

Quail Estates

HOMEOWNERS ASSOCIATION

(a Texas Non-Profit Corporation)

ARCHITECTURAL CONTROL COMMITTEE ("ACC")

Architectural Guidelines

General Guidelines Notes

1. The purpose of these Architectural Guidelines is to provide a consistent educated guide to the Architectural Control Committee (ACC). It is to make their judgments as *objective* as possible in what might otherwise be considered a *subjective* forum. The purpose is also to help each of us as neighbors understand in advance what improvements to our properties may or may not be approved. The long-term aesthetics and integrity of our community depends on consistent and appropriate architectural decisions.
2. These Architectural Guidelines do not replace the Covenants, Conditions & Restrictions (CC&Rs), rather these guidelines are designed to strengthen and standardize them. The CC&Rs are legal documents that are recorded with Bell County and govern the Quail Estates HOA and the homes contained therein. In case of any contradiction between the two documents, the CC&Rs supersede these Guidelines.
3. These Architectural Guidelines will evolve over time. We believe that what we have created today is a clear document that may be used by our neighbors to plan changes to the outside of their homes – structure and yard - as well as helping the ACC to consistently evaluate those requests. Over time, future ACCs may discover parts of this document that can be clarified or brought up to date technologically and/or legally, and will recommend amendments and revisions which may be adopted by the then current HOA Board.
4. The Controlling Documents of the HOA allow for the creation of these guidelines by the ACC specifically in Article 7.06 of the Declaration of Covenants, Conditions, and Restrictions (CCRs) for Quail Estates, “*the Architectural Committee may adopt such procedural and substantive rules ... as it may deem necessary or proper for the performance of its duties...*”
5. These Architectural Guidelines will provide the Architectural Control Committee (ACC) with direction for evaluation of proposed exterior changes. The ACC is a committee that answers to the Quail Estates HOA Board of Directors. These Guidelines do not contain ACC Policies and Procedures since they are routine operating functions and do not address items clearly presented in the CC&Rs.
6. These are *guidelines, not recipes.* There are places where we state a desired goal without saying specifically what you should do to meet it. For example, we might say that an item should be “compatible” with an existing façade. Such ambiguities are intentional, so that the ACC can work with homeowners to determine what exact changes will be in keeping with the spirit and intent of the neighbor and the guidelines.

1. Introduction

The community of Quail Estates has an exclusive character that enhances not only the value of the properties in the neighborhood, but also the quality of life for those who are fortunate enough to be residents here. The Controlling Documents (available at www.quailestatetx.com) of the Quail Estates Homeowners Association (HOA) impose certain restrictions on all member properties, including restrictions that grant certain controls on the exterior appearance of buildings, structures, and landscapes to the HOA. The intent of these controls is to protect and preserve that character that is so important to the neighborhood, as well as the value of the individual properties that comprise Quail Estates.

The purpose of the *Quail Estates Architectural Guidelines*, therefore, is to provide detailed guidance to property owners, architects, contractors, and others who are contemplating changes to the exterior appearance of buildings and landscapes within the HOA area. These changes may involve maintaining, rehabilitating, repairing, or adding to all buildings and landscapes within the HOA area.

In addition, the *Quail Estates Architectural Guidelines* are intended to:

- Provide an objective guide to help members of the Quail Estates HOA Architectural Control Committee (ACC) render appropriate decisions when approving or disapproving members' requests to make changes to their property.
- Increase awareness of the importance of appropriate design in maintaining and enhancing property and landscape values.
- Help reinforce the appeal of Quail Estates and protect its overall appearance.
- Preserve the architectural integrity and character of the neighborhood.
- Protect and enhance the financial investment of our individual owners.

INDEX

Page

Enforcement

1.0 - Outbuildings.....	4
2.0 – Recreational Equipment.....	5
3.0 – Swimming Pools and Spa.....	6
4.0 – Structural Additions	6
5.0 - Exterior Painting and Staining	7
6.0 - Storm/Screen Doors	7
7.0 – Decks and Patios	7
8.0 – Patios Covers	8
9.0 - Aerial and Satellite Dish Antennae.....	8
10.0 - Fences	8
11.0 - Decorations and Signs.....	9
12.0 - Exterior Lighting	9
13.0 - Outdoor Carpeting/Painted Concrete.....	10
14.0 - Landscaping	10
15.0 - Flagpoles.....	10
16.0 - Garage Conversions	10
17.0 - Window Air Conditioners	10
18.0 – Awnings and Canopies.....	10
19.0 – Gutters and Skylights	10
20.0 – Dog Runs and Kennels.....	10

ENFORCEMENT

Enforcement of these Architectural Guidelines shall be as stated in Quail Estates Policy Manual. In the event of a violation and upon written notice from the ACC and/or the management company, the violation must then be promptly removed or corrected.

The failure to enforce any provision of this document shall in no event be deemed a waiver of the right to enforce it later. Also, any approval or variance granted for one property shall not create a precedent for another.

If any one provision of this document is determined to be invalid, it shall in no way affect any of the other provisions, which shall remain in full force and effect.

1) OUTBUILDINGS

- a) An Owner shall be permitted, without prior ACC approval, to erect one outbuilding if the total surface area is less than or equal to eighty square feet, the height from the surface of the lot to the highest portion of the outbuilding is less than or equal to 6 feet, the outbuilding is within an area completely enclosed by a privacy fence, the exterior of the outbuilding is constructed of similar materials as the exterior of the residence, and the outbuilding complies with applicable building codes. The ACC "shall be entitled to determine, in its sole and absolute discretion, whether an outbuilding constructed on any Lot complies with the foregoing requirements..." All other structures require prior ACC approval.
- b) When considering a request for an outbuilding, the Architectural Control Committee ("ACC") will consider the following:
 - i) Outbuildings should be placed so as to be least intrusive from the adjacent streets and neighboring properties.
 - ii) Materials should be compatible with the residence to include similar or corresponding colors, quality of products used, craftsmanship and architecture.
 - iii) The structure(s) must have a peaked or hip roof and should not exceed ten feet (10') from the ground to the highest point and one hundred ninety-two (192) square feet of floor space. A maximum of 16' x 12' of floor space is recommended. The structure(s) must be kept a minimum of ten feet (10') off the rear property line and six feet (6') from the side property line. Location must also be far enough away from the fence for drainage to occur entirely on the owner's lot.
 - iv) No storage building can be built abutting any side or rear wall of the residence.
- c) Playhouses/forts may not exceed ten feet (10') in height. If the structure has a platform, the platform can be no higher than six feet (6') off ground and should be positioned to protect neighbor's privacy.
- d) Gazebos must be located behind a wooden fence and must be at least ten feet (10') from the house, with a maximum height at peak of eleven feet (11'). Side and back setback lines must be adhered to.
- e) Other outbuildings will be considered on a case-by-case basis.

2) RECREATIONAL EQUIPMENT

- a) Permanent basketball goals must be securely installed in the ground at least twenty-five feet (25') back from the curb. Backboards must be regulation size and color, and may not exceed regulation height. Poles must be painted black or a color that blends with the main color of the residence
- b) The goal must be properly maintained, with nets kept in good repair. If the basketball goal is allowed to fall into a state of disrepair, the basketball goal, and all components thereof, will be subject to immediate removal at the request of the ACC.
- c) Portable basketball goals may not remain in any line of sight so as to be visible from the street when not in use.
- d) No portable basketball goal may at any time be located on a street or placed in such a location as to occasion basketball play in the street.
- e) Permanent basketball goals may be approved for backyard placement when building setback lines and easements are observed.
- f) One trampoline may be placed on a lot, without prior ACC approval, provided it is within an area enclosed by a privacy fence and properly maintained, to include replacing any netting or enclosures as necessary. If the trampoline or enclosure is allowed to fall into a state of disrepair, all components or any portion thereof will be subject to immediate removal at the request of the ACC.
- g) One playscape/ swingset may be erected, without prior ACC approval, provided it is within an area enclosed by a privacy fence and properly maintained, and
 - i) Adheres to the height standards set forth in 1.0 C of this document.
 - ii) Has an overall footprint smaller than eighteen feet by eight feet (18' x 8').
 - iii) Is constructed of earth tone stained lumber
 - iv) If any component of the playscape is allowed to fall into a state of disrepair, all components or any portion thereof will be subject to immediate removal at the request of the ACC.
 - v) Playhouse/fort roofs must be constructed of either:
 - (1) composition shingles;
 - (2) exterior grade wood stained or painted brown, red or green; or
 - (3) dark green or brown canvas.
 - vi) All playscapes that are outside of the foregoing parameters must have prior ACC approval.
 - vii) If the playscape is allowed to fall into a state of disrepair, all components or any portion thereof will be subject to immediate removal at the request of the ACC.
- h) Any badminton net, volleyball net, soccer goal, and other such structures of recreational equipment may be approved for permanent placement if installed behind a perimeter fence enclosing the backyard of the property.

- i) Portable toys and play equipment, to include bicycles, must be stored so they cannot be seen from any street and/or from an adjacent property from ground level when not in use.

3) SWIMMING POOLS AND SPAS

- a) No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- b) Any pool or spa must be located at least five feet (5') from a side and ten feet (10') from a rear lot line in order to adhere to setback lines and to maintain property drainage on the lot. It will be the homeowner's responsibility to ensure the pool placement will meet the required distance from the septic spray area.
- c) All pools and all spas (hot tubs) require prior ACC approval. A temporary above ground pool, no taller than thirty-six inches (36") in height, may be approved to be erected no earlier than May 15th and must be disassembled no later than September 15th. No decks, platforms, concrete or any other type of structure will be allowed around or under any temporary above ground pool. No temporary above ground pool shall be viewable from a public street.
- d) Pools and spas must be completely enclosed by a secure fence and adhere to all governmental safety requirements.
- e) All pool related equipment must be screened from view.

4) STRUCTURAL ADDITIONS (see also Section 1.0 of these Guidelines)

- a) Exterior materials and colors must match the main structure of the residence.
- b) Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- c) Approval of size and shape will depend on architectural style and layout of home, size of lot, and how well the room addition is integrated with the existing residence. Such an addition must be of reasonable size to constitute a legitimate request for a room addition.
- d) Addition of a storage area will not qualify as a bonafide room addition.
- e) The roof of an addition must integrate with the existing roof line of the primary residence so as to appear to have been part of the original home. The roof of any addition must match the roof of the primary residence in all respects (e.g., color, weight, material and method of installation), and may not exceed in height (at any point) the height of the roof of the primary residence.
- f) Room additions cannot exceed in size one-third (1/3) of the original structure and may be denied for other reasons (i.e., structural integrity, architectural suitability, etc.).

5) EXTERIOR PAINTING AND STAINING

- a) Painting and staining must be completed with the timeliness to assure a pristine look, without excessive greying, peeling or fading.
- b) The original color may be used without prior ACC approval. Other colors will be taken into consideration, based upon the applicant's house masonry features. The ACC's goal is to maintain Quail Estates color scheme in a consistent and appealing manner.
- c) A predominant exterior paint color, exterior trim color, soffit and fascia color and garage door color may be approved. Not more than four (4) exterior paint colors will be approved for any premises.
 - i. The ACC application must delineate the location(s) of the predominant and trim paint colors proposed for use.
 - ii. A color sample or samples, as applicable, must be attached to the ACC application.
- d) A stain color for the fence, trim, and exterior wood surfaces, such as those on playscapes, pergolas and other structures must be approved if using other than original colors. Not more than three (3) exterior stain colors will be approved for any residence.

6) SCREEN/ STORM DOORS

- a) Providing the frame is of a color compatible with the exterior with the residence, screen/ storm doors do not require prior ACC approval.
- b) It will be the responsibility of the homeowner to remove or replace any screen door determined not to be compatible.
- c) Screen must remain clean and free from tears and glass must remain free from cracks.

7) DECKS AND PATIOS

- a) Decks and patios may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- b) Decks and patios must be situated on the lot so that they do not pose a problem for the effective drainage of the lot or neighboring lots.
- c) Decks or patios that do not exceed twelve inches (12") in height and 192 square inches of total area do not require prior ACC approval.
- d) Decks or patios must be constructed of pavers, stone, brick, composite decking or stained wood consistent with outdoor use that match or blend with other characteristics or colors of the residence.

- e) Decks may only be installed behind a perimeter fence so as not be visible from any street.
- f) All decks and patios that do not fall within these parameters must have prior ACC approval. The ACC shall be entitled to determine, in its sole and absolute discretion, whether any deck or patio constructed on any Lot complies with the foregoing requirements.

8) PATIO COVERS

- a) Patio covers should be constructed of materials which complement the main structure.
- b) Prefab covers made of aluminum, other metals or fiberglass will NOT be approved.
- c) If attached to the house, a patio cover must be integrated into (flush with eaves) or subservient to the existing roof line and the shingles must match the roof of the residence (e.g., color, weight, material and method of installation). The roof of the patio cover may not exceed in height (at any point) the height of the roof of the primary residence.
- d) A pergola style patio cover should not exceed the height of nine feet (9') unless attach to the house and then it may not exceed the height of the residence.
- e) The entire patio cover and posts should be trimmed to match the house. Supports must be vinyl or stained wooden or masonry columns. No exposed pipe is allowed.
- f) Neither canvas, nor any other cloth material, may be used as a primary roofing material on a patio cover, unless the structure is deemed to be temporary and is maintained in good repair.
- g) Patio covers must be situated on the lot so as to provide drainage solely into the owner's lot and must comply with side and rear set back lines.

9) AERIAL AND SATELLITE DISH ANTENNAE

- a) Satellite dishes or antennas visible from any adjacent street shall require prior ACC approval. Approval or denial for these items only will be returned to the homeowner within five (5) days of receipt to ensure homeowners may have time to schedule installation.
- b) Satellite dishes less than twenty-four inches (24") may be place on the back of the residence without prior approval from the ACC.

10) FENCES

- a) Existing fences must be maintained as directed in Section 5 of this document to prevent washed out, faded or inconsistent pickets.

- b) Fences visible from any street must be constructed in such a manner that smooth face pickets will face the street and horizontal or diagonal rails and vertical posts face into the rear or side yard.
- c) In no event shall fences or walls constructed of any form of reflective metal, wire or wire mesh be erected on any lot so as to be visible from any adjacent street.
- d) All fences located along the outer perimeter of any lot must be six feet (6') in height and constructed of cedar wood, unless otherwise approved or required for sight line distances.
- e) No painting or varnishing of fences shall be permitted.
- f) Replacement or repairs of fence pickets and/or gates must be made with substantially the same materials, colors and quality of construction as used in the original fence.
- g) Black wrought iron or vinyl fences and masonry accents may be allowed with prior approval.

11) DECORATIONS AND SIGNS

- a) All outdoor decorations and furniture should complement the neighborhood and the residence, be of high quality and in reasonable quantity, be properly scaled to the area where it is placed and be properly maintained. Any outdoor decorations that do not meet these conditions shall be subject to removal upon notification to the owner by the Association.
- b) Decorations, other than temporary holiday decorations, that are located in front of the fence line must have an overall height of three feet (3') or less. Decorations such as sculptures, birdbaths, birdhouses, fountains or other decorative embellishments that have an overall height of three feet (3') or greater require prior ACC approval and will be evaluated on a case-by-case basis.
- c) Temporary holiday lights and decorations may be erected no more than twenty-five (25) days before the holiday and must be removed within ten (10) days after the holiday. Winter seasonal holiday lights and decorations may be erected no more than forty (40) days before the holiday and must be removed within twenty (20) days after the holiday.
- d) Political Signs. Political signs may be erected upon a Lot by the owner(s) of such Lot advocating the election of one or more political candidates or the sponsorship of a political party, issue or proposal, provided that such signs shall not be erected more than thirty (30) days in advance of the date of election to which they pertain and shall be removed within ten (10) days after such elections.

12) EXTERIOR LIGHTING

- a) Additional exterior lighting should not be of a wattage or lumen count which will

affect neighboring homes.

- b) Low voltage or solar architectural lighting is permitted without prior ACC approval if lighting is directed away from adjacent properties and all cables and control systems are not visible from street.
- c) Light fixtures must coordinate with the neighborhood and the residence
- d) Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes. Industrial light fixtures are not permitted on the front of any residence.

13) OUTDOOR CARPETING AND PAINTED/STAINED CONCRETE

- a) Outdoor carpeting may not be installed in any location visible from any street.
- b) No concrete slab visible from any street may be painted, including, but not limited to, driveways, sidewalks and porches.
- c) Professional grade staining of concrete may be approved with neutral earth tone colors being preferable.

14) LANDSCAPING

- a) No prior approval is required for the planting of flowers or shrubbery which is less than three feet (3') in height, provided it conforms to the high standards of Quail Estates. Planting should be in proper scale with lawn and residence and include native or well tolerated plants. Vegetable planting is not permitted in the front yard.
- b) Bricks, stones, and other masonry flower bed borders must compliment style, color, craftsmanship and architecture of home and may not exceed eighteen inches (18") in height. Plastic or rubber edging border must blend with the landscaping colors and not exceed the height of the turf.
- c) If any landscaping material is determined to be objectionable after installation, it will be subject to immediate removal at the request of the ACC.
- d) No artificial flora or foliage shall be permitted on any uncovered exterior portion to the front of any property.
- e) Homeowners are required to maintain a minimum of one (1) tree in the front yard with a minimum of 3" caliper and twelve (12) perennial or evergreen shrubs must be maintained in the front of every residence. Palms, crepe myrtles, and magnolias shall not satisfy the tree requirement.
- f) Dead or unhealthy trees, shrubs or flowers should be removed or replaced immediately.

- g) Cover materials (mulch or stone) in landscape beds shall be refreshed as needed and shall not constitute more than thirty-three percent (33%) of the front yard.
- h) Lawns, including backyards, shall be mowed, cleared of weeds, and watered and fertilized with the necessary frequency to achieve a healthy, green appearance.
- i) Weeds and stray grass in landscape beds shall be promptly removed. Edging shall be properly maintained along driveway, curbs, utility meters, fence line, shrub bed borders and house foundation.
- j) All landscaping shall be maintained at a standard commensurate with the quality of the neighborhood.

15) FLAGPOLES

- a) The proper display of United States and Texas Flags or military flags is permitted. The installation of one flag bracket on a home may be done without prior ACC approval.
- b) The in-ground installation a flagpole requires prior approval.
- c) All flags and poles must be properly maintained and kept in good repair.

16) GARAGE CONVERSIONS

- a) Garage conversions that modify the exterior garage door are not permitted ..

17) WINDOW AIR CONDITIONERS

- a) Window air conditioners are NOT permitted.

18) AWNINGS AND CANOPIES

- a) Advance written approval from the Quail Estates Homeowner Association's Architectural Control Committee is required prior to installation of an awning or canopy, which installation must be in harmony with the architectural scheme of the subdivision.
- b) Cloth awnings or canopies are acceptable so long as they are constructed of canvas and comply with all requirements hereof.
 - i. Awnings and canopies may not be constructed to the front or side of any residence within the subdivision. Accordingly, such awnings or canopies may be constructed to the rear or back of a residence only.
 - ii. Only approved subdued colors, or such other color(s) as may be mutually agreed upon by the homeowner and the Architectural Control Committee, are allowed. The color must blend well with the color of the brick and trim of the residence, as well as the neighborhood surroundings.
- c) After approval and construction, awnings or canopies must be properly maintained

so as to maintain the aesthetic environment of the subdivision.

- d) Faded, mildewed, torn or otherwise unsightly awnings or canopies must be immediately removed (or replaced if necessary to coordinate with other existing awnings or canopy).

19) GUTTERS AND SKYLIGHTS

- a) Gutters and downspouts should be properly sized to accommodate the surface area drained and maintained in good condition, free of obstructions, clogs, and misalignments.
 - i. Gutter guards, if not discernible from a public right-of-way, may be installed.
 - ii. The color of gutters, downspouts and splash guards should blend with existing exterior colors on the residence.
- b) If skylights, vents, or other rooftop additions are added, they should be located on roof surfaces not immediately visible from a primary public right-of-way.

20) DOG RUNS AND KENNELS (also refer to Section 10)

- a) Dog kennels are more likely to be approved if less than five feet (5') in height and of a non-reflective material, placed to be least intrusive and screened with shrubbery. All dog runs and kennels require prior ACC approval.

PRECAUTIONARY NOTE: Regardless of the contents of these Guidelines, the Architectural Control provisions contained in the applicable provisions of the various restrictive covenants and conditions (the “Restrictions” or “Deed Restrictions”) for the numerous Sections within Quail Estates Homeowners Association (the “Association”) must be adhered to in all respects. All construction, repairs, modifications and/or improvements must be completed utilizing quality workmanship and materials to achieve improvements that complement the aesthetics of the residence and community. All improvements must be completed within the time specified in the applicable ACC approval. All ACC applications for room additions, outbuildings, patio covers, structures, fences, antennae, and other improvements must be accompanied by detailed plans and specifications therefor. Such plans must clearly delineate the location and dimensions of the proposed construction in relation to the dimensions of the proposed construction in relation to the dimensions of the lot, existing buildings and/or structures located thereon, and applicable building or setback lines. The building, structure, improvement, repair or modification may be required to be removed or altered if it is constructed or performed in any manner or in any location other than that specifically approved by the ACC.