

**MOSS BROOK ESTATES NORTH  
HOMEOWNERS ASSOCIATION, INC.**

**ACC GUIDELINES FOR FLAG POLES, RAIN BARRELS  
& ENERGY GENERATING/ SAVING DEVICES (SOLAR)**

**SCANNED**

**Displaying Flags**



**General Provisions**

Small (less than 3' x 5') decorative flags (including pennants and banners) are permitted for individual or seasonal holidays and special occasions such as sports events.

Flags for holidays may be displayed from 4 weeks prior to the holiday to 1 week after the holiday. Flags that support specific sporting events or sport teams may be displayed from 2 weeks prior to the event to 1 week after the event.

Any flag displayed must be made out of fabric (non-plastic) suitable for outdoors and maintained in good condition (not faded or torn).

Decorative and sporting event flags must be flown on house-mounted poles or specialty designed garden flag holder only. Flags cannot be mounted to pergolas, play sets, basketball standards, trees & landscaping, or other exterior equipment. Flags installed in the front of the residence must be mounted on flagpoles.

All flag installations shall be made in a manner so as to not create a noise nuisance to surrounding neighbors.

Freestanding flagpoles require ACC approval as a modification prior to installation.

**USA, Military and Patriotic Flags**

Displaying the official flag of the United States of America along with one of the US Military Flags can be flown at the same time in accordance with the Official USA Flag Code (4 U.S.C. Sections 5-10).

Pole mounted USA and Military Flags can be flown either on a wall-mounted pole or freestanding flagpole. Freestanding flagpoles require ACC approval as a modification prior to installation in accordance with Section 3.5.14.

Flags must be maintained properly and replaced when they become torn or faded. Maximize size of any flag is 3' x 5' and must be made of fabric (non-plastic) and suitable for outdoor use.

### **Freestanding Flagpoles**

Placement is allowed in landscaping or grass areas only. No mounting is allowed on concrete areas, house, decks, etc. Flagpole placements shall be within pre-established building setbacks as shown on the plat of survey. No placements are allowed on easements. Flagpoles shall be located no closer than 15' from public sidewalks and no closer than 20' from curbs. Artificial lighting must not shine toward any neighboring homes or be too bright to cause a visual disturbance. Light bulbs must be recessed in holders so lighting only illuminates the flags and flag pole.

Poles shall be a minimal 12' in height with a maximum height of 20'. Total height of the pole shall not exceed the top roofline of the house. Poles shall be permanently installed, non-painted aluminum only. Toppers shall be of standard ball shape and made of brass. A maximum of two flags (US and a military or US Patriotic flag) can be displayed at any time. This restriction does not apply to US, Texas or Military flags.

Efforts should be made to minimize noise impact of clips. Flagpoles shall be installed and maintained so as to not be a noise nuisance to surrounding neighbors. Flagpoles shall be installed in a professional manner in accordance with the Manufacturer's guidelines.

Freestanding flagpole installations shall be submitted for ACC approval prior to installation. Submittal shall include a plat of survey showing location in proximity to house, existing landscaping, sidewalks and street. Details of design of flagpole including materials of construction shall be provided. Manufacturer's literature would be helpful. Design and location of lighting shall be included. The submittal shall include the number and type of flags to be displayed. No more than one flagpole per home site.

### **Placement of House Mounted Flags**

Pole mounts shall be put directly on the front or back fascia of the house. All flags must be mounted with proper hardware. Wood, plastic or metal poles are permitted and should not be more than 6 ft long. Flag poles must be maintained in good condition.

One flag per pole is permitted on house mounted flags. Flags cannot be draped across any portion of the front of the residence such as garage doors or front porch railings; however locations such as the side and top of the garage door as to not obstruct house numbers, etc may be acceptable. Flags installed in the front of the residence must be properly mounted on poles.

## **Rain Barrels**

The following requirements apply to the installation of Rain Barrels:

- Rain Barrels are not allowed in the front yards. If located in side yards, they must be screened from view from the street. For corner lots, Rain Barrels located in side

- yards must be screened from view from the street; provided, that there is reasonably sufficient area on the lot in which to install the device.
- It is recommended that rain water diverters be used so as to minimize alteration of existing downspouts. Alteration of the downspouts shall be esthetically pleasing.
  - Rain Barrels shall have mosquito screening, and chemical treatment as required, to prevent mosquito breeding.
  - Color shall be natural or to match siding, so as to blend in with the environment.
  - Location, mounting height, and shape shall not present an eyesore, shall be aesthetically pleasing, and shall blend in with the surrounding environment.
  - If made of a material that can rust, they must be kept in a condition that is esthetically pleasing.
  - If pumps are added, they shall be screened so as to not be visible by or create a noise level as to disturb the surrounding neighbors.

### **Energy Generating and Energy Saving Devices**

The Moss Brook Estates Architectural Control Committee (ACC) recognizes the economic and environmental benefits of its homeowners using alternative sources of energy, such as wind and solar power and energy saving devices such as shade structures. At the same time, the ACC must also protect the aesthetics and quality of life of all homeowners from conditions that can be created by any structures on The Moss Brook Estates lots, as provided in the Declaration of Restrictive Covenants. These guidelines are intended to help homeowners design, build and operate energy generating and energy saving systems consistent with the intent of the Declaration of Covenants, Conditions and Restrictions and the objectives of The Moss Brook Estates North Architectural Standards.

“Energy efficiency facilities” means a device, apparatus, mechanism or structure that more efficiently generates or reduces the amount of energy derived from fossil fuels that is consumed by a Moss Brook Estates North Homeowners residence, including without limitation, solar panel (including Solar photovoltaic modules and solar thermal collectors), wind turbine, evaporative cooler, shutters, retractable clothes lines, and energy-saving exterior lighting device(s).

Installation of any energy efficiency facilities to any lot must be approved by the ACC prior to commencement of any construction or installation. In addition to the ordinary permit application requirements of the ACC, applications for energy efficiency facilities shall include at a minimum:

Plot plan for property showing:

- Location of existing dwelling
- Location of property lines and easements
- Location of proposed addition or improvement location
- Measurements between all of the above

Engineering plans, drawings and specifications of proposed additions as reasonably necessary to evaluate the addition or improvement, showing at a minimum all finished

dimensions and elevations (front, back and sides) with materials and colors indicated or supplied.

Any available information or data describing the cost of the energy efficiency facility, the calculated energy saved or the energy to be saved and costs saved, and any impact on the total energy efficiency obtained by the addition or installation.

Any information from the manufacturer or contractor providing or installing the energy efficiency facility which describes its benefits, features and functions.

Photos of the current structure and proximity to surrounding lots and residences.

A statement that the energy efficiency facilities are not expected by the owner to cause a nuisance to other Moss Brook Estates North Homeowners or neighboring residents due to glare, noise or other problems once installed and in operation.

A statement that all local and state building codes and permit requirements have been met and will be adhered to in the installation and operation of the energy efficiency facility.

The construction of energy efficiency facilities is subject to the general provisions of the Declaration of Covenants, Conditions and Restrictions, applicable provisions of the Architectural Standards, and all requirements of Bexar County, the State of Texas and any other approval authority.

Any exterior additions or modifications to any dwelling or other improvement or structure should be constructed of like materials and colors of the dwelling to the greatest extent possible.

Any additions or modifications shall be within the approved building area as prescribed by the Declaration of Covenants, Conditions and Restrictions for the residence in question.

Alternative energy facilities, including without limitation, solar and wind turbines, should not cause a nuisance to neighbors and Moss Brook Estates North residents, aviation or wildlife.

Solar power nuisance conditions and/or bases of denial may include, any device meeting any one of the following in accordance to H.B. No. 362 effective 6/17/2011:

- as adjudicated by a court:
  - (A) threatens the public health or safety; or
  - (B) violates a law;
- is located on property owned or maintained by the property owners' association;
- is located on property owned in common by the members of the property owners' association;

- is located in an area on the property owner's property other than:
  - (A) on the roof of the home or of another structure allowed under a dedicatory instrument; or
  - (B) in a fenced yard or patio owned and maintained by the property owner;
- if mounted on the roof of the home:
  - (A) extends higher than or beyond the roofline;
  - (B) 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;
  - (C) does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or
  - (D) 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;
- if located in a fenced yard or patio, is taller than the fence line;
- as installed, voids material warranties; or
- was installed without prior approval by the property owners' association or by a committee created in a dedicatory instrument for such purposes that provides decisions within a reasonable period or within a period specified in the dedicatory instrument.

Wind power generation nuisance conditions and/or bases of denial may include but are not be limited to:

- Excessive noise due to normal or damaged operating conditions (65 decibels)
- Visual intrusion into scenic (including lake or golf course) views
- Damage to wildlife
- Risk of property damage or risk to human health due to falling towers or supports
- Excessive height (over 35 feet)
- Overall design incompatible with the harmony and design of the residence or surrounding area
- Excessive support or guy wire installation incompatible with the harmony and design of the residence or surrounding area
- Improper setback from the property boundary line, easements or improvements on the lot

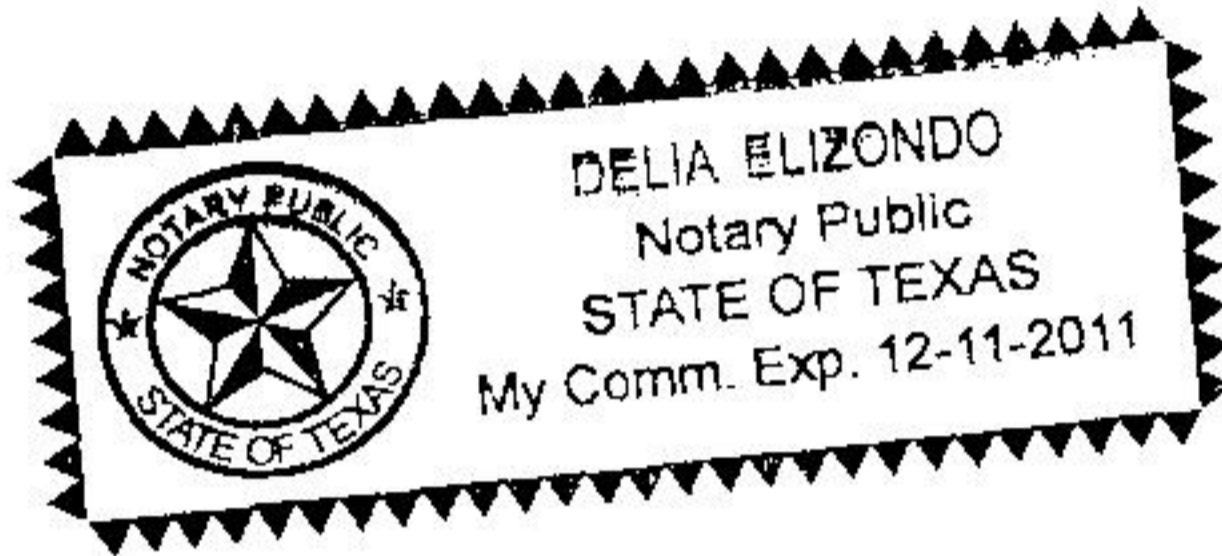
Adopted: \_\_\_\_\_, 2011

Robert Knight  
Robert Knight, President

Alton Fischer  
Alton Fischer, Secretary

STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR   §

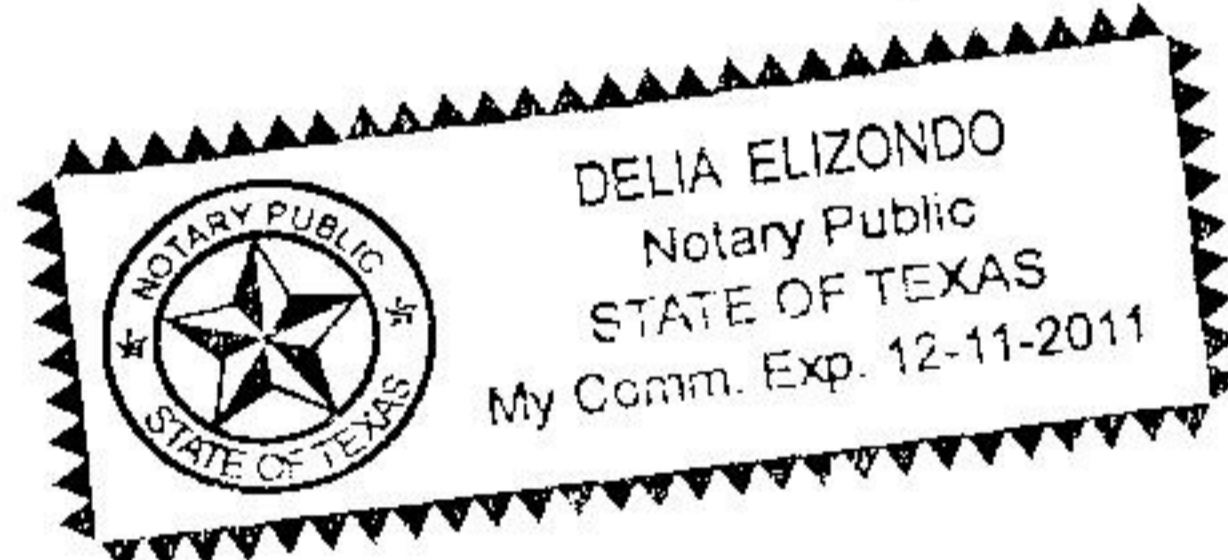
I hereby certify that the foregoing instrument was acknowledged before me, the undersigned Notary, by Robert Knight, President, Moss Brook Estates North Homeowners Association, Inc., on the date of execution set forth above.



Delia Elizondo  
Notary Public, State of Texas

STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR   §

I hereby certify that the foregoing instrument was acknowledged before me, the undersigned Notary, by Alton Fischer, Secretary, Moss Brook Estates North Homeowners Association, Inc., on the date of execution set forth above.



Delia Elizondo  
Notary Public, State of Texas

**AFTER RECORDING RETURN TO:**  
Moss Brook Estates North Homeowners Association, Inc.  
1600 N.E. Loop 410, Suite 202  
San Antonio, TX 78209

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law  
STATE OF TEXAS, COUNTY OF BEXAR  
I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

**NOV 09 2011**



*Gerard C. Rickhoff*  
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20110199000 Fees: \$40.00  
11/09/2011 12:55PM # Pages 7  
Filed & Recorded in the Official  
Public Records of BEXAR COUNTY  
GERARD C. RICKHOFF COUNTY CLERK