



Windy Hill Farms Homeowners Association, Inc.

Architectural Standards Bulletin (10-5-2018)

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Section 1.0. – Purpose

1.0. Purpose. Because the lots are part of a single, unified community, the association's Declaration provides for the creation of this Architectural Standards Bulletin to regulate the design and appearance of the lots in order to preserve and enhance the Property's value and architectural harmony. The purpose of this Architectural Standards Bulletin is to promote and ensure the level of taste, design, quality, and harmony by which the Property is maintained. The secondary purpose is to prevent improvements and modifications that may be widely considered to be radical, curious, odd, bizarre, or peculiar in comparison to existing improvements. The final purpose is to regulate the appearance of every aspect of proposed or existing improvements on a lot, including but not limited to dwellings, fences, landscaping, retaining walls, yard art, sidewalks, roofs, and driveways, and further including replacement or modifications of original construction or installation.

No building, structure, fence, wall or improvement of any kind or nature shall be erected, placed, or altered on any Affected Lot until all plans and specifications, a plot plan and one or more surveys have been submitted to and approved in writing by the Committee, or a majority of its members.

The Architectural Control Committee is authorized and empowered to consider and review any and all aspects of dwelling construction which may, in the reasonable opinion of the Committee, adversely affect the living enjoyment of one or more owners or the general value of the Property.

The Committee may from time to time publish and promulgate architectural standards bulletins which shall be fair, reasonable, and uniformly applied and shall carry forward the spirit and intention of this Declaration. Unless otherwise indicated herein, the Committee shall not have unbridled discretion with respect to taste, design and any standard specified herein, and the Committee shall be responsive to technological advances or general changes in architectural designs and materials and related conditions in future years and use its best efforts to balance the equities between matters of taste and design. Such bulletins as this one shall supplement the Windy Hill Farms Homeowners Association, Inc.'s Declaration and are incorporated herein by reference.

EACH OWNER SHALL SEEK AND OBTAIN AND BECOME THOROUGHLY FAMILIAR WITH ANY AND ALL ARCHITECTURAL STANDARDS BULLETINS PRIOR TO ACQUISITION OF, AND CONSTRUCTION ON, ANY AFFECTED LOT.

Section 2.0. – Architectural Approval

2.1. Architectural Approval. To request architectural approval, an owner must submit a written application to the Architectural Control Committee, hereby known as ACC, plans and specifications showing the nature, kind, shape, color, size, materials, and locations of the work to be performed. Please see the association's Declaration of Covenants, Conditions and Restrictions Article VIII Use Restrictions. Section 19. Architectural Control Committee. for specific Architectural approval guidelines and requirements. The ACC has 15 days to approve or disapprove applications after the 15th day the homeowner must go to the board of directors. If the ACC ask for additional information time is stopped. Only for changes, not to maintain existing structures or color. No ACC approval for maintenance.

Section 3.0. – Prohibition of Construction, Alteration, & Improvement.

3.1. Prohibition of Construction, Alteration, & Improvement. Without the Architectural Control Committee's (ACC) prior written approval, a person may not construct a dwelling or make an addition, alteration, improvement, installation, modification, redecoration, or reconstruction of or to the Property, if it will be visible from a street, another lot, or the common area. The Architectural Control Committee (ACC) has the right but not the duty to evaluate every aspect of any lot modification, change, alteration, construction, landscaping, and/or property use that may adversely affect the



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general value or appearance of the association.

Section 4.0. - Property Maintenance

4.1. General Maintenance

- (a) The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of the exterior components of the property. All exterior construction of a home shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, painting, replacing rotted wood, masonry, roofing, gutters, lights, windows, doors, and other such activities common to the maintenance of home exteriors.
- (b) Both the lot and the dwelling must be maintained in a manner so as not to be unsightly when viewed from the street or neighboring lots. The ACC is the arbitrator of acceptable appearance standards.
- (c) Failure to maintain any exterior area in compliance with this section is considered a violation.

4.2. Landscape Maintenance

- (a) The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All Grass areas and plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within 90 days. Trees with a trunk diameter in excess of six inches measured four feet above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches measured four feet above the ground on a caliper-inch for caliper-inch basis (e.g., for a six-inch tree, two three-inch replacement trees shall be required). A time extension may be granted by the Board of Directors, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent.
- (b) It shall be the duty of any person or persons owning or occupying real property bordering on any street to prune trees next to the street in such manner that they will not obstruct or shade the streetlights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view from any street or alley intersection. The minimum clearance of any portion of a tree overhanging a public street right-of-way shall be 14 feet and overhanging a public sidewalk shall be eight feet.
- (c) All shrubs shall be maintained in the ornamental design/fashion per the type of the shrub and shall never overtake the home or away from the architectural design of the home. No shrub hedges should exist on a shared property line or extend to the sidewalk in the front yard of a home. Shrubs shall be restricted to the diameter of the flower bed border. All shrubs shall always be kept well-manicured.
- (d) Failure to maintain any landscape area in compliance with this section is considered a violation.
- e. All home address plates on the home must be visible from the street.

4.3. Duty to Maintain Property in Sanitary Condition

(1) Responsibility. An owner, occupant, or other person in control of real property shall maintain the property in a safe, sanitary condition.

(2) Weeds, rubbish, filth and other objectionable matter. An owner, occupant, or other person in control of real property may not allow the following to accumulate on the person's property or in the area from the person's property line to the adjacent curb line:

- (a) Weeds or lawn grass shall not be more than six inches tall. Lawns, Sidewalks, driveways, and fence lines shall be kept mowed, edged and Trimmed. Grass shall not extend more than 3



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inches over the sidewalk or driveway. Height of grass next to fence line or house shall not exceed height of lawn grass.

(b) Garbage, rubbish, brush, and other objectionable, unsightly, or unsanitary matter; or

(c) Filth, carrion, or other impure or unwholesome matter.

(d) Stagnant water. An owner, occupant, or other person in control of real property may not allow stagnant water that is likely to promote disease to accumulate on the person's property. An owner, occupant, or other person in control of real property shall drain, fill, or re-grade the person's property to remove or prevent a violation of this subsection.

(e) Graffiti. It shall be unlawful for any owner, occupant or other person in control of real property to allow graffiti and markings of any kind to remain on any building or fence.

Section 5.0. – Architectural Standards

5.1. Accessory Sheds.

To be approved by the ACC, an accessory structure must have the following features:

- (a) Only one per lot
- (b) Designed for outdoor use.
- (c) Less than 8 feet in height at the ridge line of the roof.
- (d) Less than 144 square feet of floor space (i.e. 12'x12')
- (e) Visually harmonious with the house or fence to which it is most visually related or physically attached, such as matching dominant colors.
- (f) Screened by a fence or acceptable landscape material so it is not visible to a person standing on the surface of an adjoining lot or street.
- (g) Not located in front yards or in unfenced portions of side yards facing streets.

5.2. Landscape

The following criteria and standards shall apply to landscape materials and installation:

- (a) All nonpaved surfaces shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprise a significant portion of the total pervious surface area.
- (b) Plant materials shall conform to the standards of the approved plant list for the City of Murphy (see [section 26.08.002](#) for the approved plant list referenced in that section) and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- (c) Trees shall have an average crown spread of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of 15 feet of crown spread. Large trees shall be a minimum of three inches in caliper (measured four feet above the ground) and seven feet in height at time of planting. Small ornamental trees shall be a minimum of one and one-half inches in caliper and five feet in height at time of planting. All new trees shall be provided with a permeable surface under the dripline a minimum of five feet by five feet diameter.
- (d) Shrubs not of a dwarf variety shall be a minimum of 1 gallon plants. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous 75 percent visual screen which will be at least six feet high within three years after time of planting, except for parking lot/tract/headlight screens, which shall form a continuous three feet high within two years after planting.
- (e) Vines can only be used as ground cover and may not be used in conjunction with fences, screens, or walls.



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- (f) Front yards must have grass except for the landscape areas. Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- (g) Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.
- (h) All landscaped areas shall be equipped with an automatic underground irrigation system. Landscaped areas having less than ten square feet in area may be irrigated by some other inconspicuous method. If appropriate xeriscape planting techniques are utilized, the ACC may waive the requirement for an underground irrigation system at the time of site plan approval. However, the landscaping shall be required to be maintained in a healthy, living and growing condition, and any irrigation devices Sprinkler system shall be maintained.
- (i) The installation or construction of artificial turf in or on any yard within the association such that any portion of said turf is visible from the association's streets, sidewalks or easements is prohibited.
- (j) Any installation or construction of artificial turf must be permitted prior to any work being done in the association and will be reviewed and inspected to ensure drainage remains as approved at time of original yard installation.
- (k) Any property owner that has installed artificial turf on their property prior to August 1, 2014, is hereby grandfathered.

5.3. Color Changes. The colors of homes/sheds, fences, exterior decorative items, window treatments, roofs and all other improvements on a lot are subject to regulation by the ACC. Because colors are subjective matters of taste and preference, the ACC determines the colors that are acceptable to the Association. **DO NOT CHANGE OR ADD COLORS THAT ARE VISIBLE FROM THE STREET, A COMMON AREA, OR ANOTHER LOT WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ACC.**

5.4. Drainage. No person may interfere with the established drainage pattern over any part of the Property unless an adequate alternative provision for proper drainage has been approved by the board and/or city.

5.5. Driveways. The driveway portion of a lot may not be used for any purpose that interferes with its ongoing use as a route of vehicular access to the garage. Without the board's prior approval, a driveway may not be used:

- (a) for storage purposes, including storage of boats, trailers, and inoperable vehicles; or
- (b) for repair or restoration of vehicles.

5.6. Fences. Together, fences on all lots create the face of the neighborhood. The ACC reserves the right to determine that the fence is unattractive or inappropriate or otherwise unsuitable for the Property and may require the owner to modify it or remove it. Because uniformity may not be apparent with a small number of variances across the property, this Section controls over specific approvals and authorizations granted by ACC over time, and also controls over violations that have been tolerated for long periods of time.

- (a) Height – Wood fences may not be constructed shorter than 6 or taller than 8 feet. Except where rod iron is used. Fences may not be constructed between a dwellings front building line and the street.
- (b) Transitions – Fences on their lot that adjoin or connect must appear to be the same height or must be designed and constructed with transitions between the differing heights to reduce the effect of height change.
- (c) Finish Side – All pickets must be installed outward facing with the support beams and posts hidden from view. All newly constructed fences shall adhere to this policy.
- (d) Condition – Each owner must maintain the fences and gates on their lot kept in a good condition,



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consistence in color and appearance that is standard for the neighborhood. Broken and missing boards are unacceptable. Fence stain must be consistent in appearance. Fence must be vertical and not be leaning.

- (e) Allowed Materials – Fences must be constructed of cedar pickets and other materials of treated lumber (wood). Except where rod iron or stone is used.
- (f) Prohibited Materials – Barbed wire and chain link fencing are strictly prohibited. Railroad ties may not be used for a retaining wall visible from the street or common area
- (g) Fence Stain – An owner may apply one of the following materials to wood fences that are visible from a street without obtaining approval from the ACC.
 - a. Monarch STC 058 – Beechwood or Behr Semi-transparent cedar tone.
 - b. Sherwin Williams Deskscapes Semi-Transparent Oil Based color Banyon Brown
 - c. Clear sealants like Olympic Oil Base Natural Tone Semi-transparent Stain
- (h) Not Allowed –Wooden fences may not be painted regardless of color. Subject to the authorized stains above, the outside surface of the fence may not appear solid when cured.
- (i) Variance – Any variance granted by the ACC must be consistent with the general requirement of a neutral natural wood color like Monarch Beechwood.
- (j) Steel fences (rod iron and stone walls) must be maintained.

5.7. Flags. Owners and residents of the association have a right to fly a United States of America, Texas, and US Military Flags on their lot as long as they are done so in a respectful manner and within reasonable standards in accordance with Federal, State, and Local Laws.

5.8. Garages. Without the board's prior written approval, the original garage area of a lot may not be enclosed.

5.9. Lights. Exterior light sources on a lot shall be unobtrusive, shielded to prevent glare, directed away from neighboring homes and yards, with little spillover on other lots. All lights shall be consistent in style with the construction of the home and community. Wattage of exterior lighting may not exceed 150 watts per fixture.

5.10. Signs. Each lot is permitted to place one sign not to exceed 2' x 3' or higher than 3' from the ground for the purposes of special events, high school spirit, general contractor signs, and for sale or for lease signs. One additional security monitoring sign no larger than 12"x12" may be placed on the lot as well. The board may remove any sign that it deems inconsistent with the neighborhood. Inflammatory signs that are provocative, vulgar, or disruptive are strictly prohibited. Window signs are strictly prohibited. Political signs are allowed per Texas Property code but may not be displayed more than 90 days before or 10 days after an election for which the relates. Contractor marketing signs are only allowed during construction and must be removed within seven (7) days after work is complete.

5.11. Temporary Structures. Except for accessory backyard sheds described previously, improvements or structures of a temporary, permanent, or mobile nature, such as tents, portable sheds, trailer, shack, secondary garage, barn, motor home, mobile home, or other outbuildings may not be placed on a lot if visible from a street or other lot. Structures such as tree houses, forts, skateboard ramps, etc., shall not be allowed in the front yard

5.12. Trash. Each resident will keep the Property clean and will dispose of all refuse in receptacles designated by Association or City for that purpose. Trash must be placed entirely with the designated receptacle and kept in back part of a drive way or hidden from view.

5.13. Window Treatments. All window treatments within the dwelling that are visible from the street or another dwelling must be maintained in good condition and must not detract from the appearance of the property. No aluminum foil, reflective film or similar treatment shall be placed on window or glass doors.



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5.14. **Yard Art.** The installation or use of any decoration, sculpture, fountain or similar items in front section of yard is prohibited without the prior written approval of the ACC.

5.15. **Roofs.** Together, roofs on all lots create the face of the neighborhood. The ACC reserves the right to determine that the roof is unattractive or inappropriate or otherwise unsuitable for the Property and may require the owner to modify it or remove it. Because uniformity may not be apparent with a small number of variances across the property, this Section controls over specific approvals and authorizations granted by ACC over time, and also controls over violations that have been tolerated for long periods of time.

- (a) Roof materials shall be composition (30-year), asphalt tiles in muted gray colors ACC approved.
- (b) **WHF HOA Approved Shingles**

MFG	Style	Color
GAF	Timberline HD	Weathered Wood
Owens Corning	TruDefinition Duration	Driftwood
Tamako	Heritage Classic	Weathered Wood
Armor Shield II		Weathered Wood

- (c) Minimum roof pitch shall be at least 8:12, unless otherwise stated in the applicable zoning district or PD ordinance, and except for “Santa Fe” (with a flat roof and highly articulated parapet that conceals the roof and any roof-mounted equipment), “Texas ranch house” (with low pitched roofs, large eaves/overhangs, rambling design), or other uniquely styled home. Any proposed addition to an existing single-family structure shall have a minimum roof pitch of 4:12.
- (d) The exterior color of all residential roofs and exterior must be ACC approved.

5.16. **Livestock and Poultry.** No animals, livestock or poultry of any kind shall be raised, bred, or kept on any Affected Lot, except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred, or maintained for any commercial purposes.

5.17. **Parking.** No vehicles, trailers, implements or apparatus may be driven or parked in the Common Maintenance Area, Common Area or on any easement. No campers, Commercial vans, Commercial pickup trucks, boats, boat trailers, recreational vehicles or other types of non-passenger vehicles, equipment, implements or accessories may be kept on any Affected Lot unless fully enclosed within the garage. Personal Pickup trucks and Vans can be parked on driveways and in front of your home.

5.18. **Commercial or Institutional Use.** No Affected Lot, and no building erected or maintained on any Affected Lot shall be used for manufacturing, industrial, business, commercial, institutional or other non-residential purposes.

5.19. **Clothes Hanging Devices.** Exterior clothes hanging devices shall not be permitted.

5.20. **Nuisances.** No noxious or offensive activity shall be carried on upon any Affected Lot, nor shall anything be done which may be or may become an annoyance or nuisance to the neighborhood.



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Pursuant to Article VIII. Section 19. of the Declaration of Covenants, Conditions, and Restrictions for Windy Hill Farms Homeowners Association, Inc., and as a duly nominated Architectural Committee Member by the elected Board of Directors, I hereby adopt this Architectural Standard Bulletin for the purposes consistent with the creation and preservation of a first-class community development. I will use my best efforts to promote and ensure a high level of taste, design, quality, harmony and conformity throughout the property. I assert that this bulletin is fair and reasonable. I understand that this bulletin is a supplement to the original Declaration and shall carry forward the spirit and intention of the original Declaration.

 ACC Chair

Signed _____ Carl Telthorst ACC Chair _____ 10-30-18
Name Date



Signed _____ Chris Parr _____ 10-30-2018
Name Date



Signed _____ Eldon Coker _____ 10-30-18
Name Date