

**DESIGN GUIDELINES
FOR
WINDHAVEN ESTATES OF SANGER HOMEOWNERS ASSOCIATION, INC.**

I. Introduction

The primary purpose of these Design Guidelines for Windhaven Estates of Sanger Homeowners Association, Inc. (the “Design Guidelines”) is to better assure that Builders and Owners, as defined in the Declaration of Covenants, Conditions and Restrictions for Windhaven Estates of Sanger (the “Declaration”), of a Lot, as defined in the Declaration, within Windhaven Estates of Sanger will conform and adhere to the same level of design consistency in order to establish an overall quality of character within the subdivision.

These Design Guidelines define the design framework to be used for Improvements and are intended to inform, aid, and inspire to the same extent as they may prohibit, restrict, and require. While some features are mandated, the Declarant, and subsequently the Architectural Control Committee (the “ACC”) and or the Reviewer (used interchangeably herein), is authorizes to make discretionary judgements to reduce or waive any requirement when it can be demonstrated, to the reasonable satisfaction of Declarant and/or the ACC, that appropriate mitigating measures have been taken and that the overall spirit and intent of these Design Guidelines will be preserved. Such discretionary variances shall not represent or constitute a binding precedent since no two or more Lots or circumstances are likely to be alike.

The Declarant and/or the ACC shall in their sole judgment interpret and apply these Design Guidelines to the extent deemed appropriate by the Declarant and/or ACC and as authorize by the Declaration.

Declarant and/or the ACC may from time to time publish and promulgate additional architectural standards, revised Design Guidelines, and/or bulletins which shall be fair and reasonable and shall carry forward the spirit and intent of these Design Guidelines. Such publications shall (i) require approval of the Board, (ii) be recorded in Denton County, (iii) become effective as of the date specified therein or the date of recording and (iv) shall be incorporated as part of these Design Guidelines as if written herein.

Neither the Association, Declarant, the ACC, or the Board, nor the officers, Directors, members, employees, and agents of any of them, shall be liable in damages to anyone submitting plans and specifications for approval, or to any Owner by reason of mistake in judgement, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. By approving such plans and specifications, the Declarant and/or ACC assumes no responsibility for the design or construction, including, without

limitation, the civil, structural, mechanical, plumbing, electrical design, methods of construction, or technical suitability of materials.

Every person who submits plans or specifications, and every Owner, agrees not to bring any action or suit against the Association, Declarant, the ACC, the Board, or the officers, Directors, members, employees, and agents of any of them, to recover any such damages and hereby releases, premises and quitclaims all claims, demands and causes of action arising out of or in connection with any judgement, negligence or nonfeasance and hereby waives the provisions of any law which provided that a general release does not extend to claims, demands and causes of action not known at the time the release is given.

These Design Guidelines are intended to complement the Declaration. In the event of conflict between these Design Guidelines and such other restrictions, the more restrictive will generally apply. Approval of plans by the Declarant and/or ACC does not ensure similar approval by the County nor does approval by the County ensure approval by the Declarant and/or ACC.

For purposes of these Design Guidelines and during the Development Period, the terms “Declarant”, the “ACC”, and the “Reviewer” may be used interchangeably.

Questions and comments regarding the review process shall be directed to the management offices of the Association, whose contact information may be found on the Association’s website.

II. Definitions

These definitions are in addition to those listed in the Declaration.

Section 2.01. Applicant shall mean the Owner or Owner’s designated representative of a Lot.

Section 2.02. Subdivision Grading Plan shall refer to the Lot grading plan for each subdivision on record with the County.

III. House Replacement, Initial Construction, or Improvement Plan Submittals

This section refers to the construction of, reconstruction of, replacement of, and Improvements to existing homes in Windhaven Estates of Sanger.

Section 3.01. Application for Review. Applications for ACC review are included on the Association’s website.

Section 3.02. Submittals. Each submittal (Improvement plans) must be fully executed. Incomplete submittals shall be sufficient reason for disapproval without the benefit of review.

In general, the review process should follow these steps:

1. Submit plans to the ACC;
2. Resubmit plans to the ACC based upon questions or recommended changes, if necessary;

3. Submit final approved plans to the County (if applicable).

Section 3.03. Plan Submissions. Plan submittals shall be drawn on 24" x 36" or 11: x 17" sheets and include the following:

1. Site Plan (drawn to a scale of not less than 1" = 30' - 0") showing:
 - a. dimensioned footprint of all proposed structures;
 - b. property line dimensions, setback lines, easements;
 - c. proposed surface drainage, if different from the Subdivision Grading Plan, including existing and finished grades (one (1) foot intervals) at all structures and property lines, direction and manner in which the water will be drained from the Lot, finished pad elevations, and any retaining walls, area drains, piping systems, etc.;
 - d. north arrow;
 - e. lot and block designations;
 - f. address;
 - g. fencing type, height, and location;
 - h. any other proposed Improvements such as screening walls, driveways, sidewalks, etc.;
 - i. existing trees or tree masses; and
 - j. include 8 ½" x 11" copies of the site plan.
2. Roof Plan (drawn to a scale of not less than 1/8" = 1' - 0") showing:
 - a. pitches, ridges, and valleys; and
 - b. roofing materials.
3. Chimneys, skylights, and all roof mounted equipment.
4. Floor Plan(s) (drawn to a scale of not less than 1/8" = 1' - 0").
5. Elevations of all sides of the structure (drawn to a scale of not less than 1/8" = 1' - 0") showing:
 - a. fully dimensioned, including plate heights;
 - b. all exterior finish materials clearly indicated;
 - c. chimneys, balconies, railing details, skylights, etc.; and
 - d. include 8 ½" x 11" copies of the entire front elevation.
6. Exterior finish material and color selection samples.
7. Landscape Plan (drawn to a scale of not less than 1" = 20' - 0") showing:
 - a. size, type, location, and quantity of proposed plants and trees (with

- common and botanical names);
 - b. bed and turf areas;
 - c. existing trees to be saved;
 - d. existing trees to be removed (single trunk trees in excess of 4" caliper or multi-trunk trees in excess of 6" caliper in total diameter must receive ACC approval prior to being removed);
 - e. irrigation and watering systems; and
 - f. the entire site with all proposed Improvements (i.e. house location, decking, sidewalks, driveways, pools, etc.).
8. Swimming Pool Plans (drawn to a scale of not less than 1" = 20' - 0") showing:
- a. location of pool or spa, including slides, diving boards, etc.;
 - b. construction access, and letter of permission granting access, if necessary;
 - c. pool equipment location and screening method; and
 - d. associated decks, retaining walls, fencing, etc.

A written decision by the ACC will typically be available within seven (7) days after the date of the ACC meeting. The complete submittal will be retained by the Association. The Owner will receive a letter which will be marked approved, approved as noted, tabled (pending the ACC's request for additional information) or disapproved with a reasonable statement of items found not to comply with the applicable restrictions.

Final approval can be a time-consuming process depending on the completeness of the submittals. Ample time should be allowed for ACC review, revisions to the drawings as may be required, and resubmittals.

The ACC may require, as a condition precedent to any approval of the final plans, that the Applicant obtain and produce an appropriate building permit from the County

Section 3.04. Resubmittals. Any modification or change to the approved set of plans must again be submitted to the ACC for review and approval prior to construction.

Section 3.05. ACC meeting schedule. The ACC shall establish meeting schedules and location in accordance with the Declaration and Bylaws.

IV. **Architectural Guidelines**

Section 4.01. House/Building Restrictions.

- a. Roofs: An 8:12 minimum pitch on the roofs. All roofing materials must be comprised of earthtone colors that are complimentary to the surrounding areas. Only composite shingles are permitted. Colors and materials of roofing on all structures must be approved by the Declarant and/or ACC.

- b. Trees: Each Lot must have two 2” caliper trees in the front yard. The following are acceptable types of trees:
 - a.
- c. Metal Buildings: Metal buildings, shops, or barns up to 3,000 square feet are permitted with walls not exceeding 16’ and no higher than 20’ to the peak of the roof. Guest quarters are permitted. All metal buildings must be built at least 20’ behind the front elevation of the residence.
- d. Garages: Garages and garage doors may face either the front or side of the residence.
- e. Exterior colors must be harmonious with the surrounding dwellings and buildings. Bright colors and colors unusual to the area, such as purple, hot pink, bright green, or any other non-earth tone or gray color, is prohibited.
- f. Each residence must include at least 80% minimum masonry requirement, which may include brick, stone, rock. Mineral board such as Hardi-siding is not considered masonry.
- g. Owners must landscape with sod, bushes, flowers any areas or elevations that face the street.

Commented [KP1]: Please let us know what types of trees are permitted.

Section 4.02. Solar Energy Devices. A solar energy device, including any system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar generated energy (collectively, “*Solar Energy Device*”). The term includes an integrated system of solar panels or solar roof tiles containing photovoltaic cells and has the ability to store solar-generated energy for use in heating or cooling or in the production of power. Photovoltaic solar panels are attached to an existing roof. Photovoltaic solar tiles are part of the roof’s construction, taking the place of regular tiling. All solar panels, and all solar roof tiles proposed to be installed are considered part of the same Solar Energy Device. A Solar Energy Device may only be installed after receiving the written approval of ACC or Declarant.

1. A Solar Energy Device may not be installed upon or within Common Area or any area which is maintained by the Association.
2. A Solar Energy Device may only be installed on designated locations on the roof of a home, on any structure allowed under any Association dedicatory instrument, or within any fenced rear-yard or fence-in patio of the owner’s property.
3. If located on the roof of a home, a Solar Energy Device shall not be located on any portion of the roof that is facing a street or the Common Areas (collectively, the “*Prohibited Roof Elevations*” whether that be a front, side, or rear of the home) (except as otherwise allowed by law). TO AVOID CONFUSION, AND WHEN PLANNING A SOLAR ENERGY DEVICE DESIGN, BE ADVISED OF THE FOLLOWING WHEN SEEKING TO RELY ON THE LIMITED EXCEPTION FOR INSTALLATION ON PROHIBITED ROOF ELEVATIONS AS SET FORTH IN SECTION 210.010(d)(5)(B) OF THE TEXAS PROPERTY CODE (“*STATUTORY*”).

EXCEPTION"); IF APPLICABLE, THE STATUTORY EXCEPTION ONLY PERMITS THE OWNER TO USE ANY OF THE PROHIBITED ROOF ELEVATIONS AS AN ALTERNATIVE LOCATION FOR THE INSTALLATION OF THE SOLAR ENERGY DEVICE (ALL PANELS OR TILES) SUBMITTED TO THE ACC OR DECLARANT FOR APPROVAL. THE STATUTORY EXCEPTION, IF SATISFIED BY THE OWNER THROUGH THE SUBMISSION OF A PUBLICLY AVAILABLE MODELING TOOL PROVIDED BY THE NATIONAL RENEWABLE ENERGY LABORATORY ("*NREL*"), DOES NOT ALLOW THE OWNER TO INSTALL ANY PORTION OF THE SOLAR ENERGY DEVICE (ANY PANEL) IN BOTH THE PERMITTED AND PROHIBITED ROOF ELEVATIONS IN DETERMINING WHETHER THE ENERGY REQUIREMENTS OUTLINED IN THE STATUTE ARE SATISFIED. RATHER, IT IS THE ASSOCIATION'S POSITION THAT THE PROHIBITED ROOF ELEVATIONS ARE AN "ALTERNATIVE" LOCATION FOR THE ENTIRE SOLAR ENERGY DEVICE (ALL PANELS OR ALL TILES), NOT AN ADDITIONAL AREA WHERE A PORTION OF THE PANELS OR A PORTION OF THE TILES COMPRISING A SOLAR ENERGY DEVICE CAN BE INSTALLED, IN ADDITION TO PANELS OR TILES BEING INSTALLED ON A PERMITTED LOCATION. IN SUM, THE OWNER MUST DEMONSTRATE, THROUGH A WRITTEN NREL REPORT, THAT THE ENTIRE SOLAR ENERGY DEVICE – ALL PANELS OR ALL TILES – IF LOCATED EXCLUSIVELY WITHIN PROHIBITED ROOF ELEVATIONS, WOULD INCREASE THE ANNUAL ENERGY PRODUCTION OF THE SOLAR ENERGY DEVICE (ALL PANELS OR ALL TILES) BY MORE THAN TEN PERCENT (10%) ABOVE THE ANNUAL ENERGY PRODUCTION OF THE SOLAR ENERGY DEVICE (ALL PANELS OR ALL TILES) LOCATED EXCLUSIVELY IN A DESIGNATED OR PERMITTED AREA.

4. If located on the roof of a home, a Solar Energy Device shall:
 - i. not extend higher than or beyond the roofline;
 - ii. conform to the slope of the roof;
 - iii. have a top edge that is parallel to the roofline; and
 - iv. 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.
5. If located in the fenced rear-yard or patio, a Solar Energy Device shall not be taller than the fence line.
6. The ACC or Declarant may deny a request for the installation of a Solar Energy Device if it determines, and such determination is reduced to writing, that the placement of the Solar Energy Device 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 owner may obtain the written approval of the proposed placement of the Solar Energy Device by

all property owners of adjoining property. In this case, the ACC or Declarant 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 landowners.

7. Any installation of a Solar Energy Device which voids material warranties is not permitted and will be cause for the Solar Energy Device to be removed by the owner.
8. A Solar Energy Device must be properly maintained at all times or removed by the owner.
9. A Solar Energy Device which becomes non-functioning or inoperable must be removed by the owner of the property. Panels, mounting devices, etc. must be repaired or replaced within one hundred twenty (120) days of the date of damage.
10. A Solar Energy Device is prohibited if a Court determines that the installation thereof violates any law or threatens the public health or safety.

Section 4.03. Fencing. 8' stained wood privacy fence is permitted. The stain must match the exterior of the main residence. Metal posts on fences are required and must be constructed so as the metal posts are on the inside of the fence when facing any street or Lot.

Section 4.04. Upkeep. Alteration, modification, or removal of Improvements are subject to ACC approval. Any re-painting of materials in the same existing color does not require approval.

V. **Builder Sign Policy**

Section 6.01. Builder Monument Sign Standards.

- a. One temporary monument sign is permitted on the model/show home Lot.
- b. Location, design and colors must be submitted to the ACC for review and approval. Colors shall be limited to three (3) colors. Signs shall be located within the property lines.
- c. Signage face area shall not exceed twenty-four (24) square feet. The overall height from finish grade shall not exceed five (5) feet. The maximum height includes any elevated landscape bedding areas and/or stone bases.
- d. Finishing materials shall be of sufficient quality so as not to deteriorate, fade, warp, or peel. Signs determined to be in disrepair by the ACC shall be removed, including any bedding, footings, bases, etc.
- e. Signage and associated landscaping, footings, lights, bases, etc., are temporary and shall be removed at the completion of Lot sales or at the time when the builder's model/show home office is closed or the home has been sold.

Section 6.02. Builder Lot Sign Policy. One (1) sign per Lot is allowed.

Section 6.03. Construction/Sales Trailer Policy.

- a. Temporary construction/sales trailers are permitted on a builder's Lot within the subdivision in which they are building. Site plan of the Lot must be submitted showing the location for review and approval.
- b. All builder items must be stored within an enclosed wood fenced area.