

YORKTOWN COLONY HOMEOWNERS ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE
GUIDELINES

Revised: October, 2002

YORKTOWN COLONY ARCHITECTURAL CONTROL GUIDELINES

The **Architectural Control Committee (ACC)** was created to enhance property values by requiring conformity to certain standards of construction, visual appeal, uniformity and design. The Covenants, Conditions and Restrictions (CCR's) provide that "No building, fence, wall, structure, improvement, exterior appurtenance, or exterior corporeal hereditament, except landscaping, (landscaping defined as "living plants, trees, shrubs, flowers, etc and utilization of non-living material necessary for growth", i.e., mulch, etc.) Trellises, window box arbors, and permanent brick borders must have Architectural Control Committee approval. Landscape timbers and bricks without mortar do not need ACC approval unless they exceed a height of two (2) feet. No work shall be commenced, erected placed or altered on any lot, nor shall any exterior addition to or change or alteration, other than landscaping be made to the lot improvements, appurtenances, or corporeal hereditaments until the construction plans and specifications describing the nature, kind, shape, height, materials and a plot plan showing the location of same, have been approved in writing."

It is the general purpose of the ACC Committee to approve or disapprove applications made to it for purposed alterations, additions or changes to be made to the exterior of the house and/or lots itself. Landscaping does not require ACC Approval unless specifically referenced in the deed restrictions.

Procedure

A "Request for Home Improvement Approval Form" must be completed in its entirety and mailed to the address indicated on the form. All pertinent information such as plans, specifications, building permits, locations indicated on a copy of the survey, etc. should be included with the application.

These forms are available from your Architectural Control/Deed Restriction Committee or may be obtained from the Association's Management Company. The ACC Committee cannot respond to verbal request for approval – all applications must be made in writing.

The ACC Committee has thirty (30) days from the date of receipt of an application in which to respond. If the ACC Committee requires additional information, the application process will be extended accordingly. Plans for the implementation of the proposed improvements should allow for the time required to complete the approval process.

If an application is not approved, the ACC Committee will state in their letter why such approval was denied and what type of application changes, if any, would alter their decision. If an applicant wishes to discuss or appeal a decision made by the ACC Committee, the designated representative should be contacted at a specified number.

Guidelines

The following are guidelines that have been adopted by the ACC Committee to specify their standards, requirements and thought processes used in evaluating an application. These guidelines will be amended from time to time as the circumstances, conditions or opinions of the ACC Committee dictate. It should be noted that each application is considered on its own merits

and that the ACC Committee may grant a variance from these guidelines and/or from certain provisions of the CCR's.

It should also be noted that the ACC Committee approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal.

Because guidelines may change from time to time, it is highly recommended that you contact the Association's Management Company for any changes or updates.

INDEX

- 1.0 - Outbuildings
- 2.0 - Basketball Goals
- 3.0 - Patio Covers
- 4.0 - Room Additions
- 5.0 - Exterior Painting
- 6.0 - Storm Windows/Screens/Doors
- 7.0 - Decks
- 8.0 - Swimming Pools/Spas
- 9.0 - Solar Panels
- 10.0 - Satellite Dishes
- 11.0 - Fence/Fence Extensions
- 12.0 - Decorations
- 13.0 - Exterior Lighting
- 14.0 - Mailboxes
- 15.0 - Wind Turbines
- 16.0 - Outdoor Carpeting
- 17.0 - Landscaping
- 18.0 - Antennas
- 19.0 - Swing Sets
- 20.0 - Driveway
- 21.0 - Garage Conversions/Carports/Detached Garages
- 22.0 - Window Air Conditioners
- 23.0 - Window Shades/Awnings

1.0 Outbuildings

- 1.1 An "outbuilding" is defined as any structures, which are separate from, but accessory to the main structure. This definition does not include bonafide additions to the main residence and garage but does include storage sheds, gazebos, and playhouse/forts.
- 1.2 The ACC Committee will consider the following:
 - a. The colors should match/blend with the predominant exterior colors of the main residence.
 - b. Materials should match those of the main residence in both size and color. **Plywood should not be used as siding.** Materials designed to be used for exterior siding should be used. However, the ACC Committee will approve

small-prefabricated metal storage buildings provided the color blends with the main residence.

- c. It should have a peaked roof no higher than nine (9') feet from the ground to the highest point, and a maximum of one hundred twenty (120 sq. ft.) square foot of floor space. A maximum of 10' X 12' of floor space is recommended. Structures must be kept a minimum of eight (8') feet off rear property line and distance from side fence will be determined on visibility from the street in front of the lot. At no time, however, will that distance from side fence be less than three (3') feet. Regardless of visibility. Location must also be far enough away from the fence for drainage or occur entirely on the owner's lot. All storage buildings placed on a utility easement will require a "Letter of Consent to Encroach" from the Utility Companies.
- d. No storage building may be attached to any side or rear wall of the home unless its maximum height is less than six (6') feet and it is not visible above the fence. It must also comply with all other requirements for proper construction and all building set back lines.
- e. If under six (6') feet, the storage building may be placed in the side yard provided all side building set backs are observed.
- f. Playhouse/fort must be no higher than nine (9') foot maximum. If fort has a platform, then the platform can be no higher than four (4') foot off of the ground and centered in the backyard to protect the neighbor's privacy.
- g. Gazebo – Freestanding – must be at least five (5') feet away from the house and will be considered on a case-by-case basis with a maximum height at peak of eleven (11') feet and must be within all building setbacks.

2.0 Basketball Goals/Soccer Goals

- 2.1 The basketball goal backboard, net and post must be maintained in excellent condition at all times.
- 2.2 If the backboard is mounted onto the roof by use of a small, triangular metal mounting structure, the structure must be painted to match the shingle color.
- 2.3 Backboard must be regulation size and color. Poles must be painted white, black or a color that blends with the house.
- 2.4 Must be mounted on garage or placed on the side of the driveway on a pole. It may be mounted in the back yard if there is adequate space.
- 2.5 If any complaints are received within one (1) year after installation, the basketball goal will be subject to immediate removal at the request of the ACC Committee.
- 2.6 All portable basketball goals must be properly maintained and positioned on the side of the driveway when not in use. All portable goals should be positioned to create the least disturbance to the neighboring properties.
- 2.7 **Under no circumstances can portable basketball goals be left in the street.**
- 2.8 When not in use, all permanent/portable Soccer goals must be stored from public view.

3.0 Patio Cover

- 3.1 Should be constructed of materials that compliment the main structure.
- 3.2 Prefab covers made of aluminum may be approved providing they are of an earth tone color – unfinished aluminum will not receive ACC approval. All metal must be painted and certain structures using fiberglass roofing and wood frame may be allowed to go unpainted, provided treated wood is used.

- 3.3 If attached to house, must be integrated into existing roof line (flush with eaves), and if it is to be shingled the shingles must match the existing roof. The entire patio cover and posts should be trimmed out to match the house. Supports must be painted wooden or metal columns. No pipe is allowed.
- 3.4 At no time, however, shall a shingled roof be allowed with an unpainted frame. Frame will have to be painted to match the trim of the house, whether treated or untreated wood is used.
- 3.5 Patio construction materials are as follows:
- a. Painted aluminum (to match trim of house)
 - b. Painted wood (to match trim of house)
 - c. Natural pressure treated wood such as cedar, fir, or redwood may be used. Treated pine must be painted or stained.
 - d. Fiberglass is acceptable and earth tone colors such as tan, brown, beige or clear may be used. No green or yellow is allowed. Edges of fiberglass must not be visible from surrounding properties or from the street. General Notes: All patio cover material, i.e. fiberglass, corrugated aluminum, metal, wood, or lattice must be completely framed in so that no raw edges of material are visible.
- 3.6 Patio covers may not encroach into utility easements unless the utility companies involved have granted their written consent to encroach.
- 3.7 Patio covers must be situated on the lot to provide drainage solely into the owners' lot. If a proposed patio cover location is less than five (5') feet away from a side lot line, the ACC Committee will require that it be guttered with downspouts if it is to be a solid cover.

4.0 Room Additions

- 4.1 Exterior materials and colors should match the house.
- 4.2 Detailed plans and drawings must be submitted to the ACC Committee.
- 4.3 Room additions may not encroach on any utility easement unless the utility companies involved have granted their written consent to encroach.
- 4.4 On an individual basis, size and shape will depend on architectural style and layout of the home, size of lot, and how well the room addition integrates with the existing home. Addition of a storage area will not qualify as a bonafide room addition. Plans must show a room of reasonable size to constitute a legitimate request for a room addition. Roof of addition must integrate with existing roofline so as to appear to have been part of the original structure. Room additions cannot exceed one-third (1/3) of the remaining back yard and may be denied for other reasons, i.e. structural integrity, architectural suitability, etc., even if it is less than one-third of the remaining yard.
- 4.5 Building permits, as required by the municipality (city, county, etc.), must be submitted with the Request for Home Improvement Form. In some instances, the ACC Committee will grant the approval with the provision that a copy of the permit be submitted prior to commencing construction.

5.0 Exterior Painting

- 5.1 Earth tone colors were most often used when homes were constructed. In general, an earth tone color should receive ACC Approval.
- 5.2 Other earth tone blend colors will be considered. The color of the other subdivision homes will be taken into consideration along with the applicant's house brick.
- 5.3 **Painting of the brick is strictly prohibited.**

6.0 Storm Windows and Storm/Screen Doors

- 6.1 Providing the frames of these are of a color compatible with the exterior house colors, storm windows and storm or screen doors should be approved.

7.0 Decks

- 7.1 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent of encroachment.
- 7.2 Decks should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot.
- 7.3 Decks cannot be higher than eighteen (18") inches.
- 7.4 Paint should match the house.

8.0 Swimming Pools and Spas

- 8.1 No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent agreement. Consents must be received prior to approval.
- 8.2 Ideally, any pool or spa should be located at least five (5') feet from a side or rear lot line to maintain proper drainage on the lot. However, a minimum of three (3') feet will be allowed in some instances.
- 8.3 Above ground pools will receive special consideration. An above ground pool will be acceptable provided it is not over four (4') feet in height. Decking around the pool cannot be over eighteen (18") inches above ground to ensure privacy of the neighbors. If there is a walkway around the pool, it cannot be wider than two (2) feet, nor higher than the wall of the pool. Railings for the walkway cannot be visible above the six (6') foot fence. It must also be three (3') feet to five (5') feet from the side and rear fences.

9.0 Solar Panels

- 9.1 The ACC Committee will approve solar panels which are unobtrusive and which blend with the roof shingle color. All solar panels must be installed on the back of room.
- 9.2 Parabolic solar collectors which are not mounted so as to be flush with the roof will not be approved.
- 9.3 Solar panel frames should be bronze or black in color in order to best blend in with the shingles. All unfinished aluminum must be painted the color of the shingles.
- 9.4 No solar panel should be mounted so that it extends above the roofline.
- 9.5 The ACC Committee would prefer to have solar panels mounted on the back roof of the house rather than mounted on stands to the side or front roof.

- 9.6 Solar screens are allowed on windows.
- 9.7 Colors and manufacturers must be acceptable to the ACC Committee for both screens and panels.
- 9.8 Solar film must be non-reflective.

10.0 Satellite Dishes (for TV Reception Only)

- 10.1 Maximum height of nine (9') feet. If below six (6') and not visible from the street must be at least five (5') feet from the side and at least eight (8') feet from the rear building set back lines. Encroachment on the utility easement will require approval of the utility companies.
- 10.2 Satellite Dishes less than thirty-six (36") inches in diameter will be permitted and should be placed on the portion of the eave that is least visible from the street, provided that the reception will be adequate.
- 10.3 No CB or Hamm Radio Antenna's will be permitted.

11.0 Fences and Fence Extensions

- 11.1 Each fence application will be considered on a case-by-case basis.
- 11.2 No higher than six (6') feet and granted on a limited basis only. Four (4") inch to six (6") rot boards will be allowed. Consents from all affected neighbors must be submitted in order to be considered for height extension.
- 11.3 No painting, staining or varnishing of fences will be permitted. Clear weatherproofing will be allowed.
- 11.4 All fencing will be of generally accepted wood materials. Chain link is strictly prohibited.
- 11.5 No split rail fences or decorative fencing is permitted in the front yard.
- 11.6 Both neighbors sharing the side lot line and fence should submit fence extension requests. Except in the case of corner lots.
- 11.7 No fence may extend so as to encroach across the front building line.
- 11.8 If both neighbors do not concur as to a proposed fence extension, the ACC Committee will examine the effect the fence extension will have on both properties. If one party will suffer detrimentally from the extension (i.e. will totally enclose a bay window) the ACC Committee will reject the application.
- 11.9 The ACC Committee shall consider only fence extensions, which will be, installed picket side out.
- 11.10 Replacement or repairs of fence must be made with similar materials and construction details as used in the original fence.

12.0 Decorations

- 12.1 On front lawns of lots and on any portion of a lot visible from any street, there shall be no decorative accessories placed such as sculptures, birdbaths, birdhouses, fountains, or other decorative embellishments unless the Architectural Control Committee has approved such specific items, in writing. (Deed Restrictions, Article IV, Section 1; Approval of Building Plans. "No building, fence, wall structure, improvement, **exterior accessories**, or exterior physical hereditament, except landscaping (landscaping defined as "living plants, trees, shrubs, flowers, etc.") and utilization of non living materials necessary for growth, i.e., bark mulch, etc., trellises, window boxes, arbors and permanent brick borders must have ACC Committee approval."

12.2 **All lawn ornaments (i.e. gazing balls, pinwheel, gnomes, etc.) and decoration must be submitted for architectural control approval.**

12.3 Benches, burglar bars and gates will be reviewed on an individual basis.

12.4 House numbers may be placed on houses or mailboxes, but not on any type of freestanding structure in the front yard.

13.0 Exterior Lighting

13.1 Additional exterior lighting should not be of a wattage or lumen count which will affect neighboring homes.

13.2 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.

13.3 Low voltage landscape lighting should receive ACC Committee approval prior to installation.

13.4 Yard lights may be gas or electric, single lamp only with a maximum height of six (6") foot. Yard lights may be placed in the front or back yards. Gas or electric light post must be black, brown, or white depending on the color of the house and determination of a suitable color will be the decision of the ACC Committee.

13.5 All yard lights must be properly maintained or a request for removal will be made.

14.0 Mailboxes

14.1 In sections where communal mailboxes are not in use, changes or improvements made to the initial mailbox will require ACC Committee approval. Only one (1) mailbox per household will be permitted.

14.2 Replacement of the original pole with a wooden post should receive ACC Committee approval. If the post is to be painted or stained, a paint sample must be included with the application. The ACC Committee will consider the effect a painted or stained post will have on the street. If the proposed color will not readily blend in with the surrounding materials, that portion of the application will be denied.

14.3 Brick mailbox stands should receive approval providing the brick matches the house; the stand is appropriate in size and design and will meet U. S. Post Office requirements. A specific sketch should be included with the application.

14.4 In sections of the subdivision, which use the communal mailboxes, applications for the installation of individual mailboxes will be denied.

15.0 Wind Turbines

15.1 Wind turbines should be mounted in the rear portion of the roof so that they are not visible from the front or above the roofline.

15.2 The wind turbines should either be a color, which will blend with the shingle color or unfinished aluminum.

16.0 Birdhouses

16.1 Maximum preferred height of fifteen (15') feet positioned in back yard where it is not visible from the street.

16.2 Mounted on two (2") diameter metal pipe painted in a color that blends with the house.

17.0 Landscaping

17.1 Timbers, bricks, stones, (use native Texas stone), flower bed borders, landscape lights, trellises and sprinklers must complement the style and architecture of the home and conform to the color scheme of the neighborhood.

18.0 Antennas

18.1 In accordance with Article III, Section 3.15 of the CCR's.

19.0 Swing Sets

19.1 Maximum height of eight (8') feet.

19.2 Location will be considered for neighbor's privacy.

20.0 Driveway extensions/Sidewalks

20.1 Will be considered on a case-by-case basis.

20.2 No closer than three (3') feet to the side property line and in some cases, five (5') feet from the side property line. Driveway extensions can extend no nearer to the side property lines than the side building set back line.

20.3 The driveway extensions should not be wider than the front width of the garage.

20.4 All sidewalks in the side yard must be no greater than thirty-six (36") wide and no closer than six (6") inches to the property line. Thirty (30") inches wide is the recommended width for the standard five (5') foot side yard.

21.0 Garage Conversions, Carports, Detached Garages

21.1 Conversions are permitted provided there are no exterior changes to the garage.

22.0 Window Air Conditioners

22.1 Must not be visible from the street and must be below the fence line.

23.0 Window shades/Awnings

23.1 Canvas awnings will not be permitted to be installed on windows to reduce solar exposure unless they are on the back side of the house on an interior lot and not visible from any street. When allowed, they must be earth tone colors, no blues, greens, etc. and must be kept in excellent condition at all times. Failure to maintain the awnings will result in notification to remove immediately.

23.2 Awnings will still be allowed for use on playhouses provided they also comply with the above-mentioned requirements for proper location and color.

23.3 Metal and wooden slat type shades may be allowed by the ACC Committee if they are deemed necessary in reduction of solar exposure and installation on appropriate windows will be determined by the ACC Committee. At no time, however, will they be allowed on windows located on the front of homes.

THE ABOVE AND FOREGOING Architectural Control Guidelines have been unanimously approved by the Board of Directors of the Yorktown Colony Homeowners Association and the members of the Architectural Control Committee, to become

effective immediately upon execution hereof by the Association's officers reflected below.

IN WITNESS WHEREOF, we have hereunto set our hands on this the _____ day of _____, 2002.

APPROVED:

YORKTOWN COLONY HOMEOWNERS ASSOCIATION

Phillip Wolfe, President

ATTEST:

Scott Kubeczka , Secretary

CERTIFICATION OF CORPORATE RESOLUTION

I, the undersigned, do hereby certify:

THAT I am the duly elected and acting Secretary of the Yorktown Colony Homeowners Association, a Texas Non-Profit Corporation, and

THAT the foregoing Architectural Control Committee Guidelines were adopted per the various Deed Restrictions for Section one of the Yorktown Colony subdivision within the Association's jurisdiction, at a duly called meeting of the Board of Directors and the Architectural Control Committee, held on the _____ day of _____, 2002.

IN WITNESS WHEREOF, I have hereunto subscribed my name this the _____ day of _____, 2002.

Scott Kubeczka, Secretary

SWORN AND SUBSCRIBED TO BEFORE ME by Scott Kubeczka on this the _____ day of _____, 2002.

Notary Public

GUIDELINES FOR THE ENFORCEMENT OF BUSINESS OPERATING FROM HOMES

The Association has the obligation to enforce the deed restrictions against businesses operating from homes. The following criteria will be considered before enforcement is implemented.

Nature of the activity.

Whether the activity is conducted entirely on the residential premises.

Whether the activity is being advertised in local papers, at local businesses, etc.

Whether full time or part time in nature.

Visual impact on the community.

Whether alterations to the property have been made to accommodate the business.

Increased traffic in the community.

Whether such activity caused damage to other homeowner's in the subdivision.

Whether such activity caused damage to the Association.

Whether the activity creates an eyesore or a nuisance.

Whether such activity negatively impacts the use and enjoyment by the neighbors of their premises such as degree of obtrusiveness, annoyance, inconvenience or discomfort.

Public policy. Public policy being defined as what the community feels in regards to having this particular type of activity available within the subdivision.