



**PHEASANT CREEK HOMEOWNERS ASSOCIATION, INC.  
MEETING OF THE BOARD OF DIRECTORS  
November 11, 2020**

**Resolution regarding Pheasant Creek Guidelines and Rules and Regulations**

The undersigned, being a duly authorized representative of Pheasant Creek Homeowners Association, Inc., (the "Association"), a Texas Non-Profit Corporation, pursuant to Chapter 22 of the Texas Business Organizations Code, adopted the following resolution at a duly called board meeting:

**WHEREAS**, the Association is responsible for the governance and maintenance of Pheasant Creek, as described in the Declaration of Covenants, Conditions, and Restrictions for Pheasant Creek Section One (1) filed under Clerk's File No. 79092546 in the Official Public Records of Fort Bend County, Texas, and the Declaration of Covenants, Conditions and Restrictions Pheasant Creek, Section Two (2) filed under Clerk's File No. 82048544 in the Official Public Records of Fort Bend County, Texas, including all amendments thereto; and

**WHEREAS**, the Association exists pursuant to state law and its Governing Documents; and

**WHEREAS**, the Association is authorized to adopt and enforce Architectural Guidelines and Rules and Regulations in the interest of the community, pursuant to state law and its Governing Documents; and

**WHEREAS**, each Owner must operate their Lot and improvements thereon at all times in such manner as to obtain and maintain Prevailing Community Standards on a continuing basis as may be more specifically determined by the Declaration and other Governing Documents, including as determined from time to time by duly adopted Rules and Regulations; and

**WHEREAS**, the Board of Directors has the authority to adopt guidelines, reasonable rules and regulations; and

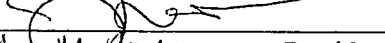
**WHEREAS**, for the benefit of the Association, the Owners, and the residents, the Board deems it necessary to adopt the attached Guidelines and Rules and Regulations; and

**NOW THEREFORE, BE IT RESOLVED**, that upon careful consideration and deliberation, with all motions being correctly proposed and seconded, the Board voted to adopt the Guidelines and Rules and Regulations attached hereto as Exhibit "A" and incorporated herein for all purposes.

The undersigned, being duly authorized representatives of PHEASANT CREEK HOMEOWNERS ASSOCIATION, INC., hereby certify that this Resolution was adopted by majority vote of the Board of Directors.

ADOPTED this 15<sup>th</sup> day of JAN. 2021, by the Board of Directors of the Association.

PHEASANT CREEK HOMEOWNERS ASSOCIATION, INC.

By: , President

STATE OF TEXAS

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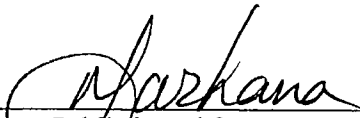
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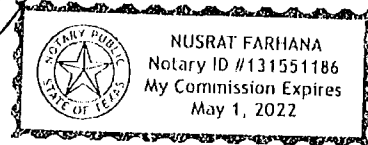
COUNTY OF FORT BEND

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This instrument was acknowledged before me on the 25<sup>th</sup> day of January 21, by Jacklyn Marie Martinez as President of PHEASANT CREEK HOMEOWNERS ASSOCIATION, INC.

  
Notary Public in and for the State of Texas



AFTER RECORDING, RETURN TO:

**BSG** | SEARS  
BENNETT  
& GERDES, LLP

6548 GREATWOOD PARKWAY  
SUGAR LAND, TEXAS 77479

SDG: PCREEK-1

## **Pheasant Creek Guidelines and Rules and Regulations**

### **Basketball Goals**

Provided the following guidelines are adhered to, no permission is needed to install a basketball goal. Basketball goals may be located on a free-standing black pole. No basketball goal may be placed on the sidewalk or street. Residents may not install goals on attached garages. Poles for freestanding goals must be metal, of a sufficient gauge to prevent bending, must be painted black and maintained from rust. All backboards and nets should be maintained as to look new.

### **Fencing and Gates**

Front yard fencing of any kind may not extend beyond the most forward portion of the home.

Fences must be located along original fence lines installed by builder and recessed a minimum of 5 feet from the front face of a home.

The “unfinished” side of a fence may not be exposed to any public street or sidewalk.

Fences must be kept in good repair at all times. Wood fences must be free of wood rot and mildew.

No split rail or decorative fencing is permitted.

All fencing must be approved by the ACC.

### **Wood Fencing**

All wood fencing must be two or three rail, No 1 or No 2 cedar, 1” x 4” or 1” x 6” notched pickets with no wane or rot holes and with minimal knot holes.

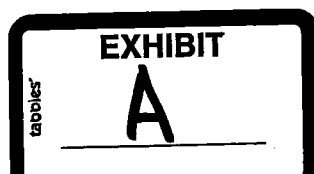
Fences must be maintained and kept in good condition. No leaning fences may be propped up with boards or metal rods.

Painting and staining of wood fences is prohibited. Non-pigmented wood sealant is permitted.

### **Flags and Flag Poles**

The flag shall be no larger than 3 feet by 5 feet.

The flag must always be maintained and in good condition with no holes or tears.



Flags with more than 25% of surface area fading from original color need to be removed or replaced.

Brackets on the exterior of residences are permitted to hold decorative or traditional flags.

Flags mounted on poles of six feet or less do not require ACC approval.

Illumination of flags is permitted if the lighting is ground mounted up-lighting and a maximum wattage of 100 watts.

Lighting used to illuminate a flag must not indiscriminately illuminate an adjacent lot.

Only one flagpole is permitted on a lot.

A freestanding flagpole shall not exceed 20 feet.

A flagpole attached to a dwelling or a free-standing flagpole shall be constructed of permanent, long lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling.

No political flags can be flown. These guidelines apply to the display of the flag of the United States, the flag of the State of Texas, and the official flag of any branch of the United States armed forces.

## **Lighting**

Any light that produces either white or warm white light is acceptable.

Mercury vapor or sodium halide lights are prohibited.

Colored bulbs or lens covers are not permitted except during the holiday season.

Any “security” or “flood” lighting must be a wattage or lumen count which does not indiscriminately illuminate neighboring property.

Annoyances: All new lighting approved by the ACC shall be subject to a 90-day trial period after installation to assure the lighting is not objectionable to the surrounding residents. If at the end of the ninety (90) days period, the ACC determines that the lighting is not unreasonably offensive or an annoyance to the surrounding residents, the ACC approval shall be final; otherwise, the lighting shall be removed or modified in accordance with the decision of the ACC.

## **Satellite Dishes and Antennas**

Satellite Dishes and Antennas do not need ACC approval if placed in the following locations:

- On the back of the house so as to not be readily visible from the street.

- In the back of the yard of the house so as to not be readily visible from the street.

Under no circumstances should the front of the house be used for Satellite Dish or Antenna, unless it is impossible to receive an acceptable quality signal from any other location. Installation on the front of the house requires ACC approval.

### **Walkways**

Homeowners are responsible for maintaining, at their expense, all walkways leading from the residence to the driveway, to the backyard or to the sidewalks.

Mortared Slate and Mortared Flagstone can be used as a walkway surface, permitted it is an earth tone.

Concrete staining of front walkways or driveways is not permitted

Walkways visible from the street need to be in good repair at all times.

All new walkways must be approved by the ACC.

### **Trampolines**

Trampolines must be placed in the rear of the property and at least 5 feet away from any property line.

All trampolines must be approved by the ACC.

### **Decorations**

One birdbath may be located in the front yard landscaping beds and must be incorporated into the landscape design in an attractive manner.

Birdhouses and feeders may only be placed in the backyard in a location that is screened from public view to the maximum extent possible. Birdhouses cannot exceed 7 feet in height.

Holiday decorations may be installed no sooner than 30 days prior to the holiday and must be removed within fifteen (15) days after the holiday for which they are intended.

## **Plants and Plant Containers**

No more than a total of 10 plant containers may be placed on the front porch, against the house, garage or in the front yard. The containers must be a size and design to complement the architecture of the home.

Original nursery plant containers are not acceptable.

## **Trees**

Any tree removed from front yard must have the stump removed also. This must also be approved by the ACC.

## **Yard Furniture in Front or Side Yard**

All furniture placed in the front or side yard must have approval unless the residence has a front porch.

Acceptable furniture for front porches includes wrought iron, cement or wood benches, small chairs and small tables.

Acceptable furniture colors include solid black, gray, brown, white and dark green.

Yard furniture must be maintained at all times.

Unacceptable furniture includes, but is not limited to, plastic or webbed furniture such as folding lawn chairs. Picnic tables and their benches are not permitted in the front or side yard.

## **Arbors, Gazebos, Pergolas, Patios and Decks**

Arbors, Gazebos, Pergolas, Patios and Decks must be painted with the same complimentary colors of the home.

## **Doors**

**Front Door** – The installation of burglar bars on the exterior door which is visible from a public area is prohibited. An iron gate or iron fence that encloses the front porch area can be approved on a case by case basis provided it is keeping the harmony of the community.

**Storm Doors** – The mounting of storm doors should not detract from overall appearance of the home. All modification requests must include a brochure and/or photo and trim color of the door.

Must be full view glass door.

Door trim must match existing trim color of home.

Unfinished aluminum or wooden screen doors are not permitted.

**Garage Doors** – Replacing garage doors require ACC approval.

Garage doors facing the street must be constructed with decorative panels and must be painted only one color to match the exterior siding of the residence.

Doors should be metal in construction.

The only acceptable window treatment on garage door windows is a non-reflective tint.

Approval by the ACC is required.

### **Driveway Extensions**

A minimum of two feet of green space must be maintained between driveway and property line.

The extension must be constructed in such a manner as to direct all draining off the driveway toward the street and not onto adjacent property.

No more than a one-foot wide extension is allowed

Asphalt and crushed concrete are prohibited.

Approval by the ACC is required.

### **Driveway Replacements**

Driveways must be paved with a hard surface such as concrete.

Driveways must have dowel expansion joints

Driveways shall be repaired or replaced as necessary, but no driveway may be widened nor shall any artificial coloring agents or paint be applied thereto.

Asphalt or gravel is prohibited.

Approval by the ACC is required.

### **Carports**

Carports are not permitted.

### **Garage Doors**

See Doors

### **Garage Sales**

According to Title 34, Part 1, Chapter 3, Subchapter O, Rule 3.316(b) (2) of the Texas Administrative Code a resident who conducts more than two (2) garage sales in a given year is engaging in a taxable retail enterprise. Pheasant Creek is a single-family residential community which prohibits such business operations. Therefore, residents are restricted to two (2) garage sales per year as sponsored by the neighborhood.

In the event of inclement weather on either of the two (2) weekends designed by the Board, the Board may extend permission for the garage sales to occur the following weekend or subsequent date.

### **Gutters and Downspouts**

Gutters and downspouts must be painted or have a factory applied color to match approved siding or trim color of the home.

Damaged or deteriorated gutters and downspouts must be repaired or replaced.

### **Painting of House Exterior**

No current house color paints are grandfathered in. When it is time to paint your house, you must have Approval by the ACC whether the same color is being used or a new color.

A list of approved paint colors and corresponding paint color numbers (the approved list contains Sherwin Williams's paint which can be matched by any major paint brand) is available to the homeowners from the Management Office.

The home's base color may be used as the only color for the home, but it is preferred that the shutters and trim are painted a contrasting color darker than the base color from the approved paint palette.



The exterior paint should have a satin or semi-gloss finish. Gloss paint is only to be used on doors and shutters. *No high gloss or shiny paints will be permitted.*

Garage door color must be the same color as the siding.

Utility or service doors should be painted the same color as the siding.

Shutters may be painted in the siding or trim color.

Painting of brick on a home will be decided on a case by case basis.

Front doors may be painted any complimentary color of the homeowner's choice.

### **Play Structures and Swing Sets**

Play structures and swing sets must be located in the rear yard within setbacks established for the lot, at least 5 feet from side or rear property line and be screened from public view to the maximum extent.

Play structures must be no higher than 12 feet.

All play structures and swing sets must be properly maintained so as not to detract from neighborhood, including the repair or replacement of any worn, broken, missing, torn or discolored materials as well as painting of any rusted or discolored parts.

Approval by the ACC is required.

### **Siding**

Vinyl siding or Hardie Plank are allowed. Approval by the ACC is required.

### **Storage**

No items are allowed to be stored on the side of the home that can be viewed from the street or neighboring properties. This includes items covered with tarps. These items must be stored behind the fence and out of public view.

### **Storage Buildings**

*Only one storage building not exceeding one hundred (100) square feet and eight (8) feet in height shall be permitted on a lot.*

- Any vehicle that displays one or more commercial signs;
- Any vehicle carrying commercial equipment or attachments;
- Any vehicles containing more than two axles;
- Any vehicle with six (6) or more wheels, with the only exception being a stock dually pickup truck, owned by an individual without any additional equipment or commercial logs, signs or displays;
- Any box vans other than individually owned passenger vans;
- Any vehicle displaying any state mandated license or registration number (other than VIN number and license plate), internet site, email address, or the phone number of any business;
- Any flatbed trucks or trailers;
- Any vehicle with a Gross Vehicle Weight Rating over thirteen thousand pounds, (13,000 lbs.); or
- Limousines, Wreckers, Taxi-cabs, buses or ambulances.

### **Lot maintenance**

The owner or occupants of all lots shall at all times keep all weeds and grass thereon cut in a sanitary, healthful and attractive manner and shall in no event use any Lot for storage of material and equipment except for normal residential requirements or incident to construction of improvements thereon as herein permitted. The accumulation of garbage, trash or rubbish of any kind or the burning (except as permitted by law) of any such materials is prohibited. In the event of default on the part of the Owner or occupant of any Lot in observing the above requirements or any of them, such default continuing after ten (10) days written notice thereof, Declarant or its assigns, may without being under any duty to so do, in trespass or otherwise, enter upon said Lot, cut, or cause to be cut, such weeds and grass and remove or cause to be removed, such garbage, trash and rubbish or do any other thing necessary to secure compliance with these restrictions and to place said Lot in a neat, attractive, healthful and sanitary condition, and may charge the Owner or occupant, as the case may be, agrees by the purchase or occupation of the Lot to pay such statement immediately upon receipt thereof.

Trash Cans are required and therefore, permitted without individual approval by the ACC. All trash and garbage must be placed in a container with a tight fitting or self-closing lid, and said container placed such that it is not visible from neighboring property except to make the same available for collection and then only for the shortest reasonable time. Plastic bags, etc. are not permitted as trash containers.

Rubbish, trash cans and recycle bins may be put out the day before pickup. After trash and recycles have been picked up, containers must be stored out of sight at all other times. Do not leave containers on street after pickup or overnight.

The owners or occupants of each lot must, at all times, keep the grass and weeds cut in a sanitary, healthful and attractive manner. This includes keeping sidewalks free from overgrowth and grass and weeds in the cracks. If a violation in this area continues after written notice, the HOA has the right to enter onto any property to correct the violation and to bill the owner for the costs.

No lot is to be used for the burning of trash.

### **Signs, Advertisements, Billboards**

No sign, advertisement, billboard or advertising structure of any kind shall be placed, maintained or displayed to the public view on any Lot except one sign for each building site, of not more than five (5) square feet, advertising the property for sale or rent. Declarant, or its assigns, shall have the right to remove any such sign, advertisement, bill board or structure which is placed on said Lots, and in doing so shall not be subject to any liability for trespass or other sort in connection therewith or arising from such removal.

No sign, poster, billboard or advertising structure of any kind, other than normal "For Sale" or "For Rent" signs are allowed.

### **Political Signs**

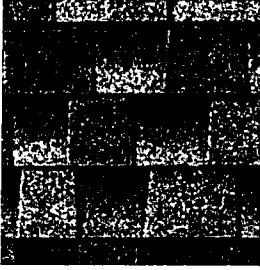
No political sign may be placed on an owner's lot prior to the ninetieth (90<sup>th</sup>) day before the date of the election to which the sign relates or remain on an owner's lot subsequent to the tenth (10<sup>th</sup>) day after the election date.

No more than one (1) political sign is allowed per political candidate or ballot item.

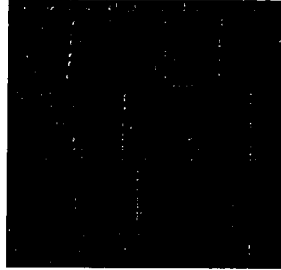
### **Roofing Material**

The roof of any building shall be constructed or covered with (1) wood shingles or (2) asphalt or composition type shingles comparable in color to wood shingles. The decision of such comparison shall rest exclusively with the Architectural Control Committee. Any other type of roofing material shall be permitted only at the sole discretion of the Architectural Control Committee upon written request.

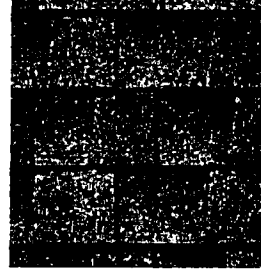
Color Choice: the color should be complimentary to the house and compatible to the neighborhood. The recommended color for roofs in Pheasant Creek is "Weathered Wood". With ACC approval, the following shingle colors may be used: Weathered Wood, Charcoal, Slate, Barkwood and Shakeswood.



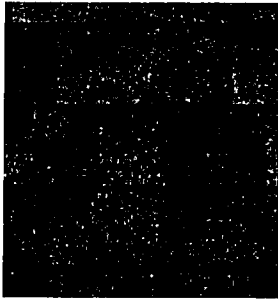
Weathered Wood



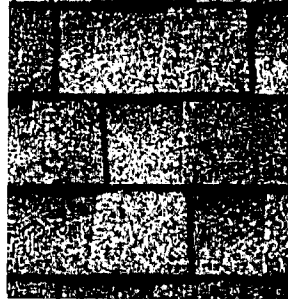
Charcoal



Slate



Barkwood



Shakewood

## **PETS**

Pets must be on a leash.

Up to date with vaccinations.

Do not allow dogs or cats to roam the neighborhood.

When walking pets, always bag the pet feces.

Storage buildings must be complimentary to the architectural elements, materials and color of the home (including roofing).

All auxiliary structures must be located in the rear yard within the setbacks established for each lot and may not exceed 8 feet in height, including foundation.

Metal storage buildings are not preferred but are permitted if no more than 6 feet 6 inches in height.

Storage buildings must be screened from public view to the maximum extent possible by permanent structures such as home, garage or wooden fences.

Placement of storage buildings in utility easements is done at the owner's risk.

Storage buildings may not be placed within 5 feet of any fence line.

Approval by the ACC is required.

### **All Other Structures**

The same guidelines for "**STORAGE BUILDINGS**" apply, but not limited to these structures: Tool Shed, Children's Playhouse, Doghouse, Studio, Greenhouse, and Cabanas. Please make sure that the structure is approved by the Pheasant Creek ACC Committee before any construction begins.

### **Temporary Structures**

Temporary structures (i.e. PODS, roll off containers, etc.) will be allowed under certain circumstances such as remodeling or moving and must only be for the duration of a specific project not to exceed 30 days. All temporary structures require approval from PC Board.

### **Windows**

All aluminum windows, screens, sliding doors and frames for fixed glass must have a factory applied baked enamel or anodized bronze or white finish.

The use of foil or reflective mirror finish on windows is prohibited.

Window screens must be maintained.

Approval by the ACC is required.

### **Window Air Conditioners**

Window or wall type air conditioners or water coolers shall not be visible to the street.

### **Window Ornamentation**

The installation of burglar bars on the exterior of any window which is visible from a public view is prohibited.

### **Restriction of Use**

No activity, whether for profit or not, shall be carried on any Lot which is not related to single family residential purposes. No noxious or offensive activity of any sort shall be permitted nor shall anything be done on any Lot which may be or become an annoyance or a nuisance in the neighborhood.

Lots shall be for residential purposes only. No lot shall be used for a business, professional, commercial, or manufacturing purposes. This includes car repairs, mechanic shop and selling vehicles.

### **Storage of Automobiles, Boats, Trailers and other Vehicles and Equipment**

No boat trailer, boats, lawn trailer, canoe, kayak, jet ski, motor home, commercial vehicles\*, all-terrain vehicle, buses, travel trailers, inoperative automobiles or campers, shall be semi-permanently or permanently stored in the public street right-of-way or forward of the front building line. Storage of such items and vehicles must be screened from public view, either within the garage or behind a fence which encloses the rear of the lot.

No trailers, large commercial vehicles, unregistered vehicles, boats, campers, motorhomes, ambulance, recreational vehicles shall be stored, parked or kept on the driveway, in the front yard, or in the street.

Inoperable, wrecked, vehicles on flat tires, vehicles on blocks and illegal vehicles are prohibited from being stored in public view (streets, driveways, lots, etc.). All vehicles must display current inspection, registration and license plates as well as be in good working order and legally drivable on the street.

\*Commercial Vehicles means any of the following: