

Montgomery Ridge Phase 1 Architectural Control Guidelines for Homeowners

Revision 1.0

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Revision History

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1 SCOPE

1.1 Purpose of Document

The intent of this document is to highlight the Covenants, Conventions and Restrictions (CC&Rs) for some of the more common ARC requests received. In cases where the CC&Rs do not address a specific request this document attempts to provide additional details.

This document only deals with a subset of the CC&Rs and is not intended all-inclusive or to supersede the CC&Rs or Design guidelines.

1.2 Reference Documents

Document Name	Revision	Date
Declaration of Covenants, Conditions and Restrictions for Montgomery Ridge AW-8270 #5940569	V11	4/22/2015
Montgomery Ridge, Phase 1 in Allen, Texas Design Guidelines AW-8270 #5809157	-	10/12/2014

2 ARCHITECTURAL CONTROLS

2.1 Conditions of Architectural Review Committee (ARC) approval

2.1.1 Article VI of CCR's

In general, any improvement or modification to the exterior of the building or on the lot requires ARC approval. ¹

If you are repairing or replacing worn out or damaged improvements and the repair or replacement is substantially similar to what was previously approved by ARC, then ARC approval is not necessary. ²

Improvements to the interior of the dwelling generally do not require ARC approval. ³

Painting or re-bricking of the exterior with the same color and design as originally constructed by Declarant or in accordance with the color and design scheme approved by the ARC when the Dwelling was originally constructed does not require ARC approval. ⁴

When in doubt, it is best to submit an ARC request.

¹ Montgomery Ridge CC&Rs Section 6.2

² Montgomery Ridge CC&Rs Section 6.2

³ Montgomery Ridge CC&Rs Section 6.2(b)

⁴ Montgomery Ridge CC&Rs Section 6.2(c)

2.2 Plan Review

2.2.1 Timing of Review and Response

Once a request containing all necessary plans and information (refer to paragraph 2.2.3.1) has been received, ARC will generally respond within 30 days. Requests for additional information will delay a decision. It is the responsibility of the owner to verify that the ARC has received its request for review and whether approval has been given by ARC.

The Best way to submit a request is to use the FSR portal. It is important to provide all the information requested in order to avoid unnecessary delays. Currently, the approval process is slow so requests that do not have sufficient information for ARC to make a decision will result in requests for information resulting in delayed decisions.

According to the CCR's if ARC fails to issue its approval within 30 days, it deems the request disapproved.⁵ If this happens, more than likely it is due to missing information, or unanswered requests for information. We want to work with the homeowner to deliver a decision in as timely a manner as possible.

It is the responsibility of the Owner seeking approval from the ARC to verify that the ARC has received its request for review and whether approval has been given by the ARC.

2.2.2 Approval Considerations

The proposed Improvements will be approved if, in the sole opinion of the ARC: (i) the Improvements will be of an architectural style, quality, color and material that are aesthetically compatible with the existing Improvements within the Property; (ii) the Improvements will not violate any term herein or in the Design Guidelines; and (iii) the Improvements will not have an adverse impact on the Property.⁶

Decisions of the ARC may be based on purely aesthetic considerations. The ARC shall have the authority to make final, conclusive and binding determinations on matters of aesthetic judgment and such determination shall not be subject to review so long as the determination is made in good faith and in accordance with the procedures set forth herein.⁷

Each Owner acknowledges that opinions on aesthetic matters are subjective, and opinions may vary as to the desirability and/or attractiveness of particular improvements and as the ARC and its members change over time.⁸

In general, the following are some of the questions considered when evaluating an ARC request:

- Does it add value?
- Does it detract from value?
- Is it an eyesore?
- Is it consistent with the house?
- Is it consistent with the neighborhood?
- If everyone made a similar modification, would we be okay with it?

⁵ Montgomery Ridge CC&Rs Section 6.6(a)

⁶ Montgomery Ridge CC&Rs Section 6.6(b)

⁷ Montgomery Ridge CC&Rs Section 6.6(b)

⁸ Montgomery Ridge CC&Rs Section 6.6(b)

2.2.3 Submission of Plans

The homeowner will submit to the ARC a complete set of plans and specifications for the proposed Improvements or alterations, including site plans, landscape plans, exterior elevations, specifications of materials and exterior colors, and any other information deemed necessary by the ARC for the performance of its function. Pictures of the changes are also helpful.⁹

In addition, the Owner will submit the identity of the individual(s) or company(ies) intended to perform the work and projected commencement and completion dates.¹⁰

2.2.3.1 Submission Plans

Final plans, specifications and surveys shall be submitted in triplicate to the ARC for review. At a minimum, this submittal must include:¹¹

1. Site Plan (drawn to a scale of not less than 1" = 20'-0") showing:
 - a. Dimensioned footprint of all proposed structures on the lot
 - b. All front, side and rear building lines and all easements
 - c. Any site enhancement such as retaining or screening walls, swimming pools and equipment, fencing, driveways, sidewalks, etc.
 - d. Utility connections, electric and gas meter locations, mailbox location and A/C condensing unit locations
 - e. North arrow, Lot and Block numbers, street address.
2. Floor Plan(s) (drawn to a scale of not less than 1/8" = 1'-0"):
 - a. Include ACSF and gross area under roof; and
 - b. Include all window locations and window sizes.
3. Roof Plan (drawn to a scale of not less than 1/8" = 1'-0") with north arrow showing:
 - a. All roof pitches and plat heights identified.
4. Exterior elevations (drawn to a scale of not less than 1/8" = 1'-0") with roof pitch and all exterior materials accurately and clearly identified, including plat heights.
5. Submit a detailed list of the proposed exterior finish material and color selections. The ARC shall approve all exterior materials and colors, including the combination of said materials.
6. Landscape Plans (drawn at a scale of not less than 1" = 20'-0") including size, type, location and quantity of plants and all tree species, size, and locations; and location, height and material of proposed fencing or screening.
7. Location, height (top and bottom of wall elevations) and materials of existing and proposed retaining walls.
8. Swimming pool plans (if applicable) and plans for any other exterior Enhancement.

2.2.4 Timing of Completion of Approved Items

All Improvements approved by the ARC shall be completed within one (1) year after the approval by the ARC or such shorter period that the ARC may specify in the notice of approval, unless the completion is delayed due to causes beyond the reasonable control of the Owner, as determined by the ARC.¹²

⁹ Montgomery Ridge CC&Rs Section 6.5

¹⁰ Montgomery Ridge CC&Rs Section 6.5

¹¹ Montgomery Ridge Design Guidelines Section 3.B

¹² Montgomery Ridge CC&Rs Section 6.7

2.2.5 Improvements Impact on Drainage

With respect to any Improvements construction or placed on a Lot or Land and/or any alterations to the grade of a yard, the Owner shall take proper precautions to insure that such Improvements and grade changes do not cause the surface water drainage on the Lot or Land to (a) drain onto an adjoining Lot or Land in an amount more than the drainage amount prior to the Improvement or alteration, or (b) collect near the foundation of the Dwelling.¹³

The Owner is responsible for taking the necessary actions in order to avoid any surface water drainage problems, including, without limitation, engaging the services of a qualified consultant.¹⁴

3 USE RESTRICTIONS AND COVENANTS

3.1 Fences

3.1.1 Specified Fencing

3.1.1.1 Rear Entry Lots

Fencing shall be approved tubular steel at all areas with the exception of:

- a) Wood capped section will be installed on the property line adjacent to the side patio/courtyard in a length equal to that of the patio/courtyard concrete pad.¹⁵

3.1.1.2 Front entry Lots

Standard lots will have board on board with top cap at all appropriate areas.¹⁶

3.1.1.3 Corner Lots

All fences on corner lots shall be constructed no closer to the street than the side yard setback. All corner lot fencing exposed to the street or an alley shall be approved tubular steel fencing.¹⁷

3.1.2 Type of fencing

3.1.2.1 Wood

Wood fences shall be constructed of 6' cedar Board on Board with top cap.¹⁸

Fence posts and bracing boards shall face the interior of the fenced yard.¹⁹

The top of all fences shall be horizontally level, with grade changes stepped up or down a minimum of 6" as the grade changes.²⁰

Stain color is "medium brown". Other fence colors need to be approved by ARC.²¹

¹³ Montgomery Ridge CC&Rs Section 6.8

¹⁴ Montgomery Ridge CC&Rs Section 6.8

¹⁵ Montgomery Ridge Design Guidelines Section 7.A.(1)

¹⁶ Montgomery Ridge Design Guidelines Section 7.A.(2)

¹⁷ Montgomery Ridge Design Guidelines Section 7.A.(5)

¹⁸ Montgomery Ridge Design Guidelines Section 7.A.(4)

¹⁹ Montgomery Ridge CC&Rs Section 7.2(a)

²⁰ Montgomery Ridge Design Guidelines Section 7.C

²¹ Montgomery Ridge Design Guidelines Section 7.A.(3)

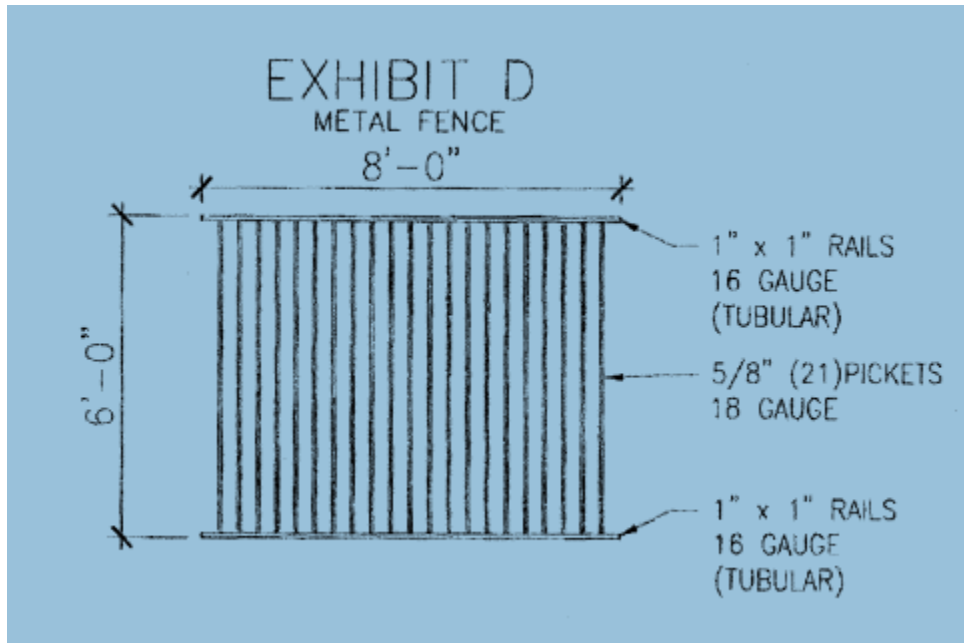
Chestnut Brown from Thompson Water Seal is an acceptable color.

3.1.2.2 Metal

Metal fences shall be constructed as shown in Exhibit "D".²²

The fence shall be painted black. Modifications or additions to the fence shall be painted black.

Any modifications to the fence, including the addition of hardware cloth (refer to se3.1.5 (i.e. "rabbit" fencing) requires ARC approval before installation.



3.1.3 Location

Fences should not be placed nearer to the street than the front of the building.²³

3.1.4 Maintenance

The homeowner is expected to maintain the portion of fencing on their lot in a presentable condition and make all repairs or replacements as necessary or deemed necessary by the HOA Board.²⁴

Many fences are shared, and ARC encourages the homeowners to share the cost of any such maintenance.²⁵

No fencing may be changed or modified without ARC approval.²⁶ Minor repairs, maintenance and re-staining with the same color or close substitute color does not generally, require ARC approval.

²² Montgomery Ridge Design Guidelines Section 7.D

²³ Montgomery Ridge CC&Rs Section 7.4(b)

²⁴ Montgomery Ridge CC&Rs Section 7.4(c)

²⁵ Montgomery Ridge CC&Rs Section 7.4(e)

²⁶ Montgomery Ridge CC&Rs Section 7.4(d)

3.1.5 Hardware Cloth

Hardware cloth (Rabbit fencing, mesh, etc.) is the term used to describe the type of screening material being used along metal fences, generally to keep small animals from entering/exiting through the fence. Installation of hardware cloth requires ARC approval.

The hardware cloth should meet the following criteria:

1. Shall be black PVC-coated steel square mesh
2. Mesh shall have a minimum 1-inch by 1-inch rectangular grid.
3. Shall be no more than 36-inches tall.
4. Shall be installed on the inside of the fence at ground level using black fasteners so that they are not visible from the street.

Another option would be to add more square metal tubing in between existing fence (i.e. puppy bars/guard) up to 36 inches. New fence addition must be maintained, neat and level throughout.



Figure 1 Example of fence with “puppy guard.”

3.1.6 Privacy Screening

ARC has received many requests to attach wood privacy screens to existing metal fencing fully enclosing the yard. There has been a lot of discussion as to whether this should be allowed at all. Many requests were approved during the builder administration of ARC in contradiction of the CCR’s.

The use and location of metal fences is determined by the Design Guidelines. Adding a wood privacy screen defeats the purpose and aesthetics of the neighborhood and is discouraged. Adding a privacy fence requires ARC approval.

Please note that prior approval of a privacy screen does not imply that approval will be provided for future requests.

3.2 Outbuildings, Sheds and Detached Buildings

All outbuildings, sheds and detached buildings must be Located within the backyard with a fence that encloses it.²⁷

Walls should not be greater than 8 feet in height.²⁸ Total height (including roof) should not be greater than 10 feet.²⁹ The unit should not have greater than 200 square feet of floor space.³⁰

The unit should be compatible with the dwelling in terms of design and material composition.³¹ The unit should be built of brick or wood construction. No sheet metal or plastic.

The unit's exterior paint and roof should be consistent with existing paint and roof of the dwelling.³²

3.3 Trash Containers

Trash containers cannot be visible from the street when viewed from the front of the dwelling, except on trash pickup day.³³

Materials incident to construction of Improvements may be temporarily stored on Lots during construction.³⁴

For front entry dwellings, the homeowner can pour a concrete pad along the side of the dwelling, but the fence/screen cannot extend beyond the front of the house.³⁵ Installation of a screen and/or pouring the concrete pad requires ARC approval.

For rear entry dwellings, the trash cans should be stored next to the dwelling so that they are out of sight when looking down the alley.

It is preferred that screens be made of 6' cedar, board-on-board with a top cap, keeping in line with others in the neighborhood. The screen needs to be large enough to hide garbage cans when viewed from the front of the dwelling. Other options may be considered by ARC on a case-by-case basis.

²⁷ Montgomery Ridge CC&Rs Section 7.6(d)

²⁸ Montgomery Ridge CC&Rs Section 7.6(e)

²⁹ Montgomery Ridge CC&Rs Section 7.6(f)

³⁰ Montgomery Ridge CC&Rs Section 7.6(g)

³¹ Montgomery Ridge CC&Rs Section 7.6(b)

³² Montgomery Ridge CC&Rs Section 7.6 c

³³ Montgomery Ridge CC&Rs Section 7.9

³⁴ Montgomery Ridge CC&Rs Section 7.9

³⁵ Montgomery Ridge CC&Rs Section 7.4(i)

3.4 Antenna and Satellite Dishes

No more than one (1) antenna of each provider of over-the-air video programming signals by TVBS (TV Broadcast System) or DBS (Direct Broadcast Satellite) may be installed by an Owner at any one time. ³⁶

The satellite dish or antenna shall be 1 meter or less in diameter. ³⁷

To the extent that reception of an acceptable signal would not be impaired, and the cost of installation would not be unreasonably increased, an antenna permissible pursuant to rules of the Association may only be installed in a side or rear yard location, not visible from the street or Common Areas, and integrated with the dwelling and surrounding landscape.³⁸

3.5 Solar Panels

Rooftop solar panels may be permitted with the sole approval of the ARC. If permitted, the panels shall be incorporated into the roofline and placed to not be visible from any street or Common Areas. ³⁹ This is interpreted to mean that solar panels should not be placed on the front facing portion of the roof.

The ARC will review placement of the panels to minimize views from adjoining Lots. Any approval granted by the ARC, does not imply a precedent or grant a variance in any other case. ⁴⁰

3.6 Landscaping

3.6.1 Front Yard

Front yards shall contain sod in all lawn areas. ⁴¹ Artificial turf is not acceptable.

Replacing sod in the entire yard requires ARC approval. Replacing small sections of sod is generally considered maintenance.

3.6.2 Side Yard

Side yards present a problem as it is difficult to grow grass along many of them. Replacing the sod with other materials such as mulch or gravel requires ARC approval. Any drainage work requires ARC approval. Note that any work done on the side yards requires care that the drainage is not adversely affected.

3.6.3 Ground Cover

Decorative ground cover rock (excluding flower beds and planters with mulch rather than rock) in the front and side yard of any Lot may not exceed 10% of the total area of the front and side yard. ⁴²

The use of ground cover rock such as gravel in the landscape should be limited to the side yard since the area of the side yard will likely exceed the 10% limit of Section 7.17 of the CC&Rs.

³⁶ Montgomery Ridge Design Guidelines 10.A

³⁷ Montgomery Ridge CC&Rs Section 7.11(a) & 7.11(b)

³⁸ Montgomery Ridge CC&Rs Section 7.11

³⁹ Montgomery Ridge Design Guidelines 10.B

⁴⁰ Montgomery Ridge Design Guidelines 10.B

⁴¹ Montgomery Ridge Design Guidelines 11

⁴² Montgomery Ridge CC&Rs Section 7.17

3.6.4 Trees

Absolutely no existing trees may be removed without the ARC's prior written approval.⁴³ This would include the replacement of one tree for another or removing dead, damaged or diseased trees.

Dead, damaged or diseased trees are expected to be replaced with the same tree type and caliper.

Adding a tree requires ARC approval. Refer to the list of approved trees in Section 4.

Regular maintenance of the tree, such as pruning, is expected and does not generally require ARC approval. Major pruning resulting in significant changes to the tree does require ARC approval.

3.6.5 Planter Boxes

The use of non-permanent planter boxes and pots in the landscape is under the discretion of the HOA Board.

Permanently installed planter boxes require ARC approval.

3.6.6 Landscaping Maintenance

All trees, grass and other landscaping located on any Lot must be properly maintained at all times by the Owner of such Lot in a trimmed, well-kept and clean condition, as determined by the HOA Board, in its sole and absolute discretion.⁴⁴

Each Owner of a Lot will keep all shrubs, trees, grass and plantings of every kind on his or her Lot cultivated, pruned, free of trash and other unsightly material. In addition, each Owner of a Lot shall on a regular basis remove weeds from the yard, including, without limitation, flower beds and planter areas.

⁴⁵

Changing out plants in an existing flower bed is generally considered maintenance and does not need ARC approval unless substantial changes are being made. In general, landscape maintenance is under the discretion of the HOA Board.

3.6.7 Landscape Borders

Use of landscape borders is not required. Installation of a border requires ARC approval.

The use of plastic edging materials, decorative fencing, cinder blocks or landscape timber is not acceptable.

Metal edging of flower beds is acceptable as long as it looks neat and clean. The use of metal edging around trees is discouraged. Building borders around trees is generally discouraged.

When installing a landscape border, native stone, or brick that matches the dwelling is acceptable. If using building bricks (i.e. bricks with holes) the holes should not be visible and a stone top cap is required.

Border walls shall be neat and level and have a finished look to it. It is preferred that brick and stone joints use mortar to keep them in place. All borders shall be well maintained, remain neat, straight, and level.

⁴³ Montgomery Ridge Design Guidelines 11

⁴⁴ Montgomery Ridge CC&Rs Section 7.17

⁴⁵ Montgomery Ridge CC&Rs Section 7.17

3.7 Garages and Driveways

All garages will be maintained for the storage of automobiles, and no garage may be enclosed or otherwise used for habitation. No carports are permitted on a Lot. ⁴⁶

The homeowner is expected to maintain the exterior of the garage door and periodically re-stain the door. ARC approval is not necessary if re-staining with the same color (or closely matched).

3.8 Lighting; Exterior Holiday Decorations

3.8.1 Exterior Lighting; Flood Lighting

The installation of exterior lighting, with the exception of holiday decoration lighting, requires ARC approval.

Flood lights and exterior lighting shall only be permitted if properly shielded from view by adjoining lots and operated by motion sensor. Flood lights are not permitted to be located on the front facade of any home. ⁴⁷

Homes with front entry garages may install one floodlight over the garage to illuminate the driveway. This requires ARC approval. It is the homeowner's responsibility to insure that the lights do not cause problems for pedestrians or passing vehicles. The HOA board reserves the right to have the homeowner re-align or replace the light if it determines that the lighting is causing issues to pedestrians or traffic.

3.8.2 Holiday Decorations

Any lights and decorations that are erected or displayed on a Lot (and are not permanently installed) in commemoration or celebration of publicly observed holidays may not be displayed more than six (6) weeks in advance of that specific holiday and must be removed within thirty (30) days after the holiday has ended. ⁴⁸ ARC approval is not required for this as it is subject to the discretion of the HOA Board.

3.8.3 Permanent Outdoor Lighting Systems

Permanent Outdoor lighting systems such as Jellyfish and Trimlight are acceptable as long as they are properly placed and shielded so they do not cast unwanted light on their neighbors' dwelling. ARC approval is required prior to installation.

3.8.4 Backyard Lights

DIY string lights that are installed in a non-permanent manner and for the purpose of ambiance lighting in the backyard, are left to the discretion of the HOA Board. The lights should be properly placed and shielded so that they do not cast unwanted light on their neighbors' dwelling.

Lights that are installed by the homeowner in a non-permanent manner and plug into an existing electrical outlet are generally considered non-permanent. Lights that are professionally installed and/or have their own separate electrical connection are considered permanent and require ARC approval.

Lights shall not be permanently attached to fences or trees.

⁴⁶ Montgomery Ridge CC&Rs Section 7.21(a)

⁴⁷ Montgomery Ridge Design Guidelines Section 9.B

⁴⁸ Montgomery Ridge CC&Rs Section 7.27

3.9 Flags, Flagpoles, Lawn Decorations and Sculptures

Decorations, sculptures, fountains, flags, flagpoles and similar items placed on the lot requires the approval of ARC, unless (a) such item is placed within a backyard completely enclosed by a fence which blocks the view of the item at ground level; and (b) such item is no taller than the fence.⁴⁹

Displays of American patriotism, school pride, and individuality are encouraged within reason and decorum; however, to maintain the overall aesthetic character of the community, the following restrictions shall govern the display of flags within the Property:

- (a) no more than one (1) in-ground flagpole, of not more than twenty feet (20') in height, may be installed in a location within the Owner's Lot as designated or approved in advance of installation by the ARC.
- (b) Each Owner is authorized to mount two temporary or permanent flagstuffs on the front, rear or side of their Dwelling by wall bracket.
- (c) the flagstaff should not exceed six (6) feet in length.
- (d) The suggested location for such bracket mounting is on the garage doorframe or near the garage door.
- (e) No roof-mounted flagstaff is allowed.
- (f) multiple flag configurations and any flagstaff in excess of six (6) feet must be approved by the ARC prior to installation or display.
- (g) the Owner may use the flagpole or flagstaff to display the American flag, the Texas flag, a flag of any branch of the United States armed forces, and pennants or banners such as school flags or sports team flags.
- (h) all flags may contain no more than twenty-four (24) square feet of material and must be of good taste and presentation.⁵⁰

3.10 Signs

Except for Entry Signs, no sign or emblem of any kind, including "for rent" signs, may be kept or placed upon any Lot or Land or mounted, painted or attached to any Dwelling, fence or other Improvement upon such Lot so as to be visible from public view except the following:⁵¹

- (a) an Owner may erect one (1) sign on a Lot advertising the Dwelling for sale, provided that the sign does not exceed two (2) feet by three (3) feet in size.
- (b) an Owner may temporarily place one (1) sign on a Lot advertising the "open house" of a Dwelling for sale, provided that the sign does not exceed two (2) feet by three (3) feet in size and the sign may only be displayed during actual open house hours.
- (c) signs or billboards may be erected by Declarant and any Homebuilder.
- (d) an Owner may temporarily place one (1) sign on a Lot advertising a "garage sale," provided that the sign does not exceed two (2) feet by three (3) feet in size and the sign may only be displayed during the garage sale hours.
- (e) political signs may be erected upon a Lot by the Owner of such Lot advocating the election of one or more political candidates or the sponsorship of a political party, issue, or proposal

⁴⁹ Montgomery Ridge CC&Rs Section 7.28

⁵⁰ Montgomery Ridge CC&Rs Section 7.28

⁵¹ Montgomery Ridge CC&Rs Section 7.8

provided that such signs will not be erected more than sixty (60) days in advance of the election to which they pertain and are removed within fifteen (15) days after the election.

4 APPROVED TREES

The following is a list of approved trees as provided in Allen City Ordinance No. 3245-8-14.

Table 3
Approved Street Trees

Medium trees 25-40 feet

<i>Sideroxylon lanuginosum</i>	Chittamwood
<i>Pistacia chinensis</i>	Chinese Pistachio *male selection only
<i>Cupressus arizonica</i>	Arizona Cypress
<i>Diospyros texana</i>	Texas Persimmon
<i>Diospyros virginiana</i>	Common Persimmon
<i>Fraxinus texensis</i>	Texas Ash
<i>Magnolia grandiflora</i> 'Little Gem'	Little Gem Magnolia

Note: minimum 6 foot planting strip and 30- 40 foot spacing.

Large trees 40 feet and taller

<i>Carya illinoensis</i>	Pecan
<i>Quercus buckleyi</i>	Texas Red Oak
<i>Quercus laceyi</i>	Lacey Oak
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus muhlenbergii</i>	Chinquapin Oak
<i>Quercus polymorpha</i>	Mexican White Oak
<i>Quercus shumardii</i>	Shumard Red Oak
<i>Quercus virginiana</i> 'Cathedral'	Live Oak 'Cathedral'
<i>Quercus virginiana</i> 'Highrise'	Live oak 'Highrise'
<i>Ulmus americana</i> 'Accolade'	American elm 'Accolade'
<i>Ulmus americana</i> 'Frontier'	American elm 'Frontier'
<i>Ulmus crassifolia</i>	Cedar Elm

Note: minimum 6 foot planting strip and 30 – 40 foot spacing.