



**BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.  
ARCHITECTURAL CONTROL GUIDELINES FOR  
THE ARCHITECTURAL CONTROL COMMITTEE**

**---MODIFICATIONS---**

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**The ACC Guidelines are subject to change and modifications as the needs of the community change. Such modifications will be adopted by a majority vote of the Board, at a duly constituted meeting of the Board.**

## OVERVIEW

### 1.0 The Declaration

A system of Architectural Control is created by the following Declarations of Covenants, Conditions and Restrictions.

Southshore at Brightwater Section One	Vol. 1724, Page 123 Clerk's File No. 8537310
First Amendment for Southshore at Brightwater Section One	Vol. 2153, Page 2169 Clerk's File No. 8946398
Lakeshore at Brightwater Section One	Vol. 1722, Page 829 Clerk's File No. 8536979
Lakeshore at Brightwater Section Two	Vol. 2250, Page 995 Clerk's File No. 9053975
Master Declaration for Lakes of Brightwater	Vol. 2616, Page 221 Clerk's File, No. 9404682
First Amendment	Vol. 2616, Page 221 Clerk's File No. 9404682
Second Amendment	Vol. 2649, Page 1477 Clerk's File No. 9428242

\*All recording information refers to the Official Public Records of Fort Bend County, Texas.

All of the foregoing shall be collectively referred to as the "Declaration". Pursuant to a written instrument dated October 13, 1988. The Lakes, Limited (the original developer) assigned to the Brightwater Homeowners Association, all of the duties, powers and responsibilities of the Declarant, as described in the Southshore Declaration and the Lakeshore, Section One, Declaration. Pursuant to a written instrument dated June 1, 1994, Perry-Brightwater, Ltd. Assigned to the Brightwater Homeowners Association the powers and responsibilities with respect to architectural control matters, after a home is sold by the builder to a homeowner. For all homes that have been sold by a builder, the Brightwater Homeowners Association assumes the position of "Declarant" as defined in the Declaration for the purpose of any modification or changes to the residential structure.

### 2.0 Purpose and Objectives

The purpose of these architectural guidelines is to preserve the natural setting and beauty of the properties, to establish and preserve a harmonious and aesthetically pleasing design for the Lakes of Brightwater and to protect and promote the value of the properties, subject to the restrictions set forth in the Declaration.

To preserve the architectural and aesthetic appearance of "The Lakes of Brightwater", no construction of improvements, or modifications, additions, or alterations to existing improvements, shall be commenced or maintained by any Owner, with respect to any other portion of the Properties, including, without limitation, the construction or installation of sidewalks, driveways, parking lots, mail boxes, decks, patios, courtyards, swimming pools, tennis courts, greenhouses, playhouses, awnings, walls, fences, exterior lights, garages, guest quarters or other outbuildings, nor shall any exterior additions to or change or alteration therein be

made (including, without limitation, painting or staining of any exterior surface), unless and until they shall have been submitted to and approved in writing by the Brightwater Homeowners Association as to the compliance of such plans and specifications with the Declaration and such design guidelines (the “Design Guidelines”) as may be published by the Brightwater Homeowners Association from time to time including the harmony of external design, location and appearance in relation to surrounding structures and topography.

These Guidelines are intended to function as a summary of the Declaration and to comply with the requirements of Declaration by establishing design guidelines for the Brightwater Homeowners Association, which has exclusive jurisdiction over modifications, additions, or alterations made to Residential Units. Any terms with the first letter capitalized are either defined in these guidelines, or in the Declaration. The Architectural Control Committee (referred to in these Guidelines as the “ACC”) consists of a chairperson and several homeowner representatives from Brightwater. “Properties” shall mean all Lots and Common Facilities shown on each Subdivision Plat.

### **3.0 Application Procedure**

- **Online Application Instructions**  
Exterior Modification Request (Exterior modification request processed via Crest Management’s website – [www.crest-management.com](http://www.crest-management.com). Homeowners must register and select Exterior Modification Request in the Crest portal.
- **U.S. Mail Application Instructions**  
Applications should include a cover letter, together with the Application Form, explaining the proposed improvement(s). Attach two (2) copies of a detailed site plan. It is recommended that a copy of the survey received at closing be used so that relative distances and dimensions can be reviewed. Make sure to include all pertinent information, specifications, building permits, etc., and a mailing address and phone number are also provided. All applications must be in writing. The ACC cannot respond to verbal or facsimile requests.

Completed applications should be mailed to: Crest Management Company, P.O. Box 219320, Houston, Texas 77218-9320 or 17171 Park Row, Suite 310, Houston, Texas 77084, telephone number 281-579-0761. Do not send the application via telecopy (fax). Otherwise, if the application is mailed, call Crest Management Company within seven (7) days after the date of the application to verify that it was received. Do not assume it was received.

All construction projects that require City of Missouri City approval must show a permit granted by the City and subsequent required inspections must be completed. Approvals are contingent upon positive inspections.

It is the responsibility of the applicant to make sure he or she has the most current guidelines before proceeding with any improvement. Homeowners can consult any ACC or Board member and/or review a copy of the amended guidelines found at [www.lakesofbrightwater.com](http://www.lakesofbrightwater.com) under “Forms and Documents.” The ACC reserves the right to charge an application fee on a case-by-case basis, depending on the complexity of the requested improvement to pay for the services of an independent architect/land planner to review. Any costs or expenses which the ACC incurs in processing the Application shall be paid by the homeowner.

#### **4.0 Approvals/Disapprovals/Processing Period**

No landscaping, building, fence, sign, wall, or any other structure or improvement, shall be built, erected, commenced, or maintained, on any Lot in the Subdivision, unless and until it has been approved in writing by the ACC. Similarly, no modification or alteration to any landscaping, building, fence, sign, wall, or any other structure or improvement, may be made, unless and until it has been approved in writing by the ACC.

The ACC will respond in writing to all applications. Upon approval or disapproval, one (1) copy of the application will be marked and returned, along with an explanatory letter.

The ACC reserves the right to request additional information and documentation to complete its review of any application. In the event the ACC requires additional information and documentation to perform its review of an application, as described elsewhere herein, such application shall not be considered complete until such additional information and documentation is received, and the ACC may not review such application until the requested additional information and documentation is submitted to the ACC.

- If an Owner fails to submit such additional information and documentation within ten (10) days of the ACC's request, the Owner's application shall be automatically denied, and the Association shall send a denial letter as detailed below.

Please note that the ACC has thirty (30) calendar days from date of receipt of a complete application within which to respond. If additional information is required by the ACC, the thirty (30) day processing period will commence upon receipt of the additional information. Plans for the implementation of the proposed improvement(s) should allow for the time required to complete the approval process. However, every effort will be made to respond promptly.

In the event the ACC fails to approve or disapprove such application within thirty (30) days, such application shall be considered denied, and a denial letter will be sent as outlined below. Failure to respond on the part of the ACC does not imply permission to encroach on an easement or building line.

If an application is not approved, the ACC will state in their denial letter: the basis for the denial in reasonable detail and describe changes, if any, to the application or improvements required as a condition to approval; and, inform the Owner that they may request a hearing on or before the thirtieth (30<sup>th</sup>) day after the date the disapproval notice was mailed or delivered to the owner. The Board of Directors shall have the final authority over all actions taken by the ACC.

If a project is partially started or completed and the ACC denies the application, the entire cost of removing the work or modifying the project for acceptance is wholly borne by the Homeowner.

No ACC member can approve his/her own exterior modification application. Such ACC member should be excluded from vote.

Please note that ACC approval is required prior to the installation or construction of any improvement and/or exterior modification. If an improvement is made without ACC approval, the Board of Directors for Brightwater Homeowners Association, Inc. has the legal right to enforce its removal.

Should a Homeowner have a complaint regarding a violation, write the ACC. All complaints will be handled in the same manner discussed under Application Procedure.

## **5.0 Easements**

The ACC cannot approve any application if there is an encroachment on an easement until the homeowner provides a Consent for Encroachment or re-submits revised plans. Any non-portable structure on an easement is considered permanent, and thus an encroachment. Homeowners must secure a Consent to Encroachment or a Release of Easement from all affected utility companies. If a Homeowner's plans show an encroachment, a Consent for Encroachment must be obtained before applying to the ACC, or the application will be rejected. If an aerial easement exists on the lot, the utility company may permit the homeowner to place a permanent structure in the easement, if the structure is not higher than the aerial easement. To be on the safe side, Homeowners should discuss it with them first and/or obtain a property survey to confirm easement boundaries and restrictions.

Approval by the ACC of any encroachment of an easement shall not serve as an amendment or change of that easement and shall not create liability through the ACC; any encroachment upon such easement shall be at the sole risk and expense of the homeowner.

Any Homeowner requesting a replacement bulkhead on a Waterfront property must also complete the necessary documentation for a variance from the Municipal Utility District #42. (see 1.6.11)

## **6.0 Variances**

Each application is considered on its own merit and the ACC may grant a variance from these guidelines or the Declaration if, in the sole discretion of the ACC, the circumstances warrant. Variances will be granted in writing only, and when given, will become part of these guidelines to the extent of the lot(s) involved. Because a variance may have been granted in one instance does not mean that improvements of a similar nature need not be applied for. Unless the guidelines amended and reissued, applications for improvements must be submitted, regardless of any variances previously granted.

## **7.0 Inspection**

All improvements are subject to inspection by the ACC, with either a physical visit to the property and/or review of required improvement photos submitted online or included in written applications. Subsequent inspections can be performed to ensure the modification matches the approved EMR application.

## **8.0 Compliance/Non-Compliance**

As stated earlier, these guidelines include all relevant stipulations from the Declaration, but also include many more supplementary details and restrictions that have been approved by the Board of Directors. Since the guidelines (with their additional restrictions) were released a few years after the Declaration, an equitable process must exist to ascertain compliance/non-compliance with both documents.

The Declaration was in existence prior to any home building in Brightwater. It is expected that all residents will comply with the restrictions and requirements specified in that document. This includes the requirement to file an application for approval to the ACC for all improvements, conditions or restrictions specified in the Declaration.

Home improvements built prior to the approval and adoption of these guidelines must, as stated above, comply with the restrictions of the Declaration, but will not be required to be in compliance with any of the additional restrictions or details which are not specified in the Declaration. Home improvements built

subsequent to approval and adoption of these guidelines are expected to be in full compliance with all provisions of the most current release of these guidelines.

Homeowners shall comply with all applicable restrictions and shall observe the filing requirements for any improvements. A homeowner is not in compliance if: 1) an improvement was made that is/was prohibited at the time of the improvement; 2) an improvement was made, and an application was not filed with the ACC; or 3) an improvement was made that is not consistent with the ACC's approval letter.

Unapproved and/or prohibited improvements are subject to removal or modification at the homeowners expense, unless a variance is granted. Homeowners should apply to the ACC for any outstanding unapproved improvements.

## **9.0 Enforcement**

The Declaration provides, as follows:

The Association, or any Homeowner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereinafter imposed by the provisions of this Declaration. Failure of the Association or any Homeowner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

## **10.0 Complaints**

Homeowners are encouraged to help maintain the beauty of Brightwater. To this end, all residents have an obligation to conform to the Declaration and architectural guidelines and to ensure non-complying improvements get corrected. Should a Homeowner have a complaint regarding a violation, they can write to Crest. All complaints will be handled in the same manner discussed under Application Procedure.

## **11.0 Controlling Documents**

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

These Architectural Control Guidelines are designed to supplement the Declaration. These Architectural Control Guidelines do not, in any form or fashion, grant, allow, or authorize, any deviation from the deed restrictions, rules, regulations, and requirements, of the Declaration. In the event of any inconsistency between these Architectural Control Guidelines and the Declaration, the Declaration shall prevail.

## GUIDELINES

### 12.0 Buildings

- 12.1 A “**building**” is defined as the main residence situated on a lot and includes any bonified additions such as garage. It does not include any structure not attached such as a storage shed, gazebo or playhouse/fort.
- 12.2 A “**detached garage**” shall refer to a garage which is a free-standing building, and which does not share a common wall with the residence, although it may be connected to the residence by a covered walkway and may architecturally treated to appear to be a part of the residence building rather than a separate structure.
- 12.3 No improvements shall be constructed on the Lot other than one single family residential dwelling, not to exceed two and a half stories in height, a detached garage, or an attached garage for no less than two (2) full sized vehicles. The garage shall not exceed the main dwelling in height.
- 12.4 **Lot Coverage.** Maximum building site coverage (exclusive of patios, decks, terraces, swimming pools, driveways and sidewalks) is not to exceed (50%) percent of Lot square footage.
- 12.5 **Location of Buildings:**
- 12.5.1 No building shall be located on any Lot nearer to the front Lot line or nearer to the side street line than the minimum building set back lines show on the Plat and the minimum setbacks required by Missouri City, Texas. No building shall be located nearer to a side, rear or interior Lot line allowed by Missouri City, Texas.
- 12.5.2 No main residence building, detached garage, nor any part thereof shall encroach upon any utility easement or be built closer to a street or property line than a building or setback line, as noted on the property survey.
- 12.5.3 Eaves, steps and open porches shall not be considered a part of the main residence building, provided, however that this shall not be construed to permit any portion of a building to encroach on any other Lot. For the purposes of this Declaration, the front of each Lot shall coincide with and be the property line having the smallest or shortest dimension abutting a street.
- 12.6 **Waterfront Property.** The following restrictions shall apply to portions of the Property abutting any Waterway (as defined in the Declaration):
- 12.6.1 No construction, filling or dredging shall be allowed within the boundaries of any lake, canal, or Waterway without the prior written approval of the Declarant.
- 12.6.2 Neither the Association, nor any of their officers, directors, shareholders, agents or employees, shall be liable to any Homeowner or any occupant of a residence, or



any person upon or using any Waterway for any personal injury, including death, property damage or any other claim caused by or resulting from the Waterway, or the use of any Waterway by any person, or the use of any facilities which are located or constructed in or upon or used in connection with such Waterway.

- 12.6.3 No slips, excavations or dredging shall be made to any Waterway without the prior written approval of the Board of Directors.
- 12.6.4 Nothing herein shall be interpreted to allow any use of a Waterway and it is expressly stipulated that all Waterways are excluded from the jurisdiction of the Brightwater Homeowners Association.
- 12.6.5 No piers or other construction shall be allowed on, or extending from, a bulkhead into a Waterway, but decks that are constructed on a Lot on top of the bulkhead that do not penetrate the vertical plane of the bulkhead shall be allowed subject to the approval of the plans for the same by the Board of Directors, and (b) the appropriate written Consent for Encroachment of the Bulkhead and Utility Easement. In addition, Decks must conform to the Guidelines outlines in Section 8 (Decks) and must be landscaped to prevent the appearance of a dock or pier.
- 12.6.6 No boat trailers, travel trailers, inoperative automobiles, campers or vehicles of any kind shall be stored or constructed to be visible from a Waterway except boats, canoes, or other watercraft that are fully constructed, properly maintained and kept in a good state of repair and are intended for use in the Waterway.
- 12.6.7 Without the prior written approval of the Brightwater Homeowners Association, no trees or other deeply rooted vegetation shall be planted within ten (10') feet of a bulkhead; no willow trees shall be planted within twenty-five (25') of a bulkhead; and no chemicals, fertilizers, or weed and insect poisons will be used within ten (10') feet of a Waterway.
- 12.6.8 No structures except swimming pools including spas, hot tubs, and Jacuzzis and pool related landscaping structures, decks and fences shall be constructed on Lot within sixteen (16') feet of a Waterway. No pump, swimming pool spa, hot tub or Jacuzzi shall draw water from, or discharge, or drain into a Waterway.
- 12.6.9 No fence of any type (whether across a Lot or along either side of a Lot) shall be permitted within sixteen (16') feet of a Waterway except a steel picket fence or wrought iron not more than six (6') feet tall, and no vegetation or plants shall be permitted to grow more than six (6') feet tall along a fence within sixteen (16') feet of a Waterway. A wood fence may be placed beginning at a point which is sixteen (16') feet or more away from the Waterway.
- 12.6.10 The rear yards shall be fully sodded. Artificial turf is acceptable in rear yards, but not seen from the street or waterway. Artificial turf installation must follow all drainage requirements and should not encroach on neighboring lots. The Lot Maintenance requirements in the Declaration shall apply to the rear yards. All playground equipment contained in the rear yards must also be maintained in a neat and attractive manner.

- 12.6.11 The material used to maintain or repair a bulkhead must be similar to the existing material to conform with the existing aesthetics. If the bulkhead being maintained or repaired is currently a wood timbered bulkhead, the ACC Committee will determine if the maintenance/repair is so extensive as to require complete replacement. If complete replacement is required, see (1.6.12) below. Any maintenance or repairs to a bulkhead must be approved in advance by the ACC. (Please contact Crest Management Company for Municipal Utility District (MUD) #42 Bulkhead Packet).
- 12.6.12 When constructing a new replacement bulkhead, it must be constructed using structural vinyl sheet piling. It may be constructed “in place” but must properly and securely attach to neighboring bulkheads. It also may be constructed on the lake side of the existing old bulkhead. If constructed on the lake side of the old bulkhead, it cannot extend more than eighteen (18”) inches past the existing bulkhead centerline and an Easement must be obtained from the Fort Bend County Municipal Utility District #42 with documentation included in the EMR application. Any new replacement bulkhead must be approved in advance by the ACC prior to construction commencement.
- 12.6.13 No excessive concrete will be allowed on lots with waterway frontage. Walkways and enlarged patios will be subject to review and approval by the Committee.
- 12.7 **Garages.** Each Lot shall be served by an enclosed garage large enough to provide parking for a minimum of two (2) vehicles, but no more than three (3) vehicles. Garages may be attached, or detached, from the residence. In Brightwater Estates, no driveway shall be closer than three (3’) feet from any side property Lot line. In all other areas, no driveway shall be closer than one foot (1’) from any side property Lot line. Hook-in or front-loaded garages are especially appropriate on sites where it is desirable to maintain view corridors for adjacent properties. Where a detached garage is placed at the front of a home, the garage door shall face the side lot line, which is the farthest away from the garage door, and the side of the detached garage will be treated like a front elevation. Each detached, or attached, garage will either face upon the front Lot line, the rear Lot line, or face upon a line drawn perpendicular to the front Lot line. Detached garages facing the side street on corner Lots may face the street parallel to the side property line. Notwithstanding the foregoing, upon approval of the Declarant, any detached garage located more than sixty-five (65’) feet from the front Lot line shall not be required to face upon said front line or line drawn perpendicular to the front Lot line. Driveway access will be provided from the front of all Lots, except that such access may be provided to corner Lots from a side street, but not from Brightwater Drive. For corner Lots with Brightwater Drive as one of the streets, the garage must be on the far side of the house from Brightwater Drive. Garages shall correspond in style, color and architecture to the main residence. Each Homeowner shall keep all doors to the private garage closed at all times except when persons or vehicles are going into, or out of, such garage. Garages shall be used only for passenger cars and other vehicles, including boats on trailers, which are of a type and size as will allow the door or doors of the garage to be shut completely with such vehicle or trailer inside. All driveways on Lots which have one side on Brightwater Drive shall be located on the side of the Lot farthest from Brightwater Drive, except for those Lots with a boundary on the radius of a cul-de-sac. Garage doors will only be accepted with applied custom wood siding or metal panels. No Masonite, glass or plywood paneled doors will be accepted. Porte-cochere will be accepted only when the garage door is set back six (6’) feet from the front corner of the living area of the house adjacent to the garage. The porte-

cochere shall not extend more than two (2') feet from the front corner of the living area of the house adjacent to the garage.

12.8 **Masonry and roof requirements.** The exterior finish of each Residential Unit shall be at least seventy-five (75%) percent brick, stone or other masonry around the outside perimeters of the ground floor. However, in computing such percentage, the garage shall be excluded. The variety and number of primary exterior materials should be held to a minimum. The maximum number of exterior materials allowed is three. Stone veneer must complement the style of the architecture employed and conform to the color scheme of the immediate neighborhood.

12.9 **Roofing Materials.** All buildings shall be roofed with composition shingles unless otherwise approved in writing by the Association.

12.9.1 Wood and aluminum simulated shingles are specifically prohibited.

12.9.2 Composition shingles must weigh at least 230 pounds per square and have a stated warranted of at least 25 years. Shingles must have a laminated design. Three-tab shingles are specifically prohibited except for use as a starter and cap rows.

12.9.3 Acceptable colors are neutral earth tones, classic black, or shades of brown or gray, including the industry option of weathered wood.

12.9.4 Ridge vents are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.

12.9.5 All roof protrusions, such as vents, roof jacks, should be painted to match the shingles.

12.9.6 Subject to Section 1.9.7 below and with advance written approval from the Association, a Homeowner may install shingles ("Alternative Shingles") which are designed primarily to:

12.9.6.1 Provide heating or cooling efficiencies greater than traditional composition shingles; or

12.9.6.2 Provide solar energy capture capabilities; or

12.9.6.3 Provide greater resistance and to wind and hail damage.

12.9.7 Once installed, any such "Alternative Shingles" must:

12.9.7.1 Resemble the shingles used or authorized to be used on other structures with the Association;

12.9.7.2 Be more durable than and of equal or superior quality to the shingles used or authorized to be used on other structures within the Association;

12.9.7.3 Match the aesthetics of properties surrounding the Homeowner's property.

- 12.10 **Roof Penetrations.** Roof vents, utility penetrations, or other roof protrusions shall not be visible from the front side of roof. Generally, skylights should not be visible from the front street. An exception would be skylights that are part of the architectural style of the house and are used to enhance that style. In such cases, the ACC Committee will determine their appropriateness.
- 12.11 **Gutters and downspouts.** Gutters and downspouts, if used, should be strategically placed to minimize their visibility to the front street. Preferably, downspouts should occur only at the rear and sides of a home. Placement on the front elevation should be avoided as much as possible but may be used to avoid water runoff at front entrances. Gutters and downspouts must match or be very similar to the color of the surface to which they are attached. Downspouts must be installed vertically and in a simple configuration. All gutters and downspouts must be installed so water runoff does not adversely affect adjacent properties. It is recommended that downspouts be buried or hidden in plant materials at the point where extensions carry water away from the building. For safety reasons, water runoff should never be directed directly into sidewalks.
- 12.12 **Wind Turbines.** Wind turbines installed on house and garage roofs must not be visible from the street and must be the same or similar to the roof color.

### 13.0 Outbuildings

- 13.1 An “**outbuilding**” is defined as any structure which is not attached to the main structure. This definition does not include bona fide additions to the main residence or garages, but does include storage sheds, gazebos, and playhouses/fort. All outbuildings should only be constructed in the rear of the backyard.
- 13.2 The colors should match or blend with the predominant exterior colors of the main residence.
- 13.3 Materials should match those of the main residence in both size and color; however, the ACC will consider small, prefabricated metal storage buildings providing the color blends with the main residence.
- 13.4 Storage sheds should have a peaked roof, no higher than ten (10’) feet from the ground to the highest point, and a maximum of ten by twelve (10’ x12’) feet of floor space. The structure must be kept a minimum of five (5’) feet off any property line and distance from side fence will be determined based on visibility from the street in front of the lot. Location must also be far enough away from the fence to allow for drainage to occur entirely on the Homeowner’s lot.
- 13.5 Any storage building placed on concrete slab on top of utility easement will require a letter of Consent to Encroach as it will not be considered portable. If a storage building is on utility easement but is not on a slab and can be moved, the ACC will consider it as portable.
- 13.6 No storage building can be built up against any side or rear wall of a home unless its maximum height is less than six (6’) feet, and it is not visible above the fence. It must also comply with all the other requirements for proper construction, size and location.

- 13.7 If the storage building is less than six (6') feet tall, it may be placed inside yard provided five (5') feet minimum set back is observed.
- 13.8 A playhouse/fort must not have a roof higher than ten (10') feet. If a fort has platform, then the platform can be no higher than six (6') feet off the ground. Neither is it to be within five (5') feet of any property line and must be placed at the rear of the property, behind a fence or otherwise screened from public view from any Street abutting the Lot.
- 13.9 A freestanding gazebo must be at least six (6') feet away from the house. The gazebo, at the peak of the structure, must not be higher than ten (10') feet and must be five (5') feet away from any property line. If the roof is shingled, it must match the house shingles.
- 13.10 No tether pole, play net or any other recreational facility shall be erected on any Lot in a location that is visible from the front of the Lot or from the street abutting the Lot, except for basketball goals that are maintained in good condition.
- 13.11 A screened enclosure shall be no higher than twelve (12') feet and shall not create a domed or arched appearance.

#### **14.0 Basketball Goals**

- 14.1 Must be mounted on garage or placed on the side of the driveway, as far to the rear of property as possible.
- 14.2 Basketball goals may not be erected beyond the front building line.
- 14.3 If the backboard is mounted onto the roof by use of a mounting structure, the mounting structure must be painted to match the roof shingle color.
- 14.4 The basketball goal backboard, net and post must be maintained in usable condition and kept in acceptable appearance.
- 14.5 Basketball goals not maintained will be required to be removed.
- 14.6 Only one basketball goal per lot will be permitted.
- 14.7 Portable goals that are commercially manufactured are allowed in accordance with the foregoing guidelines.
- 14.8 Must be located so that errant or stray basketballs do not allow play in adjacent neighbor's yards.

#### **15.0 Patio Covers**

- 15.1 Should be constructed of material which complement the main structure.
- 15.2 Prefab covers made of aluminum may be approved providing they are of a color that substantially matches the house trim color. Unfinished aluminum will not receive ACC approval. All metal must be painted. Certain structures using wood framing may be

allowed to go unpainted provided treated or insect resistant wood is used.

- 15.3 If attached to house, must be integrated into existing roof line (flush with eaves) and if it is to be shingled, shingles must match roof. Entire patio cover and posts should be trimmed out to match house. Supports must be brick, painted wood, or metal columns. No pipe is allowed.
- 15.4 At no time, however, shall a shingled roof be allowed with an unpainted frame. Frame will have to be painted to match trim of house whether treated or untreated wood is used.
- 15.5 Patio construction materials are as follows:
  - 15.5.1 Painted aluminum (to match trim of house).
  - 15.5.2 Painted wood (to match trim of house).
  - 15.5.3 Treated wood or naturally rot- and insect-resistant woods (such as cedar and redwood) may be used. Staining or painting is not required. All other woods must be painted or stained to match trim of house.
  - 15.5.4 Clear plastic, clear corrugated covers, or properly painted aluminum covers may be permitted if the cover is screened from view from the street. All patio cover material i.e., corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.
  - 15.5.5 If canvas is used as roofing material on a patio cover, the structure must be located where it is not visible from the street. Also, the canvas must be kept in good condition, or its removal will be requested by the ACC. The color of the canvas cover must compliment the color of the house with preference to earth tones. The canvas cover color must be approved by the ACC.
- 15.6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 15.7 Patio covers must be situated on the lot to provide drainage solely onto the Homeowner's Lot. If a proposed patio covers location is less than five (5') feet away from a side lot line and has a solid cover, the ACC will require that it be guttered with downspouts.
- 15.8 Maximum height at the peak of the roof is twelve (12') feet.
- 15.9 For screened enclosures, see Section 2.11

## **16.0 Room Additions**

- 16.1 Exterior materials and colors should match the house as much as possible.
- 16.2 Detailed plans must be submitted to the ACC.

- 16.3 Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 16.4 On individual basis. Size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. Plans for room additions must show room size in proportion to room dimensions of the residence. Roof of addition must integrate with the existing roof line to appear to have been part of the original house. Room additions cannot exceed one-third (1/3) of the remaining back yard, but may be denied for other reasons, e.g., structural integrity, architectural suitability, etc., even if it only uses one-third (1/3) of the remaining yard.
- 16.5 Additions must comply with lot coverage restrictions as set forth in the Declaration.
- 16.6 Building permits as required by the municipalities (city, county, etc.) must be submitted with the application. In some instances, the ACC will 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.
- 16.7 Balconies must be approved prior to construction.

## **17.0 Exterior Painting**

- 17.1 Even if a Homeowner intends to paint in accordance with an original color scheme, or to rebuild in accordance with original plans and specifications, an application must be submitted, and no work begun until approved by the ACC. Additionally, no material on the exterior of any building or other improvement - wood, hardboard, brick or stucco - shall be stained or painted without the prior approval of the ACC.
- 17.2 Painting Brick - Brick is porous; requires special attention when it comes to painting. High-quality masonry paint that protects and preserves the brick surface is highly recommended. Painted brick should be maintained and may require repainting on a five-to-ten-year interval, based on the quality of the paint job and the extent to which moisture naturally penetrates brick. Colors are limited to neutral muted earth tones, shades of off white, tan and gray. Bright primary, pastel, bright white and black are not allowed. Colors must fall within the LRV range (30%-68% Light Reflective Value). Trim color, gutters, downspouts, etc. must be painted to coordinate with the overall color palette of the home.  
  
Color changes must be approved by the ACC. Color of brick used in house and color of neighboring houses are considerations.
- 17.3 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.
- 17.4 Wood siding and trim should generally stay within the earth tone color family (i.e., black, brown, tan, beige or gray); no primary colors such as blues, reds, greens or yellow are permitted. Soft and muted earth tone pastel colors are acceptable. The use of white is also permitted.
- 17.5 Extremely bold colors, primary colors, red, yellow, blue or green pastels are prohibited. The variety and number of exterior colors on each house should be held to a maximum of

three, not inclusive of brick or front door color.

- 17.6 Front doors must be maintained. They may be stained, a natural wood color, or painted the same color as the house trim. Bright colors such as red, yellow or blue are not permitted. Other paint colors may be approved on a case-by-case basis.

## **18.0 Storm Windows and Storm Doors**

- 18.1 The frames of storm windows and storm doors must be of a color compatible with the exterior house colors and/or general use and appearance of the house. All storm doors must be a full glass door. No screen doors are allowed. Mechanical roll-down storm window boxes, if utilized, must match the window frame color of the house.

## **19.0 Decks**

- 19.1 If wood is used, see Section 4.5.3.
- 19.2 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 19.3 Decks should not be situated on a Lot if they pose a problem to the effective drainage of the Lot or a neighboring Lot.
- 19.4 Decks cannot be higher than eighteen (18") inches.
- 19.5 Decks may only be constructed in the backyard.
- 19.6 It is recommended that decks be built with support posts of sufficient size or detail so that knee braces are not required.
- 19.7 If a railing is required, a simple vertical picket or horizontal board railing built in a vertical plan is preferred. Other simple and straight forward designs are permitted.
- 19.8 If stairs are part of the deck design, the stair railing must match the deck rail. If possible, stairs should be included within the mass of either the deck or the house.

## **20.0 Swimming Pools and Spas**

- 20.1 No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Decking encroachment also requires a consent agreement. Consents must be received prior to approval.
- 20.2 Ideally, any pool or spa should be located at least five (5') feet from a side and rear lot line to maintain proper drainage on the Lot. However, a minimum of three (3') feet will be allowed in certain instances. The pool must meet all building line and easement restrictions on the recorded plat. All pools may only be constructed in the backyard.



- 20.3 All private swimming pools and spas shall be completely enclosed by a “Swimming Pool Enclosure.” “Swimming Pool Enclosure” shall mean a fence that:
- 20.3.1 Surrounds a water feature, including a swimming pool or spa;
  - 20.3.2 Consists of transparent mesh or clear panels set in metal frames;
  - 20.3.3 Is not more than six feet in height; and
  - 20.3.4 Is designed to not be climbable.
- 20.4 All “Swimming Pool Enclosures” must conform to applicable state and local safety requirements.
- 20.5 All “Swimming Pool Enclosures” in the Subdivision must completely surround the relevant water feature.
- 20.6 “Swimming Pool Enclosures” may consist of black transparent mesh set in black metal frames, or clear panels set in black metal frames. However, alternative materials and styles of “Swimming Pool Enclosures” may be considered by the ACC on a case-by-case basis if in harmony with surrounding structures and compatible with the architectural design and appearance of the subdivision.
- 20.7 Above ground pools are not permitted. However, above ground spas, Jacuzzis or hot tubs are allowed provided they are screened from public view by landscaping or a privacy fence; otherwise, must be part of a deck system or skirted.
- 20.8 Pools are to be drained to the street and into the storm drain system. They are not to be connected to, or drain into, the community’s sewage drain system. Minimum white schedule – 40 PVC pipe is to be used for pool drain.
- 20.9 All new pools are required to be inspected for proper water connections and drains. Contact the area manager for Quail Valley Utility District, the operator of Fort Bend Municipal Utility District No 42’s water and sewage systems at 281-499-5539.
- 20.10 Yard drains must also be of white schedule – 40 PVC pipe.
- 20.11 If any pool or spa construction uses access to the backyard over or through: (1) a landscape area maintained by the Association; or (2) a sidewalk; then either the Homeowner or pool contractor must deposit up to \$2,500 with the Association. The \$2,500 will be returned only; (1) if there is no damage to the landscape area or sidewalk; or (2) any damage is repaired to the satisfaction of the Association. The Association may retain all or any portion, of the \$2,500 deposit depending on the extent of the damage as determined by the Association.
- 20.12 For screened enclosures, see Section 2.11.
- 20.13 Where lots back up to an area that prohibits opaque fencing (i.e., waterfront lots) and a pool/deck is desired, an additional opaque privacy screen may be used. If a privacy screen is used, it must set back sixteen feet (16’) from the rear property line and should not be taller than six feet (6’) in height. The length of privacy fences may vary but must never

exceed thirty feet (30'). The privacy fence must be of masonry or wood construction with the finished side facing the public view.

- 20.14 All pools must be concealed from view of the front street and side street, if applicable, either by wood fence or dense shrubbery along wrought iron type fence.

## **21.0 Solar Panels/Screens/Film**

- 21.1 The ACC will only approve solar panels which blend in with the roof shingle color. Solar panels are permitted on any side of the roof with the understanding the south-facing side is optimum for performance.
- 21.2 Parabolic solar collectors which are not mounted so as to be flush with the roof will not be approved.
- 21.3 Solar panel frames should be bronze or black in color in order to best blend in with the shingles. All unfinished aluminum must be painted the color of the roof shingles.
- 21.4 No solar panel should be mounted so that it extends above the roof line.
- 21.5 Solar panels mounted on stands are not permitted.
- 21.6 Solar screens are allowed on windows only if they blend with the brick or roof color.
- 21.7 Colors and manufacturers must be acceptable to ACC for other screens and panels.
- 21.8 Solar window film must be non-reflective type.
- 21.9 Samples of window film must accompany each application.

## **22.0 Antennas/Satellites**

- 22.1 No exterior antennas of any type shall be erected, constructed, placed, or permitted to remain on any house, structure, improvement or building unless such antenna is located to the rear of the roof ridge line, gable or center line of the principal building. Satellite dishes and other apparatus used for sending or receiving communication signals are subject to approval by the ACC.
- 22.2 Freestanding antennas including, without limitation, satellite dishes approved by the ACC must be located behind the rear wall or to the side of the main improvement or building structure and must be screened from view by installation of approved fencing or other screening devices, excluding TV antennas. Any non-satellite antenna used for the purposes of local broadcasting that a Homeowner wants to install, must be located inside the house/attic or garage.
- 22.3 No antennas, either freestanding or attached, shall be permitted to extend higher than the roof peak of the structure on which erected, nor shall be erected on a wooden pole.

### 23.0 Fences, Fence Extensions, Walls and Hedges

- 23.1 With the exceptions cited below, any fence, wall or hedgerow intended for the purposes of privacy and/or security shall be no greater than six foot, six inches (6'6") and shall be no nearer to the front property line of the Lot which it serves than the building line, which is closest to the property line, subject to the following exceptions:
- 23.2 All proposed fences must be approved by the ACC. Also see Section 1.6.9.
- 23.2.1 Any painting, staining or varnishing of fence must be approved by the ACC. Acceptable colors for fences are natural wood colors; red or orange tints are not permitted.
- 23.2.2 Any wall, fence or hedge erected on a Lot shall pass ownership with title to the Lot and it shall be Homeowner's responsibility to maintain and wall, fence, or hedge thereafter.
- 23.2.3 Wing walls must be a minimum of three (3') feet back from the corner nearest the side Lot line, whether the material used in the wing wall is brick, wood or steel picket.
- 23.2.4 If wood fences are constructed so that reinforcing is visible on one side and not the other, then for all corner Lots, or Lots which are adjacent to designated reserve area, the side with reinforcing visible shall face the interior of the lot and the side without reinforcing visible shall face the perimeter of the Lot. All other wood fences shall be "good neighbor" fences (i.e., alternate every 6-8' the visible reinforcing).
- 23.2.5 A fence, wall or hedgerow intended to serve an aesthetic purpose may be located outside the limits defined by building lines on any street frontage of any Lot, provided that it does not exceed four (4') feet in height.
- 23.2.6 Fence, wall or hedge extension requests should be submitted by both neighbors sharing the side lot line and fence, wall or hedge except in the case of a corner Lot. If a Homeowner is taking ownership of the project, written consent from the neighbor must be added for submission to Crest Management/ACC as a part of the application.
- 23.2.7 No fence, wall or hedge may extend so as to encroach across the recorded front building line, or the recorded front building line of an adjacent house and may never extend beyond the actual front building line.
- 23.2.8 If both neighbors do not concur as to a proposed fence, wall or hedge extension, the ACC will examine the effect the extension will have on both properties. If one party will suffer detrimentally from the extension (e.g., and existing sight line will be blocked), the ACC will reject the application.
- 23.2.9 All corner fences and fences which face a restricted reserve must be installed smooth picket side out.

- 23.2.10 Replacement or repairs of fences, walls or hedges must be made with similar materials and construction details as used in original fence, wall or hedge. Replacement with any other material must be approved by the ACC.
- 23.2.11 No chain link fence type construction will be permitted on any Lot.
- 23.2.12 Fences must be maintained in good condition.
- 23.2.13 No fence shall be constructed to cross side building lines and join one or more houses. This provision is intended to prohibit the appearance of continuous fencing across the front of a Lot.
- 23.2.14 On a Lot that has frontage on a water body, or Oyster Creek, metal/wrought iron fencing must be used along all rear yards and partially on a side property lines (last sixteen feet (16') from rear property line). Metal/wrought iron fences in rear and partial side yards of waterfront Lots and Lots which back up to Oyster Creek must be a least four feet (4') in height and must be made of the same material for the same neighborhood section.
- 23.2.15 Metal/wrought iron fencing is designed to allow view through a Lot from adjoining properties. These fences should be as unobtrusive as possible, blending into the neighborhood landscape and thus providing a uniform, open and consistent appearance along the green belts, water bodies and/or Oyster Creek.
- 23.2.16 The maximum height for metal/wrought iron fencing in other applications is six (6') feet.
- 23.2.17 At the point where the metal/wrought iron or solid fencing on side yards of waterfront lots, or Lots which back up to Oyster Creek, is to meet the fencing, the metal/wrought iron fence shall maintain its height and simply come up to the taller fence at that point. This metal/wrought iron fence. As mentioned previously, is required at the rear sixteen feet (16') of the side property line and all the rear property lines of waterfront lots, or Lots which back up to Oyster Creek.
- 23.2.18 Where pedestrian gates are proposed, they must be constructed of a durable material which is compatible to its respective fence type. Where a metal fence is proposed, care should be taken to ensure that the gate does not provide views into any unsightly areas. Such areas must be screened from public view.
- 23.2.19 The appearance of single-family dwellings must be maintained. The removal of fences or any improvement or alteration that lends itself to a communal or compound appearance will not be permitted.

#### **24.0 Construction/Installation of Perimeter Fences**

- 24.1 Any security perimeter fence to be installed at or behind the front building line (and as to corner lots, the front and side street building lines) must meet all Association requirements in its dedicatory instruments relative to materials, height, location and appearance for privacy fencing.

- 24.2 Any security perimeter fences to be installed forward of the front (or side street) building line shall be:
- 24.2.1 Constructed only of wrought iron measuring at least five feet (5') in height but not exceeding six feet (6') in height;
  - 24.2.2 Painted or otherwise coated black and matte finish;
  - 24.2.3 Pickets shall be three-quarter in (3/4") pickets spaced four inches (4") apart;
  - 24.2.4 Decorative elements and embellishments of any type are prohibited on security measure fencing;
  - 24.2.5 Chain link, brick, concrete, barbed wire, razor wire, vinyl, electrified fencing of any type and metal panel fencing is expressly prohibited;
  - 24.2.6 No landscaping, hedge, bush, vines, greenery or other vegetation shall be planted adjacent to or allowed to grow on security measure fencing;
  - 24.2.7 Fencing cannot be installed across sidewalks; and/or to enclose sidewalks. If a sidewalk is located within the perimeter of a Lot, the fencing must be located on the residence side of the sidewalk. No fencing shall be installed in any manner that would prevent someone from accessing property that they have a right to use/access;
  - 24.2.8 Fencing shall be always kept in good condition and repair, so as not to detract from the overall appearance of the property.

## **25.0 Decoration/Flag Poles/Burglar Bars**

- 25.1 On front lawns of Lots and on any portion of a Lot visible from any street there shall be no decorative appurtenances placed, such as sculptures, birdbaths, birdhouses, permanently affixed flag poles, fountains, or other decorative embellishments. Christmas, holiday or other festive decorations of a temporary nature are exceptions. Decorations must be removed within four (4) weeks after the calendar date of the holiday.
- 25.2 On front lawns of Lots and on any portion of a Lot visible from any street, potted plants may be used on a limited basis. No more than two (2) pots on the front porch, against the garage and/or incorporated into the landscape (if being used as an integral part of the landscape décor). Plastic pots are prohibited. Decorative pots must be compatible with the home and always contain live plant materials. Artificial plants and topiaries are prohibited.
- 25.3 Burglar bars over windows are generally prohibited and must be submitted to the Committee for consideration. Approval must be granted prior to installation. Burglar bars and gates must be in harmony with the design of the home. If approved, any burglar bars must follow the paint guidelines, Section 6.4. Interior burglar bars that are visible from the street, must also be applied for.

- 25.4 Address numbers on the house should be visible at street level and not obscured by landscape shrubbery.
- 25.5 Permanently affixed flag poles are prohibited. For temporary use, bracket-mounted flags placed near the front entry of the home may be permitted.
  - 25.5.1 Temporary and/or bracket-mounted flags must be either the flag of the United States of America or the flag of the State of Texas.

## **26.0 Exterior Cameras**

- 26.1 Cameras must be placed only on a Homeowner's property, and not on any right-of-way, public sidewalk or street, common area or property which is owned and/or maintained by the Association.
- 26.2 Cameras may be installed on the exterior of private homes only. Such devices shall be compact in size and as obscured from view as possible so as not to detract from the appearance of the home.
- 26.3 Installation of such devices in/on trees, poles, tripods, free-standing poles and/or similar items is not allowed.
- 26.4 Cameras should be angled such that the camera does not observe or record the private property of others.
- 26.5 Cameras must be maintained in like new condition and all camera wires must be installed out of public view.
- 26.6 The Association is in no way responsible for any use of recorded materials, improper camera placement, nor the invasion of privacy.

## **27.0 Exterior Lighting**

- 27.1 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring homes. High energy-efficient LED lighting is preferred. Solar is also accepted.
- 27.2 Exterior decorative lights, security lights or floodlights must be aimed so as not to shine onto a neighboring property. The fixture color and shielding should be compatible with the building. Conduits and wiring must be concealed.
- 27.3 Low voltage landscape lighting must receive ACC approval prior to installation. High energy-efficient LED lighting is preferred, and fixtures must be directed downward when installed on/or into soffits, eaves, porch overhangs or decks.
- 27.4 LED, security, mercury vapor, solar, or fluorescent lights, installed in the back of the house or the garage must ensure the light is not directed toward the street or neighboring houses. Mercury vapor, fluorescent, and sodium halide are not permitted in back or side yard if there are neighboring houses. If none, a variance may be granted, or if affected neighbors

approve.

- 27.5 Gas or electric post lights may be in front or back of house. Such lights must be no taller than eight feet (8') in height and the illumination must be a low wattage. The color of the post shall be selected to complement or harmonize with the colors of the other materials on the house. This means that the color should generally stay within the earth tone color family (i.e., black, brown, tan, beige or gray; no blues, reds or yellows).
- 27.6 Exterior lights must not affect overall aesthetic appeal. The type, color and quality of all exterior site and house lighting must be consistent with other existing lights on the property and in the neighborhood of the respective house.
- 27.7 Colored lighting of any sort and the use of fluorescent and neon lighting is prohibited (except during recognized holiday seasons when such lighting is permitted). Mercury vapor lights, when used for special landscape lighting effects may be permitted as long as they are hidden from view and directed up a tree or down from a tree. Conduits and wiring must remain concealed from view of the passerby.
- 27.8 Architectural accent lighting is also permissible but must be from an incandescent, solar or LED preferred lighting source.
- 27.9 Proposed walkway lighting should be inconspicuous and of a bollard or dome light design. The lamp may be LED, solar or incandescent (100w maximum), quartz (75w maximum), metal halide (75w maximum), or fluorescent (25w maximum). All front walkway and driveway lights must be maintained in an upright position.

## **28.0 Outdoor Carpeting**

- 28.1 Can only be installed on rear porch or deck area.
- 28.2 Colors must match or complement house trim color.

## **29.0 Gates/Gate Covers**

- 29.1 Full wooden panel to match trim of house or existing fence.
- 29.2 No chicken wire, chain link or lattice.
- 29.3 Wrought iron and simulated iron gates are permitted but shall be painted black.

## **30.0 Bird Houses**

- 30.1 Maximum permitted eight of fourteen (14') feet.
- 30.2 If mounted on a pole, must be unobtrusive and painted to match trim color of house.

- 30.3 Must be placed not closer than five (5') feet to any property line and must be situated in the rear of the house.
- 30.4 Bird house and mounting structure must be maintained.

### **31.0 Landscaping**

- 31.1 General: Landscaping (defined as living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth, e.g., bark mulch, etc.) is generally not subject to ACC review and approval except in circumstances wherein such landscaping is intended to accomplish a structural objective, such as a hedge or a visual barrier, or is visually objectionable, not in harmony with the surrounding neighborhood, or is specifically referenced in the Declaration.
- 31.2 Trellises, window boxes, arbors, and permanent brick borders, must have ACC approval.
- 31.3 Landscape timbers and bricks without mortar do not need ACC approval unless they exceed a height of two (2') feet.
- 31.4 Landscape projects must consider the effect on drainage from resident property and adjacent properties.
- 31.5 No object or thing which obstructs sight lines at elevations between two (2'') feet and six (6') feet above the surface of the streets within the triangular area formed by the intersecting street lines and a line connecting them at points twenty-five (25') feet from the intersection of the street lines or extensions thereof shall be placed, planted or permitted to remain on any corner Lots.
- 31.6 Artificial plants, trees, shrubs, flowers, etc. are not allowed as part of the landscaping. Artificial turf is acceptable in rear yards, but not seen from the street or waterway. Artificial turf installation must follow all drainage requirements and should not encroach on neighboring lots.
- 31.7 French drains are allowed; they are underground drainage systems that move water away from the home and other areas. Installation must follow all drainage requirements and should not encroach on neighboring lots.
- 31.8 Each house must have two hardwood trees in the front yard per the Declarations. Replacement trees must receive ACC approval and should have a minimum trunk diameter of four (4'') inches measured at four (4') feet from the ground. Homeowners who have front yard areas considered too small to support a hardwood tree may petition the ACC for a deferral to allow only one (1) tree in the front yard.

### **32.0 Swing Sets**

- 32.1 Maximum height of eight (8') feet.



- 32.2 Location will be considered for neighbors' privacy, but not closer than five (5') feet to any property line and must be located to rear of house.
- 32.3 No swings are allowed in the front yard of a house.

### **33.0 Driveway Extensions/Sidewalks**

- 33.1 An application must be submitted for any driveway removal, addition or modification. Driveways, entry walks and sidewalks on each Lot may be constructed of concrete or any other finish approved by the ACC. If masonry material is approved, it must be compatible, not only with the home, but also with any other walkways or terraces on the Lot.
- 33.2 Placement of sidewalks may vary in the distance from the curb in order to save trees, however, any variance is subject to approval of the ACC. All other placement, width, materials and finishes must be to Missouri City specifications and approved by the ACC.
- 33.3 Width of driveways between the front building line and the street shall not exceed twelve (12') feet. Exceptions will be made for corner lots with side-out garages. The minimum driveway width allowed is ten feet (10') except where applicable city/county codes require otherwise.
- 33.4 The driveway turnout shall be constructed to specifications of Missouri City and in such manner as to provide an attractive transitional radius from the curb and gutter into the driveway entrance and shall prevent escape of drainage water from the street onto any Lots.
- 33.5 Asphalt driveways and sidewalks are specifically prohibited.
- 33.6 Any concrete spilled, poured or washed on a street must be immediately removed leaving the street clean and unstained.
- 33.7 Driveways must be maintained.
- 33.8 Painting a topcoat on driveways and sidewalks is not permitted.
- 33.9 All detached garage driveways shall have a minimum three feet (3') side lot setback between the driveway and the adjacent side property line, so long as the distance between the garage and the improvement on the adjacent lot is a least ten (10') feet.
- 33.10 If the garage is a front hook-in, or a front porte cochere (the garage faces the street but is set back seven feet (7') from the house) the driveway may be fifteen feet (15') wide. Any additional concrete pad request must be approved by the ACC.

### **34.0 Garage Conversions**

- 34.1 Conversions of garage for any reason are not permitted. Additions to be constructed above the garage must be approved by the ACC and include approved Missouri City permits.
- 34.2 Aluminum, sheet metal or fiberglass carports are not permitted.

- 34.3 Additional garages or carports are not permitted.
- 34.4 An application must be submitted for lean-to sheds, potting sheds or any other attachments to a garage. These attachments must meet the structural guidelines set forth in other sections of these Guidelines.

### **35.0 Window Air Conditioners**

- 35.1 No window or wall-type air conditioners shall be permitted to be used, erected, placed, or maintained on, or in, any building on any part of the Property.

### **36.0 Awnings/Window Shades**

- 36.1 Awnings are permitted on the side and rear window of a house and must complement the color and trim of the house. NOTE: Patio cover and awning rules should match in color requirement. In all cases, colors must match or complement the primary color of the house. The color selections of awnings must be in accordance with the Section 6 of these Guidelines. Once installed, awnings are to be maintained in excellent condition. Awning frames must be painted to match the trim or the dominate color of the house or be painted black.
- 36.2 Metal and wooden slat-type exterior shades are not permitted on the front of the house. All exterior shades must be approved by the ACC prior to installation. The color selections of exterior shades must be in accordance with the Section 6 of these Guidelines. After installation, they must be kept in excellent condition.

### **37.0 Signs/Advertisements/Billboards**

- 37.1 No signs, billboards, posters or advertising devices of any character advertising the Property for sale or rent, shall be erected or displayed to the public view on any Lot except for one (1) sign of not more than five (5) square feet, and the top main area plus bottom hangar area combined shall not be greater than eight (8) square feet.
- 37.2 The Association, Declarant, or its assigns, shall have the right to remove any signs, advertisements, billboards, or structures placed on any Lot and, in doing so shall not be subject to any liability for trespass, any other tort, or any civil or criminal liability in connection herewith or arising from such removal. The Association, Declarant, or its assigns, or any homebuilder authorized by Declarant, may maintain, as long as it owns any property within the Property, in, or upon such portion of the Property as Declarant may determine, such facilities as in its sole discretion may be necessary or convenient, including but without limitation, offices, storage areas, model units and signs, and Declarant may use, and permit such builders (who are authorized by Declarant) to use residential structures, garages, or accessory building for sales offices and display purposes, but all rights of Declarant and of any builder acting with Declarant's permission under this sentence, shall be operative and in effect only during the construction and initial sales period within the Property.

- 37.3 Contractor signs, painter and pool company signs are not permitted.
- 37.4 Lost pet signs are not permitted.
- 37.5 Signs which give notice of a home security system are permitted if placed at or near the front entrance and are no larger than (144) square inches. Window stickers which give notice of a home security system are also permitted.
- 37.6 The ACC shall have control over all the wording, design, appearance, size, quantity and location of all signs. Except for sale or rental signs adhering to the standards of the first sentence of this Article, all signs with the Properties shall be subject to the prior written approval of the ACC.
- 37.7 Political signs of not more than five (5) square feet, and may be erected upon a Lot by the Homeowner of such Lot advocating the election of one or more political candidates or the sponsorship of a political party, issue or proposal, provided that such signs shall not be erected more than ninety (90) days in advance of the election to which they pertain and shall be removed within (10) days after such election.
- 37.8 A property owner or resident may display or affix on the Homeowner's or resident's property or dwelling, one or more religious items, subject to the following regulations:
- 37.8.1 No Homeowner may display or affix a religious item that:
- 37.8.1.1 Is not motivated by the Homeowner's or resident's sincere religious belief (the Association should not attempt to discern a person's motive or sincerity of belief beyond that stated by the Homeowner or resident);
- 37.8.1.2 Threatens the public health or safety;
- 37.8.1.3 Violates a law other than a law prohibiting the display of religious speech;
- 37.8.1.4 Contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content.
- 37.8.2 No Homeowner may display or affix a religious item on property owned or maintained by the Association.
- 37.8.3 No Homeowner may display or affix a religious item in violation of any applicable building line, right-of-way, setback, or easement.
- 37.8.4 No Homeowner may display or affix a religious item to a traffic control device, streetlamp, fire hydrant, or utility sign, pole, or fixture.
- 37.9 Event and celebratory signs are allowed for a maximum of four (4) weeks.

### **38.0 Garage Sales**

- 38.1 Garage sales are highly discouraged because of aesthetic and security reasons.

- 38.2 Three garage signs may be erected, one at each entrance and one on the street advertising the garage sale. Signs can be erected no earlier than the night before the garage sale and must be removed after the event concludes.

### **39.0 Storage of Building Materials**

- 39.1 Building materials placed on Lots prior to commencement of improvements must be kept in a neat, clean and orderly condition.
- 39.2 No materials may be placed on the street or between the curb and the property line.

### **40.0 Temporary Structures**

- 40.1 No structure of a temporary character (sales structure, trailer, travel trailer, tent, shack, garage, barn, or other outbuildings) shall be used on any Lot at any time as a residence, either temporarily or permanently.
- 40.2 No trailer, camper, recreational vehicles, or similar vehicles shall at any time be parked in view from other properties or connected to utilities situated within a Lot.
- 40.3 No dwelling previously constructed elsewhere may be moved onto any Lot in the subdivision controlled by these covenants.
- 40.4 This covenant specifically includes mobile homes, or the use of a mobile home, in which the axle and wheels have been removed and placed upon a concrete slab, which said mobile home is hereby specifically prohibited as a residence, either temporarily or permanently, and further, specifically includes a mobile home upon which wheels have been left attached.

**BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.**  
**RESIDENTIAL INSPECTION GUIDELINES**

**--- MODIFICATIONS ---**

**AUGUST 2007**  
**MAY 2012**  
**FEBRUARY 2024**

**A. Yards**

1. Notice to be sent when:
  - a. Grass is over six (6") to eight (8") inches.
  - b. Edging at the curb when there are more than five (5) grass streamers growing over the curb.
  - c. Edging along driveway and sidewalks when grass lies over onto the driveway and/or sidewalk.
  - d. Weeding of plant beds when there are more than two (2) handfuls in one (1) area.
  - e. Removal of plants when plants are brown and have no leaves. Replacement of plants should be within thirty (30) days after the removal of dead plants.
  - f. For rear yards abutting a Waterway, see Section 1.6.10.
  - g. Dead trees to be removed when the tree is barren of leaves. There shall be no tree stumps remaining and all tree limbs and debris must be removed

**B. Landscaping**

1. Notice is to be sent when:
  - a. Grass is dead, and the yard needs to be resodded with new grass.
  - b. Plants have been removed and the plant bed remains barren over thirty (30) days.
  - c. For rear yards abutting a Waterway, see Section 1.6.10.

(Note: Weather conditions and/or seasonal timing shall be taken into account when issuing notices.)

**C. Home Repairs**

1. Notice to make home repairs are to be sent when:
  - a. Shutters are missing slats or shutters are hanging loose.
  - b. Garage doors are dented and/or have been broken.
  - c. Rain gutters are bent, sagging or hanging.
  - d. Trim on home, fascia or trim around windows is rotting.
  - e. Front doors need staining and/or repair.

**D. Home Painting**

1. Notice to paint the home should be sent when:
  - a. Paint is discoloring.
  - b. Wood is seen under coat of paint.

- c. Paint is chipping.
- d. Mildew that possibly could be remedied by power washing.

#### **E. Basketball Goals**

1. Notice for maintenance of a basketball goal should be sent when:
  - a. Pole is rusted and needs to be painted.
  - b. Backboard has cracks or is extremely chipped, warranting paint and/or replacement.
  - c. Nets must be replaced when the ball can no longer go through the net or when the net is completely missing.

#### **F. Toys**

1. Notice to remove toys when:
  - a. There are complaints from neighbors.
  - b. When there are more than two (2) large toys in yard or on driveway.
  - c. When there are more than five (5) small toys in the yard or drive. **NOTE:** Letters will only be generated if this is a continual occurrence on the property.

#### **G. Debris**

1. Notice is to be sent when the following occurs:
  - a. Wood or lumber is stored against the house and can be seen from the street.
  - b. Empty plant containers remain on the side of home or in driveway over thirty (30) days.
  - c. Old bicycles, tricycles (rusted) and toys that remain on side of home or in driveway for over thirty (30) days.
  - d. Bricks, sawhorses, paint cans (building materials) on side of home or in driveway for over thirty (30) days.
  - e. Items in plastic trash bags that remain over thirty (30) days.
  - f. Old trash cans used for lawn clippings that are not discarded within thirty (30) days.
  - g. Plastic tarps and/or covers that remain in the same place over thirty (30) days.
  - h. Lawn clippings that are not discarded on regular trash days and are left in public view.

#### **H. Trash Cans**

1. Notice is to be sent when trash cans remain on the side, front or behind wrought iron fences in public view other than the schedule set by Missouri City for waste collection service.  
**NOTE:** Trash cans must be screened by a screening device or plants and are not to be left in public view.

#### **I. Decorative Appurtenances**

1. Notice is to be sent for maintenance of decorative appurtenances when the following occurs:
  - a. When paint is chipping and is in need of new paint.
  - b. When decorations are placed in the yard that do not concur with scheme of the community.
  - c. When repair or replacement is needed.

**CERTIFICATION**

STATE OF TEXAS           §  
  §  
COUNTY FORT BEND       §

I, the undersigned, pursuant to §202.006 of the Texas Property Code, do hereby certify, as follows:

- (1) I am an Agent for Brightwater Homeowners Association, Inc., a Texas non-profit corporation;
- (2) Instrument titled: **“Brightwater Homeowners Association, Inc. Architectural Control Guidelines for the Architectural Control Committee”**, is attached hereto;
- (3) The following properties recorded in the Map and Plat Records of Fort Bend County, Texas, is affected by the said Instrument described as, to wit:
  - (a) Lakeside Meadow at Brightwater, Section One (1), under Slide No. 1267B;
  - (b) Lakeside Meadow at Brightwater, Section Two (2), under Slide No. 1355A;
  - (c) Lakeshore at Brightwater, Section One (1), under Slide No’s. 672B and 673A;
  - (d) Lakeshore at Brightwater, Section Two (2), under Slide No. 1042B;
  - (e) Lakeshore Park at Brightwater, Section One (1), under Slide No. 1442A;
  - (f) Lakeshore Park at Brightwater (Amended), under Slide No. 1544A
  - (g) Southshore at Brightwater, Section One (1), under Slide No’s. 671B and 672A;
  - (h) Lakeshore Point at Brightwater, Section One (1), under Slide No’s. 671B and 672A;
  - (i) Brightwater Estates, under Slide No. 1260B;
  - (j) Brightwater Point Estates, under Slide No. 1356A;
- (4) The attached Instrument is a true and correct copies of the original;

IN WITNESS WHEREOF, I have subscribed my name on this 22nd day of March, 2024.

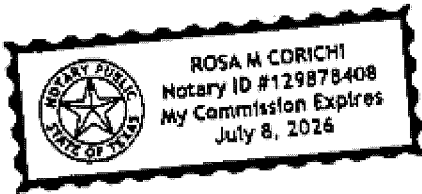
By: 

Luke P. Tollett, Attorney for Brightwater Homeowners Association, Inc.

STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on the day personally appeared Luke P. Tollett, Agent for Brightwater Homeowners Association, Inc., and being by me first duly sworn, declared that he is the person who signed the foregoing document in his representative capacity and that the statements contained therein are true and correct.

Given under my hand and seal of office this 22nd day of March, 2024.





Notary Public, State of Texas

**E-Recorded By:**  
HOLT TOLLETT, P.C.  
9821 Katy Freeway, Ste. 350  
Houston, Texas 77024