

# **POWDER MILL ESTATES OWNERS ASSOCIATION, INC.'S SUPPLEMENTAL ACC RULES AND REGULATIONS**

## **RAIN COLLECTION AND OTHER SUCH DEVICES**

The Board of Directors hereby adopts the following requirements for installation of composting devices, rain barrels, rain harvesting devices, or any other such appurtenances:

(a) Prior to the installation of any such device, the Owner shall first request permission from the Architectural Control Committee in the same manner as any other improvement. These devices will be approved only if there is sufficient area to install such devices. For all such devices, they shall be located so that they are out of sight from the street.

(b) All such devices shall be located entirely on the Owner's property and not on property:

- (1) owned by the property owners' association;
- (2) owned in common by the members of the property owners' association;
- (3) in an area other than the fenced yard or patio of a property owner; or
- (4) located between the front of the property owner's home and an adjoining or adjacent street.

(c) the barrel or system cannot:

(1) be a color other than a color consistent with the color scheme of the property owner's home; and

(2) display any language or other content that is not typically displayed by such a barrel or system as it is manufactured.

(d) All irrigation systems shall be installed underground.

(e) Owners may substitute gravel, rocks, or cacti for grass only after receiving permission from the Architectural Control Committee and said permission will only be given when said use will blend with the overall appearance of the subdivision.

(f) The Architectural Control Committee may allow a rain barrel or rainwater harvesting device to be located on the side of a house or at any other location that is visible from a street, another lot, or a common area but only if there is a reasonably sufficient area on the property owner's property in which to install the device or appurtenance and the device is installed in such a manner as to sufficiently blend with the area.

## **SOLAR ENERGY DEVICES**

In this section "solar energy device" has the meaning assigned by Section 171.107, Tax Code. The Board of Directors hereby adopts the following requirements for installation of solar energy devices:

Prior to the installation of any such device, the Owner shall first request permission from the Architectural Control Committee in the same manner as any other improvement. The following solar energy devices will not be permitted:

(a) a device adjudicated by a court that:

- (1) threatens the public health or safety; or
- (2) violates a law;
- (b) a device that is located on property owned or maintained by the property owners' association;
- (c) a device that is located on property owned in common by the members of the property owners' association;
- (d) a device that is located in an area on the property owner's property other than:
  - (1) on the roof of the home or of another structure allowed under a dedicatory instrument; or
  - (2) in a fenced yard or patio owned and maintained by the property owner;
- (e) a device that is mounted on the roof of the home and:
  - (1) extends higher than or beyond the roofline;
  - (2) is located in an area other than an area designated by the property owners' association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the device if located in an area designated by the property owners' association;
  - (3) does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or
  - (4) has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;
- (f) a device located in a fenced yard or patio, is taller than the fence line;
- (g) a device as installed, voids material warranties.
- (h) roof shingles visible from the street that are not solar panel shingles unless approved in writing by the Architectural Control Committee; and
- (i) a property owners' association or the association's architectural review committee may not withhold approval for installation of a solar energy device if the provisions of the dedicatory instruments to the extent authorized by the above are met or exceeded, unless the association or committee, as applicable, determines in writing that placement of the device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities in which case the written approval of the proposed placement of the device by all property owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

## **ROOFING MATERIALS**

The Board of Directors hereby adopts the following requirements for installation of roofing materials:

Prior to the installation of any roofing shingles, the Owner shall first request permission from the Architectural Control Committee in the same manner as any other improvement. The following roofing shingles will be permitted:

- (a) those that are designed primarily to:

- (1) be wind and hail resistant;
- (2) provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
- (3) provide solar generation capabilities; and
- (b) when installed:
  - (1) resemble the shingles used or otherwise authorized for use on property in the subdivision;
  - (2) are more durable than and are of equal or superior quality to the shingles described by Paragraph (a); and
  - (3) match the aesthetics of the property surrounding the owner's property.

## **FLAG DISPLAY**

The Board of Directors hereby adopts the following requirements for installation and display of flags:

Prior to the installation of any flag for permanent display, the Owner shall first request permission from the Architectural Control Committee in the same manner as any other improvement.

- (a) The following flags will be permitted:
  - (1) the flag of the United States of America;
  - (2) the flag of the State of Texas; or
  - (3) an official or replica flag of any branch of the United States armed forces.
- (b) The permanent installation must comply with the current legal requirements:
  - (1) the flag of the United States must be displayed in accordance with 4 U.S.C. Sections 5-10; and
  - (2) the flag of the State of Texas must be displayed in accordance with Chapter 3100, Government Code.
- (c) A flagpole attached to a dwelling or a freestanding flagpole must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling.
- (d) The display of a flag, or the location and construction of the supporting flagpole, must comply with applicable zoning ordinances, easements, and setbacks of record.
- (e) A displayed flag and the flagpole on which it is flown must be maintained in good condition and any deteriorated flag or deteriorated or structurally unsafe flagpole must be repaired, replaced, or removed.
- (f) Additional Architectural Control Committee considerations include:
  - (1) maximum 20 feet in height;
  - (2) not oversized for the area it is to be displayed in;
  - (3) any lights used to illuminate a displayed flag must not disturb area neighbors;
  - (4) noise caused by an external halyard of a flagpole abated; and
  - (5) Owners cannot locate a displayed flag or flagpole on property that is:
    - (A) owned or maintained by the property owners' association; or
    - (B) owned in common by the members of the association.

(g) Flagpoles must be a minimum of 20' from the street.

## **SHORT TERM RENTALS**

All Powder Mill Estates residences, including guest quarters, are prohibited from being leased/rented for less than a six (6) month period.

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Name: Derek Riff  
Secretary of the Board of Directors of  
Powder Mill Estates Owners Association, Inc.

Dated this \_\_\_\_ day of January, 2023.

Before me, the undersigned authority, on this day personally appeared Derek Riffe, Secretary of the Board of Directors of Powder Mill Estates Owners Association, Inc., a Texas non-profit corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that at least a majority of the Board of Directors approved these Supplemental ACC Rules and Regulations and that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated as the act and deed of said Board of Directors for Powder Mill Estates Owners Association, Inc.

Given under my hand and seal of office, this the \_\_\_\_ day of January, 2023.

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Notary Public, State of Texas

Return to:  
Kathy Ann Terry  
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Houston, TX 77269-0141