



AFTER RECORDING, PLEASE RETURN TO:

Judd A. Austin, Jr.  
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1700 Pacific Avenue  
Suite 2700  
Dallas, Texas 75201

**CERTIFICATE AND MEMORANDUM OF RECORDING OF ASSOCIATION DOCUMENTS FOR MCKINNEY VIRGINIA PARKLANDS HOMEOWNERS' ASSOCIATION, INC.**

STATE OF TEXAS           §  
  §  
COUNTY OF COLLIN       §

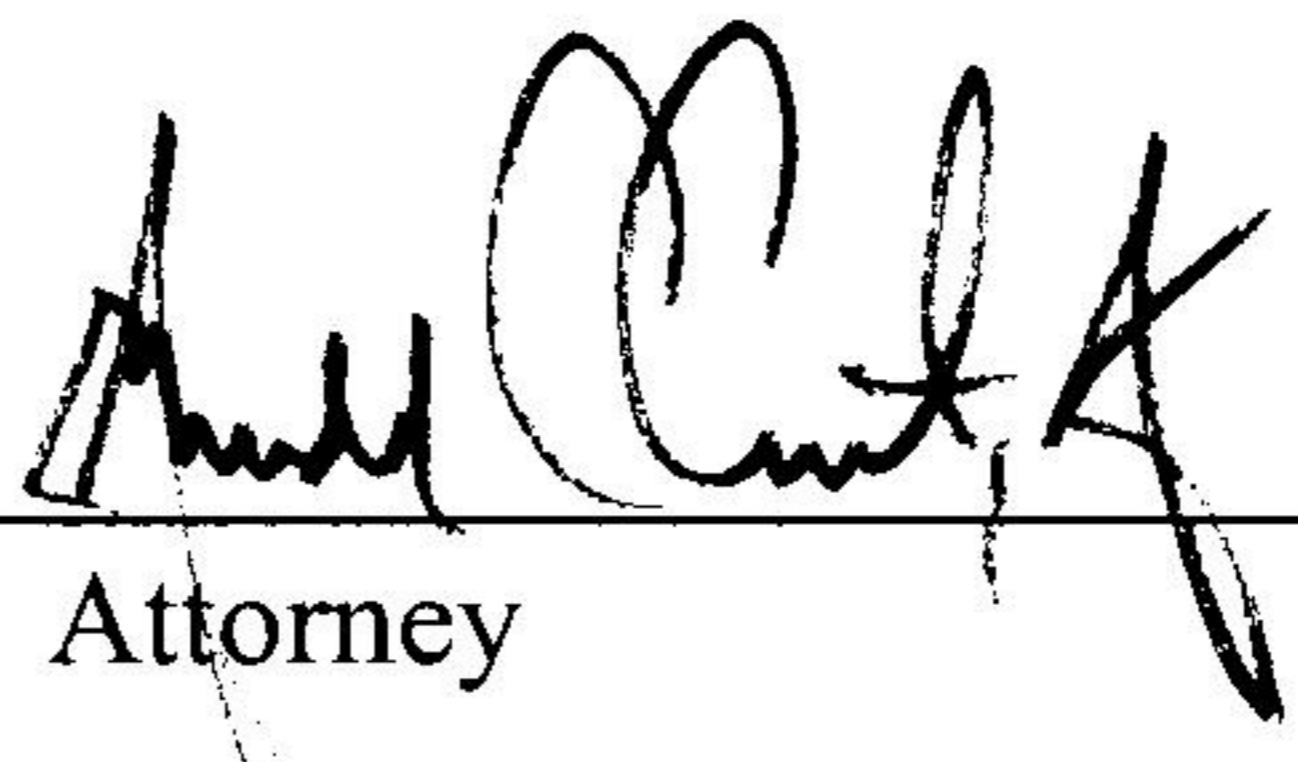
The undersigned, as attorney for the McKinney Virginia Parklands Homeowners' Association, Inc., for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instrument affecting the owners of property described on Exhibit B attached hereto, hereby states that the dedicatory instrument attached hereto is a true and correct copy of the following:

***Virginia Parklands - Architectural Review Committee Design Guidelines.***  
(Exhibit "A").

All persons or entities holding an interest in and to any portion of property described on Exhibit B attached hereto are subject to the foregoing dedicatory instrument.

IN WITNESS WHEREOF, McKinney Virginia Parklands Homeowners' Association, Inc. has caused this Certificate and Memorandum of Recording of Association Documents to be filed of record with the Collin County Clerk's office.

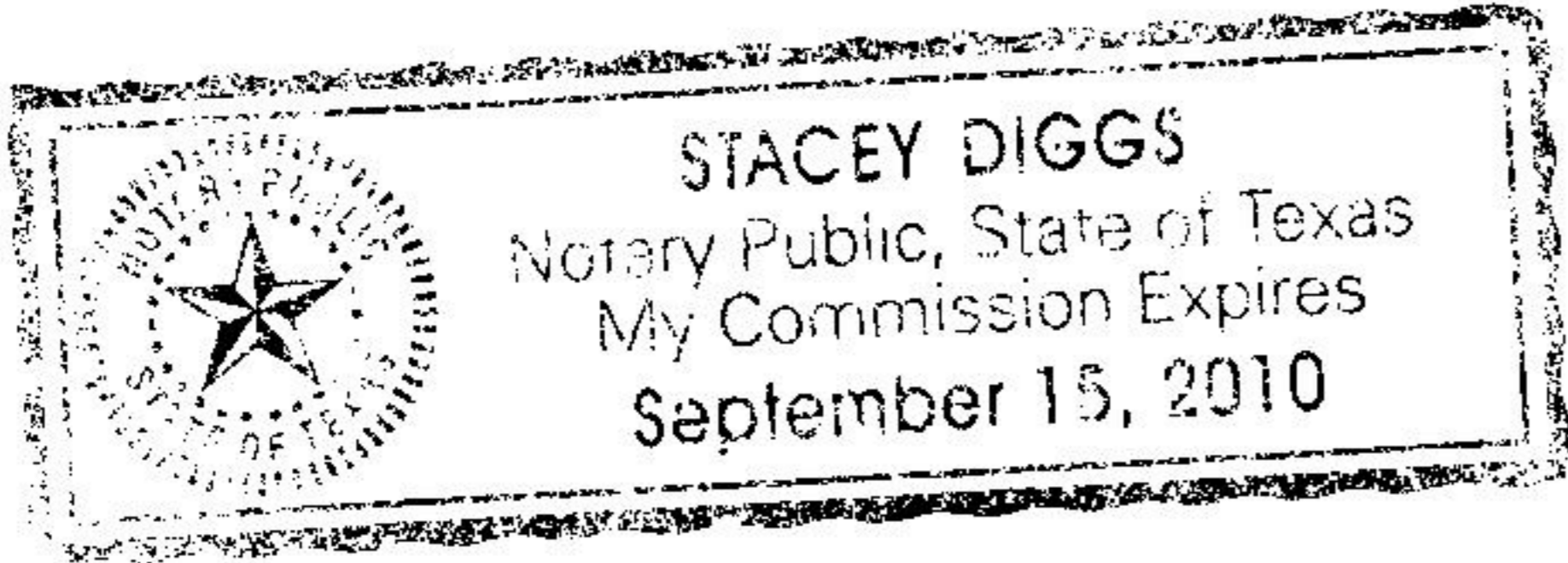
MCKINNEY VIRGINIA PARKLANDS  
HOMEOWNERS' ASSOCIATION, INC.

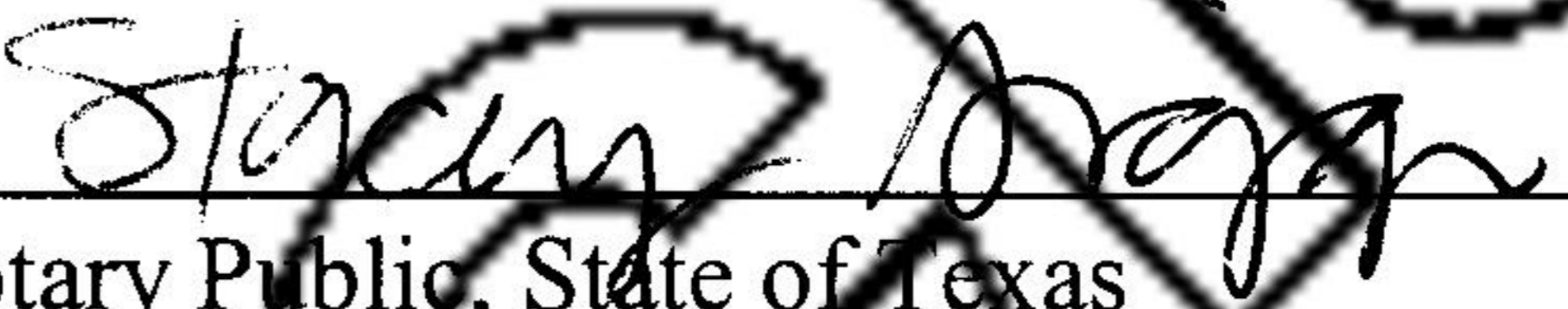
By:   
Its: Attorney

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS       §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Judd A. Austin, Jr., attorney for McKinney Virginia Parklands Homeowners' Association, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 20<sup>th</sup> day of December, 2007.



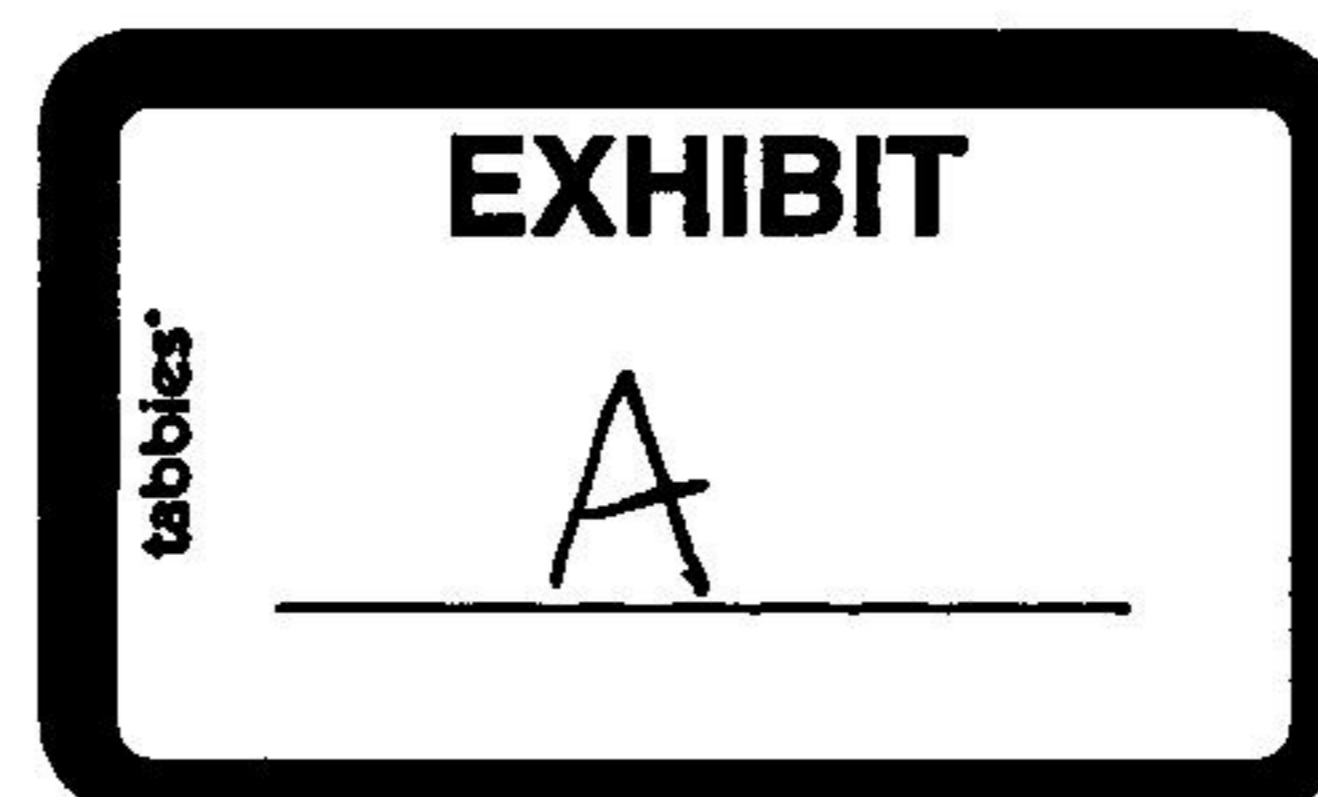
  
Notary Public, State of Texas

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# VIRGINIA PARKLANDS

## ARCHITECTURAL REVIEW COMMITTEE DESIGN GUIDELINES

August 2007



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## **Introduction**

To ensure that Virginia Parklands will always be an attractive and desirable place to live, the specific guidelines and building standards must be observed and maintained. These standards are outlined in the Declaration of Covenants, Conditions and Restrictions for Virginia Parklands which are filed with the County Clerk and provided to each homeowner upon the purchase of their property.

Maintaining these standards at Virginia Parklands benefits all residents and all residents share in the responsibility to comply with, support, and contribute to them. These guidelines are not intended to constrain the pride individual homeowners have in their property, nor are they meant to unnecessarily restrict creative efforts to enhance the appearance of that property. The sole purpose of these guidelines is to protect each homeowner's investment and ensure that all members of our community can take pride in living at Virginia Parklands.

These guidelines are a supplement to the CC&Rs as provided in Section 3.3 (d) thereof. Its purpose is twofold. First, it presents the rules and regulations in an easy to understand format. Second, it provides specific guidance concerning processes and restrictions that are expressed but not clearly defined in the CC&Rs. It is recommended that every homeowner read the CC&Rs and these guidelines for a full understanding of the rules, processes, and restrictions that apply to our community. Like the CC&Rs, this document is intended to be a part of each homeowner's permanent records.

## **Architectural Management**

The CC&Rs define the authority of the Board of Directors and the Architectural Control Committee to manage and regulate the Virginia Parklands community. This section of the Guidelines outlines the roles, responsibilities and processes of these bodies.

### **Board of Directors**

The Board of Directors conducts the business of the Homeowners Association. Board members are elected during the association's annual meeting.

### **Architectural Control Committee**

#### **Introduction**

The Architectural Control Committee (ACC) is established under Article 3.2 of the CC&Rs. Section 3.1 gives the committee the responsibility to review and approve or disallow proposed architectural changes.

#### **Goal**

The ACC strives to review objectively all proposed architectural changes in our community. Acceptance or denial of requests is based on the CC&Rs, the Association's rules and regulations, as well as these guidelines which reflect the community's desire to maintain property values and provide a consistent appearance while allowing individual expression of the homeowners.

#### **Membership**

ACC membership consists of three Virginia Parklands homeowners who serve voluntarily and are appointed by the Board of Directors. Committee members must attend at least three out of six consecutive meetings to remain on the committee. A chairperson is elected annually by majority vote by the committee members to coordinate the Committee's efforts with the Association's management company and the Board of Directors. A Vice-Chairperson is elected by majority vote by Committee members to act as Committee secretary and fill the role of the chairperson when the elected chairperson is unavailable. In the event that the Committee has not selected a chairperson, the Board of Directors can assign an acting chairperson.

#### **Voting Requirement**

Attendance by at least two (2) Committee members constitutes a quorum for meetings of the ACC. A vote by 2 out of the 3 members shall constitute the decision of the ACC.

#### **Meetings**

The ACC meets on a periodic basis to review and vote on architectural change requests and to conduct other committee business. Meetings are open to all

homeowners; however, voting on applications is held in closed session. Minutes are taken at each meeting. These minutes are available to any homeowner upon request. For information concerning date, location and time of meetings, or to obtain meeting minutes, homeowners should contact the Association's management company.

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## Architectural Change Request Review Process

### Application

Prior to beginning an exterior change or construction, each homeowner shall submit an application for the addition, alteration, or improvement to his/her lot in writing to the Association's management company using the approved Architectural Change Request form found at the end of this document. The application must be complete for consideration by the ACC. Incomplete applications will be returned to the homeowner for the required information. Applications received by the 15<sup>th</sup> of the month will receive an answer by the 1<sup>st</sup> of the following month. Applications received by the end of the month will receive an answer by the 16<sup>th</sup> of the following month. Oral requests will not be considered.

### Neighbor Notification

The ACC may request neighbor/other homeowner notification of any proposed architectural change. Neighbors and other community members are encouraged to provide their opinions concerning any proposed architectural changes in writing to the ACC through the Association's management company. To ensure that any opinion concerning a proposed architectural change is considered by the ACC during the application review, neighbors should provide their opinions as soon as they are notified of the proposed change. Neighbor agreement to a proposed architectural change does not guarantee acceptance. Additionally, neighbor disagreement of a proposed architectural change does not preclude the ACC from approving the request. The ACC views neighbor and other homeowner inputs as one of many factors for consideration in reviewing architectural change requests

### Voting

The ACC meets periodically to review and vote upon architectural change requests submitted by the homeowners. A request is approved or denied by majority vote of the ACC members present. Decisions of the ACC are based upon the Association's CC&Rs, the Association's rules and regulations and these guidelines. For unusual circumstances, exceptions to the CC&Rs and these guidelines may be made under Section 3.8 (b) of the CC&Rs without creating any sort of precedent.

### Homeowner Notification

The Association's management company will notify the homeowner in writing as to the decision of their request. This written reply will consist of a copy of the application bearing approval or disapproval, along with an explanation of any restrictions or contingencies, or an explanation as to why the request was denied.

#### Approved Architectural Change Requirements

If a request is approved, the homeowner may immediately begin to implement the change. The change must begin within 6 months and be completed within 12 months of the approval date. If the project is not begun or completed as specified, the approval is considered lapsed and the homeowner must reapply for approval.

#### Denied Architectural Change Option

The decisions of the ACC are considered final. However, any decision made by the ACC may be re-reviewed by the ACC or appealed to the Board of Directors. The homeowner may resubmit their request to the ACC with **new relevant information** for consideration; or, the homeowner may appeal the ACC decision to the Board of Directors in writing, via the Association's management company, within 14 days of the date on the notification letter of the ACC's decision. The basis for the appeal to the Board of Directors must be provided in the written appeal. No other grounds will be considered by the Board of Directors. Neighbors and other community members who have a registered complaint concerning an application will be notified of and invited to the appeal hearing. A two-thirds vote by the Board of Directors is required to overturn a decision of the ACC.

#### Unapproved Changes

Homeowners will receive written notification of a violation if the homeowner implemented an architectural change prior to obtaining permission from the ACC, or has repeatedly violated an Association rule or regulation. This letter will state the violation, and provide a date by which the homeowner must either (1), bring their property back into compliance (i.e. original condition); or (2) apply for the change. If, after review of the application the ACC denies the change, the homeowner must bring the property back into compliance in accordance with the CC&Rs of the Association. The homeowner can delay bringing their property into compliance if the homeowner: (1) appeals the ACC's decision to the Board of Directors, or (2) resubmits his/her application to the ACC with new relevant information. Under this circumstance, a homeowner can resubmit an application to the ACC for reconsideration of new material only once. Homeowners who have corrected a violation and brought their property into compliance must provide written notification of the correction to the Association's management company.

#### Grandfather Waiver Clause

There may be some alterations in existence that do not comply with these Guidelines, but which were previously applied for and approved. In these cases, the ACC reserves the right to grant a temporary Grandfather Waiver for the alteration. This waiver shall last no longer than the current life of the alteration, and shall not extend to the replacement of the alteration. This Grandfather Waiver does not include exterior alterations not approved through the requisite

application process. Any architectural change applied for and approved prior to the publication of this document that does not meet requirements of these guidelines must be maintained as approved.

Certificate of Compliance

Upon request of the homeowner, the ACC will issue a letter of compliance for any completed approved architectural change.

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## **Enforcement**

It is the hope of the ACC and the Board of Directors that members of the Virginia Parklands community will abide willingly with the CC&Rs and these guidelines as a demonstration of mutual respect for their neighbors and community as a whole. However, in the event that a homeowner does not abide by the CC&Rs and these guidelines, the Association is provided, through Article 5, Section 5.2 (d) (9) and (12), and Article 9, Section 9.2 of the CC&Rs, the discretion to utilize numerous methods, including, but not limited to, the imposition of fines and the institution of legal action to enforce the CC&Rs and these guidelines. If a homeowner is found in violation of the CC&Rs or these guidelines, the following process will be followed:

1. The homeowner will be sent a letter from the Association's management company stating the violation and requesting the homeowner to bring their property into compliance within 30 days of receipt of the letter.
2. If, after 30 days, the homeowner has not brought the property into compliance, nor provided a reasonable explanation for the delay in bringing their property into compliance, the Association's management company shall provide the homeowner with a second letter, sent certified mail, with the following information:
  - a. Identification of the violation;
  - b. Enforcement options open to the Board of Directors
  - c. Hearing date for review of the violation, to be no sooner than 30 day following receipt of the second letter.
3. If the homeowner's property is not brought into compliance by the hearing date, the Board of Directors shall hold a hearing to review the violation and determine the enforcement options. Enforcement options available to the Board of Directors include, but are not limited to:
  - a. Fines and/or liens on the property
  - b. Removing or correcting the violation, of which the homeowner shall be responsible for all costs; and/or
  - c. Enforcement through legal process

**The homeowner is legally obligated to pay the Association for all legal and any additional enforcement related costs.**

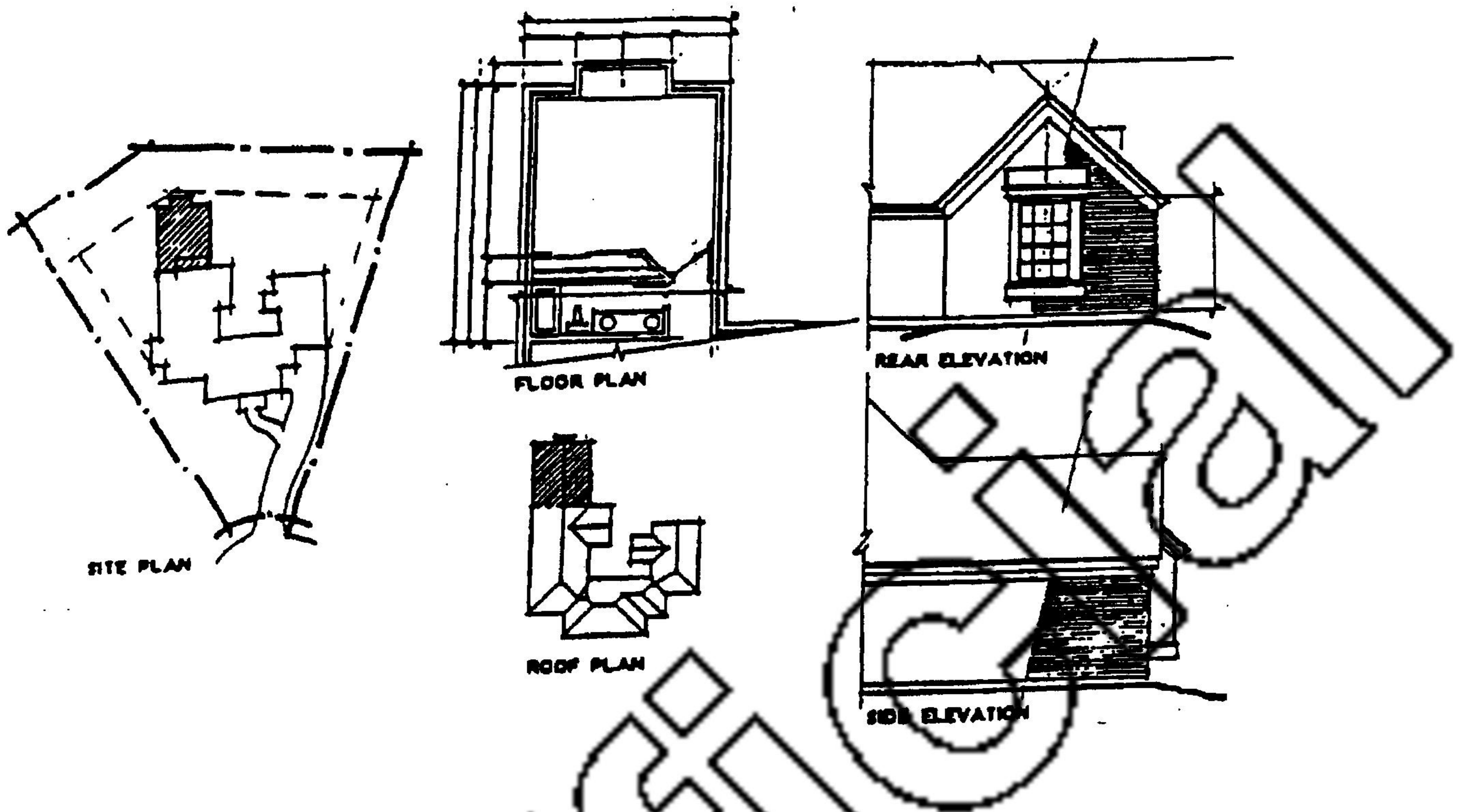
**The ACC reserves the right to inspect the homeowner property for compliance with the CC&Rs and these guidelines. The Association has the right, upon resolution of the Board of Directors, to enter upon the owner's property and take steps to remove the violation. Any costs incurred by the Association in bringing a property into compliance may be assessed against the owner of the property, and a statement of the amount shall be rendered to the owner. The assessment is due upon receipt. This assessment is secured by a lien on the lot of the owner. Alternately, the**

Board of Directors may opt to turn the matter over to legal counsel for resolution.

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## ADDITIONS AND/OR REMODELS

- Additions shall comply with all requirements set forth on the final plat, the CC&Rs and these guidelines.
- The addition shall not alter the drainage patterns established by the Master Drainage Plan



## SUBMITTAL REQUIREMENTS

- Two sets of floor plans, elevations, roof plans, and site plans drawn to scale.
- All colors and materials (roofing, siding, masonry, etc.) should match or complement the existing home. Submit color samples, manufacturer, color name and number, etc., for review.
- Existing and proposed air conditioned square footage must be noted.
- At the discretion of the ACC, a \$1000 deposit may be required for all lots adjacent to Association common property. Insurance may also be required.

## **ATTIC VENTILATION/ROOFTOP APPENDAGES**

- Attic ventilators are to be the “pancake” low profile type.
- Rooftop appendages, vents, stacks, ventilations, skylights, etc., should be located on the rear slopes of roofs
- Rooftop appendages are to be painted to match or blend with the color of the roof.
- Attic ventilators shall not be above the roof ridge.
- Roof ridge vents are acceptable.
- No skylights will be allowed on the front slope of the roof.

## **SUBMITTAL REQUIREMENTS**

- None required provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

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## **AWNINGS**

- Awnings shall be solid earth tone colors.
- Scalloped-edge or decorative awnings are not allowed.
- Brightly colored or multi-colored awnings are not allowed.

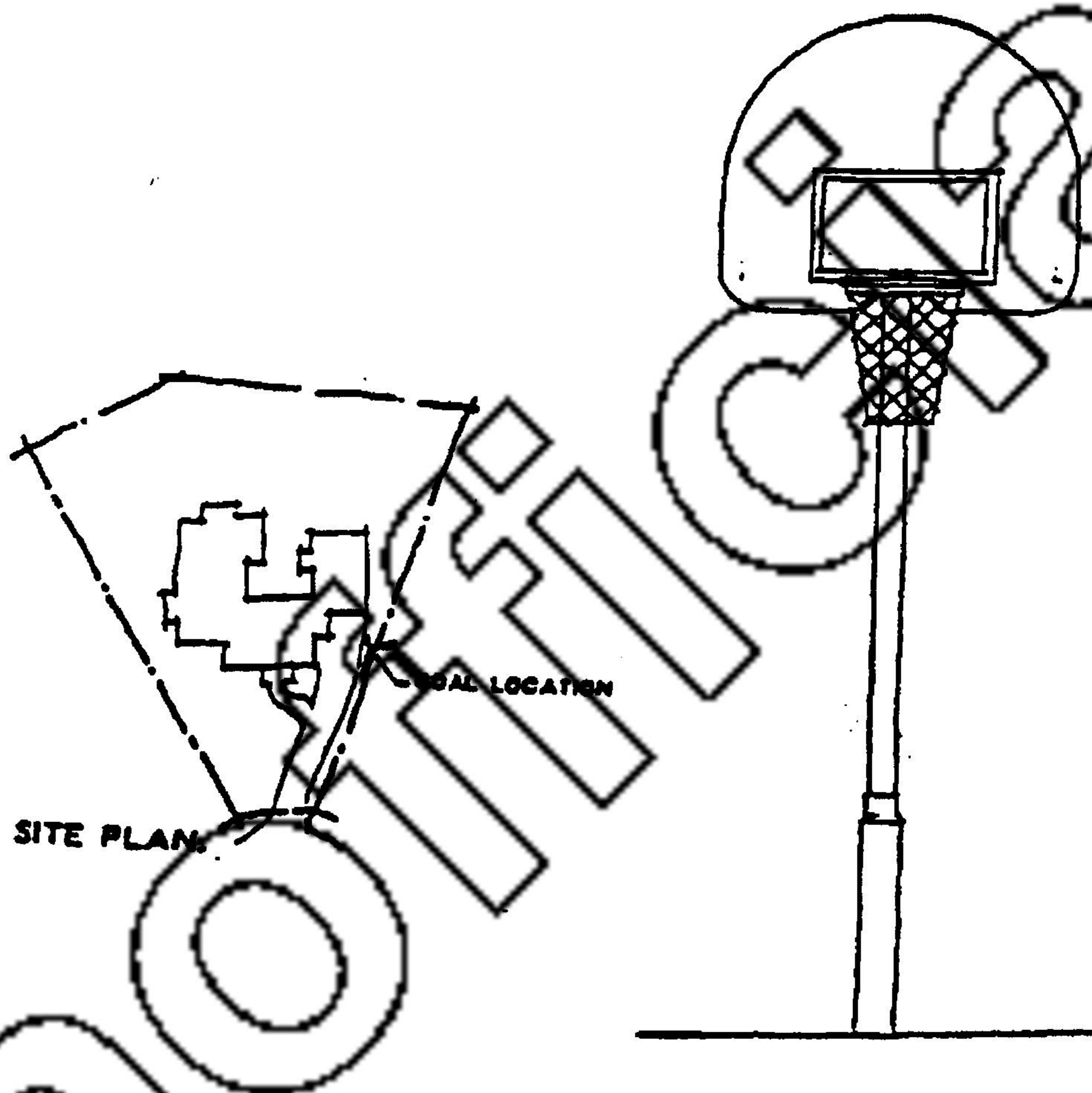


## **SUBMITTAL REQUIREMENTS**

- None required if you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## BASKETBALL GOALS

- Placement of basketball goal shall be located to minimize visual and use impact to neighboring properties.
- Basketball goals shall not be mounted on a house, garage, shed, etc.
- Portable goals are recommended and should be stored out of sight when not in use.
- Basketball goals must be maintained. If they become an eyesore they must be removed.
- Only one goal per lot is allowed.
- If the basketball will be unused for 3 consecutive days it must be stored out of sight.
- Should not be left on the sidewalk or street when not in use.

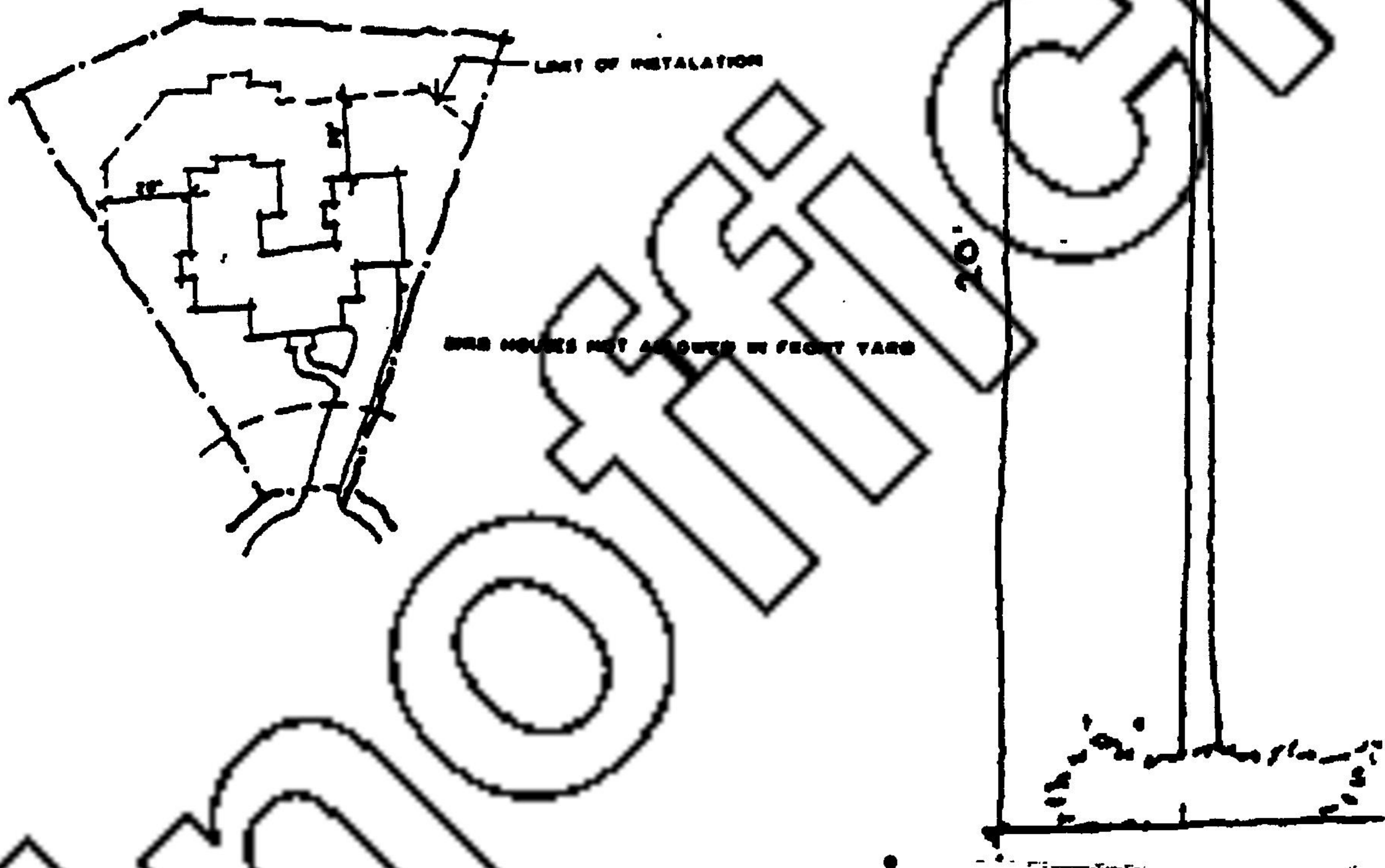


## SUBMITTAL REQUIREMENTS

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## BIRDHOUSES

- Pole mounted birdhouses shall not exceed 20' in height.
- Only one pole mounted birdhouse per lot is allowed.
- All posts or poles for the support must be wood, metal or fiberglass. Posts shall be painted an earth tone color, coordinating with the colors of the house. All poles or posts shall be maintained in a vertical and upright manner.
- The birdhouse itself shall be a color complementary to those of the house.
- Birdhouses shall not exceed 2' x 3' x 3' in overall dimensions.
- Hanging birdhouses may be placed in trees or on accessory structures, or on the house itself but may be no larger than 1' x 1' x 1' and shall not impede the natural development of the tree.
- Pole mounted birdhouses are not allowed in the front yard.



## SUBMITTAL REQUIREMENTS

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## **COLOR CHANGES**

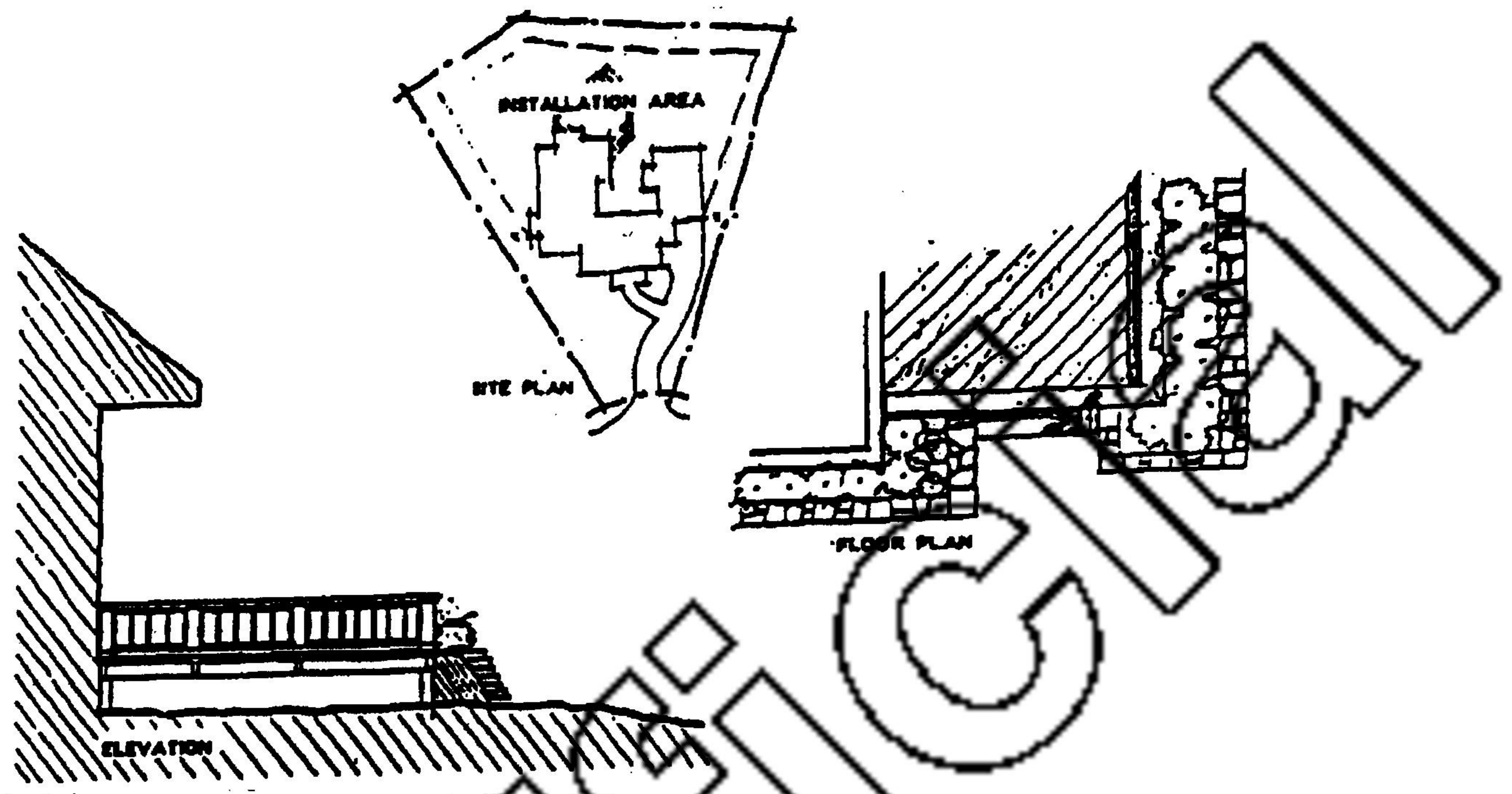
- If a homeowner wishes to repaint his/her home with the same existing color, no submission is required. Any color/stain change must be submitted.
- Colors must complement the masonry color on the house and typically should fall in the off-white, brown, beige or gray color palette and derivatives thereof. Bright primary and secondary colors and pastels are strongly discouraged.
- Shutters and front doors may 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. Dark rich hues of black, brown, gray, blue and green are allowed. Bright primary and secondary colors and pastels are not allowed.
- Colors should be in character with the surrounding homes.

## **SUBMITTAL REQUIREMENTS**

- Sample of stain or paint color, manufacturer and color specifications (color name and number).
- Photo of existing house showing current paint/stain, brick, stone or stucco color.

## DECKS AND PATIOS

- Deck shall be of redwood, cedar or other structural material approved by the ACC. Pressure treated pine is permitted for the structure only.
- Patios may be concrete, concrete stepping blocks, brick, concrete pavers, stone, or other materials as approved by the ACC.
- Patios and decks may not be located closer than 5' to any property line.
- The new deck/patio shall not alter the existing drainage pattern.

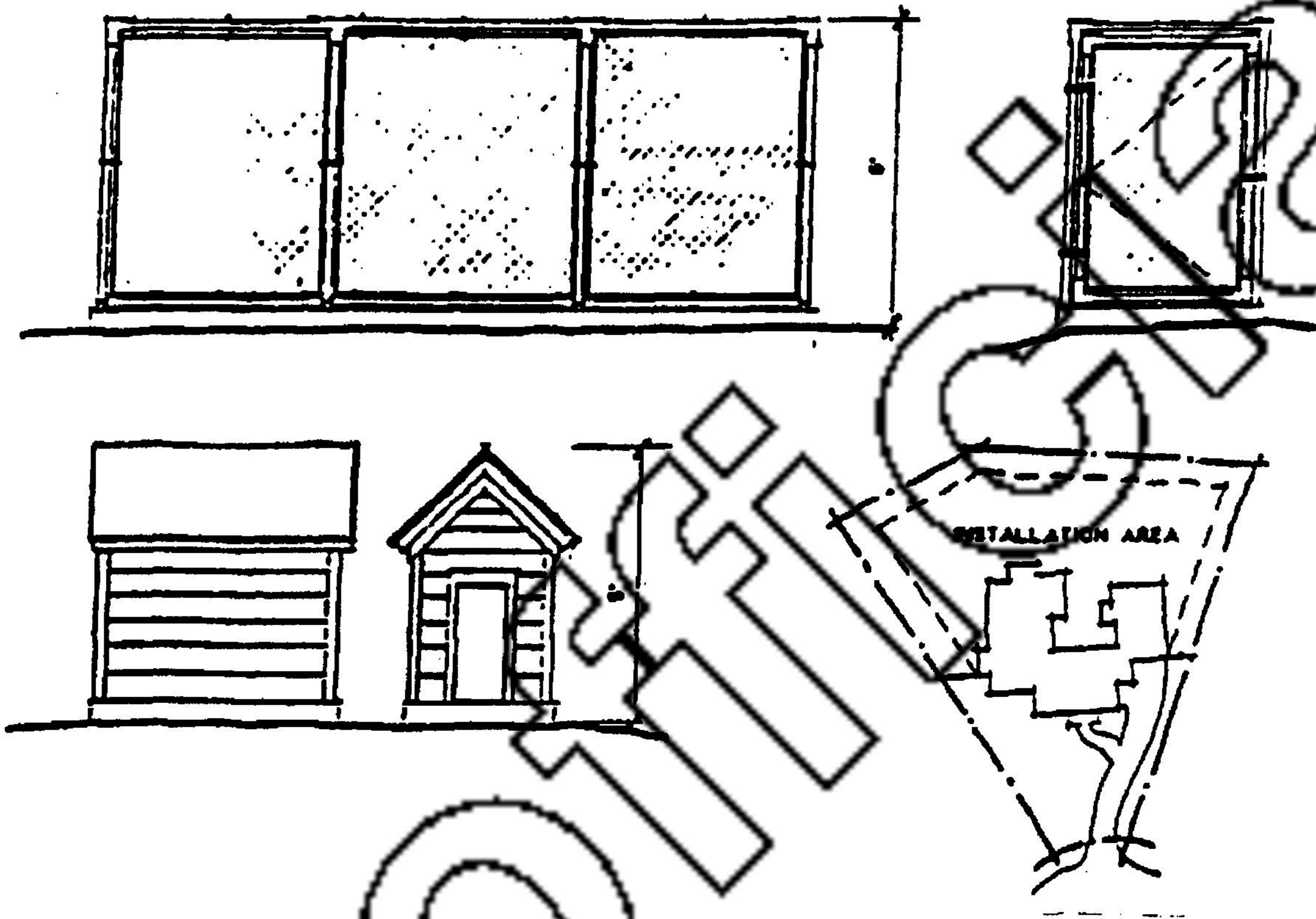


## SUBMITTAL REQUIREMENTS

- A site plan, drawn to scale, showing the house, the location of the deck, easements, and the property line.
- Building plans, including railing, bench, screening and other details.
- Photographs of the existing house showing where the proposed deck will be located.

## DOGHOUSE/DOG RUNS

- Dog houses and dog runs shall be located in rear yards only.
- Fencing shall not exceed 5' in height.
- Doghouses shall not exceed 15 square feet in size.
- Dog runs shall not exceed 35 square feet in size.
- Doghouses and dog runs must be fully screened so as not to be seen from public right-of-way.
- Only one doghouse and dog run is allowed per lot.
- Doghouses shall be of wood construction to with roof material to match that of the house and shall be painted to match or complement the house.
- Dog runs shall have a concrete slab and shall be well maintained with regard to smell and appearance.



## SUBMITTAL REQUIREMENTS

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## **FENCES**

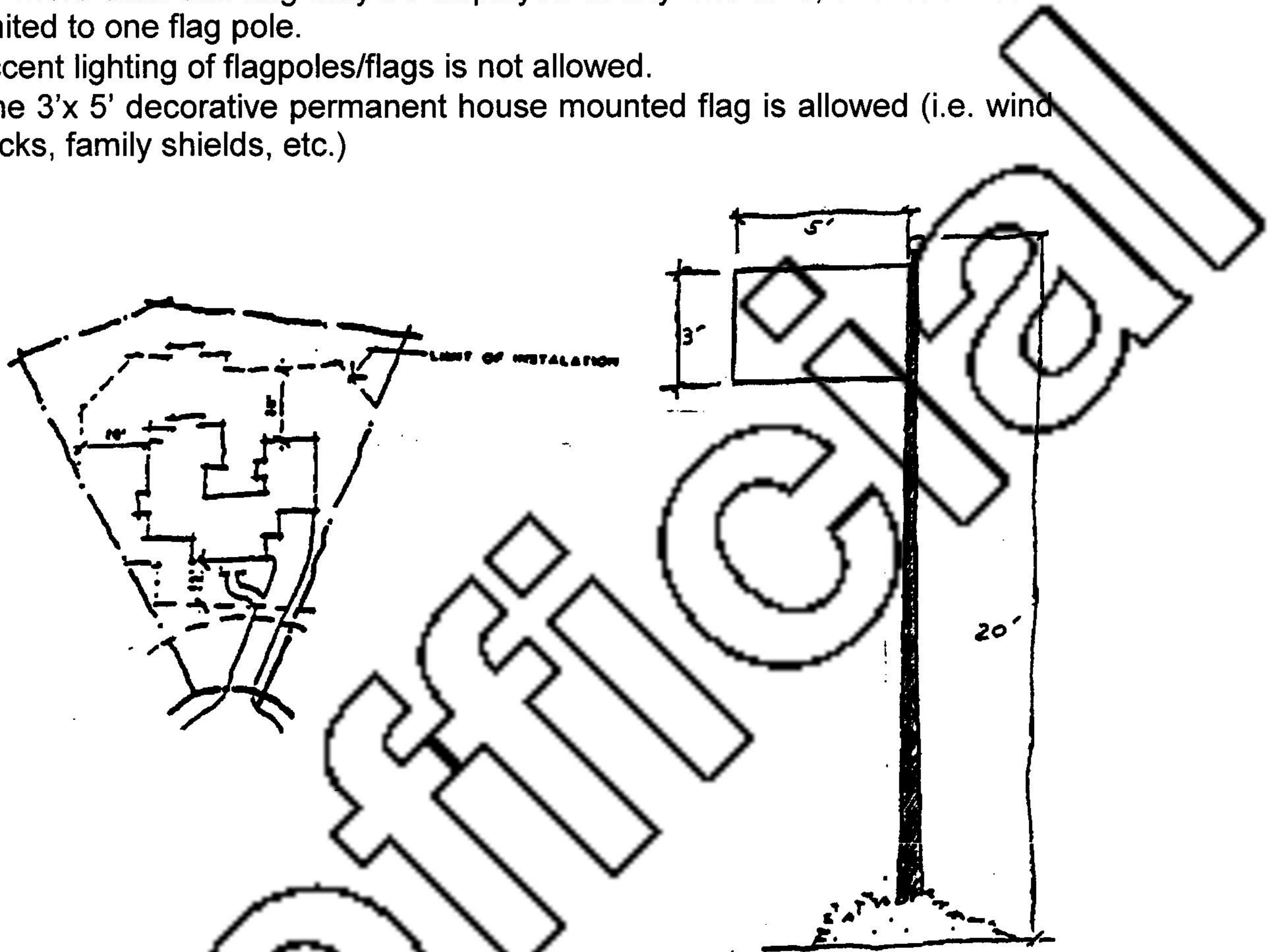
- Fencing (in its entirety) is solely restricted to the owner's property. Fences shall not encroach into any public street right of way or designated open spaces.
- All wooden fences shall be 6' in height.
- Lots adjoining common areas E-1 and E-2 shall have 4' wrought iron fencing adjacent to the common area. In this situation, wooden fences shall gradually taper from 6' to 4' to meet the wrought iron fence line.
- Fences shall not be placed beyond the front building line and must comply with City of McKinney ordinances.
- Double fencing must be consistent (material, height, look, etc.). Any difference requires ACC approval.
- Solid fencing shall be setback a minimum of 10' from the front building line.
- Fencing installed along property lines where retaining walls exist shall be located on the high side of the wall.
- It is recommended that fences receive periodic protective finishes.
- All gates shall maintain the visual, functional and structural integrity of the fence. No ornamental or ornate gates allowed.

## **SUBMITTAL REQUIREMENTS**

- Scaled site plan showing existing structures, proposed fence, location, type of materials, finish stain or color, and height.
- At the discretion of the ACC, a \$1000 deposit may be required for all lots adjacent to Association common property. Also, Insurance may be required.

## FLAGPOLES/FLAGS

- Flagpoles are only allowed in rear and side yards and shall be within 20' of the house.
- Flagpoles shall not exceed 20' in height and shall maintain a vertical alignment.
- Flagpole colors shall be bronze or black.
- Flags shall be no larger than 3' x 5' in size but must be in proportion to the height of the pole.
- No more than one flag may be displayed at any one time, and each lot is limited to one flag pole.
- Accent lighting of flagpoles/flags is not allowed.
- One 3' x 5' decorative permanent house mounted flag is allowed (i.e. wind socks, family shields, etc.)

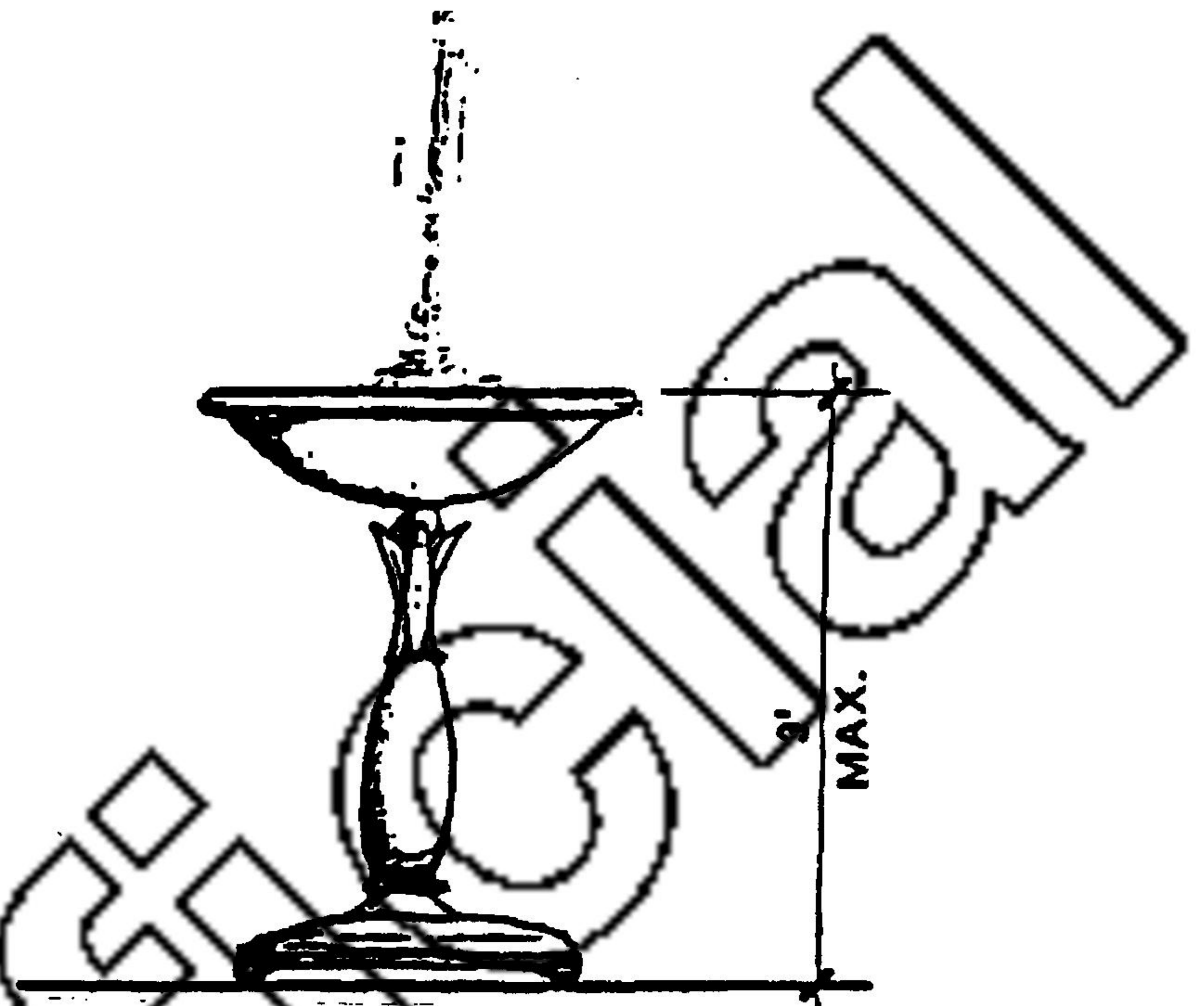
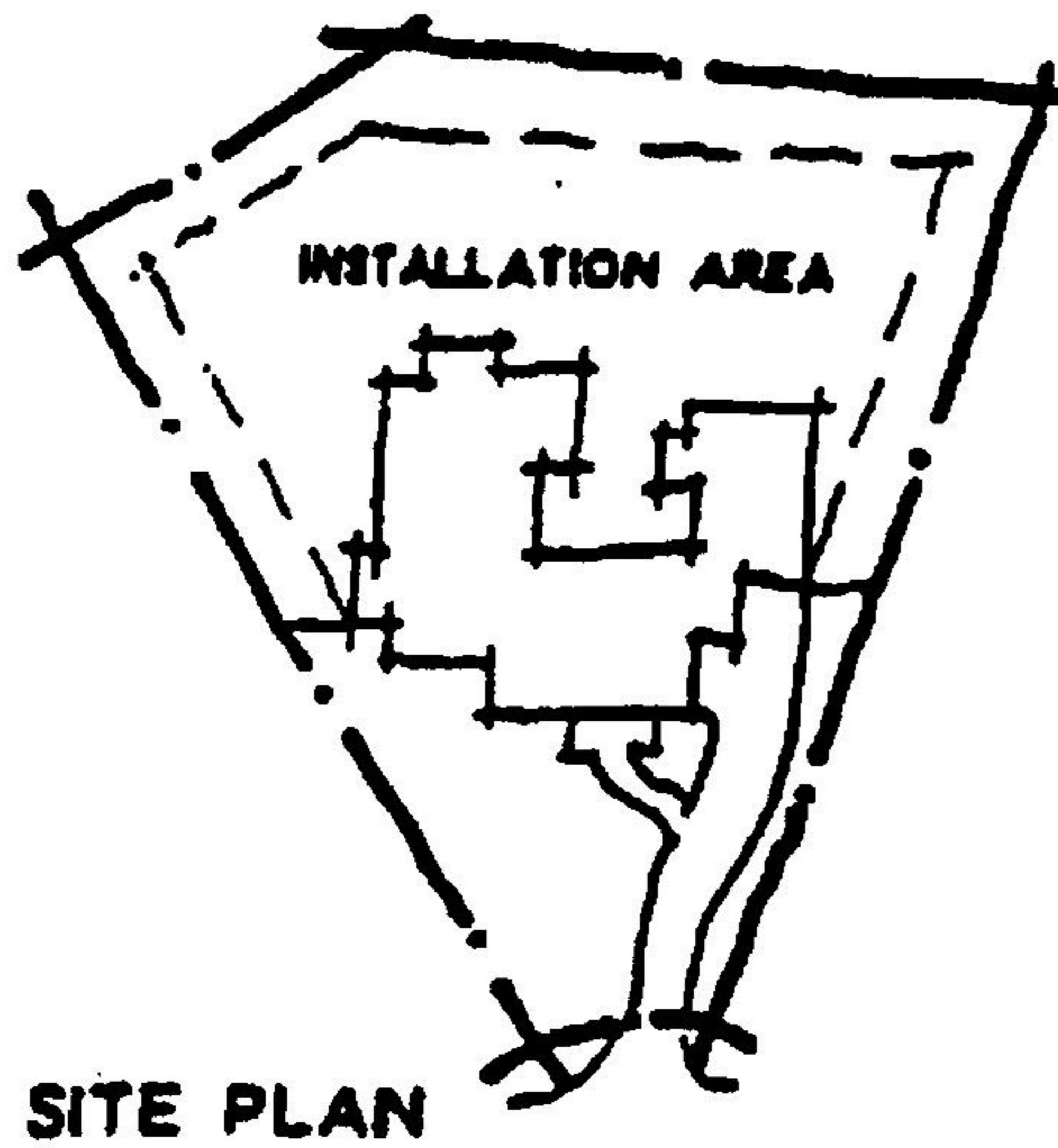


## SUBMITTAL REQUIREMENTS

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## FOUNTAINS/STATUARY in FRONT YARD

- Fountains and statuary are limited to a height of 3'.
- Fountains and statuary are encouraged to be screened from public view and located in the rear yard.
- Fountains and statuary shall be limited to a total of two.
- Should be incorporated into landscaping.

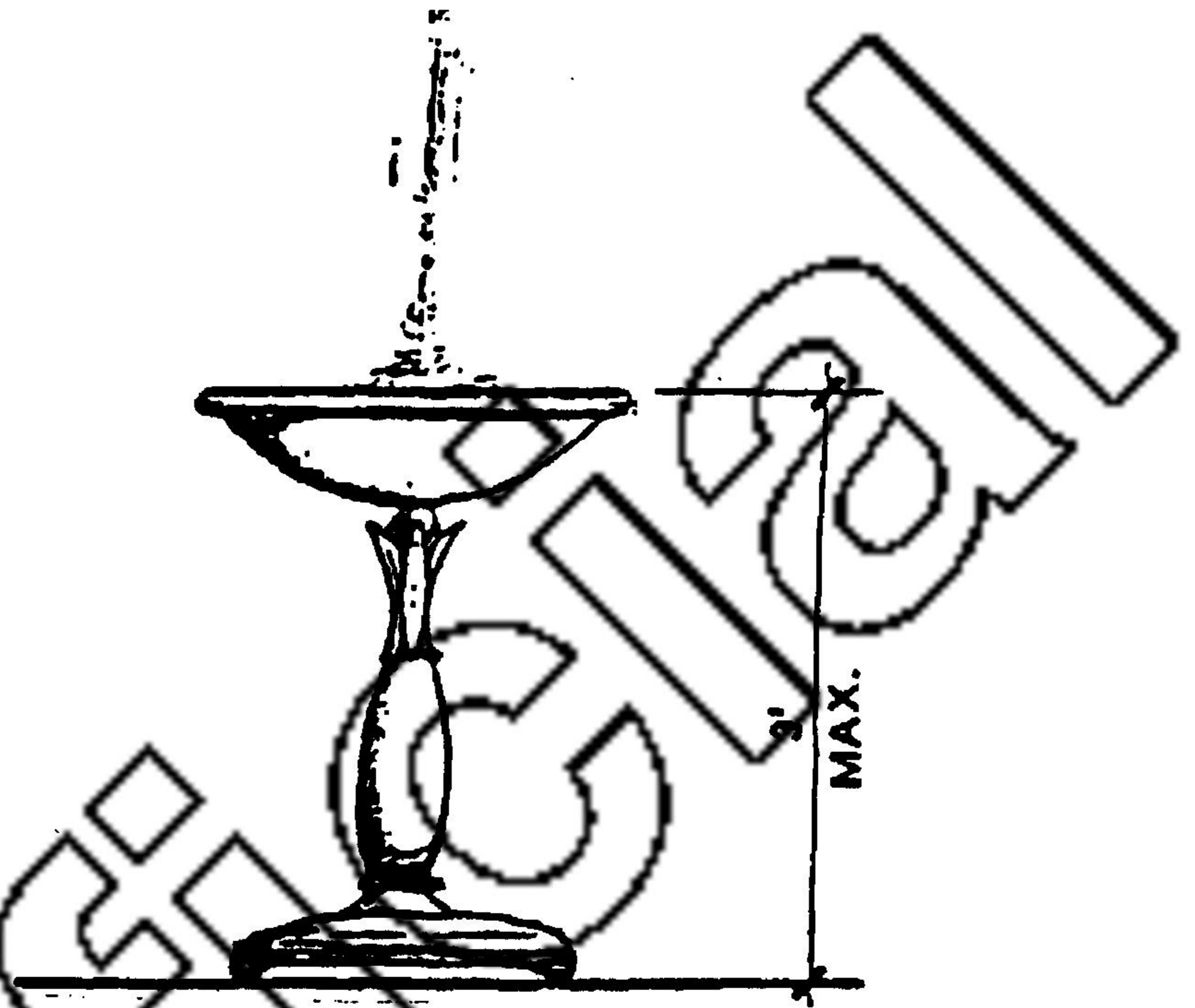
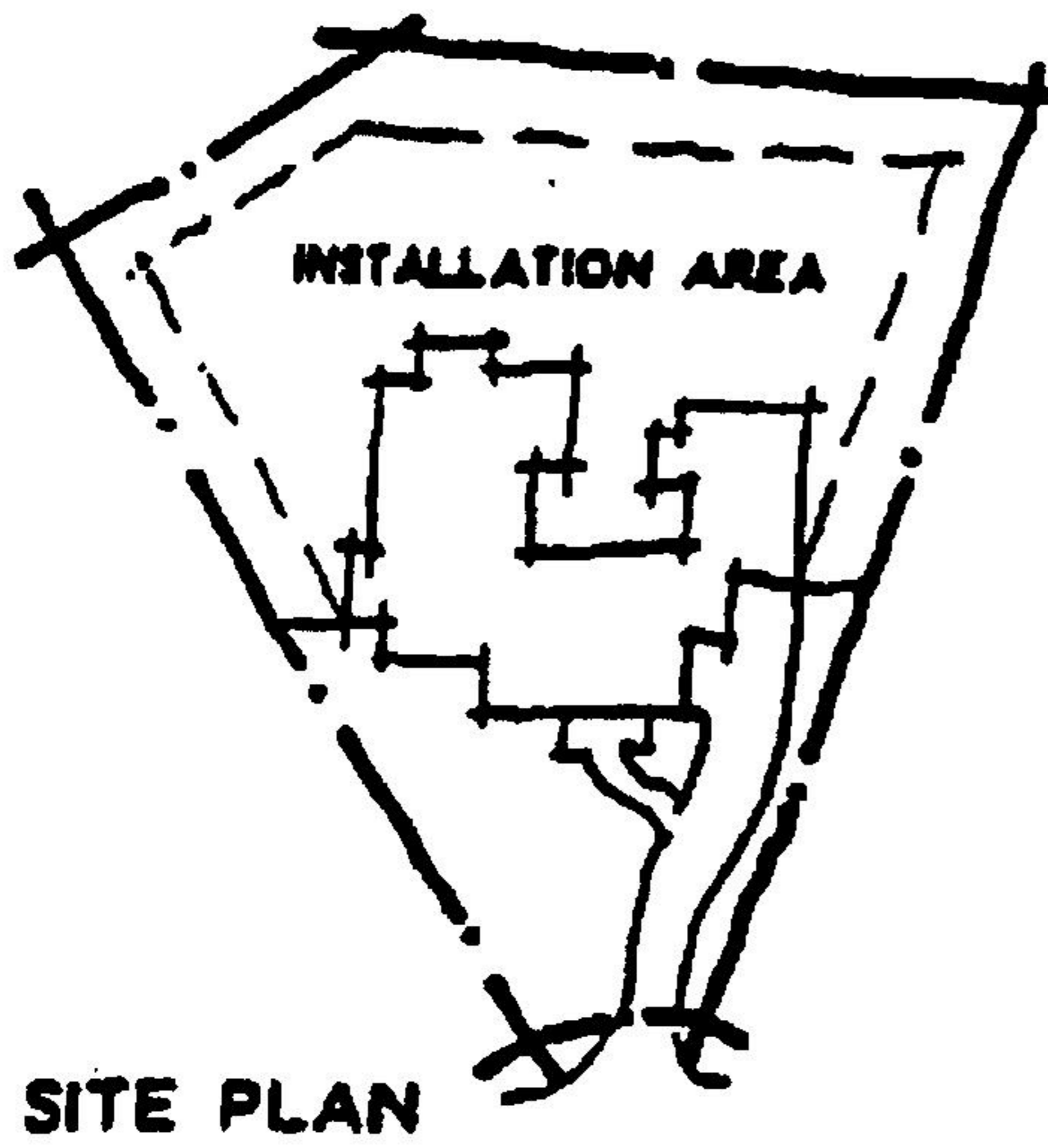


## SUBMITTAL REQUIREMENTS

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## FOUNTAINS/STATUARY in REAR YARD

- Fountains and statuary are limited to a height of 5'.
- Fountains and statuary are encouraged to be screened from public view and located in the rear yard.
- Fountains and statuary shall be limited to a total of three.
- Should be incorporated into landscaping.

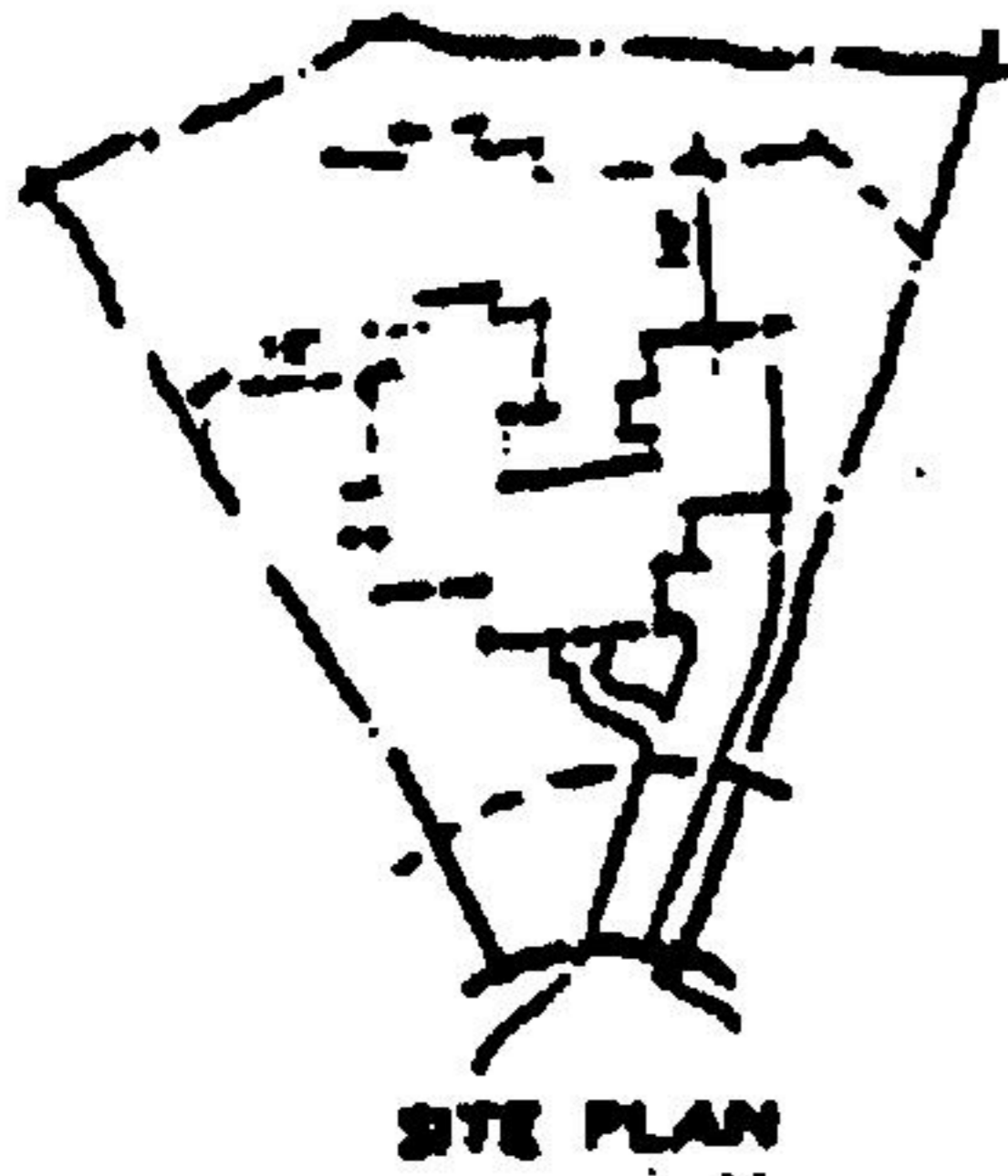


## SUBMITTAL REQUIREMENTS

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## GAZEBOS

- Gazebos shall be attractive in appearance, without an excess of detail ornamentation.
- Gazebos shall be of redwood or cedar or other material specifically approved by the ACC.
- If painted or stained, the gazebo shall coordinate with and complement the colors of the house.
- Overall height of the gazebo shall not exceed 12' in height.
- The gazebo shall not exceed 144 square feet in size.
- Roofing shall match or complement that of the house.
- Gazebos shall be located in the rear yard and must comply with the building setback lines.
- Gazebos must have a minimum 10' clearance from any house, playhouse, storage building, or any other attached or detached structure.
- Only one gazebo is allowed per lot and is not allowed on a lot that already has a playhouse or storage shed.
- The construction shall not alter the existing drainage patterns.



## SUBMITTAL REQUIREMENTS

- A set of floor plans, elevations, roof plan and other construction drawings, drawn to scale which adequately describe the construction proposed.
- Proposed exterior color and materials.
- A site plan showing the location of the existing and proposed structures and property lines.

## **GUTTERS/DOWNSPOUTS**

- Gutters and downspouts shall match the color of the existing trim of the house.
- Downspouts must not direct water onto adjacent properties. Water from your property must “sheet flow” before it enters into the drainage easements. No piped drains are allowed to have an outlet which directs water to adjoining lots or open space. The outlet for piped drainage shall terminate into the street gutter.

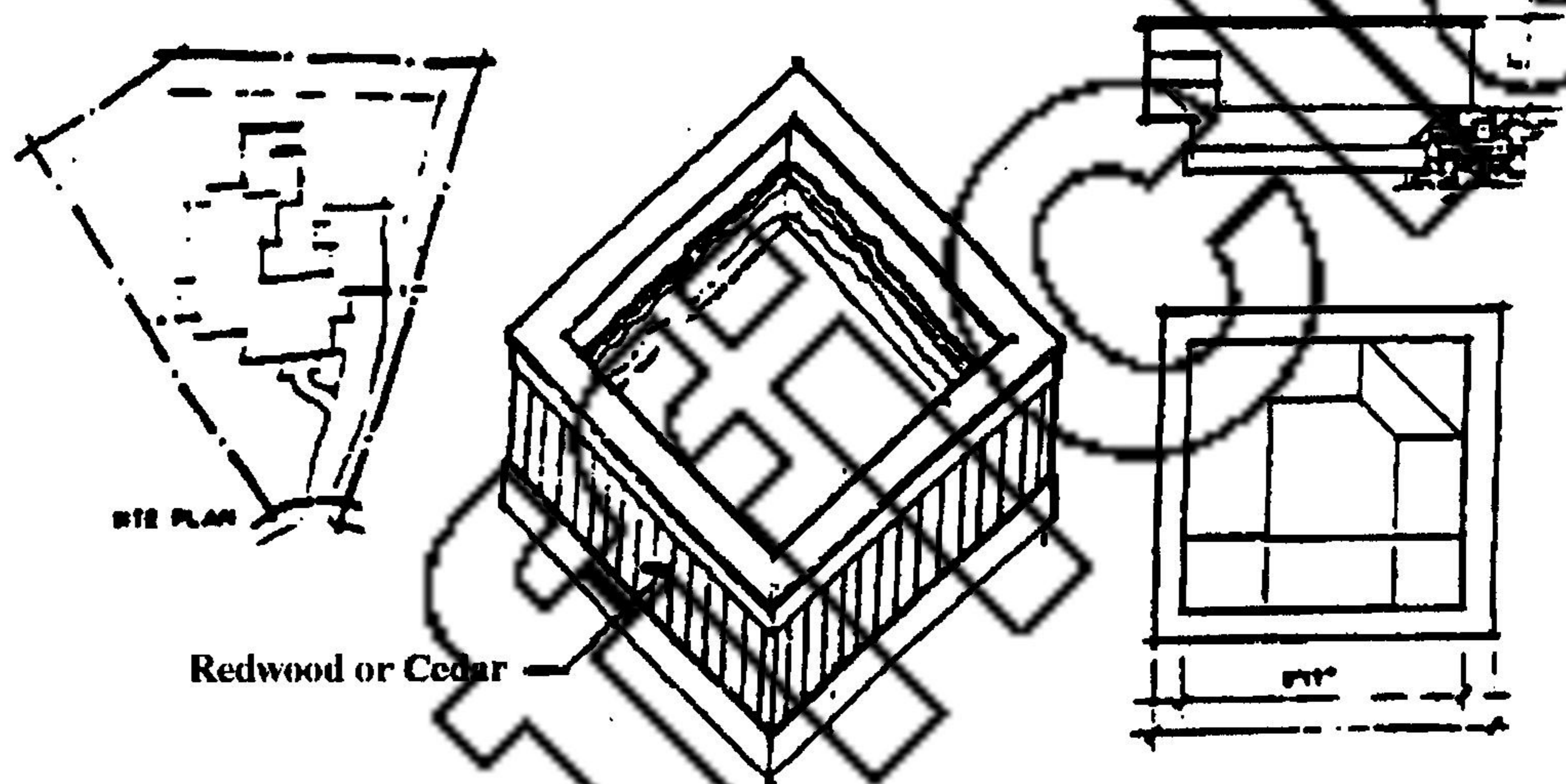
## **SUBMITTAL REQUIREMENTS**

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

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## HOT TUBS AND SPAS

- Hot tubs and spas shall not extend more than 24" above grade, unless mitigating measures are taken with landscape or other methods to fit the improvement into the site.
- Concentrated drainage (i.e. pipes) to common areas or adjacent properties is not allowed.
- Spas and hot tubs must be located and screened from public view.
- Spas and hot tub are limited to rear yards only.
- Only one spa or hot tub is allowed per lot.
- Structures such as gazebos, trellises, or decking are subject to separate review and approval.
- Homeowners should contact the City of McKinney for fencing requirements around hot tubs and spas.
- All hot tubs/spa equipment must be full screened on all sides with a 6' privacy fence.
- Spas and hot tubs may not be located in easements or within 5' of any property line.

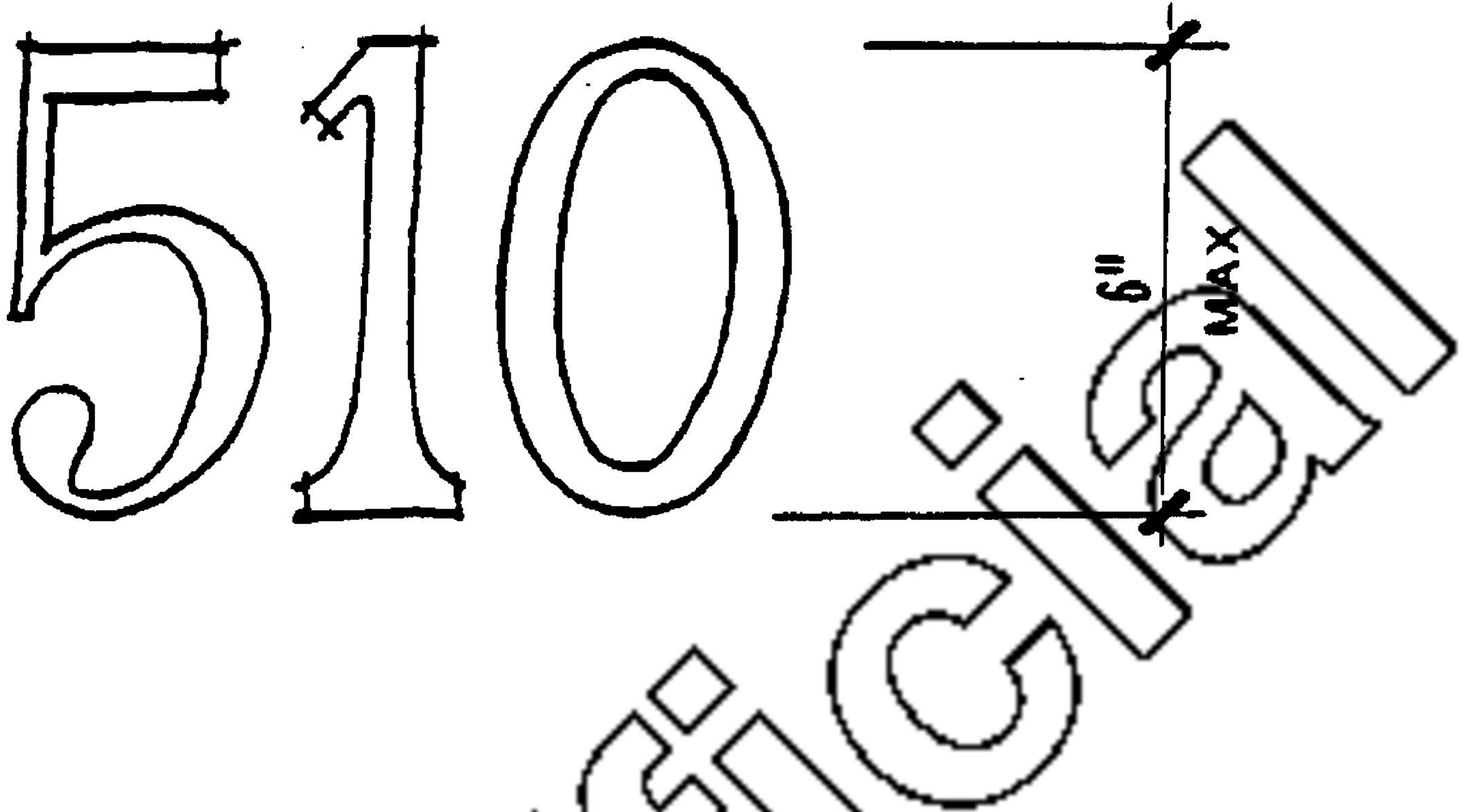


## SUBMITTAL REQUIREMENTS

- A catalog clipping, photograph, description, color, material and dimensions of the improvement.
- A site plan showing the location of the equipment, existing structures, and property lines.
- At the discretion of the ACC, a \$1000 deposit may be required for all lots adjacent to Association common property. Also, Insurance may be required.

## HOUSE NUMBERS

- House numbers shall be metal, cast stone, or wood.
- Maximum size shall be 6" in height.
- Fluorescent or brightly colored numbers are not allowed.
- Curb numbers should be black letters on a white background.



## SUBMITTAL REQUIREMENTS

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## LANDSCAPING

- All lots must have at least two 7' trees with 3" or greater caliper in the area of the lot between the front property line and front building line.
- Landscaping must relate to the existing terrain and natural features of the lot, utilizing plant materials native or those commonly found and successfully grown in the North Texas area.
- All improved landscaped area shall have an appropriately designed automatic irrigation system.
- Removal of existing trees of 4" caliper or greater shall have prior written approval of the ACC. If a tree is removed with written approval by the ACC, the homeowner will be required to replace the tree with one of like size and quality at the homeowner's expense. The ACC will decide what is "like size and quality".
- Gravel used as the main ground cover or lawn in the publicly visible yard area is not permitted. Earth tone gravel (brown, black, tan, etc.) may be used in limited mulch area. White rock, artificial groundcover or landscaping, and "desert" landscaping are not permitted.
- Shrubs and ground cover shall be grouped in masses in formal rows/curves or in-formal beds. Wide spacing of a variety of plants in "polka dot" fashion is not permitted.
- Landscape improvements shall not impact the function of any drainage easement.
- The preferred landscape bed edging is a neat 3"-5" deep trench. Metal edging, if used, should not exceed the adjacent turf height. All mulched landscape beds should be covered with chopped or shredded cypress, hardwood mulch or pine bark.
- Landscape edging may be of stone cut in uniform shapes and consistent in height not to exceed 6" above the height of the flowerbed. Stone color should complement the house. Natural stone in the Milsap, Hackett, and Austin varieties is encouraged.
- Brick edging shall complement the house brick and should be mortared in place.
- Landscaping shall not impede sight lines needed for safe vehicular traffic movement.
- Listed on the following pages is a recommended list for selection of plants.

## SUBMITTAL REQUIREMENTS

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## LARGE CANOPY TREES

### Highly Recommended

Aristocrat Pear  
Bald Cypress  
Bur Oak  
Cedar Elm  
Chinese Pistachio  
Chinkapin Oak  
Goldenrain Tree  
Lace Bark Elm  
Lacey Oak  
Live Oak  
Pond Cypress  
Shumard Red Oak  
Texas Ash  
Texas Red Oak  
Western Soapberry

### Acceptable

Japanese Black Pine  
Pecan  
Sweetgum  
West Texas Black Persimmon

## SMALL CANOPY TREES

### Highly Recommended

Caddo Maple  
Crape Myrtle  
Desert Willow  
Eve's Necklace  
Indian Cherry  
Japanese Maple  
Mexican Buckeye  
Mexican Plum  
Possumhaw Holly  
Redbud  
Rusty Blackhaw  
Savannah Holly  
Vitex  
White Redbud  
Yaupon Holly

### Acceptable

American Smoke Tree  
Callery Pear

## NON-CANOPY TREES

### Highly Recommended

Afghan Pine  
Austrian Pine  
Foster's Holly  
Leyland Cypress  
Nellie R. Steven's Holly

### Acceptable

Eastern Red Cedar  
Japanese Black Pine

## SHRUBS

### Highly Recommended

Anthony Waterer Spirea  
Bar Harbor  
Buffalo Juniper  
Burford Holly  
Burning Bush  
Carissa Holly  
Genezio  
Chinese Holly  
Chinese Variegated Privet  
Dwarf Burford Holly  
Dwarf Crape Myrtle  
Dwarf Yaupon Holly  
Elaeagnus  
Fragrant Sumac  
Glossy Abelia  
Honeysuckle Bush  
Indian Hawthorn  
Manonia  
Mary Nell Holly  
Nandina  
NRS Holly  
Savannah Holly  
Sea Green Juniper  
Tam Juniper  
Wilson Holly

### Acceptable

Agarito  
Photina  
Texas Barberry

**GROUND COVER/VINES**

Highly Recommended

Asian Jasmine  
Boston Ivy  
Carolina Jessamine  
Coral Honeysuckle  
English Ivy  
Hall's Honeysuckle  
Liriope  
Mondo Grass  
Sweet Autumn Clematis  
Trailing Euonymous  
Trumpet Vine  
Virginia Creeper

Acceptable

Ajuga

**TURF GRASSES**

Bermuda Grass  
St. Augustine  
Winter Rye Grass (Overseed only)

Acceptable

Fescue

**ORNAMENTAL  
GRASSES/ACCENT PLANTS**

Highly Recommended

Maidengrass  
Oakleaf Hydrangea  
Red Yucca

Acceptable

Holly Fern  
Pampas Grass

SUNOFFICIAL

## **LIGHTING (Exterior)**

- All exterior lighting must be screened and aimed so as not to “glare” into or reflect towards your neighbors’ residence.
- Flood lighting shall be screened or shielded
- No permanent colored lights allowed.
- 150w max floodlights.

## **SUBMITTAL REQUIREMENTS**

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

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## **OUTDOOR FIREPLACE AND BARBEQUE PITS**

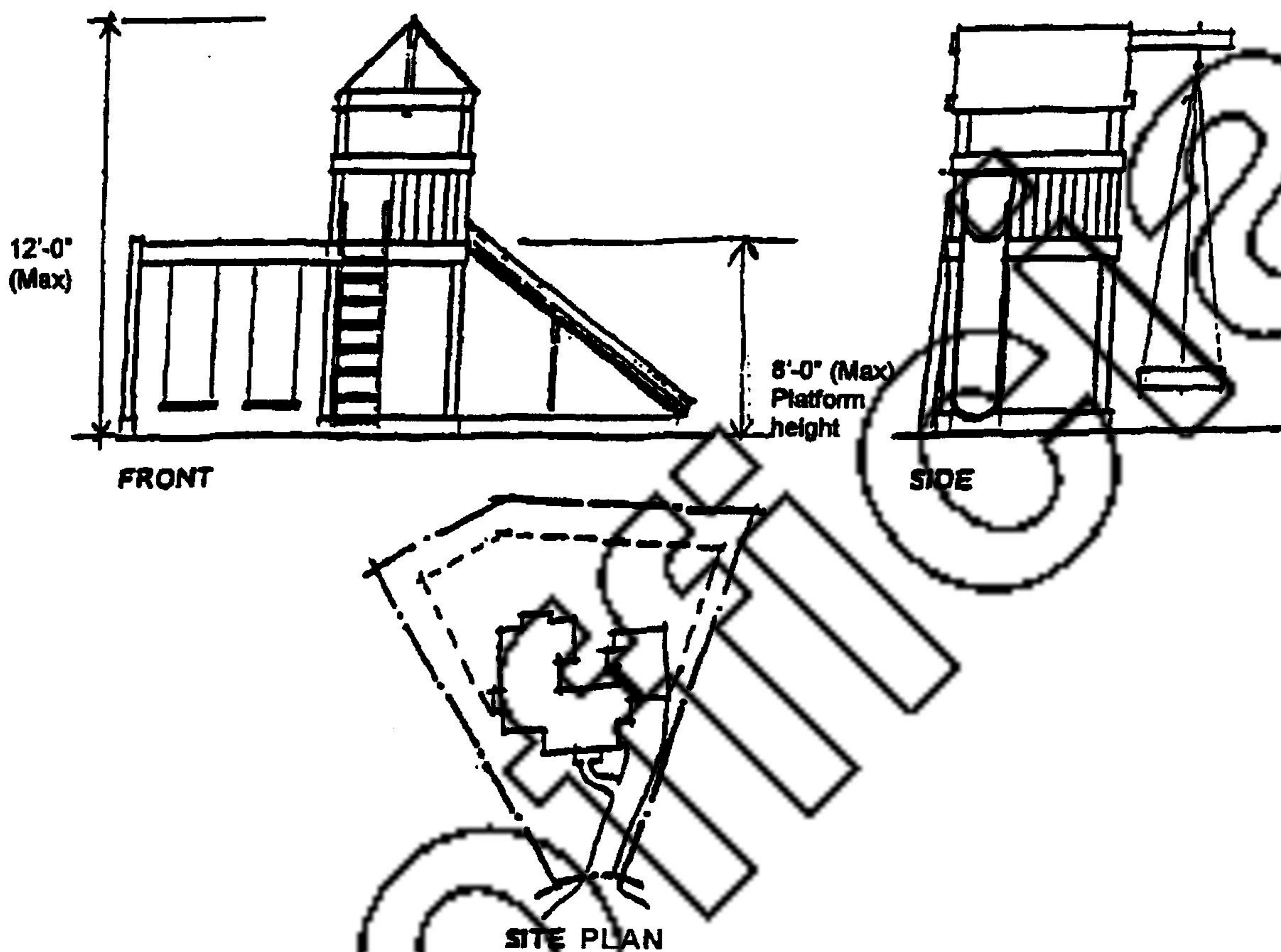
- Outdoor fireplaces and barbeque pits shall be finished with masonry that blends with that on the house. Brick shall match the house brick blend.
- Fireplace and pits shall be located in the side or rear yards only, within the setback established for the house and not closer than 15' to any rear yard. They may not encroach any easement.
- The fireplace or pit shall not alter the existing drainage pattern.
- The maximum height, excluding chimneys, shall not exceed 6'. Height of the chimney shall be as required for operation and code compliance.
- A spark arresting screen is required.

## **SUBMITTAL REQUIREMENTS**

- A site plan showing the location of the outdoor fireplace or barbeque pit and the distance to property lines.
- Description of materials and drawings showing dimensions of the structure.
- At the discretion of the ACC, a \$1000 deposit may be required for all lots adjacent to Association common property. Also, Insurance may be required.

## PLAY EQUIPMENT

- Play equipment shall not be taller than 12'.
- The platform height may be no higher than 8'.
- Play equipment is only allowed in the side and rear yards and must maintain a 10' setback from any property line.
- Awnings and/or coverings must be earth tone in color.
- Wood play structures must be of redwood or cedar and must be assembled and maintained. They should be stained/protected a natural color.
- No metal or plastic play equipment allowed.
- No bright colored play equipment allowed.

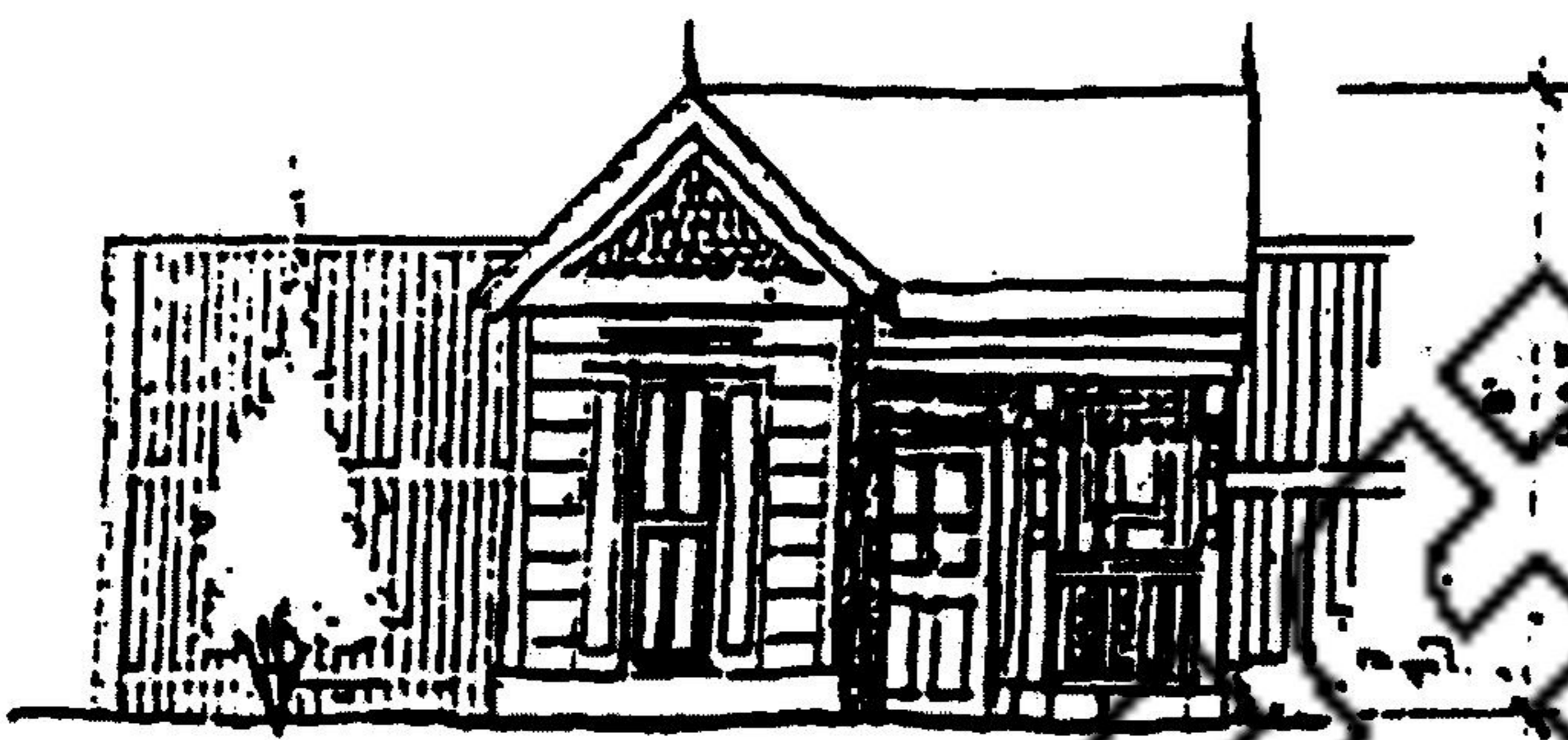


## SUBMITTAL REQUIREMENTS

- A description of the play equipment with its dimensions and colors (photographs where available).
- A site plan showing the location of the play equipment, adjacent buildings and property lines.
- At the discretion of the ACC, a \$1000 deposit may be required for all lots adjacent to Association common property. Also, Insurance may be required.

## PLAYHOUSES

- Playhouses must be located in side or rear yards and must be located behind a 6' privacy fence or otherwise screened.
- Tree playhouses are not permitted
- No electrical, plumbing or air conditioning may be installed in the interior or exterior of the playhouse.
- Playhouses must be of wood construction. Plastic playhouses are not allowed. Playhouses without foundations (i.e. Li'l Tikes, Step2, etc.) are considered toys.
- Playhouses must be painted to match or complement the house.
- Playhouse roofing shall match or complement that of the house.
- The playhouse shall be no taller than 9' at its tallest point and shall not exceed 75 square feet in size.
- Playhouse must have a minimum of 10' clearance from any structure or fence.
- Only one playhouse is allowed per lot and is not allowed on a lot that already has a gazebo or storage shed.



ELEVATIONS



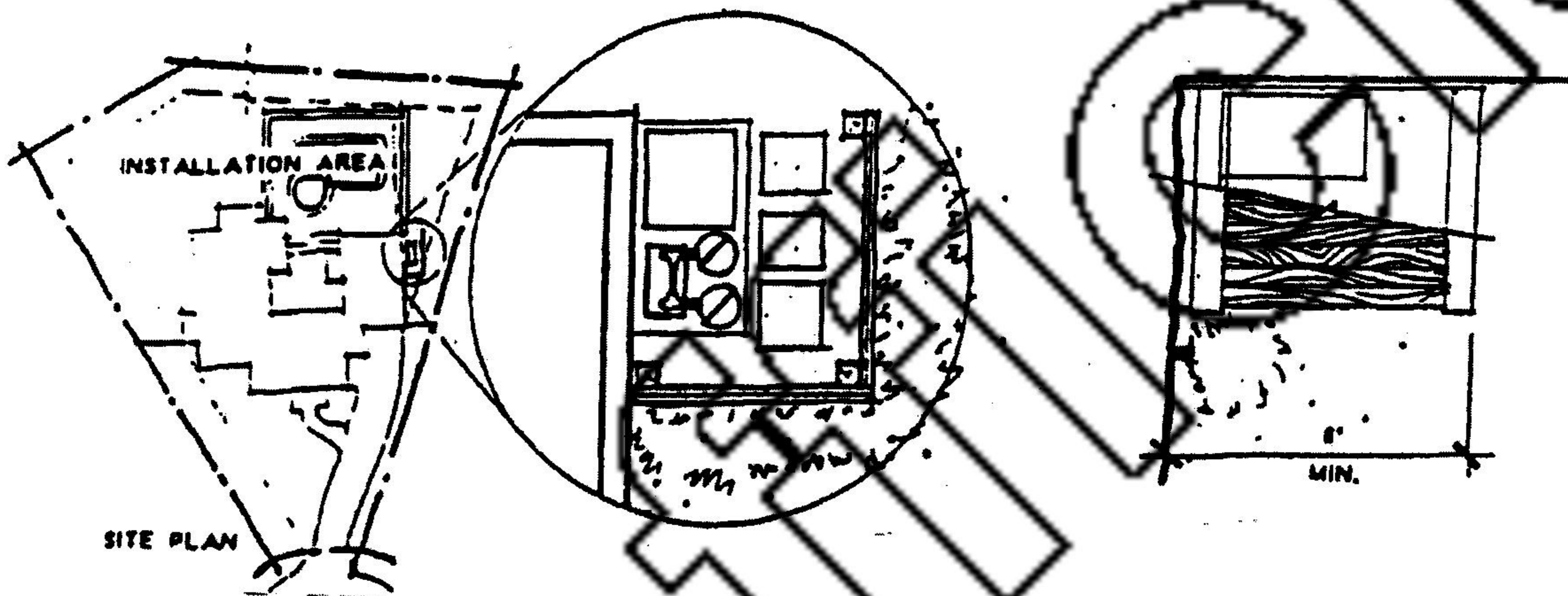
SITE PLAN

## SUBMITTAL REQUIREMENTS

- A description of the playhouse with its dimensions and color (i.e. photographs, drawings and color samples).
- A site plan showing the location of the playhouse, adjacent buildings and property lines.
- At the discretion of the ACC, a \$1000 deposit may be required for all lots adjacent to Association common property. Also, Insurance may be required.

## POOLS/POOL EQUIPMENT

- All swimming pools and associated decks shall be located in the side and rear yards. They may not be located in easements or within 5' of any property line.
- Pool equipment must be fully screen on all sides with a 6' cedar privacy fence and located adjacent to the house unless otherwise specifically approved by the ACC.
- Above ground pools, masonry block, vinyl lined and low hung vinyl lined pools are not allowed.
- Construction access must be across the applicant's property and approved prior to commencement of any work. Excess soil must be removed to an approved waste disposal site.
- Pneumatic pool enclosures are not permitted.
- Pool overflow may not be directed onto adjacent properties.
- All improvements (pools, pool decking, retaining walls, landscaping, etc.) shall be installed in such a manner that the drainage across adjacent properties is not altered or impaired in any way.



## SUBMITTAL REQUIREMENTS

- A site/grading plan showing the proposed pool, construction access, drainage, decking, fencing, existing structures and property lines.
- The location and description of all mechanical equipment, lighting, etc., and type of screening to be provided.
- Construction plans drawn to scale.
- At the discretion of the ACC, a \$1000 deposit may be required for all lots adjacent to Association common property. Also, Insurance may be required.

## **RETAINING WALLS**

- Retaining walls shall be masonry construction (stone or brick of the same blend used on the house).
- Retaining walls shall be limited to 4' in height unless it can be shown that side conditions justify a taller wall.
- Retaining walls 4' and taller must be designed by a licensed Professional Engineer in the State of Texas.
- Retaining walls shall not alter or impair the drainage across adjacent properties.
- Retaining walls of wood, railroad ties and the like are not allowed.

## **SUBMITTAL REQUIREMENTS**

- Scaled site plan showing location of wall, height, finished elevation (top and bottom) and resulting drainage patterns. If required, sealed engineering plans.
- Materials (i.e. brick or stone) samples or photographs.
- At the discretion of the ACC, a \$1000 deposit may be required for all lots adjacent to Association common property. Also, Insurance may be required.

## **SATELLITE DISHES**

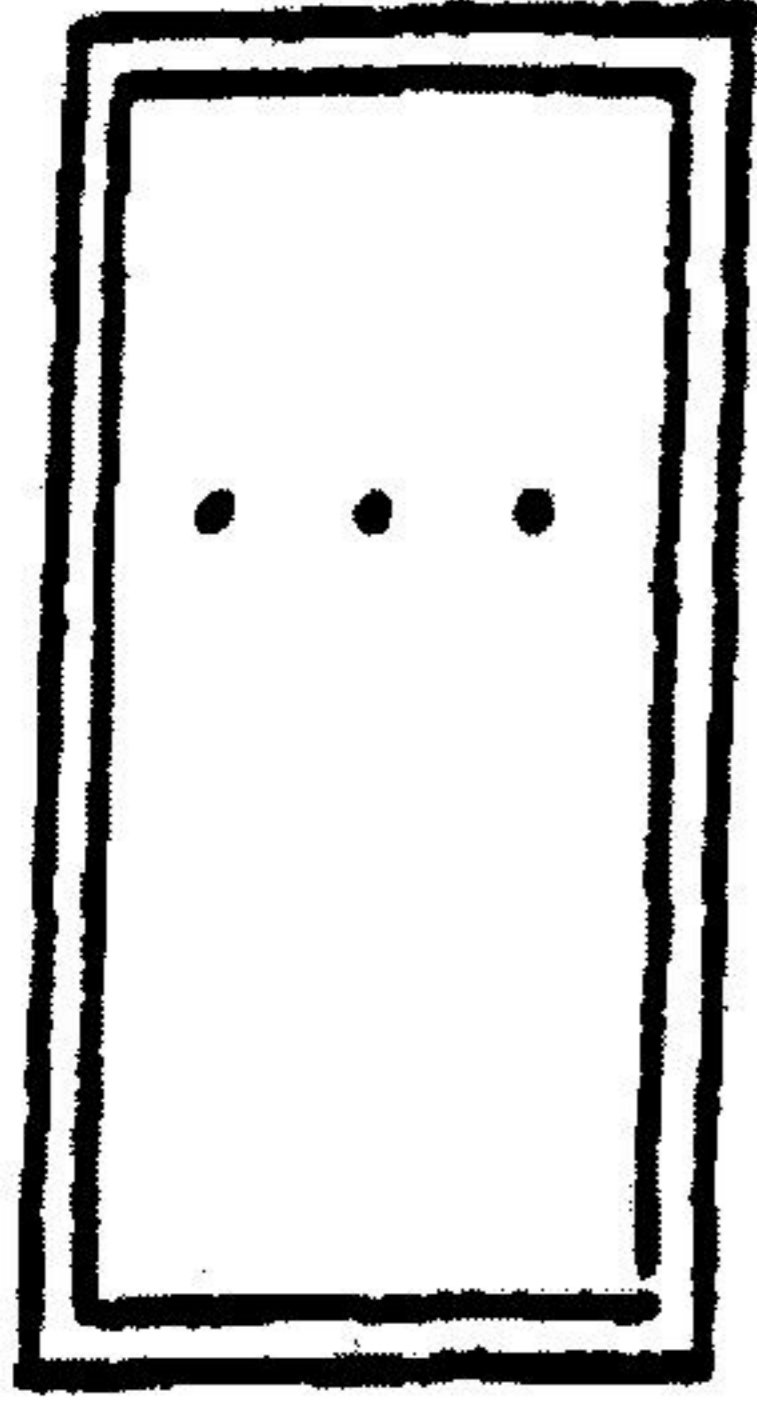
- The diameter of the dish is not to exceed 39 inches.
- The color of the dish shall be bronze, dark gray, dark green or black. Other colors may be used provided the color of the dish blends with the color of the surface the dish is to be mounted on.
- The placement of the dish shall be in the least obtrusive location, preferably in the rear or side yards behind the primary front elevation of the house.
- Dishes should not be placed in prominent visual locations such as on top of a chimney, fence, balcony, railing or roof ridge and may not be located on surfaces that directly faces the street.
- Dishes may not encroach upon any public right-of-way, common area or an adjacent property.
- Variances to these restrictions may be granted by the ACC provided the property owner can provide evidence that the above restrictions would impair reception of an acceptable quality signal, cause an unreasonable increase in cost of installation, access or maintenance of the device or would cause a legitimate safety concern.

## **SUBMITTAL REQUIREMENTS**

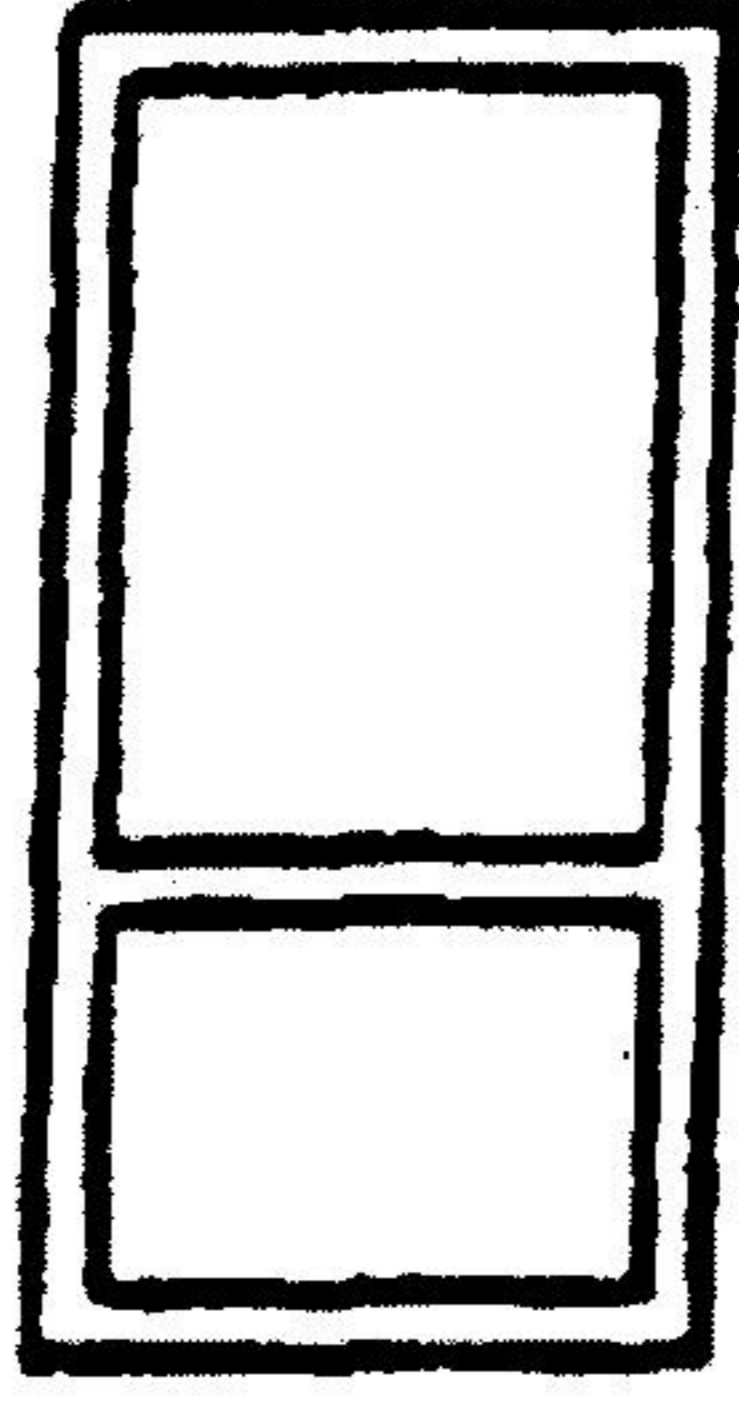
- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## SCREEN AND STORM DOORS

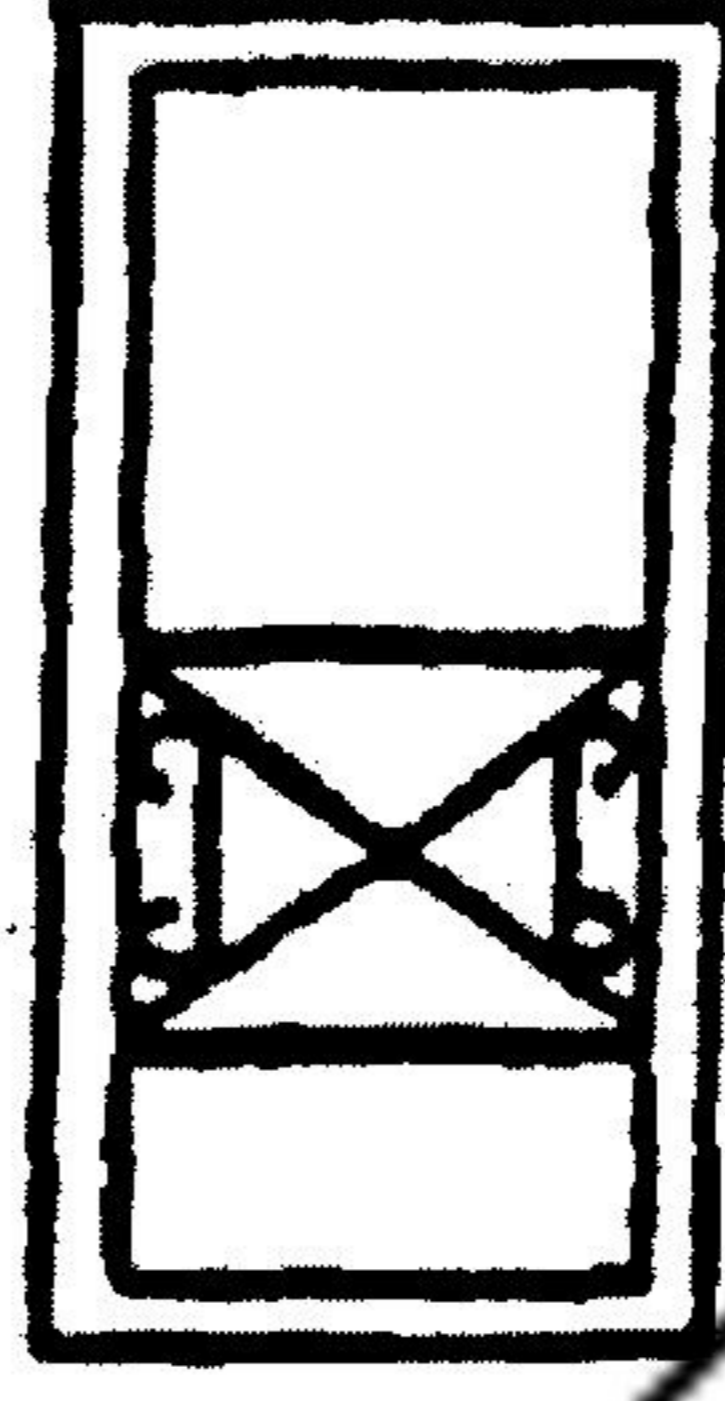
- Screen and storm doors located in the front of the house must be full view. Other styles are acceptable for the rear door.
- Screen and storm doors shall have a 9" maximum wide frame, which shall be finished to match or complement the window mullions or the house trim.
- Storm doors shall have transparent glass. There shall be no cross members or ornamentation.
- Screen doors shall have a screen mesh with an even transparent look.



**Acceptable**



**Not Acceptable**



**Not Acceptable**



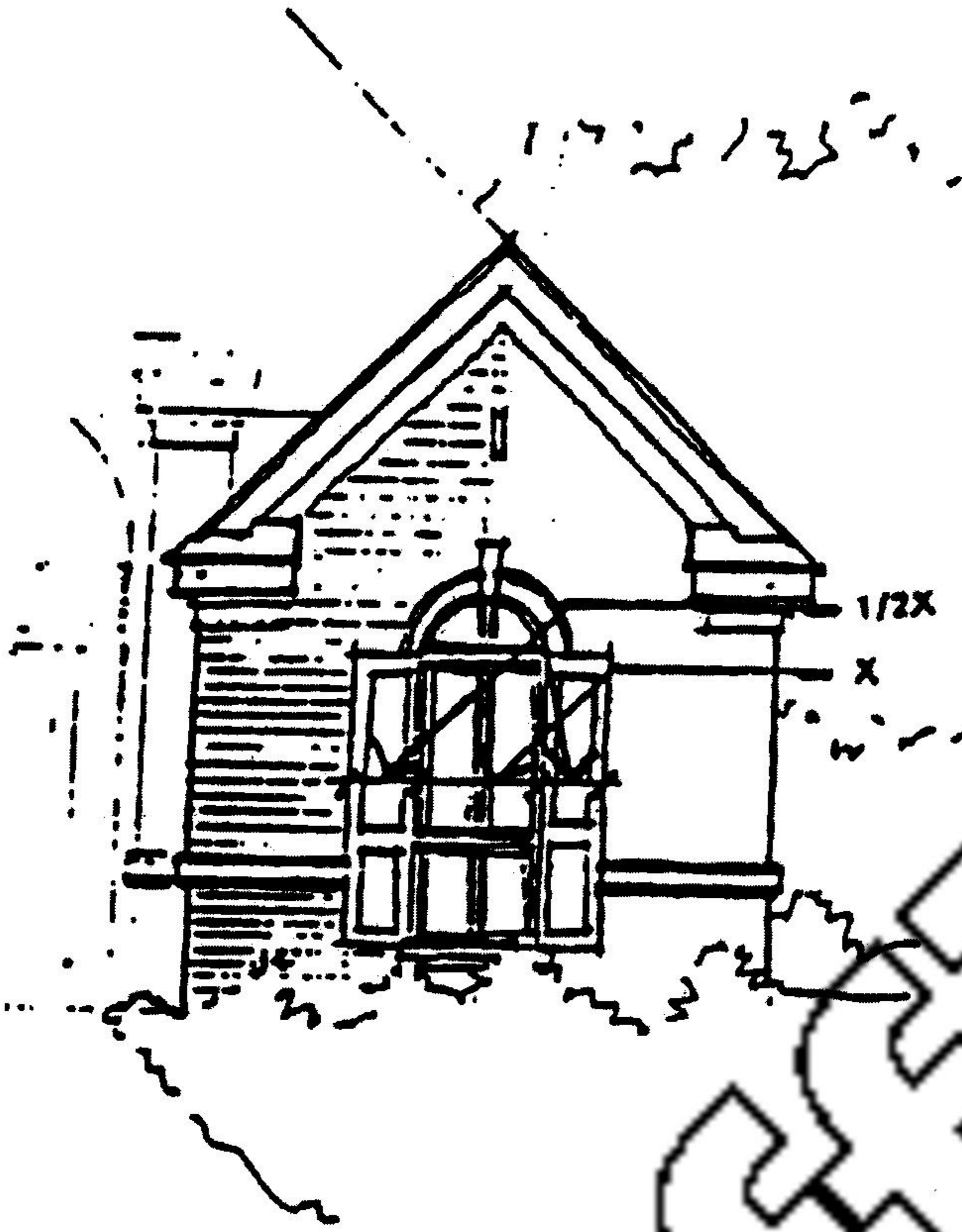
**Not Acceptable**

## SUBMITTAL REQUIREMENTS

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## SHUTTERS

- Shutters shall be half the width of the adjacent window (i.e. 3' x 6' window equals 1'-6" x 6' shutter). The intent is to provide for a visually operable shutter.
- Shutters shall be painted to match or complement the existing home.
- Windows wider than 4' will typically not be allowed to have shutters.



## SUBMITTAL REQUIREMENTS

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## **SPORT COURTS**

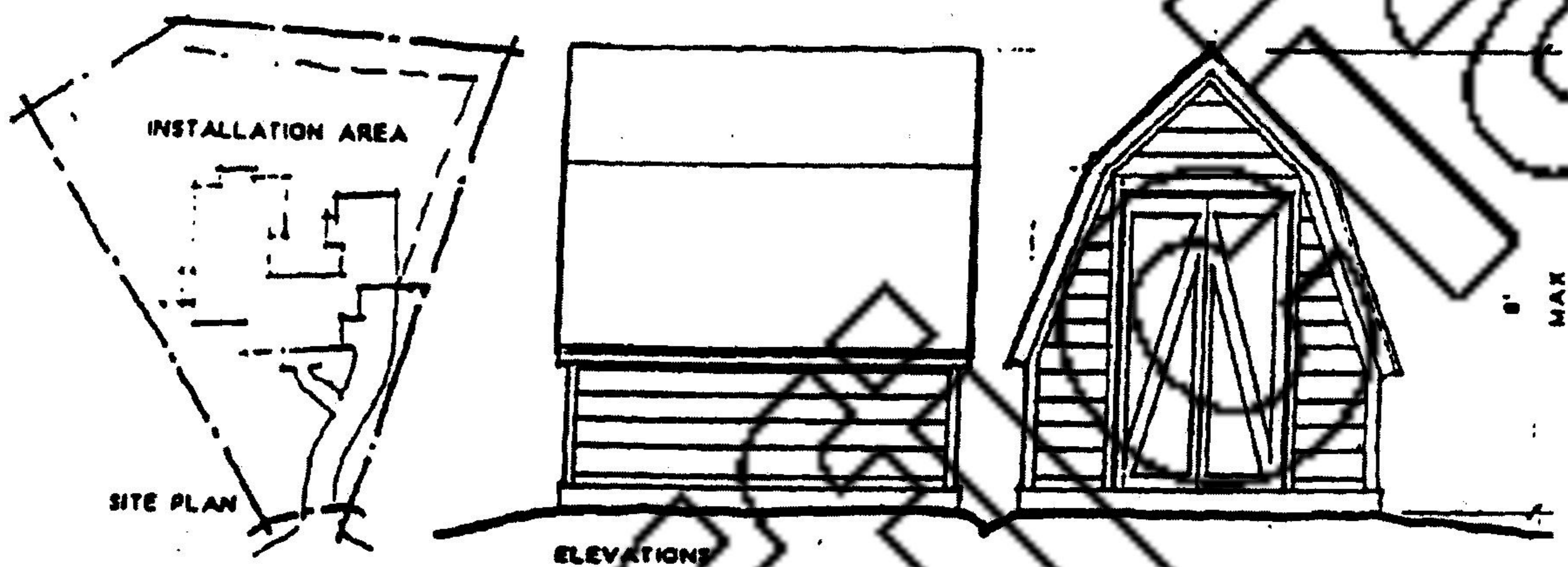
- Sport courts are confined to the rear yard only.
- Sport courts cannot be lighted unless specifically approved by the ACC.
- Sport courts shall not alter the existing drainage patterns.
- Sport courts may require screening if adjacent to open space.

## **SUBMITTAL REQUIREMENTS**

- Site plan showing proposed court in relation to existing structures, fences, setbacks, etc.
- At the discretion of the ACC, a \$1000 deposit may be required for all lots adjacent to Association common property. Also, Insurance may be required.

## STORAGE SHEDS

- Storage sheds must be located behind a 6' privacy fence and shall not extend above the fence such that they are visible from any public street, alley or adjacent lot when standing at ground level.
- Storage sheds must be freestanding.
- Storage sheds shall have a maximum square footage of 85 square feet.
- Plastic and metal storage sheds are not allowed
- Storage sheds shall be made of wood and/or masonry construction with finish and color to match or complement that of the house.
- Only one storage shed is allowed per lot and is not allowed on a lot that already has a gazebo or playhouse.
- Storage shed roofing must match or complement that of the house.
- Storage structures must have a 5' minimum clearance from any fence or property line.



## SUBMITTAL REQUIREMENTS

- A site plan showing the location of the shed, existing structures and property lines.
- A construction drawing showing dimensions of the shed.
- A description of materials and color for the shed and those of the house.
- At the discretion of the ACC, a \$1000 deposit may be required for all lots adjacent to Association common property. Also, Insurance may be required.

## **SUNSCREENS**

- Sunscreens shall be integral to the window or the screen.
- Visible light reflection shall not be more than 35%.
- The product shall be warranted for adhesion and anti-fogging.
- Windows of each elevation shall be consistent in appearance.
- If delaminating occurs, corrective action shall be taken by the homeowner.

## **SUBMITTAL REQUIREMENTS**

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

## **TRASH CONTAINERS**

- Trash containers should be stored in the garage or backyard.
- Trash containers may be stored on the side of the house as long as they are screened from view by a landscape barrier.
- Any landscape barrier must be a minimum of 5' behind the front building line of both the owner's house and the adjacent neighbor's house, whichever is greater. Examples of landscape barriers are large shrubs, bushes, or a wood trellis covered in vine.
- Trash containers shall not be left in the driveway and should be stored within 24 hours after trash pickup.

## **SUBMITTAL REQUIREMENTS**

- A Site Plan showing location of trash containers and screening, existing structures and property lines.
- A Construction Drawing showing the dimensions of the screening, a description of the screening materials, plantings and colors
- If there are questions with the interpretation of the above guidelines, please contact the management company.

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## **VEGETABLE GARDENS**

- Vegetable gardens must be located in the rear yard only.
- The size of the garden shall not exceed 144 square feet.
- The garden must be screened from common areas with a fence or ornamental landscaping.
- Shall not impede lot drainage nor produce offensive smells.

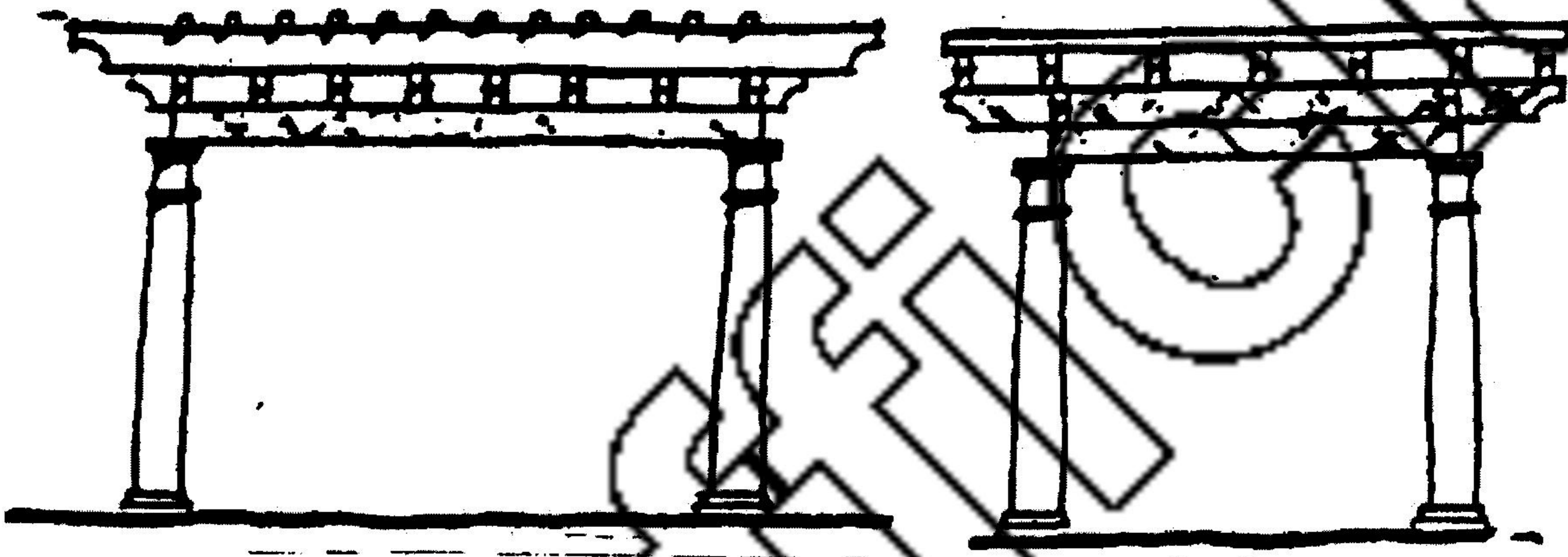
## **SUBMITTAL REQUIREMENTS**

- None provided you comply with the above guidelines.
- If there are questions with the interpretation of the above guidelines, please contact the management company.

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## TRELLISES/ARBORS

- Trellises/arbors shall be attractive in appearance without an excess of detail ornamentation.
- Trellises/arbors shall be of cedar, redwood or other material approved by the ACC.
- If painted or stained, the trellis/arbor shall coordinate and complement the colors of the house.
- Overall height of the trellis shall not exceed 12'.
- Trellises/arbors may be attached to the house or free standing.
- Trellises/arbors should not exceed 144 square feet in size. Larger sizes may be approved on a case by case basis.
- Trellises/arbors shall be located in the side or rear yards.
- Trellises/arbors should have a 10' setback from any property line but may extend to the edge of the house.
- Freestanding trellises/arbors must have a 10' clearance from any other structure.
- Only one arbor/trellis is allowed per lot.
- Construction shall not alter the existing drainage patterns.



## SUBMITTAL REQUIREMENTS

- A set of plans (floor plan, elevations, roof plan) drawn to scale which adequately describe the construction proposed.
- Proposed exterior color and material.
- A site plan showing the location of the existing and proposed structures and property lines.
- At the discretion of the ACC, a \$1000 deposit may be required for all lots adjacent to Association common property. Also, Insurance may be required.

## Definition of Terms

ACC – Architectural Control Committee

Association – McKinney Virginia Parklands Homeowners' Association, Inc.

Building Project or Project – The total scheme of improvement constructed or proposed to be constructed upon any site.

Building Setback – The areas, defined in these guidelines and/or on the subdivision plat measured from the property line to any structure, which areas shall be unobstructed by structures from the ground upward, but which may include surface driveway areas or other similar surface improvements.

City – Any official, agency, or body of the government of the City of McKinney, TX.

CC&Rs – All covenants, conditions, restrictions, easements, charges and liens set forth within the Declaration of Covenants, Conditions and Restrictions for Virginia Parklands recorded in Volume 5478, Page 5600, et seq. of the Official Property Records of Collin County, Texas, as amended.

Declarant – Person or entity making the CC&Rs

Earth Tone Color – Brown, black, blue or green or derivatives thereof (i.e. beige, tan, gray, etc.). Reds, yellows and derivatives thereof (i.e. orange, purple, pink, etc.) are not considered earth tone colors. White is not considered an earth tone color for the purposes of these guidelines.

Front Yard – The yard area adjacent to the front façade of the house

Guidelines – These Design Guidelines

Person – A natural person, a corporation, a partnership, trustee or other legal entity.

Property Owner or Owner – The holder(s) of record title to the fee simple interest of any Lot whether or not the holder(s) actually reside on any part of the lot.

Rear Yard – The yard area adjacent to the rear façade of the house

Site – Each of the lots described upon any recorded plat of the property encumbered by the Declaration or any portion thereof, except the Common Area.

Take Action – Approving, approving with conditions, deferring or continuing the submission (with or without a request for resubmission) or disapproving a specific submission, by a Property Owner.

**EXHIBIT B**

Those tracts and parcels of real property located in the City of McKinney, Collin County, Texas and more particularly described as follows:

**All lots and tracts of land situated in Virginia Parklands, an Addition to the City of McKinney, Collin County, Texas, according to the Plat thereof recorded in Volume P, Page 326, of the Map/Plat Records, Collin County, Texas.**

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Unofficial

Filed and Recorded  
Official Public Records  
Stacey Kemp  
Collin County, TEXAS  
12/20/2007 09:22:09 AM  
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*Stacey Kemp*