

APPENDIX "D"

**TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
VILLAGES OF PRAIRIE COMMONS WEST HOMEOWNER'S ASSOCIATION, INC.**

DESIGN GUIDELINES

**TOWNHOMES ARE EXCLUDED FROM APPENDIX "D" UNLESS
REFERENCE TO TOWNHOMES IS SPECIFICALLY MENTIONED**

PART ONE: LANDSCAPING, FENCES AND EXTERIOR ELEMENTS

SECTION 1.1 LANDSCAPING. This Section shall pertain to Townhomes and Detached Residences:

Upon completion of each Residence, each Residence must comply with the landscaping requirements of any applicable City of Plano ordinances and Association Rules. Notwithstanding compliance with the foregoing, the following landscape elements shall be installed prior to occupancy of the Residence:

- 1.1.1 Sod: Each Residence shall have full sod installed for the entire front and rear yard and a minimum of ten (10) feet back from the front wall face for each side yard, or to the side yard fence, whichever is greater.
- 1.1.2 Trees: A minimum of One (1) tree with a caliper of at least four inches (4") measured at a point six inches (6") above ground level and 10 to 12 feet in height at the time of planting shall be placed in the front yard of each Lot. Each Owner of the Detached Residence Lots shall be responsible for maintenance and preservation of trees located on their property and shall promptly replace dead trees within thirty (30) days of loss occurrence when favorable planting weather exists or sixty (60) days unless otherwise noticed by the Architectural Reviewer or compliance division. *The City may have a tree ordinance or tree preservation ordinance in place. Owner should check with the City before removing or replacing a tree.* Owners of Townhomes shall promptly report any dead trees within five (5) days to the Association.
- 1.1.3 Shrubbery and Planting Beds: Each Residence shall have a minimum of eight (8) three (3) gallon shrubs and two (2) ten (10) gallon shrubs. A mulched planting bed; edging is preferred but, not mandatory. Owners of Detached Residence Lots shall be responsible for ensuring proper watering and care of the shrubs and planting bed. Owners of Townhomes shall promptly report any dead shrubbery within five (5) days to the Association.

SECTION 1.2 FENCES: Fence height for wood fences shall be a minimum of six feet (6') and maximum of eight feet (8'). Six feet shall be the standard height; eight foot (8') fences will require the prior written approval of the Architectural Reviewer and shall be considered on a case by case basis; provided that Declarant shall not be required to obtain approval for any fence or masonry wall constructed by Declarant within the Subdivision. Rear yard fencing adjacent to any Common Areas located on any Lot shall be fifty percent (50%) or greater open construction using ornamental metal fencings of the design depicted on the Iron Fence Detail attached hereto as Attachment 1.2.3.2. The perimeter wall of the Subdivision to be maintained by the Association as part of the Common Area and constructed within the Wall & Wall Maintenance Easements or within other Common Areas shown on the Plat shall be constructed and installed in accordance with the design depicted.

Fencing for Townhomes may be optional notwithstanding, if fencing for Townhomes is allowed or required by Declarant, the specifications shall be those as set forth in this Section.

- 1.2.1 Major thoroughfares and Corner Lots: Portions of a fence that face a major thoroughfare or street including corner Lots will be considered major thoroughfare fencing and shall be spruce wood or better, Board-to-Board, with a cap, and stained with a Seal Rite Medium Brown. Steel posts with the smooth side of the fence always facing outward. See Exhibit Attachment 1.2.1.1 for more information. Fencing must be kept in good repair at all times. Broken or missing pickets or panels must be promptly repaired or replaced. All leaning or fallen panels must be up righted, repaired or replaced. Fencing must be routinely stained and kept aesthetically pleasing at all times. All fencing shall be stained and preserved as follows:

Manufacturer: Seal Rite Medium Brown
(any other stain color must be approved in advance, in writing, by the Architectural Reviewer prior to use)

- 1.2.2 Standard Side and Rear Yard Fences – Interior Lots: For all interior lots which shall include **any** portion of a fence that is **not** visible from a major street or thoroughfare shall be spruce or better, with steel or wood posts, and top rail. Fencing may be four inch (4") dog-ear or board-to-board pickets and all fences to have step ups and step downs to adjust for grade. See Exhibit Attachment 1.2.2.1. Fences shall be stained with the approved color from Section 1.2.1 above. Fencing must be kept in good repair at all times. Broken or missing pickets or panels must be promptly repaired or replaced. All leaning or fallen panels must be up righted, repaired or replaced. Fencing must be routinely stained and kept aesthetically pleasing at all times.

SECTION 1.3 MAIL BOXES:

- 1.3.1 Mail boxes for Townhomes shall be cluster boxes of a type and style approved for use by the U.S. Postal Service. Mailboxes for Detached Residences shall be brick that must match the style and color of the main residence. Refer to Exhibit Attachment 1.3.1.

SECTION 1.4 FLAGS AND FLAGPOLES: This Section may be used as a standard approval base for both Townhomes and Detached Residences at the Architectural Reviewer's discretion:

- 1.4.1 The only flags which may be displayed are: (i) the flag of the United States of America; (ii) the flag of the State of Texas; and (iii) an official or replica flag of any branch of the United States armed forces and School Spirit flags. No other types of flags, pennants, banners, kits or similar types of displays are permitted on a Lot if the display is visible from a street or Common Properties.
- 1.4.2 The flag of the United States must be displayed in accordance with 4 U.S.C. Sections 5-10.
- 1.4.3 The flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code.
- 1.4.4 Any freestanding flagpole, or flagpole attached to a Residence, shall be constructed of permanent, long-lasting materials. The materials used for the flagpole shall be harmonious with the Residence, and must have a silver finish with a gold or silver ball at the top. The flagpole must not exceed three (3) inches in diameter.
- 1.4.5 The display of a flag, or the location and construction of the supporting flagpole, shall comply with applicable zoning ordinances, easements, and setbacks of record.
- 1.4.6 A displayed flag, and the flagpole on which it is flown, shall be maintained in good condition at all times. Any flag that is deteriorated must be replaced or removed. Any flagpole that is structurally unsafe or deteriorated shall be repaired, replaced, or removed.
- 1.4.7 Only one flagpole will be allowed per Lot. A flagpole can either be securely attached to the face of the Residence (no other structure) or be a freestanding flagpole. A flagpole attached to the Residence may not exceed 4 feet in length. A freestanding flagpole may not exceed 20 feet in height. Any freestanding flagpole

must be located in either the front yard or backyard of a Lot, and there must be a distance of at least 5 feet between the flagpole and the property line.

- 1.4.8 Any flag flown or displayed on a freestanding flagpole may be no smaller than 3'x5' and no larger than 4'x6'.
- 1.4.9 Any flag flown or displayed on a flagpole attached to the Residence may be no larger than 3'x5'.
- 1.4.10 Any freestanding flagpole must be equipped to minimize halyard noise. The preferred method is through the use of an internal halyard system. Alternatively, swivel snap hooks must be covered or "Quiet Halyard" Flag snaps installed. Neighbor complaints of noisy halyards are a basis to have flagpole removed until Owner resolves the noise complaint.
- 1.4.11 The illumination of a flag is allowed so long as it does not create a disturbance to other residents in the community. Solar powered, pole mounted light fixtures are preferred as opposed to ground mounted light fixtures. Compliance with all municipal requirements for electrical ground mounted installations must be certified by Owner. Flag illumination may not shine into another Residence. Neighbor complaints regarding flag illumination are a basis to prohibit further illumination until Owner resolves complaint.
- 1.4.12 Flagpoles shall not be installed in Common Properties or any property maintained by the Association.
- 1.4.13 All freestanding flagpole installations must receive prior written approval of the Architectural Reviewer.

SECTION 1.5 RAIN BARRELS OR RAINWATER HARVESTING SYTEMS. This Section may be used as a standard approval base for both Townhomes and Detached Residences at the Architectural Reviewer's discretion:

- 1.5.1 Rain barrels or rain water harvesting systems and related system components (collectively, "Rain Barrels") may only be installed after receiving the written approval of the Architectural Reviewer.
- 1.5.2 Rain Barrels may not be installed upon or within Common Properties.
- 1.5.3 Under no circumstances shall Rain Barrels be installed or located in or on any area within a Lot that is in-between the front of the property owner's Residence and an adjoining or adjacent street.
- 1.5.4 The rain barrel must be of color that is consistent with the color scheme of the property owner's Residence and may not contain or display any language or other content that is not typically displayed on such Rain Barrels as manufactured.

- 1.5.5 Rain Barrels may be located in the side-yard or back-yard of an owner's Residential Parcel so long as these may not be seen from a street, another Lot or any Common Properties.
- 1.5.6 In the event the installation of Rain Barrels in the side-yard or back-yard of an owner's property in compliance with paragraph 1.5.5 above is impossible, the Reviewing Body may impose limitations or further requirements regarding the size, number and screening of Rain Barrels with the objective of screening the Rain Barrels from public view to the greatest extent possible. The owner must have sufficient area on their Lot to accommodate the Rain Barrels.
- 1.5.7 Rain Barrels must be properly maintained at all times or removed by the owner.
- 1.5.8 Rain Barrels must be enclosed or covered.
- 1.5.9 Rain Barrels which are not properly maintained become unsightly or could serve as a breeding pool for mosquitoes must be removed by the owner from the Lot.

SECTION 1.6 RELIGIOUS DISPLAYS. Both Townhomes and Detached Residences apply:

- 1.6.1 An owner may display or affix on the entry to the Owner's or Resident's Residence one or more religious items, the display of which is motivated by the Owner's or Resident's sincere religious belief.
- 1.6.2 If displaying or affixing of a religious item on the entry to the Owner's or Resident's Residence violates any of the following covenants, the Association may remove the item displayed:
 - (1) threatens the public health or safety;
 - (2) violates a law;
 - (3) contains language, graphics, or any display that is patently offensive to a passerby;
 - (4) is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the Owner's or Resident's Residence; or
 - (5) individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size of greater than 25 square inches
- 1.6.3 No Owner or Resident is authorized to use a material or color for an entry door or door frame of the Owner's or Resident's Residence or make an alteration to the entry door or door frame that is not authorized by the Association, Declaration or otherwise expressly approved by the Architectural Reviewer.

PART TWO: RESIDENCES

SECTION 2.1 ROOFS. This Section shall pertain to both Townhomes and Detached Residences unless stated otherwise:

- 2.1.1 Roof Pitch: Roof Pitch for Residences shall have a minimum of 6-in-12 slopes. Roof Pitch for porches and patios may have a lesser pitch but, shall be subject to approval of the Declarant or Architectural Reviewer.
- 2.1.2 Roofing Materials: Roofing materials shall be asphalt shingles with a minimum 30-year rated shingle having a minimum weight of 220 pounds per square (100 square feet) and have a weatherwood or gray color. Other roofing materials or colors shall not be used without written approval from the Architectural Control Committee.
- 2.1.3 Dormers & Above Roof Chimneys: Dormers and Chimney Chases, above roof structure and roofing materials, may be finished with an approved exterior grade siding material. All Fireplace flues shall be enclosed and finished; exposed pre-fabricated metal flue piping is prohibited.
- 2.1.4 Roof Pitch for primary room shall conform to the Sections 2.1.1, 2.1.2 and 2.1.3 above. Exemptions allowing lower pitch pans in areas around windows, covered porches and patios or certain Residence plans are allowed and will be reviewed for approval by the Architectural Reviewer on a case by case basis.

SECTION 2.2 CERTAIN ROOFING MATERIALS

- 2.2.1 Roofing shingles covered by this Section are exclusively those designed primarily to: (i) be wind and hail resistant; (ii) provide heating and cooling efficiencies greater than those provided by customary composite shingles; or (iii) provide solar generation capabilities (collectively, "Roofing Shingles").
- 2.2.2 Roofing Shingles allowed under this Section 2.2 shall:
 - (1) resemble the shingles used or otherwise authorized for use in the Subdivision and/or Property;
 - (2) be more durable than and are of equal or superior quality to the shingles used or otherwise authorized for use in the Subdivision and/or Property.
 - (3) match the aesthetics of the property surrounding the property of the owner requesting permission to install the Roofing Shingles.
- 2.2.3 The owner requesting permission to install the Roofing Shingles will be solely responsible for accrediting, certifying and demonstrating to the Architectural Reviewer that the proposed installation is in full compliance with paragraphs a and b above. Owners of Townhomes should not attempt replacement of Roofing Shingles without the express written consent of the Architectural Reviewer.

- 2.2.4 Roofing Shingles shall be installed after receiving the written approval of the Architectural Reviewer.
- 2.2.5 Owners are hereby placed on notice that the installation of Roofing Materials may void or adversely other warranties.

SECTION 2.3 SOLAR PANELS. Installation of Solar Panels in a Residence may be more restrictive. If an Owner of a Residence installs a Solar Panel and it results in damage to the Roof in any way, Owner shall be held liable for the repair and / or replacement of the roof in and around the area affected. An Owner should consider carefully the installation of Solar Panels. Prior written approval of the Architectural Reviewer is required at all times for both Townhomes and Detached Residences. Damage to a roof whether Architectural Reviewer approved or not will be the sole responsibility of the Owner.

- 2.3.1 Solar energy devices, including any related equipment or system components (collectively, "Solar Panels") may only be installed after receiving the written approval of the Architectural Control Committee.
- 2.3.2 Solar Panels may not be installed upon or within Common Properties or any area which is maintained by the Association.
- 2.3.3 Solar Panels may only be installed on designated locations on the roof of a Residence, on any structure allowed under any Association dedicatory instrument, or within any fenced rear-yard or fenced-in patio of the owner's property, but only as allowed by the Architectural Reviewer. **Solar Panels may not be installed on the front elevation of the Residence.**
- 2.3.4 If located on the roof of a Residence, Solar Panels shall:
 - (1) not extend higher than or beyond the roofline;
 - (2) conform to the slope of the roof;
 - (3) have a top edge that is parallel to the roofline; and
 - (4) have a frame, support bracket, or wiring that is black or painted to match the color of the roof tiles or shingles of the roof. Piping must be painted to match the surface to which it is attached, i.e. the soffit and wall. Panels must blend with the color of the roof to the greatest extent possible.
- 2.3.5 If located in the fenced rear-yard or patio, Solar Panels shall not be taller than the fence line or visible from a Lot, Common Properties or street.
- 2.3.6 The Architectural Reviewer may deny a request for the installation of Solar Panels if it determines that the placement of the Solar Panels, as proposed by the property owner, will create an interference with the use and enjoyment of land of neighboring owners.

- 2.3.7 Owners are hereby placed on notice that the installation of Solar Panels may void or adversely affect roof warranties. 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.
- 2.3.8 Solar Panels must be properly maintained at all times or removed by the owner.
- 2.3.9 Solar Panels which become non-functioning or inoperable must be removed by the owner of the property.

SECTION 2.4 MINIMUM FLOOR AREA AND SETBACK RESTRICTIONS. This Section shall pertain to both Townhome and Detached Residences as described herein. Setback Restrictions, Lot size and depth, Minimum front and side yard, and other restrictions may exist in the City of Plano Zoning Ordinance No. 2014-8-14 for Townhomes and / or Detached Residences. Builders must comply with these ordinances. In the event of a conflict, the higher standard shall prevail.

The total air-conditioned living area of the main residential structure of Detached Residences constructed on each Lot, as measured to the outside of exterior walls but exclusive of open porches, garages, patios and detached accessory buildings, shall be at least 800 square feet in accordance with the City of Plano Zoning and Subdivision Regulations and other applicable laws. The setback requirements are subject to the building line setbacks as outlined in Building Line Setbacks for the Subdivision.

The total air-conditioned living area of the main residential structure of Townhomes constructed on each Lot, as measured to the outside of exterior walls but exclusive of open porches, garages, patios and detached accessory buildings, shall be at least 800 square feet in accordance with the City of Plano Zoning and Subdivision Regulations and other applicable laws. The setback requirements are subject to the building line setbacks as outlined in Building Line Setbacks for Subdivision.

SECTION 2.5 EXTERIOR WALLS

- 2.5.1 Exterior Wall Materials: Exterior walls shall be a minimum of seventy-five percent (75%) brick and exterior-grade siding materials which may be cementitious siding or hardy board or as approved by the Architectural Control Committee.
 - 2.5.1.1 Front Walls: All front wall surfaces shall consist of a minimum of seventy-five percent (75%) masonry and twenty-five percent (25%) cementitious siding or hardy board or other materials as approved by the Architectural Control Committee. Siding may be used for hidden or concealed wall surfaces not directly visible from the lot front property line. Siding can be used in limited quantities for upper gable areas that would create a "brick-on-wood" condition. Approval of the use of this

provision is at the sole discretion of the Architectural Reviewer and ordinances of the City of Plano.

2.5.1.2 Side and Rear Walls: Side and rear wall surfaces may be constructed using a mixture of brick and exterior-grade siding as required to comply with the minimum sixty five percent (65%) brick or masonry overall requirement.

2.5.1.3 Chimneys: Chimney wall structures that are a direct extension of an exterior wall shall match the requirement of said wall.

2.5.1.4 Required masonry percentages shall be calculated excluding exterior wall areas built on top of a roof.

SECTION 2.6 WINDOWS

2.6.1 Windows shall be constructed of vinyl, divided light on all front windows, divided light on all windows backing siding collectors, parks or open spaces. Reflective glass is prohibited. Other windows may be used at the sole discretion and approval of the Architectural Reviewer but, shall be subject to any City ordinance.

SECTION 2.7 GARAGE

2.7.1 Garage Doors shall be constructed of metal or wood and shall be kept in good repair at all times. No garage shall be used as living or business quarters at any time. Garage doors should be kept closed when not in use.

SECTION 2.8 ADDRESS BLOCKS

2.8.1 All address blocks shall be cast stone.

SECTION 2.9 ELEVATION AND BRICK USAGE

This Section is subject to the city of Plano Zoning Ordinance(s) which shall include Ordinance No. 2014-8-14, attached hereto as Appendix E. If contradictions between this Section and the City of Plano Zoning Ordinance exist, the Plano Zoning Ordinance shall prevail unless this Section sets a higher or more strict standard. The higher standard shall prevail. See Plano Zoning Ordinance No. 2014-8-14 attached as Appendix E.

Exhibits:

Exhibit Attachment 1.2.3.2

Exhibit Attachment 1.2.1.1

Exhibit Attachment 1.2.2.1

Exhibit Attachment 1.2.2.2