



**REPLACEMENT INSTRUMENT TO RECORD DEDICATORY INSTRUMENTS**

This Replacement Instrument is being recorded by the Millers Neighborhoods Community Association, a Texas nonprofit corporation (the "Association") pursuant to Section 202.006 of the Texas Property Code. It replaces that one certain Instrument recorded under Fort Bend County Clerk's File No. 2023040430.

Section 202.006 of the Texas Property Code requires a property owners' association to record each dedicatory instrument in the real property records of the County in which the property to which the dedicatory instrument relates is located, if such instrument has not previously been recorded; and

Restrictive covenants and other matters concerning the Subdivision are set forth in the Declaration of Covenants, Conditions and Restrictions for Millers Neighborhoods recorded under Fort Bend County Clerk's File No. 2023007348 in the Official Public Records of Fort Bend County, Texas, (the "Declaration").

The Association is currently subject to the following additional dedicatory instruments which have not previously been recorded, attached hereto and made a part hereof, to-wit:

Residential Improvement Guidelines - Homeowners

Pursuant to Section 202.006 of the Texas Property Code, the Declarant for the Association does hereby record such additional dedicatory instruments, a copy of which is attached hereto.

Executed on the 5<sup>th</sup> day of June, 2023.

Millers Neighborhoods Community Association,  
a Texas non-profit corporation

By: \_\_\_\_\_

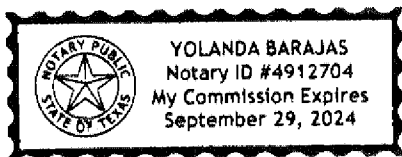
Name: \_\_\_\_\_

Title: \_\_\_\_\_

*Kim Stewart*  
*Kim Stewart*  
*President*

THE STATE OF TEXAS    §  
  §  
COUNTY OF HARRIS    §

This instrument was acknowledged before me on June 5, 2023,  
by Kim Stewart, the President of Millers Neighborhoods  
Community Association, on behalf of said entity.



Yolanda Barajas  
Notary Public, State of Texas

# MILLERS NEIGHBORHOODS COMMUNITY ASSOCIATION

## RESIDENTIAL IMPROVEMENT GUIDELINES FOR HOMEOWNERS

DATED AS OF JUNE 5, 2023

### A. DEFINITIONS:

Terms used in this document have the following meanings:

“Application”	Application for approval for exterior changes, additions, or improvements. Forms and names vary by Management Company.
“Applicant”	Owner or agent of Owner making application to the ARA for the purpose of making Improvements on a Lot.
“Association”	MILLERS NEIGHBORHOODS COMMUNITY ASSOCIATION
“ARA”	Architectural Review Authority.
“Board”	Board of Directors of the Association.
“The Community”	Areas of MILLERS NEIGHBORHOODS Development that have been brought under the jurisdiction of the Association.
“Declarant”	Friendswood Development Company and M/I Homes of Houston, LLC
“Declaration”	Declaration of Covenants, Conditions and Restrictions for MILLERS NEIGHBORHOODS Community Association recorded under 2023007348.
“Improvement Guidelines” or “Guidelines”	These Residential Improvement Guidelines for Homeowners which set forth standards and procedures established by the ARA pertaining to Homeowner Improvements on any Lot within the Community.
“Improvements”	Exterior changes, additions, or improvement on a Lot or residence after initial construction of the homebuilder, pursuant to these Guidelines.
“Lot” or “Lots”	Platted property on any recorded subdivision map of the Community upon which there has been or may be constructed a single-family residence.
“Management Company”	Professional community management company in the employ of the Association.
“Owner” or “Homeowner”	Applicant applying for Homeowner Improvements subject to these Guidelines
“Supplementary Declarations”	Supplementary Declarations for that apply specifically other properties within MILLERS NEIGHBORHOODS that have been or will be annexed in to the Association and made subject to the Declaration.

**B. PURPOSE OF IMPROVEMENT GUIDELINES:**

These Guidelines are limited to the review and approval Homeowner Improvements on Lots in the Community. They do not address review and approval of any initial construction on Lots. Declarant has reserved and does reserve its exclusive right to approve all initial construction. Additionally, these Guidelines do not address any commercial properties within MILLERS NEIGHBORHOODS as such commercial ARA is also reserved by the Declarant.

These Guidelines are intended to provide all homeowners information about the type, color, quality and grade of material which may be used in construction of various kinds of Improvements; the size and location of such Improvements; and the procedure followed by the ARA for reviewing Applications for proposed Homeowner Improvements.

These Guidelines are intended to ensure consistency in decisions by the ARA and assist in expediting the decision process. The Guidelines are intended to augment and clarify the Declaration but not replace or override it. In cases where the Guidelines and the Declaration conflict, the Declaration shall govern. The Restrictions of Use in the Declaration may be revised only by the criteria outlined in the Declaration.

These Guidelines may be amended by addition, deletion, or re-issuance at any time via recommendation by the ARA with approval from the Board.

Please be advised that pursuant to the Texas Property Code, the Association has or may in the future, adopt policies that impact modifications and improvements addressed herein.

**C. PURPOSE OF AUTHORITY:**

The purpose of the ARA is to review and evaluate Applications for Homeowner Improvements on Lots within the Community, in accordance with the Declaration and these Guidelines. The ARA also functions as a central Architectural control for the Community, in order to enhance, insure and protect the attractiveness, beauty, and desirability of the community as a whole while, at the same time, permitting compatible distinctiveness of homes within the community. The ARA will also make recommendations to the Board regarding changes or clarifications to these Guidelines or the Declaration.

**D. ARAHITECTURAL REVIEW PROCEDURES:**

Plans and specifications for Improvements are to be approved in advance. No special consideration will be given in those instances when post-construction approval is requested.

1. General:

An item can come before the ARA as follows:

- a. A Property owner (or his/her representative) shall submit any Application for Improvement to the Management Company.
- b. An unapproved Improvement may come to the attention of the Board, ARA or the Management Company. The Management Company will send a letter to the Owner requesting an Application be submitted. If no Application is received within 30 days, the Management Company will report this to the Board, which will take appropriate action.
- c. If the unapproved Improvement appears to be a violation of the Declaration, the initial notification/ request to the Owner will be a registered letter.

2. Applications for Approval:

All Applications to make any Homeowner Improvements must be submitted to the Management Company in writing by completing the Application form(s) currently in use by the ARA, copies of which are attached herewith as Exhibits "A" and "B". The Management Company shall coordinate Application processing on behalf of the ARA.

Plans and specifications for any Improvement should be attached to the Application. For room additions, sunrooms, patio enclosures and patio covers, Applications must be accompanied by a detailed scale drawing or plans showing the three-dimensional relationship of the Improvement to the existing structure. Applications must also include a plot plan showing the location of the improvement in relation to all lot boundary lines, the residence, 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, if applicable. Applications may be rejected for failure to provide any of these required items. The ARA reserves the right to require certified Architectural and/or engineering drawings. All Applications, additional information, or requests for appeal shall be mailed or delivered to the office of the Management Company, not to members of the Board or ARA.

The ARA reserves the right to request any additional information it deems necessary to properly evaluate any Application. In the event that the ARA requests additional information, the Application shall be considered incomplete until such information is submitted to the ARA and the sixty (60) day requirement for approval of the Application, as described in the Declaration, shall not begin until such information is received. In the event that the ARA requests additional information and the information is not received within sixty (60) days from the date of the request, the Application shall be denied. However, the applicant may thereafter submit a new Application with the requested information to the ARA for its review.

3. ARA Decisions:

ARA members shall consider each Application for compliance with the Declaration and these Guidelines. The decision of a majority of members to approve or disapprove an Application shall be considered the decision of the ARA.

ARA decisions shall be conveyed in writing by the Management Company 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, any Application that is not approved or disapproved within sixty (60) 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 these Guidelines and not to any of the Restrictions of Use set forth in the Declaration; and (ii) in no event shall non-action be deemed to constitute approval of an Application for any change, addition, improvement, or any other item that would violate the Declaration or these Guidelines. Therefore, automatic approval due to sixty (60) days without a response shall only apply to Applications which strictly adhere to both the Declaration and Guidelines. Unless otherwise stated in the ARA's written response, all approved exterior changes, additions or improvements shall be completed within sixty (60) days of the date construction, installation, or erection is commenced.

4. Board Appeals:

In the event the ARA disapproves an Application, the applicant may submit a written appeal to the Management Company for review by the Board. The Board shall review the appeal at its next meeting following the date upon which the request for appeal is received, and notify the applicant of the Board's decision. All decisions of the Board shall be final.

5. Status of Applications During Appeal:

During the appeal period, the decision of the ARA on the original Application shall remain in effect. Further, an appeal of a decision of the ARA shall not be considered a new Application resulting in approval of the original Application if a response to request for reconsideration is not submitted by the ARA or the Board within sixty (60) days of the date of its receipt.

6. Permits:

- a. After ARA approval and before construction, Applicant must obtain the appropriate building permit for the Improvement on a Lot. ARA does not monitor the permit process nor does it guarantee that the permitting agencies will grant a permit for an Improvement that is approved by the ARA. Accordingly, all ARA approvals are contingent on permitting approval.

- b. Applicant is advised to obtain ARA approval before submitting for permit. The permitting agencies are separate from the ARA, and their approval does not equate to ARA approval.

**E. ARCHITECTURAL CONTROLS AND RESTRICTIONS OF USE:**

*Architectural Controls are addressed in Article 7 of the Declaration. Restrictions of Use are addressed in the greater Article 10 of the Declaration. The following Guidelines supplement and clarify the Restrictions of Use, but may not override the Declaration. In cases where the Guidelines and the Declaration conflict, the Declaration shall govern.*

1. General.

- a. Precedents: While the ARA will make every reasonable attempt to be fair and equitable, the ARA will not necessarily be bound by past decisions. The ARA reserves the right to disapprove Applications for Improvements that require a variance from the established Covenants if it believes that such changes are not in the best interest of the future of The Community, even if a precedent was set by an earlier decision of the ARA. From time to time, the ARA will make a decision that, in retrospect, is not in the best interests of the community. The ARA and the Board reserve the right to recognize such a situation and no longer permit its use as a precedent. The same right applies if the ARA makes an error in allowing a change or addition to these Guidelines.
- b. Quality of Repairs and Improvements: Repairs and Improvements are required to be of equal or better quality than original construction. While there is no specific requirement for the Owner to apply to the ARA for such in-kind repairs, the quality of such work may come under the scope of the ARA's responsibilities if the repair is done in such a way as to detract from the appearance of the neighborhood.
- c. Easement Encroachments: It is not the responsibility of either the ARA or the Board to police encroachment into utility easement areas. If possible, the ARA will advise the Owner of a possible encroachment and recommend that the Owner seek approval or waiver from the appropriate utility company. However, the ARA will not be liable for any expense incurred by an Owner as a result of action by a utility company if such encroachment occurs, even if the ARA approved the change or addition without comment.

2. Building Materials

- a. Brick, Stucco, Stone and Cultured Stone: Brick, stucco, stone and cultured stone are the preferred building materials for siding the main residence or additions. The thickness, visible width, spacing and mortar of the brick, stone or cultured stone must be consistent with that of the original exterior and surrounding community. Each Application submitted to the ARA shall include a sample of the proposed material.
- b. 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 main residence (unless all exterior siding is being replaced at one time). 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 ARA 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 comply with the Guidelines for Painting as set forth herein; each application must include at least two (2) color samples of the proposed siding color. Siding with impregnated permanent color (*JamesHardie ColorPlus®* or similar) must be approved for color in the same manner as paint samples.
  - (iv) Must be installed and maintained to avoid sagging, waving, warping or irregular coloration; the ARA may require the homeowner (at homeowner's sole responsibility and expense) to repair or replace siding that fails to adhere to these Guidelines.
  - (v) Siding shall be installed over a high density polyethylene moisture barrier (*DuPont Tyvek®* or equivalent) to match original construction.

3. Roofing Shingles:

*Restrictions of Use relative to Roofing are covered in Article 10, Section 10.23 of the Declaration. The following Guidelines supplement and clarify the Restrictions of Use.*

- a. All roofing shingles must be asphalt shingles having a minimum 25-year warranty and be equal in appearance and quality to the existing roofing. A sample of the proposed shingle to be placed on any existing roof, or any new improvement (Including outbuildings) must be attached to each application submitted to the ARA. Corrugated metal, corrugated aluminum, acrylics and such materials are not approvable for roofing.
- b. The ARA may maintain a chart depicting examples of the acceptable type, quality and color of roofing materials for homes and other Improvements within the Community. Each shingle shall be compared to the samples set forth on the roofing materials chart to assure that the proposed shingle is of an acceptable type and quality and that its color is harmonious with the color scheme established for the Community.
- c. Composition shingle roofs shall be comparable in color to weathered wood shingles and comparable in surface textural appearance to wood shingles. Underlayment material shall be minimum Type 30 felt for all composition roofs.

4. Painting:

- a. Approval. No exterior surface of any house, garage, or other structure or Improvement on any Lot shall be painted or repainted without prior approval of the ARA. This applies to existing, as well as new construction, and whether the proposed colors are the same or different from the existing colors. Color samples or "paint chips" of the proposed exterior color(s) must be attached to each Application submitted to the ARA.
- b. Harmonious Colors. The proposed colors must be harmonious with each other and with the colors of exterior brick and roofing materials. The ARA may maintain a chart depicting examples of the acceptable shades of earthtone colors (i.e. shades of beige, brown, gray and white). The color samples or paint chips shall be compared to the colors and shades of colors set forth on the color chart to assure that each approved color is harmonious with the color scheme established for the community.
- c. Trim. Soffit, fascia board, window and door trim and rain gutters must also be an earthtone color; however, the shades of trim color may be deeper than the principal color of the dwelling or garage.
- d. Accents. Shutters, window hoods, the side panels of doors and windows and the exterior surfaces of doors may be painted any acceptable earthtone color, including trim colors and certain acceptable shades of dark green, black, blue-gray, rust or dark blue. Window hoods may also be painted in a coppertone metallic based paint. Only one accent color is permitted for any single residence. Exterior doors may be stained a natural wood color or may be painted to match the other accents, trim, or main house color.
- e. Storm doors. Storm doors shall be permitted with the following guidelines:
  - (i) Must be full view – all glass.
  - (ii) Screening or decorative scroll work is not permitted
  - (iii) Door trim must match the exterior colors of the homes.
  - (iv) Unfinished aluminum or wood screen doors are not permitted
  - (v) Installation must be in accordance with the plans and specifications submitted with your appeal.

5. Decks and Patios.

- a. Decks are typically constructed from treated pine joists, beams and posts and decking planks of treated pine, cedar or synthetic wood material such as *Trex*®. The overall height of the deck, exclusive of railing, may not exceed one foot (1') in height, although the ARA may grant variances to this limitation on a case-by-case basis. Where railing is installed it must meet local codes and may not be greater than forty-two inches (42") above the decking planks. Benches and tables may be incorporated into the deck itself. Patios may be constructed of slab-on-grade concrete, brick, stone, or other masonry material.

- d. While there is no maximum or minimum size for a deck or patio, no deck or patio shall impede drainage on the Lot or cause water to flow on an adjacent lot, and may not be within five feet (5') of any property line.

6. Patio Covers:

- a. 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 main residence; 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 main residence. 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 house, shall be subject to the Guidelines set forth for gazebos and restricted to twelve (12) feet.
- b. The location of a patio cover must not encroach on any easement, nor shall it violate the building setback lines applicable to the residential dwelling on any Lot. Patio covers must not interfere with drainage or cause water to flow onto any adjacent lot.
- c. 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.
- d. Patio covers which are attached to the house shall be securely attached at a height not less than seven (7) feet nor more than twelve (12) feet 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 (7) feet nor more than nine (9) feet 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 house.
- e. The roof of all patio covers (other than arbor or trellis type) must be covered with shingles meeting the roofing Guidelines set forth herein. Where the patio cover is gabled, the roof pitch should match the roof pitch of the portion of the home where the cover is attached. If the patio cover is not gabled, it should have a 3:12 slope.
- f. Second story decks will only be allowed as part of the original overall design of the home. The addition of a 2<sup>nd</sup> story deck after the original home plan has been designed and approved by the Architectural Review Authority (new construction) will not be allowed.
- g. If a fireplace is proposed for a covered patio area (associated with structures which are attached to the house), the fireplace requires the written approval of the ARA prior to installation or construction, as well as compliance with the requirements and limitations set forth below. Among other reasons, the ARA may disapprove a proposed fireplace in a covered patio area on the basis of the proximity of the open area of the fireplace and the chimney to other improvements on the Lot on which the covered patio area is located, including the patio cover itself, and improvements on an adjacent Lot. Fireplaces shall be constructed in a manner required by all applicable building codes.
  - i. A fireplace is only permitted in a covered patio area that is located in the rear yard of a Lot and the rear yard of the Lot must be fully enclosed by a fence.
  - ii. No part of the fireplace may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
  - iii. No part of the fireplace may be located on an easement.
  - iv. The exterior of a fireplace must be a stone or masonry material.

7. Patio Enclosures:



- a. A "patio enclosure" is any patio cover which has exterior walls and/or screens (other than "sunrooms" as defined elsewhere in these Guidelines).
- b. 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.
- c. 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 main residence. 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 main residence on the Lot, and in accordance with Paragraph E.2 above. 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 main 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 main dwelling or the color of existing window frames.
- d. If a fireplace is proposed for an enclosed patio, the fireplace requires the written approval of the ARA prior to installation or construction, as well as compliance with the requirements and limitations set forth the below. Among other reasons, the ARA may disapprove a proposed fireplace in an enclosed patio on the basis of the proximity of the fireplace to other improvements on the Lot on which the enclosed patio is located and improvements on an adjacent Lot. Fireplaces shall be constructed in a manner required by all applicable building codes.
  - i. A fireplace is only permitted in an enclosed patio that is located at the rear of the home on the Lot.
  - ii. No part of the fireplace may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
  - iii. No part of the fireplace may be located on an easement.
  - iv. The exterior of a fireplace must be a stone or masonry material.

8. Sunrooms:

- a. A "sunroom" is any room with glass-enclosed walls or a glass ceiling. The ARA 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.
- b. 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 residence, 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 may be rejected for failure to provide any of these required items.
- c. A sunroom may be added to the rear of the residence only. Applications for sunrooms on corner lots or lots where the rear of the house faces a street or other community property will be considered on a case-by-case basis.
- d. Supporting structural members must be of a color and shade similar to and harmonious with the exterior color of the residence. Glass must be tinted in a shade compatible with the exterior of the residence. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Applicants may be required to submit actual samples of the glass with the proposed shading/tinting material applied for approval.
- e. The floor of the sunroom must be of reinforced concrete slab construction with 3" minimum thickness. No other flooring material will be permitted.

- f. 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.
- g. Support trusses (glazing bars) must be constructed of aluminum or aluminum alloys with electrostatically applied coloring/paint to withstand a minimum of 100 M.P.H. wind and 25 lbs. per square foot or as dictated by Harris County. 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.
- h. The roof of a sunroom must have a minimum pitch of 1" per 12" of projection. The sunroom may not project more than twenty (20) feet measured from the rear facing plane of the residence. The sunroom may not project beyond either side-facing plane of the residence. A sunroom may not encroach on any existing setbacks or easements.
- i. Sunrooms are only permitted as ground structures. The maximum height of the roof, measured from the concrete floor, may not exceed either twelve (12) feet or the height of the eaves of the wall that the sunroom projects from, whichever is lower.
- j. All electrical installation (lights, ceiling fans and electrical outlets and low voltage speakers and controllers) shall be in accordance with the applicable version of the National Electric Code. If ceiling lighting is installed, it must be downward-directed, focused, low-wattage track lighting.
- k. 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.
- l. Sunrooms may not have exposed air conditioning or heating ductwork installed on the exterior thereof. Vents must be attached to the main residence. No ductwork shall be visible.
- m. 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 color, which must also blend with the exterior color of the home. 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 ARA. All temporary or disposable coverings not consistent with the aesthetics of the Subdivisions, such as reflective materials, sheets, newspaper, aluminum foil, plastic, cardboard, etc. are prohibited.

9. Gazebos:

- a. Gazebos require the written approval of the ARA prior to installation or construction and are subject to the requirements and limitations set forth below; provided that, in the case of a Gazebo, the ARA has the authority to impose more stringent requirements as to location and dimensions when deemed necessary on the basis of relevant factors, such as by way of example and not in limitation, the type and/or location of another structure on the Lot, the visibility of the Gazebos from a street, another Lot or Common Area, builders model home or the obstruction of a view from an adjacent lot.
- b. A "gazebo" is a free-standing, open-framed structure. Gazebos are typically circular or octagonal-shaped structures, but may be irregularly shaped. Pergolas, arbors and similar freestanding structures are considered gazebos for all purposes in these Guidelines. The application for construction of a gazebo must include a plot plan showing the location of the structure in relation to the property lines, building lines, easements, existing structures and existing or proposed fences. The gazebo must be a minimum of ten (10) feet from any other improvement in the back yard.
- c. Gazebos must be predominately open, but may have railing or half walls not to exceed forty two inches (42") in height. Any open columns must be painted or stained. If the gazebo is painted it shall match or compliment the structure of the home. The ceiling of the gazebo may be open to the rafters or closed-in and finished. All materials must be consistent in quality and appearance to the structure of the home.

- d. The overall size of the gazebo shall not exceed two-hundred and fifty (250) square feet. The maximum overall height (including the flooring or decking) is limited to twelve (12) feet when measured from natural ground to the highest peak of the structure.
- e. Flooring may be concrete slab-on-grade or raised decking of wood or synthetic wood material such as *Trex*®. Flooring may be painted or stained, or tiled. If raised decking is used, it may not exceed eighteen inches (18") in height.
- f. All gazebos must have a permanent roof, the quality and color of which shall match the home on the Lot. A double roof is permitted and encouraged.
- g. All pipes and cables must be underground. Any electrical installation (lights, ceiling fans and electrical outlets and low voltage speakers and controllers) shall be in accordance with the applicable version of the National Electric Code.
- h. Gazebos must be located in the rear or side yard. Gazebos shall not be located in any rear or side lot building line. Regardless of whether any building line exists, Gazebos may NOT be located within ten (10) feet of a property line. No gazebo shall be located on a utility easement, impede drainage on the Lot, or cause water to flow onto an adjacent Lot. Gazebo's will not be approved if proposed to be installed in a location to limit the adjacent property owners view of amenities.
- i. The ARA reserves the right to review the location of the Gazebo and further has the right to require that portions of Gazebos be altered to include walls, screening, or similar features as to limit exposure (sound, smoke from grills, outdoor televisions, noise, etc...) to adjacent property owners during pre-approval of the structure or at any time the Gazebo has been completed.

10. Swimming Pools and Spas:

*Restrictions of Use relative to Swimming Pools are covered in Article 10, Section 10.25 of the Declaration. The following Guidelines supplement and clarify the Restrictions of Use.*

- a. A swimming pool is an in-ground structure which may or may not include a spa, diving board, slide or water features. These Guidelines do not limit the size or layout of the pool apart from the below stipulations. However, any above ground pool is prohibited and any such pool installation must be professionally designed and is subject to all permitting ordinances of Harris County.
- b. The Application for the construction of a swimming pool or spa must include a plot plan showing the proposed location of the swimming pool or spa in relation to the property lines, building lines, easements, existing structures and existing or proposed fences. Any trees that are to be removed or relocated must be noted. The Application shall also include a timetable for the construction.
- c. Both the pool and pool decking may not be any closer than five feet (5') from any property line (i.e., at least 5' separation from side and rear fences). Any extension of the pool, pool decking, or any other feature associated with the pool into a building setback line shall be limited to a vertical height above grade of eighteen inches (18").
- d. The pool, pool decking, waterfalls or any features associated with the pool may not encroach on any back lot or side lot easement including, without limitation, any easements on the subdivision plat, any easements granted by separate easement, or easements granted by deed.
- e. Construction of the pool, decking, waterfalls or other features may not change the lot drainage in such a way as to direct water on to any other residential lot or open space.
- f. No swimming pool or spa shall be approved unless the area in which the pool is to be located is either enclosed by a barrier or fence that is compliant with Harris County.
- g. Swimming pools and spas 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 ARA. Under no circumstances shall water from a swimming pool or spa be permitted to drain onto the surface of the Lot on which the swimming pool or spa is situated or onto any adjacent lot.

- h. 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. Any dirt in the streets generated by construction traffic shall be cleaned at the end of the day on a daily basis. Excavated material shall either be used on site or removed from the premises and legally disposed off-site by the pool contractor. Homeowner is responsible to the Association on this matter. A one thousand dollar (\$1000) fine will be imposed if the pool contractor has been discovered illegally dumping excess material within the development.
- i. The pool mechanical equipment may be placed within the side yard setback, but must be located within the fenced area of the home. The pool equipment may not be placed in such a way as to impede the three (3) foot wide side yard drainage easement or be within three (3) feet of a side property line and at least twenty (20) feet away from any adjacent property owner windows. The ARA reserves the right to require that pool equipment be located in a manner to not distract or be a nuisance to any Lot.
- j. Features such as rock waterfalls shall not exceed eight (8) feet in height and all above-ground features like waterfalls or walls on lake lots must be finished on the back side and screened with landscaping from public view.
- k. A one thousand five hundred dollar (\$1500) returnable deposit will be required for any pool construction in the development. A written notification of completion shall be submitted to the ARA for a final inspection of the construction areas in public view. The deposit will be returned after the inspection provided that all areas impacted by construction have been returned to their original condition.
- l. No pool, pool bowl, pool decking, spa, diving board, slide, water features, or anything associated with swimming pool amenities (horizontal or vertical) shall be located within any easement including, without limitation, any easements on the subdivision plat, any easements granted by separate easement, or easements granted by deed. If no easement exists then no pool or amenity as previously mentioned in document shall be located within five (5) feet of any property line.
- m. Pool contractors are not permitted to use reserves, easements, or any other lot to access lot while installing pools.
- n. Any violation of these construction guidelines could result in forfeiture of deposit.

11. Outbuildings:

*Restrictions of Use relative to Outbuildings are covered in Article 10, Section 10.11 of the Declaration. The following Guidelines supplement and clarify the Restrictions of Use.*

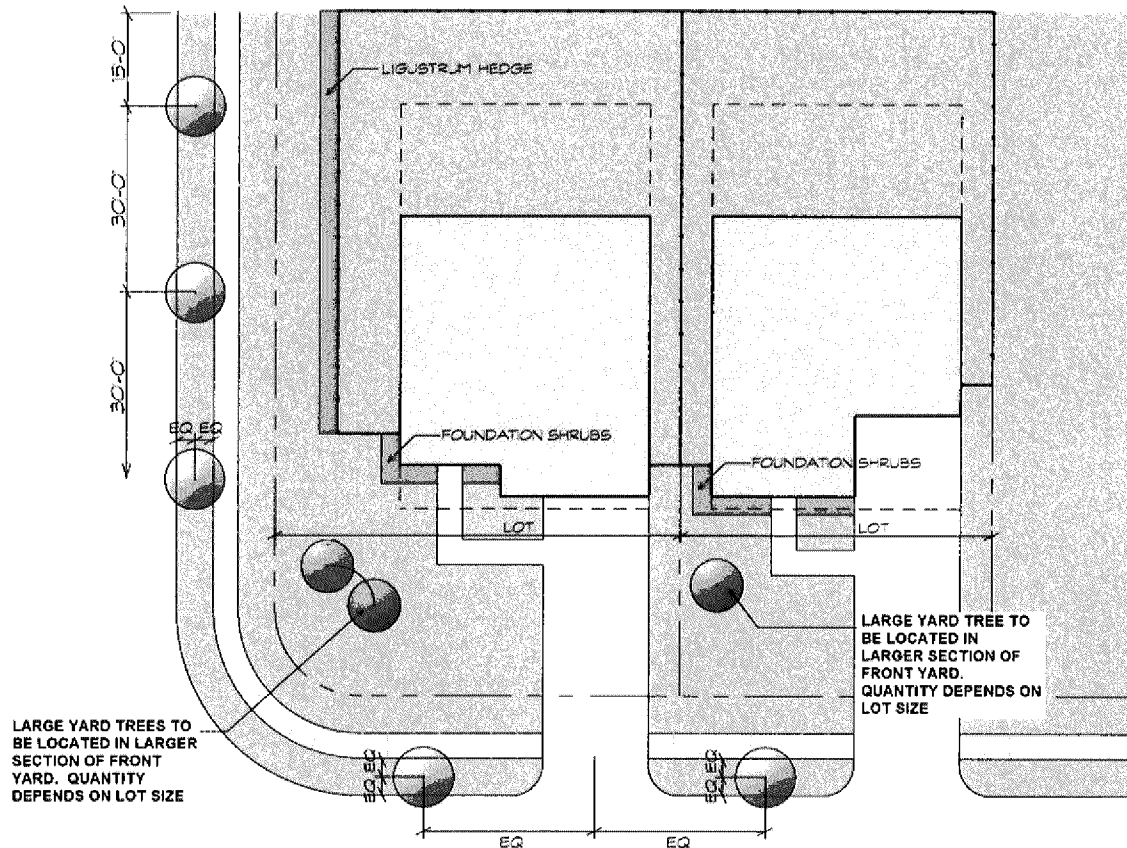
- a. Outbuildings, whether temporary or permanent, used for accessory, storage or other purposes are limited to Only one (1). Outbuildings not exceeding one hundred (100) square feet and eight (8) feet in height measured from grade shall be permitted on a Lot. The standard, type, quality and color of the materials used in the construction of the outbuilding shall be harmonious with those of the main residence.
- b. Building materials, including siding and roofing must be consistent with these Guidelines.
- c. Outbuildings must conform to the building front and side setback restrictions set forth in the Declaration or the plat. No outbuilding shall impede drainage from the Lot or cause water to flow onto an adjacent lot.
- d. Outbuildings or Storage Sheds are not permitted on non-fenced lots, or lots with wrought iron fencing. All outbuildings must be installed in the backyard, not installed within any easements and can't been seen from any public area. Example: If homesites backup to a public street then the shed shall be lower than the fence in order to screen it from public view or on a lake lot then a storage shed will not be allowed on that home site. There will be no variances approved.
- e. The ARA reserves the right to require that outbuildings be located in a manner to not distract or be a nuisance to any Lot.

12. Landscaping:

*Restrictions of Use relative to Landscaping are covered in Article 10, Section 10.24 of the Declaration. The following Guidelines supplement and clarify the Restrictions of Use.*

- a. Yard Trees: All lots and homes shall require front Yard Trees, the number and location of which is outlined in the table and diagram below. If a tree dies, it shall be replaced by the Property Owner. Yard trees are to be of an approved species (see Approved Plant List below) with trees having a minimum of three inches (3") in caliper for hardwoods measured twelve inches (12") above grade. Additionally, trees must have a minimum height of ten (10) feet and a minimum spread of five (5) to six (6) feet.

Yard Trees 65 Gallon Min. 3-inch Caliper <b>Approved Plant List</b> Minimum Height 10'+ Minimum Spread 5' +	Ornamental Tree 15 Gallon Min. <b>Approved Plant List</b>	Evergreen/Foundation Shrubs 5 gallon Min. <b>Approved Plant List</b>	Flowering Shrubs 5 gallon Min. <b>Approved Plant List</b>	Small Ground Cover 1 gallon Min. <b>Approved Plant List</b>
<b>Corner Lot Types - Front Yard</b>				
Three	One	Ten + along side fence	Two	Fifteen, placed at builders discretion
<b>Standard Lot Types - Front Yard</b>				
Two	One	Ten	Two	Fifteen, placed at builders discretion



- b. Accent Trees. The supplemental planting of additional trees in the front and back yards is encouraged. The supplemental or “Accent Trees” include a wide variety of trees including Bottlebrush, Crape Myrtle, Holly, Little Gem Magnolia, Mexican Plum, Sago Palm, and Texas Mountain Laurel. Accent Trees must be common nursery stock with a minimum of fifteen (15) gallon container. While the location of the Accent Trees is not specified, they may not be planted in such a way as to impose on an adjacent residence. The planting of trees within the side setback is discouraged. Accent trees may not be used to replace the required Yard Trees or Street Trees.

APPROVED PLANT LIST

Ornamental/Vertical Evergreen/Foundation				
Yard Trees	Accent Trees	Shrubs	Flowering Shrubs	Small Ground Cover
65-Gal. +3" Cal. Min.	15-Gal. Min.	5-Gal. Min.	5-Gal. Min.	1 & 2 Gal.
Bald Cypress	Bottlebrush Tree	Boxwood	Butterfly Bush	Asian Jasmine
Burr Oak	Crepe Myrtle	Cleyera	Camelia	Bulbine
Live Oak	Holly spp.	Coppetone Loquat	Esperanza	Hamelin Grass
Magnolia Tree	Little Gem Magnolia	Ligustrum	Fox Tail Fern	Lantana
Mexican Sycamore	Mexican Plum	Loropetalum	Indian Hawthorne	Mexican Feather Grass
Red Maple	Texas Mountain Laurel	Pittosporum	Iris	Mondo Grass
Red Oak		Upright Rosemary	Knock-out Rose	Seasonal Color
River Birch			Mexican Bush Sage	Wedelia
Shumard Oak			Plumbago	Weeping Rosemary
Water Oak			Vergated Ginger	

- d. Palm Trees. Palm trees are not approved for use in the front yard of any home.
- e. Trash Trees. The planting and/or propagation of “trash trees” is discouraged. Trash trees are trees that are weak wooded, weak branched, disease and insect prone and/or messy. Common trash trees are the Chinese tallow, Mimosa, Blackjack Willow, Cottonwood and Hackberry.
- f. Other Landscape Additions. The addition of shrubs, decorative grasses, ground cover and flowering plants is encouraged. In general, such plantings are acceptable without a formal review by the ARA. Exceptions are landscaping that is, or will, act as a non-compliant fence, items that obstruct access to a vital community service (such as a fire hydrant), items that obstruct visibility causing a hazard to vehicular or pedestrian traffic, items that create a hazardous condition or any item that generates a complaint from a resident of the community. These Guidelines apply both to items that create a non-acceptable condition upon installation and items that grow to become non-acceptable.
- g. Irrigation Systems. Any irrigation system (sprinkler system) that is connected to a public or private potable water supply must be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality (“TCEQ”). Where required by local municipalities the design and installation of any irrigation system must be by licensed irrigator. Any installation must comply with Chapter 344 of the Texas Administrative Code. Irrigation systems must be placed entirely within the Lot and not encroach upon any community open area or neighboring Lot. Care must be taken to prevent overspray onto neighboring Lot. Location of any improvement within an easement or street right-of-way is at the owner’s risk and subject to removal.
- h. Hardscape and Edging. Landscape timbers or railroad ties are **not** permissible within the portion of the yard visible from any street. The use of rock, stone, colored concrete, *Windsor Stone*® as edging or retaining walls for planting beds is permissible, however the location and color of the edging is subject to ARA approval. Standard brick similar to what is used for home construction will **not** be allowed as edging for planter beds. No edging or retaining walls may exceed eighteen inches (18”) in height, unless in the case of replacing the retaining wall from the original construction. Tree wells and bed edging must match.
- i. Back Yard Landscaping. Back yard landscaping does not need to be submitted to the ARA for approval, provided each Homeowner follows the general guidelines set forth as follows. Decks, Patio Covers, Pools,

Spas and other such back yard fixtures will still require ARA review and approval as provided elsewhere in this document.

- (i) No plantings may intrude into neighboring yards. An example would be trees planted on the property line that overhang adjacent properties or the installation of a plant species that may spread onto neighboring yards.
- (ii) The back yard may not be graded or planted such way as to impede drainage on the Lot or cause water to flow on an adjacent lot.
- (iii) No planting shall impede any existing views of amenities.

j. Mulch. Only Brown or Black mulch will be allowed. All other colors are prohibited.

k. Benches; Furniture. One (1) wood or wrought iron bench is permitted either on the front porch of the Residential Dwelling or within a front landscape bed; provided that the style and location of the bench must be approved in writing by the ARA prior to placement. Gliders with "A" frames are prohibited. Other types of furniture, such as a rocking chair, is permitted on the front porch of a Residential Dwelling, but only with the prior written approval of the ARA as to type, size and number. Plastic and stackable types of furniture are prohibited on the front porch of a Residential Dwelling.

l. Yard Art. All "yard art" (including, but not limited to, birdbaths, bird houses, fountains, planters, clay pots, barrels, sculptures, statues, etc.) must be submitted for and approved in writing by the ARA. All yard art shall be limited in both scale and quantity, and must be in tastefully similar color, tone, material, and application as that of the home and surrounding area. Bright, neon, active, or otherwise "bold" art will not be allowed, except for in temporary application allowed in paragraph "m." below.

m. Yard Signs. Yard signs of all types (plastic, metal, stone, wood, etc.) are allowed in temporary application such as for parties, school activities, and other announcements, but are limited to a max of 15 days use unless specifically applied for and approved by the ARA.

13. Fencing:

*Restrictions of Use relative to Fencing are covered in Article 10, Section 10.15 of the Declaration. Additionally, the Supplementary Declarations for a subdivision section may contain specific landscape requirements that are applicable to certain Lots. The following Guidelines supplement and clarify the Restrictions of Use.*

a. Location:

- (i) On interior lots, fences should be set back approximately fifteen (15) feet from the front of the home and no further than the middle of the home. Air condition units and public utility meters should be in front of the fence. In no case may a fence be constructed closer than three (3') feet from the front of the home. Capped wood fence is required on fences facing public view.
- (ii) On corner lots, side yard fences must be set back from the side property line a minimum of one-half (½) of the side building line setback shown on the plat. For example, if a corner lot has a ten foot (10') building line, then the fence must be set three feet (3') within the property, and NOT on the property line itself. The side lot fence should conceal any air conditioning units located on the side-street side of the lot. In no case may a fence be constructed closer than three (3') feet from the front of the home.

b. Materials.

Fencing may be either wood or steel ornamental (i.e. tubular steel or "wrought iron"), based on the original application. Notwithstanding, the breezeway fence of a detached garage may be either wood or tubular steel. Fences of wire or chain link are prohibited.

c. Wood Fence Construction.

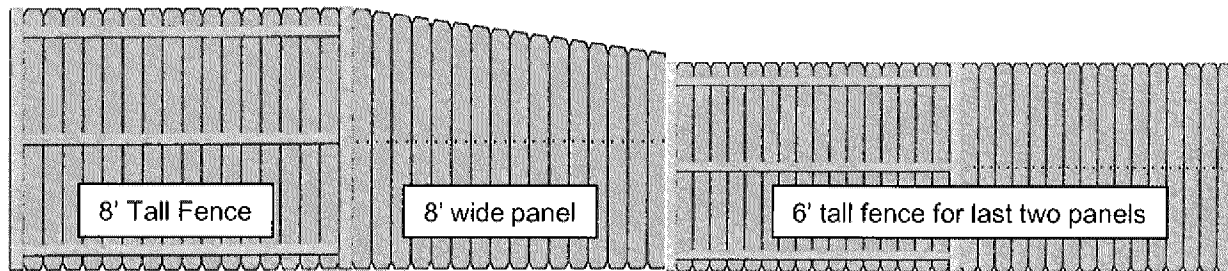
- (i) Pickets must be cedar to match original construction. Pressure treated pine is not an acceptable material. All pickets must be 1" x 6" nominal. In cases where the original fence material is capped,

any replacement fence must also be capped. Fence pickets shall be secured to the fence posts and rails with hot-dipped galvanized nails or other non-corrodible method.

- (ii) Structural materials (rails and posts) may be either cedar or pressure treated pine. Posts must be buried a minimum of two (2) feet in the ground with a minimum of five (5) feet exposure, plumbed vertical and anchored in a concrete pack.
  - (iii) Wooden fences facing the front street, along any side street, rear street property line, detention pond (where iron is not required) or greenbelt or any public view shall be constructed with all pickets on the outside so that no posts or rails are visible from the street. Most fences viewable from public location (front of home and side lot conditions) also require a cap and trim.
  - (iv) All other wooden fences must be constructed in the manner described above or must be constructed in panels (each of which is 6 to 8 feet in length) erected in a "good neighbor" fashion so that posts and rails are exposed only on alternate panels when viewed from either side of the fence.
  - (v) The use of a "rot board" below the pickets is generally not acceptable due to cross-lot drainage in MILLERS NEIGHBORHOODS. Therefore, "rot boards" must be specifically approved by the ARA if determined to not impede drainage.
- d. Steel Ornamental Fence Construction:
- (i) Where steel ornamental fencing is part of the original construction for the home, any replacement fence must match the size, type, quality and location of the original construction.
  - (ii) Where steel ornamental fencing is used to replace existing wood fencing of a detached garage, fencing may be of varying heights, colors and styles. Fencing must be durable, and pickets must be at least one-half inch (½") in diameter and spaced no greater than four and one-half inches (4½") on center. Posts must be at least one and one-half inches (1½") square. Three rails are required. Fence shall be **Ameristar® Montage ATF™ Welded Ornamental Steel Majestic™**. The specification is **3R EXT 5'T 8'W, Black**. It shall be installed in accordance with manufacturer's specifications for fence series.
- e. Gates:
- All gates shall be constructed with the same materials as the fence. The hinges and latches used on the gate should be of the same style and quality of those used throughout the Community. The ARA shall consider driveway gates on homes with detached garages on a case by case basis. Pedestrian gates are allowed, but not required on all lake and greenbelt lots. The gates shall not exceed forty-two inches (42") in width, inclusive of gate hardware.
- f. Color:
- (i) Wood Fences: No portion of a wood fence on a lot which is visible from any street may be painted or stained. Portions of a fence which are not visible from any street may be stained in acceptable earthtone colors of brown, beige or gray. The ARA may maintain a chart depicting examples of earthtone colors and shades of earthtone colors for stains on wood fences. Each stain color sample submitted by a homeowner shall be compared to the colors and shades of colors set forth on the fence stain color chart to assure that each approved stain is harmonious with the color scheme established for the Community.
  - (ii) Steel Ornamental Fences: Steel ornamental fences, with the exception of breezeway fences, must be painted flat black. Breezeway fences on detached garages may be flat black or an acceptable shade of earthtone, as described in the previous paragraph.
- g. Height: Fences are generally limited to six (6) feet in height, unless special considerations warrant taller fences which must be approved by the ARA.
- (i) Eight Foot (8') Fences: Certain 8' tall wood fence may be approved by the ARA when used in location with dramatic elevation change between homes or in community perimeter locations. **Applications for 8' tall fences must be submitted along with written consents from all adjacent property owners who share the fence in question.** If approval by the ARA is given, all 8' tall fences must be built according to the following specifications:



- a. Only to be approved in locations with elevation differences of at least 6' between front building lines, as shown on the final grading plan for that section. ARA to confirm this difference.
- b. Eight foot (8') tall cedar pickets, nominal 1"x6". Not treated pine or any other material.
- c. Single length treated pine posts (not scabbed together to raise) set 8' apart on-center.
- d. 3, treated pine stringers, distanced to create two equally sized halves between the outside stringers.
- e. No "rot board" will be approved in conjunction with a 8' tall fence.
- f. Side lot fences may be 8' as well, but must transition back down to 6' tall across the length of one 8' wide panel and finish at 6' tall for at least the last two panels towards the front of the home. See below diagram detailing the side lot transition.



#### 14. Exterior Lighting:

*The addition of exterior lighting, including ground-level lighting, stand-alone lamp posts and lighting mounted on a home or approved structure must be compatible with the general tone and design of the neighborhood and be located inconspicuously. In all cases, lighting fixtures must adhere to the "eight (8) foot maximum height" rule. Residents are encouraged to consult with affected neighbors prior to installing or changing exterior lighting. Wattage of exterior light should be kept to a minimum because excessive wattage can create a nuisance to neighbors.*

- a. Changes to Existing Lighting: Outside lighting which was installed at the time of original construction or which was installed after original construction with the approval of the ARA may be replaced with a new fixture provided that the wattage of the new fixture is comparable to the wattage of the existing fixture.
- b. Security Lighting: Security lighting shall be mounted behind the back plane of the home and below the eaves of the home. No pole mounted lights will be permitted. Mercury vapor/sodium vapor lights, which are considered incompatible with the neighborhood, are not permitted. Any security lighting must be shielded to cut-off light pollution from adjacent residences.
- c. Low Voltage Lighting: Low voltage Landscape lighting is permitted as long as the lighting fixtures are located in flower beds, shrubs, and similar landscaping. Tree mounted landscape lighting will be permitted as long as the fixture is not mounted higher than eight (8) feet above ground level. Flood lighting (except for seasonal decorations) is not allowed in landscape beds or trees.
- d. Post Lamps: No more than one (1) post lamp shall be permitted in any front yard, subject to ARA approval. The post lamp may be on a switch, timer or photocell and must be a minimum of five (5) feet behind the front property line. The lamps must have tops to prevent light pollution and must be dark bronze or black in color. The use of gas post lamps is permitted subject to these Guidelines.
- e. Annoyances: All new lighting which is approved by the ARA shall be subject to a 90 day trial period after installation to assure that the lighting is not objectionable to surrounding residents. The 90 day period will commence on the date of installation. If, at the end of the 90 day period, the ARA determines that the lighting is unreasonably offensive or an annoyance to surrounding neighbors, the lighting will be required to be modified or be removed in accordance with the ARA's decision.

#### 15. Garages:

- a. A Tandem garage is a garage constructed so that one car parks in front of the other. For purposes of this section, if a tandem garage scenario exists, it is considered a two-car garage.
- b. All residences in the Community must have attached or detached garages for not less than two midsize or full-size vehicles.
- c. The conversion of a garage to a family room, or similar modification, is not permitted, even if the appearance of a garage is maintained from the street (i.e. the garage doors are still intact).
- d. Two car garages are to have two side-by-side doors or one double garage door. Three car garages may be detached, split hook, or front load. Front load three-car garages are to be constructed with one double door and one single door. Side out garages (from the side street of the corner lot) are not permitted.

16. Driveways and sidewalks:

- a. Replacement driveways and sidewalks must be to the same quality, line, grade and location as the original driveway for the residence. Additional sidewalks are subject to ARA approval.
- b. Driveways and sidewalks may be paved with concrete or other masonry materials which relate to the Architecture of the residence. The masonry material must be compatible, not only with the home, but with any other walkways or terraces on the Lot. Materials such as textured concrete, stamped concrete, colored concrete, interlocking pavers, brick border pavers, and cut stone shall not be permitted on driveways or front sidewalks leading to the street (except as a border to driveways as outlined below or in custom sections as defined by ARA). Materials in Section 16.b. are allowed on sidewalks located on the side of the home leading to the backyard only and ARA's approval is required.
- c. The maximum driveway width is seventeen (17) feet at the front property line. The ARA may consider driveway borders of patterned concrete or interlocking pavers on a case by case basis. Driveway extensions will be reviewed on a case by case basis. Driveways must be a minimum of 3 feet from the side property line.
- d. Each owner shall maintain, repair, and replace, when necessary, the sidewalk along the front of their lot, the driveway, as well as the sidewalk on the side of corner lots.

17. Basketball Goals & Hoops:

*Restrictions of Use relative to Outbuildings are covered in Article 10, Section 10.13 of the Declaration. The following Guidelines supplement and clarify the Restrictions of Use.*

- a. A basketball goal is an improvement or addition that affects the appearance of the exterior of a Lot. Therefore, no permanent basketball goal may be installed on a Lot without the prior written approval of the ARA.
- b. Approval/Rejection: The ARA is responsible for reviewing and either approving or disapproving each application and, upon approval or disapproval, documenting its decision in the applicable property file maintained by the Association.
- c. Type and Quality: Basketball goals must be mounted on a rigid steel or aluminum pole. Goals on the garage or home structure are not permitted. The poles/post shall be black or gray. White poles are not permitted. The backboard material must be fiberglass or safety glass. The backboard color must be clear (safety glass) 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 ARA. The pole must have a manufacturer's weather resistant finish or be painted black or white.
- d. One Per Lot: Only one basketball goal is permitted on a lot.

- e. Location: Permanent/pole-mounted basketball goals may be located in the rear yard or in the front yard. Front yard permanent basketball goals must be located at least half way up the driveway measured from the edge of the sidewalk nearest to the house. A permanent/pole-mounted goal must not be within ten (10) feet of an adjacent Lot owners amenities (air conditioning unit, shrubbery, gas meter, driveway, etc.). No permanent/pole-mounted goals will be allowed along the neighbors adjoining side of a driveway if the neighbors' first story windows) are exposed.
- f. Portable Basketball Goals: Portable basketball goals must be stored out of view from any street in the subdivision when not in use (if used during the day they are to be stored away at night) and are not approvable for permanent installation. Portable basketball goals should be located at least half the way up the driveway measured from the edge of the sidewalk nearest to the house when in use. Portable basketball goals may not be utilized within any common area or public right of way (including greenbelts, sidewalks, streets, or cul-de-sacs).
- g. Impact: Front yard and rear yard basketball goals must be located to minimize the visual and functional impact to the adjoining properties. The Architectural Review Authority or its designee may consider alternate locations to limit impact of adjacent properties. Additional screening and or fencing may be required.
- h. Repair and Maintenance: Basketball goals, poles, rims, nets, supports, etc. must at all times be properly maintained, painted, and in good repair as determined by the ARA. A basketball goal may not have a torn net, a bent rim, bent or broken supports, a deteriorated or discolored backboard, a rusted or discolored pole, or a leaning pole. A basketball goal which does not comply with these maintenance requirements may be required to be removed by the direction of the ARA.
- i. If an application for a basketball goal is disapproved by the ARA, the property owner has the right to appeal the decision of the ARA to the Board of Directors. Appeal must be submitted in accordance with Sec. 209.00505 of the Texas Property Code.

18. Play Structures:

*Restrictions of Use relative to Play Structures are covered in Article 10, Section 10.12 of the Declaration. The following Guidelines supplement and clarify the Restrictions of Use.*

- a. For the purpose of these Guidelines, a children's play structure shall mean any type of play set, climbing structure, play fort, slide, or swing set and shall be restricted to the fenced portion of the Lot.
- b. The play structure shall not exceed ten (10) feet in height and shall not be located closer than five (5) feet to any property line. No play structure shall be located on a utility easement, impede the drainage on the Lot, or cause water to flow to any adjacent lot.
- c. Multi-color tarps, windsocks, or streamers attached to the play structure are not allowed.

19. Antennas:

*Restrictions of Use relative to Antennas are covered in Article 10, Section 10.16 of the Declaration. The following Guidelines supplement and clarify the Restrictions of Use.*

- a. Direct Broadcast Satellite (DBS) Dishes (e.g. "Direct TV," "Dish Network") for digital TV or satellite internet, are permissible for roof mount or direct mount on the side of homes within MILLERS NEIGHBORHOODS, subject to the following installation guidelines:
  - (i) Dishes cannot exceed forty inches (40") in diameter or width.
  - (ii) The location must be approved by the ARA. Preferable mounting locations are on the back of the home below the roof peak, so as to not be readily visible from the street.
  - (iii) The dish must be kept in good repair, and removed if no longer in use.

- b. Satellite dish antennas greater than forty inches (40") in diameter, as well as outside antenna for TV reception, amateur radio operation, microwave transmission or reception, and short/long wave transmission or reception are prohibited.

20. Signs:

*Restrictions of Use on Signs, Advertisements and Billboards are detailed in Article 10, Section 10.21 of the Declaration. The following Guidelines supplement and/or provide variances to the Restrictions of Use, as permitted under Article 7, Section 7.02 of the Declaration.*

- a. Home Security Signs. No signs shall be permitted on any lot except for a limited number of small, inconspicuous, discretely placed signs for the purpose of warning of the presence of a home security system. 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 and one (1) shall be allowed within the rear, fenced in portion of the lot. Each sign may be mounted on a stake or a wall of the house or garage. If stake mounted, the top of the sign shall not exceed two (2) feet from the ground level when installed and must be no further than three (3) feet away from the house or garage. Signs must be of an acceptable color which is harmonious with the surrounding structure and landscaping. Unless otherwise noted, Maximum Size Allowed: twenty-eight (28) inches by thirty-eight (38) inches.
- b. Other Types:
  - (i) Open house. One (1) temporary open house sign is allowed in front of the residence on the day of open house only. Size: no more than six (6) square feet overall.
  - (ii) School Organization. One (1) temporary school activity sign is allowed in the planting beds of a residence not farther than three (3) feet from the outside wall of the house, unless otherwise noted and approved by the ARA.
  - (iii) Yard of the Month. One (1) yard of the month sign supplied by the Association is allowed in the planting bed of the residence not farther than three (3) feet from outside wall of house.
  - (iv) Election Signs. During political elections, one (1) temporary election for each candidate supported may be placed in the front yard of each residence no more than 45 days before the election and must be removed within 48 hours after the election.

21. Address Treatments

Each Lot shall have a house number identifying its address made of materials and a color harmonious with the rest of the community numbers. House numbers shall be kept free and clear from all trees, shrubbery, etc. House numbers may need to be painted or maintained from time to time and shall be visible from the street at all times. No peel and stick numbers.

22. Generators. Generators are only allowed in backyards and must be installed behind the fence and screened from view with shrubs if the fence is iron fencing. Must be a minimum of ten feet (10') from the side property line. Generators should not be located within twenty (20') from and adjacent property owners windows.

Standby Electric Generators must be installed and maintained in compliance with the manufacturer's specification and applicable governmental health, safety, electrical, and building codes, laws and regulations.

All electrical, plumbing and fuel line connections must be installed only by licensed contractors.

All electrical connections must be installed in accordance with applicable governmental health, safety, electrical, and building codes, laws and regulations.

All natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections must be installed in accordance with applicable governmental health, safety, electrical, and building codes, laws and regulations.

All liquefied petroleum gas fuel line connections must 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, laws and regulations.

Nonintegral Standby Electric Generator fuel tanks must be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes, laws and regulations.

Standby Electric Generators and all electrical, plumbing and fuel lines shall be maintained in good condition by the owner of the lot upon which it is located.

Any deteriorated or unsafe component of a Standby Electric Generator, including electrical, plumbing or fuel lines, shall promptly be repaired, replaced or removed by the owner of the lot upon which it is located.

The Standby Electric Generator and related electrical, plumbing and fuel lines must serve only improvements on the particular lot in which they are located.

Periodic testing of a Standby Electric Generator consistent with the manufacturer's recommendation may only take place between the hours of 9:00 am to 7:00 pm.

Standby Electric Generators must be screened. The size, type and materials to be used must be submitted to the Association's ARArchitectural Review Authority for approval if the Standby Electric Generator 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 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 Association.

The use of a Standby Electric Generator to generate all or substantially all of the electrical power to a 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 is prohibited.

Standby Electric Generators and any related electrical, plumbing and fuel lines shall not be constructed or placed or permitted to remain on any property owned by the Association.

In addition to the foregoing requirements, no Standby Electric Generator and related electrical, plumbing and fuel lines shall be erected, constructed, placed or permitted to remain on any lot unless such installation strictly complies with the following location requirements (however, each location requirements shall not apply if it increases the cost of installation of the Standby Electric Generator by more than ten (10%) percent or increases the cost of installing and connecting the electric and fuel lines for the Standby Electric Generator by more than twenty (20%) percent):

- a. To the extent feasible, the Standby Electric Generator and related electrical, plumbing and fuel lines shall be located in the backyard of the lot, behind the main dwelling and at least ten feet (10') from all property lines.
- b. To the extent feasible, no Standby Electric Generator and related electrical, plumbing and fuel lines shall be constructed or placed or permitted to remain on any utility easement or other easement or right-of-way located on any lot.

If any provision of this section is determined by a Court to be invalid, the remainder of the provisions in this section shall remain in full force and effect.

23. Window Units. No window or wall type air conditioners shall be permitted to be used, erected, placed or maintained on or in any single family residence, outbuilding, patio, etc...
24. Miscellaneous.
  - a. Birdhouses. Birdhouses shall be permitted subject to the prior approval of the ARA. No birdhouse shall be situated higher than four (4) feet above the ground and no more than one (1) birdhouses shall be permitted on a lot. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the home and other improvements on the Lot. Any birdhouse must be within the fenced area of the Lot.

- b. Rain Gutters. Rain gutters may be plastic or aluminum items, and must be painted a color compatible with the home on which they are installed. Application should be made showing the extent of guttering and location of downspouts. Downspouts may not be directed toward any adjacent Lot or open space.
- c. Awnings.  
Awnings visible from the front street or side street shall not be permitted. Awnings on the rear portion of a Lot must be approved by the ARA.
- d. Solar Screens.
- (i) All solar screens must be approved by the ARA.
  - (ii) Solar screens are restricted to black, dark brown, or dark gray and must be constructed and installed to professional standards.
  - (iii) Solar screens may be permitted in the front of the home if they are constructed with grids that match the window-lites of the windows being covered, so as to not distract from the architectural harmony of the home. If solar screens are installed on the front of the home, all windows on the front must have solar screens. Screens on the front of the home are required to have upgraded frames to simulate window panes.
- e. Emergency and Disaster Reaction: Disasters such as fire and weather may cause significant construction and repair activity to take place. Temporary repairs or structures (those that are present for no longer than 6 months during reconstruction) will be acceptable under such a condition. Reconstruction in the form that existed before the disaster will be acceptable without approval by the ARA.
- Temporary protective action in the event of certain weather conditions, such as hurricane warnings, will not require approval of the ARA. All such installations must be completely removed and the property restored to its original condition within 15 days of the passing of the emergency. This rule specifically applies to, but is not limited to, the boarding of windows and doors during a hurricane threat.
- f. Burglar Bars. The use of burglar bars on the exterior of any window or doors is prohibited.
- g. Holiday Decorations: Holiday decorations are permitted and will not require approval. Decorations may be installed no sooner than 30 days prior to the holiday and must be removed within 15 days after the holiday for which they are intended. The ARA reserves the right to require the removal of decorations that either generate complaints or are deemed offensive.
- h. Chimneys: A chimney attached to a home is deemed to be a part of the home. Thus, a chimney is required to comply with all applicable building setbacks.
- j. Outdoor Fire Pits and Fireplaces (not associated with structures which are attached to the house): Outdoor fire pits and outdoor fireplaces require the written approval of the ARA prior to installation or construction and are subject to the requirements and limitations set forth below; provided that, in the case of both a fire pit and an outdoor fireplace, the ARA has the authority to impose more stringent requirements as to location and dimensions when deemed necessary on the basis of relevant factors, such as by way of example and not in limitation, the type and/or location of another structure on the Lot, the visibility of the fire pit or outdoor fireplace from a street, another Lot or Common Area, or the obstruction of a view from an adjacent lot.
- (i) Outdoor Fireplaces:
    - An outdoor fireplace must be located in the rear yard of a Lot and the rear yard of the Lot must be fully enclosed by a fence.
    - No part of the fireplace may be nearer to any other structure on the Lot than ten (10) feet.
    - No part of the fireplace may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
    - No part of the fireplace may be located on an easement.

- The fireplace may not exceed twelve feet (12') in height measured from grade to the highest point of the fireplace.
- The fireplace may not exceed twelve feet (12') in width up to a distance of six feet (6') measured from grade and may not exceed five feet (5') in width above six feet (6') from grade.
- The fireplace may not exceed four feet (4') in depth, measured from the exterior surfaces of the front and the back of the fireplace.
- The exterior of a fireplace must be a stone material.

(ii) Outdoor Fire Pits:

- An outdoor fire pit must be located in the rear yard of a Lot and the rear yard of a Lot must be fully enclosed by a fence.
- No part of the fire pit may be nearer to any other structure on the Lot than ten feet (10').
- No part of the fire pit may be nearer to the rear or a side property line of the Lot than the building setback or the interior boundary of an easement, whichever distance is greater.
- No part of the fire pit may be located on an easement.
- If a round fire pit, the diameter of the fire pit, measured at each point at the exterior of the fire pit, may not exceed four feet (4').
- If a square or rectangular fire pit, no side of the fire pit may exceed a width of more than four feet (4').
- The fire pit may not exceed two feet (2') in height, measured from grade to the highest point of the fire pit.

**EXHIBIT A**

**MILLERS NEIGHBORHOODS**

**REQUEST FOR HOME IMPROVEMENT APPROVAL**

In an effort to provide and protect each individual Homeowner's rights and values, it is required that any Homeowner or group of owners considering improvements and/or changes to their home or property, submit a REQUEST FOR HOME IMPROVEMENT APPROVAL to the Architectural Review Authority for planned improvements and/or changes. If any change is made that has not been approved, the Association has the right to ask the Homeowner to remove the improvement(s) and/or change(s) from the property.

Please fill out this form in COMPLETE detail. DATE: \_\_\_\_\_

Name of Owner \_\_\_\_\_

Current Mailing Address: \_\_\_\_\_

Address Where Construction is to be performed: \_\_\_\_\_

Email: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Business Telephone: \_\_\_\_\_

=====  
Type of improvement/change proposed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I. Painting:  
Color of Brick \_\_\_\_\_

Color to be used for: (include samples for each area) \_\_\_\_\_

Main portion of house \_\_\_\_\_  
(Including Garage Doors)

Trim \_\_\_\_\_  
(Soffit, Fascia Boards, Window Trim)

Accents \_\_\_\_\_  
(Shutters, Window Hoods, Doors)

II. Basketball Goal:

Must submit:

1. Lot survey with location of the basketball goal indicated
2. Description
  - a. Color of net, pole/base and backboard

III. Structures:

**\*\*\*IF YOU ARE BUILDING A STRUCTURE WITH WALLS AND A ROOF, YOU MUST INCLUDE AN ELEVATION DRAWING SHOWING THE DIMENSIONS OF THE STRUCTURE, ESPECIALLY THE HEIGHT.\*\*\***

Must submit:

1. Lot survey with the location of the structure indicated



2. Type of materials to be used
3. Dimensions of structure, i.e., height, width and length
4. Samples of roofing material and paint

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IV. Other:

1. Include brochure/photos
2. Lot survey if being installed in your yard (sprinkler system/lighting)
3. Material sample

**I understand that the Association's Architectural Review Authority will act on this request as quickly as possible and contact me regarding their decision. I agree not to begin property improvements/changes until the Architectural Review Authority notifies me of their approval.**

*I understand and agree that it is the duty of the Owner and any contractor or consultant employed by the Owner to determine that the proposed improvement is structurally, mechanically, and otherwise safe, and that it is designed and will be constructed in accordance with the Covenants and Restrictions applicable to the Lot. I agree that neither the Association, or any Director, Officer, Authority, Managing Agent, or member or employee thereof (the "Indemnified Parties"), shall be liable for damages or otherwise because of the approval or non-approval of this application or any facet thereof. I hereby release, indemnify and hold harmless the Indemnified Parties harmless from any claim, liability, damage, suit and attorney's fees arising out of any action or omission of any of the Indemnified Parties with regard to this application and in regard to the design plan review, construction or inspection of the proposed improvements, including any claims, liability, damages, suits and attorney's fees resulting from the negligent acts of one or more of the Indemnified Parties.*

\_\_\_\_\_  
Signature of Homeowner

\_\_\_\_\_  
Proposed Construction Start Date

\_\_\_\_\_  
Proposed Completion Date

**PLEASE NOTE: THE ARCHITECTURAL REVIEW AUTHORITY HAS SIXTY (60) DAYS FROM THE DATE THE APPLICATION IS RECEIVED TO REVIEW APPLICATIONS**

**EXHIBIT B**

**MILLERS NEIGHBORHOODS CA ARCHITECTURAL APPROVAL SWIMMING POOL**

Please complete and submit with Request for Home Improvement Approval form

DETAILS MUST BE SPECIFIED ON A SITE SURVEY AND ATTACHED TO THIS APPLICATION. THE SITE SURVEY MUST INDICATE THE LOCATION OF ALL EQUIPMENT, LOCATION OF THE SWIMMING POOL, LOCATION OF ALL DRAIN LINES, LOCATION OF SEWERS AND BACKWASH, AND THE AREA WHERE YOUR CONTRACTOR WILL ACCESS YOUR PROPERTY. **A \$1500.00 DEPOSIT IS REQUIRED AND YOUR APPLICATION WILL NOT BE PROCESSED UNTIL THE DEPOSIT IS RECEIVED. THE CHECK WILL BE DEPOSITED** PENDING INSPECTION OF THE SURROUNDING COMMON AREAS AFTER COMPLETION OF THE POOL. THE COST OF ANY DAMAGE TO THE COMMON AREAS OR PROPERTY OF OTHERS WILL BE DEDUCTED FROM THE DEPOSIT. CONSTRUCTION THAT IS NOT IN TANDEM WITH THE APPROVED PLAN MAY CAUSE FORFEITURE OF THE DEPOSIT.

- A. Name, phone number and address of pool contractor: \_\_\_\_\_  
\_\_\_\_\_
- B. Equipment Location (Pump, filter, etc.) \_\_\_\_\_
- C. Backwash to Sewer \_\_\_\_\_
- D. Easement Lines \_\_\_\_\_
- E. Will Any Trees be Removed? \_\_\_\_ Yes \_\_\_\_ No
- F. Existing 6' Fence with Self-Latching Gate? \_\_\_\_ Yes \_\_\_\_ No
- G. Material and Color of Deck \_\_\_\_\_
- H. Pool Drain – Recirculates Back to Pool? \_\_\_\_ Yes \_\_\_\_ No
- I. Area Drains to Street? \_\_\_\_ Yes \_\_\_\_ No (This will drain rainwater only.)
- J. Access (cannot be through or across common area and MUST be indicated on site plan) \_\_\_\_\_
- K. Distance from edge of pool to each lot line or easement \_\_\_\_\_
- L. Type of coping \_\_\_\_\_
- M. Type of Filter \_\_\_\_\_
- N. Fence Work to be Done \_\_\_\_\_
- O. All Equipment, Deck, Coping and Pool is Below 6' Fence That Surrounds Backyard.  
Yes \_\_\_\_ No \_\_\_\_
- P. Height of Slide/Water fountain/Waterfall/Sheer Decent: \_\_\_\_\_
- Q. Location of Backwash \_\_\_\_\_
- R. Location of Sewer \_\_\_\_\_