

LOWE'S FARM

**DESIGN GUIDELINES AND REVIEW
PROCEDURES FOR MODIFICATIONS**

**RESIDENTIAL
REVISED SEPTEMBER, 2004**

LOWE'S FARM HOME OWNERS ASSOCIATION

**ARCHITECTURAL CONTROL COMMITTEE
% PREMIER COMMUNITIES MANAGEMENT COMPANY
2711 NORTH HASKELL, SUITE 2650
DALLAS, TX 75204**

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1.0 INTRODUCTION

Fundamental to the concept of development at Lowe's Farm is quality in planning and design. The following guidelines provide 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. The procedures will be used by the Architectural Control Committee, (ACC), of Lowe's Farm Owners Association with which all property owners should be familiar. The ACC intends to be fair and objective in the design review process and in the understanding of individual goals.

1.1 Definition of Modification

A modification is defined as an alteration, addition or deletion to raw land or to an existing structure which alters the physical appearance, characteristic or properties of the land or structure, including without limitation, any alterations, additions or deletions to the following:

- (1) Structures
- (2) Exterior colors
- (3) Exterior materials
- (4) Fences, decks patios, terraces, retaining walls, drives, turn arounds and walks
- (5) Exterior lighting
- (6) Plat equipment
- (7) Landscaping
- (8) Mailboxes
- (9) Swimming pools, spas and fountains
- (10) Landscape structures, furniture and accessories
- (11) Sports equipment
- (12) Birdhouses, feeders and baths
- (13) Animal houses

And other items related to, but not specifically mentioned on this list.

After a new house has been completed and the title is transferred to the property owners, the property owner is responsible to make submissions for any modifications which may or may not be listed above. The ACC consists of members appointed by the Board of Directors of the Lowe's Farm Owners Association.

1.2 Who is Subject to the Review Process?

All property owners are responsible for obtaining the necessary review and approvals to comply with the terms of the Declaration of Covenants, Conditions and restrictions, (CC&R's) The CC&R's for Lowe's Farm state that any improvement, modification, alteration, addition or deletion must have ACC approval prior to commencement of construction or installation. The builder will most often be responsible for new

construction and the homeowners will generally be responsible for modifications. There are no exemptions or automatic approvals and each application is reviewed on an individual basis.

1.3 Who Administers the Review Process?

The ACC has exclusive jurisdiction over modifications, additions or alterations made to existing structures and the open space, if any, appurtenant thereto. The ACC shall not take any action nor approve any plans that are inconsistent with the Design Guidelines and Review Procedures.

The selection of the ACC representative is based upon an ability to understand the overall as well as specific development objectives. The ACC will consist of a minimum of three (3) individuals whom are property owners in the development.

1.4 Application for Review

Application for improvements must be made on the attached form. Submit all modification requests to the Association at the address listed below.

Lowe's Farm Homeowners Association, Inc.
2711 North Haskell, Suite 2650
Dallas, TX 75204

Or send from by fax to: (214) 871-0355

The application forms provide the ACC with the basic information needed for review and serve as a checklist for the property owners so that all design elements have been considered in the project.

1.5 Submittal and Response Deadlines

Although the ACC has a total of thirty (30) days to render a decision, the ACC will attempt to mail a written decision approximately seven (7) days after the committee meeting in which it was discussed. The committee's decision may be:

- (1) Approval
- (2) Conditional approval
- (3) Disapproval
- (4) Deferral pending submission of more information

Within 14 days after a decision has been rendered, the Applicant of affected parties may file a written appeal with the ACC.

1.6 Meeting Schedule of the ACC

The ACC will convene meetings for the review of plan submissions on a schedule established by the ACC from time to time. The meetings will be held at a convenient location determined by the ACC.

From time to time, these guidelines and Procedures may be modified and/or expanded by the ACC. It is the responsibility of the homeowners to utilize the most current additions of the Guidelines and Procedures.

2.0 DESIGN REVIEW PROCEDURES

2.1 Modification Review

The applicant must submit an application and a set of plans drawn to scale indicating the extent of the proposed modification in sufficient detail to allow review. This must include drawings of exterior building elevation changes, material, finish and color schedules and construction details. A landscape plan must show placement, number, species and size of proposed landscape additions. Any modification other than color change requires a site plan drawn to scale with a north arrow showing the following:

- (1) Property lines
- (2) Setbacks and easements
- (3) Footprint of house and driveway, sidewalk, decks, patios, retaining walls, etc.
- (4) Existing trees and landscaping
- (5) All proposed modifications to be dimensioned to properly locate them from the house or property line
- (6) Indication of all public roadways bordering property.

2.2 Regulatory Compliance

Plans submitted for ACC review, must comply with all applicable building codes, zoning regulations and requirements for all agencies and municipalities (i.e., City of Mansfield) 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 ACC for design review and vice versa.

2.3 Final Approval

The ACC final approval constitutes a binding agreement between the Applicant and the Association. Any deviation from the approved plans must be resubmitted to the ACC for approval.

The ACC decision is based on a simple majority and shall not be arbitrary or capricious. Any denial, deferral or exception shall be substantiated by the ACC in good faith. The ACC may at its discretion assist the Applicant by suggesting alternative design solutions.

2.4 Final Site Review

The construction of the modification must be completed confirming to the previously approved plans. All building debris must be removed from the site and the surrounding area. The ACC at its discretion may request to review the completed project to verify adherence to the approved plans. Any unauthorized changes to the previously approved plans must be corrected.

2.5 Appeals

Any decision reached by the ACC may be appealed back to the committee for reconsideration. Technical design information supporting the appeal request must be included with the request. All appeals will be reviewed on a case-by-case basis, and the granting of an appeal for one residence for a particular situation does not imply or warrant that a similar appeal would be granted on another residence. Each case will be reviewed on its own design merits, and in keeping with the overall objectives of the Design Guidelines.

2.6 Variances

If the applicant and or his Designer feel that certain portions of the Design Guidelines are inappropriate, based on the design elements of a particular residence, then the Applicant may apply for a variance from a specified requirement of the Design Guidelines. The burden of establishing the reasons why a specific requirement of the Design Guidelines is not appropriate lies with the Applicant. The Applicant should provide reasonable assurance in the variance request that the overall intent of the Design guidelines will be accomplished with the modification proposed. The decision of the variance rests solely with the ACC, and the granting of a variance for one particular situation does not warrant or imply that a variance will be granted for the same situation of another residence. Each variance request will be reviewed on a case-by-case basis, in keeping with the overall objectives of the Design Guidelines.

3.0 DESIGN GUIDELINES

The Design Guidelines, which follow, 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 quality community can be planned, designed, built and maintained.

Please remember that all proposed new construction modifications to existing buildings or landscapes must be submitted, reviewed and approved by the ACC before any construction begins.

3.1 SITE DESIGN GUIDELINES

(1) Landscape Design

Existing native trees and shrubs may be trimmed and shaped to accent the landscape design. Landscaping must relate to the existing terrain and natural features of the lot. Native plants or trees or varieties which do well in the climatic zone of the required. ACC review of landscape modification plans will focus on plant selection.

The quantity and size of plant material must conform to the precedent set in the surrounding community. All mulched landscape beds should be covered with shredded hardwood mulch, pine straw or chipped pine bark mulch or small nuggets. No landscape gravel is allowed.

Trees may only be cleared from a lot to facilitate a modification approved by the ACC. All modifications, additions or alteration shall be sited to preserve existing trees. Removal of trees more than 4" in diameter or multi-trunk trees more than 6" in total diameter requires approval of the ACC.

The augmentation and replacement of existing plant material which is diseased or suffers frost, drought or sun damage will generally not require ACC approval provided aesthetics are maintained and the landscape plan is enhanced.

Landscape edging must be of design consistent with the neighborhood. **Plastic landscape edging is not permitted.** All edging is encouraged to be of material designed for this purpose and should be uniform construction. It is preferred that materials do not exceed 10" inches in height and are uniformly placed.

Bricks may be used as landscape edging provided that the following conditions are met. Brick and mortar must be the same as what was used on the home, bricks must be installed so that brick holes are not visible from the street, and mortar is used in brick holes and between bricks to prevent grass growing between and thru the brick.

All lots are required to maintain at least two trees of 2" caliper or greater.

(2) Permanent Fencing

Fencing shall be brick, tubular steel or wood as specified in the CC&R's. No side or rear fence or wall shall be more than eight (8) feet high. No hedge in excess of three (3) feet in height. No wall and no fence shall be erected or maintained nearer to the front Lot line than fifteen (15) feet. All fences shall be constructed so that the sides of the fence containing the structural supports are not visible from any street right away.

No wood fence may be stained or painted to alter the natural wood appearance. Clear sealant may be applied without prior approval of the ACC. Stains used on any fence in public view must meet specifications of color as expressed in section 4.10 of the Lowe's Farm CC&R's.

All decorative fences as noted in Exhibit B of the CC&R's must be stained with Cedar Natural Tone-Olympic Semi-Transparent Stain. All remaining fences on lot and visible in public view must be stained the same and maintained by the property owner.

(3) Mailboxes, Utility Services, Antennae, ETC.

Mailboxes shall be per Neighborhood Specific Guidelines. Landscaping around mailboxes shall be limited to low planting (mature plants less than 24" height). Vines or other plant materials, which will cover the entire mailbox, are not allowed. Driveway reflectors will not be allowed. All services to the home including pre wiring for cable TV must be installed underground. Surface mounted mechanical equipment shall be screened from view and away from street. Satellite dishes shall not exceed 1 meter in diameter and should be installed not in view from street.

(4) Landscape Features and Furniture

Birdbaths, pole-mounted birdhouses, art pieces, collector items, personal artifacts, and fountains will require ACC approval when visible to public view.

Clotheslines are not allowed.

No permanent flags/flagpoles will be allowed.

No temporary flagpoles will be allowed unless specifically approved by ACC.

(5) Decks and Porches

The design of outside living spaces shall be coordinated and integrated with the design of each home. Decks shall not unduly infringe on the privacy of neighboring homes. Decks should be sensitively sited and incorporate privacy screening or plantings to increase full and effective use of the deck.

Deck shall be designed to minimize unsightly supporting structure. Landscaping and skirting should be incorporated to hide the space between the deck and the ground. All decks require approval from the ACC.

(6) Retaining Walls

Railroad or wooden ties are not acceptable for retaining wall construction. All retaining walls not installed by developer/builder at time of initial construction shall be limited to 3' in height. Where grade changes call for greater than 3', a series of walls or terraces may be required. All retaining walls must be approved by the ACC. All retaining walls must be uniform in design and held together with permanent materials.

(7) Solar Screens & Windows

New windows shall match the type used in the existing house and be located in a manner which will relate well with existing openings.

Solar Screens may not be placed on the front and/or side windows of a house unless each and every front and/or side window is appropriately and completely covered with a solar screen of the exact same type and color.

Solar Screens that are placed on the front and/or side windows of a house must include dividers that match the divider patterns of the window it covers. The dividers should be of a color and design that is compatible with the architectural character of the house.

Solar Screens solid in color and must not contain decorative patterns.

No window may be tinted, filmed, lined, or otherwise covered with reflective material so as to create a mirror effect when viewed from the exterior of the home.

No awnings or solar screen shall be installed without prior approval of the ACC.

(8) Outbuildings

Tree houses are not allowed. All other types of detached structures should be submitted for review.

Storage buildings shall be built of substantially the same material and design of the house situated on the Lot. The following criteria will be used by the ACC in consideration of any such storage buildings to be placed on lots:

- No building will exceed 80 square feet (e.g. 8x10)
- The building must be placed on concrete slab foundation
- No building will exceed 8 feet in height at the ridge line of the roof
- Roof pitch will be similar to that of the house
- Must be constructed of brick matching the house and/or cement fiber board (hardiplank)
- All paintable surfaces must be painted to match the trim color of the house or other colors as approved by the ACC.
- Shingles must match that of the house
- Screening may be required based on visibility

(9) Exterior Lighting

Outdoor lighting should be unobtrusive or concealed with all light in shades of white (no colored lights) No spill of light should occur on neighboring properties and lighting must be shielded to prevent glare. Tree up lights shall be concealed in ground or in shrub masses. Mounted unshielded spotlights are unacceptable.

The wattage of exterior building mounted lighting is limited to 150 watt maximum. No “barnyard” lights or sodium vapor light (yellow light source) is acceptable.

All building mounted spotlights should be directed towards the ground as not to shine into neighboring properties.

(10) Swimming Pools and Hot Tubs

Exterior hot tubs must be screened from view of streets. All pump filters and equipment for pools and hot tubs, must be located where it will not cause a visible or noise nuisance to neighbors and must be screened from view. No inflatable above ground pools or hot tubs are allowed. Hot tubs should be installed on a concrete slab. Pools are restricted to the following types of construction: Gunite poured concrete, fiberglass shell and hybrid fiberglass. No pools with vinyl linings will be permitted.

Pools, pool decking, fencing, related equipment and structures shall all be designed to integrate with the natural topography of the site. Materials such as brick, stone, redwood or cedar should be used. Pools shall be located to provide minimal visual impact to the surrounding properties and streets.

(11) Utilities, Mechanical and Pool Equipment

All utilities must be installed underground. Surface mounted mechanical equipment, transformers, air conditioners, condensers, compressors, pool equipment, switches, meters, etc. shall be screened from view, grouped together whenever possible in one area located away from streets, public view and activity.

(12) Trash Containers

Trash containers shall be completely screened and located as inconspicuously as possible, away from public streets and public view. If the trash container is free standing, it shall be integrated into the site design as a part of the other site elements, (Garages, pergolas, etc.) and shall not appear as an isolated element. Chain link fencing may not be used to enclose trash containers.

(13) Animal Housing

The location and materials of all animal housing will be subject to ACC approval. All animal housing shall be shown on the site plan submission. This includes doghouses, runs and other pet enclosures. The ACC shall review the siting of the structure and its impact on neighboring property. These shall not be visible from the street and neighboring properties. Exterior, colors and materials must relate to the exterior of the home. The structures shall be screened from any view from surrounding properties and roads and be discreetly located as to not cause a nuisance to neighbors. The dog run shall not exceed 200 square feet in size.

(14) Play Structures

Play equipment must be located where it will have minimal visual impact on adjacent properties and streets. Play equipment must not exceed a twelve- (12) feet in height. All play equipment must be submitted to the ACC before installation. Fixed play equipment should be naturally colored wood or metal. Baseball batting cages or large netted areas will not be permitted.

Tree houses are not allowed.

Basketball goals must be submitted for approval to the ACC. Permanent basketball goals may be submitted for consideration for placement. Portable basketball goals are preferred. Basketball goals in front yard must be set back a minimum of fifteen (15) feet from sidewalk. All portable basketball goals must be placed on concrete foundation at all times. Basketball goals that are leveled by anything other than concrete slab are not permitted. Goals must be mounted on black, gray, or hunter green poles and have standard clear backboards.

(15) Gazebos, Pergolas, Patio Extensions, and Arbors

Gazebos, pergolas, arbors, etc. should be fully detailed, (Site plan, elevations, details, etc.) and submitted for review. Site compatibility will determine approval of modification. All temporary patio covers should be neutral in color, not visible from street and not placed so as to create a nuisance for neighbors. These structures must be maintained as not to appear weathered or torn.

3.2 EXAMPLES OF COMMON MODIFICATIONS

The following classification of Site Design Guidelines provides information and guidance for property improvement.

1. Front door and entry area decorations shall be simple in design and in keeping with the style and colors of the house.

2. Outdoor storage of garden tools and hoses must be screened from view. Tools or items stored under back deck or porch also must be screened. Plants and flowers in pots shall always be neat and healthy. Birdhouses and birdbaths shall be simple in design and in keeping with the style and color of the house.
3. Woodpiles shall be located in the rear yard and be completely screened from view.

3.3 ARCHITECTURAL DESIGN GUIDELINES

(1) Materials and Colors

Natural materials, i.e. stone and wood in light, warm earth tones colors are encouraged. Front oriented treatments in dissimilar materials, which do not appear integrated into the design, and inappropriate changes in material between elevations may not be allowed.

All exterior color selections will require ACC approval. An example of inappropriate color is a bright color used for an entire wall surface or roof material. Rich conservative natural colors are encouraged. Approval of a color or material for an individual residence does not necessarily mean approval for another residence in a different location.

(2) Roof

The primary roof material, color and texture of any proposed extension must complement or match the balance of the colors and materials selected for the house. Roof pitches shall be maintained for continuity of expression. Sheet metal work such as flashing, roof caps and plumbing vents must be painted to match the roof colors. Roof stacks and plumbing vents should be placed on the rear slopes.

(3) Repainting

Repainting or staining to match original colors need not be submitted. Any change of original exterior color will require ACC approval.

(4) Design Assistance

The ACC highly recommends that each property owner retain the services of a qualified professional to assist in the design of complex or extensive modifications to the house or site. The knowledgeable professional has a familiarity with design, materials and construction, which can enhance the marketability and efficiency of the modification.

4.0 MISCELLANEOUS

4.1 Enforcement

The provision for enforcement of the Declarations of Covenants, conditions and restrictions, Article VIII, Section 8.4, shall apply to the enforcement of these Design Review Procedures and Guidelines in addition to any other available remedies.

4.2 Waiver, Amendment and Third Party Benefit

The ACC maintains the right from time to time, at its sole discretion, to waive, amend or modify these Design Guidelines and Review Procedures. Neither the ACC nor its agents, representatives or employees shall be liable for failure to follow these Design Guidelines as herein defined. These Design Guidelines confer no third party benefit or rights upon any entity.

4.3 Non-Liability of the ACC

Neither the ACC nor its respective members, Secretary, successors assign, agents, representatives, employees or attorneys shall be liable for damages or otherwise to anyone submitting plans to it for approval, or to any Builder by reason of mistake in judgment, negligence or non-feasance, arising out of any action the ACC with respect to any submission for failure to follow these Design Guidelines. The role of the ACC is directed toward review and approval of site planning, appearance, architectural vocabulary and aesthetics. The ACC assumes no responsibility with regard to design or construction including, without limitation, the civil, structural, mechanical, plumbing or electrical design, methods of construction or technical suitability of materials.

4.4 Accuracy of Information

Any person submitting plans to the ACC shall be responsible for verification and accuracy of all components of such submission, including but not limited to, all site dimensions, grades elevations, utility locations and other pertinent features of the site or plans.

4.5 Applicant Review

The property Owner/Applicant represents by the act of entering into the review process with the ACC that all representatives of the Applicant, including but not limited to, Applicant Architect, Engineer, builders, subcontractors and their agents and employees, shall be made aware by the Applicant of all applicable requirements of the ACC and shall abide by these Procedures, the Design Guidelines and the Declarant with respect approval of the development plans and specifications.

4.6 Conflicts with the Declaration of Covenants, Conditions and Restrictions

In the event of a conflict between these Procedures or the Design Guidelines and the terms of the Declaration the latter shall prevail.

4.7 Construction Sites and Completion

All construction sites shall be kept neat and in orderly condition, free of debris, rubbish or unused material. Each applicant shall be responsible for the condition of the construction site and must check with the Cities of Mansfield, Texas concerning requirements for construction fencing and other safety measures that may be applicable to the Modification Project. All projects which are expected to require more than thirty days of construction time must be screened from the street in order to prevent an unsightly neighborhood situation. All screening materials must be approved by the ACC.