



**SUNCREEK ESTATES PROPERTY OWNERS ASSOCIATION**  
**AMENDED BUILDING GUIDELINES**

"Builders" shall mean and refer to persons or entities that construct any improvements on a Lot or build speculative or custom homes thereon for owners, third party purchasers, or themselves.

All other terms shall have the meaning assigned to them in the Association's governing documents, on file with the Brazoria County Real Property Records office.

Unless otherwise specified in these Building guidelines, these guidelines shall apply to all construction in all sections of Suncreek Estates.

*Preamble*

The following Single-Family Building guidelines are not intended to limit the creativity of the Builders in their design or construction. They are intended to provide a basis for design concepts, forms and materials that create a pleasant living environment. The design of each residence should reflect each individual homeowner's choice in acceptable building materials, while fitting into the overall architectural scheme of the community, while also ensuring variety and homogeneity.

**GENERAL REQUIREMENTS & RESPONSIBILITIES**

The owner/builder shall be responsible for individual site development and maintenance including the area within the public street right-of-way (between the back of the street curb and the property lines) and the surrounding Lots. Builders of corner Lots shall be responsible for the right-of-way of both streets adjacent to the Lot.

Each builder shall be responsible for trash pickup on the adjoining Lots and areas where homes are being constructed.

Specifically, during the construction of the home each Builder shall, as necessary:

1. Provide and use or cause to be used roll-off containers on each Lot for trash and debris.
  - a. Jobsite is to be cleaned daily and kept void of debris
2. Repair ruts on surrounding Lots (often caused by delivery or construction traffic).
3. Clean adjacent streets of mud, dirt, gravel, concrete and other material spills or deposits.
4. Prevent damage to existing properties. All damage to existing properties associated with home construction shall be the responsibility of the Builder to repair. Resident complaints shall be courteously addressed and resolved quickly.

5. Comply with any Storm Water Pollution Prevention Plan, including installation of silt fences on side and rear Lot lines to protect neighboring Lots from construction activities and define the limits of work. Keep road clean of any mud/dirt tracked onto roads.
6. Wash-outs are to be on each individual Lot, and not in the ditches. All concrete remnants are to be removed from the property upon completion of construction.
7. Provide and use a portable toilet that will be regularly inspected and maintained in a clean, pleasant condition by the Builder and also provide suitable facilities for all inspectors and authorized visitors to the site. Toilets with vulgar graffiti or which become unpleasant shall be removed from the site and replaced with satisfactory ones.
8. Refrain from utilizing water, electricity or other utilities from other Owners or Lots without express written consent of the affected Owners and Lots.
9. Cause all workers to avoid loud music and/or excessive non-construction related noise within Suncreek Estates, which is offensive to residents, inspectors or visitors.
10. Abide by all requirements for inspections and documentation during the building process as noted in the most current ACC application.
11. Hours of construction within the subdivision shall be from 7:00 a.m. to 8:00 p.m.
12. All construction activities shall be undertaken with care to minimize interference with traffic and to protect the general public.
13. All Concrete clean-outs are to be maintained by the Builder on the respective Lots.
14. Cleaning of the wash-out areas is the responsibility of the Builder.

#### ENFORCEMENT

A fine of \$100.00 will be assessed monthly for each violation occurrence until it is cured, and the fine(s) will be deducted from the construction deposit. If fines exceed the amount of the deposit on-hand, then fines will be charged to the owner. To the extent a violation is not addressed in a timely manner, the ACC shall have the authority to assess a fine of \$100.00 on a weekly basis until cured.

#### SINGLE FAMILY RESIDENTIAL CONSTRUCTION

No building shall be erected, altered, placed or permitted to remain on any Lot or building site other than one single family dwelling unit (and approved workshop/barn and or garage, see *infra*.) per each Lot to be used solely for residential purposes, which expressly excludes short term

rentals. The term "dwelling" does not include single or double wide manufactured or mobile homes, or any old or used houses moved on the Lot or any log homes. Manufactured, used homes and log homes are not permitted within Suncrest Estates. Additional prohibited structures within Suncrest Estates include, but are not limited to: mobile homes, trailers, modular or manufactured homes, pre-fabricated or log homes, duplex houses, churches, condominiums, townhomes, garage apartments or apartment houses. Construction will be completed as to exterior finish and appearance, including the driveway, within 12 months from the setting of forms for the foundation.

### AESTHETIC VARIETY

The Association was created with the express intent of fostering the design and construction of custom-built homes. Accordingly, all homes within the Association must meet the following nonexclusive requirements;

1. Multiple homes of Substantially Similar Design are severely restricted within the Association, according to the following provisions:
  - a. Builders and Owners are limited to a total from all construction in the Association (i.e.: any builder) to three (3) instances of any particular home exterior facade within the Subdivision;
  - b. Builders and Owners are limited to one (1) instance of any particular exterior facade per street;
  - c. A perpendicular crossing of two streets is considered to be one street for a quarter-mile in any direction for purposes of sub-part (b);
  
2. "Substantially Similar Design" shall be a subjective measure determined by the Architectural Control Committee (ARC) in their sole discretion. In making a determination regarding similarity of design, the Association may consider the following non-exclusive factors:
  - a. The visual design of the front elevation of the home;
  - b. The square footage of the home;
  - c. The floor plan of the home;
  - d. The materials used in the construction of the home;
  - e. The proposed setbacks for the home
  
3. Minor modifications to the design of a home will not be considered sufficient to meet the requirements of this policy. Specifically:
  - a. Reversals of existing plans (e.g. mirror-image plans flipped along the Y axis);
  - b. Switch outs of materials to otherwise identical plans (e.g. switching brick for stone on front elevations with no other changes);
  - c. Any combination of the above

4. All plan submittals must be signed, stamped and dated by a licensed architect stating that the proposed home is in compliance with these Builder Guidelines and all other Association Governing Documents.

### MINIMUM SQUARE FOOTAGE

#### *Section One*

**SECTION ONE – GENERAL:** Except as stated below, all dwellings shall have a minimum of 2,200 square feet of living area, excluding porches, and be built with new construction materials. Except as follows, there shall be a minimum of 1,500 square feet of living area on the first floor of any multi-story home.

**SECTION ONE – LAKEFRONT LOTS:** shall have a minimum of 2,600 square feet of living area excluding porches and be built with new construction materials. Lakefront Lots include:

1. Section One, Block 2, Lots 1 and 32 (both entrance and lakefront)
2. Section One, Block 2, Lots 2-31
3. Section One, Block 5, Lots 10-23

First floor of a multi-story on these Lots shall contain a minimum of 1,600 square feet of living area, excluding porches. The rear 20' of a Lakefront Lot, being an area 20' deep from the rear property line of said Lots may be under brushed and cleared, provided that no trees with a diameter of 8" measured one foot from the ground may be cut, cleared or removed, unless prior written permission is obtained from the Association or, prior to the transfer of control, the Developer. The exterior including the rear of dwelling on entrance and Lakefront Lots must be made of at least fifty (50%) percent brick, stone or stucco. Hardi Plank is not considered to be brick, stone or stucco.

**SECTION ONE – ENTRANCE LOTS:** shall have a minimum of 2,800 square feet of living area, excluding porches and be built with new construction materials. Entrance Lots include:

- Section One, Block 1, Lot 31
- Section One, Block 2, Lots 1 and 32 (\*)
- Section One, Block 4, Lots 1, 9 and 18
- Section One, Block 5, Lot 1
- Section One, Block 7, Lot 5

First floor of a multi-story on these Lots shall contain a minimum of 1,600 square feet of living area, excluding porches. The exterior, including the rear, of Dwellings on Entrance & Lakefront Lots must be made of at least fifty percent (50%) brick, stone or stucco. Hardi Plank is not considered to be brick, stone or stucco.

\*Lots 1 & 32 of Block 2, Section One shall comply with the minimum square foot requirements for these entrance Lots and all other requirements and restrictions and restrictions relating to Lakefront Lots.

**SECTION ONE – OTHER LOTS:** shall have a minimum of 2,400 square feet of living area, excluding porches and be built with new construction materials. Other Lots include:

- Section One, Block 1 Lots 11-30
- Section One, Block 3 Lots 12-34
- Section One, Block 4 Lots 2-8 & 10-17
- Section One, Block 5 Lots 2-9 & 24-30
- Section One, Block 6 Lots 1-7
- Section One, Block 7 Lots 1-4 & 6-8

### *Section Two*

**SECTION TWO – GENERAL:** Except as stated below, all dwellings shall have a minimum of 2,200 square feet of living area, excluding porches, and be build with new construction materials. Except as follows, there shall be a minimum of 1,500 square feet of living area on the first floor of any multi-story home.

**SECTION 2 – LAKEFRONT LOTS:** There are no Lakefront Lots in Section 2.

### *The Oaks*

**THE OAKS – GENERAL:** Minimum Square Footage Requirements for The Oaks shall be 2400 square feet of living area, excluding porches, and be build with new construction materials.

**THE OAKS – LAKEFRONT LOTS:** Lakefront dwellings shall be no less than 2600 square feet of living area, excluding porches, and have 1600 square foot of living area, minimum, on the first floor of any multi-story home. Lakefront Lots include:

- The Oaks, Block 1, Lots 1-51
- The Oaks, Block 5, Lots 1-9
- The Oaks, Block 5, Lots 21-48

**THE OAKS – ENTRANCE LOTS:** Entrance shall be no less than 3000 square feet of living area, excluding porches, and have 1600 square foot of living area, minimum, on the first floor of any multi-story home. Lots 1 of Blocks 1 & 2 shall comply with the minimum square foot requirements for these entrance Lots and all other requirements and restrictions and restrictions relating to Lakefront Lots Entrance Lots include:

- The Oaks, Block 1, Lot 1 (This is a Lakefront and Entrance Lot)

- The Oaks, Block 2, Lot 1 (This is a Lakefront and Entrance Lot)
- The Oaks, Block 4, Lot 1
- The Oaks, Block 5, Lot 1

**THE OAKS – GUEST HOUSE:** Guest houses shall be at least 500 square feet, with a maximum square footage equal to one half (1/2) of the square footage of the main dwelling to which it is appurtenant.

#### *Out-Buildings*

1. The peak of the roof at its highest point, of a **GUEST/SERVANT HOUSE, WORK SHOPS AND BARNs, GARAGES,** or any other building other than the main building, shall not exceed eighty percent (80%) of the highest rook peak of the main dwelling.
2. **GUEST/SERVANT HOUSE:** One guest/servants house may be built provided it matches the same design as main Dwelling and said guest/servants house must contain a minimum of 500 square feet and a maximum of not more than 50% of the square footage of the main dwelling, and be built after or while the main dwelling is being built and be approved in writing by the Architectural Control Committee prior to construction.
3. **WORK SHOPS AND BARNs:** Please refer to Article III, Section 3.01 (b) of the Declaration of Covenants, Conditions and Restrictions for guidelines regarding these structures. Additionally, the following guidelines shall apply:
  - a. The structure must have a peaked roof with a pitch no less than four (4) feet in twelve (12) feet. The peak is preferred to run on the front to rear axis.
  - b. The roof shall be constructed of asphalt shingles, standing seam metal or other materials approved by the Architectural Control Committee. Corrugated steel used as a roof material shall not be permitted.
  - c. The square footage of the interior floor of the structure shall not exceed the total square feet of the slab area of the main dwelling and attached garage. If the garage is detached its area cannot be counted.
  - d. The structure shall be constructed on a slab unless it will be used as a barn for horses.
  - e. The framing and roof decking shall utilize the appropriate wind strapping and be anchored to the slab as required by the Texas Department of Insurance Windstorm requirements. Barns without a slab must be similarly strapped and anchored. This will reduce the likelihood of the structure coming apart and becoming flying debris that could damage nearby homes.
  - f. Any side longer than twenty (20) feet that is visible from the street must have a break in the wall, such as doors or windows (or false windows or shutters).
  - g. Materials of construction shall be harmonious in color and appearance with the main residence and other structures on the property.

- h. The color scheme of the outbuilding must coordinate and complement the colors of the main dwelling and must be approved by the Architectural Control Committee.
  - i. These guidelines shall apply to all workshops, barns, sheds and outbuildings approved for construction after May 1, 2019. These guidelines shall not be retroactively applied to any existing structure, unless said structure is damaged more than fifty percent (50%) on any exterior face.
4. **GARAGES:** Every dwelling must be designed and constructed with a garage. Said garage must be built for at least two (2) vehicles and not more than five (5) vehicles and must be built while the main dwelling is being built.

### EXTERIOR MATERIALS

#### *Generally*

1. The Builders shall submit samples of all proposed finish material to Association management for approval.
2. Acceptable exterior materials for the main residence, any outbuilding and attached or detached garages are:
  - a. Brick
  - b. Stone/Cultured stone
  - c. Fiber cement siding/shakes, or an approved equal
  - d. Stucco
  - e. Rot resistant accent material such as Cedar or Redwood.
3. Board and batten is prohibited.
4. Horizontal (lap type) fiber cement siding is the preferred siding, where allowed.
5. Vertical siding is discouraged.
6. Rough sawn plywood is prohibited. Hard board and particleboard siding are prohibited. Fiber cement, in lieu of these materials, should be used, where allowed.
7. Diagonal siding is prohibited.
8. In masonry construction, all mortar joints are to be tooled with mortar color complementary to the brick color.
9. Materials should be used to emphasize planes and volumes. When different materials adjoin, care should be taken to avoid the look of applied facing.



10. Soft, subdued earth tone paint colors should be used. Bold, primary or unusual colors are prohibited. Each Builder is required to submit a proposed color palette to Association management for approval.
11. All fiber cement materials shall be painted. Accent material such as Cedar or Redwood should be stained or weatherproofed to retain original new cut color.

#### *Brick Requirement*

The exterior of all Residences, outbuildings or garages constructed on Lots shall be made of at least fifty (50%) percent brick, stone or stucco. Hardy Plank is not considered to be brick, stone or stucco. The ARC compares the architectural style and harmony with existing houses in the Section.

#### *Roof Materials*

The roof of any Dwelling shall be constructed of composition shingles, copper, tile, slate, standing seam metal, or other material approved by the Architectural Control Committee.

### LOCATION OF IMPROVEMENTS/BUILDING SETBACKS

#### *Generally*

The main residential structure on any Lot shall face the front of the Lot towards the street or road, unless a deviation is approved in writing by the Architectural Control Committee.

#### *Sections One and Two*

The building set back line along the FRONT of each Lot containing more than two (2) acres shall be one hundred (100') feet, unless otherwise shown on the Plat. The building set back line along the front of Lots that are less than (two) 2 acres will be seventy-five (75') feet, unless otherwise shown on the Plat.

The building set back along the SIDE of each Lakefront Lot shall be twenty (20') feet.

The building set back line along the SIDE of each Lot other than a Lakefront Lot shall be twenty-five (25') feet on all Lots unless otherwise shown on the Plat.

The building set back line along the REAR of each Lot shall be twenty-five (25') feet, on all Lots, unless otherwise shown on the Plat.

The building set back along the REAR of any Lot adjoining a COMMON AREA LAKE shall be seventy-five (75') feet, unless otherwise shown on the Plat.

*The Oaks*

The building set back line along the FRONT of each Lot shall be sixty (60') feet, unless otherwise shown on the Plat. The building set back along the SIDE of each Lakefront Lot shall be twenty (20') feet. The building set back line along the REAR of each Lot shall be twenty-five (25') feet, on all Lots, unless otherwise shown on the Plat. Lakefront Lots will also have a thirty (30') foot maintenance easement along the rear of the property.

COMPOSITE BUILDING SITE

Any Owner of one or more adjoining Lots (or portions thereof) may, with prior written approval of the Architectural Control Committee, consolidate such Lots or portions into one building site. Please refer to Article III, Section 3.02 of the Declaration of Covenants, Conditions and Restrictions for further details. Combining lots shall not reduce assessments.

RESIDENTIAL FOUNDATION REQUIREMENTS:*Generally*

All building foundations shall be an engineered concrete slab. Iowa Colony Drainage District requires that the minimum finished slab elevation for all structures shall be two feet (2') above the 100 year flood plain or two feet (2') above the finished ground level -- whichever is higher. Furthermore, the minimum slab elevation must be six inches (6") higher than the crown of any down gradient roadway, or such other level as may be established by the Commissioner's Court or County Engineer of the County, and other applicable governmental authorities. The minimum slab elevation must also be a minimum of twelve inches (12") above the finished grade of the Lot perimeter, unless otherwise approved by the Architectural Control Committee.

**Engineer Stamped foundation Drawing shall accompany new home submission. Plans will not be reviewed without a stamped foundation plan.**

*The Oaks*

Minimum finished slab level must be two feet (2') above the finished ground level, six inches (6") higher than the crown of any adjacent roadway, and one foot (1') above the finished grade of the Lot perimeter.

DRIVEWAY DESIGN AND MATERIALS POLICYIntroduction

By creation of this Driveway Design and Materials Policy, the Association recognizes that in some instances, certain Lots may lend themselves to the inclusion of multiple driveways that might be utilized for a variety of purposes. For example, though a Lot may have a primary driveway for general vehicular access to the residence, detached outbuildings may require a

secondary driveway to allow for maximum utility of the Lot. This Policy contemplates the existence of such driveways, insofar as they conform with the requirements herein.

#### Definitions

1. "Primary Driveways" shall include those driveways built for the purpose of accessing the primary residential dwelling constructed on a Lot. Primary Driveways will either directly abut or be connected to one or more primary dwelling entrances via sidewalks or other artificial paths.
2. "Secondary Driveways" shall be all driveways which do not meet the requirements of Primary Driveways but which are still used primarily to access one or more outbuildings located on the Lot (e.g. barn, detached garage).
3. "Land Access Drives" shall be driveways that are not intended to be used to access any of the buildings located on the Lot, but rather for access to the Lot itself.

#### Materials & Features

1. Materials. Unless otherwise provided herein, all driveways in the Association shall be constructed of concrete, asphalt, crushed rock or gravel. The driveway or entrance to each lot, from the pavement of the street going into the Lot or home site twenty-five (25) feet in distance, shall be paved with concrete or asphalt. All driveways located within The Oaks section must be concrete.
2. Culverts. All driveways that cross a roadside drainage ditch must be constructed with
3. Brazoria Country approved culverts.
4. Alternate Materials. Land Access Drives may be covered with grass, which must cover any required culvert at the time of install.

#### Placement

1. Generally. Driveways and turnarounds shall be consistent with the overall image and character of the community. They shall be located and designed to minimize their visual and aural impact on neighboring properties in general, the size of the driveway shall be appropriate for the size of the property on which it is located. It is to be constructed on natural grade using a material that is consistent with other driveways in the neighborhood.
2. Compliance. All Primary and Secondary Driveways must strictly adhere to the placement and setback requirements found in the Association's Covenants, Conditions and Restrictions, and in any filed Builder Guidelines. Placement of all driveways, including Land Access Drives, must be approved by the Architectural Control Committee.

3. Vegetation. Design and location must be considered with care to minimize the removal of trees and other significant vegetation.

#### Modification

1. Approval Required. Additions/alterations to existing driveways are to incorporate the same material, color and detailing as the original driveway and shall be submitted for review and approval.
2. Grading. Changes in grade or drainage pattern must not adversely affect adjoining properties. If an adjacent property is adversely affected, the owner of the driveway is responsible for correction.
3. Curb Cuts. Driveways shall only connect to the street where curb cuts have been provided. No curb cut extensions are permitted.

#### Submission Requirements

1. Generally. Extensions, modifications or additions to driveways require review and approval prior to installation and will be considered only if there is no adverse aesthetic or drainage impact on adjoining Lots. Driveway extensions must be of a size and scale that will complement the property, rather than become a focal point. Extended driveways may not be used for parking inoperable, commercial, recreational or unused vehicles. The sealing and proper maintenance of driveways is required.
2. Requirements. All proposals must include:
  - a. A copy of the existing official record plat showing the house, property lines and easements, existing driveways, significant vegetation, fencing, accessory structures, and the location of the proposed driveway and/or parking pad,
  - b. Photographs showing the location of the proposed driveway.
  - c. If grading is involved, a plan showing the change in grade and any planned retaining walls will be required
  - d. A description of the proposed paving materials.
  - e. A landscape plan showing proposed plantings, as applicable.
  - f. Approved plans from Brazoria County.

3. Completion Deadline. Construction shall be completed within twelve (12) months of ARC approval.

#### Maintenance

4. Generally. Driveways must be maintained in keeping with Suncreek Estates Property Owners Association, Inc 's Property Maintenance Standards Weeds are to be removed and if necessary, appropriate materials applied to prevent future weeds. Asphalt driveways are to be maintained by crack sealing and the regular application of seal coat. If changes to a previously approved or installed driveway or parking pad are desired, a new Design Review Application is required and must be submitted for review and approval prior to making any changes.

#### OTHER REQUIREMENTS

**WALLS AND FENCES:** Walls and fences, if any, must be approved prior to construction by the Architectural Control Committee. Refer to Article III, Section 3.10 of the Declaration of Covenants, Conditions and Restrictions for further guidelines regarding walls, fences or hedges.

**SWIMMING POOLS:** No swimming pool may be constructed on any Lot without the prior written approval of the Committee. Refer to Article III, Section 3.12 of the Declaration of Covenants, Conditions and Restrictions for further guidelines regarding swimming pools.

**PROPANE TANKS:** The location of all propane tanks must be shown on the plot plan. Additionally, they must be identified as above or below grade. All above grade tanks must be screened by a fence, plants, or other means. Detailed plans/drawings must accompany the plans.

**SATELLITE DISHES:** The location and quantity of all satellite dishes must be shown on the plot plan. If the location cannot be determined at the time plans are submitted the Owner must seek approval prior to installing the satellite dishes.

**WATER WELLS:** The location of all water wells must be shown on the plot plan, with tank screening identified (fence, plants, etc.).

**LAKEFRONT LOTS; CONSTRUCTION OF PIER OR DOCK:** No pier, dock, boat slip or other structure shall be constructed on any Lot. A deck may be constructed on Lots that adjoin Cherokee Lake or Lily Lake; however shall not be constructed or project into the water of the lake. Refer to Article III, Section 3.11 of the Declaration of Covenants, Conditions and Restrictions for further guidelines.

**APPLICATION FEE:** A minimum fee of \$225.00 or a reasonable amount to be determined by the Committee must be paid to the Committee at such time as application for architectural approval is made to the Committee, which fee shall be used for an independent inspection and to defray the expense for before and after building inspections. In the event construction

requirements are incomplete or rejected at the time of inspection and it becomes necessary to have additional building inspections; a fee, in an amount to be determined by the Committee, must be paid to the Committee prior to each building inspection.

**COMPLIANCE DEPOSIT:** A \$1,200.00 compliance deposit must be submitted with each application and can be refunded at the end of construction if no Builder fines have occurred, and if there is no damage to common areas due to the construction of the home.

**SAVINGS CLAUSE:** If any provision herein, or the application thereof to any person or circumstance shall be held invalid, the remainder of this policy, or the application thereof to persons or circumstances other than those to which it is held invalid, shall not be affected.

## FILED and RECORDED

Instrument Number: 2019024851

Filing and Recording Date: 05/29/2019 08:11:18 AM Pages: 15 Recording Fee: \$78.00

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



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

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Joyce Hudman, County Clerk  
Brazoria County, Texas

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

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cclerk-april