

**RESOLUTION OF
SC COMMUNITY ASSOCIATION, INC.
Regarding Ratification of
Architectural Control Guidelines
for the Purpose of Filing
in the Brazoria County Real Property Records**

DATED: July 20, 2021.

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

I, Brandon PARADETAS of SC COMMUNITY ASSOCIATION, INC. (the "Association"), do hereby certify that at a regular meeting of the Board of Directors of the Association, which was held on the 21st day of January, 2021, with a quorum present and remaining throughout, and being duly authorized to transact business, the following resolution for the ratification of the attached Architectural Control Guidelines for the purposes of filing in the Brazoria County Real Property Records, was duly made and approved.

WHEREAS, the Association is a Texas non-profit corporation governed by the Texas Property Code;

WHEREAS, the Architectural Control Guidelines attached hereto as Exhibit "A", is hereby ratified for the purpose of filing in the Brazoria County Real Property Records;

IT IS, HEREBY, RESOLVED that the Board of Directors of the Association unanimously adopts this formal resolution for the purpose of filing the aforementioned document in the Brazoria County Real Property Records.

Dated: 7/20/2021

Brian R. K.
SCCA, President

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 20 day of July, 2021, by Brandon Parades President of SC COMMUNITY ASSOCIATION, INC. on behalf of said corporation.

Hannah Lowry
Notary Public in and for the State of Texas

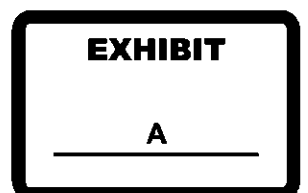
AFTER RECORDING, RETURN TO:
LAMBRIGHT ★ MCKEE
940 Corbindale Rd.
Houston, Texas 77024



**SC Community Association, Inc.
Architectural Control Guidelines**

Approved January 1, 2021

This supersedes all other previously recorded guidelines



CONTENTS

Purpose and Objectives.....	3
Application Procedure	4
Approval/Denial Processing Period.....	5
Easements.....	7
Variances.....	7
Inspection.....	7
Enforcement.....	7
Complaints	8
Warranty	8
Controlling Documents.....	9
Interpretation	9
General Construction Requirements	9
Buildings.....	10
Temporary Structures and Outbuildings	13
Patios, Patio covers, Decks, Porches, and Walkways.....	14
Room Additions	15
Exterior Painting and Maintenance	16
Swimming Pools, Spas and Jacuzzis.....	16
Fences, Fence Extensions, Walls and Gates	17
Landscaping	18
Swing Sets [...] and Similar Recreational Structures	19
Clotheslines/ Animal Running Cables	21
Driveways	21
House Numbers/Address Signs	22
Awnings and Window Coverings.....	22
Signs, Advertisements and Billboards	23
Garage Sales	24
Storage of Building Materials	24
Exterior Lighting	25
Window Air-Conditioning Units/Coolers.....	25
Supplementary Utility Production Equipment.....	25
Vehicles.....	26
Trash Cans/Containers	27
Septic Tanks.....	27
Antennas.....	27
Flagpoles.....	28
Holiday Decorations	28
Fireworks	28
Animals	28
Nuisances and Annoyances	29
Generators.....	29
Solar Energy Devices.....	30

SC COMMUNITY ASSOCIATION, INC.
ARCHITECTURAL CONTROL GUIDELINES

OVERVIEW

The Declaration

A system of Architectural Control is created by the following Declaration of Covenants, Conditions and Restrictions:

Declaration of Covenants, Conditions and Restrictions	Clerk's File No. 01057373
Amendment to Declaration of Covenants, Conditions and Restrictions	Clerk's File No. 02003866
Declaration of Supplemental Restrictions for Silvercreek, Section One	Clerk's File No. 02005119
Declaration of Supplemental Restrictions for Silvercreek, Section Two	Clerk's File No. 02005120
Declaration of Supplemental Restrictions for Silvercreek, Section Three	Clerk's File No. 02005121
Declaration of Supplemental Restrictions for Silvercreek, Section Four	Clerk's File No. 02053776
Declaration of Supplemental Restrictions for Silvercreek, Section Five	Clerk's File No. 02053777
Declaration of Supplemental Restrictions for Silvercreek, Section Six	Clerk's File No. 02053778
Declaration of Supplemental Restrictions for Silvercreek, Section Seven	Clerk's File No. 03067105
Declaration of Supplemental Restrictions for Silvercreek, Section Eight	Clerk's File No. 03039484
Declaration of Supplemental Restrictions for Silvercreek, Section Nine	Clerk's File No. 03067106
Declaration of Supplemental Restrictions for Silvercreek, Section Ten	Clerk's File No. 2004011624

*All recording information refers to the Official Public Records of Brazoria County, Texas.

All of the foregoing shall be collectively referred to as the "Declaration." Pursuant to a written instrument executed on December 11, 2001 and recorded with Brazoria County on December 18, 2001, Centennial Homes, Inc. assigned to the Silvercreek Homeowners Association, Inc. (subsequently amended and renamed to read "SC Community Association, Inc.") (collectively referred to as "Silvercreek" or "the Association") all the duties, powers and responsibilities of the Declarant, as described in the Declaration relating to Architectural Control including, but not limited to, the rights of inspection, review, and approval of all improvements existing within the Silvercreek Subdivision.

Purpose and Objectives

The purpose of these Architectural Control Guidelines (the "ACC Guidelines") is to establish and preserve a harmonious and aesthetically pleasing design for the Silvercreek Subdivision (the "Subdivision") and to protect and promote the value of the properties subject to the restrictions set forth in the Declaration. The ACC Guidelines are designed to provide a standard by which the SC Community Association, Inc. (the "Association") approves any improvements, or alterations to existing improvements, and a standard as to the general upkeep of

properties within the Subdivision.

To preserve the architectural and aesthetic appearance of the Subdivision, site work, placement of improvements, construction of improvements, or alterations that effect the exterior appearance of existing improvements shall not commence, unless and until they have been submitted to and approved in writing by the Silvercreek New Construction and/or Modifications Committees (designated by the Declaration as the "Architectural Committee," or hereinafter, the "ACC") as to the compliance of such work and improvements with the Declaration and these ACC Guidelines.

These guidelines are intended to function as a summary of the detailed expectations and design requirements of the Association in accordance with the power bestowed upon it by the Declaration. The Association has the exclusive jurisdiction over the approval of all improvements made to properties and modifications or additions made to existing improvements on properties. Properties shall mean all lots, all improvements thereon, and common facilities shown on the Subdivision Plat.

Application Procedure

Owners are invited to submit a Request for Approval for any proposed modification or addition to the Lot, including any building already on the Lot or contemplated to be built on the Lot. Applications shall be obtained from the Association or its assigned agent. A completed application package shall include two complete sets of "Plans," defined as follows:

- (i) Design Development Plan, including
 - i. Site plan (survey) showing the location, dimensions and orientation to boundary lines and applicable setback lines of proposed buildings, garages, other structures, driveways, sidewalks, fencing and all other contemplated improvements;
 - ii. Design elevation of, core plan for, and description of the foundation, height and size of each structure to be built, including a certified calculation of:
 - the living area of each Living Unit to be constructed thereon; and
 - A description and sample of the exterior materials proposed for each different exterior area or surface of each structure.
- (ii) Exterior Plan, including
 - i. Drawings and details of all exterior surfaces, including the roof, showing elevations and the color, quality and type of exterior construction materials.
- (iii) Landscaping Plan, including
 - i. Species, layout, location, size and configuration of all proposed landscaping and landscaping materials, detailing the proposed use and treatment of all portions of the Lot that are not to be covered by sod, structures, or sidewalk

or driveway paving.

- (iv) Grading and Drainage Plan, including
 - i. All proposed lot grading, elevations and drainage.
- (v) All such other information as may be reasonably required to enable the ACC to determine the location, scale, design, character, style and appearance of such Owner's intended improvements.

The Owner shall provide a valid, current address and phone number. Incomplete applications shall be rejected and returned. Applications shall be submitted via mail to the Association or its assigned agent. All applications must be in writing. The ACC will not respond to fax or verbal requests. It is the applicant's responsibility to ensure that the Association or its assigned agent has received the application. Do not assume the application was received; request written confirmation of receipt. Only written confirmation of receipt shall bind the Association to begin the review process.

If an Owner neglects to submit a full set of required Plans for approval, failure of the ACC to exercise the powers granted to it by the Declaration shall never be deemed a waiver of those powers either before or after a building or other improvement in the Subdivision, or any exterior addition to or alteration therein, has been completed.

The ACC also reserves the right to specify requirements for each building plot as follows: minimum setbacks; impervious cover restrictions; driveway access to adjacent streets; the location, height and extent of fences, walls or other screening devices; garage access; and the orientation and placement of structures with respect to streets, walks, easements, and structures on adjacent property.

The ACC shall have full power and authority to reject any plans and specifications that: (1) do not comply with the restrictions and guidelines here imposed (or by any supplemental declaration or re-publication of the ACC guidelines); (2) fail to meet the ACC's minimum construction requirements or architectural design requirements as set forth in the relevant Declaration and/or ACC guideline provision(s); or (3) might not be compatible, in the ACC's judgment, with the overall character and aesthetics of the Subdivision.

Approval/Denial Processing Period

The ACC will respond in writing to all completed applications. If the application is approved, one (1) copy of the application and a set of drawings will be marked "approved" and returned.

Please note that the ACC has thirty (30) calendar days from date of confirmed receipt of a completed application during which to respond. If additional information is required to process the

application, the ACC shall request from Owner such information, and the thirty (30) day processing period will restart upon receipt of the additional information. Scheduling for the implementation of the proposed improvement(s) should allow for the time required for completion of the approval process.

In the event the ACC fails to indicate its approval or denial within thirty (30) days after its acknowledged receipt of a complete ACC application, including receipt of all required documents, then the approval process and the related covenants set out in the Declaration shall be deemed to have been fully satisfied, provided that the proposed improvements conform the scheme and aesthetics of the development as set forth in the Declaration and these ACC Guidelines ***and do not violate any of the covenants, any State, County or local law or ordinance.*** Failure by the ACC to respond to an ACC application shall never imply permission to encroach upon an easement or building setback line. ***Any failure by the ACC to approve or deny an application in writing within the thirty (30) day period shall not constitute a waiver of the requirements of the Declaration or these ACC guidelines. Any application ostensibly approved by the ACC in contravention of these requirements shall be deemed to be of no force and effect.***

If an application is denied, the ACC may, but is not required to respond in writing as to why such application was denied. The Owner may resubmit the application to incorporate such changes as requested by the ACC. The ACC will have a new thirty (30) day processing period within which to review the completed amended application and issue a written approval/denial decision. If an applicant wishes to discuss the decision made by the ACC, the applicant must contact the Association or its assigned agent to make arrangements to attend a regularly-scheduled meeting of the Association's Board of Directors. The Board of Directors shall have the final authority over all actions taken by the ACC.

No ACC member can approve his/her own improvement.

If construction has not begun within six (6) weeks from the date of approval, the approval is null and void and the application must be resubmitted. ACC approval is non-transferable for approved projects which have not yet begun. In addition, all construction shall be completed within twelve (12) consecutive months from construction start date (ie. approval date) unless express written approval is granted by the ACC.

PLEASE NOTE: ACC approval is required **PRIOR TO** the installation or construction of any improvement or modification to an existing improvement. If an improvement is made without ACC approval, the Association has the legal right to enforce its removal or modification at the property owner's expense along with the forfeiture of any applicable fees. The Association may file a lawsuit against any non-compliant owner seeking declaratory relief, injunctive relief, court costs and attorney's fees.

Easements

The ACC cannot approve any application if there is an encroachment on an easement, until the Owner resubmits revised plans to correct the encroachment. Any non-portable structure, with the exception of fences, on an easement is considered permanent and thus an encroachment. Anything built within an easement, whether approved or denied, is built at the Owner's own risk.

Variances

Needs to be better clarified

The ACC has the sole discretion to grant a variance from these guidelines if it believes the circumstances so warrant. Variances must be in writing and filed in the County Real Property Records office. All variances are considered on an individual basis. The existence of a prior variance does not obviate the necessity for an Owner to apply for a similar variance. Applications for improvements on a Lot must be submitted regardless of any variances previously granted on the Lot.

No variance shall be construed as a waiver of any restrictions to Building and Land use as stated in the Declaration.

Under no circumstances shall the ACC be compelled, by court order or otherwise, to grant a variance under provisions of the Declaration or these ACC Guidelines. All requests for approvals, variances and adjustments must conform to the Brazoria County Building or Zoning Ordinances in existence as applicable or as amended.

Inspection

All improvements are subject to inspection by the Association, the ACC or their assigned agent(s). Upon prior written notice, an owner shall grant reasonable access to the Association, ACC or assigned agents for inspections at a conveniently scheduled time. The owner shall be reasonable in scheduling inspection times.

Enforcement

The Declaration provides as follows:

The Association and/or Declarant shall have the power and authority to enforce the terms and provisions of this Declaration by legal action or other means provided for herein.

The Association and the ACC, as well as their board members, agents, assigns or employees, shall not be liable to any other party for any loss, claim or demand assessed on account of their administration of these ACC Guidelines and the performance of their duties hereunder, or any

failure or defect in such administration and performance.

No right of action shall accrue, nor shall any action be brought or maintained by anyone whomsoever against the Declarant, the Association, its board members, or the ACC for or on account of its failure or neglect to exercise any right, power or remedy herein provided for in the event of such breach of the Declaration, or for imposing herein restrictions and covenants and liens which may be unenforceable.

Complaints

Property owners are encouraged to help maintain the beauty of the Subdivision. To this end, all property owners have an obligation to conform to the Declaration and ACC Guidelines. Any Owner with a complaint regarding a violation should notify the Association or its assigned agent in writing. All complaints will be handled in a professional manner and shall remain confidential, except insofar as such complaints are required to be produced pursuant to a court order, subpoena or legal proceeding.

Warranty

The ACC's approval of plans does not constitute a warranty or representation that the proposed improvement is suitable or fit for its intended purpose or that the design of the proposed improvement is structurally sound or conforms with all applicable building codes or other applicable governmental regulations. The ACC's review of plans is restricted to compliance with specific provisions in the Declaration and other dedicatory instruments such as these Guidelines such that harmony of design and aesthetic quality is preserved in the Subdivision.

The ACC's approval, whether explicit or as a result of not responding within 30 days to a complete application, cannot be invalidated or revoked by subsequent amendment and/or changes to this document nor by the addition of supplements to the Declaration or any other change or addition to any approved documents relating to the matters addressed herein.

None of the Declarant, the Association, Board of Directors, the ACC or their respective members, employees or agents shall be liable in damages to anyone submitting plans or specifications to them for approval or to any Owner of a Building Plot affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval, denial or failure to approve or deny any such plans or specifications, including specifically, but without limitation, consequences of any delay or any defect in any plans or specifications. Every person who submits plans or specifications to the ACC for approval agrees, by submission of such plans and specifications, and every Owner agrees, that he will not bring action or suit against Declarant, the Association, Board of Directors, the ACC, or any of the members thereof to recover any such damages.

Controlling Documents

In the event of a conflict between these Guidelines and the Declaration, the Declaration shall control.

Interpretation

If these ACC Guidelines or any word, clause, sentence, paragraph, or other part hereof shall be susceptible to more than one or conflicting interpretations, then the interpretation which is most nearly in accordance with the general purposes and objectives of these Guidelines, shall govern.

GUIDELINES

The primary use for all lots within the Subdivision is for the utilization of Living Units (i.e., detached single-family residential structures), and residential-related improvements and amenities. All Living Units and other improvements erected, altered or placed upon any Lot within the Subdivision shall be of new construction.

Each occupied lot shall include one (1) detached single-family residence not exceeding two and one-half (2-1/2) stories in height (while meeting the minimum square footage as defined in the Declaration) and a private garage accommodating not less than two (2) but no more than three (3) automobiles. All site work, construction, improvements or modifications shall conform to all Federal, State and Local Codes and regulations and shall be done in a good and workmanlike manner.

1. General Construction Requirements

Any existing residence that is partially or completely destroyed by fire or other means may be rebuilt to original plan of exterior design, or rebuilt utilizing a new design. All home construction which takes place within the Association must conform to the following requirements.

- a. Construction Work Times: Except in an emergency or when other unusual circumstances exist (as determined by the Board of Directors), outside construction work or noisy indoor construction work on or around a Living Unit shall be permitted only after 6:00 a.m. and before 8:00 p.m. for new construction, and only after 8:00 a.m. and before 7:00 p.m. on modification or alteration work.
- b. Grading: All grading of lands in the Properties, including the Lots therein, shall be approved in advance in writing by the ACC and such grading shall not thereafter be changed except with the further consent in writing of the ACC. Under no circumstances can re-grading of the Lots be allowed where drainage between adjoining Lots and the surrounding lands are negatively impacted.

- c. Nuisances: It is the property owner's responsibility to ensure that its contractors conduct themselves in an orderly manner so as not to be a nuisance to other property owners. Examples of nuisances include, but are not limited to, the following: speeding and reckless driving, loud music, bringing pets to the job site and letting them run loose in the neighborhood, profane language, etc.

Work that creates excessive or loud noises shall not begin before sunrise and shall end at sunset. This shall also include construction material deliveries.

- d. Portable Restrooms: Prior to commencement of construction of a residence, an approved portable restroom facility shall be provided on approved lot.
- e. Trash: All construction trash including, but not limited to, food and beverage packages, shall be contained in an appropriate receptacle on the approved lot and removed weekly at a minimum. Trash shall not be allowed to drift onto the road right-of-way or surrounding properties.

Concrete trucks shall be washed out and the excess concrete dumped on property owner's lot only or another suitable wash out area as zoned by the Contractor. These trucks shall not be washed out or the excess dumped on road easements, ditches or any other lot or property within the subdivision.

- f. Burn Ban: The burning of trees, brush or construction materials is strictly prohibited on all Lots.
- g. Vacant Lots: Vacant lots shall not be used for the purpose of storage of any items at any time.

2. Buildings

- a. General Information: A "building" is defined as the primary residence situated on a Lot, and includes any bona fide additions such as a garage. It does not include any detached structure such as a storage shed, gazebo or playhouse/fort.

Mobile homes, modular homes, manufactured homes or similar structures are not allowed.

Only one single-family residential dwelling, not to exceed two and one-half (2-1/2) stories in height, a garage accommodating no less than two (2) and no more than three (3) automobiles shall be constructed on a Lot. For purposes hereof, the one-half (1/2) story of a two and one-half story Living Unit must be contained within the peaked roof line of the Living Unit, subject only to window protrusions from the roof. Furnished attics and/or basements shall not be considered to be separate stories. The garage and any approved outbuildings shall not exceed the main

dwelling in height.

No Living Unit shall contain less than the minimum per square foot living area provided for in the Declaration, unless the ACC expressly approves this in writing. All computations of living area shall be exclusive of attics, basements, open or screened porches, terraces, patios, driveways and garages. Measurements shall be to the face of the outside walls of the living area.

Commercial activity, such as, but not limited to services, repairs for hire or sales are strictly prohibited on any residential Lot with or without improvements. Except that any Occupant of a Lot may engage in a home occupation on a full or part-time basis upon the Lot if and only if (A) such business is transacted or conducted (insofar as activity on or within the Lot is concerned) entirely through telephone communication (including facsimile transmissions, computer modems/routers and similar communications equipment), (B) there is no visible manifestation exterior to the Living Unit structure that would indicate that such home occupation is being conducted in the Living Unit, and (C) the home occupation usage complies with the following specific restrictions:

- (i) No employees of the business (excluding the permitted occupant(s) or resident(s) conducting the business) shall be permitted on the Lot in connection with the conduct of the business;
- (ii) The business shall not permit customers to visit the Lot in connection with the business being conducted thereon;
- (iii) No inventory of the business (other than samples) shall be stored on the Lot;
- (iv) The home occupation shall not generate any noise that would be in excess of or materially different in nature from that normally associated with a strictly residential use;
- (v) The home occupation shall not cause there to be traffic generated on or in the vicinity of the Lot in excess of that normally associated with a strictly residential use;
- (vi) There shall be no assembly, fabrication or manufacturing processes carried out on the Lot in connection with such home occupation;
- (vii) There shall be no shipping of goods, parts, products, equipment, inventory or materials from the Lot in connection with such home occupation;
- (viii) There shall be absolutely no signage or advertisement of the home occupation located on the Lot, whether permanent or temporary in nature; and
- (ix) The occupation shall not result in the sales, manufacturer, transportation, or distribution of firearms or ammunition.

- b. Location of Buildings: No part of a building shall be located on any lot over or across the front, side or rear setback lines as set forth and described on the Plat. If the Plat

does not describe these setback lines, then the front setback line shall be no less than twenty-five (25) feet, the side setback lines shall be no less than five (5) feet, and the rear setback line shall be no less than twenty-five (25) feet. For a detached garage, the rear setback line shall be no less than the utility easement shown on the Plat, or eight (8) feet if no such easement is recorded. The side yard setback for a detached garage shall be no less than five (5) feet. Waterfront lots shall maintain rear setbacks not less than twenty (20) feet from the bulkhead or twenty-five (25) feet from the rear property line, whichever is greater. Eaves or overhangs are considered part of the building.

- c. Drainage: Under no circumstances shall a property owner be allowed to divert drainage water from one property to another. Existing drainage shall be maintained.
- d. Exterior Materials: The exterior materials of the primary residential structure and garage on all Lots shall be at least sixty-six and two-thirds percent (66-2/3%) brick, stone, or other masonry on the first floor. In computing such percentages, roof areas shall be excluded, but garages, porches and other structures constituting part of the Living Unit shall be included. Materials not allowed shall include but not be limited to, vinyl, aluminum siding, sheet metal, untextured plywood, untextured pressboard (OSB), untextured particleboard, fiberglass or similar materials.

All exterior wood products shall require the written approval of the ACC and shall have at least two (2) coats of paint or stain. All exterior metals will not have less than two (2) coats of exterior paint after the surface has been prepared for proper bonding. The ACC may approve alternate methods of application.

There shall be no exposed concrete block walls on any structure built on the Lots.

- e. Foundations: All foundations shall be poured in place concrete slab type or pier and beam construction.

Pier and beam type construction shall have the opening between the structure and the natural grade skirted using material similar to the material used in the primary structure.

- f. Roofs: All roofs shall have a pitch of 5/12 or greater. Roofs shall be made of composition roofing materials and at the discretion of the ACC on a case-by-case basis, other aesthetically attractive roofing materials which meet standards prescribed by the ACC. Roofing materials shall not be constructed of cedar shake, standard corrugated sheet metal, fiberglass or similar materials. Roof construction, either new or replacement, shall carry a minimum 25-year warranty, or what is generally considered a "twenty-five year roof." Any deviations shall be subject to ACC approval prior to construction.

The ACC retains sole decision-making authority regarding shingle weight and color. All roof stacks and flashings must be painted to match the approved roof color.

No projections (i.e., weather vanes) of any type shall be placed or permitted to remain above the roof of any Living Unit or related structure without the written permission of the ACC, with the exception of one (1) or more chimneys and one (1) or more vent stacks. Chimneys shall have decorative caps, the style of which shall be approved by the ACC, and installed on their exterior columns.

- g. Garages: Each residence shall have a minimum of a two-automobile (not to exceed a three-automobile capacity) garage built of materials consistent with the primary residence. The exterior shall be constructed of brick, stone, or other masonry, as approved by the ACC. Certain sections of the Subdivision have specific materials requirements for garage "fronts" so the supplemental Declaration for each section should also be consulted prior to application submission to the ACC. Materials not allowed shall include but not be limited to, vinyl, aluminum siding, sheet metal, untextured plywood, untextured pressboard (OSB), untextured particleboard, fiberglass or similar materials.

At no time shall a garage, barn or similar structure be used as a residence, living quarters, or for commercial activities, either permanently or on a temporary basis.

A "detached garage" shall refer to a garage which is a freestanding building and which does not share a common wall with the residence. It may be connected to the residence by a covered walkway and may be architecturally treated so as to appear to be a part of the residence building rather than a separate structure. Detached garages may not exceed (1) story in height.

Attached garages must have interiors that are finished and painted and are limited to two (2) stories in height, but under no circumstances may the height of the garage exceed the height of the residence to which it is attached.

Detached and attached garages must conform to a minimum five (5') foot side building setback from the side boundaries of the Lot.

No carports shall be permitted on any Lot within the Subdivision, except that porte cochere-type structures that are attached and architecturally integrated into a Living Unit may be approved by the ACC on a case-by-case basis.

3. Temporary Structures and Outbuildings

No structure of a temporary character, including but not limited to, trailer, mobile home,

tent, shack, or barn, shall be permanently or temporarily erected, maintained or installed on any Lot at any time, except as may be approved by the ACC on a case-by-case basis. In no event shall any such approved temporary structure on a Lot be used as a residence, living quarters, or commercial enterprise, either permanently or temporarily.

This restriction is not intended to prohibit resident family overnight camping.

An "outbuilding" is defined as any structure which is not attached to the primary residence. This definition does not include bona fide additions to the primary residence, or garages, but does include structures approved by the ACC (on a case-by-case basis, see above) such as storage sheds, playgrounds/forts, treehouses, greenhouses, bathhouses, etc.

Outbuildings or other structures, temporary or permanent, other than the main residence or garage, shall be limited to eight feet (8') in height and shall be subject to approval by the ACC. All outbuildings or other structures shall be in the rear of the lot behind the fence. Any type of permitted outbuilding must be in keeping with the overall character and aesthetics of the Living Unit located on the Lot.

Exterior material shall be consistent with that of the Living Unit (i.e. brick, stone, masonry siding, wood siding, approved metal etc.) and exterior colors shall match or blend with the predominant exterior colors of the Living Unit. For outbuildings with roof structures, roofing materials shall consist of shingles that match the Living Unit's roofing materials.

Each Lot will be limited to two (2) outbuildings within its boundaries. No outbuilding will be permitted to be placed on an easement.

No trailer, camper, recreational vehicles, or similar vehicles shall at any time be connected to utilities on the Lot.

4. Patios, Patio covers, Decks, Porches, and Walkways

Patios, decks, porches and walkways shall not be used as a storage area (i.e. furniture not designed for outdoor use, appliances, lawn equipment, etc.).

Patios and patio extensions shall be located on the side or to the rear of the residence and require ACC approval prior to construction.

Patio covers and the supports shall be constructed of materials, which complement the exterior of the primary residence. Unfinished metals are not permitted. All metal must be painted. The supports shall be brick, painted or treated wood or metal columns.

Prefab covers made of aluminum may be approved providing they are of a color that substantially matches the house or trim color.

If a patio cover is attached to the primary residence, it must be integrated into the existing roofline (flush with eaves). If it is to be shingled, shingles must match the roof of the primary residence.

Patio covers may not encroach into any utility easement or building set back line.

The maximum height at the peak of the roof on patio covers shall not exceed the primary residence or not to exceed eight feet (8') if the cover is not an integral part of the primary residence's roof.

Freestanding decks shall be located to the side or rear of the primary residence and shall be constructed of material which complements the primary residence. Certain structures using wood framing may be allowed to go unpainted provided treated or insect resistant wood is used.

Freestanding decks shall not be closer than ten feet (10') from the property line and shall be no higher than the height of the first floor slab, and follow the natural grade of the property.

Porches shall be constructed of materials that complement the primary residence. Walkways shall be constructed of masonry material, stone or wood that complements the primary residence.

5. Room Additions

All room additions must be submitted for ACC approval. Detailed plans must be submitted with the ACC package, including accurate, sealed architectural elevations prepared by a licensed engineer or architect.

Exterior materials shall match or complement the existing structure, and must be WindStorm certified. Exterior colors shall match the existing structure.

Room additions shall not encroach into any utility easement. Additions shall comply with all provisions of this document and the Association's restrictive covenants.

Size and shape of room additions shall complement the architectural style of the residence. Plans for any room additions shall be submitted with floor plans of the existing residence. Roof of addition must integrate with existing roofline so as to appear to have been part of the original house.

Garage conversions for the purposes of room addition are strictly prohibited except in the case of an attached three car garage with two of the spaces being exterior spaces directly

accessible from the driveway and the third space being an interior space accessible by driving through one of the exterior spaces (a so-called tandem configuration). In such a case, the interior (tandem) space may be converted to a room addition, subject to all other requirements herein. It is specifically intended this exception will not result in any change in outward appearance or utility of the two remaining exterior garage spaces.

Building permits as required by the county must be submitted with an application. In some instances, the ACC may grant approval with the provision that a copy of the permit must be received by the ACC within thirty (30) days of the approval letter and prior to construction beginning.

6. Exterior Painting and Maintenance

Exterior paints and stains for each residence shall be selected to complement or harmonize with the colors of the other materials with which they are used. If a homeowner intends to repaint with the original color scheme, no approval is required. Color changes must be approved by the ACC.

Colors (and materials) shall be in harmony with the natural environment of the Subdivision. Muted earth tones compatible with the hues of the landscape are therefore most appropriate. Extremely bold colors are prohibited.

Exterior doors shall be maintained. They may be stained a natural wood color or painted the same color as the house trim. Other paint colors may be approved on a case by case basis by the ACC.

Exteriors shall be kept clear of excessive mold and mildew. Rotting or damaged exterior materials shall be repaired. The frames of storm and storm doors shall be of a color compatible with the exterior house colors.

7. Swimming Pools, Spas and Jacuzzis

All swimming pools, spas and Jacuzzis require ACC approval prior to construction.

No pool, spa or Jacuzzi of any type shall encroach into any utility easement. Pools, spas and Jacuzzis shall meet all building line and easement restrictions on the recorded plat and be located at the rear of the primary residence.

All pools, spas and Jacuzzis shall comply with all state and county regulations.

All pool, spa or Jacuzzi mechanical equipment, such as pumps and filters, must be screened from public view by a solid wood fence or landscaping.

All swimming pools, spas, and Jacuzzis must also have an adequate drainage system according to the requirements of any governmental agency having jurisdiction or, in the event there is no governmental agency having jurisdiction, as deemed appropriate of the ACC. The drainage must include a four (4") inch PVC pipe draining to the curb. Under no circumstances shall water from a swimming pool, spa, or Jacuzzi be permitted to drain onto the surface of the lot on which the swimming pool, spa or Jacuzzi is situated or onto any adjacent Lot.

The installation or construction of a swimming pool shall not be permitted to cause damage to a neighbor's property, or the Association common area. Any damaged caused, whether accidental or not, shall be promptly repaired at the installing owner's expense. The installing owner shall be responsible for keeping his Lot, streets and sidewalks in a neat and attractive condition, and to promptly ensure that all debris, dirt and other refuse is cleaned up expediently. No swimming pool, spa or Jacuzzi shall be constructed in a manner as to impede drainage on a lot or to cause water to flow onto adjacent lots.

Pool water must at all times be maintained in a sanitary and safe condition.

Aboveground pools not exceeding 4' in height shall be permitted provided that access to the pool is limited to one ladder. No perimeter deck is permitted. Pool water shall be properly filtered to maintain a safe condition.

8. Fences, Fence Extensions, Walls and Gates

All proposed fences shall be approved by the ACC prior to construction or installation. No fence or wall having a height greater than six and one half feet (6' 6") shall be constructed. Height of fence shall be measured from the natural grade below the fence.

In the event any fence exceeding this height exists, it must be replaced with a conforming fence when repair and/or replacement of the fence becomes necessary.

For the purpose of this article, the rear yard is defined as that area between the rear property line and the front of the primary residence. For a corner lot, the rear yard extends to the platted building line of the side street.

All fencing shall be Cedar pickets. Pine pickets and Vinyl fencing are not allowed; custom fencing is allowed only with the approval of the ACC committee.

Corner lots or lots adjacent to a designated reserve area shall have fences constructed so that any visible framing shall face the interior of the lot on which the fence was erected.

Fence repairs or replacement shall be made with similar materials and construction details as used on the original fence.

Fences shall be maintained in good condition.

No fence shall be constructed so as to cross the side property lines and join two or more houses. This provision is intended to prohibit the appearance of continuous fencing across the front of multiple lots.

All approved fences are subject to additional landscaping used to buffer appearance.

Any painting, staining or varnishing of fence shall be approved by the ACC. Maintenance of fence to original condition is exempt from the approval process.

All gates shall be approved by the ACC. All gates shall be in harmony with the type construction and type of fence being submitted for approval. Replacement gates shall require ACC approval prior to installation unless identical to gate being replaced. For Lots with setback garages, driveway gates are permitted, but require prior ACC approval prior to installation.

There shall be no chain-link fencing except as may be utilized by builders with the approval of the ACC for temporary storage of building materials and supplies during the construction phase.

9. Landscaping

General: A landscape plan shall be required for any landscaping improvement that increases the landscape area forward of the fenced area of a residence. Maintenance of existing landscaping such as replacement of plant materials does not require approval. ACC approval is not required for any landscaping not expressly prohibited. Known invasive, nuisance or trash plants are not allowed- Bamboo, Chinese tallow, Hackberry and similar species. A decorative plant or tree sold by a local retail nursery not specifically prohibited is acceptable and does not require approval.

Maintenance of Lots shall include regular mowing, edging of turf areas, weeding of plant/flower beds, fertilizing, weed control and watering of the turf and landscape areas on each Lot. Diseased and/or dead plants or trees must be removed and replaced within a reasonable time with an acceptable plant/tree within the landscaping guidelines above. Deviations from this replacement scheme will require approval by the ACC. Grass clippings, tree-trimming debris, and any other yard debris cannot be placed on curb for removal before 6:00 a.m. on the day of trash pickup.

On front lawns or wherever visible from any street, there shall be no decorative appurtenances placed, such as sculptures, birdbaths, birdhouses, fountains or other decorative embellishments unless such specific item(s) have been approved in writing by

the ACC. Generally, the number of decorative item(s) will be limited in quantity (no more than two (2) per Lot visible from any street) and in size (three (3') feet in height on or immediately adjacent to porches, two (2') foot in height in plant/flower beds). Decorative pots will be limited to ten (10) total: four (4) pots no more than two (2') feet in diameter and six (6) pots no more than one (1') foot in diameter.

Decorative benches are prohibited in the front lawn/sod area(s). Small benches and chairs may be placed on porches but must be approved by the ACC.

The digging or removal of dirt from any Lot is expressly prohibited except when necessary for initial and subsequent landscaping and/or construction improvements on the Lot. Trees can only be removed from the Lot if diseased/dead, or if room is needed for permanent improvements such as room additions/swimming pools, or to permit construction of drainage swales. All trees shall be properly maintained while dead and diseased trees shall be promptly replaced with comparable trees.

Owner of each Lot must maintain solid sod on the front and side yards of the Lot with grass and shall maintain such grass in a neat, clean and attractive condition. Periodically, damaged areas of grass will need to be replaced with new sod as they occur. Grass shall be of a type prescribed by the ACC.

No new planting or landscaping modification will be permitted within the Lot area located between the street and the sidewalk.

10. Swing Sets, Playstructures, Forts, Clubhouses, Basketball Goals, Trampolines and Similar Recreational Structures

General: All swing sets, playhouses, clubhouses, forts and trampolines or other similar structures shall be located to the rear of the property and properly maintained at all times. No structure described in this section may be constructed or kept (1) inside the building setback line of the home; (2) inside any utility or access easement to the property.

BASKETBALL GOALS:

- Basketball goals and adjacent play areas shall be located behind the property line.
- Basketball goals may not reside on the street or sidewalk at night.
- Basketball goals shall be of the "movable" design, whereby the bases of the goals are wheel-mounted to facilitate transport and storage of goals on Lot after usage. No permanent basketball goals backboards shall be installed on Living Unit exteriors and/or garages.
- Basketball goals within the neighborhood must have the following components present, in good condition:
 - A backboard

- A hoop
 - A net
 - Proper weighting to ensure that the goal will not move or shift during play, potentially damaging neighboring property.
- All basketball goals require approval from the ACC.

BIRDHOUSES:

Birdhouses shall be limited to the backyard of the Lot in a location that is not visible from the street in front of the house. With the following:

- Two (2) birdhouses per Lot are permitted with each birdhouse reaching no more than twelve (12') feet in height.
- The maximum size of an individual birdhouse is two (2') feet wide by two (2') feet long.
- Birdhouses may not be placed closer than five (5') feet from any property line adjacent to another lot.
- All birdhouses require approval from the ACC.

GAZABOS:

Gazebos shall be defined as free-standing, open-framed structures with lattice-type walls. A gazebo shall not be used for any type of storage. Gazebos are typically circular- or octagonal-shaped structures. There are two approved types of gazebos:

- **Conical shaped (peaked) roofed gazebos.** These gazebos cannot exceed eight (8') feet in height (height as measured from the ground).
- **Flat lattice (arbor type) roofed gazebos.** These gazebos cannot exceed eight (8') feet in height (height as measured from the ground).
- Only one (1) gazebo will be allowed per lot with a maximum footprint area of one hundred (100 ft²) square feet (typically 10' x 10').
- Pressure-treated wood may be stained, painted or covered by shingles
- Louvered or trellis-style gazebo roofs may be allowed as long as the quality of materials is approved by the ACC.
- All gazebos must have a permanent roof with materials as set forth in the ACC Guidelines.
- No gazebo shall impede drainage on the lot or cause water to flow onto an adjacent lot.
- All gazebos require approval from the ACC.

PLAYGROUND EQUIPMENT:

Playground equipment is defined as structures (playhouses, forts, clubhouses or other similar structures). Structures are required to be constructed with materials and a design that are architecturally and aesthetically compatible with the neighborhood, as determined by the ACC. With the following:

- Tops of structures will be earth tone.
- No playground equipment will be permitted to be placed on an easement or located nearer to a Lot boundary than the applicable building setback established by the Plat or Declaration.
- Playground equipment may only be installed in the rear of the home not visible from the street.
- No playground equipment shall exceed 14 ft. in height.
- No skate ramps are allowed.
- All playground Equipment require approval from the ACC

TRAMPOLINES:

Trampolines are considered to be temporary and not permeant and are restricted to the rear yard only with the following:

- Trampolines are restricted to the back yard only, and shall not be visible from the street.
- No Trampoline shall be allowed in the utility easement.
- Trampolines must be maintained in good and working order. Trampolines that are torn, unsightly, broken or in disrepair are not allowed.
- All grass and landscaping around trampolines must be cut and edged.
- All Trampolines require approval from the ACC

11. Clotheslines/ Animal Running Cables

Clotheslines or other clothes-drying apparatus are strictly prohibited, as is the activity of drying clothes on any such apparatus.

No clothing or other materials shall be aired or dried within the boundaries of the Lot except in an enclosed structure so as not to be visible to public view.

Running cables for pets shall be directly behind the primary residence and concealed from view of the streets or neighboring Lots.

12. Driveways

All driveways, or modifications to existing driveways, shall have ACC approval prior to construction.

Each property shall have a defined driveway with a minimum ten (10') foot surface width.

The driveway surface will consist solely of concrete unless otherwise approved by the ACC. Driveway extensions should be aesthetically compatible with the neighborhood.

Any topcoat shall be of a material designed specifically for the purpose of coating driveways and of a color harmonious with the natural surroundings.

All vehicles not stored in garages must be parked on the driveway at all times. Vehicles parked in the driveway are subject to additional regulation; see "Vehicles" later in this section. No vehicle of any kind shall be parked on any unpaved portion of a Lot at any time (i.e. parking on grass and in yards is strictly prohibited) nor shall a vehicle be permitted to park on a driveway in such a manner as to obstruct pedestrian use of a sidewalk.

No vehicle or other possessions belonging to an Owner or to an Owner's family member, guest, invitee or tenant, shall be positioned in such a manner as to impede or prevent ready ingress or egress to another Owner's driveway.

Driveways shall be maintained at all times, kept clean, repair/replace damaged concrete, etc.

13. House Numbers/Address Signs

House numbers and similar materials used on the Lot must be harmonious with the overall character and aesthetics of the community and be continually maintained in an attractive manner.

All address signs shall have ACC approval prior to construction.

If house numbers need to be replaced, they shall be replaced with the same kind, likeness, color, and material as the original numbers and/or plating.

14. Awnings and Window Coverings

Awnings require ACC approval prior to installation. Awnings are not allowed except on rear windows and may not be visible from the street.

Exterior shades are not permitted. This includes permanent installation of exterior hurricane rollups or other window coverings. Temporary emergency coverings (i.e., Plywood covers over windows) in case of hurricanes, natural catastrophes or other emergency conditions are allowed. All such temporary emergency coverings must be completely removed and the property restored to its original condition within seven (7) days after the expiration of the emergency condition. The Board of Directors may extend this

period, if warranted.

No aluminum foil or similar reflective material shall be installed on the interior or exterior of any window.

Solar sunscreens will be allowed with ACC approval prior to installation.

Any type of window film installed on any window shall be maintained at all times.

15. **Signs, Advertisements and Billboards**

Only one sign advertising a property for sale or rent shall be erected, not exceeding six square feet (6 ft²) and shall not exceed six feet (6') in height above the natural grade. All signs must be removed within one week of the property closing date and/or lease contract execution. No sign shall be permitted advertising that a Lot has or will be foreclosed upon.

Signs giving notice of home security systems are permitted if placed at or near the front entrance and are no larger than one hundred and forty four (144 in²) square inches. Window stickers giving notice of a home security system are permitted.

Garage sale signs will be permitted, however, are limited to one (1) sign per Lot, to be placed on the Lot during the effective date of the garage sale, and is further limited to two (2) occurrences per year, as dictated by these guidelines.

A maximum of six garage sale signs may be erected on any common areas within the community. Vehicles with signs advertising the garage sale may not be parked at community entrances, intersections or locations away from the property. Garage sale signs must be removed at the conclusion of the garage sale.

No more than one (1) political sign per candidate or ballot item may be erected by an Owner. This sign shall be ground-mounted, shall not exceed four (4') feet by six (6') feet in size, and must conform to the following restrictions, per Texas Property Code Section 202.009:

- (1) Shall not contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or non-standard decorative component;
- (2) Is not attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object;
- (3) Does not include the painting of architectural surfaces;
- (4) Does not threaten the public health or safety;

- (5) Is not larger than four feet by six feet;
- (6) Does not violate any local, state or federal law;
- (7) Does not contain language, graphics, or any display that would be offensive to the ordinary person; or
- (8) Is not accompanied by music or other sounds or by streamers or is not otherwise distracting to motorists.

Political signs can be posted from 90 days prior to an election and must be removed within 10 days after the election has concluded.

All other signs are prohibited. The Association has the right to remove any sign that does not comply with the above restrictions.

16. Garage Sales

Garage sales are limited to two (2) occurrences per year, as arranged and managed by the Association. Owners may conduct garage sales by registering with C.J.A. or the current management company by e-mail 2 weeks in advance providing the date, location and owner participants in the sale. If more than two (2) garage sales are held at a property within a one (1) year period, the activity may be pursued as a business being operated out of the home in violation of the Declaration and these Guidelines.

One (1) yard sign will be permitted for each Owner who has registered to participate in the garage sale. A reasonable number of signs may be erected on any common areas within the community. Vehicles with signs advertising the garage sale may not be parked at community entries, intersections or locations away from the property.

Materials may not be brought to the property from outside the subdivision for the purpose of resale from the property. Such conduct will constitute operating a business in violation of the Declaration and these Guidelines.

Garage sales held at any time outside of the date(s) of the two sanctioned sales are strictly prohibited and will be considered a violation of these guidelines and the Declaration.

17. Storage of Building Materials

Building materials shall not be stored on a lot other than in an enclosed garage prior to construction or modification. Building materials shall include culverts, brick, stone, lumber, siding, shingles, sand, rock, etc.

No materials shall be placed on the road right-of-way in front of the property line.

After the construction of the primary residence, small quantities of building materials may be stored at the rear of the residence in a neat and orderly manner or behind a screening wall concealed from public view from the street or neighboring Lots. Large quantities of building materials shall not be stored on the property at any time.

Landscape materials such as dirt and bulk mulch may be stored on driveway or other parts of the lot for a maximum of seven days.

18. Exterior Lighting

All exterior lighting fixtures require ACC approval as to location, style, size, color and level and direction of illumination. Illumination shall be directed toward the concerned house and Lot.

Exterior decorative lights, security lights or floodlights must be directed so as to not shine onto or spill over onto a neighboring property. Any light which is a nuisance to neighbors, as determined by the ACC, will not be permitted.

No security light fixture may be mounted above the eaves of the house or garage or more than ten (10') feet above the ground.

Security lights may not be mounted on poles, fences, trees or structures other than the house or garage.

Mercury vapor, sodium (yellow) and exposed fluorescent lights are not permitted.

Electric outlets may be installed in flower beds for decorative or holiday lights if they are inconspicuous and meet all applicable codes.

19. Window Air-Conditioning Units/Coolers

No window or wall type air conditioners or water coolers shall be permitted to be used, erected, placed or maintained on or in any residential building on any part of the Lot.

20. Supplementary Utility Production Equipment

This section shall pertain to utility production equipment. This includes but is not limited to; water wells, power units, windmills, or any electrical power producing equipment. All such equipment shall be located behind the fence and shall not exceed the height of the primary residence. All such equipment shall require ACC approval prior to installation.

21. Vehicles

No property owner or resident of a Lot shall park, keep or store any vehicle on a Lot which is visible from any street in the Subdivision or neighboring Lot other than a passenger vehicle or pick-up truck and then only if parked on the driveway for a period not exceeding forty-eight (48) consecutive hours.

For purposes of this section, "passenger vehicle" is limited to a vehicle displaying a valid license plate issued by the State of Texas or, if displaying a license from another state, would be eligible to obtain proper licensing from the State of Texas and a sport-utility vehicle (SUV) used as a family vehicle. A "pick-up truck" is limited to a one ton capacity pick-up truck. None of these vehicles may be adapted or modified for commercial or business use. Per the Declaration, commercial use vehicles are specifically prohibited from permanent parking in a homeowner's driveway or on a street in front of a residence. Commercial vehicles are identified by signage and/or other characteristics that indicate an obvious commercial versus personal use.

No vehicle of any kind shall be parked on any unpaved portion of a Lot at any time (i.e. parking on grass and in yards is strictly prohibited) nor shall a vehicle be permitted to park on a driveway in such a manner as to obstruct pedestrian use of a sidewalk.

No vehicle or other possessions belonging to an Owner or to an Owner's family member, guest, invitee or tenant, shall be positioned in such a manner as to impede or prevent ready ingress or egress to another Owner's driveway.

No inoperable vehicle shall be parked, kept or stored on a Lot if visible from any street or neighboring Lot in the Subdivision. A vehicle is deemed "inoperable" if it (1) does not display all current and necessary licensing and inspection permits, (2) it is maintained in a wrecked, junked, or demolished condition, (3) it does not have fully-inflated tires, or is positioned on blocks, jacks, or other structures indicating that motorized travel is not possible, (5) or is otherwise incapable of being legally operated on a public street or right-of-way.

No boat, trailer, recreational vehicle, camping unit, bus, commercial-use truck, or self-propelled or towable equipment or machinery of any sort shall be permitted to park on any Lot except in an enclosed structure or behind a solid fence. Such vehicles may be parked on a Lot in a garage or some other structure approved by the ACC, provided that the vehicle is concealed from public view from any street or neighboring Lot.

No repairs on any type of vehicle may be performed on the Lot unless concealed from public view from any street or neighboring Lot.

22. **Trash Cans/Containers**

No trash, rubbish, garbage, manure or debris of any kind shall be kept or allowed to remain for extended periods on any Lot, except in approved containers inside a structure. Reasonable size composts are allowed in the rear yard concealed from public view.

No approved trash containers shall be maintained on a Lot which are visible from any street or neighboring Lot, except to make the same available for collection (and then only for the shortest duration reasonably necessary to accomplish such collection.) In no event shall trash, garbage, refuse, or the containers thereof be set out for collection earlier than 6:00 a.m. *on the day* of trash collection. Garbage, trash and refuse made available for collection shall be placed in bags or covered containers and appropriately secured from spillage or dumping, using tight-fitting lids. Trash containers shall be placed in such a manner as to not block any portion of the sidewalk adjacent to Owner's Lot or any other Lot.

If so required by an outside third party, the Association has the authority to mandate that Owners use containers of a uniform type for collection of trash and refuse.

23. **Septic Tanks**

No privy, cesspool or septic tank shall be placed or maintained on any Lot.

24. **Antennas**

Without prior written approval by the ACC, no television or radio antenna of any sort shall be placed, allowed or maintained outside a Living Unit or on the exterior of any permitted building or other improvement located on a Lot.

The ACC shall, however, authorize the installation of one (1) satellite or microwaving receiving dish on each Lot provided (without limitation) the size, style, color, placement, location, height, screening and street visibility requirements are adhered to, or in the absence of such regulation, the ACC approves same as being in architectural and aesthetic harmony with the Subdivision.

Such regulation shall at all times be compliant with all applicable federal, state and local laws, ordinances and regulations concerning an Owner's reasonable right of access to broadcast, programming, telecommunications and similar services offered via microwave or satellite transmission.

Unless mandatory under applicable law, under no circumstances shall a satellite dish be closer than ten (10') feet from a property line of any lot or in front of the fence line. Satellite

dishes and/or antennas shall not be visible from the street in front of the residence.

25. Flagpoles

No stand-alone flagpoles are permitted to be installed on any Lot in the Subdivision.

Flagpoles must be of the type and design that can be fastened to the exterior of the Living Unit using appropriate bracketry and/or hardware device(s). Approval must be obtained from the ACC prior to installation.

United States or Texas flags can be flown using the ACC-approved flagpole only, and such other placement of flags will not be permitted (i.e., in flower beds). Temporary placement of yard flags of sporting teams is allowed for the day of the game and must be removed at day's end. Spirit signs (players, cheerleaders) will be allowed at the beginning of the season for two (2) weeks only.

Flags of sporting teams may also be flown using the ACC-approved flagpole, on the day of a game, and must be removed at day's end. These types of flags may not remain on the flagpole permanently.

26. Holiday Decorations

Holiday decorations including holiday lighting will be permitted. These decorations can be installed six (6) weeks before the date of the holiday and must be removed within four (4) weeks after the date of the holiday. If holiday decorations are deemed to be excessive and intrusive to neighbors, the Association can request that they be limited and be aesthetically compatible to the neighborhood.

27. Fireworks

Fireworks within the confines of the subdivision (Silvercreek) shall adhere to Brazoria County law.

28. Animals

Only dogs, cats or other common household pets ("Pets") may be kept on lots provided that they are not kept, bred or maintained for any commercial purpose. Livestock, poultry and all other animals, other than the Pets defined above, are specifically prohibited.

No more than four (4) adult Pets are permitted on each lot. Any Pet over four (4) months of age is considered an adult.

Pets must be physically confined to the property, in control of the Pet owner or kept in the

house. When away from the property, the Pet, must be on a leash and be under the control of the Pet owner at all times. Pets may not be allowed to roam free in the neighborhood.

It is the Pet owner's responsibility to keep the property clean and free of pet debris and odors. When walking Pets off the lot, the Pet owner is responsible for cleaning up and removing any pet defecation in neighboring lots, public and private streets, and common areas in the neighborhood.

Pets must not be allowed to become a nuisance, annoyance or danger to the neighborhood. Excessive barking or loud barking between 10:00 p.m. and 6:00 a.m. may be considered a nuisance if not controlled by the Pet owner.

The Association does not believe these guidelines will place unreasonable restrictions on persons with disabilities. However, if a person with a disability feels an exception is needed, the Association will consider any request and make a reasonable accommodation in the appropriate circumstances. To make a request, simply send a letter describing the situation and request to the Association's office at 9800 Centre Parkway, Suite 625, Houston, TX 77036. (713) 981-9000.

29. **Nuisances and Annoyances**

No noxious or offensive trade or activity shall be permitted on any lot, nor shall anything be done which may be, or may become, an annoyance or a nuisance to the neighborhood. The Association is authorized by the Declaration and these Guidelines to conclusively determine what constitutes a nuisance or annoyance.

No activity, whether for profit or not, shall be conducted on any lot which is not related to single-family residential purposes other than approved home businesses.

No condition shall be allowed to exist or continue on a lot which would detract from the community or disturb the reasonable use and enjoyment of any other Owner's lot.

Except in an emergency, outside construction work and noisy inside construction work shall only be done between the hours of 8:00 a.m. and 7:00 p.m. in the subdivision

30. **Generators**

Exterior Standby Power Generators

A complete application must be submitted and approved by the Silvercreek HOA prior to the installation of a fixed exterior standby power generator. Because of the intrusive nature of these units, due to their large size and the resultant noise produced, the homeowner must exercise care in properly locating the unit on his property to minimize the visual and noise

impact on his neighbors.

The following general restrictions apply:

- Fuel - Only piped natural gas is permitted
- Noise - Sound output, as specified by the manufacturer, shall not exceed 69dba at the rated capacity.
- Operation - System shall operate only during periods of utility power failure, except for periodic testing at reduced power.
- Enclosure - The unit shall be completely enclosed. The enclosure shall be corrosion resistant and of a neutral color.

The ACC will evaluate each proposed installation on a case by case basis. Therefore, it is necessary that the application also include the unit's specific location on the plat diagram (taking easements and utility lines into consideration), a brochure depicting the power unit with its capacity and noise rating specified, and any other exterior changes, including landscaping changes or additions. Adjoining neighbors will be contacted, as required, to obtain their concurrence.

Portable Generators

Emergency electrical generators mounted on wheels, rollers, or skids are considered portable units and, as such, do not require an ACC application. However, they shall not be placed or stored outside of the house except when in actual operation during a power outage.

Extreme care must be taken to prevent the carbon monoxide exhaust from entering the garage or house and in the storage of fuel containers. Users of these units (which are significantly noisier than enclosed fixed units) should be considerate of their neighbors by limiting day usage hours and avoiding any night usage.

31. Solar Energy Devices

A "Solar Energy Device" has the meaning assigned by Section 171.107 of the Texas Tax Code.

An owner within Silvercreek HOA may, at their own cost, install, maintain and utilize devices for the purpose of providing heating or cooling or to produce electrical or mechanical power by collecting and transferring solar energy ("Solar Energy Device").

- No owner may install, maintain or use a Solar Energy Device that threatens the public health or safety (e.g., homemade Solar Energy Devices), or violates a law. Owners are responsible for any necessary permits.

- No owner may install a Solar Energy Device on property owned or maintained by the Silvercreek HOA.
- A Solar Energy Device may only be installed:
 - (1) On the roof of the owner's home; or
 - (2) In a fenced yard or patio owned and maintained by the property owner.
- Roof-mounted Solar Energy Devices may not:
 - (1) Extend higher than the roofline;
 - (2) Fail to conform to the slope of the roof;
 - (3) Include a top edge that is not parallel to the roofline;
 - (4) Include a frame, support bracket or visible piping or wiring in a color other than silver, bronze or black
- No Solar Energy Device may be installed in any location visible from the street in front of the home, unless the alternate location increases¹ the estimated annual energy production of the device by more than 10 percent above the energy production of the device if located in an area designated by the Silvercreek HOA.
- Solar Energy Devices in a fenced yard or patio may not extend above the fence line.
- No Solar Energy Device, regardless of location or type, may void material warranties.
- Owner must submit an ACC application to the Silvercreek HOA prior to the installation, maintenance or use of any Solar Energy Device, per the Association's dedicatory instruments and Texas Property Code § 202, *et seq.*
- The Silvercreek HOA retains the right to withhold approval of any Solar Energy Device if the 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. The Silvercreek HOA shall be the sole arbiter to determine whether a proposed Solar Energy Device constitutes such a condition, save and except that the written approval of all homeowners adjacent to the proposed Device shall create a rebuttable presumption that such a condition does not exist.

¹ As determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory.

FILED and RECORDED

Instrument Number: 2021049233

Filing and Recording Date: 07/27/2021 04:55:25 PM Pages: 33 Recording Fee: \$150.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-regina