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# Architectural Review Guidelines

**HEATHER WOOD**  
Homeowners Association

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## Heatherwood Community

Heatherwood is a 540 acre master-planned community conveniently located in the McKinney city limits with 912 homeowners. It features a large swimming pool with splash pad, many common areas and walking paths to name a few, situated in the Prosper Independent School District. The Heatherwood (McKinney) Homeowners Association, Inc. (the "Association") was formed for the maintenance, preservation, management, care and control of common areas and related improvements to residential areas, to enhance and protect the value, attractiveness, appeal and desirability of the community. This is conveyed to the homeowners by the governing documents with respect to easements, covenants, conditions and restrictions, policies and bylaws.

The Architecture Control Committee ("ACC") was formed to assist in this endeavor and its authority states that the Resident lot and house shall not be re-platted or re-subdivided, no landscaping shall be undertaken and no building, fence, wall or other structure shall be commenced, erected, placed, maintained, or altered on any lot, nor shall any exterior painting of, exterior addition to, or alteration of, such items be made by any party until all plans have been approved by the ACC.

These guidelines are intended to help homeowners understand the governing documents, architectural standards bulletins, and policies of the Association. It is not to change, or add to, or subtract from, the policies but to help further clarify the current thinking on the policies by the ACC, in tandem with the board members. These guidelines are an informative tool that property owners will use to help enhance their property and make it compatible with their neighbors. It is important that a consistent "thread" of continuity is interwoven and evident throughout all modifications and improvements. Although the ACC reviews each submission and is authorized to make discretionary judgments concerning each submission, some of the design standards restrictions are mandated. Discretionary approvals made by the ACC shall not represent or constitute a binding precedent since no two properties and circumstances are likely to be alike.

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CRF = use Architectural Change Request Form

PA = use Architectural Change Request Form but with Prior Approval

## The Review Process

When a new house is completed or purchased and ownership changes hands from the builder or owner to the resident, the resident agrees by the mere act of purchasing a property in Heatherwood, to abide by the **Declaration of Covenants, Conditions and Restrictions (CCR)**. Part of that responsibility is to submit an **Architecture Change Request Form** for review and approval prior to the start of any exterior modification. However, some changes will already have a **Prior Approval**, and change can commence without waiting for a review (i.e. some fencing, roofing, and landscaping). Submissions for exterior modification are made to the ACC, which is the sole governing authority to administer this process. Most changes or modifications to the home or lot that requires a City of McKinney Permit will also require a Architecture Change Request Form as well.

The “steps” listed below describe the sequence of events necessary to complete THE REVIEW PROCESS.

1. Check the Table of Contents for the modification you are making and read the restrictions and requirements. Obtain the **Architectural Change Request Form** from the management company and complete it in full.
2. When submitting the Architectural Change Request Form, return completed with necessary supportive material (i.e., drawings, pictures, plats, websites, etc.). An incomplete application will be denied and require resubmission. There will be an initial review for completeness by the management company and then subsequent submission to the ACC committee for final approval or rejection. The ACC committee will review the application and the results of the committee’s decision will be sent to you. The ACC is allowed to take up to 90 days for a decision, although the committee tries to have decisions within a week.
3. If the change request adheres to the requirements and restrictions from these guidelines, then the change request has **Prior Approval** and the change may proceed without waiting for ACC review and approval.

Make sure you submit the appropriate forms **IN ADVANCE** of doing the work or you may receive a notice of violation for non-submittal of the request.

## **ADDITIONS**

Proposed additions to a property must be compatible with the existing house character (appearance, materials, colors, scale, roof pitch, etc.). As determined by the ACC, the addition should not have an adverse effect on neighboring properties. New doors and windows shall match proportions of the existing house. Grade changes are not recommended and shall continue to drain as indicated on the overall subdivision drainage plan.

NOTE: The ACC suggests that a preliminary plan submission would be in order before detailed plans are finalized. This might save you a lot of time and money.

**Submit an Architectural Change Request Form**

## **APPURTENANCES**

(Antenna(s), Satellite Dishes, Exterior Weather Devices)

Although it is not necessary to submit an application or gain approval through the ACC review process, following the guidelines listed below will help maintain uniformity and enhance the overall appearance of Heatherwood. During property inspections, this is reviewed and a violation notice will be sent if these guidelines are not adhered to.

Antennas are not allowed outside the house and must be installed in the attic space.

Satellite dish diameter should not exceed 39.37 inches in diameter, and be of dark bronze, dark grey, dark green or black in color. Other colors may be used provided the color of the dish blends with the color of the surface the dish is to be mounted on. Placement of the dish should be in the least obtrusive location, preferably in the rear yard or side yard behind the primary front elevation of the house that faces the street. Dishes should not be placed in the prominent visual locations, such as on the top of the chimney, fence, balcony railing, or roof ridge, and may not be located on any surfaces that directly face the street. Dishes may not encroach upon any public right-of-way, common area, or adjacent property.

Safety Considerations: Safety precautions related to maintenance, installation, distances from utility lines, grounding requirements, etc., are the sole responsibility of the property owner.

**Submit an Architectural Change Request Form with Prior Approval**

### **ATTIC VENTILATORS**

Attic ventilators are to be:

1. "Low profile" in nature and design
2. Located behind and not above the roof ridge
3. Painted with a flat paint to match the roof color.

**Submit an Architectural Change Request Form with Prior Approval**

### **AWNINGS/SCREENS**

Awnings must be "simple" in design and compatible with the architecture and building scale and must be limited to the back of the house. Colors of the awning and its support structure must be solid earth toned (i.e., dark green, gray, black, bronze, etc.) and compatible with the existing building color. "Bright" colored and striped awnings (i.e., red, yellow, violet, etc.) are not acceptable.

Screens intended for windows shall be integral with the window, earth toned in color and complementary of the house.

**Submit an Architectural Change Request Form with Prior Approval**

## **BASKETBALL BACKBOARDS AND APPARATUSES**

Permanent basketball goals placements should be located to minimize visual impact and must have a transparent acrylic backboard with a black or silver frame. **Solid color backboards are not permitted.** Permanent basketball goals must be either attached to the house above a garage door or are in-ground mounted in concrete with a black or gray pole next to the driveway at least 10 feet from any street, public sidewalk, or alley.

**Submit an Architectural Change Request Form with Prior Approval**

Portable basketball goals must also be of color and style as above and are prohibited from being in the city street or sidewalk right of ways. These can temporarily be placed in the driveway or the parkway between the curb and sidewalk but not stored there indefinitely.

Note: Portable Basketball goals are designed with weighted bases. Please follow manufacturer's recommendations on filling the base, i.e. sand, water. If additional weight is required, those items must blend in with the base (bricks and rocks are prohibited).

All basketball backboards, hoops and nets, poles and/or bases, must be maintained in good condition.

**Submit an Architectural Change Request Form with Prior Approval**

## **BIRDHOUSES / FEEDERS**

Pole mounted birdhouses are limited to one per property, confined to the rear property behind the fence line and not exceed 20' overall height. Pole material is to be limited to wood or metal, painted a dark earth tone (preferably dark brown or black) and maintained as required.

**Submit an Architectural Change Request Form with Prior Approval**

## **DECKS / PATIOS**

Patios may be constructed of concrete, bricks, pavers or stone. Decks may be constructed of redwood, cedar, pressure treated pine or other materials acceptable to the ACC. Decks that are elevated in such a manner where a "skirt" is necessary may also be required to install non-deciduous (evergreen) shrubbery around the perimeter of the deck concealing the skirt from view. The deck finish must be left to finish naturally, clear sealed or sealed to give the appearance of new redwood or cedar. Patios, Decks and permanent seating areas are not allowed in front yards.

**Submit an Architectural Change Request Form**

## **DOGHOUSE(S) / RUNS**

Doghouses and "Runs" must be located behind the fence of the back yard only, out of public view. Chain link runs are acceptable if maintained properly with no rust or discolored portions. Doghouses are to be aesthetically pleasing and matching as best as possible to the color scheme of the house.

**Submit an Architectural Change Request Form with Prior Approval**

## **DRIVEWAYS, ADDED WALKWAYS**

Repaired or replaced driveways shall be of concrete, similar in materials and scale to the existing "flatwork" and their conditions. Driveways may not be used for storage (i.e., boats, RV's, trailers, non-operating cars, etc.) and are not intended for long-term vehicle parking. Homes with rear entry garages may not extend the driveway forward of the garage door opening.

Added walkways of concrete, stone, brick or flagstone may be acceptable depending on the materials and scope of the project. Walkways must be aesthetically pleasing and cannot disrupt the existing drainage slope of the lot, with particular attention to the effect on neighboring lots.

**Submit an Architectural Change Request Form.**

## FENCING

All homes must have wooden fences, except for homes that are located adjacent to a HOA common area. Homes that are adjacent to a HOA Common Area may have wrought iron fencing. No fence shall be permitted to extend nearer to the front street than the front of the Residential Structure. All support structure (poles, rails) must be on owner's side of the fence. In the case of shared fencing between properties the various owners can determine which side has the hardware. If there is no agreement between homeowners as to which side has the hardware then it must stay on the side it was already on. All fences along public roadways or common areas must have the hardware (poles, rails) on the owner's side of the fence. Fencing should be properly maintained both structurally and aesthetically. It is recommended that fences be cleaned and/or re-stained every 3 to 4 years depending on weather-related wear. The homeowner is responsible for maintaining an appearance consistent with that of the house in terms of structural integrity, consistent stain/color, and general consistent appearance. All wood panels and wood posts must be maintained to keep with their original intended purpose. For example, vertical wood panels must be firmly fastened to the horizontal wood supports.

*Note: Effective January 1, 2022, any new fence or replacement construction/extension projects, the fence posts and rails on the front, side and rear fences that face the street or common area, shall face the interior of the fenced yard. Those homes with posts/poles already facing the exterior, must be turned around when replacing.*

### **Height**

A wooden fence height shall not be less than 6 feet nor exceed 8 feet as measured from the lot's ground level at the fence. An 8 foot fence is not permitted on stone walls or berms that are above the lot's ground level. If the height of the new or replaced fence changes, or you are adding a new fence, a City of McKinney Residential Fence Permit is needed. **Permits are the sole responsibility of the homeowner.** Support lumber and metal poles shall not be street-facing.

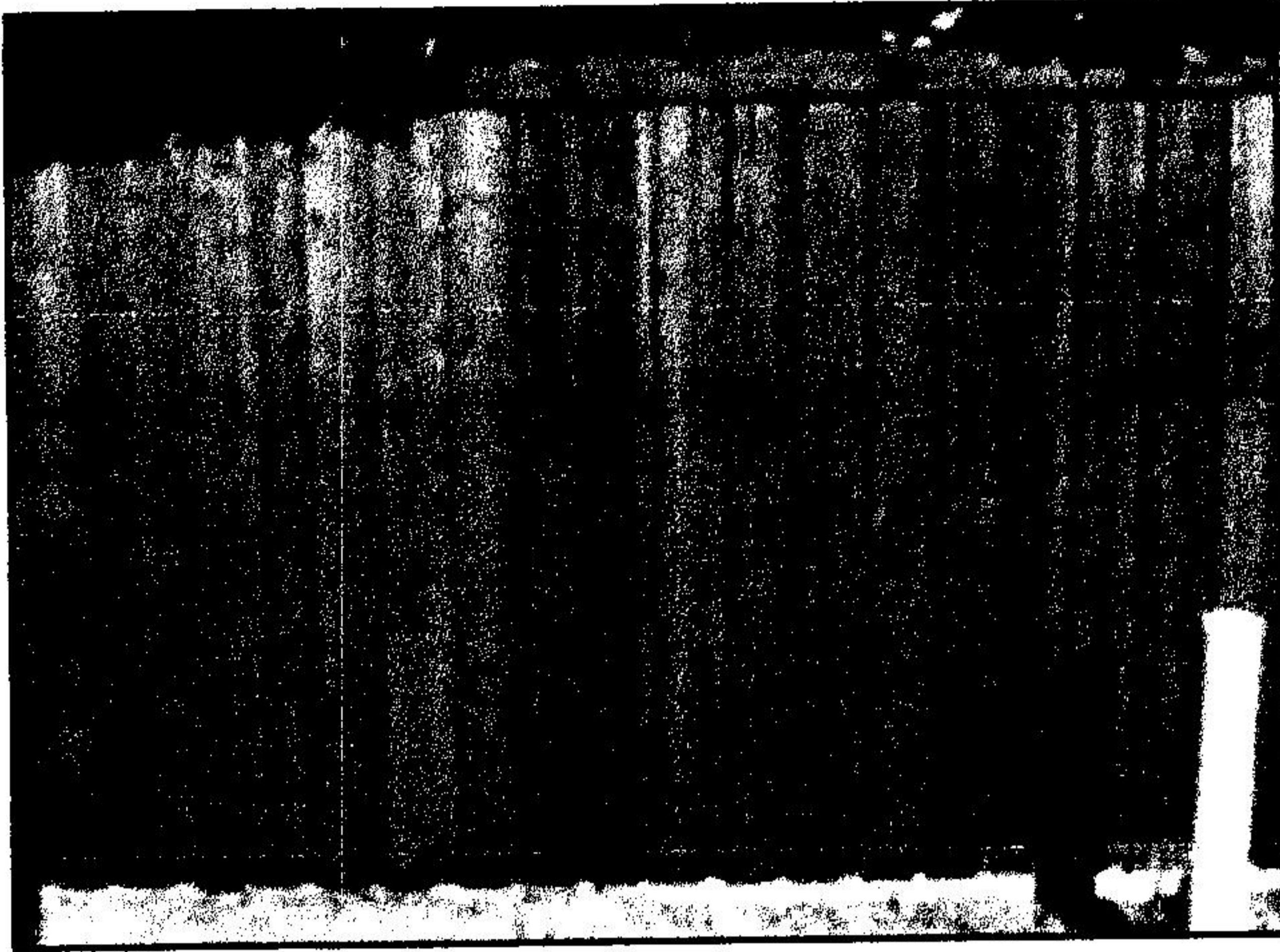
## Styles

There are 3 types or styles of Fences approved for Heatherwood. They are:

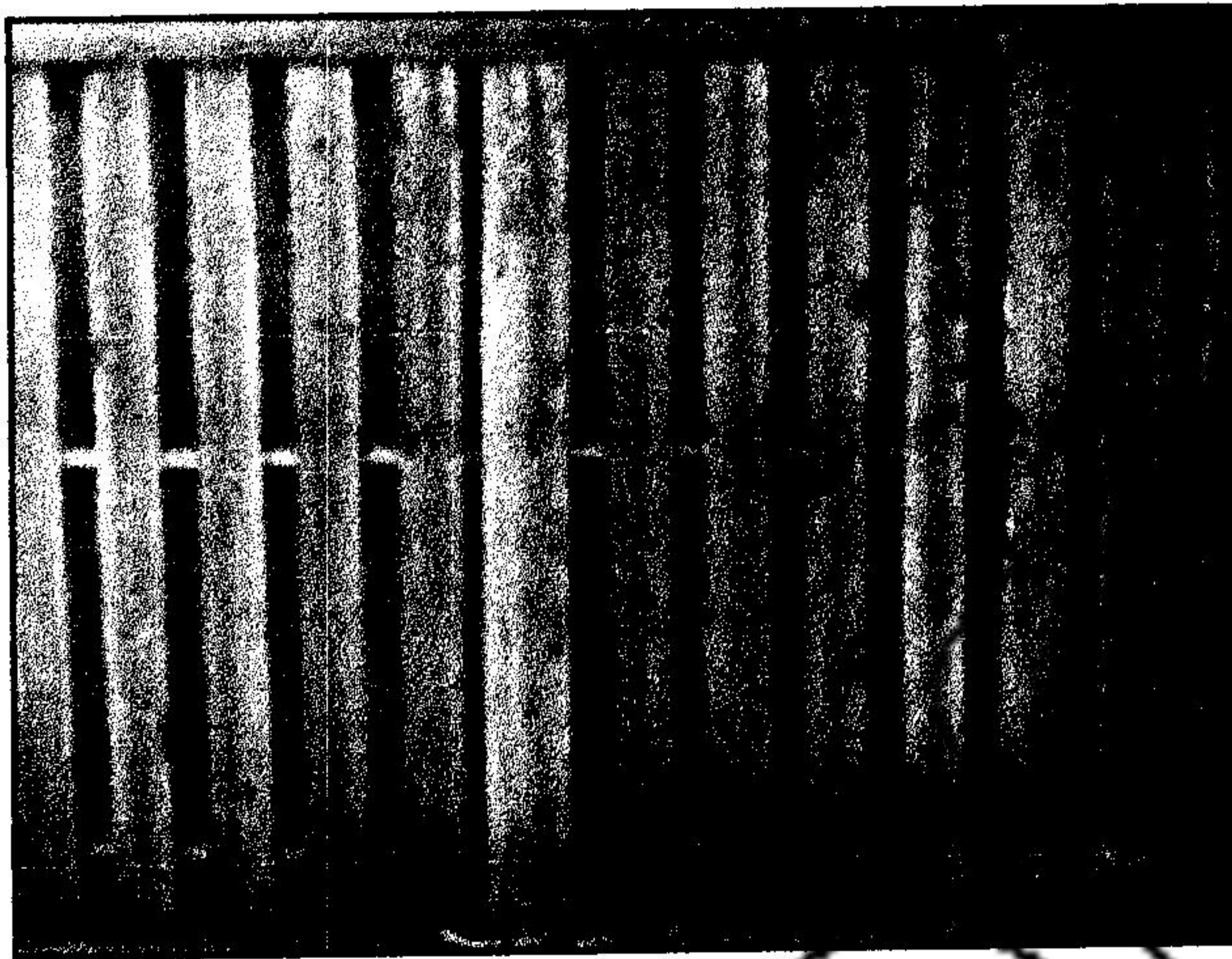
- Side by Side Solid Panel, 6' or 8' height, 1" X 4" or 1" X 6" vertical pickets "butted together", 2" X 3" or 2" x 4" stringers, posts must be 4" x 4" pressure-treated wood or 2 1/4" diameter steel posts. Post should be spaced a maximum of 8' O.C. and set in concrete.
- Board on Board, 6' or 8' height, 1" X 6" vertical pickets "butted together", 2" X 3" or 2" X 4" stringers, horizontal trim piece at the top, posts must be 4" X 4" pressure-treated wood or 2 1/4" diameter steel posts. Posts should be spaced a maximum of 8' O.C. and set in concrete
- Shadow Box - Cedar, 6' or 8' height, 1" x 6" vertical pickets, 2 3/4" vertical space of separation, 2" X 3" or 2" x 4" stringers concealed within the fence, horizontal trim piece at the top, posts must be 4" X 4" wood or 2 1/4" diameter steel posts. Posts should be spaced a maximum of 8' O.C. and set in concrete.



side by side



board on board



shadow box

### **Kickboard**

A single pressure treated kick board (maximum height 6") may be installed. Fence pickets must cover a minimum of 2" of this kickboard. Multiple or taller kickboards are not permitted.

**Kickboards must not be on the greenbelt or street side of the fence and may not be used as retaining walls**

### **Staining**

When replacing or repairing wooden fences, if the original fence was stained, all pickets are required to be treated with the same stain color. All treated fences must be properly maintained to create a uniform appearance. Any finish requires approval and must be of muted earth tones in the brown

family. When replacing individual slats, care must be given to installing the same type of wood and stained with the matching color stain, if not the same exact stain. Too varying of a stain color will result in a covenant violation.

An example of acceptable stain colors, and not necessarily all inclusive:

Ready Seal Pecan,  
Ready Seal Dark Walnut,  
Ready Seal Natural Cedar, Behr Cedar Natural tone,  
Sherwin Williams Cedar Bark,  
Sherwin Williams Chestnut,  
Olympic Cedar Natural tone, and  
Olympic Walnut, to give a few. Some stains that are considered in the “brown family” but are too red, orange, honey or gray tinged color will be denied. Semi-transparent and Semi-Solid wood stains are highly recommended.

*Note: Fencing color consistency is important whether the homeowner chooses to stain their fence or chooses to leave their fence unstained. Action to stain, power-wash, or replace the fence should occur once discoloration covers 25% of the fence.*

**Submit an Architectural Change Request Form with Prior Approval**

## **FLAG DISPLAY AND FLAGPOLE INSTALLATION**

Please refer to the Policies, Rules and Guidelines (“PRG”) governing document, Exhibit A-5. It states that flags permitted within Heatherwood are limited to the flag of the United States of America, the flag of the State of Texas, and the official or replica flag of any branch of the United States armed forces. All other flags, pennants, banners, kits or similar types of displays are not permitted on a Lot if the display is visible from a street or Common Area. The Association’s Board is trying to change and clarify the “other flags, banners and pennants” to allow some but has not been implemented yet. Guidelines for Flagpoles remain as stated in the PGR and approval by the ACC is required prior to installing a flagpole set into concrete on the property.

Flagpole is house mounted: **Submit an Architectural Change Request Form with Prior Approval**

Flagpole set in concrete: **Submit an Architectural Change Request Form**

## **FOUNTAINS/STATUARY**

Fountains and statuary are limited to enclosed areas (i.e., side or rear yards). They may not exceed 5' in overall height. Acceptable colors are earth tones (i.e., gray, bronze, dark brown, black, etc.).

**NOTE:** Fountains and large statuary are **not** permitted in front yards or within view of any public area. Miscellaneous items less than 2' tall (i.e., flower pots, garden statues, bird feeders, patio furniture, etc.) are considered non-permanent. These items may be acceptable if they do not create a cluttered appearance as determined by HOA Management. Under no circumstances may objects be placed that are considered unsightly, socially objectionable or detrimental to other Homeowners as determined by the ACC and/or the Board of Directors or its representatives.

**Submit an Architectural Change Request Form with Prior Approval**

## **GUTTERS / DOWNSPOUTS**

Gutters and downspouts may be of metal or vinyl and the color consistent with the trim of the house. The dispersal of the downspout must direct water onto your lot and disperse the flow by the time the water reaches your property line.

**Submit an Architectural Change Request Form with Prior Approval**

## LANDSCAPING

When the original landscaping was installed at your home, it met all minimum requirements as established by the City of McKinney. It is your responsibility as a Homeowner to maintain these minimum requirements for items that died or need replacing, that include large canopy shade trees, ornamental trees, foundation shrubbery and turf. Although these lists below are recommended and preferred, they are not all inclusive and other specimens may be approved. **However, large specimen shrubs and trees not native to the North Texas area (desert or tropical plants) may not be used.** Small tropical or desert plantings (less than 2' tall) may be used as accent plants if they blend with the surrounding landscape. The overall landscape design must compliment the home, neighborhood and overall character of the North Texas area. Regular fall and winter color plantings (annual flowers) do not require ACC approval.

### *Submit an Architectural Change Request Form with Prior Approval*

**Approved Large Canopy Trees:** Live Oak, Shumard or Texas Red Oak, Bur Oak, Chinquapin Oak, Cedar Elm, Lacebark Elm, American Elm, Texas Ash, Bald Cypress, Pond Cypress, Pecan Chinese Pistachio and Japanese Black Pine

**Approved Ornamental Trees:** Magnolia (Little Gem), Red Bud (Oklahoma), Alba White, Red Bud, Desert Willow, American Smoke Tree, Savannah Holly, Possumhaw Holly, Yaupon Holly, Crape Myrtle, Mexican Plum and Mexican Buckeye

**Approved Shrubby:** Texas Barberry, Agarito, Elaeagnus, Dwarf Burford Holly, Chinese Holly, Yaupon Holly (Dwarf), Crape Myrtle (Miniature), Waxleaf Ligustrum, Honeysuckle Bush, Nandina (various sp.), Photinia, Blue Point Juniper Sea Green Juniper, Tam Juniper, Buffalo Juniper,

Bar Harbour Juniper,  
Wilson Holly,  
Savannah Holly,  
Indian Hawthorn,  
Abelia  
Loropetalum (Plum Delight), Knockout Rose,  
Cleyera  
Pennisetum  
Miscanthus,  
Autumn Sage,  
Texas Sage,  
Oleander  
Pampas Grass,  
Spirea  
Red Yucca,  
Softleaf Yucca,  
Variegated Privet

**Approved Ground Cover/Vines:** Trumpet Vine, Carolina Jessamine,  
English Ivy,  
Liriope,  
Halls' Honeysuckle, Coral Honeysuckle, Mondo grass, Virginia Creeper,  
Boston Ivy, Asian Jasmine Ajuga, Clematis Vine

**Approved Turf Grasses:** Bermuda Sod,  
St. Augustine Sod,  
Rye Grass (seasonal), Fescues (seasonal), Zoysia

#### **Tree removal**

Trees are one of Heatherwood's many natural resources. Please protect and preserve them as much as possible. You are required to have at least 1 tree in your yard. If you have only 1 tree and it dies, you must replace it. If you have multiple trees you may remove all but 1. There may be City of McKinney requirements with respect to tree removal and it is the responsibility of the homeowner to be aware of those requirements and adhere to them.

***Submit an Architectural Change Request Form with Prior Approval***

## **Additional Landscaping Details**

It is the responsibility of the Homeowner to maintain the minimum as may be required by the then current Tree Ordinance of the City of McKinney.

The homeowners can add/change landscaping under the following conditions. (These guidelines apply to all areas visible from streets adjacent to the property of the house):

1. Any and all trees, shrubs, plants, flowers, etc. must be planted within the plat boundary, taking into consideration any additional growth or overhang that may develop when mature.
2. Any shrubs planted in front of a window, must not exceed the midpoint of that window.
3. All trees, shrubs, plants, flowers, etc. must be maintained to insure healthy growth yet not overgrown appearance.
4. Lawn turf/weeds in the landscaping beds are to be kept to a minimum in which an appearance of overgrowth is not easily apparent.
5. Landscape improvements must not negatively impact existing drainage.
6. Flowerbeds must be kept free of grass and weeds.
7. Front and sidewalks must be edged at least every two weeks during the summer growing season (though weekly is the preferred interval).
8. Landscaping must not impede sight lines needed for safe traffic movement.
9. All paved areas (sidewalks, driveways, street) must be swept clean of grass clippings after mowing or edging.

10. Lawn must be kept free of weeds and grassy weeds. Post & pre emergents must be applied along with fertilizer to maintain a healthy weed free lawn.

11. All landscaping in the front of the house must be watered regularly to maintain a healthy look.

### **Flowerbeds**

· Landscape Bed Edging:

o Metal edging ... not to exceed 2 inches above adjacent turf height.

o Stones may increase in height as necessary throughout the grade to provide a uniform level appearance. Stone color shall complement the house. Mortar is NOT required but if present must be maintained such that any cracks or stone movement is repaired.

o Segmental interlocking concrete units provided the units have a rustic natural stone appearance; installed with the long dimension horizontal; may increase in height as necessary throughout the grade to provide a uniform level appearance and the colors blend with the darker earth tones that exist in the Milsap or Brown Hackett natural stone palette range. Mortar is NOT required but if present must be maintained such that any cracks or stone movement is repaired.

o Interlocking bricks, pavers and regular brick edging shall complement the house brick and of uniform coloring. Interlocking bricks and pavers are not required to be mortared, however regular bricks are required to be mortared in place and maintained and repaired as needed.

o Natural stone boulders set in a natural dry stacked pattern and not mortared. Color shades of dark brown, rust or moss boulders are acceptable.

· Removal of existing flowers/shrubs

o Homeowners don't have to get ACC approval for seasonal flower planting or replacing a dead plant.

o If 50% or more of the flowerbed area is removed: **Submit an Architecture Request Form.**

## LIGHTING

Exterior lighting should be oriented in such a manner so they do not create a "hot" glare spot to your neighbors. Streetlight "look alike", rural pole lights, high wattage, commercial / industrial -type fixtures light sources will not be approved.

## OUTDOOR FIREPLACES / BBQ GRILLS

Permanent outdoor fireplaces/BBQ grills are classified in two ways: attached and freestanding. Both types require a building permit and must comply with City of McKinney building and fire codes. A spark arrestor for the chimney and a screen for the firebox will be required for both types of units. Under no circumstances will open wood burning fire pits be allowed. Natural gas fueled fire pits with lava stone may be permitted but must include a top screen. These outdoor fire units must not create a neighborhood nuisance and the Homeowner will be responsible for any damage created by smoke, fire, or ash.

Attached Units should complement the architectural style of the home. Construction must be of 100% masonry (brick or stone) and must match materials in the original construction. Access doors, screens, grills, etc. may be steel.

Free Standing Units should be designed so that the main body of the unit does not exceed 6' height, with the chimney tapering to a maximum of 12' height including any chimney cap. The overall size (footprint) of the unit should not exceed 30 square feet but larger units will be considered on a case-by-case basis. As with attached units, the free-standing unit must compliment the architectural style of the home, be constructed of 100% masonry, and constructed of materials that match the original construction of

the home. Access doors, screens, grills, etc. may be steel. Any overhanging tree limbs should be trimmed to help reduce the fire risk. A sufficient hearth must be included in the design to prevent fire danger to surrounding vegetation. The chart below will determine the minimum setback requirements from the fence /property line and other structures. The setback requirements are measured from the chimney portion of the fireplace.

Permanent outdoor fireplaces/fire pits/BBQ grills are **not** permitted in front yards or within view of any public area.

Typical Outdoor Fireplace Typical Outdoor Permanent BBQ Grill

Maximum Overall Height	Maximum Setback Requirement	Minimum Setback Requirement
From Finished Grade	From Property Line/Fence	Any Structure
10' 8" or less	5' 0"	10' 0"
10' 9" to 12' 0"	10' 0"	10' 0"

**NOTE:** The Fire Chief (or his designee) is authorized to require that recreational fires be immediately discontinued if such fires are determined by the Chief (or his designee) to constitute a hazardous condition or neighborhood nuisance.

**Submit an Architectural Change Request Form**

## **PAINTING/STAINING/COLOR CHANGES**

### **Exterior Paint of Trim and Garage Doors**

- Trim and garage doors must complement the masonry color on the house and shall be selected from the white, brown, or beige color palette and derivatives thereof or as approved by the ACC Committee. Bright primary and secondary colors, black and pastels are prohibited. Gutters and trim must be painted the same color.
- Front doors shall be painted or stained in colors that complement the siding and masonry color on the house and are intended to accent or highlight architectural features. Color changes on front doors shall be reviewed on a case-by-case basis. Bright primary and secondary colors and pastels are generally not allowed.
- Below are examples of Sherwin-Williams Trim paint colors that are automatically approved: Maison Blanche, Sandbar, Portico, Studio Taupe, Taupe Tone, Sandy Ridge, WarmStone

**Submit an Architectural Change Request Form with Prior Approval**

### **Exterior Painting-over of Brick or Stone Masonry**

**Submit an Architectural Change Request Form**

## **PLAY EQUIPMENT / PLAYHOUSES**

Play equipment shall be limited to the rear yard, constructed of timber, and not exceed a maximum height of 12'- 0". The setback requirements will be measured from the property line/fence to the raised portion (fort) of the structure. Metal or plastic play equipment will be accepted provided that the overall height is not above the top of a solid 6' fence. Awnings may be composed of wood (to match the stained structure) or fabric. Fabric awnings

shall be a solid earth tone color (i.e., dark green, grey, brown, etc.). Primary colored awnings will not be approved under any conditions.

Maximum Overall Height (From Finished Grade)	Minimum Setback Requirements from Property Line/Fence
10'-8"	10'-0"
10'-9" to 12'-0"	15'-0"

Playhouses must be confined to the rear or side yard and located behind a 6' or 8' fence. The playhouse roof and facade materials and colors must be similar to that of the main house. The overall height shall not exceed the height of the fence and not exceed 80 square feet in area. A permanent playhouse (one on a foundation) shall not encroach upon any easement. Homeowner is responsible for relocating playhouse, if necessary, for maintenance purposes of any fence or wall.

Play equipment/playhouses are **not** permitted in front yards or within view of any public area.

**Submit an Architectural Change Request Form with Prior Approval**

### **POOLS/SPAS/HOT TUBS**

All pools, spas and hot tubs are to be located in rear yards and abide by City of McKinney standards. Pool, spa, and hot tub equipment must be enclosed within a 6' or 8' cedar fence. Above ground, masonry block, vinyl lined and low hung vinyl lined pools will not be approved. Pneumatic pool enclosures are not permitted. As required by the City of McKinney, pool, spa or hot tub drainage must be routed into the sanitary sewer line. Under no circumstances is surface deck or overspill drainage permitted to drain into a concentrated drain source (i.e., PVC pipe) into alleys, or neighboring properties. Pools/spas/hot tubs are **not** permitted in front yards or within view of any public area.

**Submit an Architectural Change Request Form.**

## **RAIN COLLECTION / STORAGE DEVICES**

The use of devices for the collection of rainfall through the gutter/downspout system (for the purpose of supplemental irrigation), is allowed in Heatherwood. The rain barrel(s) may only be in the back or side yards and can not be visible from the street unless of a purchased type disguised as something other than a rain barrel.

**Submit an Architectural Change Request Form with Prior Approval**

## **RETAINING WALLS**

All retaining walls at Heatherwood shall be constructed of the same natural stone used in the common areas. This stone is commonly referred to as "Pecos Tan" and or "Milsap". The pattern of the stone is to be laid in a "dry stack." Timber walls or landscape borders will not be permitted.

**Submit an Architectural Change Request Form.**

## **ROOF REPAIR AND REPLACEMENTS**

The roof material must compliment the style and color of the Heatherwood community. The roof material must be at least a 30-year "Architectural" or "Dimensional" composite type shingles and the color of the shingles must be earth tone as defined by your roofer's documents. If you are in doubt about your desired color, it would be best to **submit an Architectural Change Request Form** in advance of doing the work and having it approved. Roofing contractors must have a City of McKinney Permit.

**Submit an Architectural Change Request Form with Prior Approval**

## **SHEDS**

Sheds must be confined to the rear or side yard and must not be visible from any roadway or common area or greenbelt adjacent to the subject property. Exterior materials are limited to wood, brick, stone, fiber cement, or plastic. The color of the shed must be neutral and complementary to the main house. Sheds are **not** permitted in front yards or within view of any public area. A permanent shed (one on a foundation) shall not encroach upon any easement. Homeowner is responsible for relocating shed, if necessary, for maintenance purposes of any fence or wall.

**Submit an Architectural Change Request Form with Prior Approval**

## **SHUTTERS**

Shutters must be proportioned and sized to match windows/doors. In order to give the appearance that the shutters are operable, the shutter width should equal one half of the overall window width (i.e., a 3' wide window should have a pair of 1.5' wide shutters). The shutter color should be compatible with the color scheme of the house and comparable to the color restrictions from the above Fencing Section.

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## **SKYLIGHTS AND SOLAR TUBES**

Skylights shall match the color of your roof (i.e., clear bronze). "Milky" colored skylights are not preferred since they do not match typical roof colors and usually "draw attention" rather than blend with the surroundings. Skylights are **not** permitted in front yards or within view of any public area.

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## **SOLAR ENERGY APPARATUS**

Solar equipment, designed to heat water, generate electricity, etc. and still maintain the aesthetics of the neighborhood is allowed and encouraged as long as certain restrictions are followed according to the Texas Regulation of Solar devices Section 202.010. The placement of the device as proposed by the property owner can not interfere with or cause unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the device by all property owners of adjoining property is needed. Since this equipment is variable in both application and design, each application will be reviewed for its suitability. The City of McKinney requires a permit, so that must be obtained prior to submittal.

If mounted on the roof: Can not extend higher than or beyond the roofline and follows the contour of the roofline. Support brackets, piping and wiring must be silver, bronze or black tone and not visible from street level. Solar Panels can be placed on the side and/or rear facing slopes of the roof but not on the front facing slope of the house unless not doing so drastically reduces the energy production as determined by the solar contractor in tandem with the National Renewable Energy Laboratory modeling tool.

If installed ground level: Can only be placed in the wooded fenced back yard or patio and can not be taller than the height of the fence. With some installations, additional screening (fencing, landscaping, etc.) may be required.

**Submit an Architectural Change Request Form.**

## **STORM AND SCREEN DOORS**

The proposed storm or screen door shall be without ornamentation or grillwork and finished in a color matching the house trim or door. Storm doors shall have transparent glass. Screen doors shall have a screen mesh (dark in color) with an even transparent look.

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## **TRASH/RECYCLE BINS AND FENCING**

Trash/recycle bins may not be visible from the street and must be stored either in the garage or on the side of the house behind a shield of fencing material the same as the rest of the property fencing or some type of shrubbery. Restrictions to bin fencing is the same as in the afore-mentioned Fence Section above. Trash/recycle bins, and any bulk items, may not be placed curbside until the evening before the collection day, and must be returned to storage by the day after the collection day.

**Submit an Architectural Change Request Form with Prior Approval**

## **TRELLISES / ARBORS / GAZEBOS**

Trellises /arbors / gazebos should be a "continuation" or a complement of the architectural style of the house (both in design, color and materials). Design, color and materials that are not part of, or do not complement the house should not be introduced. An overall height of 12'-0" and an area of three hundred (300) square feet shall not be exceeded. Locations shall be confined to the rear yard and located within the building setback lines unless otherwise approved. Clearance of at least seven (7) feet must occur between any attached or detached structure and property lines / fences. A fully shingled shade structure built as an extension of the home, shall not exceed 16' in height.

Trellises/arbors/gazebos are **not** permitted in front yards or within view of any public area.

**Submit an Architectural Change Request Form with Prior Approval**

## **WINDOW REPLACEMENTS / ADDITIONS**

Replacement and or additional windows should match the existing windows design, color and reflectivity. New materials such as substituting vinyl for

wood may be allowed. A submission for a new identical window replacement is not necessary. Additional windows are required to be indicated with a drawing depicting the elevation on which the new window(s) appear.

For “new” windows: **Submit an Architecture Change Request Form**

For “replacement” windows: **Submit an Architectural Change Request Form with Prior Approval**

### **Miscellaneous**

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

### **Waiver, Amendment and Third Party Benefit**

As described in the Declaration of Covenants, Conditions and Restrictions these Design Guidelines or architectural standards bulletins may be waived, amended or modified from time to time. Neither the ACC, its agents, representatives nor 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, Person, or Builder.

### **Non-liability of the ACC**

As described in the Declaration of Covenants, Conditions and Restrictions, the ACC shall not be liable to anyone submitting plans for approval in accordance herewith or to any other Person for damages (whether direct, indirect, consequential or otherwise) arising out of or in connection with (a) the approval or disapproval or failure to approve or disapprove any such plans; (b) enforcement or failure to enforce any site maintenance or other requirements hereof; (c) the approval or disapproval of, or failure to approve or disapprove, any architectural, landscaping, development or other plans for improvements to any property adjacent to, or situated on or in the proximity of the Properties; (d) the development or construction of, or the failure to develop or construct, any improvements (including landscaping) on lands adjacent to or in the proximity of the Properties; or (e) defects (whether latent or otherwise) in such plans. Anyone submitting plans for review

agrees not to seek any such damages against the ARC. In addition, each owner shall release and hold harmless the ARC, and the members thereof from any and all liability, including attorneys' fees and court cost actually incurred, regardless of whether suit is brought or any appeal is taken there from, arising out of any approval given or denied by the ARC.

### **Accuracy of Information and Representation**

Applicants making submissions to the ACC shall be responsible for accuracy of and verification of data. A portion of this data might include site dimensions, grades, elevations, utility locations and other features of the property. Property owners represent by the act of entering into the ACC review process, all representatives of the property owner (i.e., architect, engineer, builder, subcontractors, etc.) shall be made aware by the property owner of all applicable requirements set forth by the ACC and shall abide by these Design Guidelines with respect to approval of plans and specifications.

### **Use Restrictions**

The Board of Directors of the Heatherwood McKinney HOA may from time to time promulgate use restrictions governing the use of lots and Association common areas. The property owner should review any such use restriction to ensure lot improvements are in compliance with such use restrictions.

### **Regulatory Compliance**

Plans submitted for review must comply with all applicable building codes, zoning ordinances and other local and federal codes as they pertain to the modification. It is the property owner's responsibility to obtain all necessary permits and ensure all governmental compliance. Regulatory approvals do not preclude the authority and responsibility of the ACC for design review and approval by the ACC does not preclude the property owner from obtaining any necessary government approvals.

## Quick Reference Guide Checklist

### Basketball Backboards and Apparatus

- Attached to garage above the door
- Set in concrete beside the driveway. Submit survey showing location of pole

### Birdhouses / Feeders

- Submit survey showing exact location of pole on property

### Fence

Must be at least 6 feet tall but no more than 8 feet tall when built on the lot's ground level. Built on walls and berms, can only be 6 feet tall. Otherwise submit Architecture Review Form

- Replacing existing fence
- Installing new fence
  
- Side-by-Side solid panel style
- Board-on-Board style
- Shadow Box style
- Wrought Iron fence (only if facing common areas)
  
- Stained Fence (earth tones or other brownish colors)
- Not stained

### Landscaping

- Removing tree(s). Must have at least one tree
- Adding tree(s)
- Removing shrubbery
- Adding shrubbery
- Removing landscape borders
- Adding/Changing landscape borders with proper material
- Removing plants (other than trees or shrubs)

- \_\_\_ Adding plants (other than trees or shrubs)
- \_\_\_ Replacing turf

### **Painting of Home, Trim or Doors**

\_\_\_ Painting home, trim, siding, gutters, front doors and garage doors the same color as previously existed in the off-white, brown and tan palette colors. Otherwise must submit the Architecture Review Form.

### **Roof shingles / tiles**

- \_\_\_ Architectural style
- \_\_\_ Dimensional style

\_\_\_ Earth tone color (considered to be in the black, brown, gray, and tan palettes. White, red, orange, purple, blue and green colors are not considered earth tone and would need an Architectural Review Form submitted. Or if in doubt of color, submit an Architectural Review Form)

Examples (not all inclusive) Barkwood, Birchwood, Canyon, Charcoal, Driftwood, Fox Hollow Gray, Hickory, Mission Brown, Onyx Black, Oyster Gray, Pewter Gray, Shakewood, Slate, and Weathered Wood

**ASSIGNOR:**

**Stephen Kerby, President**

**Heatherwood Homeowners Association**

By: Stephen Kerby

**ACKNOWLEDGMENT**

**STATE OF TEXAS**

**COUNTY OF COLLIN**

**BEFORE ME**, the undersigned authority, on this day personally appeared Stephen Kerby, the Authorized Representative of the Heatherwood Homeowners Association, is known to me to be the person whose name is subscribed to the foregoing instrument.

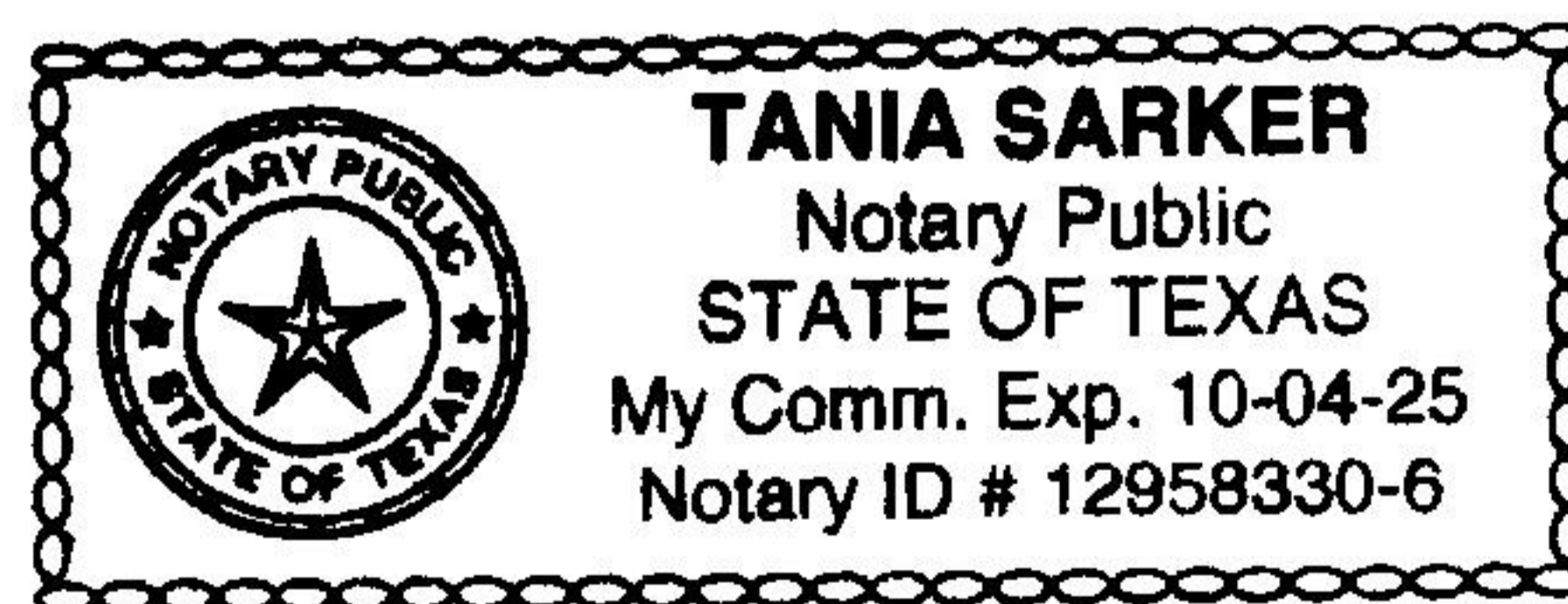
Given under my hand and seal of office this 8<sup>th</sup> day of February, 2022.

Tania Sarker

NOTARY PUBLIC, STATE OF TEXAS

Printed Name: Tania Sarker

My Commission Expires: 10/04/2025



Unofficial

Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
02/09/2022 09:13:38 AM  
\$146.00 TBARNETT  
20220209000221200



*Stacey Kemp*