RP-2023-461769
12/07/2023 ER $222.00

SUPPLEMENTAL NOTICE OF DEDICATORY INSTRUMENTS
for
RIVER OAKS PROPERTY OWNERS, INC.

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

The undersigned, being the President of River Oaks Property Owners, Inc. ("Association"), a property owners' association as defined in Section 202.001 of the Texas Property Code, hereby supplements the instruments entitled "Instrument to Record Dedicatory Instrument", "Instrument to Record Dedicatory Instrument", "Supplemental Notice of Dedicatory Instruments for River Oaks Property Owners, Inc." and "Supplemental Notice of Dedicatory Instruments for River Oaks Property Owners, Inc." recorded in the Official Public Records of Real Property of Harris County, Texas under Clerk's File Nos. 20110155204, RP-2021-650220, RP-2022-464996 and RP-2022-550449 (collectively, the "Notice") which were filed of record for the purpose of complying with Section 202.006 of the Texas Property Code.

Additional Dedicatory Instrument. In addition to the Dedicatory Instruments identified in the Notice, the following document is a Dedicatory Instrument governing the Association.

- **River Oaks Property Owners, Inc. 2023 Policies and Procedures with Architectural Review and Approval Process.**

A true and correct copy of such Dedicatory Instrument is attached to this Supplemental Notice.

This Supplemental Notice is being recorded in the Official Public Records of Real Property of Harris County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Supplemental Notice is true and correct and that the copy of the Dedicatory Instrument attached to this Notice is a true and correct copy of the original.

Executed on this 6th day of December, 2023.

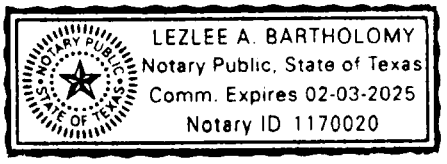
RIVER OAKS PROPERTY OWNERS, INC.

By: _____
Ann Lents, President

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THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 6th day of December, 2023 personally appeared Ann Lents, President of River Oaks Property Owners, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.



Lezlee A Bartholomy
Notary Public in and for the State of Texas

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River Oaks Property Owners, Inc.

2023

Policies and Procedures

with

Architectural Review and Approval Process

Duly Adopted
December 6, 2023

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Resolution of the Board of Directors
of River Oaks Property Owners, Inc.

WHEREAS, River Oaks Property Owners, Inc., a Texas nonprofit corporation ("***ROPO***"), is a property owners' association, as defined in Chapter 204 of the Texas Property Code, that has jurisdiction over all sections of Country Club Estates, River Oaks Additions including Tall Timbers Section, and certain additional tracts, all in Harris County, Texas (collectively, the "***Subdivision***" or "***River Oaks***"); and

WHEREAS, ROPO, acting through its Board of Directors ("***Board***") and the predecessors of ROPO, duly adopted the original and additional reservations, restrictions, covenants, policies, and procedures applicable to all sections of the Subdivision, which reservations, restrictions, covenants, policies, and procedures were amended effective June 1, 2006 by the "Amended Reservations, Restrictions and Covenants Applicable to All Properties Located Within River Oaks Additions, Including Tall Timbers Section and Country Club Estates" (the "***2006 Amended Restrictions***" and, collectively with the original reservations, restrictions, covenants, policies and procedures, the "***Restrictions***"); and

WHEREAS, the Restrictions are applicable to any existing and proposed residential dwelling, garage, outbuilding, or other real property improvement located on any lot or tract of land within the Subdivision (collectively, the "***Improvements***"); and

WHEREAS, the Board also filed of record its "River Oaks Property Owners, Inc. 2014 Policies and Procedures with Architectural Review and Approval Process", duly adopted November 12, 2014 and recorded under Clerk's File Number 20140537372 in the Official Public Records of Real Property of Harris County, Texas (the "***2014 P&PARAP***"); and

WHEREAS, the 2014 P&PARAP was amended by that certain "First Amendment to River Oaks Property Owners, Inc. 2014 Policies and Procedures with Architectural Review and Approval Process", recorded under Clerk's File Number RP-2022-550449 in the Official Public Records of Real Property of Harris County, Texas; and

WHEREAS, the 2014 P&PARAP, as amended, is still referred to in this instrument as the "2014 P&PARAP"; and

WHEREAS, the Board analyzed the 2014 P&PARAP and determined that, in the best interest of the Subdivision, the 2014 P&PARAP should be amended and replaced in its entirety by the following "River Oaks Property Owners, Inc. 2023 Policies and Procedures with Architectural Review and Approval Process" (the "***2023 P&PARAP***"); and

WHEREAS the Board is vested with authority by the Restrictions and Texas law to implement these 2023 P&PARAP and to enforce them with the assistance of ROPO's staff; and

WHEREAS, the Restrictions provide that, to be effective, any supplement to or amendment of the 2014 P&PARAP must be approved by the Board and recorded in the Official Public Records of Real Property of Harris County, Texas.

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NOW, THEREFORE, pursuant to the power reserved to it in the Restrictions and by Texas law, the Board adopts these 2023 P&PARAP for all real property within the Subdivision, which 2023 P&PARAP will be effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

This 2023 P&PARAP amends and replaces the 2014 P&PARAP in its entirety. The provisions of the 2014 P&PARAP not being amended by this 2023 P&PARAP are being restated in this 2023 P&PARAP for ease of reference and the purpose of completeness.

If one or more provision of this 2023 P&PARAP or the application thereof to any person or circumstance is, for any reason, held invalid, illegal, or unenforceable in any respect, any such invalidity, illegality, or unenforceability will be deemed stricken and will not affect any other provision or the application of any other provision or circumstance. The balance of the 2023 P&PARAP will remain in full force and effect.

I. ARCHITECTURAL REVIEW AND APPROVAL PROCESS

A. INTRODUCTION

The Board is responsible for enforcing the Restrictions that, among other requirements, include specific requirements about design and construction within River Oaks. For example, Sections 3, 4, 6, 9, 11, 13, 14, and 15 of the 2006 Amended Restrictions address design and construction requirements. These requirements are complimentary, and any one requirement may not be read in isolation or to the exclusion of other requirements. The Board interprets all requirements holistically by giving effect to all that are applicable to design and construction. The Restrictions require the Board to enforce not only provisions with specific numerical limitations, such as site permeability calculations, but also provisions with equally important general requirements, such as the preservation of the historical integrity of and the continuity of architectural styles within River Oaks. The Board affirms that the best way to preserve the desirability and therefore the value of the Subdivision as a whole is to enforce the Restrictions in these respects.

River Oaks has a significant historical presence in the City of Houston. Much of its historical presence relates to its original scheme of development. The developers considered unity and harmony within River Oaks of the greatest importance in preserving and enhancing property values. River Oaks has always kept stable property values, in part, because it is homogeneous through uniform development and restrictions. The developers contended that the value of a home site is influenced by the neighborhood, the restrictions, and the home next door. The original developers asserted that each home could be different in design, but River Oaks would have architectural harmony within the group. Even different sized lots and houses were to exist in harmony. The developers sought a variety of architecture but which fit into the landscaping and entire group scheme; in their words, "harmony without monotony."

Not only did earlier versions of architectural controls prevent, as the developers put it: "some architectural monstrosity just across the street or next door," River Oaks was also conceived in a spacious spirit with ample open space giving vistas of trees and lawns. The original scheme of development was envisioned as a residential park with larger lots laid out so that vistas could

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never be obstructed or Gulf breezes cut off. The great natural beauty of River Oaks before development - oaks and towering pines, flowering shrubs and open grassy space - was preserved by the developers as a setting for homes. River Oaks residents were meant to have quiet enjoyment of property from beautiful large and small homes, all simple and dignified architecturally, set well apart and back from the street, with many surrounded by trees.

The Board acknowledges the wide variety of architecture developed over the decades in River Oaks but is responsible for protection against any incompatible Improvements. The Board further acknowledges the historical character of River Oaks as a subdivision with substantial vegetation and open spaces. Thus, the Board will, in its review and approval process, consider proposed design features of Improvements such as setbacks, building materials and colors; roof heights; architectural features, such as doors and windows; massing, scale, and spatial relationships created both within the tract's building setback lines and with respect to the streetscapes and surroundings houses and tracts; fences and walls; site permeability; and preservation of trees and open spaces.

The process that follows will assist anyone intending to design and construct Improvements in River Oaks better understand the Restrictions related to design and construction and their enforcement by the Board.

B. MANDATORY REVIEW AND APPROVAL PROCESS

This section describes the architectural review and approval process used by ROPO when an Owner of a lot or tract of real property in the Subdivision (an "***Owner***") seeks approval for proposed designs and construction of Improvements on the Owner's lot or tract, whether such project is considered substantive in scope or minor in nature (a "***Major Project***" or a "***Minor Project***", as more specifically defined below). No construction of any Improvements whatsoever may be commenced without the written approval of the Board or, with Board authority, ROPO staff upon compliance with the review and approval process set forth in this § I, Architectural Review and Approval Process (hereinafter referred to as the "***Written Approval to Begin Construction***").

In the event an Owner transfers ownership of a lot or tract on which proposed Improvements have been approved by ROPO but on which construction has not begun (excluding demolition), the approved application and plans are not transferrable to the new owner and the full Architectural Review and Approval Process must be initiated by the new owner of the lot or tract.

1. Submittal Prerequisites, Time, and Place

The Board developed these processes to assist each Owner in identifying and presenting the drawings, certificates, and other information necessary to request Board approval of proposed Improvements and to demonstrate compliance of the Improvements with the Restrictions (the "***Submittal***").

ROPO will not accept an Owner's Submittal for Board review unless all sums of any nature owed by the Owner to ROPO are paid in full (*e.g.*, maintenance fees and bills for services) in addition to the Architectural Review fees. If, during the review process,

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any sums owed by the Owner to ROPO become overdue, the Board will withhold all approvals until all sums owed are paid in full.

The Board considers Submittals at its regularly scheduled meeting on the second Wednesday of each month, or such other meeting time as the Board may periodically set. In order for a Submittal to be considered at a Board meeting, the Owner must submit it on or before the 15th day of the preceding month, or if the 15th day falls on a Saturday, Sunday, or holiday when ROPO is closed, the first business day following the 15th day of the month. The Board may request that the Owner meet with the Restrictions Committee or the Board to discuss the Submittal, and the Owner is free to request such a meeting, which meeting will be granted in the Board's discretion. Submittals must be deposited at ROPO's offices located at 3923 San Felipe Rd., Houston, Texas 77027 (entry driveway is adjacent to Twin Oaks Cleaners).

Incomplete Submittals will not be reviewed.

2. Preliminary Review and Approval Process for Major Projects

The Preliminary Review and Approval Process requires each Owner for a Major Project, as defined below, to obtain the Board's preliminary approval of the design early enough in the design process to reduce costs that may result from the development of a design that may ultimately be disapproved by the Board. This Preliminary Review and Approval Process sets minimum requirements for the information to be submitted, but each Owner is responsible for submitting any additional information necessary to adequately explain the proposed design as the Owner is uniquely qualified to determine how best to present it. Each Major Project Owner must obtain the Board's preliminary review and written approval before any further review or approval by ROPO. The development of any construction documents without the Board's preliminary approval is not permitted and will be at the Owner's sole risk of the Board's subsequent rejection. Submittals that receive preliminary approval will also be subject to § I.B.3 Review and Approval Process for Construction Documents with City Permit and § I.B.4 Major Project Final Review and Approval Process.

a. Applicability: This Preliminary Review and Approval Process is required for all Major Projects.

i. Major Project means (i) construction of Improvements that result in the addition of living space to existing Improvements or construction of additional square footage to the property or Improvements; (ii) substantial modification or renovation to the exterior of any Improvements; and (iii) any other proposed construction project that, by its nature, includes unusual or complex exterior design features.

ii. Minor Project means any project not defined as a Major Project. A minor project will not result in the addition of any living space to existing Improvements or construction of additional square footage to the property

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or Improvements. Examples of projects which would be classified as Minor Projects may include, but are not limited to:

1. Modification, replacement, addition, or new construction of fencing;

2. Modified painting of exterior of Improvements;

3. Replacement or modification of exterior windows or doors;

4. Replacement or change of exterior cladding materials or decorative elements (siding, stucco, trim, railings, balconies, etc.,) without changing the square footage of the Improvement;

5. Roofing of Improvements;

6. Addition of a pool, spa and pool equipment, only;

7. Landscaping improvement that does not include additions of hardscape, impermeable surfaces, or synthetic turf, or additions of areas such as gazebos or arbors, etc.;

8. Replacement of hardscape such as a driveway or sidewalk within the exact footprint of the old driveway or sidewalk (any addition of hardscape would make this a Major Project);

9. Minor changes to an existing porch such as screening or patio covers (enclosing a porch or a large porch addition would be a Major Project);

10. Addition of a satellite dish or solar panels;

11. Addition of stationary play equipment such as a play fort or playhouse;

12. Addition or replacement of a generator, air conditioning unit, wine chiller condenser, or other exterior mechanical unit; and

13. Replacement, addition, or modification of exterior lighting.

If, at the time of application, a question exists as to the classification of a project, the project will be classified as a Major Project. If it is later determined by the Board that the project is actually a Minor Project, the fee difference will be refunded.

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b. Initial Concept Review: Options for a proposed design should be reviewed by the architect or Owner on site with Subdivision staff prior to plan development to review understanding of applicable restrictions, including primarily mass and scale concerns, setbacks, and prevailing setbacks.

c. Time for Preliminary Review Submittal: The Submittal should be made once the schematic or preliminary design is established and documented. The design and plans in a preliminary Submittal should be sufficiently developed to give the Board adequate information to make an informed decision. Since the preliminary review process may result in disapproval, the Owner is cautioned against creating and submitting designs and plans that are overly or extensively developed.

d. Information Required for Preliminary Review: Each Preliminary Review Submittal must be developed to a schematic design level. The items listed below are the minimum requirements for a Submittal. Each Owner is encouraged to submit any additional information necessary to adequately present the proposed design for the Board to make an informed decision.

i. Information/application forms completed with all information requested;

ii. 1 set of schematic architectural drawings including, without limitation:

1. 1/8 inch scale site plan (showing landscaping, driveways, walkways, and other hardscape) in color;

2. 1/4 inch scale floor plans and roof plan;

3. Exterior images that illustrate the schematic design for all applicable facades (front, side, and rear) comprised of 1/4 inch scale elevations or similar drawings such as 3D images or scaled models, depending upon the complexity of the Submittal, which together must illustrate at least: all exterior materials and colors; labeled roof eaves and heights; architectural features such as doors and windows; massing, scale, and spatial relationships created both within the tract's building setback lines and with respect to the surroundings houses, streetscapes, and similar size lots or tracts; preservation of trees and open spaces; and any fences and screens (but excluding any wall sections, details, schedules, and other information not reflecting the exterior appearance of the Improvements); and

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4. In addition, the submitted plans and other supporting information must be submitted in PDF format. Image files may be submitted in JPEG, BMP or TIFF format. The means of electronic transmission includes, but is not limited to, email, cd-rom or thumb/flash drives (non-returnable). Any deviation from the format types outlined above must be approved in advance by the Board. Drawings may not be submitted in their original drawing file format (DWG, RVT, VWX, etc.);

iii. A certification that the construction documents will require the contractor to build a mock-up of the approved exterior façade materials (4 foot x 8 foot minimum) for review by a Board representative during construction, before such exterior materials are procured;

iv. Schematic site drainage plan prepared by a registered engineer or architect, including a plan for detention if required by the City of Houston or Harris County. Note that the current detention requirement for the City of Houston applies to lots greater than 15,000 square feet in area, but Owners should confirm the current governmental requirements;

v. Calculations and diagrams showing the square footage of the whole lot or tract and of the impermeable features including, without limitation, all hardscape;

vi. Drawings and diagrams demonstrating compliance with any applicable restrictions on building heights and proximities, setbacks, Prevailing Setbacks (defined below), fences, exterior equipment, and any other restricted feature;

vii. Drawings and diagrams demonstrating compliance with any applicable utility easements (including aerial easements), and sidewalk or roadway easements;

viii. Digital exterior materials board(s) displaying samples of exterior materials and colors, or product cut sheets (upon review, additional submission of actual material boards with samples of not less than 1 square foot may be required);

ix. A written narrative (not to exceed 1 page, double-spaced or 300 words) (i) describing and showing with one or more photographs of existing Improvements in the Subdivision how the Owner's design is compatible with the historical integrity and the continuity of architectural styles existing in the Subdivision, and (ii) specifically referring to the River Oaks Architectural Policies and Pattern Book and showing how the proposed design is consistent with the patterns, mass, and scale identified therein;

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x. A certificate of the natural grade of the Owner's lot, signed and sealed by an engineer or surveyor currently licensed and registered in the State of Texas (the "***Natural Grade Certificate***"). The Owner is required to use the River Oaks Natural Grade Certificate Form that is attached to and made a part of this 2023 P&PARAP as **Attachment 1** and which is also made available as a .pdf fillable document on the ROPO website (www.ropo.org), as the same may be amended by the Board from time to time. The Natural Grade Certificate is required for all Major Projects which require the determination of structure height above natural grade elevation (see § x below). If, under any circumstances, the soil has already been disturbed, or the if issuance of the Natural Grade Certificate is somehow not feasible, the Board will require the Owner to determine grade in an alternate fashion, which process will be determined in the sole discretion of the Board based upon the circumstances presented at such time;

xi. A simplified 3D massing model of the proposed home superimposed on a Google Earth or similar image showing the proposed location in the context of the two adjoining homes. Current examples of programs creating such models include Trimble SketchUp, Revit, AutoCAD with 3D capabilities, and Rhinoceros 3D. With prior approval of ROPO and for good cause, photography can also be used to superimpose scale drawings into context, but the accuracy of the resulting image must be certified by an engineer or architect;

xii. A lighting plan showing the location and selected fixtures and providing information on the color temperature and lumens for each and in aggregate, and a plan showing the location of any exterior cameras;

xiii. A landscaping plan sufficient to show the area in front of the proposed home and indicating any plants whose mature growth reaches 5 feet in height at maturity in the City of Houston, along with the botanical and common names of each, and any proposed removal of trees between a home and the street or public space; and

xiv. Any additional information necessary to show compliance with the Restrictions and the 2023 P&PARAP.

e. Retention of Documents: The copy of plans and other documents submitted by an Owner will be retained on file in ROPO's offices and will become the property of ROPO. This includes all plans and documents submitted electronically or using a digital medium.

f. Information to Exclude from Major Project Review: Without diminishing the Submittal requirements described in these 2023 P&PARAP, the Owner should exclude from the Submittal any information that is confidential or sensitive in

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nature as the records maintained by ROPO, including the information in an Owner's Submittal file, may be subject to certain public disclosure statutes.

g. Board Response to Preliminary Review: The Board will either (i) issue its written Preliminary Approval for the Owner to move forward with development of construction documents containing the design and information set forth in the approved Submittal and to seek City of Houston building permits; or (ii) issue its disapproval of the Submittal. Disapproved Submittals may be revised and resubmitted or withdrawn from consideration. If approved, the Owner will have 1 year from the date of the written Preliminary Approval letter to submit to ROPO plans that have been approved by the City of Houston. If the Owner fails to submit City of Houston approved plans prior to the 1 year deadline, Preliminary Approval of the project will expire and the Owner must repeat the Architectural Review and Approval Process for Major Projects, including payment of the review fee required at the time of resubmittal.

3. Review and Approval Process for Construction Documents With City Permit

After obtaining a City of Houston building permit, the Owner must submit to ROPO for review a full-size, to scale copy of the permitted construction documents bearing the City of Houston approval stamps. The Owner must submit the architectural construction documents and any other portions of the construction documents necessary to demonstrate compliance with the Board's Preliminary Approval. The minimum required documentation to submit for review includes the site plan, all floor plans, roof plan, and all exterior elevations and sections. Additional pieces of documentation may be requested by ROPO to ensure the Improvement complies with the Restrictions and this 2023 P&PARAP. The principal purpose of the review is for ROPO to determine whether there are material changes between the design that received the Board's Preliminary Approval and the construction documents that were approved by the City of Houston and received the building permit(s). No construction work, mobilization, utility work, or other related activity may begin before the Board's review and written approval of such permitted construction documents. If the permitted construction documents reflect material changes from the Submittal that received Preliminary Approval, the Board may require all or part of the Preliminary Review and Approval Process to be repeated. If there are no material differences, the Board or, with Board authority, ROPO staff will issue a Written Approval to Begin Construction, which is issued subject to the Owner's continuing compliance with the Final Review and Approval Process for Major Projects.

ROPO's staff and the Board will endeavor to disclose to Owners any errors, omissions, or inconsistencies discovered while reviewing the Submittals; provided, however, that neither ROPO's staff nor the Board has any legal duty to identify, nor are they responsible for, any such errors, omissions, or inconsistencies. ROPO's staff review is only for the limited purpose of checking for conformance of the relevant information contained in the Submittals with the requirements of the Restrictions and any related requirements. Any review of Submittals by the Board and ROPO's staff (i) is not for the purpose of determining the accuracy and completeness of any information in Submittals; (ii) does not include review or approval of or responsibility for any construction means,

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methods, techniques, sequences, or procedures, or any jobsite safety, all of which remain the responsibility of the Owner; and (iii) is solely for the benefit of ROPO's staff and the Board. Neither ROPO's staff nor the Board is responsible for the activity, errors, or omissions of any Owner.

4. Final Review and Approval Process for Major Projects

The Owner must meet continuing obligations during the construction activity period. The continuing obligations will generally be listed in the Written Approval to Begin Construction and are listed below in § II.B.1, Mandatory Construction Related Documents for Final Approval of Major Projects. In order for the Improvements to receive the Board's Final Approval, the Owner must, in addition to fulfilling all applicable requirements of the Restrictions and this 2023 P&PARAP, fulfill all obligations listed in the Board's Written Approval to Begin Construction and also must be in accordance and satisfy the obligations listed below:

a. No Changes Without Approval: No material changes in the design or construction reflected in the Submittal that received Preliminary Approval may be made without prior, written Board approval. The Board may require all or part of the Preliminary Review and Approval Process to be repeated for any such requested change.

b. Requirements During Construction: During construction, the Owner is responsible for compliance with the Restrictions and this 2023 P&PARAP. The Board will not grant Final Approval of the Improvements while any violation remains uncured.

c. Curing Violations: The Board will issue directives to the Owner to correct the work or activity, or the lack of activity, which violates the Restrictions, this 2023 P&PARAP or the Written Approval to Begin Construction. The Owner is responsible for curing any such violation(s) regardless of whether it is identified by ROPO. The Owner must promptly comply with any such directives and correct the violation(s). If, after a reasonable time, the violation(s) is not corrected, it will be presented to the Board for further action.

d. Enforcement Activity: If the Owner fails to promptly cure violations, the Board may take measures to obtain compliance including, without limitation, issuance of any necessary cease and desist directive, notification to the City of Houston or other governmental agency with jurisdiction over the construction, or seeking enforcement in a court of law. ROPO will, after notice and an opportunity to be heard, if required by law, collect reimbursement of its attorney's fees and other reasonable costs incurred by ROPO relating to violations, regardless of whether litigation ensues.

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e. Expiration of Approval to Begin Construction: A Written Approval to Begin Construction expires by inaction as provided in this 2023 P&PARAP, § II.B.3. Once the approval expires, the Architectural Review and Approval Process for Major Projects must be repeated.

5. Review and Approval Process for Minor Projects

Each Minor Project Owner must obtain the Board's approval after completion of the construction documents or other required submittals for all Minor Project Improvements to be constructed or modified (the "***Minor Project Review***"). **Receipt of the Board's final, written approval to begin construction for all Improvements is required before any work may commence**. All approvals will expire by inaction as explained in more detail, below. Once the approval expires, the Minor Project Review and Approval process must be repeated.

a. Information to Submit for Minor Projects:

i. For proposed projects consisting only of exterior painting of all or any part of the Improvements, submit a mock-up (not less than 1 square foot) of the proposed paint with all proposed coats applied to the material to be painted (*e.g.*, plywood, siding, or brick).

ii. For all other Minor Projects, submit:

1. Drawings and diagrams demonstrating compliance with the applicable Restrictions including, without limitation, the extent of proposed Improvement; location on the lot or tract; height; exterior equipment; and any other restricted feature;

2. 2 sets of construction documents that reflect the appearance and construction of the proposed Improvements;

3. Digital materials board(s) or sample(s) displaying proposed materials and colors, or cut sheets (upon review, submission of actual materials boards may be required);

4. Drawings and diagrams showing proposed removal of any trees between the home and the street or public space; and

5. Any additional information necessary to show compliance with the Restrictions and this 2023 P&PARAP.

b. Response: The Board will issue its approval for the Owner to move forward with the project or will issue its disapproval of the proposed project. Any disapproved designs may be revised and resubmitted or withdrawn from consideration.

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c. Retention of Plans: Plans and other information submitted by the Owner will be retained on file in ROPO's offices and will become the property of ROPO.

6. Review Fee for Major and Minor Projects

The Board incurs certain expenses in processing and reviewing each submission, which expenses include, by way of illustration and not limitation, the cost of ROPO staff and architectural consultants who advise the Board. In order to defray this expense, the Owner must pay a review fee for the review and approval processes in an amount established periodically by the Board. The amount of this fee is subject to change by the Board without prior notice. Any resubmissions will require payment of additional fees.

II. POLICIES AND PROCEDURES

The following policies and procedures are intended to assist the Owner in complying with the requirements of the Restrictions by providing the Board's interpretive guidance and requirements to effectuate the Restrictions. Nothing contained in this 2023 P&PARAP, no Board action or inaction, and no activity of or information provided by the ROPO staff may be construed as a waiver or modification of any provision of the Restrictions or of this 2023 P&PARAP, except to the extent that the Board's approval, disapproval, variance, or modification is permitted by the Restrictions or this 2023 P&PARAP. Any such permitted approval, disapproval, variance or modification may only be granted in writing by the Board.

A PROPERTY OWNER OR POTENTIAL PROPERTY OWNER BEARS THE SOLE RESPONSIBILITY FOR ASSESSING THE EFFECT OF THE RESTRICTIONS AND THIS **2023 P&PARAP** ON A LOT OR TRACT BEFORE PURCHASING THE LOT OR BEGINNING PLANS FOR CONSTRUCTION ON THE LOT.

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A. POLICIES AND PROCEDURES FOR DESIGN OF IMPROVEMENTS

Some types of Improvements or particular design requirements are principally addressed in specific sections of the Restrictions (*e.g.*, fences in § 4, or setbacks in §§ 6 and 11). However, the design and construction of any and all Improvements must comply with all applicable provisions of the Restrictions, not only those provisions that principally address the type of Improvements or specific design requirement.

1. Location and Setbacks of Improvements and Lot Consolidation

a. General Setback Rules

Any planned or existing Improvements in the Subdivision must comply with all location and setback requirements that apply to the lot, tract, or Subdivision Section, including any modifications to such requirements made by the Board in its authority.

Projections related to roof structures that do not have livable space above, such as overhangs, eaves, awnings, etc. may extend up to 18 inches beyond the recorded setbacks for the property.

The Board may approve or disapprove the proposed location of Improvements with respect to: setbacks shown on the plat, requirements of the Restrictions or in the original deed, and compliance with any other provisions in the Restrictions. The Board may grant variances from setbacks, the location of any Improvements and the direction that they must face, and any other architectural restrictions based upon circumstances such as topography, natural obstructions, aesthetics, or other relevant considerations. The Board may, in the best interest of designated Subdivision Additions as a whole, modify requirements of the Restrictions concerning the location of any Improvements on the lot or tract, and the direction the Improvements face. No variance granted waives any requirement of the Restrictions except with respect to the single instance, lot, or tract to which the written variance applies and subject to the provisions and limitations of such variance.

Notwithstanding anything contained in these 2023 P&PARAP to the contrary, the Board may not grant a variance from the requirements of the Restrictions relating to the use of a lot or the use of the Improvements on a lot.

b. Prevailing Setback Rule

Some Improvements on lots or tracts in certain sections of the Subdivision must be located farther from the front property line shown on the applicable plat, recorded in the real property records or in the Restrictions. If existing Improvements on any such lot or tract are to be razed and new Improvements constructed according to the applicable plat, the recorded real property records or the Restrictions, the new Improvements would disrupt the visual continuity and sight lines on the street. The common distance from the front property line to the front elevation of a residential dwelling on each lot or tract on a street on which existing Improvements are set back farther is the "***Prevailing Setback***". These 2023 P&PARAP explain the process by which a "Prevailing Setback," if any, is determined.

A Prevailing Setback exists if the Improvements on 3 or more nearby lots or tracts on a street are set back more than 15 feet farther from the front property line than the front building setback line shown on the applicable plat, recorded in the real property records or in the Restrictions. A Prevailing Setback may also exist in other instances, as determined by the Board.

i. If a Prevailing Setback exists, the applicable "***Segment***" of the street for which the Prevailing Setback applies will be determined. The Board will determine the applicable Segment on a case-by-case basis through visual inspection of the subject street, review of aerial and other photographs, and other means that help characterize the Prevailing Setbacks within the Segment. The applicable Segment may consist of both sides of the street or one side of the street, and may consist of an entire block or a portion of a block, depending upon existing conditions.

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ii. Once the Segment has been established, the Board will determine the "***Common Distance***" of the setbacks within the Segment. If all Improvements within the Segment are set back substantially the same distance from the front property line, then this distance will be the Common Distance. If all Improvements within the Segment are not set back substantially the same distance, the Board will determine the most common setback. If the most common setback would accomplish the purposes of the Prevailing Setback, with due regard for preserving the visual continuity and sight lines within the Segment, then it will be established as the Common Distance. If the most common setback does not accomplish the purposes of the Prevailing Setback because it would either (i) allow the applicable Improvements to be located too close to the front property line, or (ii) require the applicable Improvements to be located too far from the front property line, the Board will determine the Common Distance with due regard for the applicable circumstances in order to preserve visual continuity and sight lines of the Segment. If, at the time of the determination, the Improvements on the lot or tract in question have been demolished, the front setback of the previously existing Improvements will be taken into consideration for purposes of determining the Common Distance within the Segment. Once the Common Distance is established, the same will be deemed the location of the front building setback line for all purposes.

iii. As a final check, the Board may consider the nature of the Improvements that are proposed for the subject lot or tract. For example, the height, massing, and relationship to adjoining properties of the proposed Improvements to be located closest to the building setback line may be taken into account in determining the Prevailing Setback applicable to the subject lot or tract.

THE OWNER IS RESPONSIBLE FOR SEEKING A DETERMINATION OF WHETHER ANY PREVAILING SETBACK REQUIREMENTS EXIST BEFORE PURCHASING A LOT OR TRACT OR BEGINNING PLANS FOR CONSTRUCTION THEREON.

c. Combined Lots

The Owner of separate but adjoining single lots may combine up to 3 such lots into one lot (a "***Combined Lot***"), provided that such single lots were not previously combined with another lot. The Owner of the lots must first seek and obtain Board approval for the combination plan and comply with all re-platting requirements of the City of Houston.

i. Removed Setbacks: The Owner of the Combined Lot is not required to comply with any building setback lines associated with the common property line(s) removed by combining the lots. All other setback lines

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remain in force as minimum setback requirements, and more stringent setback requirements of the Restrictions may apply to the Combined Lot.

ii. Front/Street Setbacks: The amount of setback from the front property line(s), or those property lines parallel and adjacent to a street, for the Combined Lot will be not less than the greatest of the distances required by (i) the applicable plat and the recorded real property records, (ii) the Restrictions, or (iii) if applicable, the Prevailing Setback for any single lot comprising the Combined Lot.

iii. Side and Rear Setbacks and Permeability: The location of Improvements on a Combined Lot with respect to side and rear setback distances must, at a minimum, meet such requirements set by plat, the recorded real property records, or the Restrictions for the single lots comprising the Combined Lot. The permeability requirements for a Combined Lot are based upon the area within the requisite setbacks of the Combined Lot. However, other requirements of the Restrictions may impose applicable limitations on the location, size, dimension, and area of the Improvements. For example, the Restrictions also require preservation of the historical character of River Oaks as a subdivision with substantial vegetation and open spaces. River Oaks was conceived in a spacious spirit with ample open space giving vistas of trees and lawns. The original scheme of development was envisioned as a residential park with homes set well apart. To meet these and other requirements of the Restrictions, the Board is authorized by the Restrictions to make modifications as described in § II.A. 1(a), above, that may affect the locations, side and rear setback distances, and permeability requirements of Improvements on a Combined Lot. The Restrictions further empower the Board to disapprove proposed Improvements if the architectural style of the Improvements is not compatible with the predominant architectural styles of Improvements in the Subdivision because of the proposed Improvement location, side and rear setbacks, and permeability requirements.

When considering whether the location, side and rear setback distances, and permeability requirements for a Combined Lot should be further restricted by other provisions of the Restrictions, the Board may consider relevant factors including, without limitation:

1. setback distances for Subdivision lots comparable in size and shape to the Combined Lot;

2. massing, scale, and spatial relationships created by Improvements both within the confines of the Combined Lot and with respect to the surroundings houses and streetscapes;

3. preservation of vegetation and open spaces; and

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4. the prior disposition of similar Combined Lots.

THE OWNER IS RESPONSIBLE FOR DETERMINING THE APPLICABILITY OF THESE REQUIREMENTS TO A COMBINED LOT BEFORE PURCHASING LOTS, RE-PLATTING LOTS OR DESIGNING IMPROVEMENTS FOR A PROPOSED COMBINED LOT, AND THE OWNER IS ENCOURAGED TO SEEK GUIDANCE FROM THE BOARD.

2. Permeability and Hardscapes

The purpose of this provision is to preserve permeable areas for surface water, to minimize the diversion of surface water to streets and adjacent lots, and to preserve the historical character of River Oaks as a subdivision with substantial vegetation and open spaces.

a. General Rule on Permeability

The following lot or tract coverage limitations apply in addition to any other applicable limitations on the size, dimension, or area of any proposed Improvements:

i. For a tract of 15,000 square feet or more, the total combined area of the footprints of the residential dwelling, garage, outbuilding, other improvement and any hardscape may not exceed 100% of the total area of the tract within the front, side, and rear setbacks of the tract, including any Prevailing Setback.

ii. For a tract of less than 15,000 square feet, the total combined area of the footprints of the residential dwelling, garage, outbuilding, other improvement and any hardscape may not exceed 110% of the total area of the tract within the front, side and rear setbacks of the tract including any Prevailing Setback.

iii. For combined (re-platted) tract, which are addressed in § II.A.1(c) above, the total combined area of the footprints of the residential dwelling, garage, outbuilding, other improvement, and any hardscape may not exceed 100% of the sum of the permissible coverage for the individual lots within their respective front, side, and rear setbacks before combined, including any Prevailing Setback.

For purposes of this paragraph, the footprint of an Improvement is its slab or foundation. Hardscape includes, without limitation, synthetic grass, driveways, walkways, swimming pools, patios, lanais, tennis courts, and hardscape products that are marketed as "permeable" and all impermeable hardscape. ROPO encourages the use of "permeable" hardscape products to the extent impermeable surfaces are permitted under the Restrictions even though such products will be considered part of the hardscape for the purposes of this provision.

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The permitted lot or tract coverage for a proposed design must comply with, and may be further limited by, other requirements of the Restrictions that may affect lot or tract coverage.

b. Driveways and Walkways

The Submittal for Preliminary Review for any project must show the location, dimensions, material, and color of any proposed new or modified driveway or walkway. **The proposed walkway or driveway must be compatible with the predominant types of walkways and driveways in the Subdivision and with the other Improvements proposed for the lot or tract.**

In the event an existing driveway or walkway requires replacement due to normal wear and tear, some casualty event or the like, the driveway or walkway may be repaired or demolished and replaced, provided that the completed repair or replacement is substantially similar to the previously existing driveway or walkway in terms of location, dimensions, material and color. Otherwise, Board review and approval is required.

Sidewalks along the street are governed by City ordinance and are the responsibility of the Owner, as are curbs on City streets. At the time of adoption of this 2023 P&PARAP, Houston requires a sidewalk width of 5 feet, but Owners must independently verify current standards. Use of the River Oaks standard design of uniform concrete with scoring is strongly encouraged.

A rock yard or similar type of hardscape is not permitted in the front yard of the lot or in any other part of the yard if visible from the street in front of the lot at ground level. If a corner lot, a rock yard or similar type of hardscape is not permitted if visible from the street in front of the lot or from the street to the side of the lot at ground level.

c. Synthetic Grass

Synthetic grass is not permitted in the front yard of any lot. Synthetic grass is also not permitted in any other part of the yard if visible from the street in front of the lot at ground level or, if a corner lot, if visible from the street in front of the lot or from the street to the side of the lot at ground level.

3. Mechanical Equipment

The term "Mechanical Equipment" means any exterior heating, ventilating and air-conditioning units, air-handling units, swimming pool equipment, generators and any other mechanical equipment.

a. General Rules

Any Mechanical equipment installed or replaced after June 1, 2006, must meet the following requirements:

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i. Mechanical equipment may not be located nearer to any street than permitted for the primary residence;

ii. Mechanical equipment may not be located nearer to any side or rear property line than the corresponding building setback lines for the lot or tract, and in no event closer than 5 feet to a property line;

iii. Mechanical equipment situated within 10 feet of a side or rear property line must provide sound attenuation that reduces the noise generated by the equipment to not more than the limit provided by any applicable City of Houston ordinance, measured from the nearest point at which a structure may be constructed on the lot or tract adjacent to the side or rear property line on which such mechanical equipment is to be installed or replaced, except as provided on § 3(c), below. As a general rule, the Board considers generators that are liquid cooled to operate within the City of Houston noise ordinance limits, while generators that are air cooled do not; and

iv. Mechanical equipment must be located at ground level and must be screened from view from any street adjacent to the lot or tract by landscaping or approved fencing.

These general rules apply unless the Board previously granted a variance in writing or the Board grants a written variance upon proper request.

b. Prohibited Mechanical Equipment

i. No commercial mechanical equipment (i.e., units or components primarily designed for use in an office building, shopping center or the like) is permitted on any lot or tract, unless the Board determines that the noise generated by the proposed mechanical equipment, whether at start-up or during operation, is no greater than the noise generated by a residential condenser unit of similar capacity.

ii. No window or wall air-conditioning units are permitted in any Improvement in the Subdivision.

c. Exception for Mechanical Equipment in Certain Limited Locations

i. This limited exception to the general rules applies only to the proximity of mechanical equipment to a rear property line that is parallel with and immediately adjacent to the following streets: San Felipe, Westheimer and South Shepherd

ii. Upon prior written approval by the Board, mechanical equipment situated within 10 feet of the rear property line in these limited locations, but no nearer than 5 feet, is not required to have the sound attenuation otherwise required in § 3(a)(ii), above. The distance of the mechanical

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equipment to the side property line will remain as set forth in the Restrictions and above.

d. Existing Mechanical Equipment That is Encroaching or Removed

i. Operational mechanical equipment existing before June 1, 2006 and located nearer to a side or rear property line than) feet or other than at ground level will be treated according to this 2023 P&PARAP for Existing Encroachments (§ II.C.l, below). In the event mechanical equipment requires replacement due to normal wear and tear, some casualty event or the like, the equipment may be replaced at the same location with new equipment if, and only if, the replacement equipment is substantially similar in terms of type and size as the mechanical equipment being replaced and generates an equal or lower level of decibels of sound. Otherwise, the replacement mechanical equipment must comply with the general rules, above.

ii. Replacement of existing mechanical equipment after June 1, 2006 that does not meet the requirements of § 3(d)(i) must be replaced in accordance with the general rules, above.

e. Standby Electric Generators

i. A "***Standby Electric Generator***" means a device that converts mechanical energy into electrical energy and is (1) powered by natural gas, liquified petroleum gas, diesel fuel, biodiesel fuel, or hydrogen; (2) fully enclosed in an integral manufacturer-supplied sound attenuating enclosure; (3) connected to the main electrical panel of a residence by a manual or automatic transfer switch; and (4) rated for a generating capacity of not less than 7 kilowatts.

ii. The installation and operation of permanently installed Standby Electric Generators are permitted, subject to approval by the Board, under the following parameters:

1. Standby Electric Generators must be installed and maintained in compliance with (a) the manufacturer's specifications; and (b) applicable governmental health, safety, electrical, and building codes.

2. All electrical, plumbing, and fuel line connections for Standby Electric Generators must be installed only by licensed contractors.

3. All electrical connections for Standby Electric Generators must be installed in accordance with applicable governmental health, safety, electrical, and building codes.

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4. All natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for Standby Electric Generators must be installed in accordance with applicable governmental health, safety, electrical, and building codes.

5. All liquefied petroleum gas fuel line connections for Standby Electric Generators 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.

6. 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.

7. All Standby Electric Generators and their electrical lines and fuel lines must be maintained in good condition.

8. Any deteriorated or unsafe component of a Standby Electric Generator, including electrical or fuel lines, must be repaired, replaced, or removed, as appropriate.

9. A Standby Electric Generator must be screened if it is (a) visible from the street that the residence faces; (b) located in an unfenced side or rear yard of a residence and visible either from an adjoining residence or from adjoining property owned by ROPO; or located in a side or rear yard fenced by a wrought iron or residential aluminum fence and visible through the fence either from an adjoining residence or from adjoining property owned by ROPO;

10. Periodic testing of Standby Electric Generators should be in accordance with the manufacturer's recommendations and must occur between the hours of 10:00 a.m. and 4:00 p.m.; and

11. The preferred location for Standby Electric Generators is: (a) at the side or back plane of the home; (b) outside of any easements located upon such lot; and (c) in compliance with Article II, Section A.3.a. However, in the event that the foregoing preferred location either (1) increases the cost of installing the Standby Electric Generator by more than 10%, or (2) increases the cost of installing and connecting the electrical and fuel lines for the Standby Electric Generator by more than 20%, then the Standby Electric Generator will be located on the lot in a position that complies as closely as possible with the preferred location without violating either (1) or (2) noted above.

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12. Standby Electric Generators may not be used 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.

13. Owners are prohibited from locating Standby Electric Generators on property owned or maintained by ROPO.

4. Fences, Walls, and Hedges

An Owner must submit to the Board a request for approval of any proposed fence, wall, or gate through the Review and Approval Process for Minor Projects, unless the request is included as part of a Major Project review. Any fence, wall, or gate proposed to be constructed on a tract on which there is no house or other permanent Improvements must be approved by the Board as well.

a. General Rules

The following requirements apply to all tracts within the Subdivision:

i. No fence, wall, or gate may be located nearer to any street than permitted for the primary residence.

ii. The allowable heights stated below are measured from natural grade to the highest point of the fence, wall, or gate including, without limitation, architectural embellishments.

iii. Shrubbery and hedges will be treated as a fence or wall for the purposes of these provisions.

iv. An Owner may seek written consent from the Board to build a fence, wall, or gate higher than permitted or nearer to a street than is permitted for the house. The Board may disapprove a proposed fence, wall, or gate that does not comply with applicable setbacks, height restrictions, or any other related requirement or if the Board reasonably determines that the proposed fence, wall, or gate is not compatible with the overall design of homes and related Improvements in the Subdivision.

v. Retaining walls to control existing natural grade may be constructed at the front property line. The overall height, including all structural, decorative, or lighting elements, is limited to 24 inches from existing natural grade at the base of the wall.

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b. General Rules for Height and Location

Many sections and tracts within the Subdivision are subject to additional or different height and location requirements including, without limitation, those sections identified and addressed in § 4.c, below. The following requirements apply to all tracts within the Subdivision that are governed by no other applicable requirements in the Restrictions:

i. No permissible fence, wall, or gate may exceed 8 feet in height, except a fence along the rear property line, as provided below; provided, however, that a fence, wall, or gate parallel to the side property line that is adjacent to a street other than a Busy Street, as defined below, may not exceed 6 feet in height, and may be installed from the rear property line to the front building line of the house. A fence, wall, or gate parallel to the side property line that is adjacent to a Busy Street may not exceed 8 feet in height along the Busy Street and may be installed from the rear property line of the property within 2 feet of the lot's or tract's front property line.

ii. No fence, wall, or gate installed along the rear property line of a lot or tract may exceed 10 feet in height, except that if a window or balcony on an adjacent lot or tract is within 10 feet of such rear property line, then a lattice, trellis, or similar approved screening material may be installed on or attached to the fence or wall along the rear property line for privacy purposes, up to a maximum height of 12 feet.

iii. No fence, wall, or gate installed along the common shared side property line between adjoining lots or tracts may exceed 8 feet in height. Such fence, wall, or gate may be installed from the rear property line of the property to the front building line of the house.

c. Additional or Different Height and Location Limitations in Certain Sections

The Restrictions contain certain additional or different fence, wall, and gate requirements for Country Club Estates, Block 26, the Tall Timbers Section and Sections 7, 8, 9, 10, 11, and 12 of the Subdivision. The Owner should review the requirements in § 4 of the Restrictions if proposing fence, wall, or gate Improvements in these sections. The Board will consider an Owner's request for a written variance with respect to these sections including, without limitation, a request to apply the general rules, above.

d. Variances for Noisy or Busy Streets

The Board may grant a variance to permit the construction of a wrought iron style fence 6 feet in height based upon the location of the lot, traffic issues, noise, or security. Before granting a variance, not less than 2 members of the Board will inspect the tract to evaluate the basis of the requested variance. Currently, each of the following is considered a "***Busy Street***":

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River Oaks Boulevard
Kirby Drive
Inwood Drive
South Shepherd Drive
San Felipe Road
Westheimer Road
Locke Lane (behind the Lamar Shopping Center)
Claremont Lane (see iv. below)

If the lot or tract fronts on or is adjacent to a Busy Street, a variance may be granted to allow a fence, wall, or gate to be located nearer to the property line that is adjacent to the Busy Street if the following requirements are met:

i. A solid fence or wall not exceeding 8 feet in height, measured from natural grade, may be constructed along the front of each lot or tract that fronts on South Shepherd Drive, San Felipe Road, or Westheimer Road, and along the side of each lot or that is adjacent to South Shepherd Drive, San Felipe Road, or Westheimer Road;

ii. A solid fence or wall not exceeding 6 feet in height, measured from natural grade, may be constructed along the front of each lot that fronts on Locke Lane and faces the Lamar Shopping Center parking lot (being Lots 29, 30, 31 and a part of 32, in Block 23, Section 4);

iii. No fence, wall, or gate adjacent to a Busy Street may be nearer to the property line than 2 feet;

iv. Properties located on the east side of Claremont will be allowed 6 foot high fencing, gates, or hedges closer to the street than allowed for the house. Properties located on the west side of Claremont are not eligible for front fencing or hedges, and side fences or hedges may not extend past the front setback lines on these properties.

e. Materials

Materials must be compatible with the materials commonly used for fences, walls, or gates on other lots or tracts in the Subdivision.

i. Fence and wall materials are generally limited to wood, iron, and brick or a similar masonry material. Concrete masonry units and similar masonry units visible from a street or another lot or tract must be covered with an approved finish material (*e.g.*, not just painted CMU).

ii. Gate materials are generally limited to wood or metals. All wrought iron or other metal used in the construction of a fence, wall, or gate must be painted either black, River Oaks Green (*i.e.*, very dark green), dark bronze, or the like, unless otherwise approved in writing by the Board.

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iii. A fence, wall, or gate that is adjacent to a street is required to have the finished side facing the street; in the case of wood fences, **posts, rails, or other supports may not be visible from a street**.

iv. Barbed wire, razor wire, and any type of electrical wire are prohibited as or on any fence or hedge. This paragraph does not prohibit an "invisible" fence that controls pets through underground electrical wiring.

v. Metal, plastic, or any other synthetic material may not be installed on a fence visible from a street.

f. Existing Fences, Walls, and Gates

If any existing fence, wall, or gate is voluntarily removed or requires replacement due to wear and tear, some casualty event or the like, its replacement must comply with the Restrictions and this 2023 P&PARAP.

g. Measuring the Height of Fences, Walls, and Hedges

i. No fence may exceed the height limitations established by the Restrictions or this 2023 P&PARAP (height limits for fencing varies from section to section. Please consult the Restrictions and this 2023 P&PARAP for more information about fencing heights).

ii. The height of a fence is measured as the vertical distance from existing natural grade to the top of the tallest element of the fence material.

1. Existing natural grade is defined as the ground level before grading (either inside or outside the fence).

2. The height measurement of a fence includes any decorative features or lighting affixed to the top of any part of the fence.

3. Any existing or new retaining walls are defined as a landscape feature to control natural existing grade. Retaining walls may be either an integral part of a fence or upon which a fence may be erected. However, the retaining wall with a fence will be measured as one, unless there are unusual natural grade issues brought to the attention of the Board for review and approval before construction.

4. If the proposed fence location intersects a drainage or driveway swale perpendicularly, the fence height will be measured at the edge of the swale. The fence is not required to dip down to follow the slope of the swale.

iii. Hedges are subject to the same height and location restrictions as fences.

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5. Height Limitations

The Board established the following height limitations consistent with its duty to preserve the historical integrity of, and the continuity of architectural styles within, the Subdivision. Working chimneys not extending more than 3 feet above the roof line may exceed the limitations set forth below, but decorative features of any type may not. Heights are to be measured from natural grade (see Natural Grade Certificate, Attachment 1). Eave height is the top point of the horizontal fascia board of a typical sloped roof structure's soffit at the top of the exterior wall framing. The top points of cornices and parapet walls are subject to the same height restrictions as eaves.

a. The height of the primary residence is limited as follows:

Lot/Tract Size	**Maximum Height**	**Maximum Eave Height**
Less than 25,000 square feet	35 feet	25 feet
25,000 square feet or more but less than 43,560 square feet	38 feet	28 feet
43,560 square feet or more	41 feet	31 feet

b. The following additional limitations apply:

i. No residence, garage, or outbuilding may exceed 2½ stories. The house must have the exterior appearance of a 2-story house from all sides.

1. Any living space above the soffit line of the second story must be contained within the gable of a pitched roofline of the house (*i.e.*, within the attic space), and may not exceed a maximum of half of the useable square footage of the smaller of the first or second floor.

2. Roof dormers are permitted, but must (i) be relatively small, subordinate structures in a roof, (ii) intersect the roof below the ridge, (iii) have 3 exterior walls, and (iv) be offset substantially from the raking edges of the roof and the façade below.

3. Third floor or attic windows must be smaller than those on the second floor and no larger than the minimum required by the City of Houston code for egress.

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4. Any residence with a predominantly flat roof may not exceed 2 stories. A mansard roof or any roof with a pitch of less than 3:12 will be considered to be a flat roof.

ii. No part of any residence, garage, or outbuilding may exceed 25 feet in height if any part of such residence, garage, or outbuilding is within 10 feet of any property line. The eave height limit for structures subject to this 25 foot height limit is 21 feet.

iii. Windows facing the rear property line that are within 20 feet of the rear property line must be fixed and nontransparent if placed above 13 feet in height.

iv. In accordance with the schedule presented in § II.B.1.e., and prior to Final Approval, a certificate of the determination of structure height above natural grade elevation (which is certified in the Natural Grade Certificate, **Attachment 1**), must be signed and sealed by an engineer or surveyor currently licensed and registered in the State of Texas (the ***"Height Elevation Certificate"***). Height Elevation Certificates are required for all Major Projects which require the determination of structure height above natural grade elevation and must incorporate the result(s) of the Natural Grade Certificate required in § I.B.2.c.ix. Such Height Elevation Certificate must be submitted by the Owner on that certain River Oaks Height Elevation Certificate Form that is attached to and made a part of this 2023 P&PARAP as **Attachment 2**, and which is otherwise made available as a .pdf fillable document on the ROPO website (www.ropo.org), as the same may be amended by the Board from time to time.

v. Any proposed change in the natural grade elevation of the subject lot or tract must be specified on the plans submitted for review and approval, and written Board approval must be obtained to materially change the grade.

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6. Side Walls

The minimum articulation required for side walls is 20 feet in length and 4 feet in depth. To ensure architectural compatibility, maximum sidewall lengths prior to a change in articulation are:

Lot Frontage	**Sidewall Length**
Narrow frontage (80 feet or less)	40 feet
Medium frontage (more than 80 feet but less than 150 feet)	40 feet
Wide frontage (150 feet or more)	60 feet

7. Materials

Materials used on the exterior façade of Improvements must be compatible with the materials commonly used for homes in the Subdivision. Wall materials are generally limited to wood, brick or similar masonry materials, or stucco. Synthetic or cast stone having observable properties compatible with real stone may be used, but plastic, vinyl, or other similar composite created to provide an artificial stone look may not.

8. Enclosed Walkways

A lot or tract Owner may construct an enclosed walkway between the primary residence and a garage or outbuilding provided it complies with the following provisions:

a. The presence of a permissible enclosed walkway, regardless of its length, does not alter the setback requirements of the lot or tract for the residence, garage, or outbuilding. The garage or outbuilding to which the enclosed walkway connects must comply with the setback requirements applicable to a garage or outbuilding; and

b. The enclosed walkway may be located at either the first floor or the second floor level but may not be enclosed on both the first and second floors. The enclosed access walkway's dimensions may not exceed 6 feet in exterior width and 8 feet high interior ceiling height. There must be a door at each end of the enclosed walkway.

9. Second Story Balconies and Porches

Balconies and porches are permitted to be constructed on the second story of a residence provided that no such second-story balcony or porch is constructed in such a way as to invade the privacy of Owners or occupants of neighboring lots, as determined in the sole discretion of the Board. No television, projector screen, or similar device may be installed on a second-story balcony or porch if the television, projector screen, or other device, as applicable, is visible from the residence or yard of a neighboring lot.

Roof terraces and balconies are not allowed above the second story.

10. Outdoor Lighting

Outdoor lighting should be compatible with the prevalent lighting of the Subdivision, as determined in the sole discretion of the Board, and thus should not exceed 1,000 lumens per lot acre, excepting only unshielded gas lanterns, lights located under a roofed porch or entryway, fixtures with the seal of approval from the International Dark Sky Association, and fixtures independently certified by the manufacturer as full cut-off fixtures. All outdoor lighting should have a color temperature of 2700K or lower. No outdoor lighting may intrude on to neighboring property.

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11. Building Setback Lines for and Accessory Improvements on a Secondary Tract

The Board adopted the following requirements concerning Accessory Improvements, as defined below, on a Secondary Tract, which is a separate tract of land adjacent to, and under common ownership with, the lot on which the primary residence is located (a "***Secondary Tract***").

a. Accessory Improvements include, without limitation, swimming pools, pool houses, and other such Improvements other than the primary residence on a Secondary Tract (an "***Accessory Improvement***").

b. Unlike secondary Improvements to be located on the lot with the primary residence, the required setbacks for an Accessory Improvement on the Secondary Tract are permitted to comply with the required setback lines for a primary residence, garage, or outbuildings. The building setback lines are measured from the property lines and not from the lot lines shown for lots as originally platted if such lot lines do not coincide with the property lines.

c. Setback lines established subsequently to the Owner taking ownership of the Secondary Tract that are more restrictive govern such Accessory Improvements.

d. Proposed Accessory Improvements on a Secondary Tract must be reviewed and approved according to the Review and Approval Process for Major Projects.

e. The Board reserves the right to withhold approval to construct on a Secondary Tract any proposed Accessory Improvements that, in the Board's judgment, are likely to be a visual or audible nuisance, even if the proposed Accessory Improvements otherwise adhere to these requirements.

f. Any existing Accessory Improvements not in compliance with these requirements are subject to removal before conveyance of the Secondary Tract to another Owner, unless both the Secondary Tract and the lot on which the primary residence is located are conveyed together to a single grantee. The seller/Owner must inform ROPO in writing before selling any such Secondary Tract in order for the Board to determine before the sale whether any such existing Accessory Improvements must be removed before sale.

g. Nothing in these requirements may be interpreted as granting permission for an Accessory Improvement where otherwise prohibited.

12. Solar Energy Devices

The Board adopted the following requirements concerning solar energy devices.

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a. A "solar energy device" means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power (collectively with any associated supports, frames, support brackets, piping, and wiring, an "***SED***").

b. An SED may be installed in the Subdivision but only if it meets the requirements of this provision. Any installed SED that becomes and remains continuously inoperable for a period of 6 months or more will no longer be considered a permitted SED, and, upon written instruction from the Board, must be promptly, safely, and legally removed from the Subdivision.

c. Any SED that threatens the public health or safety or violates a law is prohibited from the Subdivision, and any installed SED that becomes a threat to the public health or safety or violates a law must be promptly, safely, and legally removed from the Subdivision.

d. No solar energy device may be located on any real property owned or maintained by ROPO or on any real property in which the members of ROPO have a common ownership interest.

e. An SED may only be located (i) on the roof of the primary residence or other outbuilding or structure permitted by the Restrictions on the lot or tract or (ii) in the fenced yard or patio of the lot or tract owned and maintained by the Owner.

i. A roof-mounted SED:

1. may not be located on a roof or portion of a roof facing any street adjacent to the tract or lot unless such roof or roof portion faces the rear property line that is adjacent to South Shepherd Drive, San Felipe Road, or Westheimer Road;

   ROPO will consider an alternate location on the roof if the alternate location increases the estimated annual energy production of the SED, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10% above the energy production of the SED if located in an area designated by ROPO;

2. may not extend higher than or beyond the permitted rooflines;

3. must have its top edge parallel to the permitted roofline and must conform to the slope of the roof; and

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4. must utilize frames, support brackets, and, to the extent visible, piping and wiring that are a silver, bronze, or black tones commonly available in the marketplace and that best match the roof color.

ii. No portion of an SED in a fenced yard or patio may be located higher than the top of the lowest fence height permitted by the Restrictions for the lot or tract.

iii. No SED may be installed in a manner that, as installed, voids material warranties.

f. No SED or replacement SED may be installed without first complying with the Major Project Review and Approval Process. The Board may withhold approval of an SED if it determines in writing that the proposed placement of the SED would create a condition that substantially interferes with the use and enjoyment of land in the Subdivision by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The Owner may submit to the Board the written approval of the proposed placement of the SED by all Owners of adjoining lots and tracts confirming that such an objectionable condition does not exist. The Board will consider an appeal but may, in its discretion, reject the request in the best interests of complying with the Restrictions and this 2023 P&PARAP.

13. Security Measures

The Board has adopted the following requirements concerning the installation of security measures within the Subdivision.

a. **Application Required**. Before any security measure contemplated by Section 202.023(a) of the Texas Property Code is constructed or otherwise erected on a Lot, an application must be submitted to the Board and approved in writing in accordance with this 2023 P&PARAP. All security measures must be of a design and quality compatible with the prevailing architecture of the neighborhood and must be as unobtrusive as possible. Owners are encouraged to be aware of the following issues when seeking approval for and installing a security measure:

i. The location of property lines for the lot. Each Owner should consider obtaining a survey before installing a security measure;

ii. Easements in the area in which the security measure is to be installed; and

iii. Underground utilities in the area in which the security measure is to be installed.

The Board is not obligated to and will not review an Owner's security measure application for the above-referenced issues. Owners should be aware that a security measure may have to be removed if a person or entity with

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superior rights to the location of a security measure objects to the placement of the security measure. Owners should also be aware that fencing may hinder River Oaks patrol officers in gaining access to fenced areas.

b. **Security Measure Fencing**. The Board does not allow construction of **fencing** nearer to the street than allowed for a home other than in special circumstances as provided in section II.A.4.g of this 2023 P&PARAP. The Board considers any fencing installed nearer to a street than allowed for a home on a lot to be "security measure fencing". The Texas Property Code authorizes the Board to regulate the type of security measure fencing that an Owner may install on a lot.

i. Security measure fencing is approvable provided that the following requirements are met:

1. The security measure fencing is made of visually open standard picket-style wrought iron. No solid elements may be used in whole or in part, including solid panels or any wood, stucco, or masonry columns.

2. No plastic or metal mesh is used in the security measure fencing.

3. The security measure fencing does not exceed 6' in height from the existing natural grade; provided, however, that if the security measure fencing is installed on top of a retaining wall, the height will be measured from the base of the retaining wall.

4. Any driveway or pedestrian gates installed are comprised of the same material as the security measure fencing and swing inward. All equipment for any driveway or pedestrian gate, including keypads, locks and motors, must be kept screened from view with evergreen shrubs or be otherwise installed in an inconspicuous manner, as determined by ROPO.

5. Enclosures for objects or personnel are prohibited; provided, however, that a solid metal standard size letterbox attached to the security measure fencing may be permitted.

6. The security measure fencing is installed entirely within the property line of the lot and the placement of the security measure fencing complies with all state and local regulations.

7. The security measure fencing complies with all other provisions of this 2023 P&PARAP and the governing documents for the Subdivision, including those provisions relating to materials and compatibility.

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The Board has the discretion to determine any other types of approvable security measure fencing that are in addition to the type listed in this 2023 P&PARAP.

ii. If the proposed security measure fencing is located on one or more shared lot lines with adjacent lot(s) (the "***Affected Lots***"), all Owners of record of the Affected Lots must sign the application evidencing their consent to the security measure fencing before the requesting Owner (the "***Requesting Owner***") submits the application to the Board. In the event that the Affected Lot Owner(s) refuse to sign the application as required by this section, the Affected Lot Owner(s) and Requesting Owner acknowledge and agree that the Board has no obligation to participate in the resolution of any resulting dispute.

c. **Other Security Measures**. Other security measures such as security screens and front door entryway enclosures must be black, River Oaks green, dark bronze, or any color approved by the Board. Notwithstanding the foregoing, the Board has the discretion to approve another color for security measures if, in the sole and absolute discretion of the Board, the proposed color of the security measure complements the exterior color of the dwelling.

d. **Location**. A security measure may be installed only on an Owner's lot and may not be located on, or encroach on, another lot, street right-of-way, common area, or any other property owned or maintained by the ROPO. No fence may be installed in any manner that would prevent someone from accessing property that they have a right to use or access.

e. **Disputes; Disclaimer**. Security measures, including, but not limited to, security cameras and security lights, may not be permitted to be installed in a manner that the security measure is aimed or directed at an adjacent property which would result in an invasion of privacy or cause a nuisance to a neighboring Owner or occupant; provided, however, security cameras may be aimed or directed in such a way as to record or observe appurtenant public areas such as streets or sidewalks. **In the event of a dispute between Owners or occupants regarding security measure fencing, or a dispute between Owners or occupants regarding the aim or direction of a security camera or security light, ROPO has no obligation to participate in the resolution of the dispute. The dispute will be resolved solely by and between the Owners or occupants.**

EACH OWNER AND OCCUPANT OF A LOT WITHIN THE SUBDIVISION ACKNOWLEDGES AND UNDERSTANDS THAT ROPO, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, AND EMPLOYEES, ARE NOT INSURERS AND THAT EACH OWNER AND OCCUPANT OF ANY DWELLING OR LOT THAT HAS A SECURITY MEASURE THAT HAS BEEN OR WILL BE INSTALLED PURSUANT TO THIS 2023 P&PARAP ASSUMES ALL RISKS FOR LOSS OR DAMAGE TO PERSONS, TO DWELLINGS AND IMPROVEMENTS, AND TO THE

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CONTENTS OF DWELLINGS AND IMPROVEMENTS, AND FURTHER ACKNOWLEDGES THAT ROPO, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, AND EMPLOYEES, HAVE MADE NO REPRESENTATIONS OR WARRANTIES, NOR HAS ANY OWNER OR OCCUPANT RELIED UPON ANY REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, RELATIVE TO ANY SECURITY MEASURE THAT MAY BE APPROVED BY THE BOARD PURSUANT TO THIS 2023 P&PARAP.

14. Rear Lot Open Space

On all lots within the Subdivision, the total combined footprint of the residential dwelling, garage, outbuilding, and other building structure on the lot may not exceed 65% of the Rear Lot Area, leaving 35% of the rear lot as rear lot open space. For purposes of this 2023 P&PARAP, "***Rear Lot Area***" means that portion of the lot that is (i) 1/3 of the total length of the lot from the rear property line, or (ii) 30 feet from the rear property line of the lot, whichever is smaller. The open space requirements for the Rear Lot Area on each lot may occur on either side of the lot and must be continuous. The Rear Lot Area may be covered by greenspace, pool area, or another impermeable surface but may not be covered by a primary residence, garage, or outbuilding. In the event that the lot is comprised of an unusual number of sides or of an unusual shape, the Owner must propose a reasonable solution for determining the applicable Rear Lot Area for Board approval.

It should be noted that the requirements set forth in this section regarding rear lot open space differ from the impermeability requirements set forth in Article II, Section A.2. Owners should take care to verify compliance with the requirements of this section, as they pertain to rear lot open space, and with the requirements pertaining to impermeability set forth in this 2023 P&PARAP. The Rear Lot Area may include impermeable surfaces, such as a pool or patio, provided such surfaces are at or near ground level.

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B. POLICIES AND PROCEDURES CONCERNING CONSTRUCTION ACTIVITIES

The Owner has the duty to comply with these requirements during construction.

1. Mandatory Construction Related Documents for Final Approval of Major Projects

Certain information about the construction is required during construction within the time limitations indicated below. The certificates must be to-scale originals and must be signed and sealed by an engineer or surveyor currently licensed and registered in the State of Texas. All surveys must indicate the distance of the Improvement to each property line.

	Required Submittal	Submission Deadline
a.	Copy of the plans that are stamped "Approved" by the City of Houston (COH) Permit Department	Within 3 days after receiving approval from COH and not less than 1 week before commencement of construction
b.	Site plan illustrating the size, color, and location of the on-site office or trailer, if any. NO SIGNS, NAMES, LOGOS OR OTHER GRAPHICS WHATSOEVER ARE ALLOWED ON THE OFFICE OR TRAILER	At least 3 business days before placing the office or trailer on the lot or tract.
c.	Certified Foundation Form Survey (open areas shown adjacent to building setbacks will not be accepted)	At least 3 business days before placing concrete
d.	Certified Slab Survey that confirms the slab placement as shown on the approved plans	At least 1 week before framing or other work atop the slab is commenced
e.	Height Elevation Certificate based upon the natural grade set forth on the Natural Grade Certificate on file with ROPO. Owner is required to use the River Oaks Height Elevation Certificate Form attached to this 2023 P&PARAP as **Attachment 2** and as available as a .pdf fillable form on ROPO website (www.ropo.org), as the same may be amended by the Board from time to time.	Upon completion of highest framing and at least 3 business days before installing any roof decking
f.	Notice to ROPO to view the required mock-up of the approved exterior facade materials (4 foot x 8 foot minimum) for review by a Board representative during construction and before the installation of such exterior materials. Final approval of the mock-up is required before such materials may be installed	At least 3 business days before the final ordering of any material reflected in the mock-up
g.	As-Built Final Completion Survey Certificate showing the location of all the Improvements including, without limitation: street entrances, garage and other outbuildings, pools and pool	After the house is completed and before its sale or occupancy

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	equipment, air conditioning units, generators, location of and height of all fences and gates in compliance with the approved plans	

Standard survey stakes must be maintained at each corner of the lot or tract to facilitate field inspections.

2. Restrictions on Construction Activity

The Restrictions impose certain requirements and limitations on construction activity. The Owner of the lot or tract is responsible for assuring compliance.

a. General Requirements and Parameters

i. No construction work, mobilization, temporary or permanent utility work, stockpiling materials, or other related activity may commence until the Board issues its Written Approval to Begin Construction. The placement of the construction office, trailer, equipment, or construction utilities onto the site are considered commencement of construction.

ii. The construction trailer or office may not be moved on-site without the Board's Written Approval to Begin Construction and separate written approval of a site plan illustrating the size, color, and location of the construction office or trailer, if any. The Owner must submit the trailer or office site plan at least 3 business days before the date requested for placement. NO SIGNS, NAMES, LOGOS, OR OTHER GRAPHICS WHATSOEVER ARE ALLOWED ON THE OFFICE OR TRAILER. The construction trailer or office must be removed from the site within 30 days after the date of Substantial Completion.

iii. The date of Substantial Completion is the date when the construction work is sufficiently complete in accordance with the construction documents so that the Owner can occupy or utilize the Improvement for its intended use, as further defined by AIA Document A201-2007.

iv. A construction refuse container placed on the lot must be designed and maintained to prevent trash and debris from blowing out. Such construction refuse container must be regularly emptied and maintained and located in the most unobtrusive, accessible location.

v. One port-a-can is permitted onsite. The port-a-can (i) may not be onsite more than 7 days before construction commences; (ii) must be located as far from the front property line as possible while still enabling regular servicing; (iii) must be screened from view from adjacent streets and

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neighbors; (iv) must be regularly serviced; and (v) must be removed within 30 days after the date of Substantial Completion.

vi. ROPO staff members have full access to the construction site and construction project once Written Approval to Begin Construction has been issued to the Owner and ending with the Final Completion of All Improvements.

b. Work Hours and Activity

i. Construction or demolition work is not permitted on any weekday that is not a holiday before 7:30 a.m. or after dusk or 7:00 p.m., whichever is earlier. Construction or demolition work is not permitted at any time on a Sunday, or on a Saturday before 9:00 a.m. or after dusk or 6:00 p.m., whichever is earlier. Construction or demolition work is not permitted at any time on the following listed holidays: NEW YEARS DAY, TEXAS INDEPENDENCE DAY (MARCH 2ND), MEMORIAL DAY, INDEPENDENCE DAY (JULY 4th), LABOR DAY, THANKSGIVING DAY, and CHRISTMAS DAY. The term "construction work or demolition" in this section means both interior and exterior construction or demolition activities. Construction or demolition work includes actual construction work and staging activities including, without limitation, gathering of workmen, parking of delivery vehicles, delivering, loading and unloading materials, consumables, machinery and equipment, or operating any machinery. Notwithstanding the foregoing, construction or demolition work that is not noisy (interior painting, for example) and which does not involve noisy staging activity or other exterior activity is permitted between the hours of 9:00 a.m. and 6:00 p.m. within the interior of a residential dwelling or other improvement on any day on which construction or demolition work is otherwise prohibited.

ii. Workmen may not play radios or any other audio equipment at a volume that disturbs neighbors.

c. Posting of Restrictions

From the commencement of construction through final completion, the contractor must post and maintain a sign at the main entrance to the work site near the street in minimum 48 point font, in both English and Spanish, stating at least the following:

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CONSTRUCTION RESTRICTIONS

Construction work, demolition, gathering of workmen, parking of delivery trucks, delivering, loading and unloading materials, consumables, machinery and equipment or operating any equipment is only allowed:

Weekdays:
- 7:30 a.m. until dusk or 7:00 p.m., whichever is earlier

Saturdays:
- 9:00 a.m. until dusk or 6:00 p.m., whichever is earlier

Sundays or the Following Listed Holidays: NEW YEARS DAY, TEXAS INDEPENDENCE DAY (MARCH 2ND), MEMORIAL DAY, INDEPENDENCE DAY (JULY 4TH), LABOR DAY, THANKSGIVING DAY, and CHRISTMAS DAY:

- No exterior work allowed

Quiet interior work such as painting is allowed on all days from 9:00 a.m. until 6:00 p.m.

d. Prompt Removal of Construction Fencing

Construction fencing must be removed from any vacant lot following demolition if commencement of construction does not begin within 2 months. Vacant lots must be well maintained at all times, with grass, weeds, and vegetation mowed and trimmed at regular intervals so as to maintain the same in a neat and attractive manner. Trees, shrubs, vines, and plants that die must be promptly removed from the lot.

3. Diligent and Continuous Pursuit of Completion

The Restrictions and this 2023 P&PARAP impose reasonable limitations on the length of time within which construction of Improvements must be completed. The Improvements visible from an adjacent street are not permitted to exist in an incomplete state without ongoing and meaningful construction once construction starts.

a. Construction must commence promptly after issuance of the Written Approval to Begin Construction. The construction of all Improvements must be completed before the expiration of the Written Approval to Begin Construction including, without limitation, completion of all landscaping, driveways, and sidewalks ("***Final Completion of All Improvements***"). Once commenced, the Owner may not permit the construction to be stopped, interrupted, or abandoned for any substantial period of time, and the construction must be diligently and continuously pursued through Final Completion of All Improvements. Periods of inactivity for more than 30 days are not permitted absent circumstances the Board determines constitute an event of *force majeure.*

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b. The Written Approval to Begin Construction expires 18 months after the date of issuance regardless of when construction commences, unless the Board grants an extension. The Board will consider granting up to 2 consecutive extensions of 6 months each. Any request for an extension must be in writing, state the basis for the request, and be made at least 30 days before expiration of the Written Approval to Begin Construction. The Owner is required to inform the Board before commencing any construction if the planned schedule for obtaining Final Completion of All Improvements exceeds 30 months because of the difficult or extensive nature of the Improvements. The Board will determine in its sole discretion whether to grant any extensions.

c. Material changes in the design or construction from that reflected in the Submittal that received Preliminary Approval are not permitted without prior, written Board approval. Any such unapproved changes are subject to modification or removal, as required by the Board.

The Owner must ensure that construction is commenced and performed diligently and continuously according to this provision.

IF THE OWNER OR OCCUPANT OF A LOT OR TRACT ALLOWS THE PROJECT TO REMAIN INCOMPLETE WITHOUT ONGOING AND MEANINGFUL CONSTRUCTION ACTIVITY, THE BOARD MAY FINISH OR REPAIR THE EXTERIOR OF THE IMPROVEMENTS AND OTHERWISE RESTORE THE PROPERTY TO AN APPROPRIATE CONDITION AT THE OWNER' S EXPENSE, IN ADDITION TO ALL OTHER REMEDIES THE LAW PROVIDES, INCLUDING, WITHOUT LIMITATION, STATUTORY PER DIEM PENALTIES AND ATTORNEYS' FEES.

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4. Tree Replacement Due to Construction

Trees greater than 6 inches in caliper measured at 12 inches above grade that die or that require removal within 2 years of nearby construction work on Major Projects or Minor Projects will be deemed to have been removed in conjunction with the Improvement. If located nearer to the front property line than the front building setback or, if on a corner lot, nearer to the side property line adjacent to the side street than the applicable building setback, the tree must be replaced by the Owner with a hardwood tree or other species approved by the Board in writing. The replacement tree must have a caliper of at least 6 inches measured 12 inches above grade and otherwise be proportionate in height and size given its type. The Board encourages Owners and their contractors to guard the health of protected trees during construction by not parking, driving, or storing materials under the trees and not cutting tree roots significantly.

C. POLICIES AND PROCEDURES CONCERNING OTHER MATTERS

1. Existing Encroachments

An Owner of a lot or tract in the Subdivision has an affirmative obligation to promptly disclose to ROPO the discovery of any existing Improvements that encroach on any lot or tract or setback line shown on the applicable plat, recorded in the real property records or in the Restrictions.

The Board will not require removal of the existing encroachment or violation provided that all of the following circumstances exist:

a. No ROPO records can be located indicating that a notice of encroachment or violation was issued for the subject lot or tract;

b. There has been no effort by the lot or tract Owner to conceal the encroachment or violation from ROPO or to mislead ROPO concerning it; and

c. The encroachment was constructed before June 1, 2006.

If any one or more of these conditions is not met, the Owner must within 90 days after written notice from ROPO, remove or correct the encroachment or violation. Written approval must be obtained from the Board before the removal, destruction, or correction of the encroachment or violation. The encroachment or violation must be removed in connection with any new construction or remodeling of any or all such Improvements.

NOTHING IN THIS 2023 P&PARAP MAY BE CONSTRUED AS A WAIVER OF OR CONSENT TO VIOLATE ANY OF THE RESTRICTIONS.

2. Policy Relating to Non-Residential Use of Property

The Restrictions place limitations on the use of lots or tracts and their Improvements in the Subdivision.

a. A Subdivision lot or tract and its Improvements may be used for single family residential purposes only.

i. Quarters for domestic workers and guests may be used for residential purposes by one or more members of the single family occupying the principal residence on that lot or tract and by domestic workers employed principally for work on the premises.

ii. No garage, outbuilding, or quarters may be leased or rented.

iii. Any use of the principal residential dwelling that involves any lease or other arrangement allowing it to be occupied for a period less than 6 consecutive months (*e.g.*, corporate lodging) is prohibited.

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iv. The lot or tract and its Improvements may not be used for a duplex apartment, a duplex house, an apartment house, a garage apartment, or for any multi-family use.

v. The lot or tract and its Improvements may not be used as museum, gallery, exhibition venue, or the like.

b. The lot or tract and its Improvements may not be used for any business, professional, religious, or commercial activity of any type, unless the business, professional, religious, or commercial activity is unobtrusive and merely incidental to the primary use as single family residence.

i. Prohibited commercial use includes, for example:

1. sales, auctions, showings, or solicitations for immediate sale of goods or services, from any residence, even if the sale, auction, showing or solicitation is for the benefit of charity (except as expressly permitted below);

2. catering operations of any kind;

3. estate or garage sales or auctions; and

4. movie or television filming or production.

ii. No business, professional, or commercial advertising, sign, symbol, structure, logo, icon, flag, or sign may be displayed on the lot or tract, and all related audio or visual displays, by any means, are prohibited.

Owners are generally permitted to display or affix one or more religious items on the owner's lot or dwelling, the display of which is motivated by the Owner's sincere religious belief. Before a religious item is displayed of affixed on an Owner's lot or dwelling, the Owner must obtain the Board's approval after completion of a Minor Project Review. The following information must be submitted as part of the Minor Project Review:

1. Type and description of the proposed religious display; and

2. Site plan indicating the location of the proposed religious display with respect to any applicable building line, right-of-way, setback, or easement on the Owner's lot or dwelling.

Notwithstanding the foregoing, one or more religious items displayed or affixed on the entry of an Owner's dwelling and not exceeding 25 square inches do not require Board approval. All other religious display require Board approval as set forth above.

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The display or affixing of a religious item on the Owner's lot or dwelling is prohibited under the following circumstances:

1. The item threatens public health or safety;

2. The item violates a law other than a law prohibiting the display of religious speech;

3. The item contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;

4. The item is installed on property (1) owned or maintained by ROPO; or (2) owned in common by the members of ROPO;

5. The item violates any building line, right-of-way, setback, or easement that applies to the religious item pursuant to a law or to ROPO's governing documents; or

6. The item is attached to a traffic control device, streetlamp, fire hydrant, or utility sign, pole, or fixture.

iii. No invited clients, customers, business or professional guests, employees and the like may use the lot or tract and its Improvements for or in connection with business, professional, religious, or commercial purposes unless such use is unobtrusive and merely incidental to the primary use.

iv. No business, professional, religious, or commercial related purpose may be otherwise apparent by reason of noise, odor, vehicle or pedestrian traffic, and the like.

c. Fund-raising events of a social nature for friends and neighbors at residences for charitable, civic, or political purposes are not deemed to be nonresidential or commercial use of property. Approval of any such activity is conditioned upon there being no signs, sales, or solicitations on the portion of the lot or tract visible from an adjacent street.

3. Payment of Maintenance Assessments

The Board adopted the following policies relating to the payment of assessments:

a. All annual assessments are payable on or before January 1 of the year of the assessment.

b. Each year's assessment is owed until paid.

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c. The Board reserves the right, in addition to its other rights, to impose an interest charge on the amount of any assessments owed but unpaid. Such interest charge will commence 30 days following the date the assessment first becomes due. The interest rate charged will be the lesser of: (i) the highest non-usurious interest rate allowed by law; or (ii) 6% simple interest per annum. Any payment received on an Owner's delinquent account will first be applied to delinquent and current assessments, fees, and interest in the order determined by the Board.

d. The Board will not review, consider, or approve any Submittal for a lot or tract until all ROPO assessments thereon are paid in full.

e. The Board reserves the right to suspend services for non-payment.

f. As an accommodation to Owners, ROPO will respond to inquiries from an Owner's lender or the lender's designee to determine whether the Owner's assessment account is current, provided the fee ROPO charges for providing this information is paid. If such account subsequently becomes delinquent, the Board may, in its sole discretion, on or after February 1 of the assessment year (i) initiate communications to advise such lender of the delinquency; and (ii) inform such lender that the Board will forebear from foreclosing any of ROPO's lien rights for not less than 61 days from the date of the notification in order for the account to be made current. The Board may thereafter exercise any of its rights or remedies with respect to the lot or tract and the Owner of the lot or tract.

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4. Work Hours for Lawn Maintenance and Landscaping Work

Lawn maintenance work and landscaping work performed by a third-party contractor is not permitted at any time on a Sunday or on a Saturday before 9:00 a.m. or after 1:00p.m. Lawn maintenance work and landscaping work is not permitted at any time on any of the following listed holidays: NEW YEAR'S DAY, TEXAS INDEPENDENCE DAY (MARCH 2ND), MEMORIAL DAY, INDEPENDENCE DAY (JULY 4th), LABOR DAY, THANKSGIVING DAY, and CHRISTMAS DAY. Lawn maintenance work and landscaping work performed by a third-party contractor is not permitted on any weekday that is not a holiday before 8:00 a.m. or after 5 p.m.

5. Political Signs

The Board has adopted the following requirements concerning the display of political signs within the Subdivision. Pursuant to Texas Election Code § 259.002 or its successor statute, political signs are approved as temporary signage on lots for all local, state, or federal election purposes, provided that they meet the following criteria:

a. Only 1 sign per candidate or measure is allowed.

b. Maximum sign size may not exceed 4 feet by 6 feet.

c. Signs must be ground-mounted. No sign may be mounted on any exterior part of a residence, garage, patio, fence, or wall.

d. Signs may be posted not more than 90 days prior to the election date and must be removed within 10 days after the election date.

e. Signs may not contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component.

f. No sign may be attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object.

g. No sign may involve the painting of architectural surfaces.

h. No sign may threaten public health or safety or violate a law.

i. No sign may contain language, graphics, or any display that would be offensive to the ordinary person.

j. No sign may be accompanied by music or other sounds or by streamers or be otherwise distracting to motorists.

k. Political signs are prohibited on any property or facility owned by ROPO, including any public or private street right of way utility easement.

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ATTACHMENT 1
NATURAL GRADE CERTIFICATE

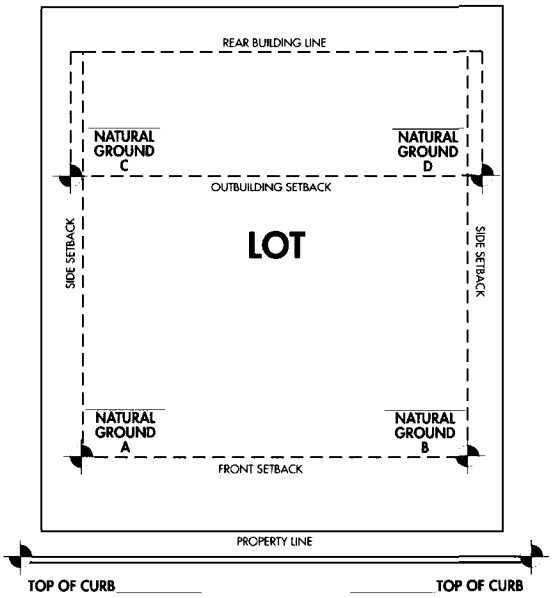
[See attached.]

RP-2023-461769

Print Form

RIVER OAKS

NATURAL GRADE CERTIFICATE



LOCATION OF PROJECT BENCHMARK

● Top of Curb ○ Nail on Power Pole

○ Nail in Fence ○ Other _____

YOU MUST USE THE SAME PROJECT BENCHMARK FOR

1. HEIGHT CERTIFICATION FOR MAIN RESIDENCE & GARAGE|OUTBUILDING STRUCTURES
2. SITE PLAN
3. DRAINAGE PLANS

NATURAL GRADE ELEVATIONS

MAIN RESIDENCE 0.00

Elevations A+B/2 = Natural Grade Elevation

GARAGE | OUTBUILDINGS 0.00

FOR STRUCTURES SUBJECT TO 25' HEIGHT LIMIT

Elevations C+D/2 = Natural Grade Elevation

INSERT SEAL OR USE STAMP HERE

Owner(s): _____

Property Address: _____

Lot _____ Block _____ Section _____

Subdivision _____

NOTES:

_____
ORIGINAL ENGINEER OR SURVEYOR SIGNATURE

NAME: _____

COMPANY: _____

JOB #: _____

_____
DATE

RP-2023-461769

ATTACHMENT 2
HEIGHT ELEVATION CERTIFICATE

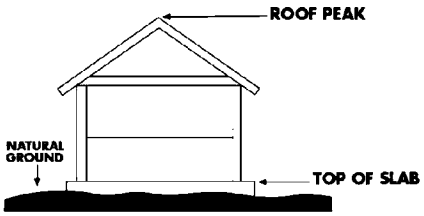
[See attached.]

RP-2023-461769

Print Form

RIVER OAKS

HEIGHT CERTIFICATION
Principal & Rear Yard Structures



PROJECT BENCHMARK _____
(Benchmark must be the same as benchmark used for **Natural Grade Certificate**)

LOCATION OF PROJECT BENCHMARK
○ Top of Curb ○ Nail on Power Pole
○ Nail in Tree ○ Other_____

STEPS TO DETERMINE THE HEIGHT OF STRUCTURES:

1. From PROJECT BENCHMARK, determine TOP OF SLAB ELEVATION.
2. When framing is complete, and prior to decking, determine distance from TOP OF SLAB to HIGHEST ROOF PEAK.
3. Subtract NATURAL GRADE ELEVATION from HIGHEST ROOF PEAK ELEVATION (or HIGHEST POINT **if closer than 10' to any property line**) to determine STRUCTURE HEIGHT above natural grade elevation.

		PRINCIPAL STRUCTURE		ACCESSORY STRUCTURE ○ Attached ○ Detached *(check one)*
TOP OF SLAB ELEVATION				
TOP OF SLAB TO HIGHEST ROOF PEAK	+		+	
HIGHEST ROOF PEAK ELEVATION	=	**0.00**	=	**0.00**
NATURAL GRADE ELEVATION *(From Natural Grade Certificate)*	-		-	
HEIGHT OF STRUCTURE*	=	**0.00**	=	**0.00**
		**MAX Height = _____ above Natural Grade Elevation*		**MAX Height = 25' above Natural Grade Elevation ~ within 10' of any property line*

Owner(s): _____

Property Address: _____

Lot _____ **Block** _____ **Section** _____

Subdivision _____

NOTES:

INSERT SEAL OR USE STAMP HERE

_____
ORIGINAL ENGINEER OR SURVEYOR SIGNATURE

NAME: _____

COMPANY: _____

JOB #: _____

_____
DATE

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e-Filed & e-Recorded in the

Official Public Records of

HARRIS COUNTY

TENESHIA HUDSPETH

COUNTY CLERK

Fees $222.00

RP-2023-461769

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.

COUNTY CLERK
HARRIS COUNTY, TEXAS