

**AVALON AT CYPRESS COMMUNITY ASSOCIATION, INC.**  
**SWIMMING POOL ENCLOSURES POLICY**

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

WHEREAS, the property encumbered by this Swimming Pool Enclosures Policy is that property restricted by the Declaration of Covenants, Conditions and Restrictions for Avalon at Cypress, recorded in the Official Public Records of Harris County, Texas, under Clerk’s File No. RP-2021-399356, as same has been or may be amended from time to time (the “Declaration”), and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the Avalon at Cypress Community Association, Inc. (the “Association”); and

WHEREAS, pursuant to the Dedicatory Instruments governing the Property, the Association is vested with the authority to adopt policies, rules and/or guidelines; and

WHEREAS, the Board of Directors of the Association (the “Board”) has determined that, in order to provide guidance regarding swimming pool enclosures authorized by Texas Property Code Section 202.022 (the “Code”), it is appropriate for the Association to adopt a Swimming Pool Enclosures Policy for the properties under the jurisdiction of the Association; and

WHEREAS, any reference made herein to approval by the Architectural Review Committee (the “ARC”), means prior written approval by the ARC for the Association; and

WHEREAS, reference is hereby made to the Declaration for all purposes, and any and all capitalized terms used herein shall have the meaning set forth in the Declaration, unless otherwise specified in this Policy.

NOW THEREFORE, pursuant to the authority granted in the Code, the Board hereby adopts this Policy which shall run with the land and be binding on all Owners and Lots within the Property. The provisions of this Policy are in addition to any other applicable guidelines, rules or policies. In the event of a conflict between the terms of this Policy and any previously adopted guidelines, rules, and/or policies addressing swimming pool enclosures, this Policy will control.

**I.       DEFINITIONS**

For purposes of this Policy, “**Swimming Pool Enclosure**” shall mean a fence that:

1.       Surrounds a water feature, including a swimming pool or spa located on a Lot within the Property;
2.       Consists of transparent mesh or clear panels set in metal frames;
3.       Is not more than six feet (6’) in height; and

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4. Is designed to not be climbable.

## **II. SWIMMING POOL ENCLOSURES**

### **A. Approved Swimming Pool Enclosures**

The installation of a Swimming Pool Enclosure that is black in color, consists of transparent mesh set in metal frames, is less than or equal to six feet (6') in height, and conforms to all applicable state or local safety requirements ("Approved Swimming Pool Enclosure") is considered pre-approved by the ARC and does not need to be submitted to the ARC for review and approval.

### **B. Swimming Pool Enclosures Requiring ARC Approval**

The installation of a Swimming Pool Enclosure on a Lot, other than an Approved Swimming Pool Enclosure, requires prior written approval from the ARC. Any such Swimming Pool Enclosure is subject to the following parameters:

1. Swimming Pool Enclosures may not exceed six feet (6') in height, unless otherwise approved by the ARC.
2. Swimming Pool Enclosures shall conform to all applicable state or local safety requirements.
3. Swimming Pool Enclosures may contain frames (a) composed of materials such as, by way of illustration and not limitation, metal, wood, and/or polycarbonate plastic; and (b) composed of colors such as, by way of illustration and not limitation, white, silver, transparent, or black tones.
4. Swimming Pool Enclosures may contain panels or screens (a) composed of materials such as, by way of illustration and not limitation, transparent mesh, glass, or polycarbonate plastic; and (b) composed of colors such as, by way of illustration and not limitation, clear, white or light blue.

The submission of plans related to a Swimming Pool Enclosure must include a completed application for ARC review, a site plan showing the proposed location of the Swimming Pool Enclosure, the type of Swimming Pool Enclosure to be used, and a copy of the manufacturer's brochures or a sample of material, if applicable. In considering the appearance of a Swimming Pool Enclosure, the ARC may take into account such factors including, but not limited to, the overall size of the pool, the size and configuration of the Lot, the location of the Lot in the Property, the location of the pool and Swimming Pool Enclosure on the Lot and the visibility of the Swimming Pool Enclosure from streets, other Lots, and/or Common Areas.

The installation of a Swimming Pool Enclosure that is not in compliance with this Policy will be considered a violation of the Dedicatory Instruments governing the Property.

**CERTIFICATION**

I hereby certify that, as President of the Avalon at Cypress Community Association, Inc., the foregoing Swimming Pool Enclosures Policy was approved on the 25 day of August, 2021, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 25 day of August, 2021.

By: [Signature]  
Print Name: Robert Skinner  
Title: President

THE STATE OF TEXAS                   §  
   §  
COUNTY OF Harris                   §

BEFORE ME, on this day personally appeared Robert Skinner, the President of Avalon at Cypress Community Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 25 day of August, 2021.



[Signature]  
Notary Public in and for the State of Texas

After Recording Please Return To:  
Lisa L. Gambrell  
Isabella L. Vickers  
Roberts Markel Weinberg Butler Hailey PC  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, Texas 77056

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Official Public Records of  
HARRIS COUNTY  
TENESHIA HUDSPETH  
COUNTY CLERK  
Fees \$26.00

RECORDERS MEMORANDUM

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

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Teneshia Hudspeth*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

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