



# CASTLEWOOD HOMEOWNER'S ASSOCIATION ARCHITECTURAL DESIGN GUIDELINES

Updated May 2024

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## **Section 1: Introduction**

The following Architectural Design Guidelines (“*Guidelines*”) provide the basis for a common understanding of the design objectives and standards by all those involved in creating this community and most importantly by the present and future residents.

These Guidelines will be used by the New Construction and or Modifications Committee (collectively the “*Committee*”) of the Castlewood Homeowner’s Association, Inc. (“*Association*”) to review plans and specifications pursuant to the provisions of the Declaration of Covenants, Conditions and Restrictions for Castlewood, and all supplements thereto, as amended (collectively the “*CC&Rs*”). All owners of property in the Castlewood subdivision would be well served to review and become familiar with these Guidelines and the CC&Rs prior to engaging in any construction, modification or addition to any improvement or landscaping on their Lot.

The Committee is responsible for reviewing all changes to the exterior of any structure or landscaping. The Committee consists of members appointed by the Board of Directors (“*Board*”).

These Guidelines supersede any and all other design guidelines previously established, adopted or filed of record with the County by the Association.

### **Definition of a Modification**

***A modification is defined as an alteration, addition, or deletion to raw land or to an existing structure which alters the physical appearance, characteristics or properties of the land or structure.***

### **Who is Subject to the Approval Process?**

All Owners are responsible for obtaining the necessary review and approvals to comply with the terms of the CC&Rs. Article IV, Section 4(e) of the CC&Rs state “*plans and specifications showing the nature, kind, shape, color, size, materials, and location of all proposed structures and improvements shall be submitted to the [Committee] for review and approval (or disapproval).*” Each application is reviewed on an individual basis.

### **Who Administers the Approval Process?**

The final authority for administration of the approval process lies with the Committee. However, the Committee may delegate that responsibility for administering these procedures or parts thereof to a representative.

The Committee consists of at least three (3) and no more than five (5) persons, all of whom shall be appointed by and shall serve at the discretion of the Board.

### **Application for Review**

Applications must be complete to be considered for review. Incomplete applications will be denied as a matter of course. The Committee has a total of thirty (30) days to render a decision following its receipt of a complete application. The Committee’s decision may be:

- 1) Approval
- 2) Conditional approval with stipulations
- 3) Denial
- 4) Deferral pending submission of more information.

Applications can be found on the community website and can be submitted following the directions listed on the application.

Approvals are only valid for six (6) months from the date of approval. Commencing a project after six (6) months following the date an application is approved shall constitute a violation of the CC&Rs and these Design Guidelines. A new application must be submitted to the Committee for review and approval if the original approval has expired and is no longer valid.

Failure for the Committee to render a decision within thirty (30) days of the submission of a complete application is deemed approved.

### **Amendments to Guidelines**

From time to time, as necessary, these Guidelines may be modified, amended, or altered by the Committee. It is the responsibility of the Owner to refer to the most current version of these Guidelines, as amended.

## **Section 2: Application Review**

All applications for modifications must be submitted to the Committee in accordance with the procedures outlined below prior to commencing the project or making any modifications.

The applicant must submit an application and a set of plans drawn to scale on a plot plan of the Lot indicating the extent of the proposed modification in sufficient detail to allow review. The application must include a complete list of all materials to be used, including colors, and construction details where appropriate. Any addition or modification, other than a color change, requires a plot plan of the Lot or rendering detailing the following:

- 1) Property lines,
- 2) Setbacks and easements,
- 3) Footprint of the house and driveway, sidewalks, decks, patio, retaining walls, etc.,
- 4) Existing trees and landscaping,
- 5) All proposed improvements dimensioned to properly locate them from the house or property line, and
- 6) Total square footage and/or height of any new structures.

Applications without the above information will be considered **incomplete** and will not be considered by the Committee.

Applications can be found on the community website and can be submitted following the directions listed on the application.

### **Building an Addition**

One set of all documentation and the application/submittal form is required by the Owner.

- Site plan which includes the present locations of property lines, elevations, structures, proposed structures, easements, utilities, etc.
- General construction plans with details needed to explain and illustrate the proposed modification including its dimensions and setbacks from property lines.
- The details of all materials used in the construction of the proposed modification. Samples of materials may be required in the submission.
- It is the Owner's responsibility to comply with these Guidelines and to obtain all necessary approvals. Any changes to the approved plans, elevations, landscaping, and schedules must be submitted to the Committee for review prior to making such changes.

The Owner is encouraged to submit their approval form and supporting documentation at the earliest possible time to avoid potential construction delays.

### **Regulatory Compliance**

Plans submitted to the Committee must comply with all applicable building codes, zoning regulations and the requirements of all agencies and municipalities (*i.e.*, the City of Highland Village ("City")) having jurisdiction over the project. It is the responsibility of the applicant to obtain all necessary permits, inspections, and final Certificate of Occupancy. Regulatory approvals do not preclude the authority and responsibility of the Committee for design review and vice versa. Approval of any Committee application does not deem approval with any building codes, zoning regulations, or requirements of all agencies and municipalities. The Association is not responsible for determining whether the plans submitted are structurally sound or comply with any other regulations.

### **Conflicts with CC&Rs**

In the event of a conflict between the CC&Rs and these Guidelines, the CC&Rs shall govern and control.

### **Final Review**

The Committee's final approval constitutes a binding agreement between the Owner and the Association. Any deviation from the approved plans must be resubmitted for Committee approval.

A simple majority of the Committee members shall be the decision of the Committee. Any decision of the Committee shall not be arbitrary, capricious, or discriminatory. The reason(s) underlying a denial, deferral, or exception shall be articulated by the Committee in its response to the homeowner.

A decision by the Committee denying or disapproving an architectural application must:

- a. be provided to the Owner in writing by certified mail, hand delivery, or electronic delivery.
- b. describe the basis for the denial or disapproval in reasonable detail and changes, if any, to the application or proposed improvements required as a condition to approval.
- c. inform the Owner of the right to either:

- i. submit a modified application to the Committee with the changes proposed by the Committee on or before the thirtieth (30th) after the date the decision notice is mailed, delivered or sent by electronic delivery to the Owner; or
- ii. inform the Owner of the right to request a hearing before the Board on or before the thirtieth (30th) after the date of decision notice is mailed, delivered, or sent by electronic delivery to the Owner.

### **Appeal of a Committee Decision to the Board**

If the Association receives a timely written request for a hearing, the Board shall hold a hearing not later than the thirtieth (30th) day after the date the Association received the written request for a hearing. The Association shall notify the Owner of the date, time, and place of the hearing not later than the tenth (10th) day before the date of the hearing. The hearing notice may be provided to the Owner in writing by certified mail, hand delivery, or electronic delivery. Only one (1) hearing is required after the Committee denies or disapproves the initial application.

The Board or the Owner may request a postponement and, if requested, a postponement shall be granted for a period of not more than ten (10) days. Additional postponements may only be granted by agreement of the parties. The Owner's presence is not required to hold a hearing under this paragraph. The Association or Owner may make an audio recording of the hearing.

During the hearing, the Board (or designated representative) and the Owner (or designated representative) will each be provided the opportunity to discuss, verify facts, and resolve the denial of the Owner's architectural application, and the changes, if any, requested by the Committee in the notice of denial.

The Board may affirm, modify, or reverse, in whole or in part, any decision of the Committee as consistent with the CC&Rs.

### **Waiver, Amendment, and Third-Party Benefit**

The Committee maintains the right from time to time, at its sole discretion, to waive, amend or modify these Guidelines as herein defined. These Guidelines confer no third-party benefit or rights upon any entity, Person, or Applicant.

### **Failure to Submit**

Failure to submit an architectural application to the Committee prior to commencing construction on the Lot is a violation of these Guidelines and the CC&Rs. Enforcement of any violation of these Guidelines and the CC&Rs shall follow the procedures established in the Association's Covenant Enforcement and Fine Policy.

### **Grandfathering**

Existing improvements or landscaping which become violations due merely to a change to these Guidelines will be exempt from enforcement, and shall be "grandfathered" until such time as replacement of the improvements or landscaping causing the violation is necessary. Grandfathering will be addressed on a case-by-case basis and the burden of proving that an improvement is grandfathered shall be that of the Owner. Grandfathering shall survive changes in ownership.

### **Forced Maintenance**

The Association may exercise its right of self-help to cure any outstanding violations pursuant to either Article IV or Article V of the CC&Rs.

## **Section 3: Application Submission**

### **Accuracy of Information**

Any Owner submitting plans to the Committee shall be responsible for verification and accuracy of all components of such submission, including, without limitation, all site dimensions, setbacks, easements, grades, utility locations and other pertinent features of the site or plans.

### **Applicant Representation**

The Owner, by the act of entering into the review process with the Committee, certifies that all representatives of the Owner, including, but not limited to, Owner's architect, engineer contractors, subcontractors, and their agents and employees: (i) are aware of all applicable requirements of the Committee, (ii) shall abide by these Guidelines and the CC&R's with respect to the approval process, and (iii) shall construct or install improvements in strict compliance with that which was approved by the Committee or the Association.

### **Limitation of Liability**

Review and approval of any application pursuant to these Guidelines is made on the basis of aesthetic considerations only, and the Committee, shall not bear any responsibility for ensuring (i) structural integrity or soundness of approved construction or modifications, (ii) compliance with building codes and other governmental requirements, or (iii) conformity of quality, value, size or design among Lots. The Committee's approval of any application shall not be deemed to be a representation or warranty that the construction or modification of any improvement or modification pursuant to such approval will be free of defects in the quality of materials or labor provided or in its design. Each Owner shall obtain whatever soil reports, foundation studies, and/or any engineering studies the Owner deems necessary to determine the adequacy of construction of any improvement or modification prior to the purchase of a Lot or installation of any improvement or modification. Neither the Association, the Board, the Committee, management or agents, or any member of any of the foregoing, shall be held liable to anyone submitting plans and specifications for approval or to any Owner of land affected by the CC&Rs and these Guidelines for soil conditions, drainage or other general site work, or for any defects in plans revised or approved hereunder, or for any injury, damages or loss arising out of the manner or quality of approved construction on or modifications to any Lot, or in connection with the approval or disapproval or failure to approve or disapprove any plans or specifications.

### **Construction Sites & Completion**

All construction sites shall be kept in a neat and orderly condition, free of debris, rubbish, or unused material. Each Owner shall be responsible for the condition of his or her construction site and must check with the City concerning requirements for construction fencing, erosion barriers and other safety



measures which may be applicable to the project. All projects which are expected to require more than two (2) weeks of construction time must be screened from the street in order to prevent an unsightly neighborhood situation. All screening materials must be approved in advance by the Committee.

Owners must use reasonable diligence to expedite completion of their approved project. Each Owner must restore his or her property to a neat and presentable appearance, including the replacement of any landscaping which may have been damaged during construction.

## **SECTION 4: ARCHITECTURAL & DESIGN GUIDELINES**

The following Guidelines address a broad range of exterior building and site conditions. They are not intended to be all inclusive, but rather a guide, by which a high-quality community can be planned, designed, built, and maintained.

Note: Please remember that all proposed new construction and modifications to existing buildings, landscapes, or any other external modification to a Lot must be submitted, reviewed, and approved by the Committee before any commencement of the project.

### **Please Note:**

*No additions, alterations, or renovations of any type to an Owner's Lot will be permitted if it is determined to have an adverse impact on neighboring properties and/or the Castlewood community's use and enjoyment of its Common Area. The Committee reserves the right to limit the size and location of the modification or decline the request.*

### **AC UNITS (COMPRESSORS)**

Compressors for central air conditioning units shall be placed at the side or rear of the home.

#### Window AC Units

A window, or room air conditioner, is a separate self-contained air conditioning system that is mounted onto a windowsill or on an exterior wall. It has a casing that projects outward. These units are prohibited.

#### Portable AC Units

Portable air conditioners are free standing units that remain entirely inside the home and plugged into an interior power source. These units come with a hose and a window kit. The kit seals off the bottom portion of a window leaving a small opening to insert a hose to vent moisture. These units are permissible on a side facing window or at the back of a house. The vent cannot face the street or be visible from the street. Corner Lot homes cannot place a unit on a side facing window that is visible from the street.

### **ARTIFICIAL TURF**

Use of artificial turf is only permitted inside/behind the Lot's privacy fencing and may not be visible from any public street.

Artificial turf cannot be installed in front or side yards.

## **AWNINGS**

Awnings of any type are only permitted in the back of the home.

Awnings, or sun control devices, must be compatible with the character of the house in terms of color, style, and materials.

Awnings shall be a straightforward in design without decorative embellishment such as scallops, fringe, and contrasting colored stitching.

- Drainage from an awning shall not be directed to or project onto neighboring properties.
- Colors must be neutral and complementary to the home. No bright, neon, or multi-colored awnings are allowed.
- Awnings must be made of a durable fabric. Metal awnings are prohibited.
- The height of retractable awnings over patios or decks cannot exceed ten (10) feet.
- Awnings or other sun-control devices must be maintained in an attractive and functional condition. An awning must be repaired and/or replaced due to weathering, fading, tearing, ripping, etc.

### Retractable Awnings

A sun control device, awning, or retractable awning may be a roof-like awning that extends over a window, door, deck, or patio and are only allowed in the back of the home. It cannot unreasonably obstruct adjacent Owners. Retractable awnings are not permitted at the front of the home.

### Retractable Shades

Bamboo or rattan outdoor roll-up, or pull-down, shades cannot be attached to balconies, arbors, gazebos, windows or doors, or roofs that are visible from the street. These types of shade devices are allowed in a backyard only.

## **BACKYARD ENTERTAINMENT STRUCTURES**

The size of any backyard entertainment area, or structure, will be limited by width, length, and height depending on the size of the Owner's Lot, the size of the improvement, and proposed location of the structure. The Committee will determine the allowable size during the approval process based on Lot size, drainage, and easement setbacks. The total size of the backyard entertainment structure may not exceed 50% of the total square footage of the backyard if it is visible above the fence line.

### Permanent Barbeques

Permanent barbecues shall not be a dominant feature on the landscape and shall be located so that they will blend as much as possible with the natural background. Barbecues are to be located in the rear yard.

### Entertainment Areas

Outdoor entertainment areas shall not be a dominant feature on the landscape and shall be located so that they will blend as much as possible with the natural background.

### Outdoor Fireplaces & Fire Pits

All sides of an outdoor fireplace/fire pits/kitchen/entertainment area and barbecue pits shall be finished with masonry that blends with the house. Brick shall match the house brick blend. Fireplaces and pits are to be located in the side or rear yards only, within the side yard setback established for the house and not

closer than five (5) feet to any rear yard. They may not encroach on any easement or alter the surface drainage on the Lot.

- Fire pits are to be used in an uncovered patio or open area with pavers or a concrete pad. A wood burning fire pit must have a wire mesh screen covering, be free standing, and kept in good working condition.
- Chimineas can only be used in a side rear yard the within Lot's privacy fencing and be a maximum of six (6) feet high.

These structures should be in scale with and integrated into the design of the house structure, deck and/or landscape areas and shall be placed or located with consideration of neighboring properties. The maximum height, excluding chimneys, shall not exceed six (6) feet. Height of the chimney shall be required for operation and code compliance.

### Patios, Decks, & Balconies

Decks, patios, and seat-walls shall be coordinated and integrated with the design and architecture of the home and match as to material and color with the existing dwelling. No deck, patio, or seat-wall will be constructed in conflict with the drainage pattern or easements for the Lot, or privacy of neighboring homes.

Extensions or modifications that are determined to have an adverse material impact upon neighboring properties and/or the community will not be approved. The size of decks and patios will be determined by the available space per Lot. The Committee reserves the right to limit the size and location of decks and patios, or patio extensions.

### Patios

Patios may be concrete, concrete stepping blocks, brick, concrete pavers, or stone.

New patio or deck structures must be submitted and approved by the Committee. Design and construction of decks and patios shall comply with all local building codes.

### Decks

Decks shall be constructed of wood or composite wood. Decks must have a natural wood color finish. Vertical supports for second story wooden decks must meet the requirements of the City of Highland Village and be properly permitted prior to beginning construction.

### Balconies

Many homes have first and second story balconies. Balcones facing the street must comply with the following:

- Balconies on corner Lots that are visible to the street cannot be used for storage or to hang laundry.
- Bicycles, toys, athletic equipment, garden tools, or boxed items cannot be stored on a balcony where it is visible from the street.
- Maintenance is the same as the primary structure. Faded or peeling paint on planking, posts, or railings must be repaired or replaced.
- Bamboo or rattan outdoor roll-up, or pull-down, shades cannot be attached to balconies that are visible from the street. These types of shade devices are allowed in a backyard only where it is not visible from a front or side street.

- Polyethylene solar shades that are made of coated polyester woven fabric, and which are fade and mildew resistant, are permissible.

### **BIRDHOUSES, BIRDBATHS, BIRDFEEDERS**

Elaborate, ornate, or multi-colored birdhouses, birdbaths, and birdfeeders are not permitted. Fountains and water features are not considered birdbaths and must be submitted for approval to the Committee.

### **CAR PORTS**

Car ports are prohibited.

### **CAR COVERS**

Car covers are prohibited for use on vehicles parked on driveways with the exception of temporary use during extreme weather threats. Covers must be removed and stored out of site once the threat of extreme weather has subsided. Covers should not be in use for greater than a seventy-two (72) hour period.

### **CHIMNEYS**

A chimney located on the front or side of a Home shall be masonry on the three (3) exterior sides. The side facing the Home may be non-masonry. Any chimney not located on the front or side exterior walls and not located within the front rise of the roof line may be constructed of non- masonry material.

Chimneys framed to receive prefabricated fireplaces and flues must not appear cantilevered from the unit. They must be continuous to finish grade. Chimney caps must be fabricated metal painted an approved color.

### **COLORS FOR EXTERIORS & MAINTNANCE**

- The exterior colors of all buildings and structures must be approved by the Committee based on submitted manufacturer's color chips.
- Homes may only be painted from one paint scheme.
- Color schemes must fall within an earth tone pallet: off-white, cream, beige, taupe, brown, black, charcoal, or gray are acceptable colors. Primary and secondary colors, neon, and pastels are prohibited.
- Plans and specifications submitted to the Committee must include details of the exterior color scheme, including all exterior surfaces.
- Finishes may not be glossy.
- Faux accents such as painted images, half-timbering, and water tables, are prohibited.
- Authentic accents such as cast stone surrounds, banding, and stone, may not be painted.

#### House Body & Trim

Primary colors for siding, stucco and trim must be confined to earth tones which are compatible with the natural environment. Trim, gutters, windows, downspouts, garage doors, and house siding colors must complement the masonry color on the home. Garage door color must match the rest of the trim on the home.

- All changes in color must be submitted for Committee approval before work is performed.
- Repainting or staining to match original colors need not be submitted.

### Windows/Doors/Gutters/Downspouts

Colors for windows, doors, louvers, gutters, and downspouts must be compatible with primary and trim colors.

- All changes in color must be submitted for Committee approval before work is performed.
- Repainting or staining to match original colors need not be submitted.

### Shutters

Shutters shall be painted or stained to complement the siding and masonry colors on the home to accent or highlight the architectural features. Dark rich hues on shutters in the range of dark browns, black, and gray are allowed. Shutter size and proportions must visually equal the window or door opening size as if to cover the opening when closed and must be regularly maintained when they fade or become damaged.

- All changes in colors must be submitted for Committee approval before work is performed.
- Repainting or staining to match original colors need not be submitted.

### Garage Doors

Paint must match the rest of the house trim. When replacing a garage door, the new door must be painted to match the house trim within 30 days of replacement.

Garage doors must be kept free of peeling, scratched, or streaked paint. Replacement doors require Committee approval if it is not a like-for-like replacement.

- All changes in color must be submitted for Committee approval before work is performed.
- Repainting or staining to match original colors need not be submitted.

### Painted Brick

There is a limit on the number of painted brick homes on a street.

- The same color will not be allowed within two (2) houses of each other and at least two (2) homes apart and the same applies to across the street and both streets if a corner Lot.
- All exterior elevations must match, product must be applied to all brick elevations of the home.
- Exposed edges of the foundation may not be painted.
- Non-permeable paints are prohibited.
- Painting must be completed by a professional.

### Allowable Colors for Painted Brick

Colors of beige, cream, ivory, and gray in soft, pale shades are allowed and must be approved by the Committee.

Finish must be opaque and applied to brick only. The LRV may not exceed eighty-five (85). Products limited to Romabio, Domingue, or Keim and must be done by a professional contractor who specializes in this field.

#### Maintaining a Painted Brick Home

Exterior painted surfaces must be maintained in good condition.

Paint failure such as fading, flaking, chalking, peeling, chipping, or deterioration where the natural color of the brick penetrates through the paint, the owner will be required to reapply the paint as originally installed.

#### Exterior Mold/Mildew/Rust on Brick, Stone, Stucco, or Siding

Owners are responsible to keep the exterior of their homes free of mold, rust, and mildew on brick, stucco surfaces, cast stone, and Austin or similar stone facades to maintain a clean exterior.

### **CLOTHESLINES**

- Clotheslines or clothes reels are prohibited.
- Any type of hanging structure or wall mounted device that allows for exterior clothes drying are prohibited.
- Hanging clothes from pergolas, shade structures, balconies, or on fences is prohibited.

### **COMPOST BINS**

Compost Bins shall be attractive, well-constructed, and maintained in a neat, orderly condition. Bins can only be placed in an Owner's backyard and must be out of sight from street view.

- Maximum size shall be four feet by four feet by four feet (4' X 4' X 4').
- One compost bin is allowed per Lot.
- Installation must comply with minimum back and side yard setbacks.

### **DOGHOUSES, DOG RUNS, & INVISIBLE FENCING**

All doghouses, dog runs, and invisible fence installations must be approved by the Committee.

In accordance with City ordinances, animal house exterior colors and materials must relate to the exterior of the house. Dog runs must never be larger than two hundred (200) sq. ft., not consume the entire rear yard, and must be approved by the Committee. A doghouse structure or dog run should be completely screened from any view from surrounding properties and roads and be discreetly located to not cause a nuisance (as determined by the Committee in its reasonable discretion) to neighbors.

- All doghouses are to be located behind a privacy fence in the backyard and within side setbacks of the house.
- The height of the doghouse may not exceed the height of the fence.
- Placement of doghouses should take into consideration safety concerns, noise minimization, and the possibility of offensive odors to your neighbor's property.

### Invisible Fences

- Invisible fences need approval prior to installation.
- Invisible fencing wiring must be buried no less than six (6) inches inside the Lot line. No alterations of the yard grade are permitted.

### **DOORS**

Front door and entry area decorations should be simple in design and in keeping with the style and colors of the house. Plants and flowers in pots should always be neat and healthy. Artificial vegetation or flowers in planters are permitted as front door or holiday decorations. All other uses of artificial flowers will be reviewed on a case-by-case basis by the Committee.

### Front Door

Front entry doors, or other doors such as study doors that are front facing, shall be painted or stained to complement the siding and masonry colors on the home. Color selections must fall within an earth tone palette: off-white, cream, beige, taupe, brown, black, charcoal or gray. Primary and secondary colors, neon, and pastels are prohibited. The resident must submit a request for approval to the Committee to install a new front door or to change the color of the door.

### Storm or Screen Doors

Storm doors and screen doors are prohibited.

### **DRIVEWAYS**

Driveways should be free of debris. The following are some of the items that are prohibited for long term storage (more than 72 hours) a driveway:

- Permanent or temporary furniture, patio furniture, or benches.
- Chimineas or firepits.
- Bicycles, recreational equipment, or toys.
- Golf carts.
- Trash cans.
- Camping vehicles or equipment.
- Boats, RVs, or water recreational vehicles.
- Portable BBQ grills.
- Lawn equipment or mulch.

### **DRIVEWAY EXTENSIONS**

Driveway additions/extensions in front yards will be reviewed on a case-by-case basis with strong consideration of any impact on neighboring properties and the architectural features of the community.

The extension must be a single, continuous addition to the existing driveway and must be of concrete construction. Gravel, pavers, or dirt extensions are prohibited.

**Concrete pads not connected to an existing driveway are not permitted.**

The following conditions must be met for a request to be reviewed:

- Must submit a plot plan noting the location and dimensions of a proposed extension.

- Identify the existing driveway dimensions.
- Identify the total linear feet of Lot frontage.
- Identify Lot easements and drainage pathways.
- Confirm that the driveway will only be constructed of concrete.

Additions/extensions must be maintained in good condition. If the concrete begins to crack, the extension must be promptly repaired, replaced, or removed.

Painting of any driveway, driveway extension or sidewalk is prohibited.

### Materials

The addition/extension must be constructed of concrete slab.

New or replacement driveways with asphalt, loose gravel, pavers, stabilized rock, or sand base, etc. is prohibited.

### **DRIVEWAY GATES**

Placement of a gate will be approved by the Committee on a case-by-case basis.

All gate equipment must be located inside the gate and screened from view. Gates must open into the property and cannot swing out toward the street. No initials, symbols, or decorative elements may be incorporated into the fence or gate without Committee approval. The height of the gate must not exceed the height of the existing fence and follow the current fence line.

Gates must be maintained to ensure rust, fading color, or peeling paint is not visible.

The following conditions must be met for a request to be reviewed:

- Must submit a plot plan noting the location and dimensions of a proposed extension.
- Identify the existing driveway dimensions.
- Identify the total linear feet of Lot frontage.
- Identify Lot easements and drainage pathways.

### Sliding Gates

A sliding gate will be permitted only if the gate slides open across the Owner's fence. The fence must solely slide across, or rest upon, the Owner's property. The fence, once it is slid open cannot slide across, or rest upon, a shared fence with a neighbor or onto Association Common Area. A driveway gate cannot be placed in front of the home, it may only be constructed to slide across the width of the Owner's driveway.

The height of the gate must not exceed the height of the existing fence and must follow the current fence line.

### Permissible Sliding Gate Materials

A sliding gate must be constructed of wood or wrought iron. Ragged pickets used on wood gates cannot be viewed from the street. Cap boards must be used at the top and bottom of the gate.

- Wrought iron gates must be painted flat black.
- Wood gates must be board-on-board OR board-to-board construction.



- Wood gates must be stained to match the same color as the existing wood fence on the property.
- Wood gates must match the same wood on the existing fence.
- The finished side of a wood gate must face the street.
- There must be a bottom and a top rail (Cap Board) attached to the front facing side of a wood gate obscuring ragged pickets.

### Style of Sliding Gates

A wrought iron gate may be approved to have an arched style.

- Dog bars at the bottom of a wrought iron fence must be submitted for approval.
- Mesh, either wire or fabric, is prohibited at the bottom of a wrought iron fence.
- Top and bottom rails must be smooth. Finials, hoops, scrolls, and other decorative embellishments, or puppy pickets are prohibited. Fence panels must conform to the “classic” design of one top and one bottom rail with vertical pickets that are all uniform in size with the exception of the fence “post” piece being slightly larger in dimension. No other fence styles or embellishments are allowed. Allowable dimensions are:
  - Posts: Must be two (2) inch square.
  - Rails: Top and bottom rails must be one (1) inch.
  - Pickets: Must be one-half (1/2) OR five-eighths (5/8) wide.
  - Height: Must be six (6) feet in height.
- Wood gates must be built in a vertical format and match the existing style of fence.
- Horizontal boards are prohibited.
- Top arches are prohibited on a wood gate, the top must be flat and match the style of the existing wood fence.

### Prohibited Sliding Gate Materials

Wooden gates must not have rough, or ragged pickets showing. The gate must have a bottom and top rail obscuring ragged pickets. The following are not permissible with a sliding gate:

- Pickets that are dog-eared, gothic, spear, cove, or round.
- Chain link and wire fences.
- Masonry or stone fencing.
- Masonry or stone pillars.

## **FENCES**

Perimeter fencing around a Lot shall be constructed of wood or wrought iron. Perimeter fencing must be a minimum of six (6) feet in height and a maximum of eight (8) feet. The Committee may, under its sole discretion, approve a maximum of ten (10) foot tall fence dependent on the Lot, its size, and its orientation to adjoining Lots and Common Areas. Such determination will be made on a case-by-case basis.

Ridge caps on posts are generally not acceptable unless painted to match the fence. Gates shall match fencing in design, material height and color. Limited use of decorative wood picket fencing or similar decorative wood features may be considered and approved by the Committee.

## Security Fences

See pertinent information under the Security Measures section.

## Prohibited Fencing Materials

The following materials are prohibited:

- Chain link and wire fences.
- Masonry or stone fencing.
- Masonry or stone pillars.
- Vinyl fencing

## Wrought Iron Fences on Side and Front of Lots

Wrought iron fences must be painted flat black. Vines or bushes that were planted for screening must be kept neatly trimmed. Dead bushes or vines against a fence must be removed. For homes along the community's walking trails, partially dead bushes and vines must be trimmed to remove the dead vegetation.

Wrought Iron Fence Specifications:

Top and bottom rails must be smooth. Finials, hoops, scrolls, and other decorative embellishments, or puppy pickets are prohibited. Fence panels must conform to the "classic" design of one top and one bottom rail with vertical pickets that are all uniform in size with the exception of the fence "post" piece being slightly larger in dimension. No other fence styles or embellishments are allowed. Allowable dimensions are:

- Posts: Must be two (2) inch square
- Rails: Top and bottom rails must be one (1) inch.
- Pickets: Must be one-half (1/2) OR five-eighths (5/8) wide.
- Height: Must be six (6) feet in height.

**NOTE:** If a pool exists on the property, the pickets must be spaced to meet City code, for all sides of the fence whether it is faces front, side, or the walking trail.

## Fence Maintenance

All wood pickets are required to be painted or stained to create a uniform appearance. Like-for-like paint or stain colors do not require approval.

- Stained or painted fences that have fading, blistering, discoloration, chipping, etc., must be stained or repainted.
- Requests for a different fence color on wood fencing must be submitted for approval.
- Damaged or missing pickets must be replaced.
- Sagging gates must be repaired.

Wrought iron fences must be properly primed and only be painted flat black.

## Other Fencing Materials

Dog bars and fine wire mesh used as a dog barrier at the bottom of a wrought iron fence must be submitted for approval.

- Mesh must be black in color and well maintained.
- Mesh must be properly attached, have a neat appearance, not hanging down in places, have holes or be shredded.
- Mesh cannot be any higher than eighteen (18) inches from the ground.

## **FIREWORKS**

Personal fireworks are prohibited and are not permitted within the City limits.

## **FOUNTAINS & WATER FEATURES**

Fountains, water features, and statuary birdbaths for front yards, side yards, and yards that face the walking trails with wrought iron fences are subject to Committee approval. Fountains and statuary should be of natural material, color, and simple in design, in keeping with the style and colors of the home and are limited to four (4) feet in height. Water feature design should discourage creation of stagnant pools of water. Birdbaths are prohibited in the front yard.

Statuary included in a fountain or water feature that is prohibited:

- Cartoon, comic strip, or animal characters.
- Political images.
- Sports figures or mascots.
- Unclothed, anatomically correct figures of a person.
- Figurines displaying offensive gestures, movements, or meanings.
- Holiday figurines out year-round.

## **FLAGS & FLAGPOLES**

To comply with Section 202.012 of the Texas Property Code, the following guidelines for flag displays are followed:

- United States flags must be displayed in accordance with 4 U.S.C. Sections 5 - 10.
- The Texas flag must be displayed in accordance with Chapter 3100 of the Texas Government Code.

### Flagpoles

A site plan will be required and must be approved by the Committee for installation, location, and height for all flagpoles. Temporary flagpoles displayed on Holidays are permitted.

Flagpoles should be of a height, color, and location which are appropriate for the size of the property and background. Ground mounted flagpoles may not exceed twenty (20) feet in height.

- Flagpoles can be mounted on a home, garage, porch, tree, or deck of permanent, long-lasting materials with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling.
- Mounted flagpoles may be attached to a structure, so the flag hangs slanted from the pole.
- Owners can only place a flagpole on their own property with the prior approval of the Committee.
- Owners may not install a flagpole on property owned or maintained by the Association.
- Flagpoles must be maintained in good condition. Poles that are deteriorating or represent an unsafe condition must be repaired, replaced, or removed.
- Only one free standing flagpole is allowed per Lot.
- Flagpoles attached to a dwelling or tree must not be more than six (6) feet in length.

- Flagpoles in front yards must be behind building set back lines and no closer than fifteen (15) feet from property lines.
- Poles shall be painted black, white, or may be bronze anodized.
- Ornaments on top of the flagpole shall be proportional in size with the pole, architecturally sensitive in style, and be of a complimentary color with the flagpole.
- The Owner must abate any noise that is caused by the external halyard of a flagpole.

#### Flagpole Lighting

The location and intensity of lights used to illuminate a displayed flag must be approved by the Committee. Any lighting for nighttime illumination must be directional, low voltage, and not create glare to neighboring properties.

#### Flag Size

Flag size shall be proportional with the pole size. The maximum flag size shall be three feet (3') by five feet (5'). No more than two (2) flags shall be flown on the flagpole at any time.

#### Flags and Banners

The American flag, Texas flag, or flag from one of the United States armed services may be flown from wall mounted poles or ground mounted flagpoles. All flags must be displayed in accordance with federal and state government codes. Deteriorated flags and banners must be replaced or removed.

#### Permissible Flags or Banners

The following flags and/or banners may be displayed:

- US flag.
- TX state flag.
- A flag of any branch of the US Armed Forces.
- College or professional sports team flags during season of play.
- Seasonal flags/banners of an Owner's child's activity in school.
- Holiday/seasonal flags/event/banners may be displayed during the season or event, after which they must be removed.
- Political flags may be flown ninety (90) days prior to an election and ten (10) days after the election. Only one political party flag can be flown.

Flags and banners that advertise a company, or include a company logo, are prohibited.

### **FRONT ENTRYWAY**

The front entry area of the house means any part that faces the street. The entryway is frequently a covered area which acts as an antechamber between the outside and the inside of the home. It can be a doorway, vestibule area, or a window nook recessed area close to the door. The area may or may not be covered by a roof.

No front entryway area of a home can be used for storage of any kind. This includes play equipment, basketball goals, skateboards, electronic bikes, scooters, toys, athletic equipment, bicycles, gardening equipment, mulch bags, BBQ equipment, etc.

### Front Porch

Homes with a defined front porch that is covered by a roof may have patio or seating furniture. The definition of patio furniture is furniture such as chairs and tables suited for outdoor use on a patio. Only furniture designed for outdoor use is permitted.

Patio furniture is limited to permanent, non-foldable, or non-collapsible patio furniture.

- Furniture must be in good repair at all times. Rusted, broken, faded, or poorly maintained furniture showing age and wear must be removed or repaired/restored to a “like-new” condition.
- Portable outdoor furniture, such as stadium/camping and folding chairs must be put away when not in use.

### Prohibited Porch Furniture

- Furniture designed for indoor use, such as leather chairs/couches and overstuffed furniture.
- Plastic, vinyl, or PVC furniture.
- Furniture not in a neutral color palette which can include black, grey, or navy.

## **GARAGES**

Garages are to be used only for parking of vehicles and the storage of normal household supplies and materials.

Garage doors may not be removed and/or be converted with a permanent wall, door, windows, etc.

## **GAZEBOS**

Gazebo plans should be fully detailed (site plan, elevations, size details, materials, etc.) and submitted for review to the Committee prior to construction. Architecturally, gazebos must be compatible with the style of the house.

### Setbacks and Size Limitations

The overall height, including the overall area of the structure shall be compatible with the size and landscaping of the Lot. Depending on the Owner’s Lot size, and set back minimums, the structure size or square footage total may have to be reduced if the Lot size is too small to meet setback and drainage requirements the Committee reserves the right to limit the size and location of the Gazebo and/or decline the request.

- If an Owner’s Lot is one half acre or larger, the structure must be situated fifteen (15) feet on all sides from any easement or property line.
- If an Owner’s Lot is one third to one half acre, the structure must be situated ten (10) feet on all sides from any easement or property line.
- If an Owner’s Lot is less than one third acre, the Committee will consider the Lot size and determine the appropriate set back minimum for the project or decline the request.

If painted, the Gazebo must be earth-tone color, coordinating with and complimenting the colors of the house. Roofing, if any, shall match house roof in style, material, and color.

- Only one Gazebo or Shade Structure is allowed per residence.
- The Gazebo must be located in the rear or side yard and must comply with minimum rear and side yard setbacks.

- Site compatibility and impact on neighboring properties will be major considerations in the approval process.
- Sealant or stain can ONLY be translucent or semi-translucent in a natural wood color or a dark brown/dark walnut solid stain. No other colors are allowed.
- Gazebos visible from side yards or walking trails must be maintained to not show visible wear or faded stain.

## GREENHOUSES

Greenhouses must be architecturally compatible in color and material with the dwelling. Greenhouses are not to be used for a workshop or living quarters or for commercial use. The structure cannot have power or water.

Only one is allowed per residential Lot. The greenhouse must be located where it will be visually unobtrusive. A site plan will be required and must be approved by the Committee.

Greenhouse approval may be denied, or the size/style may be restricted based on the Lot size, house orientation, proximity of the proposed greenhouse location to the neighboring properties, Lot topography, and other considerations relevant to the committee.

Greenhouses must be a permanent built structure. Structures prohibited are:

- Portable structures with fabric walls or ceilings.
- Prefabricated metal or wooden buildings.
- Lean-to greenhouses using the home as one of the walls.
- Greenhouse kits are not permitted.

### Approved Materials and Design

Frames shall be constructed of long-lasting durable metal or rigid plastic material suitable for outdoor use (wood is not an approved material). The 'sun entry' panels shall be glass or UV-resistant rigid polycarbonate material (plastic-sheet or tent-like covers are not approved). Screws and other hardware to be suitable for outdoor use and shall be non-staining. The structure shall be suitably anchored, and the entire frame and panels designed to withstand fifty (50) mph winds. Floors shall be durable (reinforced concrete slab, wood slats, brick/stone pavers or other approved materials) and designed to facilitate drainage. Greenhouse lighting shall be by natural sunlight only. Interior artificial lighting is prohibited.

### Setbacks and Size Limitations

The overall height, including the overall area of the structure shall be compatible with the size and landscaping of the Lot. Depending on the Owner's Lot size, and set back minimums, the structure size or square footage total may have to be reduced. If the Lot size is too small to meet setback and drainage requirements the Committee reserves the right to limit the size and location of the Greenhouse and/or decline the request.

- If an Owner's Lot is one-half acre or larger, the structure must be situated fifteen (15) feet on all sides from any easement or property line.
  - Greenhouse **may not exceed one hundred fifty (150) square feet.**
- If an Owner's Lot is one-third to one-half acre, the structure must be situated ten (10) feet on all sides from any easement or property line.
  - Greenhouse **may not exceed one hundred (100) square feet.**

- If an Owner’s Lot is less than one-third acre, the Committee will consider the Lot size and determine the appropriate set back minimum for the project or decline the request.
  - Greenhouse **may not exceed eighty (80) square feet.**

## **HOLIDAY DECORATIONS**

Seasonal or holiday decorations for major holidays are permitted in front yards. Decorations may include lights installed along the eaves of the home, on bushes and trees, doors, and porches. Colored floodlights, house projections lights, flags/banners, inflatable decorations, and free-standing holiday themed yard art are also permitted.

All holiday or seasonal decorations are not to be installed more than 30 days prior to the holiday with the exception of Christmas decorations. Christmas decorations may be installed the third week in October but may not be illuminated, inflated, or otherwise on display until the second week in November. Holiday decorations must be removed no later than the first Sunday following the date of the holiday with the exception of Christmas decorations. Christmas decorations must be removed no later than the second Sunday in January.

- Seasonal or holiday decorations are to be installed only on the resident’s property, not on Association property, or any other resident’s property.
- All decorations must be properly anchored to the house façade or in the ground to prevent them coming loose and being a safety hazard.
- Bright or flashing lights cannot be pointed directly at roadways or other homes.

Any other time frames for installation of lighting must submit a request in writing to be approved by the Committee.

## **LANDSCAPING**

Landscaping must relate to the existing terrain and natural features of the Lot, using plant materials native to the North Texas area. The amount and character of the landscaping must conform to the precedent set in the surrounding community.

All original landscape plans must be approved by the Committee prior to commencement of landscape improvement construction.

All mulched landscape beds must be covered with natural pine straw, chopped, or shredded cypress, hardwood pine bark, cedar mulch or small nuggets.

### Flower Bed Definition

Flower beds are defined as a planting bed that contains shrubs, bushes, bulbs, small ornamental trees, or perennial flowers planted in a layered border if bed space will allow, or other layout pattern that creates a visual focal point. Front foundation flower beds must contain enough live shrubs or bushes to fill the space to maintain a cohesive, end-to-end look.

### Required Front Yard Landscaping

- All yard areas viewed from public streets must be sodded.
- Complete and full removal of grass/sod is prohibited. The Owner must maintain at least fifty percent (50%) of turf grass in any street-adjacent non-fenced yard (front and side yards).
- Flower bed mulch must be periodically replenished to ensure bare dirt is not visible.

- Front flower beds must contain enough live plants to fill the space to maintain a cohesive, end-to-end look.
- Gravel, mulch, or ornamental grasses will not be accepted as yard grass for landscaping areas visible to public view.

Use of artificial turf is only permitted inside/behind the Lot's privacy fencing and cannot be visible from any public street.

No landscape gravel may be the focal point of any front or side facing landscaping. It may only be used in small areas.

#### Front and Side Landscaping and Flower Bed Maintenance

- Shrubs and bushes must be maintained including pruning and trimming as needed.
- Weeds must be removed from all front and side flower beds and planting beds surrounding trees.
- Front flower beds must contain enough live shrubs or bushes to fill the space to maintain a cohesive, end-to-end look.
- Dead plants and bushes must be removed from front lawn/flower beds or areas exposed to public view from any street.
- Flower bed mulch must be periodically replenished to ensure bare dirt is not visible.
- All landscape beds must be mulched.
- Shrubs planted near sidewalks on an Owner's Lot must be trimmed to allow unobstructed pedestrian passage.
- Landscape gravel selections must be submitted for approval.

#### Front and Side Flower Bed Size

The size or depth of front and side yard flower beds, which run along the home's foundation, will be determined by the Committee, and be based on the size of front of the Lot. Flower beds are defined as a planting bed that contains shrubs, bushes, bulbs, small ornamental trees, or perennial flowers planted in a layered border if bed space allows, or other layout pattern that creates a visual focal point.

Mulching over a large part of a yard with randomly planted bushes, bulbs, or ornamental trees is not considered a flower bed and is prohibited. Mulched beds shall not be the focal point of any front or rear facing lawn.

#### Potted Plants, or Planters, in Front or Side Yards and/or Flower Beds

- Modest sized portable planters are acceptable.
- Plants cannot remain in the original plastic nursery container.
- Planters must contain live plant material during the growing season and be free of weeds and debris. Dead plants must be removed.
- Planters cannot **replace** bushes and shrubs in front flower beds.
- Planters must be in a neutral tone to complement the brick and home trim palette. Dark rich hues in the range of dark browns, navy blue, black, gray, tans, or creams are allowed. Planters in primary and secondary colors, neon, and pastels are prohibited.

### **LAWN MAINTENANCE**

Owners are responsible for mowing and maintenance of all turf, flower beds, and landscaping on their entire Lot. The community standard for lawn maintenance is described below. If an Owner fails to adhere



to these standards, the Association may assume the landscape maintenance and charge the Owner for this maintenance. Refer to the section entitled “*Forced Maintenance*” for further information.

#### Lawn Maintenance

- Lawns with grass over six (6) inches must be cut immediately.
- Watering, fertilizing, and aeration must be conducted as necessary to keep the quality and color of turf reasonably consistent with that of neighboring residential Lots.
- Weeds must be removed and patches of dying, or dead grass, reseeded.
- Lawns must be covered in sod. Lawns covered in weeds will be considered bare.
- The area between the sidewalk and the street is to be maintained by the Owner.
- Tree rings must be edged and kept free of weeds.
- Spring cleanup should consist of raking turf areas to remove winter debris and promote new growth. Fall cleanup should consist of leaf removal at reasonably frequent intervals to deter dead leaf piles.

#### Removal of Yard Debris

- Streets, driveways, and sidewalks should be free of grass clipping debris. Grass clippings cannot be blown into the street, sidewalk, down sewer drains, or onto Common Areas.
- Dumping of grass clippings is **PROHIBITED** in Common Areas, along the walking trails, in creek beds, or anywhere on Corps of Engineer property.
- Other yard debris such as dead bushes, branches, leaves, sticks, etc. must be bundled or bagged and set out for bulk trash pickup.

#### Lawn Irrigation

- The front and side yards shall be irrigated either with an installed sprinkler system or via portable sprinklers to prevent lawn and landscaping from dying.
- Bare spots, or dead grass, from lack of irrigation is prohibited.
- Owners without a sprinkler system in their front yard, or their sprinkler system is not functional, must use alternative means to keep their lawn and landscaping from dying out during the spring, summer, and early fall months.

#### Tree Maintenance

- All trees must be kept free of dead limbs, trunk shoots, and debris.
- Trees must be trimmed to allow unobstructed pedestrian passage on all public walkways. Tree limbs must be no lower than eight (8) feet from the sidewalk and fourteen (14) feet above the street.
- Owners on corner Lots must trim trees that obstruct line-of-sight for vehicles at intersections and/or on curves.
- Dead trees must be removed from front lawn/flower beds or areas exposed to public view from any street and replaced to maintain the appearance of the Lot.
- If a tree dies and is removed from a front yard, or a side yard that is visible from the street, it must be replaced with another like tree if the loss results in less than two trees on the front or side Lot. Trees may be planted when conditions are ideal for the new tree to thrive.
- Dead tree stumps in front or side yards, or front flower beds, must be removed or cut down to the ground where it is not visible from the street.
- Owners must maintain a minimum of two (2) living trees, which are not small ornamental trees at

maturity, in the front yard. (Small ornamental tree examples: crape myrtle, redbud, vitex, Japanese maple.)

## **LIGHTING (EXTERIOR)**

### Porch Lights, Carriage Lights, Floodlights, or Spotlights

All Exterior lighting should be of a low level, non-glare type and located to cause minimum visual impact to adjacent properties and streets. Exterior spotlights or floodlights should be situated to eliminate glare onto adjacent properties or present a potential hazard to pedestrian or vehicular traffic.

- Replacing front-facing exterior lighting fixtures for porches or garages, if not the same style and color of the original or **adding** exterior light fixtures requires Committee approval.
- All exterior lighting (spotlights/floodlights) must project downward and not emit an unreasonable amount of light, or glare, or be pointed directly toward a neighbor's property creating a hazard or nuisance.
- Single or double floodlights attached to the front of the home at the base of the foundation that project upwards onto the home facing are permissible.

### Hardscape and Landscape Lighting

Low-voltage and decorative lighting are allowed within the yard area of the Lot only in accordance with the following:

- Low voltage light fixtures may be used for low-level path lighting, up lighting, down lighting, and landscape architectural accent lighting. Tree mounted down lights must be shielded from the street and neighbors' view.
- Low voltage fixtures must be located and aimed carefully. Fixtures cannot constitute a nuisance or hazard to any Owner or neighboring resident.
- Hardscape and landscape lighting should be between fifty (50) and three hundred (300) lumens and concealed underground or in shrub masses.

### Decorative Lighting

- Decorative patio lights are permitted but cannot create an unreasonable amount of light for adjacent properties and cannot constitute a nuisance or hazard to any Owner or neighboring resident.

### Allowable Light Colors

- All lights must be in shades of white with no colored lights allowed. "Barnyard" lights or sodium vapor lights (yellow light source) are prohibited.
- Colored floodlights as seasonal/holiday decorations are allowed and must adhere to the holiday decoration guidelines.

### Programmable Lighting

*"Programmable Lighting"* is a permanent or semi-permanent system of outdoor lighting affixed to any portion of a dwelling or a structure on a Lot allowing for the display of lights of one or more colors and is programmable through a device that has the capability of changing the color of the displayed lights for seasonal events, holidays, or similar occasions.

- Programmable lighting may only be installed following written approval from the Committee.

- Any allowed Programmable Lighting system must be installed so that the installation is unobtrusive or concealed.

When a Programmable Lighting system is activated, the lighting must be always be displayed in a **constant mode** and cannot display flashing, strobing, or blinking lights. Except for allowed seasonal holidays, all light sources must display at a level of intensity deemed as “low” per the system controlling the Programmable Lighting system such that lighting is inconspicuous, with all lights in shades of white (no colored lights). The Committee has reasonable discretion to determine compliance with this policy.

The use of colored or flashing **programmable lights** installed on roof eaves are limited to be displayed **ONLY** during the following recognized holidays:

Easter, Diwali, Halloween, Thanksgiving, St. Patricks’ Day, Valentines Day, 4<sup>th</sup> of July, Martin Luther King Day, Veteran’s Day, Memorial Day, Kwanza, and Christmas

Lights may be displayed in recognition of the holiday 30 days prior to the date the holiday is recognized and two days after. The exception being Christmas which may be displayed from the second week in November through the second Sunday in January.

Owners may submit applications to the Committee to allow displays of a Programmable Lighting system for events other than allowed displays. The Committee, in its sole discretion, may approve, deny and/or set conditions or limitations on any displays presented to it for approval.

In the event a neighboring property owner files a complaint with the Association based on the use of Programmable Lighting systems for an approved display causing a nuisance or disturbance to an occupant’s right of peaceful use and enjoyment of property, the Board is authorized to require the intensity of the light level to any approved display to be reduced or significantly modified.

## **MAILBOXES**

Mailboxes must be painted black and kept in good condition. Mailboxes must be free of rust, have a working red flag, a functional door, and be upright without additional support.

- Damaged mailboxes must be replaced. Replacement mailboxes do not need approval if the owner is replacing it like-for-like.
- Boxes must be maintained and not show signs of rust or severe weathering where the paint is worn thin. Mailboxes should be periodically repainted with flat or glossy black. No other colors are allowed.
- Street numbers are the only identification permitted on the mailbox. Family names, shields, artwork, or monogram initials are prohibited.
- Street numbers on mailboxes must be maintained in good condition and be legible. Stick-on adhesive numbers must be removed and/or replaced if they are faded or peeling.
- Mailboxes may be decorated for holidays with bows, garlands, ribbons, etc. as long as the opening is not obscured.

## **OUTDOOR STORAGE**

Outdoor storage of garden equipment, tools, and hoses must be screened from view of the street.

## Backyard Storage

If the Owner's backyard is visible to the street, tools or other items stored on a deck, a balcony, or a porch must be screened from view by planting shrubs around the deck/area or placed inside of an outdoor garden trunk. Preferably these items should be stored inside the garage. Storage of items in the front or side yard is prohibited.

## Temporary Storage, PODS, & Dumpsters

Temporary storage containers, PODS, or dumpsters when used for moving or for repairs and renovations are permitted for not more than thirty (30) days, without special permission from the Board of Directors. The container must be placed and fit on the owner's driveway. At no time may a POD or dumpster be placed in the street.

## **PLAY STRUCTURES/PLAYHOUSES**

### Play Structures

The term "play structures" includes items such as, but not limited to, swings, ramps, or bars for children to climb on for fun. They must be located in the Owner's backyard and be placed where they will have minimum visual impact on adjacent properties and streets. The play structure must have a minimum of ten (10) feet clearance from any other structure on the property and ten (10) feet from the property line. The highest standing platform may not exceed six (6) feet in height. Only one play structure (or playhouse) is allowed per Lot.

- Fixed play structures should be naturally colored wood.
- No utilities shall be supplied to the structure.
- The total height not to exceed eight (8) feet. The total size of the structure is dependent on the Lot size and location from property lines and easements.
- No metal structures are permitted.
- Awnings and flags may not be attached to the structure.

These structures must be maintained in good condition as you would a fence, gazebo, or pergola. Paint or stained structures that have fading, blistering, discoloration, rotten or broken wood, chipping, etc., must be stained or repainted.

### Playhouses

Playhouses must be made of masonry and/or wood; no metal structures are permitted. It shall be coated to retain its natural color or painted an earth tone color to coordinate with the colors of the home. Upon completion the structure may not exceed eight (8) feet in height from the ground to any point of the structure and may not exceed a maximum of seventy (70) square feet. Only one play structure (or playhouse) is allowed per Lot.

- No utilities shall be supplied to the structure.
- The playhouse must have a rear and/or side setback of five (5) feet from the property lines.
- It must be buffered from adjacent properties by fencing or appropriate evergreen landscaping.
- At no time shall a playhouse be used as a storage facility.

These structures must be maintained in good condition as you would a fence, gazebo, or pergola. Paint or stained structures that have fading, blistering, discoloration, rotten or broken wood, chipping, etc., must be stained or repainted.

## **PRIVACY PANELS/SCREENING**

Privacy screens should be created using natural landscaping and evergreens. Additional wood panels, or lattice panels attached to the top of a retaining wall or existing wood or wrought iron fence is prohibited.

Screening is not permitted on wrought iron fences.

## **RAINWATER COLLECTION DEVICES**

Rain barrels or rainwater harvesting systems and related system components may only be installed after receiving written approval from the Committee. Rain barrels cannot be installed or located in or on any area within a Lot that is in between the front of the Owner's home and an adjoining or adjacent street. Rain barrels may be located in the backyard of an Owner's property and must be located within two (2) feet of the dwelling. Maximum size allowed for rain barrels is 60 gallons. No more than four Rain Barrels are allowed per residence.

- The barrels or system must be of a color that is consistent with the color scheme of the home.
- The barrels or system cannot be located between the front of the Owner's home and an adjoining or adjacent street.
- The barrels or system cannot display any language or other content that is not typically included on the item when it is manufactured.
- The Committee may regulate the size, type materials and manner of screening for barrels and systems that are visible from the street, another Lot, or Common Area.
- There must be sufficient areas on the Owner's property to install the barrels or system.

## **RECREATIONAL EQUIPMENT**

### Basketball Goals

- Only portable basketball goals are permitted. A pole mounted basketball goal/backboard and a basketball goal/backboard attached to a garage, or any structure is prohibited.
- The following constitute conditions for the use of permitted portable basketball goals:
- Toddler sized goals or goals designed for young children that are not regulation size must be stored out of view when not in use.
- Basketball goals that are visible from the street or a neighbors' yard must be mechanically sound, clean, and well maintained and the net must always be intact. Faded, discolored, or broken basketball goals must be replaced or removed.
- Goals must be properly weighted according to the manufacturer's instructions. Owners shall not place weights, sandbags, etc. on the base of the goal in lieu of properly weighting per the manufacturer's instructions.  
Once properly weighted, regulation basketball goals must remain stationary unless removed for storage.
- Only one goal per Lot is permitted.
- Basketball goals should be placed as close as possible to the home and should not be placed as to encourage play on the street, a neighboring home, or common area.
- Basketball goals may not be placed on the curb, on the street, or end of a cul de sac.
- Basketball goals shall not be stored laying horizontally on the lawn, driveway, or any other location visible to the street. Use of basketball goals at a residence must follow City noise ordinances.

### Portable Recreation Equipment

Portable recreation equipment such as basketball equipment, hockey and soccer goals, volleyball and badminton nets, horseshoes, skateboard ramps, archery, baseball batting cages, bicycles, tricycles, toy cars, electric and manual scooters, portable bounce houses, and small trampolines etc., are not permitted to be in view when not in use.

### **RELIGIOUS DISPLAYS**

An Owner may display or affix on their Lot, or on their dwelling, up to a total of three (3) religious items the display of which is motivated by the Owner's sincere religious belief. For purposes of this section, a sincere religious belief relates to the faithful devotion to a god or gods, the supernatural or belief that addresses fundamental and ultimate questions having to do with deep and imponderable matters. A religion is comprehensive in nature; it consists of a belief-system as opposed to an isolated teaching. Religious displays are different than signs or other figures related to a cause.

All religious item displays, other than seasonal religious displays, must receive prior approval from the Committee prior to installation, except for displays on an exterior door or door frame of the home that are twenty-five (25) square inches or smaller. No prior permission is required to place a cross, mezuzah, or other similar religious symbol smaller than twenty-five (25) square inches on the dwelling's front door or door frame.

If displaying or affixing a religious item on the Owner's property or dwelling violates any of the following covenants, then the Association may remove or require the Owner to remove the item(s) displayed.

A religious display cannot:

- Threaten the public health or safety of residents;
- Violate a law other than a law prohibiting the display of religious speech;
- Contain language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;
- Be in a location other than the Owner's property or dwelling, *i.e.*, installed on property owned or maintained by the Association, or owned in common by two or more members of the Association;
- Be located in violation of any applicable building line, right-of-way, setback, or easement;
- Is attached to a traffic control device, streetlamp, fire hydrant, or utility sign, pole, or fixture; or
- Have string lights or flashing lights affixed to the structure.

### Display Parameters

- All religious displays must be located within five (5) feet to ten (10) feet of the dwelling's frontmost building line (*i.e.*, within five (5) feet to ten (10) feet of the front facade of the dwelling.)
- Displays may not be located within building setbacks.
- No portion of the display may extend above the lowest point of the dwelling's front roof line.
- All displays must be kept in good repair.
- Displays may not exceed five (5) feet high by three (3) feet wide by three (3) feet deep.
- The number of displays is limited to three (3).

## **RETAINING WALLS**

### Foundations & Retaining Walls

Exposed concrete block or poured concrete foundations exceeding twelve (12) inches and site retaining walls must be covered with stone, brick, or stucco to complement the house materials. Where retaining walls are required, they shall be faced with brick, stone or interlocking slit-faced concrete block specifically designed for retaining walls. Landscape timber walls or railroad ties are not permitted in front or side yards.

Use of indigenous rock with appropriate landscaping is encouraged. As a retaining wall may alter existing landforms, the design of such a wall should be carefully considered to avoid adversely affecting drainage patterns.

## **ROOFS**

All major roof lines must be pitched a minimum of eight (8) inches on twelve (12) inches. The Committee may permit a lesser pitch where such pitch is consistent with the architectural style of the home as judged by the Committee at their sole discretion.

Replacement of an existing roof with the same previously approved material and color does not require Committee approval. The burden of proving that the replacement roof was the same as previously approved material and color shall be that of the Owner.

- Replacement of an existing roof with a new roofing material or a new roof color requires Committee approval.
- Roofing must be one consistent color. Partial roof replacement with a color that is not an exact match to the rest of the roof is not permitted.

### Materials

- All roofs shall be of tile, metal, or composition shingles.
- Minimum weight of 250 lbs. per square and/or a minimum twenty-five (25) year warranty and be of an “architectural” or “dimensional” or “shadow line” style.

### Roof Colors

All roof venting and roof flashing must be painted to match roof color.

## **SATELLITE DISHES/ANTENNAS**

### Satellite Dishes

- Satellite dishes for the transmission/reception of television or radio (including amateur or ham radios) signals are to be installed in the rear half of the house.
- Satellite dishes must have Committee approval prior to installation.
- Satellite dishes not in use, in disrepair or the appearance is rusted, peeling, or loose from its moorings, must be removed.

### Antennas

- Antennas for the transmission/reception of television or radio (including amateur or ham radios) signals are to be installed in the rear half of the house.
- Antennas must have Committee approval prior to installation.

- Antennas not in use, in disrepair, or loose from moorings, must be removed.

## SECURITY MEASURES

Owners may install or build security measures on their Lot for the purpose of deterring criminal acts or to increase personal security while adhering to and promoting the design, harmony, and aesthetics of the subdivision. The Committee shall have the sole and absolute discretion in determining whether an item or improvement is a reasonable security measure subject to the allowances provided by these Guidelines.

Cameras/Motion Detectors. Owners may place cameras and motion detectors on their Lot for security measures, not on the Lot of any other Owner, and not on any Association property. Cameras shall be used for the primary purpose of capturing images of the Lot on which the camera is installed and shall not unreasonably interfere with the use and enjoyment of any neighbor's Lot or Association property. Camera use will be limited to situations that do not violate the reasonable expectation of privacy as defined by law.

Perimeter Fencing. Plans and specifications, including an application for the installation of a perimeter fence, will not be reviewed or approved by the Committee *unless* accompanied by: (i) the drawing showing materials, dimensions and location submitted in order to obtain a permit; and (ii) a permit issued by the City or other applicable municipal authority allowing the installation. Perimeter fencing is permitted by the Association as a security measure and must be ground-mounted on the boundary line of the Owner's Lot and installed in a contiguous manner around the entirety of the Lot boundaries. No gaps in perimeter fencing are permitted, *i.e.*, the perimeter fencing must fully enclose the Lot. Perimeter fencing shall not exceed eight feet (8') in height or be lower than six feet (6') in height. A gate in a perimeter fence is for all purposes considered part of the fence. Any gate shall open towards the interior of the Lot. The Association may prohibit fencing other than perimeter fencing. All fencing including perimeter fencing must receive prior written approval from the Committee. Perimeter fencing shall not consist of any barbed wire, razor wire, wire mesh, chain link, or vinyl. Electrically charged fencing is prohibited.

Plans and Specifications. Prior to installation of any security measure, the Owner must submit plans and specifications including dimensions, colors, materials, and proposed location on the Owner's Lot, scaled in relation to all boundary lines and other improvements on the Lot. Plans must be submitted to the Committee, and the Owner must receive prior written approval prior to installation of any security measures. All proposed installations must be of a type, including materials, color, design, and location, approved by the Committee. The Committee may require the use of, or prohibit, specific materials, colors, and designs and may require a specific location(s) for the security measure. An Owner who builds or installs a security measure must ensure that compliance with all laws, ordinances and codes. An approval of an application for a security measure by the Committee is not a guaranty or representation of compliance with any laws, ordinances, codes or drainage requirements, and the Owner assumes all risks, expenses and liabilities associated with safety measures built or installed, including, but not limited to, the City or County requiring the removal of perimeter fencing for any reason.

**AN APPROVAL OF AN APPLICATION FOR A SECURITY MEASURE BY THE COMMITTEE SHALL IN NO WAY BE CONSIDERED OR CONSTRUED THAT THE ASSOCIATION OR ITS COMMITTEE ARE INSURERS OR GUARANTORS OF SECURITY OR SAFETY OF PERSONS, PROPERTY OR POTENTIAL CRIMINAL ACTIVITY. FURTHER, NEITHER THE ASSOCIATION NOR ITS COMMITTEE SHALL BE HELD LIABLE FOR ANY LOSS OR DAMAGE BY REASON OF FAILURE OR INEFFECTIVENESS OF THE OWNER'S SECURITY MEASURE(S).**



Any security measure built or installed must be properly maintained, kept in good repair, and not permitted to go into a state of disrepair or become an eyesore, as determined in the sole and absolute discretion of the Board.

## **SHADE STRUCTURES, PERGOLAS, & ARBORS**

Pergolas, arbors, and other shade structure plans should be fully detailed (site details, etc.) and submitted for review to the Committee prior to construction. Architecturally, all such structures shall be attractive in appearance, without excess ornamentation and compatible with the style of the house.

The overall area of the structure shall be compatible with the size and landscaping of the Lot.

If painted, it shall be an earth-tone color, coordinating with and complimenting the colors of the house.

- Only one arbor, gazebo, or shade structure is allowed per residence.
- The shade structure must be located in the rear or side yard and comply with minimum rear and side yard setbacks.
- Site compatibility and impact on neighboring properties will be major considerations in the approval process.
- Sealant or stain can ONLY be translucent or semi-translucent in a natural wood color or a dark brown/dark walnut solid stain. No other colors are allowed.
- Pergolas, arbors, or shade structures that are visible from side yards or walking trails must be maintained to not show visible wear or faded stain.

### Setbacks and Size Limitations

The overall height, including the overall area of the structure shall be compatible with the size and landscaping of the Lot. Depending on the Owner's Lot size, and set back minimums, the structure size or square footage total may have to be reduced. If the Lot size is too small to meet setback and drainage requirements the Committee reserves the right to limit the size and location of the shade structure and/or decline the request.

- If an Owner's Lot is one half acre or larger, the structure must be situated fifteen (15) feet on all sides from any easement or property line.
- If an Owner's Lot is one third to one half acre, the structure must be situated ten (10) feet on all sides from any easement or property line.
- If an Owner's Lot is less than one third acre, the Committee will consider the Lot size and determine the appropriate set back minimum for the project or decline the request.

### Materials

Construction materials may be wood, masonry, stone, or architecturally similar materials. Roofing, if any, shall match house roof in style, material, and color. The overall height, including ornaments, if any, shall not exceed twelve (12) feet.

Sealant or stain must be translucent or semi-translucent in a natural wood color or a dark brown/dark walnut solid stain.

## **SHEDS**

Sheds for storage must be architecturally compatible in color and material with the dwelling. It must have all the elements of the original home design, such as brick, roofing, material, and style. It is for the storage

of lawn and garden equipment, trash cans, etc., and shall not be used for a workshop or living quarters. It shall not have power or water.

Only one is allowed per residential Lot. In any event, they shall be located where they will be visually unobtrusive. A site plan will be required and must be approved by the Committee.

The Committee will review existing structures and Lot size when determining if a Lot can accommodate multiple improvements without having an adverse impact on neighboring homes.

#### Requirements for Lots Of **half an acre or larger**

If an Owner's Lot is one half acre or larger, the structure must be situated fifteen (15) feet on all sides from any easement or property line.

- Roof may not exceed nine (9) feet.
- Shed color must match trim paint.
- Shed may be constructed of wood, stone, brick, metal, or Hardie-board. Stone or brick must match home. Plastic is prohibited.
- Roof shingles must match home.
- Electricity and water are prohibited.
- Shed may have no more than two (2) windows.
- ***Shed may not exceed one hundred and fifty (150) square feet.***
- Only one shed per Lot is permitted.
- Must be located where it will be visually unobtrusive, plat map with location marked must be included with application.
- Evergreen plant screen is required if Owner's privacy fence is not in place.

#### Requirements for Lots **one third of an acre to half an acre**

If an Owner's Lot is one third to one half acre, the structure must be situated ten (10) feet on all sides from any easement or property line.

- Roof may not exceed the height of fence.
- Shed color must match trim paint
- Shed may be constructed of wood, stone, brick, metal, or Hardie-board. Stone or brick must match home. Plastic is prohibited.
- Roof shingles must match home.
- Electricity and water are prohibited.
- Shed may have no more than two (2) windows
- ***Shed may not exceed one hundred (100) square feet.***
- Only one shed per Lot is permitted.
- Must be located where it will be visually unobtrusive, plat map with location marked must be included with application.
- Evergreen plant screen is required if Owner's privacy fence is not in place.

#### Requirements for Lots **under one third of an acre**

If an Owner's Lot is less than one third acre, the Committee will consider the Lot size and determine the appropriate set back minimum for the project or decline the request.

- Roof may not exceed height of fence.
- Trim color must match trim paint
- Shed may be constructed of wood, stone, brick, metal, Hardie-board, **or plastic**. Stone or brick must match home. Plastic is prohibited.
- Roof shingles must match home.
- Electricity and water are not permitted.
- Shed may have no more than two (2) windows.
- ***Shed may not exceed eighty (80) square feet.***
- Only one shed per Lot is permitted.
- Must be located where it will be visually unobtrusive, plat map with location marked must be included with application.
- Evergreen plant screen is required if Owner's privacy fence is not in place.

## **SIDEWALKS**

Sidewalks may not be altered in any way and must always remain free from any obstructions including overgrown bushes and tree branches overhanging the walkway as well as cars extending beyond the driveway to prohibit a pedestrian from passing.

Pedestrians must be able to walk under trees and down sidewalks and walking trails without any obstruction. Sidewalks in the community are the property of the City.

## **SOLAR PANELS**

Solar energy devices, including any related equipment or system components (collectively, "*Solar Panels*") may only be installed after receiving the written approval of the Committee. Solar Panels may not be installed upon or within Common Area or any area which is maintained by the Association. Solar Panels may only be installed on designated locations on the roof of a home, on any structure allowed under these Guidelines, or within any fenced rear-yard or fence-in patio of the Owner's Lot.

If located on the roof of a home, Solar Panels shall be located on the roof except for the roof facing the front of the home unless the Owner demonstrates that the location proposed by the Owner increases the estimated annual energy production of the Solar Panels by more than 10 percent (10%) above the energy production of the Solar Panels if located in an area on the roof requested by the Association.

Any claim that the installation of Solar Panels must be allowed due to the estimated annual energy production of the device being increased by more than ten percent (10%) above the energy production of the device if located in an area permitted under the terms hereof, will only be considered if the Committee is presented with the following: (i) a schematic diagram of all Solar Panels placed only in areas of the roof allowed by these Guidelines and a calculation of estimated annual energy production using a publicly available modeling tool provided by the National Renewable Energy Laboratory; and (ii) a schematic diagram of all Solar Panels placed only in areas of the roof NOT allowed by these Guidelines and a calculation of estimated annual energy production using a publicly available modeling tool provided by the National Renewable Energy Laboratory. The Committee will only allow an exception to the placement restrictions if the estimated annual energy production under (ii) exceeds the estimated annual energy production under (i) by more than ten percent (10%).

If located on the roof of a home, Solar Panels shall:

- a. not extend higher than or beyond the roofline;

- b. conform to the slope of the roof;
- c. have a top edge that is parallel to the roofline; and
- d. have a frame, support bracket, or visible piping or wiring that is in a silver, bronze, or black tone commonly available in the marketplace and blends with the color of the roof to the greatest extent possible.

If located in the fenced rear-yard or patio, Solar Panels shall not be taller than the fence line.

The Committee may deny a request for the installation of Solar Panels if it is determined, and such determination is reduced to writing, that the placement of the Solar Panels as proposed by the property Owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The property Owner may obtain the written approval of the proposed placement of the Solar Panels by all property Owners of adjoining property. In this case, the Committee shall approve the installation should it meet all other requirements contained herein unless it determines that the placement substantially interferes with the use and enjoyment of land of persons other than adjoining Owners.

Any installation of Solar Panels which voids material warranties is not permitted and will be cause for the Solar Panels to be removed by the Owner. Solar Panels must be properly maintained at all times or removed by the Owner. Solar Panels which become non-functioning or inoperable must be removed by the Owner of the property. Solar Panels are prohibited if a Court determines that the installation thereof violates any law or threatens the public health or safety.

## **SOLAR SCREENS FOR WINDOWS**

Solar window screens are permitted.

- All windows on the same side of the house (upper and lower levels) must have matching solar screens that are the same type and color.
- Solar film is prohibited.

## **SPAS, HOT TUBS, & JACUZZI'S**

Spas, hot tubs, and Jacuzzi's must be installed in ground and connected to permanent electrical and plumbing. Exterior spas must be screened from adjacent properties and streets. All pump, filters, and equipment for spas must be located where they will not cause a visual nuisance to neighbors and must be screened from view with a wooden fence or evergreen landscape screening. Screening shrubs shall be four (4) feet minimum height above spa/deck elevation.

Spas, hot tubs, and Jacuzzi's will be approved depending on size, location, and Lot size.

- Spas cannot create an unreasonable level of noise for adjacent neighbors.
- Must be located in the backyard within established property setbacks and easements. Spas cannot be located within any drainage, utility, or maintenance easement.
- Drainage onto a neighbor's property is prohibited.
- Spas must be located in a location and manner that complies with the City code.

### Prohibited Hot Tubs or Spas

- Any type of portable or inflatable hot tubs or spas.

- Swim or wave spas.

## **STANDBY ELECTRIC GENERATORS**

A “standby electric generator” means a device that converts mechanical energy to electrical energy and is (1) powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen; (2) fully enclosed in an integral manufacturer-supplied sound attenuating enclosure; (3) connected to the main electrical panel of a residence by a manual or automatic transfer switch; and (4) rated for a generating capacity of not less than seven (7) kilowatts.

All standby electric generators shall be installed and maintained in compliance with the manufacturer’s specifications and all applicable governmental health, safety, electrical, and building codes. All electrical, plumbing and fuel line connections shall be installed only by a licensed contractor and installed in applicable governmental health, safety, electrical, and building codes. All nonintegral standby electric generator fuel tanks shall be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes.

A standby electric generator and its electrical lines and fuel lines shall be maintained in good condition. The Owner shall repair, replace, or remove any and all deteriorated or unsafe component of a standby electric generator, including all electrical or fuel lines.

An Owner must periodically test and tune or perform maintenance on the standby electric generator in accordance with manufacturer’s recommendations.

A standby electric generator cannot be used to generate all or substantially all of the electrical power to the Owner’s Lot, except when utility-generated electrical power to the Lot is not available or is intermittent due to causes other than nonpayment for utility service to the Lot.

A standby electric generator cannot be installed on property owned or maintained by the Association or on property owned by another person.

## **SWIMMING POOLS**

Swimming pools must fit naturally into the topography of the proposed Lot and be located to provide minimal visual impact to surrounding properties and streets. Pools must meet the requirements included in the application. No above-ground pools are allowed. The pool location must comply with minimum setback requirements.

The pool, pool decking, fencing, structures, and any related mechanical equipment must be protected and screened by a wall or fence. The backwash for the pool, if any, must be indicated in the plan. The flow of this function will not be allowed to cross Lot lines (must be directed or piped to the street). Approval of any additional security fencing will be considered a part of the swimming pool application and shall be contingent upon completion of the pool. A site plan will be required and must be approved by the Committee.

### Materials

Swimming pools are restricted to the following types of construction:

- Gunite
- Poured concrete

### Submittal Requirements

- Plot plan rendering indicating the location of the pool and required equipment to scale with all existing structures including but not limited to property lines, easements, the location of the residence, landscaping, patios, and other existing structures.
- All materials to be used, color scheme, and finishes.
- All structures or changes including but not limited to pool equipment screening, fencing, or landscaping changes being made to accommodate the pool.
- A copy of all relevant permits must be provided at least five (5) business days prior to the start of construction.

### Swimming Pool Enclosure

A “*Swimming Pool Enclosure*,” as used herein shall mean and refer to a fence that surrounds a water feature, including a swimming pool or a spa, installed as a safety measure to prevent accidental drownings of children. A Swimming Pool Enclosure may not be installed upon or within the Common Area or any area which is owned or maintained by the Association.

The Swimming Pool Enclosure may be installed after receiving written approval from the Committee. The submittal shall include a pictorial design of the Swimming Pool Enclosure which includes, at a minimum, the height of the fence and the colors of all materials.

To be approved, the Swimming Pool Enclosure:

- a. may not exceed six feet (6’) in height;
- b. may not include, as part of the design, any aspect or feature which would allow a child to climb on, up or over the fence;
- c. must have black metal frames; and
- d. must have clear plastic panels or black transparent mesh.

The Owner is solely responsible, to the exclusion of the Association, to ensure that all aspects of the Swimming Pool Enclosure function properly to effectuate its intended purpose as a safety measure to prevent accidental drownings of children.

## **SWING SETS & SWINGS**

### Swing Sets

Swing sets made of wood may be left natural or may be painted an earth tone color to coordinate with the body of the home, to blend in with the natural surroundings. Metal swing sets must be painted an earth tone color approved by the Committee.

## **TENNIS & SPORTS COURTS**

Tennis courts or other sports courts are prohibited.

## **TRAMPOLINES**

Trampolines are allowed if not visible from any street adjacent to the front of the residential dwelling. They must be located in the rear area of the Lot and located to minimize the visual impact of the trampoline and balance the interests of the Owner desiring the placement of a trampoline with the privacy

of the Owners of any adjacent Lot.

Lots with wrought iron fences must use natural screening to reduce the visual impact of the trampoline on neighbors and the community.

### **TRASH CANS**

All trash and recycling containers must be covered containers.

Trash cans cannot be placed at the curb before noon the day prior to collection and must be stored **out of site** by 11:00 pm on the day of collection.

Trash and recycle bins cannot be stored in view of the street or neighbors including on driveways or along the side of the home.

### **TREE HOUSES**

Tree houses are prohibited.

### **VEGETABLE GARDENS**

Vegetable gardens are prohibited in front or side yards and must have minimal visual impact on adjacent properties and streets.

For corner Lots with side yards, the garden must be screened from view with an approved fence or shrubs. Vegetable plants may not exceed six (6) feet in height. During non-production months ("*off season*") the area must be neatly maintained with dead plants removed.

### **VEHICLE PARKING**

Vehicles of any kind may not be parked on the lawn, in fire lanes, loading zones, on areas not designated for parking, or parked in a driveway and obstructing access to the sidewalk.

The following may not be parked/stored on an Owner's driveway:

#### Residential Vehicles

- Any unlicensed vehicle.
- Trucks of more than one and one half (1-½) tons gross weight.
- Boats.
- Recreational vehicles (RV).
- Trailers.
- Golf carts.
- Inoperable vehicles. This includes cars with flat tires. Exceptions are when the recreational vehicle or boat is being stocked one day prior to a trip or being cleaned up to two (2) days after a trip.

#### Commercial Vehicles

- Residents are prohibited from parking commercial vehicles, including pickup trucks with commercial decals or markings, semi-trucks, vans, or trailers overnight, on driveways, or Common Areas.
- Recreational vehicles or trailers may not be parked on driveways from visiting friends/relatives and hooked up to the Owner's utilities intended for vacation visits.

## WOOD PILES

- A pile of wood intended to be burned on a fire as fuel must be located in the rear yard and/or away from public view.
- Wood shall be kept in neat stacks.
- The use of tarps are prohibited for Lots facing a greenbelt or walking trail.

## WINDOWS

All front facing windows, and side facing windows for corner Lots, shall be well maintained. Obvious cracks, broken, or sagging screens must be repaired or replaced. Owners cannot place aluminum foil, reflective film or similar treatment in windows or glass doors.

## YARD ART/YARD SCULPTURES

Yard art is defined as any type of artwork displayed in the front or side yard **year-round** that can be viewed from the street or in a backyard that can be viewed from the walking trail. Yard art could consist of sculptures, figurines, statuaries, fountains, wind chimes, windmills, or dead material (such as petrified wood or animal skulls) placed where they are visible from the street or walking trail. All yard art must be approved by the Committee.

Yard art, figurines, or sculptures must be modest in appearance and may not include adult themes or representations. Yard art of any type will be limited to three (3) feet in height with a diameter of no more than forty-eight (48) inches.

### Yard Art Materials

All yard art must be constructed of permanent, weatherproof materials. No plastic items allowed.

### Yard Art Limitations

Yard art, figurines, or statuary that is prohibited:

- Cartoon/Disney/animated characters.
- Space creatures.
- Skeletons.
- Plastic figurines or animals.
- Items repurposed as a flowerpot such as tires, toilets, bathtubs, or wheelbarrows.
- Farming equipment.
- Sports figures or mascots.
- Unclothed, anatomically correct statues.
- Figurines or statues depicting adult themes.
- Figurines displaying offensive gestures, movements, or meanings.
- Holiday figurines displayed year-round.

An **exception** to displaying cartoon characters, alien creatures, skeletons, and plastic figurines in your front yard is the temporary display of Halloween or Christmas decorations.



## YARD SIGNS

All signage must be of an attractive nature and appropriate size, in no case larger than six (6) square feet and must be maintained in good condition. In addition to any restrictions set by the Association, members are also required to comply with any relevant City ordinances. Signs containing offensive language or imagery are prohibited.

All signs must be self-supporting and not attached to any pole, fence, tree, or structure.

- Each dwelling may erect one (1) real estate sign to advertise the sale, lease, or open house of the premises upon which the sign is located. The real estate sign must be located on the property of the dwelling it is advertising and not in any Common Area or on public property.
- The size of a sign offering a property for sale, for rent or for lease shall be in conformance with the industry standard size sign, which shall not exceed eighteen (18) by twenty-four (24) inches, and the industry size sign rider, which shall not exceed six (6) by twenty-four (24) inches. All such signs shall be commercially produced.
- Each dwelling may permanently display one (1) home security provider sign (*i.e.*, ADT, Brinks, etc.) as a crime deterrent, in a prominent location near the foundation of the home or in front of foundation bushes.
- Each dwelling may temporarily (for the period of the relevant season) place a sign in support of a local school or sports team. Owners are allowed a maximum of four (4) school activity etc. related signs posted during the school year and during the relevant season for the sign.
- Each dwelling may temporarily place one (1) sign associated with a contractor and/or maintenance work for the duration of the work project only. Examples are roofers, home improvement contractor, lawn fertilizer notices. The sign may go up when construction begins.
- Incidental private signs (such as, but not limited to, lost pet, birth announcements, birthdays, graduations, anniversaries) are allowed only for a reasonable period of time (not to exceed one week).
- Owners may under no circumstances erect signs that promote a home business or service offered from their dwelling.
- Garage sale signs are permitted during scheduled community wide garage sales and must be removed with twenty-four (24) hours of the conclusion of the sale. Private yard or estate sales must be approved in writing by the Board of Directors.
- Each dwelling may erect a minimum of one (1) purely informational sign, with no associated political content, such as notification of the date, time, and place of an upcoming Town Meeting, Public Hearing, etc.
- Each dwelling may display one sign in support of a political candidate or measure for election. The sign may be placed in the front lawn no sooner than ninety (90) days prior to the election and must be removed within 10 days (10) after the election. The date of the "election" for purposes hereof takes place the last day in-person voting is allowed by the municipal election authorities, and does not include run-offs.

### Other Signs

All signage, other than the above, or any variances to the above signage, must be specifically approved, in advance, by written submittal to the Committee.

Signs placed in Common Areas will be removed by officers or representatives of the Association without notice.

## **YARD WASTE & BULKY TRASH**

### Yard Waste

Yard waste may be placed at the curb in accordance with the guidelines set by the City of Highland Village which are subject to change and will be strictly enforced by the Association.

### Vehicle Repairs

Except for emergency vehicle repairs, no automobile, motorcycle, motorbike, or other motor vehicle of any kind shall be constructed, reconstructed, or repaired on any Lot or Common Area. No inoperable vehicle or vehicle which because of missing fenders, bumpers, hoods, or other parts or because of lack of proper maintenance is, in the sole opinion of the Committee, unsightly or detracts from the appearance of the neighborhood shall be stored, parked, or kept on any Lot or Common Area.

## **XERISCAPING**

Xeriscaping means using native and adapted plants that grow and sustain themselves with a low water requirement, and that can tolerate heat and drought conditions.

To comply with Section 202.007 of the Texas Property Code, the Association adopts the following guidelines for the use of drought-resistant landscaping or water conserving natural turf:

- The Committee will allow variances for xeriscaping as long as twenty-five percent (25%) of the publicly visible area is covered with natural turf and all other guidelines below are met.
- Owners must submit a Committee request or a request for a variance. The request must include details of the project and a design plan. Installation of the new xeriscaping cannot begin until the request has been approved.
- Non-turf planted areas must be bordered to define the xeriscape areas clearly from turfed areas.
- Xeriscape areas must always be maintained to ensure an attractive appearance. This includes trimming plants, keeping the area weed-free, and edging along borders.
- No boulders or large rocks exceeding six (6) inches may be used on the narrow strips between sidewalks and the street curb.
- No plants may encroach onto or over public sidewalks.
- No plants with thorns, spines, or sharp edges can be used within six (6) feet of the sidewalks.
- Urns, pots, and other manmade ornamentation cannot exceed four (4) items in public view.
- No plants greater than twelve (12) inches in height should be planted in the sidewalk strip area.
- Sickly and dying plants must be removed and replaced.
- Perennials and ornamental grasses that die back in winter must be cut back to remove dead material.

### Ground Cover

If a request is granted, non-turf areas can contain decomposed granite, ground hardwood mulch, crushed limestone, flagstone, or other loose stone material for a ground cover. The ground cover must be maintained to prevent weed growth. Paver stones may be used to create walkways. Concrete surfaces are limited to driveways and sidewalks only.