

- 2) United States Flags must be displayed in accordance with 4 U.S.C. Sections 5-10.
- 3) The Texas Flag must be displayed in accordance with Chapter 3100 of the Texas Government Code.
- 4) Only Permitted Flags may be displayed within the Association.
- 5) Permitted Flags shall be displayed from a pole attached to a structure OR from a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage or entry door.
- 6) A flag pole attached to a structure shall be limited to one per lot, shall be no more than 6 feet long and shall be securely attached to an approved structure by a bracket with an angle of 30 to 45 degrees down from vertical. The flag pole shall be attached in such a matter as to not damage the structure. One attached flag pole is allowed on the front portion of a structure facing the street in a location approved by the ACC. Brackets which accommodate multiple flag poles are prohibited.
- 7) A flag pole, whether attached to a dwelling or freestanding, shall be constructed of permanent, long-lasting materials with a finish appropriate to the materials used in the construction of the flag pole and harmonious with the dwelling. Flag poles shall be commercially produced and not home-made, they shall not be constructed of wood or plastic.
- 8) Only one of each Permitted Flag may be displayed at any one time.
- 9) The flag display and flag pole shall conform to all setbacks, easements, and zoning ordinances.
- 10) Flags and flag poles must be maintained in good condition; flags and poles that are deteriorating or represent an unsafe condition shall be repaired, replaced or removed.
- 11) Free-standing flag poles, are limited to one per lot, in a location approved by the ACC in writing, and shall not exceed 20 feet in height (including any ornamental cap) and 9 inches in diameter. Free-standing flag poles shall be permanently installed in the ground according to the manufacturer's instructions.
- 12) Permitted Flags are limited in size to 3 feet tall by 5 feet wide.
- 13) Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting shall be:
 - a) approved in writing by the ACC prior to installation, and
 - b) shall be ground mounted in the vicinity of the flag, and

- c) shall utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover, and
- d) shall point towards the center of the flag and face the main structure on the property or to the center of the property if there is no structure, and
- e) shall not provide illumination exceeding the equivalent of a 60 watt incandescent bulb.

- 14) Flag poles shall not generate unreasonable noise levels which would disturb the surrounding residents. In order to minimize noise all flag poles shall utilize vinyl or plastic snap hooks, shall utilize snap hook covers and may secure a rope around the flag pole with a flag pole clasp, or do whatever else is necessary to comply.
- 15) An owner can only place a flag pole or flag on his own property and no other lot, property or common area.
- 16) Flag poles are permitted solely for the purpose of displaying Permitted Flags. If a flag pole is not longer used on a daily basis it shall be removed by the Owner.

IV. Religious Items related to any faith that is motivated by an Owner's sincere religious belief or tradition, may be displayed or affixed to the entryway of a dwelling, as required by 202.018 of the Texas Property Code, subject to the following regulations:

- 1) The religious item cannot threaten public health or safety.
- 2) The religious item cannot violate any law.
- 3) The religious item cannot contain language, graphics or other display that is patently offensive to a passerby.
- 4) The religious item must be located on the entry door or entry door frame and cannot extend past the outer edge of the door frame of the dwelling.
- 5) The maximum space allotted to a religious item or combination of religious items shall be no more than 25 square inches.
- 6) The Association may remove any item that does not conform to these regulations.

V. Rainwater Recovery Barrels or Systems ("Barrels/System") shall be permitted to the extent required by 202.007(d), subject to the following regulations:

- 1) The Owner shall first apply to and receive written approval from the ACC prior to installation of any Barrels/System.

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- 2) The Barrels/System must be of a color that is consistent with the color scheme of the owner's home.
 - 3) The Barrels/System cannot be located between the front of the owner's home and an adjoining or adjacent street. (the front yard)
 - 4) The Barrels/System must not display any language or other content that is not typically included on the item when it is manufactured.
 - 5) The Association may regulate the size, type, materials and manner of screening for Barrels/System that are visible from the street, another lot, or common area.
 - 6) If located in a yard or patio that is fenced-in by a wrought iron fence, the Barrels/System shall be screened from public view using vegetation, or otherwise, as required and as approved by the ACC, in its sole discretion.
 - 7) There must be sufficient area on the owner's property to install the Barrels/System, no Barrels/ System shall be located on or extend onto any property other than the owner's lot.
 - 8) Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Barrels/ System, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common are.
 - 9) Screening may be accomplished by an approved solid fence, structure or vegetation; by burying the tanks/barrels; or by placing the equipment in an outbuilding approved by the ACC.
 - 10) A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above, so long as:
 - a) the barrel does not exceed 55 gallons, and
 - b) the barrel is installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle, and
 - c) the barrel is fully painted in a single color to blend with the adjacent home or vegetation, and
 - d) any hoses attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible location when not in use.
 - 11) Overflow lines from a System must not be directed onto or adversely affect adjacent properties or common areas.

- 12) Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are prohibited, however, where space allows and where appropriate as determined by the Association, ACC approved ponds may be used for water storage.
- 13) Harvested water must be used and is not allowed to become stagnant or a threat to health.
- 14) All systems shall be maintained in good repair. Unused systems should be drained and disconnected from the gutters. Any unused Systems in public view must be removed from public view of any street or common area.

VI. Draught-Resistant Landscaping and Water-Conserving Turf, shall be permitted as required by Texas Property Code § 202.007, subject to the following regulations:

- (1) The following items deemed aesthetically incompatible with the landscaping in the subdivision and will not be approved:
- a) Astro-turf and any other artificial turf (all turf must be natural and living);
 - b) Artificial plants, trees, shrubs, bushes and other artificial landscaping (all landscaping must be natural and alive);
 - c) Areas of rock, gravel, stone, or similar ground cover that comprise a significant portion of the front yard that is visible from public view, as determined in the sole discretion of the Association;
 - d) Cacti and similar plants that constitute the primary landscaping feature on the lot; and
 - e) Species of plant or turf that are dangerous, toxic or invasive to humans, animals or indigenous plant life.
- (2) The Association shall have the sole discretion as to what constitutes the meaning of “draught-resistant”, “water-conserving”, “artificial” and all other terms used in this policy that are not otherwise defined by applicable law or the Association’s dedicatory instruments.
- (3) No modification or installation of landscaping governed by this policy shall be made until the owner has first applied for and obtained the written approval of the Association.

VII. Standby Electric Generators (SEG) are permitted to the extent required by § 202.019 of the Texas Property Code, subject to the following regulations, which shall be reasonably applied and enforced:

- 1) The owner shall first apply to and receive written approval from the Association prior to installation of any SEG permitted by 202.019 that will be located outside of the main

residential structure on the Property, in the same manner as all other submissions for approval or improvements to property.

- 2) The SEG must be installed and maintained in compliance with manufacture's specifications and applicable governmental health, safety, electrical and building codes.
- 3) All electrical, plumbing, and fuel line connections for the SEG shall be installed only by licensed contractors and all electrical connections must installed in accordance with applicable governmental health, safety, electrical and building codes.
- 4) All natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for the SEG shall be installed in accordance with applicable governmental health, safety, electrical and building codes.
- 5) All liquid petroleum gas fuel line connections shall be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical and building codes.
- 6) All nonintegral standby electric generator fuel tanks for the SEG shall be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes.
- 7) The SEG, its electrical and fuel lines shall all be maintained in good condition.
- 8) If a component of an SEG, including electrical or fuel lines, is deteriorated or unsafe then that component shall be repaired, replaced or removed as appropriate.
- 9) The SEG shall be screened in accordance with plans submitted to and approved by the Association, if it is:
 - a. visible from the street faced by the dwelling,
 - b. located in an unfenced side or rear yard of a residence and is visible either from an adjoining residence or from adjoining property owned by the property owners' association, or
 - c. located in a side or rear yard fenced by a wrought iron or residential aluminum fence and is visible through the fence either from an adjoining residence or from adjoining property owned by the property owners association.
- 10) The SEG shall be periodically tested in accordance with the manufacturer recommendations.
- 11) The SEG shall not be used to generate all or substantially all of the electrical power to the residence, except when utility-generated electrical power to the residence is not available or is intermittent due to causes other than nonpayment for utility service to the residence.

- 12) The SEG shall be located in a location submitted to and approved by the Association.
- 13) The SEG shall not be located on property owned or maintained by the property owners association or owned in common by the property owners association.
- 14) The location required by the Association for a SEG may not increase the cost of installing the SEG by more than 10% or increase the cost of installing and connecting the electrical and fuel lines for the SEG by more than 20%.

MARBELLA LANDING TOWNHOMES HOA, INC.

CERTIFICATION

"I, the undersigned, being the President of Marbella Landing Townhomes HOA, Inc., hereby certify that the foregoing Resolution was adopted by at least a majority of the Association Board of Directors at an open Board meeting, properly noticed to the members, at which a quorum of the Board was present.

By:  President

Print Name: Jason Freeman

ACKNOWLEDGEMENT

STATE OF TEXAS

§

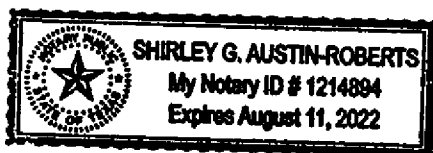
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COUNTY OF HARRIS

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BEFORE ME, the undersigned authority, on this day, personally appeared the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same as the act of the Association for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 22nd day of August, 2019.




Notary Public, State of Texas

RP-2019-379950
Pages 9
08/28/2019 11:18 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
DIANE TRAUTMAN
COUNTY CLERK
Fees \$44.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

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
hereon by me; and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas.



Diane Trautman

COUNTY CLERK
HARRIS COUNTY, TEXAS

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