

## EXHIBIT D

### **DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR VALENCIA ON THE LAKE HOMEOWNERS ASSOCIATION, INC. DESIGN GUIDELINES**

#### **PART ONE: LANDSCAPING, FENCES AND EXTERIOR ELEMENTS**

##### **SECTION 1.1 LANDSCAPING:**

Upon completion of each dwelling unit, the following landscape elements shall be installed prior to occupancy of the dwelling:

- 1.1.1 Sod: Each dwelling shall have full sod installed for the entire front 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. Underground irrigation systems are required. Irrigation systems such as drip systems to all planting beds, tree wells and other areas sufficient for maintaining plant life is required.
- 1.1.2 Trees: A minimum of one (1) tree per thirty feet (30') of front yard Lot width is required. Notwithstanding, all Lots shall have a minimum of one (1) tree in the front yard. Trees shall have a minimum of three inch (3") caliper and be one of the trees listed in **Exhibit D-1** attached hereto. Each homeowner shall be responsible for maintenance and preservation of trees located on their property and shall promptly replace dead trees within thirty (30) days or less when favorable planting weather exists or ninety (90) days or sooner when unfavorable planting conditions exist. Trees must be replaced with a like kind or an approved tree from the Street Tree list provided in **Exhibit D-1**. An Owner should contact the city and check for any changes or additions to the Street Tree Guidelines before planting.
- 1.1.3 Shrubbery and Planting Beds: Each Dwelling shall have a minimum of ten (10) one (1) gallon shrubs planted in a mulched planting bed; the planting bed shall have edging materials to separate the sod and bed mulch areas. The homeowner shall be responsible for the maintenance a preservation of the shrubs and planting bed, and shall promptly replace dead plants within thirty (30) days or less when favorable planting weather exists or ninety (90) days or sooner when unfavorable planting conditions exist.

**SECTION 1.2 FENCES:**

All fences with the exception of wrought iron or tubular steel shall be wooden fences consisting of spruce or better. All posts must be metal. All Fencing facing a street must be stained. The maximum fence height allowed shall be six feet (6’).

- 1.2.1 Major thoroughfares and Corner Lots: All fencing on corner lots facing side streets and Lots backing up to streets and major thoroughfares will be considered major thoroughfare fencing. Fencing shall be enhanced wooden fences, spruce or better, board on board, with continuous 2 x 4 top cap, continuous 1 x 4 band and metal posts. All structural components shall be on the inside so as not to be visible and wall construction shall comply with the details indicated in Exhibit Attachment 1.2.1.1. All such fencing shall be stained and preserved as follows:

Manufacturer: Sherwin Williams  
Color: Banyan Brown – Apply per product installation

Manufacturer: Standard Paint  
Color: Sable Brown – Apply per product installation

- 1.2.2 Standard Side and Rear Yard Fences – Interior Lots: For all interior lots, fence and wall construction shall comply with the materials and details indicated in Exhibit Attachment 1.2.2.1, and shall have metal posts. **All portions of the fence that are visible from any street shall have all structural components on the inside so as not to be visible and must be stained with the colors specified above at Section 1.2.1**

- 1.2.34 Open Space, Greenbelt Areas, Parks, Floodplains, Flowage Easements: Fencing facing any open space, greenbelt area, park, floodplain or flowage easement shall be wrought iron or tubular steel which shall have black finished, rust resistant, forty-eight inch (48”) high wrought iron or tubular steel fences for the rear sixteen feet (16’) of each side and the full width of rear Lot lines as detailed in Exhibit 1.2.3.2. All fences shall be consistent; no variation of design shall be permitted. Fence areas shall be kept clean and neat in appearance at all times; no peeling or fading allowed. Bent or broken sections must be promptly repaired. Fences must be unobstructed at all times by screening or other materials unless specifically approved by the Association.

### **SECTION 1.3 MAIL BOXES:**

- 1.3.1 Standard Mail Boxes: Mail Box construction shall be brick, constructed out of the same brick color used on the home, and comply with the materials and details indicated in Exhibit Attachment 1.3.1.1.
- 1.3.2 Mail Box Location: Mail Box shall be located on the front corner of the lot between the sidewalk and the street approximately 1 foot inside the property line and situated in such a manner that it is side by side with the mail box to be constructed on the neighboring lot.

### **SECTION 1.4 FLAGS AND FLAGPOLES**

- 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. 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 Area.
- 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 dwelling, shall be constructed of permanent, long-lasting materials. The materials used for the flagpole shall be harmonious with the dwelling, 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 dwelling (no other structure) or be a freestanding flagpole. A flagpole attached to the dwelling 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 dwelling 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 dwelling. 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 Area or property maintained by the Association.
- 1.4.13 All freestanding flagpole installations must receive prior written approval from the Reviewer.

## **SECTION 1.5 RAIN BARRELS OR RAINWATER HARVESTING SYSTEMS**

- 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 Reviewer.
- 1.5.2 Rain Barrels may not be installed upon or within common area of the Association.
- 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 home 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 home 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 area of the Association.
- 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 e 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 mosquitos must be removed by the owner from the Lot.

## **SECTION 1.6 RELIGIOUS DISPLAYS**

- 1.6.1 An owner may display or affix on the entry to the owner's or resident's dwelling 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 dwelling 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 dwelling; 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 dwelling or make an alteration to the entry door or door frame that is not authorized by the Association's Declaration or otherwise expressly approved by the Reviewer.

## **PART TWO: DWELLING UNITS**

### **SECTION 2.1 ROOFS / SPECIFIC RESTRICTIONS APPLY BASED ON LOT TYPE/SIZE.**

- 2.1.1 Roof Pitch: Roof Pitches for Lot types 1, 2, 3, and 5 shall have a minimum of 8-in-12 slopes. Roof Pitches for Lot type 4 shall have a minimum roof pitch of 6-in-12 slope.
- 2.1.2 Roofing Materials: Roofing materials for Lot types 1, 2, 3, and 5 shall be asphalt shingles with a 30-year rated or better shingle having a minimum weight of 220 pounds per square (100 square feet) and have a weathered brown or gray color. Other roofing materials shall not be used without written approval from the Architectural Control Committee. **No wooden shingles are allowed.**
- 2.1.3 Roofing Materials: Roofing materials for Lot type 4 shall be tile, slate or other type of masonry product. In no event shall Lot type 4 utilize any type of asphalt composition roof material. Seamless and standing seam metal roofs are permitted provided they are of architectural quality and receive the prior written approval of the ACC Reviewer.
- 2.1.4 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 Chimney Chases facing the front of any residence must be brick on exterior wall. All Fireplace flues shall be enclosed and finished; exposed pre-fabricated metal flue piping is prohibited.

### **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 these Guidelines shall:

- (1) resemble the shingles used or otherwise authorized for use in the Association;
- (2) be more durable than and are of equal or superior quality to the shingles used or otherwise authorized for use in the Association; and
- (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 Reviewer that the proposed installation is in full compliance with paragraphs a and b above.

2.2.4 Roofing Shingles shall be installed after receiving the written approval of the 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**

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 Reviewer.

2.3.2 Solar Panels may not be installed upon or within common area or any area which is maintained by Association.

2.3.3 Solar Panels 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 fenced-in patio of the owner's property, but only as allowed by the Reviewer. Solar Panels may not be installed on the front elevation of the home.

2.3.4 If located on the roof of a home, 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 area or street.
- 2.3.6 The 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 EXTERIOR WALLS / SPECIFIC RESTRICTIONS APPLY BASED ON LOT SIZE.**

- 2.4.1 Exterior Wall Materials: All residences shall be constructed primarily of masonry consisting of brick, stone, cast stone, or stucco. Other materials of equal or similar characteristics may be allowed upon approval of the ACC Reviewer and is subject to approval of the City Building Official. Exterior walls for all homes on all Lots shall consist of a minimum of at least two (2) masonry types on the front elevation. Any material utilized on the exterior that is not masonry, where applicable, shall be cementitious fiberboard or a similar product:
  - 2.4.1.1 One Story Homes: For one-story homes and for the first story of two-story homes, 100% of all exterior wall surfaces shall be constructed of masonry, excluding doors, windows, boxed or bay windows, ornamental trim, formers, areas under covered porches one story in height, and architectural projections.
  - 2.4.1.2 Areas Above First Story of Two-Story Homes: For areas above the first story of two-story homes, a minimum of 80% of all exterior wall surfaces shall be constructed of masonry, excluding doors, windows, boxed or bay



windows, ornamental trim, dormers, areas above a roof line, areas under covered porches not extending to the first floor, and architectural projections. **For all homes, the front and street sides of the residence shall have 100% of all exterior wall surfaces constructed of masonry,** excluding doors, windows, boxed or bay windows, ornamental trim, dormers, areas above a roof line, areas under covered porches not extending to the first floor, and architectural projections

2.4.1.3 **Homes Adjacent to Rockhill Parkway:** For homes adjacent to Rockhill Parkway, all wall surfaces facing Rockhill Parkway shall be constructed 100% of masonry, excluding doors, windows, boxed or bay windows, ornamental trim, dormers, areas above a roof line, areas under covered porches not extending to the first floor, and architectural projections.

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

## **SECTION 2.5 ELEVATION AND BRICK USAGE**

2.5.1 Same Plan with Same Elevation: The repeat of the same floor plan with the same elevation design shall be governed by the following provisions:

2.5.1.1 Lot Types 1, 2, 3, 4, and 5: Height restriction shall not exceed forty feet (40') or two and one-half (2 ½) stories in height.

2.5.2 Single Family floor plans with the same elevation shall vary from Lot to Lot as follows:

2.5.2.1 The same floor plan with the same elevation shall be separated by a minimum of four (4) Lots between them on the same side of the street and by a minimum of two (2) Lots between them on the opposite side of the street.

2.5.2.2 The same floor plan with a different elevation shall be separated by a minimum of one (1) Lot on the same or on the opposite side of the street.

2.5.3 Exterior Material Area Calculations: All Dwelling submittals shall calculate the percentage coverage for each material as follows:

2.5.2.1 Calculation Method: Calculations for material coverage percentages shall

include all exposed areas of the wall surface, excluding window and door openings.

2.5.2.2 Calculation Format: Calculations shall indicate the area coverage for front, side, and rear wall areas. Calculations shall be submitted in the following format:

Brick Calculations

<b><i>Overall</i></b>	
Total Wall Area	0 sf
Total Brick Area	0 sf
Total Brick Percentage	0%
<b><i>Front</i></b>	
Total Wall Area	0 sf
Total Brick Area	0 sf
Total Brick Percentage	0%
<b><i>Left</i></b>	
Total Wall Area	0 sf
Total Brick Area	0 sf
Total Brick Percentage	0%
<b><i>Right</i></b>	
Total Wall Area	0 sf
Total Brick Area	0 sf
Total Brick Percentage	0%
<b><i>Rear</i></b>	
Total Wall Area	0 sf
Total Brick Area	0 sf
Total Brick Percentage	0%

\*\* Openings removed from areas in all calculations

## **SECTION 2.6 GARAGES.**

2.6.1 All residential Lots shall provide a two-car or larger garage. Requirements differ based on Lot type/size and must be adhered to as required by the City Zoning Ordinance.

2.6.1.1 Lot Type 1: Garage may not face front street unless set back at least thirty feet (30') from main façade; may not face side street unless set back fifty feet (50') from side street.

2.6.1.2 Lot Type 2: Garage may not face front street unless set back at least thirty feet (30') from main façade; may not face side street unless set back fifty feet (50') from side street.

2.6.1.3 Lot Type 3: Garage may face front or side street. At least 75% of the garages on Lot type 3 that are facing a street within Valencia on the Lake development shall be set back at least two feet (2') from the main façade. Garage doors facing a street must be stained wood. The wood may be cedar, redwood, spruce, fir, or any other hardwood.

2.6.1.4 Lot Type 4: Garage must face a residential alley.

2.6.1.5 Lot Type 5: Garage must face a residential alley.

Exhibit Attachment D-1 – Street Tree Guidelines List of Approved Trees

Exhibit Attachment 1.2.1.1 - Fencing on Corner Lots and Major Thoroughfares

Exhibit Attachment 1.2.2.1 - Standard Side and Rear Yard Fences (Interior fencing)

Exhibit Attachment 1.2.3.2 – Open Space, Greenbelt Areas, Parks, Floodplains, Flowage Easements

Exhibit Attachment 1.3.1.1 - Standard Brick Mail Boxes Design

**EXHIBIT D-1**

**STREET TREE GUIDELINES**

**A minimum of one (1) tree per thirty feet (30') of front yard Lot width is required. Notwithstanding, all Lots shall have at minimum one (1) tree in the front yard. Trees shall be a minimum three inch (3") caliper and be one of the trees listed below to count toward tree requirements.**

**Tree List**

**Bald Cypress**

**Bur Oak**

**Caddo Maple**

**Cedar Elm**

**Chinese Pistachio**

**Chinkapin Oak**

**Pear**

**Pecan**

**Shumard Oak**

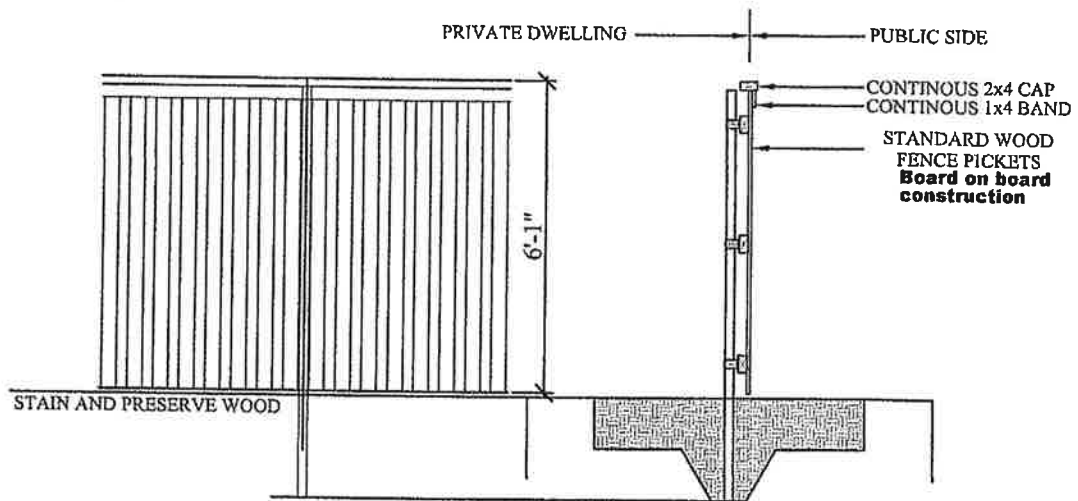
**Southern Magnolia**

**Southern Red Oak**

**Texas Ash**

**Truncatus Maple**

Exhibit Attachment 1.2.1.1  
Fencing on corner lots and backing up to major thoroughfare



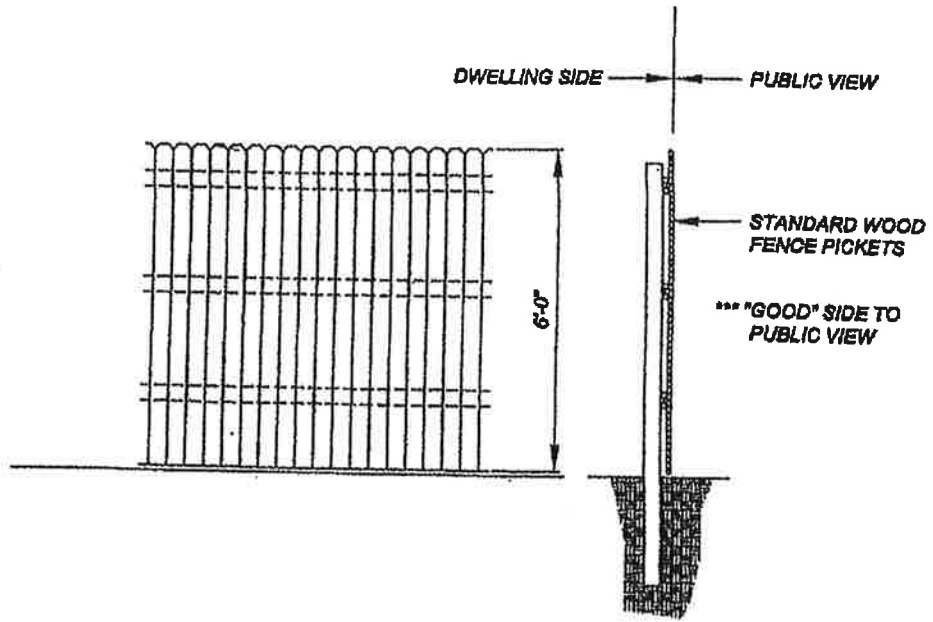
**Stain Color:**

**Manufacturer: Sherwin Williams Color: Banyan Brown - Apply per product installation**  
**Manufacturer: Standard Paint Color: Sable Brown - Apply per product installation**

**Attachment 1.2.1.1  
Major Thoroughfare and Corner Lot  
Fence Details**

Exhibit Attachment 1.2.2.1  
Standard Side and Rear Yard Fences

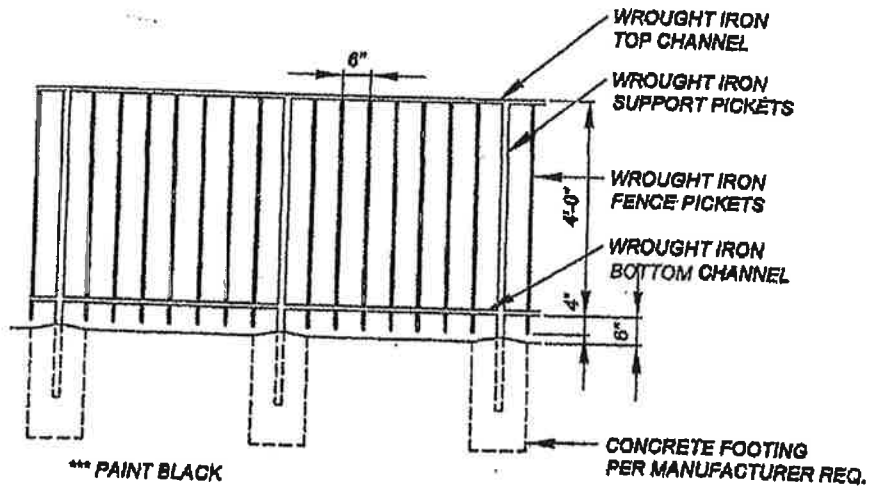




**ATTACHMENT: 1.2.2.1**  
**STANDARD LOT SIDE & REAR**  
**FENCE DETAILS**

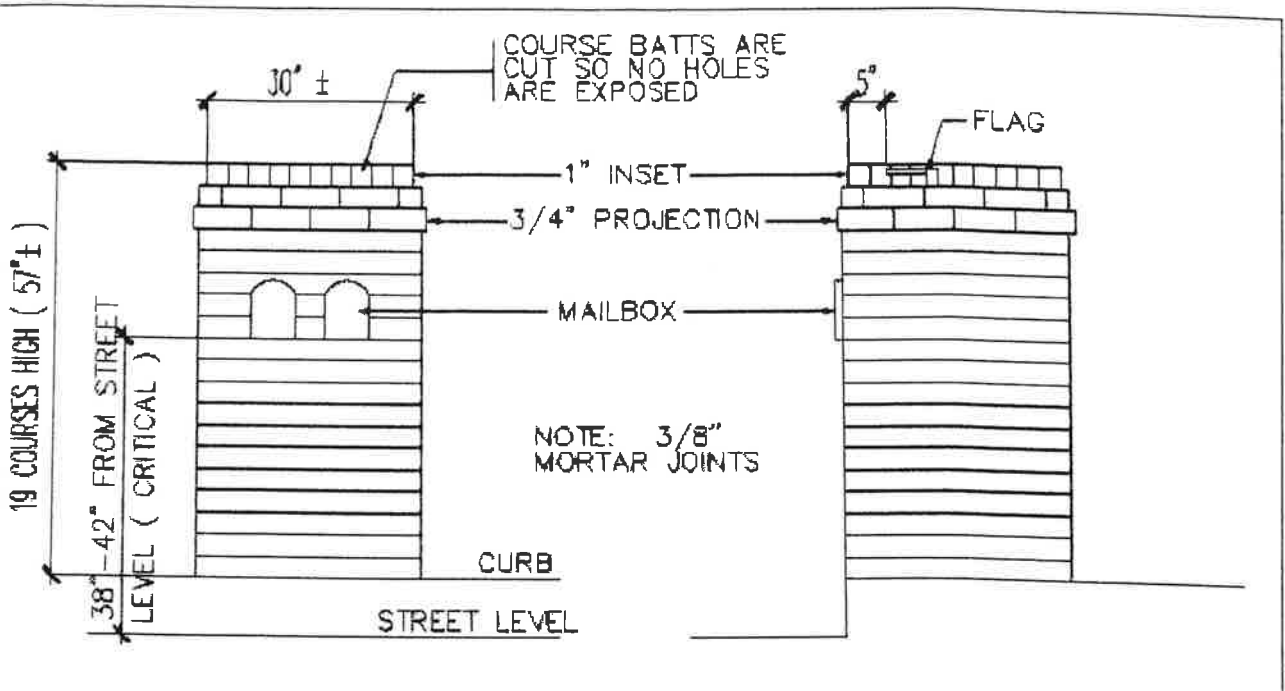


Exhibit Attachment 1.2.3.2  
Greenbelt Area Side and Rear Yard Fences



**Attachment: 1.2.3.2**  
**WROUGHT IRON**  
**FENCE DETAILS**

Exhibit Attachment 1.3.1.1  
Standard Mail Boxes Design



**EXHIBIT E**  
**BYLAWS**