



WHEREAS, The Declarant desires to annex additional land described on Exhibit A-2 attached hereto and incorporated herein by reference (the "Additional Villages of Hurricane Creek South Land" and hereinafter to be included in the "Villages of Hurricane Creek South Land" for all purposes of the Declaration) and include such Additional Hurricane Creek South Land in the Hurricane Creek South Land and the Property subject to the Declaration to be developed as the additional Phases of the portion of the Subdivision known or to be known as "*Villages of Hurricane Creek South;*" and

WHEREAS, the Declarant desires to amend the Declaration with respect to Villages of Hurricane Creek South as more specifically set forth in this Amendment.

NOW, THEREFORE, the Declarant does hereby amend and modify the Declaration as follows:

1. Defined Terms. Unless otherwise defined in this Amendment or the context otherwise requires, each term used in this Amendment with its initial letter capitalized which has been specifically defined in the Declaration shall have the same meaning herein as given to such term in the Declaration.

2. Additional Land Subject to Declaration. In accordance with the provisions of Section B.7 of Exhibit "B" of the Declaration, the Declarant does hereby amend the Declaration to include the Additional Villages of Hurricane Creek South Land as part of the Property subject to the Declaration, and any and all the Lots developed or to be developed within the Additional Villages of Hurricane Creek South Land are hereby included in the Lots described in the Declaration, and all Common Properties developed or to be developed within the Additional Villages of Hurricane Creek South Land is hereby included in the Common Properties described in the Declaration.

In this regard, the Declarant hereby adopts, establishes and imposes the covenants, conditions, restrictions, assessments, easements, liens and charges of the Declaration as they apply to Lots and related Common Properties upon the Additional Villages of Hurricane Creek South Land, and declares that the Additional Villages of Hurricane Creek South Land and all portions thereof are and shall be developed, held, used, transferred, assigned, sold, conveyed and occupied subject to all such covenants, conditions, restrictions, assessments, easements, liens and charges as set forth in the Declaration, as amended hereby with respect to Additional Villages of Hurricane Creek South Land and as set forth in this Amendment.

Each Lot within the Additional Villages of Hurricane Creek South Land shall be subject to the use restrictions and architectural controls as provided in the Declaration which apply to Lots and any Residence or other Structure constructed thereon, with the exception of the Amendments to the Declaration set forth on Exhibit B and the Construction and Design Guidelines specifically applicable to the Villages of Hurricane Creek South Land as set forth in Exhibit C. The modifications and amendments to the Declaration and Design Guidelines applicable to the Villages of Hurricane Creek South Land by this Amendment are reasonable and warranted due to the geographical location, development plans, home product type, specifications and design, marketing plan and intended end-use buyer for the Villages of Hurricane Creek South Land and

homes and other improvements constructed therein and thereon being different in whole or in part from those located within the Initial Property subject to the Declaration.

All of the provisions of this Declaration, as amended hereby with respect to the Villages of Hurricane Creek South Land, shall apply to the Additional Villages of Hurricane Creek South Land being added or annexed with the same force and effect as if said Additional Villages of Hurricane Creek South Land were originally included in the Declaration as part of the Villages of Hurricane Creek South Land, with the total number of Lots increased accordingly.

3. Membership and Voting Rights. Each Owner of a Lot within the Additional Villages of Hurricane Creek South Land shall automatically be, and must remain, a Member of the Association so long as such Person is an Owner, as provided in the Declaration and have the voting rights as set forth in the Declaration, including under Section 8.2 thereof.

4. Assessments. Each Owner of a Lot within the Additional Villages of Hurricane Creek South Land, by acceptance of a deed or other conveyance or transfer of legal title to a Lot, whether or not it shall be so expressed in any such deed or other conveyance or transfer, shall be deemed to have covenanted and agreed to pay to the Association, or to an independent entity or agency which may be designated by the Association to receive such monies, assessments as provided in the Declaration in the same manner as all Lots and Owners of Lots within the Villages of Hurricane Creek South Neighborhood. An assessment lien is hereby created and reserved in favor of the Association to secure collection of the assessments as provided in the Declaration.

5. Amendments to Declaration; Design Guidelines – The Villages of Hurricane Creek South Land. In accordance with Section 7.1 of the Declaration, the Declarant hereby amends the Declaration with respect to the Villages of Hurricane Creek South Land (including, without limitation, the Additional Villages of Hurricane Creek South Land annexed by this Amendment) to include the terms and provisions as set forth on Exhibit B attached hereto. In addition, Declarant hereby modifies and amends the Design Guidelines with respect to the Villages of Hurricane Creek South Land (including, without limitation, the Additional Villages of Hurricane Creek South Land annexed by this Amendment) to be those Design Guidelines attached hereto as Exhibit C.

6. No Other Effect. Except as expressly modified, amended and supplemented by this Amendment, the terms and provisions of the Declaration are not amended, modified or supplemented, and the Declaration, as modified, amended and supplemented hereby, is hereby amended as provided herein.

7. Severability. Invalidation of anyone provision of this Amendment by judgment or court order shall in no way affect any other provision of this Amendment or the remainder of this Amendment which shall remain in full force and effect. Furthermore, in lieu of each such illegal, invalid, or unenforceable provision, there shall be added automatically as a part of this Amendment a provision as similar in terms to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and enforceable.

8. Headings. The headings contained in this Amendment are for reference purposes only and shall not in any way affect the meaning or interpretation of this Amendment.

REMAINDER OF PAGE LEFT BLANK - SIGNATURE PAGE FOLLOWS

EXECUTED to be effective as of the date written above.

**DECLARANT:**

CADG Hurricane Creek, LLC,  
a Texas limited liability company

By: CADG Holdings, LLC,  
a Texas limited liability company  
its Sole Managing Member

By: MMM Ventures, LLC,  
a Texas limited liability company  
Its Manager

By: 2M Ventures, LLC,  
a Delaware limited liability company  
Its Manager

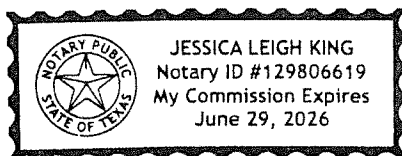
By:   
Name: Mehrdad Moayed  
Its: Manager

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

BEFORE ME, the undersigned authority, on this day personally appeared Mehrdad Moavedi, Manager of 2M Ventures, LLC, as Manager of MMM Ventures, LLC, as Manager of CADG Holdings, LLC, a Texas limited liability company, the sole managing member of CADG Hurricane Creek, LLC, a Texas limited liability company, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed, and as the act and deed of said limited liability companies and in the capacity therein stated

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this 12<sup>th</sup> day of October, 2023.

[SEAL]



Notary Public in and for the State of Texas

**EXHIBIT A-1****LEGAL DESCRIPTION OF THE VILLAGES OF HURRICANE CREEK SOUTH LAND**

BEING a tract of land situated in the Joseph Boyle Survey, Abstract Number 105, W.S. Rattan Survey, Abstract Number 752, T. Rattan Survey, Abstract Number 782, and the J. Coffman Survey, Abstract Number 197, Collin County, Texas and being part of that tract of land described in deed to CADG Hurricane Creek, LLC, recorded in Instrument Number 20150529000631020 of the Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found for the northeast corner of a remainder tract WBK Partners, LTD recorded in Volume 4292, Page 27 of said Official Public Records and the easternmost southeast corner of said CADG Hurricane Creek, LLC tract;

THENCE S 88°58'27" W, 1,910.63 feet with the south line of said CADG tract to a 5/8" iron rod with plastic cap stamped "PELTON" set;

THENCE departing said south line of the CADG Hurricane Creek, LLC tract, N 00°15'27" E, 421.11 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set;

THENCE N 46°18'49" E, 320.76 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE N 43°41'11" W, 120.00 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE S 46°18'49" W, 117.06 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE N 43°41'11" W, 50.00 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE N 46°18'49" E, 145.00 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE N 43°41'11" W, 120.00 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE N 46°18'49" E, 570.00 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE N 43°41'11" W, 170.00 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set;

THENCE N 46°18'49" E, 2.17 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set to the beginning of a curve to the right;

THENCE, with said curve to the right, an arc distance of 47.91 feet, through a central angle of 05°54'13", having a radius of 465.00 feet, the long chord bears N 49°15'56" E, 47.89 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set;

THENCE N 43°41'11" W, 163.78 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set;

THENCE N 46°18'49" E, 259.23 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set;

THENCE N 89°13'07" E, 741.15 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set;

THENCE S 23°12'58" E, 16.58 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE N 89°13'07" E, 140.84 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE N 59°26'33" E, 195.37 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE N 89°13'07" E, 731.48 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE S 00°46'53" E, 284.46 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE N

89°13'07" E, 660.00 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set; THENCE S 00°46'53" E, 50.00 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set; THENCE S 89°13'07" W, 135.00 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set; THENCE S 00°46'53" E, 410.00 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set; THENCE S 89°13'07" W, 170.00 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set; THENCE S 01°32'35" W, 138.83 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE S 03°56'49" W, 63.28 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE S 20°40'36" W, 64.06 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE S 34°31'32" W, 64.92 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set; THENCE S 56°29'24" W, 66.49 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set; THENCE S 55°11'09" W, 70.72 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set; THENCE S 33°07'12" E, 131.90 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set; THENCE S 36°16'47" E, 50.00 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set; THENCE S 53°43'13" W, 1.72 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set;

THENCE S 36°16'47" E, 163.61 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set in the east line of said CADG Hurricane Creek, LLC. Tract at the beginning of a curve to the right;

THENCE with said curve to the right, an arc distance of 61.57 feet, through an angle of 05°02'21", having a radius of 700.00 feet, and a long chord which bears S 56°44'35" W, 61.55 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set;

THENCE S 59°01'02" W, 294.65 feet to a 5/8" iron rod with plastic cap stamped "PELTON" set;

THENCE S 89°21'12" W, 420.50 feet to a 5/8" iron rod with plastic cap stamped 'PELTON" set;

THENCE S 01°31'10" E, 184.67 feet to the POINT OF BEGINNING and containing 4,022,375 square feet or 92.341 acres of land, more or less.

*[END OF EXHIBIT A-1 LEGAL DESCRIPTION]*

**EXHIBIT A-2**

**LEGAL DESCRIPTION OF THE  
ADDITIONAL VILLAGES OF HURRICANE CREEK SOUTH LAND**

**Phase 1 Partial Re-plat:**

All of those Lots, Common Areas and other property reflected on the Final Plat of Lots 19R through 23, 3X, and 24X, Block K of the Villages of Hurricane Creek Phase 1 (being a replat of Lots 19 and 1X, Block K of the Villages of Hurricane Creek) recorded on August 11, 2023, as Document No. 2023010000348 (Plat Book 2023, Page(s) 624-625), of the map or plat records of Collin County, Texas; and

**Phase 1B:**

All of those Lots, Common Areas and other property reflected on the Final Plat of the Villages of Hurricane Creek Phase 1B recorded on August 11, 2023, as Document No. 2023010000347 (Plat Book 2023, Page(s) 621-623), of the map or plat records of Collin County, Texas; and

**Phase 2:**

All of those Lots, Common Areas and other property reflected on the Final Plat of the Villages of Hurricane Creek Phase 2 recorded on August 11, 2023, as Document No. 2023010000349 (Plat Book 2023, Page(s) 626-628), of the map or plat records of Collin County, Texas; and

**Exhibit B**

**Amendments to the Declaration**

*The following amending terms are hereby incorporated into the Declaration with respect to the Villages of Hurricane Creek South Land and any Annexed Land hereinafter annexed into the Villages of Hurricane Creek South Neighborhood:*

**AMENDMENTS TO ARTICLE 2  
CONSTRUCTION OF IMPROVEMENTS AND USE OF LOTS – VILLAGES OF  
HURRICANE CREEK SOUTH**

**Section 2.9 of the Declaration** is hereby modified and amended and replaced with the following:

“Section 2.9 Design Guidelines.

“In addition to any requirements set forth in this Declaration or the City of Anna Planned Development Ordinance **886-2020** and as may be modified by the City of Anna or by this Declaration at any time and from time to time, all Builders and Owners are required to comply with the Design Guidelines in the construction of improvements within the Property and the installation, maintenance and replacement of trees and landscaping within the Property as outlined in **Exhibit C** attached to the Second Amendment to Declaration of Covenants, Conditions and Restrictions for the Villages of Hurricane Creek.”

**Section 2.10 of the Declaration** is hereby modified and amended and replaced with the following:

“Section 2.10 CITY ORDINANCE NO. 886-2020.

“The Property and Lots are subject to City of Anna, Texas, Planned Development Ordinance 886-2020, or as such ordinance may be further modified or amended from time to time. The City's ordinance poses a comprehensive plan of development in order to create a master planned community featuring a mixture of housing types in a manner that will encourage sustainable neighborhoods. All Builders and Owners are required to review and know the City's Ordinance and to operate within the framework of that ordinance and this Declaration and may not rely solely on one without the other. In the event of a discrepancy between this Declaration and the City's ordinances, the higher standard shall always prevail unless written consent from the City and the ACC is received.”

*[END OF EXHIBIT B]*



## **Exhibit C**

### **Construction and Design Guidelines for The Villages of Hurricane Creek South**

The construction and design guidelines and restrictions on this **Exhibit C** shall apply to the Villages of Hurricane Creek South Land and be the “Design Guidelines” applicable to the Villages of Hurricane Creek South Neighborhood (being known as “The Villages of Hurricane Creek South”) for all purposes under the Declaration.

The construction and design guidelines and restrictions apply to all Single-Family Detached Residences in The Villages of Hurricane Creek South. The construction and design guidelines in this **Exhibit C** consist of restrictions and rules as set forth in the City of Anna Zoning Ordinance 886-2020 and The Villages of Hurricane Creek South design requirements and cover at least six (6) different Lot sizes.

The ACC has sole discretion and authority as to any modification or addition regardless of the structure type. Failure to abide by the conditions set forth in this Declaration and/or the conditional approval of the ACC when such an approval is issued is grounds for possible cease construction, removal or replacement of the nonconforming object or structure, and the maximum fine allowed under this Declaration

#### **PART ONE**

#### **SECTION 1: MINIMUM FLOOR AREA, LOT SIZE/COVERAGE, AND MAXIMUM HEIGHT**

Note: The total square feet of floor space within the interior dimensions of a residence, including each floor level, generally considered "air-conditioned space" is used when considering the minimum floor area and excludes cellars, garages, or any other non-air-conditioned area or space that is not considered part of the living area within a residence. Any Lot size not listed below shall require inquiry of the ACC for proper restrictions.

##### **1.1: 70' x 120' Lots**

- Minimum Lot size shall be 8,400 square feet.
- The combined area covered by all main buildings and accessory structures shall not exceed fifty percent (50%) of the total Lot area.
- The minimum square footage of "air-conditioned space" shall be 2,000 square feet.

##### **1.2: 80' x 120' Lots**

- Minimum Lot size shall be 9,600 square feet.
- The combined area covered by all main buildings and accessory structures shall not exceed fifty percent (50%) of the total Lot area.
- The minimum square footage of "air-conditioned space" shall be 2,000 square feet.

##### **1.3: 90' x 120' Lots**

- Minimum Lot size shall be 10,800 square feet.
- The combined area covered by all main buildings and accessory structures shall not exceed fifty percent (50%) of the total Lot area.
- The minimum square footage of "air-conditioned space" shall be 2,000 square feet.

**1.4: 60' x 120' Lots**

- Minimum Lot size shall be 7,200 square feet.
- The combined area covered by all main buildings and accessory structures shall not exceed fifty-five percent (55%) of the total Lot area.
- The minimum square footage of "air-conditioned space" shall be 1,800 square feet.

**1.5: 50' x 100' Lots**

- Minimum Lot size shall be 5,000 square feet.
- The combined area covered by all main buildings and accessory structures shall not exceed fifty-five percent (55%) of the total Lot area.
- The minimum square footage of "air-conditioned space" shall be 1,600 square feet.

**1.6: 40' x 100' Lots**

- Minimum Lot size shall be 4,000 square feet.
- The combined area covered by all main buildings and accessory structures shall not exceed eighty-five percent (85%) of the total Lot area.
- The minimum square footage of "air-conditioned space" shall be 1,200 square feet.

**1.7 MAXIMUM HEIGHT:**

- No building for any of the three Lot sizes noted in Part One, Section One above shall exceed thirty-five feet (35') in height. Number of stories allowed shall be based on City of Anna Zoning and Building Ordinance.

**PART TWO:**

**SECTION 2: MINIMUM FRONT, SIDE, AND REAR YARD SETBACKS:**

**2.1: 70' x 120' Lots**

- Minimum front yard setback shall be twenty feet (20').
- Minimum side yard setback for interior Lots shall be setback five feet (5').
- Minimum side yard setback for corner Lots, street side, shall be fifteen feet (15')
- Minimum rear yard setback is fifteen feet (15') which shall be open and unobstructed to the sky from a point thirty inches (30") above the average elevation of the graded rear yard, except for accessory buildings as may be permitted with written consent of the ACC. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four feet (4'). Balconies shall not project into the required rear yard.

**2.2: 80' x 120' Lots**

- Minimum front yard setback shall be twenty feet (20').
- Minimum side yard setback for interior Lots shall be setback five feet (5').
- Minimum side yard setback for corner Lots, street side, shall be fifteen feet (15')

- Minimum rear yard setback is fifteen feet (15') which shall be open and unobstructed to the sky from a point thirty inches (30") above the average elevation of the graded rear yard, except for accessory buildings as may be permitted with written consent of the ACC. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four feet (4'). Balconies shall not project into the required rear yard.

**2.3: 90' x 120' Lots**

- Minimum front yard setback shall be twenty feet (20').
- Minimum side yard setback for interior Lots shall be setback five feet (5').
- Minimum side yard setback for corner Lots, street side, shall be fifteen feet (15')
- Minimum rear yard setback is fifteen feet (15') which shall be open and unobstructed to the sky from a point thirty inches (30") above the average elevation of the graded rear yard, except for accessory buildings as may be permitted with written consent of the ACC. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four feet (4'). Balconies shall not project into the required rear yard.

**2.4: 60' x 120' Lots**

- Minimum front yard setback shall be twenty feet (20').
- Minimum side yard setback for interior Lots shall be setback five feet (5').
- Minimum side yard setback for corner Lots, street side, shall be ten feet (10')
- Minimum rear yard setback is ten feet (10') which shall be open and unobstructed to the sky from a point thirty inches (30") above the average elevation of the graded rear yard, except for accessory buildings as may be permitted with written consent of the ACC. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four feet (4'). Balconies shall not project into the required rear yard.

**2.5: 50' x 100' Lots**

- Minimum front yard setback shall be twenty feet (20').
- Minimum side yard setback for interior Lots shall be setback five feet (5').
- Minimum side yard setback for corner Lots, street side, shall be ten feet (10')
- Minimum rear yard setback is ten feet (10') which shall be open and unobstructed to the sky from a point thirty inches (30") above the average elevation of the graded rear yard, except for accessory buildings as may be permitted with written consent of the ACC. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four feet (4'). Balconies shall not project into the required rear yard.

**2.6: 40' x 100' Lots**

- Minimum front yard setback shall be twenty feet (20').
- Minimum side yard setback for interior Lots shall be setback five feet (5') on one side and may be zero feet (0') on the other side with separation between buildings as required under applicable ordinances of the City of Anna, Texas.
- Minimum side yard setback for corner Lots, street side, shall be ten feet (10')
- Minimum rear yard setback is ten feet (10') which shall be open and unobstructed to the sky from a point thirty inches (30") above the average elevation of the graded rear yard, except for accessory buildings as may be permitted with written consent of the ACC. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four feet (4'). Balconies shall not project into the required rear yard.

**PART THREE:**

**SECTION 3: LANDSCAPING, FENCES AND EXTERIOR ELEMENTS**

**Section 3.1: LANDSCAPING**

Builders and Owners are hereby placed on notice that the City of Anna has specific requirements for landscaping which may include the need for permits, submission of detailed landscape plans, certain tree removal and tree protection restrictions as well as a pre-approved list of allowed trees and shrubs.

- **Irrigation is required — yards must be equipped with an underground irrigation system with rain and freeze sensors and evapotranspiration (ET) weather-based controllers.**

All development within the Villages of Hurricane Creek shall comply with the City of Anna Code of Ordinance part III-E (Landscape Regulations). The provisions of the City of Anna Code of Ordinance part III-E are deemed to be the minimum standards and shall apply to all new construction. Residential lawns must be covered with grass (sod), living groundcover, low bushes or plants and other approved vegetation.

- **Artificial turf of any kind per the City of Anna's Landscape Ordinance is prohibited.**

The Villages of Hurricane Creek has included some of the primary information from the City's ordinances below; Notwithstanding, the list and restrictions are not all inclusive therefore, it is the Builders and/or Owner's responsibility to ensure compliance with all City of Anna landscape restrictions and ordinances prior to commencing installation. Should there be any discrepancy between the guidelines listed below and any City of Anna ordinances, the higher standard shall always prevail.

**The following landscape elements shall be installed prior to occupancy of the residence:**

3.1.1 **Sod:** Each residence shall have full sod installed for the entire front, sides, and rear yard. Sod shall be clean and reasonably free of weeds and noxious pests and insects.

- **Non-Living Materials:** Mulch, living groundcover, gravel, rock, crushed granite and other non-living materials shall be limited to flowerbeds and tree wells.
- No more than thirty percent (30%) of the front yard may be covered with any form of non-living material excluding driveway.

3.1.2 **Xeriscape:** When a xeriscape plan is desired, Builder or Owner must refer to Section 14.06.210 of the City of Anna Code of Ordinances and must have the prior written consent of the ARC. Xeriscape must compliment the aesthetics of the home and surrounding neighborhood.

3.1.3 **Groundcovers:** Groundcovers must be a living groundcover and may be subject to an approved groundcover list from the City of Anna. Groundcovers may not be used in lieu of grass or sod without the prior written consent of the ARC.

**Section 3.2: TREE REQUIREMENTS**

- For single-family residences on SF-84 Lots, Builders shall be required to plant three (3) large trees (minimum of three-inch (3") caliper and seven (7) feet high at time of planting) per Lot prior to obtaining a certificate of occupancy.
- For single-family residences on SF-72 and SF-60 Lots, Builders shall be required to plant two (2) large trees (minimum of three-inch (3") caliper and seven (7) feet high at time of planting) per Lot prior to obtaining a certificate of occupancy.
- For single-family residences on SF-Z Lots, Builders shall be required to plant one (1) large tree (minimum of three-inch (3") caliper and seven (7) feet high at time of planting) per Lot prior to obtaining a certificate of occupancy.

- At least one (1) of the trees shall be located in the front yard of each SF-84, SF-72 and SF-60 Lot. Trees on the SF-Z lots shall be planted in either the front or rear yard at the Builder’s discretion. Any existing quality trees of at least a three-inch (3”) caliper that is maintained on the Lot shall count to meet this standard if appropriate tree protection measures have been followed (Ordinance No. 56-2003 adopted 02/11/2003).
- No tree may be planted closer to a right-of-way line or closer to a public utility line than what is allowed in the City of Anna Landscape Ordinance and unless no other alternative is available. Clearance from the City of Anna must be obtained.
- No tree which shall have a mature height of twenty-five feet (25’) or more may be planted beneath an existing or proposed overhead utility line.
- No tree shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at least eight feet (8’) or a sufficient height to prevent obstruction of such sight lines.
- Tree bubblers are required. All trees are to be equipped with bubbler irrigation system per City of Anna Landscape Ordinance.
- Builders shall be required to plant one large tree (minimum of three-inch (3”) caliper and seven (7) feet high at time of planting) per seventy-five (75) linear feet, or portion thereof, of street frontage for major thoroughfares adjacent to a Lot. (“Street Trees”). Street Trees may be grouped or clustered to facilitate site design.

**CITY OF ANNA APPROVED LARGE TREE LIST:**

Caddo Maple	Pecan	Shagbark Hickory	Deodar Cedar
Tx Persimmon	Blk Walnut	Est Blk Walnut	Red Cedar
Est Red Cedar	Sweetgum	Southern Magnolia	Chinese Pistachio
Texas Pistache	Bur Oak	Chinquapin Oak	Shumard Oak
Texas Red Oak	Live Oak	Western Soapberry	Bald Cypress
Winged Elm	Cedar Elm	American Elm	Chinese Elm
Lace Bark Elm	Siberian Elm		

**Section 3.3: SHRUBS, HEDGES, AND PLANTING BEDS**

**3.3.1 Shrubs & Hedges:**

- Shrubs and hedges must meet the minimum requirement of City of Anna Landscape Ordinance and be chosen from the City of Anna’s recommended plant list.
- Shrubs not of the dwarf variety shall be a minimum of two feet (2’) in height when measured at time of planting.
- Hedges where installed for buffering purposes shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which is to be three feet (3’) in height at time of planting.
- Evergreen Vines, if allowed, shall not be used as groundcover and must be a minimum of two feet (2’) in height at time of planting

**PARTIAL LIST OF APPROVED SHRUBS:**

Abelia	Barberry	Japanese Boxwood	Eleagnus
Junipers	Nandina	Chinese Holly	Texas Sage

**PARTIAL LIST OF APPROVED LIVE SCREENING:**

Atlas Cedar	Cryptomeria	Burford Holly	Wax Myrtle
Vitex Cherry	Laurel	Afgan Pine	Leyland Cypress

**Section 3.4: FENCES**

Per the City of Anna Residential Fencing Requirements, it shall be unlawful for any person to construct or repair a fence not in compliance with the City of Anna fencing ordinance and regulations. All fence construction, alterations, additions, or repairs require a permit from the City of Anna and the prior written consent of the ACC. All fence installers are required to be registered with the City of Anna. See Section 14.04.305 of the City of Anna's Fencing Requirements for all details.

- Repairs not involving posts or not in excess of fifty percent (50%) of any one run, such as replacing pickets or customary maintenance, may be completed without a permit.
- The staining or re-staining of a fence requires the prior written consent of the ACC.
- It shall be unlawful and subject to citation by the City of Anna should a fence display any of the following conditions: (i) Any fence that leans, falls, becomes unstable, or causes damage to other property. (ii) Fences that are supported by any means other than the fence post. (iii) Missing or loose pickets, broken or missing parts, decayed members.
- All fences shall be perpetually maintained, repaired, or replaced by the owner. Fences not required by a City ordinance, screening regulation, or other standard shall be either maintained or removed.

**Section 3.4.1 Adequate Plans:** Submission of adequate plans and specifications, which shall include a plot plan showing exact materials, easements, location, height, dimensions from property lines, sidewalks, curbs, and location of gates is required from a Builder or an Owner prior to commencing fence installation or repairs. The ACC may request a copy of the permit from the City prior to issuing an approval to commence with the installation or repair of a fence.

- No fence shall be erected on public right-of-way or within any drainage easement, unless otherwise authorized in advance, in writing, by the City Director and the ACC.
- Fences shall not encroach upon any property line (front, side, or rear). All fencing is subject to discretionary review and approval by the City Director.
- No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between three feet (3') and six feet (6') above the roadway shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street right-of-way lines and a line connecting them at points a minimum of ten feet (10') from the intersection of the street right-of-way lines, or, in the case of a rounded property corner, from the intersection of the street right-of-way lines as extended.
- The same sight-line limitations shall apply on any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a private driveway or alley pavement.

**Section 3.4.2 Minimum and Maximum height of residential fences:**

- General fence height prevailing throughout the subdivision shall be six feet (6'). All wood fencing shall be at least six feet (6') in height. Under no circumstance shall a fence exceed eight feet (8') in height. Allowance for ground clearance and decorative caps shall be made when applicable.

**Section 3.4.3 Fence Materials and Rules:**

- Residential fences should only be wooden or black tubular steel (powder coated ornamental iron). Wood fencing shall be cedar or white wood, stained a natural brown or earth tone color.

**Section 3.4.4 Wooden Fence Standards.**

- (1) Vertical posts - all vertical posts shall be galvanized steel with a minimum two and three-eighths (2 $\frac{3}{8}$ ) inch diameter, a minimum CS 20 (.095) thickness, and set in a concrete footing.

- (2) Concrete footings shall be a minimum of eight (8) inches in diameter.
- (3) Spacing of footings for fences six feet (6') in height, posts shall be spaced at a maximum of eight feet (8') on center, set in a concrete footing of no less than twenty-four inches (24") deep.
- (4) For fences that are eight feet (8') in height, posts shall be spaced at a maximum of six feet (6') on center, set in a concrete footing of no less than thirty-six inches (36") deep.
- (5) Wood fencing shall be stained and sealed.

**Section 3.4.5 Fences that back or side to other residences.**

- Fences that back or side to another residence may have either side of the fence face the interior of the lot. The Association shall have no liability as to which side of the Lot the poles shall face.
- Fences that back or side to another residence are considered shared fencing and shall be considered "neighbor to neighbor" fencing. Any disputes or discrepancies involving shared fencing should be communicated between and resolved between those Owners sharing that portion of the fence.
- The Association may choose to limit or completely restrict any involvement by the ACC, the Board, or the Managing Agent in any issue involving a shared fence.

**Section 3.4.6 Fences located on corner lots.**

- On all corner lots, fences shall not be closer than fifteen feet (15') from the face of any curb, unless otherwise approved by the City and the ACC.

**Section 3.4.7 Fences facing rights-of-way (on back, side, or corners).**

- All fences erected on side yards of corner lots and reverse corner lots or backing to a right-of-way shall be cedar or white wood, Board-on-Board, with a decorative cap so that only the finished fence side faces the street.

**Section 3.4.8 Fences located between houses that face the street.**

- The portion of fence that is parallel to the street and perpendicular to the fence along the side yard must be constructed of cedar or white wood, Board-on-Board, with a decorative cap so that a finished fence side only faces the street.

**Section 3.4.9 Private residential fence adjacent to a subdivision perimeter wall.**

- A fence that is parallel to or perpendicular to such wall shall not exceed the height of the adjacent subdivision wall.
- A fence that is separated from the subdivision screening wall by a public alley or right-of-way is deemed to not be adjacent to the subdivision screening wall. If abutting, the height of the residential fence may transition in height from the height of the subdivision screening wall to the maximum allowable height of the residential fence (6-feet as a general rule), provided that the Zoning Ordinance, ARTICLE IV, Part 3, Screening & Fencing page 133 10-08-19 transition is a smooth rate of increase or decrease and does not exceed a span of sixteen (16) feet in length.

**Section 3.4.10 Fences adjacent to scenic views or Common Areas.**

- Fences adjacent to scenic views such as a floodplain, creek, or dedicated open space shall be black tubular steel and a minimum of fifty percent (50%) open. All fences on a residential Lot abutting or adjacent to an open space or common area must be ornamental metal, such as wrought iron or tubular steel.

**Section 3.4.11 Construction.**

- All materials shall be securely fastened, with vertical boards to horizontal stringers, stringers to vertical posts and top rail, to ensure an ongoing attractive appearance and safe condition, free from rot, rust, vandalism, and other sources of decay.

**Section 3.4.12 Interior fences.** Defined as fences within the property fence for specific uses, such as dog runs, swimming pool fences, and other similar situations within the interior of a back yard.

- These interior fences require the prior written consent of the ACC and may be constructed of alternate materials, upon approval of the ACC and as long as all exterior and shared fence lines are built to compliance with this section and the City of Anna and the alternate interior materials are shorter than the exterior fence and not visible to the public.

**Section 3.4.13 Gate embellishments.**

- Decorative gate embellishments are allowed; however, they shall not exceed the height of the fence by more than two (2) feet and require the prior written consent of the ACC.

**Section 3.4.11 Security Measures.** Any security fencing installed on an Owner's Lot as a security measure under Section 202.023 of the Texas Property Code, as amended:

- (a) shall be no higher than eight (8) feet from grade,
- (b) to the extent located within the front yard area of an Owner's Lot, must be open and constructed of ornamental metal or wrought iron materials that allow the front façade of the residence on such Owner's Lot to remain visible from the street through such fencing and be of a design approved by the Architectural Reviewer and also Declarant during the Development Period,
- (c) to the extent located within the front yard area of an Owner's Lot, shall not include or be constructed or installed with screening material, landscape screening, chain link, razor wire, electrification, or barbed wire,
- (d) shall not be placed in a manner that obstructs (i) a licensed areas, (ii) a sidewalk in the public right-of-way or otherwise installed for public community use, or (iii) a drainage easement or drainage area,
- (e) in the event such fencing includes a driveway gate, such driveway gates shall be located at least ten feet (10') from the right-of-way if the driveway intersects with a landed roadway,
- (f) shall not be constructed in front of the front-most facing building line of the residence on a Lot unless (i) the Owner's residential address is exempt from public disclosure by state or federal law, or (ii) the Owner provides the Board documentation from a law enforcement agency of the Owner's need for enhanced security measures, and
- (g) such fencing shall otherwise be constructed, installed and maintained in compliance with any and all governmental requirements, including permit requirements.

No Owner shall place security cameras in any place other than the Owner's own Lot. The "front yard area" with respect to a Lot shall mean the area between the front façade of the residence on such Lot and the public street or right-of-way in front of such Lot.

**PART FOUR:**

**SECTION 4: GARAGE, DRIVEWAYS, SIDEWALKS, AND DOORS**



Section 4.1 **Garage placement** for The Villages of Hurricane Creek may be front facing or J-Swing.

- Garage setbacks must allow driveway parking that keeps the sidewalk clear of vehicles.
- The garage shall conform in design and materials with the main structure. Should the City of Anna building and zoning ordinance conflict with the restrictions set forth herein, the higher standard shall prevail.
- The garage width openings shall meet the City of Anna standards for this subdivision notwithstanding, unless the City of Anna has a varying rule, garage opening facing public streets shall normally be limited to twenty feet (20') or one-third the Lot width; provided, however, only Lots developed as SF-Z and SF-60 may be 60% of the total frontage width of a residence, whether or not J-Swing drives are used. Porches or columns are not considered part of the front elevation of the primary living area of a residence.
- Recessed garages may be allowed a greater width so long as the visible width fronting the street does not exceed the maximum.
- When Lot size permits, garage placement may be J-Swing located on the side of the residence and can be entered from the side.
- Front entry garages may not be extended more than ten feet (10') beyond the remainder elevation of the primary living area of a residence.

Section 4.2 **All garage doors must meet the following material and design standards:**

- wood clad or equivalent garage doors, or
- wood composite doors.
- **GARAGE DOORS MUST CONTAIN AT LEAST TWO OF THE FOLLOWING ENHANCEMENTS:**
  - o Two single garage doors (in lieu of double doors);
  - o Decorative windows;
  - o Decorative hardware;
  - o Garage door recessed a minimum of 12 inches from the garage face; or
  - o Cast stone surround.
- **Builder must submit information on the type and style of garage door to be installed in advance. No install or change of a garage door should be done without the prior written consent of the ACC.**

Section 4.3 **Driveways.** Residential driveways provide access to a single-family residence. Driveway width refers to the width of the pavement at the property line.

- Driveways onto streets shall have minimum width of twelve feet (12') and a maximum width of twenty-four feet (24').
- Builders shall be required to comply with the driveway radius and driveway approaches as required in the City of Anna Building and Zoning Ordinance as set forth for The Villages of Hurricane Creek or with the City of Anna Building and Zoning Ordinance should no specific ordinance exist.
- No more than two (2) driveway approaches shall be permitted on any Lot.
  - o Front entry driveways on SF-72 & SF-84 lots must incorporate at least one of the following enhanced decorative paving techniques:
    - Earth tone colored stained concrete;

- Stamped/patterned concrete;
- Brick, stone, or concrete pavers;
- Salt-finished concrete;
- Washed aggregate

Section 4.3.1 **Underground fire main control valves shall not be installed beneath driveways.**

Section 4.3.2

- All driveways shall be surfaced with concrete. No widening of driveway is allowed without the proper written consent of the Reviewer.
- No stain or color variations or patterned concrete of driveways or sidewalks shall be allowed without the express written consent of the Reviewer.

Section 4.5 **Sidewalks.** All residential developments shall provide pedestrian connections within the subdivision and stub out these trails or sidewalks to the edge of the property for future connections, if applicable.

- All sidewalk standards shall conform to the requirements of the subdivision ordinance and the engineering design standards of the City of Anna.

Section 4.6 **Doors.** To the extent possible, residences should be individualized through varying use of doors and windows that will bring character and aesthetic harmony to the residence.

- Doors on the front facade are to be wood, iron, glass, and/or architectural fiberglass.
- Stained doors are acceptable. Painted doors are not allowed under any circumstance.
- Stain color must be earth tone colors subtle in appearance yet with enough aesthetic appeal to bring beauty and character to the front of the residence.
- Builders and Owners are encouraged to choose doors with architectural enhancements such as windows or intricate designs, and filigrees notwithstanding, no writing, symbols (except Texas star), or other similar items that can be considered offensive are allowed.
- An Owner desiring to replace their front door after the initial installation must obtain the prior written consent of the ACC.
- Storm doors shall be allowed notwithstanding, the following storm doors are the only doors pre-approved for installation without obtaining the express, prior written consent of the ACC:
- Glass, metal or wrought iron doors tastefully designed to enhance the overall beauty and aesthetic of the front of the residence.

**THE FOLLOWING RESTRICTIONS APPLY:**

- NO Doors may have any writing, symbols (except the Texas Star is permissible), or other designs that may be considered offensive to others.
- Flimsy aluminum doors and doors that will detract from the overall aesthetics of the residence are prohibited.
- Prior written approval for exterior doors on the side or back of the residence is required if the door is visible to the public. An example is a yard with a wrought iron fence allowing the back of the residence and door to be seen or a side door or patio located outside a fenced area and visible from the street or a neighboring residence. The same rule applies to sliding glass doors when installation or replacement in an area visible to the public is desired.

Any violation of the rules in this Section 4.6 will result in a notice of violation and demand for removal of the unapproved door. Failure to comply may result in a notice of violation and a monetary fine.

## PART FIVE: RESIDENTIAL ARCHITECTURAL STANDARDS

### **SECTION 5:** WINDOWS, BUILDING ARTICULATION, MASONRY CONTENT, ROOFS, AND REPETITION

**Section 5.1 WINDOWS:** Windowless exterior walls, excluding garage doors that face a public right-of-way, or other similar highly visible areas are prohibited. Windows shall be in harmony with and proportionate to the rest of the structure. Notwithstanding, should any of the suggested requirements in this Section 5.1 conflict with the City of Anna's Ordinance for installation of windows in residential homes, the higher standard shall prevail.

- On two-story structures, windows are required on the first and second story facing a public right-of-way.
- Windows from second stories that can look over into neighboring yards or windows of neighboring homes is encouraged to have a type of glass that allows sun and light in, but does not allow a person to peer through the window.
- The use of Pop-Out's, Bay Windows, Recessed Windows, and Windowsills are strongly encouraged as long as approved by use the City of Anna. As a general rule, vinyl, divided light windows are among the more commonly used notwithstanding, as long as approved for use by the City of Anna, diversity and beauty in the type and style of windows used is encouraged.
- The use of reflective glass on residential structures is prohibited. Reflective glass will be defined as having a visible light reflectance rating of fifteen percent (15%) or greater.

**Section 5.2 BUILDING ARTICULATION:** At least four facade articulation techniques are required on each single-family residence to add architectural variety and interests to the community. The following features are acceptable for building articulation:

- (a) A base course or plinth course; banding, moldings, or stringcourses; quoins; oriels; cornices; arches; brackets; keystones; dormers; louvers as part of the exterior wall construction. (Quoins and banding shall wrap around the corners of the structure for at least two feet.)
- (b) Balconies;
- (c) Shutters;
- (d) Bay windows;
- (e) Masonry chimney(s);
- (f) Double-entry door(s);
- (g) Covered Entry(ies);
- (h) Horizontal banding continuing the length of the wall that faces a street, or other similar highly visible areas.
- (i) The use of both stone and brick on the front elevations with a minimum of ten percent coverage of one of the elements.
- (j) Front porch of at least 40 square feet.
- (k) The installation of at least two (2) coach lights.
- (l) Other techniques for building articulation can be substituted if administratively approved by the administrative official.
- (m) Divided light windows in front is an acceptable technique for building façade articulation.
- (n) Masonry stone or cast stone accents;
- (o) Decorative window molding or lintels;
- (p) Arched or circle tip windows;
- (q) Attic window or dormer;
- (r) Cedar or painted columns;
- (s) Ornamental rooftop feature;

- (t) Decorative gable feature;
- (u) Patio courtyard;
- (v) Parapet roof.
- (w) Other techniques for building articulation can be substituted ONLY after receiving approval from a City of Anna Administrative Official. A Builder who wants to use alternate techniques will be required to show written proof of approval from the City of Anna before seeking approval from the ACC.

**Section 5.3 MASONRY CONTENT:** Except as noted below, the exterior walls excluding windows and doors shall be as follows:

- First floor front elevation of any single-family residence on all Lots shall be ninety percent (90%) masonry (primarily stone and brick) and eighty percent (80%) on the second-floor front elevation. The masonry standards that apply to the front elevation of a residence as described in the preceding sentence shall also apply to the exterior façade of any residence or structure that is (i) adjacent to and faces a public street or right-of-way, or (ii) visible from and located immediately adjacent to a public park, reserved open space or neighborhood common area, or an undeveloped flood hazard or drainage area that is also adjacent to a public street.
- The total cumulative surface area of the remaining exterior walls (sides & rear) excluding windows and doors on any SF-84 Lots shall be eighty percent (80%) masonry.
- The total cumulative surface area of the remaining exterior walls (sides & rear) excluding windows and doors on any SF-72, SF-60 or SF-Z Lots shall be sixty percent (60%) masonry.
- With written consents from the City of Anna and the ACC, second-floor Dutch Gable roof elements are not required to be masonry if setback at least three feet (3') from the first-floor front elevation vertical plane.
- Other acceptable masonry materials which may be used to meet the masonry requirements are: brick or stone veneer, or 3-coat hand or gun applied stucco. The ACC will allow cementitious siding only if the City of Anna allows such a masonry material to fulfill the higher percentage of masonry materials required especially for front facades.

**Section 5.4 ROOFS:** The Prior written consent of the ACC is required. Pitched roofs shall have an overhang at least one foot (1') beyond the building wall; however, the overhang shall not encroach into a setback more than one foot (1').

- Pitched roofs shall have a minimum slope of 6" x 12" (six inches vertical rise for every twelve inches horizontal run).
- Porch roofs and shed roofs must have a minimum pitch of 4" x 12" (four inches vertical rise for every twelve inches horizontal run).
- Roofing materials may only consist of architectural asphalt shingles (including laminated dimensional shingles), clay and concrete tile, slate and slate-type shingles. Any other type or style of roofing material (regardless of whether approved by City of Anna), shall require the prior written consent of the ACC).
- Approved color schemes are browns, grays, including charcoal gray, and upon written approval of the ACC, black.
- Under no circumstance shall three-tab shingles be allowed for use as a roofing material.
- Architectural shingles must be used as roofing material, and said shingles shall be accompanied with a minimum twenty-five (25) year warranty.

**Section 5.4.1 Dormers & Above Roof Chimneys:** Dormers and Chimney Chases, above roof structure and roofing materials, must meet the City of Anna's Building and Zoning Ordinances for The Villages of Hurricane Creek. All Fireplace flues shall be enclosed and finished; exposed pre-fabricated metal flue piping is prohibited without prior written consent of the Reviewer. Flues used for gas fireplaces and other

similar equipment if exposed, shall be installed in such a manner so as not to be visible from the front of the residence or street. Should installation of exposed flues be required elsewhere, prior written consent of the ACC shall be required.

Section 5.4.2 Roof-mounted and wall-mounted mechanical equipment is prohibited.

Section 5.4.3 Roofing shingles covered by this Section are exclusively those designed primarily to be more wind and hail resistant than those provided by customary composite shingles.

**Roofing Shingles allowed under this Section shall:**

- resemble the shingles used or otherwise authorized for use in the Subdivision and/or Property. Solar shingles shall be subject to placement restrictions as well as other restrictions governing the installation of solar shingles designed to generate solar energy;
- be more durable than and are of equal or superior quality to the shingles used or otherwise authorized for use in the Subdivision and/or Property.
- match the aesthetics of the property and surrounding properties.

Section 5.4.4 The Owner requesting permission to install the Roofing Shingles will be solely responsible for accrediting, certifying and demonstrating to the Reviewer that the proposed installation is in full compliance with the Construction and Design Guidelines and the City of Anna.

Section 5.4.6 Owners are hereby placed on notice that the installation of Roofing Materials may void or adversely affect other warranties.

**Section 5.5 REPETITION RULES:**

- Within The Villages of Hurricane Creek community, single-family homes with substantially identical exterior elevations may only be repeated every four (4) Lots when fronting the same right-of-way, including both sides of the street.
- Residences side by side or across the street and within one (1) residential Lot from one another; in other words, residences directly across the street or "caddy corner" across the street shall not have substantially identical exterior elevations.

**PART SIX: MAILBOXES AND ADDRESS BLOCK**

**SECTION 6.1: CLUSTER MAINBOXES.** Mailboxes shall be cluster mailboxes standardized throughout The Villages of Hurricane Creek South and construction and placement shall be in accordance with the Developer and the U.S. Postal Service.

- In the event that any cluster mailbox installed in the subdivision requires maintenance, replacement or repairs, such shall be performed by the Association and the costs and expenses incurred by the Association in connection therewith shall be charged on a pro-rata basis (based on the total number of mailbox units within such cluster mailbox) and levied as a Special Individual Assessment to each Owner that particular cluster box unit served.
- The Association does not provide or maintain keys for the cluster mailboxes.

**Section 6.2 ADDRESS BLOCK**

- An address block shall be installed on the front facade of each residence. No vegetation or structure of any kind may block the address block; a clear line of sight from the street to the address block must be maintained at all times.

- An address block must be stylish and must match and enhance the aesthetics of the exterior of the residence. Placement under an outside light or a backlight to illuminate the address plate at night is recommended but not mandatory.

## **PART SEVEN: FLAGS AND FLAGPOLES**

**SECTION 7.1:** The only flags which may be displayed are: (i) the flag of the United States of America; (ii) the flag of the State of Texas; and (iii) an official or replica flag of any branch of the United States armed forces. No other types of flags, pennants, banners, kits or similar types of displays are permitted on a Lot if the display is visible from a street or Common Properties.

7.1.1 The flag of the United States must be displayed in accordance with 4 U.S.C. Sections 5-10.

7.1.2 The flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code.

7.1.3 Any freestanding flagpole, or flagpole attached to a residence, shall be constructed of permanent, long-lasting materials. The materials used for the flagpole shall be harmonious with the residence, and must have a silver finish with a gold or silver ball at the top. The flagpole must not exceed three (3) inches in diameter.

7.1.4 The display of a flag, or the location and construction of the supporting flagpole, shall comply with applicable zoning ordinances, easements, and setbacks of record.

7.1.5 A displayed flag, and the flagpole on which it is flown, shall be maintained in good condition at all times. Any flag that is deteriorated must be replaced or removed. Any flagpole that is structurally unsafe or deteriorated shall be repaired, replaced, or removed.

7.1.6 Only one flagpole will be allowed per Lot. A flagpole can either be securely attached to the face of the residence (no other structure) or be a freestanding flagpole. A flagpole attached to the residence may not exceed 4 feet in length. A freestanding flagpole may not exceed 20 feet in height. Any freestanding flagpole must be located in either the front yard or backyard of a Lot, and there must be a distance of at least 5 feet between the flagpole and the property line.

7.1.7 Any flag flown or displayed on a freestanding flagpole may be no smaller than 3'x5' and no larger than 4'x6'.

7.1.8 Any flag flown or displayed on a flagpole attached to the residence may be no larger than 3'x5'.

7.1.9 Any freestanding flagpole must be equipped to minimize halyard noise. The preferred method is through the use of an internal halyard system. Alternatively, swivel snap hooks must be covered or "Quiet Halyard" Flag snaps installed. Neighbor complaints of noisy halyards are a basis to have flagpole removed until Owner resolves the noise complaint.

7.1.10 The illumination of a flag is allowed so long as it does not create a disturbance to other residents in the Subdivision. Solar powered, pole mounted light fixtures are preferred as opposed to ground mounted light fixtures. Compliance with all municipal requirements for electrical ground mounted installations must be certified by Owner. Flag illumination may not shine into another residence. Neighbor complaints regarding flag illumination are a basis to prohibit further illumination until Owner resolves complaint.

7.1.11 Flagpoles shall not be installed in Common Properties or any property maintained by the Association.

7.1.12 All freestanding flagpole installations must receive prior written approval from the Reviewer.

## **PART EIGHT: RAIN BARRELS OR RAINWATER HARVESTING SYSTEMS**

**SECTION 8.1:** Rain barrels or rain water harvesting systems and related system components (collectively, "Rain Barrels") may only be installed after receiving the written approval of the Reviewer.

Section 8.1.1 Rain Barrels may not be installed upon or within Common Properties.

Section 8.1.2 Under no circumstances shall Rain Barrels be installed or located in or on any area within a Lot that is in-between the front of the property Owner's residence and an adjoining or adjacent street.

Section 8.1.3 The rain barrel must be of color that is consistent with the color scheme of the property Owner's residence and may not contain or display any language or other content that is not typically displayed on such Rain Barrels as manufactured.

Section 8.1.4 Rain Barrels may be located in the side-yard or back-yard of an Owner's Lot so long as these may not be seen from a street, another Lot or any Common Properties.

Section 8.1.5 In the event the installation of Rain Barrels in the side-yard or back-yard of an Owner's property in compliance with paragraph 1.5.5 above is impossible, the Reviewing Body may impose limitations or further requirements regarding the size, number and screening of Rain Barrels with the objective of screening the Rain Barrels from public view to the greatest extent possible. The Owner must have sufficient area on their Lot to accommodate the Rain Barrels.

Section 8.1.6 Rain Barrels must be properly maintained at all times or removed by the Owner.

Section 8.1.7 Rain Barrels must be enclosed or covered.

Section 8.1.8 Rain Barrels which are not properly maintained become unsightly or could serve as a breeding pool for mosquitoes must be removed by the Owner from the Lot.

## **PART NINE: RELIGIOUS DISPLAYS**

**SECTION 9.1:** By statute, an Owner is allowed to display or affix the Owner's Lot or occupant's residence one or more religious items, the display of which is motivated by the Owner's or occupant's sincere religious belief. Such display is limited according to the provisions contained herein.

Section 9.1.1 If displaying or affixing of a religious item on the Owner's Lot or occupant's residence violates any of the following covenants, the Association may remove the item displayed:

- (1) threatens the public health or safety;
- (2) violates a law other than a law prohibiting the display of religious speech;
- (3) contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;
- (4) is installed on property:
  - (A) owned or maintained by the Association; or
  - (B) owned in common by members of the Association;
- (5) violates any applicable building line, right-of-way, setback or easement; or
- (6) is attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

Section 9.1.2 No Owner or resident is authorized to use a material or color for an entry door or door frame of the Owner's or occupant's residence or make an alteration to the entry door or door frame that is not authorized by the Association, Declaration or otherwise expressly approved by the Architectural Control Committee.

## **PART TEN: SOLAR PANELS**

**SECTION 10.1:** Solar energy devices, including any related equipment or system components (collectively, "Solar Panels") may only be installed after receiving the written approval of the Architectural Control Committee.

Section 10.1.1 Solar Panels may not be installed upon or within Common Properties or any area which is maintained by the Association.

Section 10.1.2 Solar Panels may only be installed on designated locations on the roof of a residence, on any structure allowed under any Association dedicatory instrument, or within any fenced rear-yard or fenced-in patio of the Owner's property, but only as allowed by the Reviewer. Solar Panels may not be installed on the front elevation of the residence.

Section 10.1.3 If located on the roof of a residence, Solar Panels shall:

- (1) not extend higher than or beyond the roofline;
- (2) conform to the slope of the roof;
- (3) have a top edge that is parallel to the roofline; and
- (4) have a frame, support bracket, or wiring that is black or painted to match the color of the roof tiles or shingles of the roof Piping must be painted to match the surface to which it is attached, i.e. the soffit and wall. Panels must blend with the color of the roof to the greatest extent possible.

Section 10.1.4 If located in the fenced rear-yard or patio, Solar Panels shall not be taller than the fence line or visible from a Lot, Common Properties or street.

Section 10.1.5 The Reviewer may deny a request for the installation of Solar Panels if it determines that the placement of the Solar Panels, as proposed by the property Owner, will create an interference with the use and enjoyment of land of neighboring Owners.

Section 10.1.6 Owners are hereby placed on notice that the installation of Solar Panels may void or adversely affect roof warranties. Any installation of Solar Panels which voids material warranties is not permitted and will be cause for the Solar Panels to be removed by the Owner.

Section 10.1.7 Solar Panels must be properly maintained at all times or removed by the Owner.

Section 10.1.7 Solar Panels which become non-functioning or inoperable must be removed by the Owner of the property.

## **PART ELEVEN: SWIMMING POOLS**

### **SECTION 11.1:**

**Section 11.1.1** The Association requires a minimum of five feet (5') from the edge of any decking around the pool to the fence. The ACC will not accept a setback from the edge of the waterline to the fence as an appropriate setback.



Section 11.1.2 Lesser distance shall only be allowed with written variance from the Reviewer. To allow a lesser distance the Reviewer may require one or more french or short drains to help keep the flow of water moving along the natural or established drainage flow.

Section 11.1.3 No pool or decking may cover the entire yard. Structures must remain to the back of the residence unless prior written consent is provided by the Reviewer.

Section 11.1.4 Swimming enclosures (as defined below) shall comply with all applicable City of Anna requirements as well as federal and state regulations. A copy of the permit from the City of Anna may be required by the ACC before an approval is released. The design and appearance of any swimming pool enclosure that is visible from the Street or Common Properties adjacent to the Lot on which such swimming pool enclosure is located in any event must be six feet (6') or less in height, black in color, and consist of transparent mesh set in metal frames, unless otherwise approved in writing by the Architectural Reviewer. In no event shall the ACC prohibit or restrict an Owner from installing on such Owner's Lot a swimming pool enclosure that conforms to applicable state or local safety requirements. A "swimming pool enclosure" means and refers to a fence that (1) surrounds a water feature, including a swimming pool or spa located on a Lot; (2) consists of transparent mesh or clear panels set in metal frames; (3) is not more than six feet (6') in height; and (4) is designed to not be climbable

Section 11.1.5 Outdoor kitchens and any other improvements required prior written consent of the Reviewer and installation by licensed, professional contractors for all work is required. Copy of the permit from the City of Anna. Required before approval will be issued.

Section 11.1.6 **NO ABOVE GROUND POOL INCLUDING SWIM SPAS ARE ALLOWED.**

Section 11.1.7 Hot tubs and small spas when appropriately placed and installed are permissible.

Section 11.1.8 **It shall be a violation to fail to meet the minimum standards required for maintaining a swimming pool enclosure or safety device as set forth by the City of Anna and any Ordinance or Local Government Code.**

*[End of Exhibit C]*

**Collin County  
Honorable Stacey Kemp  
Collin County Clerk**

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**Instrument Number:** 2023000118318

eRecording - Real Property

AMENDMENT

Recorded On: October 13, 2023 09:03 AM

Number of Pages: 26

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**" Examined and Charged as Follows: "**

Total Recording: \$122.00

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**\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\***

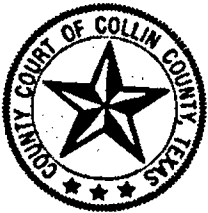
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2023000118318  
Receipt Number: 20231012000467  
Recorded Date/Time: October 13, 2023 09:03 AM  
User: Matthew M  
Station: Station 10

**Record and Return To:**

Simplifile



**STATE OF TEXAS  
COUNTY OF COLLIN**

**I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Public Records of Collin County, Texas.**

Honorable Stacey Kemp  
Collin County Clerk  
Collin County, TX