



RESTRICTIONS

# Architectural Control Committee Guidelines Update

Fairways of Sherrill Park Homeowners Association, Inc.

STATE OF TEXAS

§

COUNTY OF COLLIN

§

KNOW ALL MEN BY THESE PRESENTS:

§

We, the undersigned, being the directors of the **FAIRWAYS OF SHERRILL PARK HOMEOWNERS ASSOCIATION, INC.**, a Texas non-profit Association (the “**Association**”), pursuant to Section 202 and Section 209 of the Texas Property Code, do, by unanimous consent, take the following corporate action and adopt the following resolutions, which corporate action and resolutions shall have the same force and effect as a unanimous vote of all the directors of the Association at a duly called meeting of the Board of Directors of said Association:

**WHEREAS**, Pursuant to Section 202.007 of the Texas Property Code, the Association Board of Directors may regulate the location of a rain barrel that is located upon property that is owned by the property owner’s association, property that is owned in common by the members of the property owner’s association, and property that is located between the front of the property owner’s home and an adjoining or adjacent street.

**WHEREAS**, Pursuant to Section 202.007 of the Texas Property Code, the Association Board of Directors may require that the rain barrel is of a color that is consistent with the color scheme of the property owner’s home.

**WHEREAS**, Pursuant to Section 202.007 of the Texas Property Code, the Association Board of Directors may regulate the language or other content that is displayed upon the rain barrel.

**WHEREAS**, Pursuant to Section 202.007 of the Texas Property Code, the Association Board of Directors may regulate the size, type, and shielding of and the materials used in the construction of, a rain barrel, rainwater harvesting device, or other appurtenance that is located on the side of a house or at any other location that is visible from a street, another lot, or a common area if: A) the restriction does not prohibit the economic installation of the device or appurtenance on the property owner’s property; and B) there is a reasonably sufficient area on the property owner’s property in which to install the device or appurtenance.

**WHEREAS**, Pursuant to Section 202.010 of the Texas Property Code, the Association Board of Directors may restrict a property owner from installing a solar energy device that:

- 1) As adjudicated by a court:
  - a. Threatens public health or safety; or
  - b. Violates the Law.
- 2) Is located on property owned or maintained by the property owner's association;
- 3) Is located on property owned in common by the members of the property owners' association;
- 4) Is located in an area on the property owner's property other than:
  - a. On the roof of the home or of another structure allowed under a dedicatory instrument; or
  - b. In a fenced yard or patio owned and maintained by the property owner;
- 5) If mounted on the roof of the home:
  - a. Extends higher than or beyond the roofline;
  - b. Is located in an area other than an area designated by the property owners' association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the device if located in an area designated by the property owners' association;
  - c. Does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or
  - d. Has a frame, a support bracket, or visible piping or wiring that is not a silver, bronze, or black tone commonly available in the marketplace;
- 6) If located in a fence yard or patio, is taller than the fence line;
- 7) As installed voids material warranties; or
- 8) Was installed without prior approval by the property owners' association or by a committee created in a dedicatory instrument for such purposes that provides decisions within a reasonable period or within a period specified in the dedicatory instrument.
- 9) As installed, constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities.

**WHEREAS**, Pursuant to Section 202.011 of the Texas Property Code, the Association Board of Directors may prohibit or restrict the display of any flag within the association, other than:

- 1) The flag of the United States of America;
- 2) The flag of the State of Texas; or
- 3) An official or replica flag of any branch of the United States armed forces.

**WHEREAS**, Pursuant to Section 202.011 of the Texas Property Code, the Association Board of Directors may adopt or enforce reasonable restrictions that require:

- 1) The flag of the United States be displayed in accordance with 4 U.S.C. Sections 5-10;
- 2) The flag of the State of Texas be displayed in accordance with Chapter 3100, Government Code;

- 3) A flagpole attached to a dwelling or a freestanding flagpole be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling;
- 4) The display of a flag, or the location and construction of the supporting flagpole, to comply with applicable zoning ordinances, easements, and setbacks of record; and
- 5) A displayed flag and the flagpole on which it is flown be maintained in good condition and that any deteriorated flag or deteriorated or structurally unsafe flagpole be repaired, replaced or removed.

**WHEREAS**, Pursuant to Section 202.011 of the Texas Property Code, the Association Board of Directors may adopt or enforce reasonable restrictions that regulate the size, number and location of flagpoles on which flags are displayed, except that the regulation may not prevent the installation or erection of at least one flagpole per property that is not more than 20 feet in height.

**WHEREAS**, Pursuant to Section 202.011 of the Texas Property Code, the Association Board of Directors may adopt or enforce reasonable restrictions that;

- 1) Govern the size of a displayed flag;
- 2) Regulate the size, location and intensity of any lights used to illuminate a displayed flag;
- 3) Impose reasonable restrictions to abate noise caused by an external halyard of a flagpole; and
- 4) Prohibit a property owner from locating a displayed flag or flagpole on property that is:
  - a. Owned or maintained by the property owners' association; or
  - b. Owned in common by members of the association.

**WHEREAS**, Farm and Home Savings Association, as Declarant, executed that certain Declaration of Covenants, Conditions and Restrictions for Fairways of Sherrill Park a/k/a The Fairways of Sherrill Park Homeowners Association, Inc. and any amendments thereto which have been filed of record in the Collin County Clerk's Office at Volume 2854, Page 186; Volume 3126, Page 0869, and at Instrument Number 92-0013156. These documents shall hereinafter referred to as the "**Declaration**".

**WHEREAS**, Pursuant to Article VII, Section 7.1 of the Declaration, the Board, for the benefit of the owners, shall have the following general powers and duties:

- 1) Care and preservation of the Common Areas;
- 2) To protect and defend the Common Areas from loss or damage by suit or otherwise;
- 3) To make reasonable rules and regulations for the operation and use of the Property and to amend them from time to time; and
- 4) If, as and when the board, in its sole discretion, deems necessary, and without obligation to do so, it may take action to enforce the provisions of this Declaration and any rules made hereunder and to enjoin and seek damages from any Owner for violations of such provisions or rules.

**WHEREAS,** Pursuant to Article VIII of the Declaration, the Board, for the benefit of the owners, shall have the power to establish an Architectural Control Committee. The Architectural Control Committee shall have the authority to review and approve or disapprove, prior to construction, any building, structure, or improvement of any nature within the Association.

**RESOLVED:** That, pursuant to the provisions of The Texas Property Code, Section 202, and that certain Declaration of Covenants, Conditions and Restrictions for Fairways of Sherrill Park a/k/a The Fairways of Sherrill Park Homeowners Association, Inc. and any amendments thereto which have been filed of record in the Collin County Clerk's Office at Volume 2854, Page 186; Volume 3126, Page 0869, and at Instrument Number 92-0013156, and the Bylaws of the Association, the Board of Directors of the Association hereby adopt the following Policies:

- 1) Rain Barrels & Compost Piles: The Association shall hereby regulate the color of and language and wording located on a Rain Barrel or Compost Pile installed within the Association. The Association shall further regulate the size and type of material used to shield a Rain Barrel or Compost Pile. The Association may require that a Rain Barrel or Compost Pile be required to be behind a fence or a patio and on an owner's property. Prior to the installation of any Rain Barrel or Compost Pile, plans for such must first be submitted to the Architectural Control Committee. No Rain Barrel or Compost Pile may be used or displayed within the Association without first obtaining the approval of the ACC.
  
- 2) Solar Energy Devices: The Association shall hereby regulate and restrict certain characteristics of Solar Energy Devices that are located within the Association. Prior to the installation of any Solar Energy Device within the community, plans for such must first be submitted to the Architectural Control Committee. No Solar Energy Device may be used or displayed within the Association without first obtaining the approval of the ACC. The Association shall enforce or restrict a property owner from installing a solar energy device if:
  - a. A court finds the device threatens public health & safety or violates the law;
  - b. The device is located on property owned by the Association;
  - c. The device is located on property owned in common by members of the Association;
  - d. The device is not installed on the roof, patio or in a fenced yard;
  - e. If the device is installed in a fenced yard and the fence is not taller than the device;
  - f. If the device extends higher than the roof line;
  - g. If the device is located in an area other than that designated by the Association;
  - h. If the device does not conform to slope of roof and has a top edge that is not parallel to the roofline;
  - i. If the device has a frame, bracket, or piping or wiring that is not silver, bronze, or black tone commonly available in marketplace;
  - j. If as installed, the warranty of the device has become void; and
  - k. If the device was installed without prior approval of the Association.

- I. The Association determines that the placement of the device substantially interferes with the use and enjoyment of the land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities.
- 3) Flags and Flagpoles: The Association shall regulate and restrict certain characteristics of flag poles and the display of a flag within the Association. Prior to the installation of any flag or flag Pole, plans for such must first be submitted to the Architectural Control Committee. No flag or flag pole may be used or displayed within the Association without first obtaining the approval of the ACC. No flag may be displayed within the Association that is not the flag of the United States of America, the Texas Flag, or an Official flag of the United States Armed Forces. The Association shall require and regulate the following of a flag or flagpole installed within the Association:
- a. That any US flag be displayed in accordance with 4 USC Section 5-10;
  - b. That any Texas flag be displayed in accordance with Chapter 3100, Texas Government Code;
  - c. That any flagpole be constructed of permanent and long lasting material with finish appropriate to the materials used and the flagpole be harmonious with the dwelling;
  - d. That the display and location of a flag and flagpole be in accordance with zoning laws ordinance, easements, and setbacks within the community;
  - e. That the flag and flagpole be kept in good condition;
  - f. That a flag or flagpole that has become deteriorated be removed, repaired, or replaced;
  - g. Only one flag pole and two flags shall be allowed per Lot;
  - h. No flag shall be larger than 4' x 6' feet in size;
  - i. The size, location, and intensity of lights used to illuminate a flag shall be regulated and shall not be of a nuisance to other owners in the Association; and
  - j. The flag shall be hung in such a manner as to prevent the halyard of the flagpole from causing noise that would be a nuisance to any other owner in the Association.
- 4) Prior to the installation of any Rain Barrel, Compost Pile, Flag, Flagpole, or Solar Energy Device by an owner, an owner must first submit plans, for the installation of such items to the Architectural Control Committee (ACC) of the Association as well as to any governing municipal authority requiring permits for the installation for such device. All plans must be submitted in writing along with all other pertinent supporting documentation and sample materials to the chairperson of the ACC. Should further sample material or supporting documentation be required of the owner prior to approval, the owner shall be notified of such in writing.
- 5) The ACC shall review all supporting documents, plans, and materials within 30 business days after all materials necessary for such review have been submitted by the owner. The plans will be submitted back to the owner marked "APPROVED" or "DISAPPROVED."

SIGNED this 10-27-, 2011

Fairways of Sherrill Park Homeowners Association, Inc.

By: *John M. Sueder*  
Duly Authorized Officer/Agent

STATE OF TEXAS                                   §  
   §  
COUNTY OF DALLAS                           §

This instrument was acknowledged before me on 10-27, 2011, by a duly authorized officer of the Association.



*Carolyn E. Harrell*  
Notary Public in and for the State of Texas

Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
10/28/2011 11:53:10 AM  
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*Stacey Kemp*