



# **HACKBERRY CREEK VILLAGE**



**Hackberry Creek Home Owners Association**

**DESIGN GUIDELINES**

**Version 5.0**

**November 2011**



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### I. HACKBERRY CREEK VILLAGE – DESIGN STANDARDS

#### A. Authority

This DESIGN STANDARDS document is promulgated pursuant to authority granted unto the Village Architectural Control Committee (VACC) of Hackberry Creek Village Development (hereinafter referred to as the “Development”) under section 8.02 of the amended and consolidated covenants, conditions, and restrictions (CC&R) for the Hackberry Creek Residential Community recorded in Volume 96213, pages 3823 et. seq. and Volume 98020, pages 1194 et. seq. of the deed records of Dallas County, Texas (the “Declaration”) as amended. The requirements and provisions of the Design Standards shall be in addition to, and not in lieu of, the requirements and provisions of the Declaration.

#### B. Purpose

The primary purpose of these Design Guidelines is to better assure owners of properties within the Hackberry Creek subdivision that all individual improvements will conform to the same high standards of design excellence. The guidelines seek to establish a design framework which the individual homebuilder or homeowner will use for site improvement, with latitude and flexibility (on the one hand) balanced against preserving the value and integrity of Hackberry Creek (on the other hand). These Design Guidelines will, hopefully, serve to guide, inform, aid and inspire to the same extent as they serve to prohibit, restrict and require. While some features are mandated, it should be understood that the VACC may make discretionary judgments to reduce or waive any requirement when it can be demonstrated (to the reasonable satisfaction of the VACC, as the case may be) that appropriate mitigating measures have been taken. However, such discretionary approval(s) shall not represent or constitute a binding precedent since no two or more tracts or circumstances are likely to be alike.

#### C. Definitions

Certain terms defined within the CC&R are similarly used in this document and, for convenience purposes, a few of the important terms and concepts are condensed and recited in Appendix A at the back of this document.

#### D. Powers of the Village Architectural Control Committee

The VACC shall have the right, power and authority to establish and prescribe architectural restrictions and guidelines pertaining to items and topics such as (but not necessarily limited to):

- 1) A site plan showing the "footprint" of the building, location of all existing trees (indicate size and type) and proposed improvements, including but not limited to, structures, patios, driveways, parking areas and structures, fences and walls.
- 2) Exterior elevations of all proposed new buildings or structures and additions to existing buildings or structures.
- 3) A description and samples of exterior materials, colors, and textures to be used on all new buildings or structures and additions to existing buildings or structures.
- 4) Landscape plans, which shall include walkways, fences, walls, details, grade changes, irrigation and watering systems, vegetation and ground cover (indicating size, spacing and quantity), and the protection and preservation of existing trees and other existing plant material.
- 5) Utility connections, including routing of electrical, gas, water, sanitary sewer, telephone cables and pre-wired CATV facilities.



- 6) Exterior illumination and fixture location(s).
- 7) Dimensional floor plan of all enclosed spaces and any garages or parking facilities (particularly where the garages face the street).
- 8) Mailbox location and design.
- 9) An engineered drainage plan showing all drainage solutions.
- 10) Such other matters as may be required by the then applicable zoning and building codes of the City of Irving.
- 11) Any other data or information requested or deemed reasonably necessary by the VACC.

The VACC may, from time to time, publish and promulgate additional or revised Design Guidelines, and such Design Guidelines shall be explanatory and illustrative of the general intent of the proposed development of the Properties and are intended as a guide to assist the VACC in reviewing plans and specifications. The VACC may also publish and promulgate architectural standards bulletins which shall be fair and reasonable and shall carry forward the spirit and intention of the Covenants. Such bulletins shall supplement the Covenants and are incorporated herein by reference.

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

The Association and/or the VACC may require any Owner to restore such Owner's improvements or alteration to the condition existing prior to the construction thereof (including, without limitation, the demolition and removal of any unapproved improvement) if such improvements or alterations were commenced or constructed in violation of the Covenants. In addition, the Association and/or the VACC may, but has no obligation to do so, cause such restoration, demolition and removal and levy the amount of the cost thereof as a special individual assessment against the Lot upon which such improvements or alterations were commenced or constructed. A material violation of the Covenants shall be deemed to have occurred if no prior express written approval of the VACC has been obtained where it was originally required, even if hindsight reveals that the actual plans and specifications would have been approved by the VACC had they been properly and timely submitted.

The VACC may require, as a condition precedent to any construction upon approval of the final plans and specifications, that the applicant obtain and produce an appropriate building permit from the City of Irving, Texas. The VACC is also authorized to coordinate with the City of Irving in connection with the applicant's observance and compliance of the construction standards set forth in the Declaration, these Design Guidelines, and any bulletins promulgated hereunder. However, the mere fact that the City of Irving issues a building permit with respect to a proposed structure does not automatically mean that the VACC is obliged to unconditionally approve the plans and specifications. Similarly, the VACC's approval of any plans and specifications does not mean that all applicable building requirements of the City of Irving have been satisfied.



Neither the Association, nor the VACC, nor the Board nor the officers, directors, managers, members, employees and agents of any of them, shall be liable in damages to anyone submitting plans and specifications to any of them for approval, or to any Owner of property affected by these restrictions by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications. No approval of plans and specifications and no publication of any Design Guidelines, architectural bulletins shall be construed as representing or implying that such plans, specifications, guidelines, bulletins or sheets will, if followed, result in properly designed improvements and/or improvements built in a good and workman-like manner. Every person or entity who submits plans or specifications, and every Owner of each and every Lot, agrees that he will not bring any action or suit against the Association, the VACC, the Board, or the officers, directors, managers, members, employees and agents of any of them, to recover any such damages and hereby releases, remises and quitclaims all claims, demands and causes of action arising out of or in connection with any judgment, negligence or nonfeasance and hereby waives the provisions of any law which provides that a general release does not extend to claims, demands and causes of action not known at the time the release is given.

## **II. HACKBERRY CREEK VILLAGE - RESIDENTIAL ARCHITECTURAL STANDARDS AND REQUIREMENTS**

### **A. Intent**

The intent of these Residential Architectural Standards and Requirements is to establish visual continuity in the residential design of Hackberry Creek Village. These Standards allow differentiation among the homes of Hackberry Creek Village while maintaining a distinctiveness in visual character and quality that is unique to this community. Emphasis is on quality in material, design and construction in order to promote well-crafted residences within the community.

### **B. Setback Requirements**

No structure of any kind and no part thereof shall be placed within the following four set back lines:

1. From any public or private street right-of-way.
  - a. 25 feet (all areas)
  
2. From any public or private side street right-of-way.
  - a. 25 feet (Area 50, 65, 66, 71, 72)
  - b. 15 feet (Area 67)
  
3. From any rear property line.
  - a. 25 feet (Area 50, 66, 71, 72)
  - b. 20 feet (Area 67)
  - c. 15 feet (Area 65)



4. 8 feet from any interior side lot lines except that Board may authorize, in writing, lesser setbacks (0 to 8 feet), and except that if one Owner owns two or more adjacent lots and desires to construct one residence on such lots, construction of which residence would violate the interior side lot set back lines provided herein, the Board may waive, in writing, said interior side lot lines as to such residence, and such lots shall be considered to be one lot for the purpose of determining the set back lines and other restrictions applicable to such lots and such residences.

### **C. Staking Approval**

In making its determination regarding the appropriateness of a site plan, the VACC has the authority to require that houses, driveways and garages be staked out and that such siting be approved by the VACC before any tree cutting is done or any construction site work is begun. In lieu of staking approval, builder may submit a site exhibit laid out at 1:30 scale locating existing trees, house, all flatwork and out buildings for VACC approval.

### **D. Tree Removal**

No living trees measuring six inches, or more, in diameter at a point two feet above ground level, no native flowering trees, shrubs or evergreens may be removed without prior approval of the VACC, unless located within ten feet of an existing building, within ten feet of the approved site for a building or within the approved right-of-way of a driveway or walk.

### **E. Foundations**

#### **1. Design**

All foundations shall be designed by a Registered Professional Engineer based on recommendations given in a soils report prepared by a Registered Professional Engineer.

#### **2. Grading and Drainage**

Lot grading is the reshaping or sloping of the land in such a way that surface runoff from rainstorms, irrigation, or other water source is directed away from the building. Adequate slopes are required to effectively drain water away from all foundation walls including areas under decks and steps. A *Lot Grading and Drainage Plan*, prepared by a Registered Professional Engineer, must be submitted to and approved by the VACC prior to commencing construction.

Once grading has been completed the lot must be surveyed to confirm that grading has been completed as indicated on the *Grading and Drainage Plan*. Similarly, drainage must be inspected and certified “as built” prior to occupancy.

#### **3. Structural Additions**

Foundation system design must be the same as the main structure unless specific engineering reasons are given for the design change.

#### **4. Finish**

Where viewed from any street, no more than 6” of foundation concrete shall not be visible above the finished grade. Concealment of the exposed foundation can be achieved by landscaping or exterior planters.





## F. Exterior

### 1. Brick

The dominant material of this development shall be a domestic hard-fired brick. Structural additions shall incorporate the same brick as used on the main structure or a brick subjectively approved by the VACC that includes the same colors and texture. Brick sample panels must be approved by the VACC.

### 2. Mortar Joints

All mortar joints shall be tooled; “slump” joints or “weeping” joints are unacceptable. Only natural or light colored mortars shall be used. Colored mortars can only be used if approved by the VACC in a sample panel of the actual brick and mortar being proposed. Dark mortars and especially mortars darker than the brick are prohibited. Structural additions shall use the same mortar joints as used on the main structure.

### 3. Stone

To create a stronger sense of a picturesque streetscape, stone (rustic, chopped, finished or concrete cast stone) is encouraged as a veneer or accent material. When stone is used in conjunction with brick, the stone shall be used to enhance a discrete architectural form (such as a turret or other subordinate mass), or to articulate openings (such as a window or door surround). In other applications of stone, it shall be limited to the ground connected elements of the facade (such as a water table). In addition to the above, finished stone or concrete cast stone may be used for belt courses, corner articulation (such as quoins or pilaster columns) or cornice and gable/pediment articulation. Brick may be used as an accent with stone in the same relationships as described above. The use of stone on structural additions shall be consistent with the use of similar material(s) on the main structure.

### 4. Artificial Stone

Concrete or other artificially manufactured naturalistic stones are prohibited unless approved by the VACC. This prohibition does not include “cast stone” with a smooth limestone finish and color. Cast stone proposed for use in Hackberry Creek Village must be approved by the VACC for application, color, texture, and compositional quality.

### 5. Wood

#### a) Siding

Siding shall be limited in use. No vinyl or aluminum siding shall be used on the exterior of any structure in Hackberry Creek Village. No diagonal siding shall be used. Vertical siding, wood shingle or wood shake siding may be used if it essential to a particular style and approved by the VACC. Rough-sawn wood siding shall not be used, except in the case of cedar shakes or shingles used as siding in the manner specified above. No Masonite, composition wood product, such as particleboard, shall be used as siding in any exterior application. All wood siding shall be primed on the “back side” before installation. If “Hardiboard” or a like product is utilized, it must be smooth finished, used in lengths of wall that do not exceed 24 feet, and all framing installation must be checked for plumb. Rust-proof screws or nails must be used in construction. Where areas of siding (or other material) is projected beyond the plane of the exterior wall that contacts the ground, the area projected must have the appearance that it is structurally supported by columns, brackets, or other structural device unless otherwise approved by the VACC. This standard does not apply to bay windows. The use of siding on structural additions shall be consistent with the use of siding on the main structure.



### b) Trim

All wood trim shall be smooth, high quality finish-grade wood stock, stained or painted as approved by the VACC. Synthetic materials, such as metal, Masonite, Styrofoam and vinyl shall not be used. No composition wood products shall be used for exterior trim with the exception that exterior grade finished veneer plywood. Smooth finish soffit board can be used for soffits. Columns may be of a material other than wood so long as that material is stone, brick, painted iron or other material approved by the VACC. Where siding comes to an opening or a corner and creates a joint, the trim used to cover (close) the joint must be a substantial width. Rust-proof screws or nails must be used in construction.

On other areas of siding, the trim must be wide enough to comprise a decorative solution. Vinyl covered aluminum may be used to cover wooden fascia board and/or window frames with the prior written approval of the VACC. Owners who wish to use vinyl covered aluminum on any structure must submit a written request, including samples and specification sheets for the proposed material, to the VACC for review and approval. The Owner must also submit a signed copy of the Association's Agreement Concerning the Use of Vinyl and Aluminum Siding, Soffit and Fascia Building Materials in Hackberry Creek Residential Community with their request for approval. This document will be recorded in the deed records of Dallas County to place future owners of the property on notice of their responsibilities regarding the installation

All vinyl/aluminum fascia and window covering material must at all times be maintained to a standard established at the sole discretion of the Hackberry Creek Home Owners Association Board of Directors. Maintenance of the installed materials to Village standards shall be at owner's expense and responsibility shall pass to subsequent owners. At such time as the Board of Directors (in their sole discretion) shall determine that the installation is in need of repair and/or replacement, it shall be the Owner's responsibility to complete the needed repair and/or replacement at his sole expense in a timely manner. The color and quality of material used and the method of installation for any repairs and/or replacements must be approved by the VACC before the work is begun. Repairs and/or replacement of the materials must be made in such a manner that the appearance of the repaired/replaced area exactly matches any remaining original material in color, texture and shape.

### 6. Stucco

Stucco may be used as an exterior wall finish only when approved by the VACC because the use of this material is essential to the particular style being portrayed in the design. When stucco is called for as an exterior wall material, its detailing should be consistent with the style of the architecture. The VACC has the right to require that stucco be painted if it is not uniform in color. Stucco must be an authentic lath and stucco technology. Dryvit (EIFS) type systems or Styrofoam products may be used if approved by the VACC. The intent of the VACC is to establish a solid substrate and discourage wall sections that do not convey the attributes of permanence and quality. Control joints in stucco must be coordinated with the architectural design and must be indicated on the plans submitted. Stucco is a wall material and shall not be used for window and door surrounds without approval of the VACC.



### 7. Changes in Material

The location of exterior wall material changes (e.g. brick to wood siding) should have a logical relationship to changes in the form of the house and not be dictated by simple economy. Material changes in the same wall plane are prohibited unless it is part of a detail that is characteristic of an historic architectural style or the dominant material is terminated with an architectural element (such as a pilaster column) that clearly implies structural termination. Material changes at corners are prohibited unless approved by the VACC. All materials must wrap the corner and change in one of the manners described above unless otherwise approved by the VACC.

## G. Window Treatment

### 1. Wood Windows

Windows are a primary means for visually conveying “quality” in construction. In addition, windows that have a visual “heaviness” of mullion and jamb are characteristic in most historic archetypes. Therefore, wood or wood clad windows (vinyl or aluminum over wood) are encouraged in Hackberry Creek Village, including doors with windows. All mullions and jambs visible from any street, golf courses or lake must be of the same material. And, if any wood clad windows are used, all windows and doors with windows must be wood clad. High quality metal windows can be used in Hackberry Creek Village provided:

- a. A brick mold or other decorative detail is used to conceal the metal flange
- b. The brick mold used matches the brick mold used on the wood windows of the same house.

### 2. Sill

To maintain the sense of order and purposeful design, it is important that the windows of an elevation have a common reference line that addresses the sill or head, and are consistent with the architecture of the home.

### 3. Head

All windows shall be below the cornice detail. Windows may abut the cornice detail or be engaged with it if the design of the window surround modulates with the banding or detailing of the cornice. In all cases where windows are visible from the street, a cornice detail shall exist between the window and the soffit.

### 4. Surround or Header

Street visible windows shall be accentuated with a projected surround or header. Articulation of the accentuating detail can be of masonry, stone, or cast stone. Wood may be used for this purpose on an elevation that has siding and must be compliant with this standard.

### 5. Attached Windows

Windows that are adjoined horizontally and/or vertically are encouraged to be divided by a wood mullion. When adjoined both vertically and horizontally, both mullions are encouraged to be wood.



### 6. Masonry Separations

When specially shaped cut stone or concrete cast stone masonry is used to divide adjoining windows, the distance between windows can be a dimension that is appropriate to the design and approved by the VACC. Brick or stone cannot be used as a horizontal division between adjoining windows. Cut stone or concrete cast stone may be used as a horizontal division between adjoining windows.

### 7. Glazing

No reflective glazing will be allowed on any front or side façade or on any facade that is visible from the street or golf course. Tinted glass and dark adhesive film is not encouraged by the VACC and will not be permitted on any street or golf course visible windows where the total exterior light reflectance exceeds 22%. Any tinted glass or adhesive film used must be uniformly applied/installed across the elevation. Stained and leaded glass is allowed provided that the glass is crafted according to one of the following techniques:

- (a) Soldered
- (b) Lead “H” coming

No acrylic or “pourable” techniques will be allowed.

### 8. Solar Screens

Solar screens may be used only with the prior approval of the VACC. If solar screens are installed, they must be installed uniformly across the elevation. Screens colors should maintain the integrity of the appearance of windows in the house (i.e., extreme color contrast should be avoided to prevent windows from appearing “blacked” or “whited” out). Screens must be solid color only with no custom graphics other than simulated mullions, if desired.

### 9. Window Ornamentation

Shutters on elevations that are visible from the street or golf course must be constructed of wood. Vinyl shutters are not permitted. The use of burglar bars on the exterior of any window is prohibited.

With VACC approval, awnings may be installed on any façade of a house. All awnings must be of the highest quality construction and materials and be architecturally compatible with the design of the house. The use of awnings must be balanced across the elevation. All awnings must at all times be maintained to a standard established at the sole discretion of the Hackberry Creek Home Owners Association Board of Directors. Maintenance of the installed materials to Village standards shall be at owner’s expense and responsibility shall pass to subsequent owners. At such time as the Board of Directors (in their sole discretion) shall determine that the awning installation is in need of repair and/or replacement, it shall be the Owner’s responsibility to complete the needed repair and/or replacement at his sole expense in a timely manner. The color and quality of awning material used and the method of installation for any repairs and/or replacements must be approved by the VACC before the work is begun. Repairs and/or replacement of the awning materials must be made in such a manner that the appearance of the repaired/replaced awning(s) exactly matches any remaining original awnings in color, texture and shape.



## H. Roof Treatment

### 1. Roof Massing

To the extent possible, roofs shall be massed with an orderly sequence of subordinate roofs extending from a dominant roof mass. Ridge lines shall be straight and not interrupted by intersecting ridges that create a bump in the ridge line.

### 2. Roof Pitch

The minimum roof pitch visible from the street shall be 10 ft. of rise to 12 ft. of run on the front elevation or golf course elevation, unless approved by the VACC. Certain architectural styles (such a Georgian or Mediterranean) do not require a steep minimum roof pitch, and the appropriateness of a pitch less than that specified above will be analyzed on a case by case basis to determine if it is an important historical expression of the style being portrayed. In such cases, the VACC is authorized to approve a roof pitch less than the minimum.

### 3. Roof Projections

No plumbing stacks, venting stacks, skylights, receiving satellite dishes or attic ventilators shall penetrate roof surfaces facing the street or which are visually dominant in the street view. All such roof penetrations must be mounted straight and perpendicular to the ground plane (except for skylights and attic ventilators) and be painted to blend with the roof color. Plans submitted for review shall identify the areas of the roof intended for roof penetrations. No satellite dishes exceeding 1 meter in width shall be mounted to any roof unless their height and location is specifically approved by the VACC. Wind powered turbine attic vents are not permitted in Hackberry Creek Village if they can be viewed from the street, golf course or lake. Roof mounted solar collectors must be approved by the VACC and shall comply with the guidelines established for solar collectors.

### 4. Materials

Roof materials shall be a high quality composition shingle, clay tile, slate, coated steel, or fiber reinforced cement material. Composition shingles shall be defined as organic or fiberglass-based asphalt shingles which have been surfaced with an asphalt coating followed by weather-resistant mineral granules. Composition shingles shall be of an architectural, random tab design designed to exhibit maximum definition unless the HCHOA Board of Directors approves a variance. No three-tab shingles or three-tab straight line shingles shall be allowed. As of July 19, 2011, the following shingles met the previously noted standard for architectural high definition shingles:

- GAF
  - Timberline HD
  - Timberline Ultra HD
  - Timberline ArmorShield II
  - Camelot II
  - Grand Sequoia
  - Capstone
- CertainTeed
  - Presidential Shake TL
  - Landmark TL
  - Landmark TL Impact Resistant
  - Landmark Max Def
- Atlas
  - StormMaster Slate
  - StormMaster Shake
  - Pinnacle



- Tamko Heritage Vintage  
Heritage Premium
- Owens Corning Duration  
Weather Guard HP
- Malarkey Legacy

Other manufacturers, and/or other styles of the above manufacturers will be reviewed on a case-by-case basis.

A maximum of one overlay is permitted, except overlaying an existing wood roof is not permitted. All asphalt shingle roofs shall have closed valleys. Standing seam metal (factory finished steel or copper) and metal shingles used in applications other than accent roofing over a canopy or bay require special approval of the VACC. Galvanized metal or metal roofs with a seam other than a standing closed seam are not allowed. Shingle sample panels must be approved by the VACC. Slate roofs shall have mitered hips. Where concrete or clay tiles are used, the roof forms should be as simple as possible to eliminate the visual distraction of many protruding hip and ridge tiles.

Roof shingles designed primarily to: (i) be wind and hail resistant, (ii) provide heating and cooling efficiencies greater than those provided by customary composite shingles, or (iii) provide solar generation capabilities, are permitted provided they: (i) resemble shingles otherwise allowed in the Subdivision, (ii) are more durable than and are of equal or superior quality to the shingles otherwise allowed in the Subdivision, and (iii) match the aesthetics of adjacent properties.

### 5. Roof Color

Like brick, roof color is an important element in the visual conveyance of continuity. Where natural slate is used, the natural color of the stone is acceptable. Roof colors will be approved by the VACC on a case-by-case basis.

### 6. Flat Roofs

Flat roofs are only permitted as a cover for porches, dormers or other minor roof areas of a house without the specific approval of the VACC. When permitted, flat roofs shall be a quality hot mop, self-adhere or torch applied roof from a contractor that can supply a 10-year minimum warranty. All flat roofs shall have a gravel ballast and proper gravel stop or consist of modified bitumen roll roofing material suitable for use on low-slope roofs. All flat roofs shall be sloped to drain at a minimum  $\frac{1}{4}$ " per running foot.

### 7. Chimneys

All fireplace chimneys shall be a masonry material that matches dominant masonry material of the house. Whenever possible, chimneys shall be used to enhance the architectural variety of Hackberry Creek Village. Attention shall be given to the complexity and form of the cap detailing. In addition, the shaft of the flues shall be distinctively detailed so that the chimney has a complexity in plan as well as elevation. Prefabricated metal fireplaces and metal flues may be used, but their chimneys must be masonry clad to present the appearance of traditional masonry chimneys. All metal chimney flues caps must be enclosed inside a decorative envelope of brick or fabricated metal and match the cap detail of any full masonry firebox chimneys in the same house. No other chimney caps are allowed without specific approval of



the VACC. Any chimneys visible from the street must have the appearance of a full masonry firebox with a “chimney breast” at least 6 feet wide, and a flue of a size consistent with full masonry flues. Gas fireplaces on exterior walls may be vented through the wall if the exterior vent is unobtrusive and painted to match the house.

### **I. Exterior Lighting Fixtures**

All exterior lighting fixtures visible from any street must be approved by the VACC. Where possible, decorative fixtures should complement the architectural features of the residence. No pole-mounted lighting or building mounted high intensity lighting will be allowed. Foundation mounted facade lighting is permitted if specifically approved by the VACC. The lamps in exterior entry lighting shall be or have the appearance of incandescent bulb or natural gas only. When more than one entry lighting fixture is used they must match in size and design.

Floodlighting fixtures must be attached to the building or other architectural elements. No floodlighting of the front yard is permitted unless approved by the VACC.

Floodlighting shall not illuminate adjacent public or private property. Except for ornamental coach lights and approved decorative lights, light fixtures shall be hidden from street view. No lighting shall be directed so that it shines directly toward neighboring property or street.

### **J. Garages**

#### **1. Interior**

The interior walls of all garages must be finished (tape, bed and paint as a minimum) like other rooms in the building. No garage shall be permitted to be enclosed for living or used for purposes other than storage of automobiles and related normal use, unless a comparable substitute garage structure is constructed.

#### **2. Relation to Street**

Garages shall not face the street, golf course or lake unless specifically approved by the VACC. On lots which have alley access, entry to garages must be from the alley rather than from any street.

#### **3. Garage Doors**

Garage doors visible from the street shall have masonry, stone or stucco over the garage door up to the soffit.

#### **4. Visible Garages**

In cases where garage doors face the street (such as corner lots), golf course or lake the doors shall be a 9 ft. maximum width. Adjacent doors shall be separated by at least 12 in. of masonry material.

#### **5. Car Ports**

Carports, or similar structures, are not allowed.

### **K. Gables**

To the extent possible, gables shall be varied by the use of detailing that is historically appropriate for the style. The treatment of the gable shall be designed so that elements of craftsmanship are fully employed. Hipped roof styles are not meant to be discouraged by this



criteria. Where boards and other gable trim is “pieced” (made by joining one or more pieces of material in the same plane), the craftsmanship of the joint created must be of a quality that the joint will “paint out” and not be visible.

### **L. Doors**

When single doors are used, jambs and headers framing the door shall be used to subdivide and order the entire entry. To accomplish this, heads and jambs must be made of wood and be of a dimension compatible with the entry.

### **M. Cornice**

Cornices shall be enhanced with more than one course of projected brick, stone or stucco (used in conformance with section on ‘Exterior Treatment–Brick, above) that creates shadow, texture and visual complexity where the wall plane meets the soffit. Where the cornice detail is “pieced” (made by joining one or more pieces of material in the same plane), the joint created must be of a craftsmanship that the joint will “paint out” and not be visible.

### **N. Gutters**

All roof fascias shall be finished with a strap hung or fascia mounted gutter. All gutters are to be constructed of aluminum, copper or galvanized steel. Vinyl or plastic gutters are prohibited. Gutter screens, if used, must be concealed within the gutter.

### **O. Exterior Color Scheme**

All exterior paint and stain colors must be approved by the VACC. The palette of exterior paints and stains for each residence shall be selected to complement, coordinate or harmonize with the colors of building materials which are used in their “natural” state, such as brick, stone, copper, etc. As deemed appropriate by the VACC, exterior colors selected for a residence may be modified or changed in order to respond to existing color palettes of adjacent residences.

### **P. Mechanical Equipment**

All air-conditioning compressors, power and meter boxes, satellite dishes (subject to the provisions of the federal regulations), support solar equipment, and pool equipment shall be completely screened from public view.

Screening may consist of architectural or planting elements approved by the VACC and these elements must completely screen the equipment at the time of installation.

### **Q. Solar Collectors**

Ground mounted or roof mounted solar collectors must be approved by the VACC. Solar collectors shall comply with the following standards:

#### **1. Ground Mounted:**

- a. Location: Limited to areas which are completely screened from streets, alleys, golf courses, green belts, open spaces, and adjacent properties at the first floor level. Methods of screening may include walls, fences, landscaping, or other materials approved by the VACC. Alternate placement may be allowed if it can be demonstrated that the approved location will result in 10% less annual energy production.





- b. Installation: Natural aluminum frames are prohibited. All mechanical equipment exposed to the exterior shall be located in such a manner that minimizes visual impact. Supports for solar equipment shall be enclosed and screened from view.

### 2. Roof Mounted:

- a. Location: Interior lot homes shall be limited to roof planes which do not face the street. Corner lot homes shall be limited to roof planes which do not face either street. Golf course lot homes shall be limited to roof planes which do not face the street or golf course. Alternate placement may be allowed if it can be demonstrated that the approved location will result in 10% less annual energy production.
- b. Installation: Solar collectors shall have a low profile and shall be mounted flat on either a sloped or flat roof with one side parallel to the roof eaves or peak. Frames, support brackets, mounting hardware, visible piping or wiring may be silver, bronze, or black tone as commonly available in the marketplace, but reasonable efforts shall be made to blend with or compliment the color of the roof. All mechanical equipment exposed to the exterior shall be located in such a manner that minimizes visual impact. Support solar equipment shall be enclosed and screened from view. Solar collectors shall not extend above roof ridges or overhang the edges of the roof. A detailed drawing depicting actual installation locations and pattern of solar collectors must be submitted to the VACC for review and approval prior to installation.

## R. Flagpoles and Flags

The location of any flagpole erected on the property or mounted on the residence must be approved by the VACC prior to installation. Flagpoles shall be proportionate height to the home and size of the property. Flagpoles shall be constructed of a permanent, long-lasting material, with an appropriate finish that is harmonious with the dwelling. All flagpoles must have an internal halyard. The maximum height for a flagpole shall not exceed 25 feet. Flagpoles must comply with all applicable zoning ordinances, easements and setback requirements. No more than one flagpole, whether freestanding or attached to the home, may be erected on an individual lot. If exterior or landscape lights are installed to illuminate the flag at night, the lights must comply with the guidelines for exterior lighting fixtures, and must not create nuisance lighting for other residents. Flagpoles mounted on the residence must be harmonious with the architecture of the home, be securely fastened, and may not exceed four feet in length..

Flags which may be displayed shall be limited to the flag of the United States, the State of Texas, and an official or replica flag of any branch of the United States armed forces. Flags may be flown at any time, but must be displayed in accordance with the US/Texas flag code. Flags flown from freestanding flagpoles may not exceed four feet in height and six feet in length, unless otherwise approved by the VACC. Flagpoles mounted on the residence may not extend more than four feet from the elevation of the home and may not extend above the eave of the residence, unless otherwise approved by the VACC. Flags flown from flagpoles mounted on the side of a residence may not be more than three feet in height and five feet in length, unless otherwise approved by VACC.



**S. Rain Barrels**

Rain water collection systems (rain barrels) may be installed upon the approval of the VACC. No more than one rain barrel may be installed on any lot. Rain barrels may not be installed between the front building line and the street. Rain barrels must be of a size, style and color, consistent and harmonious with the architecture of the home. Rain barrels must be completely screened from view. Screening may consist of architectural or planting elements approved by the VACC and these elements must completely screen the equipment at the time of installation. Rain barrels must be securely covered and well maintained such as to not attract animals or pests or to create an unpleasant environment for any other resident.

**T. Recreation Equipment**

With the exception of basketball goals, permanent recreation equipment such as swing sets, trampolines, playhouses, etc., are not allowed in front yards or in the side yard of corner lots without the approval of the VACC.

**U. Miscellaneous Standards**

It shall be the responsibility of the owner to install, in conjunction with the construction of any dwelling, and at the owner's sole expense, a conduit separate from other conduits for the sole purpose of permitting the connection of one or more telecommunications carriers to an individual dwelling, building or other permanent facility.

Each dwelling shall contain a water flushing garbage grinder disposal.

No clothesline may be maintained on any lot.

Once commenced, construction shall be diligently pursued to the end that it may not be left in a partly finished condition any longer than reasonably necessary.



### III. HACKBERRY CREEK VILLAGE - LANDSCAPE STANDARDS AND REQUIREMENTS

#### A. Intent

The intent of the Landscape Standards and Requirements is to clarify the necessary site components in the creation of a distinguished residential community. Through uniform application of these components, Hackberry Creek Village will become a showplace of fine homes with appropriately landscaped grounds. The desired landscape character is one of simplicity emphasizing tree placement and layers of shrubs at the building foundation. The landscape and site elements should be understated, creating a setting for the houses rather than competing with the architecture for visual attention.

#### B. Site Elements

##### 1. Driveways and Motor Courts

###### a) Intent

To the extent possible, automobile circulation and storage areas are to be de-emphasized, highlighting the landscape and pedestrian environment.

The common sidewalk shall not be visually or physically broken by any driveway. Broom finish concrete aprons will transition the area from the curb to the sidewalk.

###### b) Material

Decorative brick or stone bands approved by the VACC and which may occur in the driveway may only occur between the sidewalk and the house. Refer to Graphic Figure 1. Driveways shall be hard paved with natural color broom-finished or sandblasted concrete, patterned concrete, washed aggregate or paverstone. Brick edged concrete or brick arrival areas are encouraged. Any other materials, finishes or colors must have the approval of the VACC. All driveway materials must be maintained in a manner to retain original structure, texture and color characteristics. Driveway aprons must be hard paved with natural color broom finished concrete only.

###### c) Circular Drives/Motor Courts

Drives that must negotiate an elevation change from street to raised front yard should be cut into the grade in order to create driveway slopes that are as uniform as possible, with smooth transitions between areas of varying pitch. Planting (not to exceed 2' in height if continuous) should screen the direct view of the drive area from the streets to the extent possible. Driveways shall be located to minimize the amount of pavement. Circular driveway surface area shall not exceed 60% of the entire front yard (area between face of the structure and the street property line) surface area.

Owners must submit a grading plan (with spot elevations and slopes indicated) and a landscape plan for approval of circular drives and retaining walls. All exposed faces of any retaining walls must be faced in stone or brick, and an architectural section of the wall shall be submitted with the landscape plan.



### 2. Walks and Steps

#### a) Parkway Sidewalks

Material of parkway sidewalks is to be natural color concrete broom finished throughout the neighborhood. Parkway sidewalks shall continue through both driveway apron and front private walk paving.

#### b) Private Walks Visible From the Street

The steps and walk should be a complementary component of the site architecture and should not compete visually with the house and landscape. Steps at the elevation change between the sidewalk and house pad are required on many lots. If the difference between the top of curb elevation and the pad elevation is 18" or greater, then private sidewalk steps shall be built. The steps shall be flanked by retaining plinths measuring a minimum of 16" in width x the length of step run x the height of the elevation change. The plinths should be built out of the house brick with all solids for the cap or out of stone with natural stone or cast stone cap. Only natural stone or cast stone shall be used for stucco houses approved by the VACC.

Fountains, statuary, and planters within the walk and front yard must be approved by the VACC.

Front walks from the public sidewalk to the front door shall be a minimum of three (3) feet wide. Front walks may be natural brushed or sandblasted concrete, washed aggregate, masonry units such as brick or pavers or stone or patterned concrete approved by the VACC. Material and finish must be approved by the VACC. If a landing is constructed between the sidewalk and curb, it should be wider than the typical front walk. The size, width, configuration and material of the front and other private walks shall be shown on the landscape plans submitted for approval.

No wood materials may be used on front steps and porch walkway areas. Front steps and porch areas that are veneered with either a brick or stone must have materials approved by the VACC. No brick holes can be exposed or visible.

### 3. Address Numbers

House numbers shall be of a consistent style with the house. The plaque shall be either inset cast stone or surface mounted ornamental lead and brass. Individually mounted numbers are not allowed. Location of mounting on the house shall be determined by the owner and approved by the VACC; however, a five (5) foot mounting height is recommended. House numbers shall be mounted on both the front and the alley side of the house, where applicable.

Mailbox stanchions shall be either brick, stone, stucco or cast metal and shall have house numbers mounted on them. The mailbox stanchion shall be approved by the VACC. Mailboxes shall be curb mounted and located as required by the U.S. Postal service.

All new construction shall have curb painted house numbers, consistent with the rest of the neighborhood.



### 4. Pools, Decks, and Other Structures

#### a) Swimming Pools and Spas

Pools may be constructed within the architectural building lines of the rear yard of each lot. Soil stabilization or some other methodology should be used to ensure integrity of the pool shell and deck. Pool decks may extend beyond the building line, but must allow adequate area for landscaping and fencing. Pool equipment must be screened from public view, including public streets, common areas (except alleys) and the golf course. No above ground-level swimming pool may be installed on any lot. Any swimming pool shall be designed utilizing the recommendations given by a Soils Engineer with surface and subsurface drainage provided.

#### b) Decks

Decks may be constructed of pressure treated wood, redwood, Trex (or equivalent). Any pressure treated wood must be stain treated. Painting of decks is prohibited. Stain color of wood or color of manufactured materials must be approved by the VACC. Decks with a surface more than 12" above the ground must utilize skirting of the same material as the deck to cover the gap between the deck and the ground, as well as landscaping. Elevated decks must have matching wood covering for the visible support columns or posts. Galvanized or stainless steel screws shall be used in deck construction.

#### c) Balconies

Balconies may be constructed of pressure treated wood, redwood, wood polymer lumber, brick, stucco, wrought iron or concrete. Other materials may be used as approved by the VACC. Any pressure treated wood must be stained or painted. If paint is used, paint must match or coordinate with the trim on the house. Underside of balconies must be enclosed without visible joists. Any visible support columns or posts must have matching wood coverings or be constructed of masonry materials, including stucco, which match the exterior of the house.

### 5. Other Permanent Structures

All structures visible from lake, golf course or street, including gazebos, playhouses, arbors, and trellis or shade structures must be submitted to the VACC for approval, and may require screening from public view. No visible storage building shall be allowed. Garages and all other out buildings are to be given the same architectural treatment and be constructed of the same materials as the main structure. Sheet fiberglass, or similar material, may not be used as roofing or siding on any structure.

### 6. Walls and Fences / Fencing

#### a) Street Visible Fences & Privacy Walls

No fences or walls may extend beyond the actual front building line without VACC approval and other required approvals.

No materials other than wood or tubular steel may be used as fencing, without the approval of the VACC. Metal, chain-link fencing may not be used under any circumstances.



### b) Masonry Walls

Walls between houses that are visible from the street must be of masonry construction, including stucco, and must be six (6) feet in height (unless another height is approved by the VACC). Masonry materials shall match house materials. Masonry columns may be 7 feet in height. Masonry fences must be set back a minimum of ten (10) feet from the front plane of the house.

### c) Tubular Steel Fence

Tubular steel or wrought iron fencing must be black or “almost” black. If privacy is required by a homeowner between lots where metal fencing has been used, it shall be accomplished through landscape screening such as Nellie Stevens Hollies, Red Cedars, Leyland Cypress or other live screening material approved by the VACC. Tubular steel fences must be set back a minimum of one (1) foot from the front plane of the house.

### d) Wood Fences

Wood fences are allowed if approved by the VACC. Fences may be no taller than eight (8) feet without VACC approval. Steel posts set in concrete must be used with all wood fences. All fences shall be built of redwood or cedar only, with steel posts set on the inside. Rust-proof screws or nails must be used in construction. Wood fences and screening walls must be regularly treated with an appropriate preservative. Clear stains or preservatives are not permitted. Stain color must be approved by the VACC. Wood fences must be set back a minimum of ten (10) feet from the front plane of the house, unless otherwise approved by the VACC. Wood fences that were originally constructed with wood posts prior to the 2005 Design Guidelines amendment requiring steel posts may continue to use wood posts for repairs unless an entire side of the fence is being repaired or replaced, in which case steel posts set in concrete must be used in place of the original wood posts. If any portion of the wood fence is being relocated, or if the fence is being replaced in its entirety, steel posts must be used.

### e) Bollards

Metal or concrete stakes or posts shall not be installed on any lot or on the Common Properties along alleys or sidewalks. Subject to specific VACC approval, Property Owners may install decorative metal bollards (similar in design and color to other Village street furniture), decorative rocks or similar landscape materials along alleys and sidewalks to protect landscaping and other structures from vehicle damage. In the case of bollards and similar structures, a catalog cut sheet of the proposed structures and a drawing showing the exact location of the proposed structures must be submitted to the VACC for pre-approval before installation. In the case of boulders, a drawing showing the size, type, method of installation and exact location of the proposed boulders must be submitted to the VACC for pre-approval before installation. Under no circumstances shall boulders, bollards or other approved structures be placed on Association Common Property without the specific written consent of the Hackberry Creek Home Owners Association. The VACC retains the right to require removal of previously approved installations if they interfere with vehicle access to the alley or street.



### **C. Lighting**

All exterior landscape lighting must be approved by the VACC.

Moonlighting (down lighting) or uplighting existing trees is encouraged, but the light source must be hidden. Tree lighting mounted in new trees less than 8" in caliper is prohibited. Smaller trees may be up-lit by way of staked mounted ground fixtures. Fixtures must be recessive in color and hidden from view by other landscaping.

Wiring for all landscape lighting must be buried or otherwise concealed. Landscape plans must specify how wiring will be run and concealed. All landscape lighting must be fully maintained.

Accent lighting should be integrated with the building or architectural elements. Excessive accent lighting is discouraged.

### **D. Screening**

#### 1. Mechanical Equipment

All mechanical and electrical equipment [pool, air conditioners, satellite dish antennae, (larger than 1 meter in diameter) etc.] must be completely screened from the street and golf course. A combination of trees, hedges, fences or walls should be used to screen equipment and mechanical areas. If plantings are used for screening purposes, plants must be large enough to fully screen the object at time of initial planting.

Window or through-the-wall air-conditioning or heat pump units shall not be installed on any structure.

#### 2. Exposed Foundations

All exposed foundations shall be screened from public view with landscaping.

### **E. Grading and Drainage**

#### 1. Slope at Sidewalk

Lawn slope at front sidewalk should be emphasized rather than tapering evenly from the base of the house. Lawn slopes shall be 3:1 maximum and 5:1 minimum on those lots with raised building pads.

#### 2. Retaining Walls

Retaining walls, if used, must be stone, brick or other masonry construction materials approved by the VACC. Retaining wall location and elevation must be submitted to the VACC for approval. All retaining walls must have appropriate drainage built into the wall. Retaining walls over 30" in height must be engineered and drawings sealed by a licensed engineer.

#### 3. Side Yard Retaining Walls

Side yard retaining walls may be required between lots. If required, they must be Millsap sandstone dry stack walls or other material approved by the VACC. No vertical dimension may exceed four (4) feet in height except as approved by the VACC. Walls having a vertical height in excess of 30" shall be engineered by a registered professional engineer.



### 4. Site and Roof Drainage

All drainage shall be maintained in accordance with the approved drainage plans.

All houses must be fully guttered. Gutter downspouts should preferably drain into drain lines that are carried underground to a point shown on the *Lot Grading and Drainage Plan* and acceptable to the VACC. Underground drain pipe shall be SD35 piping or other pipe approved by the VACC. ADS (Advanced Drainage Systems) piping is not permitted. Down spouts shall be located at corners or other architecturally appropriate places on the elevation (such as offsets, pilasters and points symmetrical to the facade where the design is symmetrical).

There must be positive drainage away from the house.

## F. Planting

### 1. Front Yards

#### a) Intent

The intent of these guidelines is to produce a refined and elegant landscape setting for Hackberry Creek Village houses. The landscape should not compete with the architecture for attention, but should provide an attractive setting. The emphasis is upon those areas of the lot visible from public areas in the community.

#### b) Front and Front/Side yard Plantings

No hedge or shrub planting which obstructs sight lines at elevations between 2 1/2 and 8 feet above the roadways shall be placed or permitted to remain in any corner lot within the triangular area formed by the street property lines and a line connecting these at points 35 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street lines extended. The same sight line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at a sufficient height to prevent obstruction of such sight lines.

#### c) Hedges

No hedge over four (4) feet in height shall be permitted upon any lot between the actual front building line and the street, except as approved by the VACC. No hedge over six (6) feet in height shall be permitted upon any lot within 25 feet of a rear lot line which faces or adjoins the golf course, except as approved by the VACC. However, all rear or side entry garages, driveways or automobile aprons constructed on any lot facing and/or adjoining the golf course shall have a sight screen which is architecturally consistent with the design of the house proper. This may include landscaping or hedges, approved by the VACC, which will insure the screening of garage doors, garage contents or parked automobiles.





### d) Trees

A minimum of two (2) trees in the front, golf course and side yards are required unless otherwise approved by the VACC for lots with existing front yard trees. Trees are to be minimum 3-inch caliper and selected from the VACC *Approved Tree List*. Other trees selected must receive special approval by the VACC. Consideration to the mature height and width of trees must be given when determining location of trees. The number and location of trees shall be appropriate to the section of the lot where planted.

### e) Shrubs and Groundcover Beds

Shrub planting shall consist of a minimum of 2 layers of shrubs planted at the front of the buildings with a minimum of 48" in depth. One layer of evergreen shrubs approximately 30-36" in height and two lower layers of dwarf shrubs or groundcover are encouraged. Three layers are preferable.

Shrubs shall be 5-gallon container or larger, planted 30 inches on center, triangular spacing. Groundcover or lower shrub layers shall be: 1-gallon container or larger, planted 12 inches on center; 4" pots or larger, planted 9 inches on center for groundcovers; dwarf shrubs as groundcover shall be minimum 3-gallon 24" on center or 1-gallon 12" on center minimum.

### f) Plant Types

All plants must conform to the species indicated on the VACC approved plant list.

### g) Beds

Beds, which are visible from the street or golf course, shall complement the building architecture and shall have a minimum width of four (4) feet. Rectilinear and curvilinear beds will be allowed if proper care is used in establishing pleasing forms. The number of plant species in the front yard beds should be kept to a maximum of five, varying only from one shrub layer to the next. Ornamental specimen shrubs and trees can exceed these five species. The number of plants shall be appropriate for the size bed. Plants shall be spaced to cover the entire bed within one growing season unless otherwise approved by the VACC. No open mulch areas in excess of sixteen (16) square feet are acceptable. All beds shall be edged with green steel edging, masonry, or stone. No other materials may be used without VACC approval. Mulch, or native groundcover to control weeds and retain moisture should be used.

### h) Lawn

Front and side yards shall be solid sod as approved by the VACC if not in shrub beds.

## G. Rear Yards

In all areas not visible to public view, owners may landscape as they please except as otherwise limited herein. Total hardscape coverage excluding pools, spas and adjacent decks or aprons may not exceed 50 percent of the lot area and building setbacks for structures must be observed. Landscape areas not in shrubs or hedges must be solid sod as approved by the VACC. Screening for privacy may be accomplished by the use of hedges or ornamental evergreen trees. Please refer to the VACC "Approved Plant List" for species.



**H. Irrigation**

All landscaped areas, including the street trees and parkway strip, must be irrigated with a sensor controlled, underground irrigation system approved by the VACC. Irrigation shall not alter the approved *Lot Grading and Drainage Plan*.

**I. Landscape Installation**

Installation of landscaping and site improvements is to be executed in a high quality manner, consistent with the image of Hackberry Creek Village.

The VACC may reject any improvement and require prompt replacement where the material or workmanship fails to meet acceptable industry standards.

All landscape designated in the approved landscape plan must be installed before the house is occupied.

Compost/mulch/storage piles are not permitted unless approved by the VACC.

Curb Cuts: Curbs may be cored by a coring contractor approved by the VACC for approved drain lines. No curbs may be cut for any reason unless approved by the VACC.

**J. Maintenance**

Maintenance and proper care of installed landscaping is critical to the appearance of the Hackberry Creek Village community and the health and beauty of the plant materials. Therefore all landscaped areas are required to be maintained in a healthy and beautiful appearance by the builder or homeowner. (See Village Rules for specific maintenance requirements.)

**K. Erosion Protection**

During the entire performance of any construction or landscaping work or until sufficient vegetation is established to prevent erosion, adequate erosion protection devices shall be installed and maintained to prevent silt from leaving the Lot or Properties and entering streets, alleys, storm sewers or adjacent Lots or Properties.



#### IV. HACKBERRY CREEK VILLAGE - ARCHITECTURAL REVIEW PROCESS

##### A. Review Process

No improvement, as that term is herein defined, shall be erected, constructed, placed, altered (by addition or deletion), maintained, or permitted to remain on any portion of the Properties until plans and specifications, in such form and detail as the VACC may deem necessary, shall have been submitted to and approved in writing by the VACC. The VACC shall have the power to employ professional consultants to assist it in discharging its duties. The decision of the VACC shall be final, conclusive, and binding upon the applicant. The VACC shall have the power to delegate the Review Process to the Las Colinas Association Architectural Control Committee or other appropriate organization.

##### B. Content of Plans and Specifications

The plans and specifications to be so submitted and approved shall conform to the requirements of Article IV of the Declaration of The Las Colinas Association and in addition shall conform with the criteria herein listed. All residential buildings plans must utilize 1/4" =1' scale and include the following information at a minimum:

1. A SITE PLAN, showing the location, description of materials and architectural treatment (by cross section or word description) of all walks, driveways, fences (including height), walls, main and secondary structures, and exterior mechanical equipment. All existing and planned final contour lines of the site, shown on 1' intervals, must be shown. Describe or show drainage considerations with respect to all structures and 5' of all adjacent property. Indicate precisely how drainage will be handled in order that all water will be removed from the entire perimeter of the structures. The percentage of lot coverage is to be shown.
2. A FOUNDATION PLAN, utilizing a foundation designed by a registered professional engineer based on the soil report for the selected lot prepared by a registered professional engineer. The source of the design of the foundation must be indicated on the plan. Also, a cross section of all foundation components must be indicated, including, but not limited to, steel reinforcing bars (size, number, and placement), dimensions, size of void cartons and concrete mix. The finished floor, the finished grade elevation and the dropped brick ledge are to be shown.
3. A FLOOR PLAN must show exact window locations, exterior wall treatment and materials, and the total square feet of air-conditioned living area.
4. EXTERIOR ELEVATIONS of all sides of the residence must be included. The type of roofing materials must be indicated. The type, use and color of exterior wall materials must be clearly indicated throughout. Windows and door types and treatments must be similar on all sides of the residence, as should all 4 sides of the home provide for the same architectural treatment. Front, rear, and side elevations must show all ornamental and decorative details. Guttering and downspouts must be clearly detailed. Fences shall receive a compatible architectural treatment with the home and area. Chain link fences will not be approved as a permanent fence.
5. A LOT GRADING AND DRAINAGE PLAN, prepared by a Registered Professional Engineer must be included. Additionally, a certified survey and report must be submitted to confirm "as built" once grading is completed.



6. OTHER REQUIREMENTS... In addition to the above, each design submittal shall contain the following:
- a. Roof Plan
  - b. Electrical Plans
  - c. Appropriate building sections, wall sections, details and other drawings as required to receive a building permit and construct the residence.
  - d. Landscape plan submittal - Two sets of all plans (to scale), drawings, and specifications necessary to describe and construct the proposed landscape improvements including drives, fences, walls, walks, irrigation, porches, and landscape lighting. Plans will not be reviewed unless all of the following information is shown:
    - i. Site Plan to scale, showing:
      - Owner or Builder name, address, and phone number
      - House, block, or lot number
      - House address with all adjacent street names
      - Landscape architect or contractor names, address, and phone number
      - Date of drawing
      - North arrow and scale of drawing
      - Property lines, easements, setback lines, curb lines, street lights (if any), building footprint, and existing vegetation
      - Location of all existing and proposed walks, walls, drives, fences, pools, or other site improvements
      - Locations, size, type, and quantity of plant materials, and critical dimensions of shrub beds
      - Material samples, color swatches, catalogue cuts, etc., for paving, lighting, tile, etc.
      - Irrigation plan showing layout, location and type of equipment proposed
      - If motor courts or circular drives are proposed, a grading plan with 1-foot contours and spot grades is required
      - Fence plan showing location of any proposed fencing. Plan must include material selection, elevation rendering and construction details
      - Planting area preparation (soil amendment and debris removal)
      - Any additional elevations, sections, structural details or sketches to completely describe the proposed site improvements

NOTE: Final architectural submittals will not be approved without the corresponding landscape design.

The lot, block number, section number and owner must be clearly printed on the first page of the submittal. An address of an existing residence where a submitted material is already in use (such as a brick or roof shingles) is also acceptable.



7. SPECIFICATIONS OF MATERIALS may be attached separately to the plans or written on the plans themselves. Plans will not be approved without specifications. Specifications must include: type, grade of all exterior materials and color of all exposed materials. Color samples of all exterior and roof colors must be submitted applied on an actual sample of the materials to be used. Exterior lighting catalogue sheets showing the type fixture at each location and specifying the bulb type to be used must be submitted. Exterior material panels - submit sample of all exterior materials, especially masonry shown in an actual sample panel that includes the mortar to be used.

### **C. Basis of Approval**

Approval of plans and specifications shall be based, among other things, on adequacy of site dimensions, structural design, conformity and harmony of external design and of location with neighboring structures and sites, relation of finished grades and elevations to neighboring sites, and conformity to both specific and general intent of the protective covenants and the Design Guidelines.

### **D. Failure of the Committee to Act**

If the VACC fails to approve or to disapprove such plans and specifications or to reject them as being inadequate within sixty (60) days after submittal thereof, it shall be conclusively presumed that such committee has approved such plans and specifications, EXCEPT that the VACC has no right or power, either by action of failure to act, to waive or grant any variances specifically reserved to Declarant. If plans and specifications are not sufficiently complete or are otherwise inadequate, the VACC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject the balance. Approved plans not executed within six months from the date of approval must be resubmitted and re-approved by the VACC.

### **E. Limitation of Liability**

Neither the Hackberry Creek Home Owners Association Architectural Control Committee (VACC), the Hackberry Creek Home Owners Association, The Las Colinas Association, The Las Colinas Association Architectural Control Committee (MACC) nor any of the members of such committees shall be liable in damages or otherwise to anyone submitting plans and specifications for approval or to any owner of land affected by the Declaration or these Design Guidelines by reason of mistake of judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or to disapprove any plans and specifications.

### **F. Architectural Plan Submittal**

All submittals shall be sent to:

Hackberry Creek Home Owners Association  
Village Architectural Control Committee  
c/o The Las Colinas Association  
4956 N. O'Connor Blvd.  
Irving, TX 75039



**G. Notice of Approval**

1. Final architectural submittals for each residence must be approved by the VACC in writing before construction of the residence can begin. Deviation from approved final architectural and landscape submittals during construction (without written approval by the VACC) constitutes a violation of the Declaration. On the VACC's authority, corrections of such deviations will be required.

**H. Commencement of Construction**

Each and every owner and applicant shall use their respective best efforts to commence construction of all improvements approved by the VACC and the City of Irving, Texas (and any and all other applicable governmental agencies) within sixty (60) days after obtaining all necessary governmental approvals and thereafter diligently pursue the project through to completion.

**I. Review of Construction**

The VACC reviews construction in Hackberry Creek Village from time to time to insure that each residence is built as approved. This also allows builders to address any difficulties of compliance with VACC approvals, thereby insuring the design integrity of the residence and the community as a whole.



## V. APPENDIX A

### A. GLOSSARY

"Association" shall mean and refer to the Hackberry Creek Home Owners Association, an existing non-profit Texas corporation which has the power, duty and responsibility of maintaining and administering certain portions of the Properties and all of the Common Properties, administering and enforcing the Covenants, and otherwise maintaining and enhancing the quality of life within the Hackberry Creek single-family residential community. [The Hackberry Creek Home Owners Association is a separate and distinct incorporated village association entity and is contradistinguished from the Las Colinas Association (which is sometimes referred to herein as the "Master Association")].

"Board" shall mean and refer to the Board of Directors of the Hackberry Creek Home Owners Association.

"Common Properties" shall mean and refer to any and all areas of land within or adjacent to the Properties which are known, described or designated as common green, common areas, private streets, street medians, parkways, gate house and gate apparatus, parks, recreational areas, perimeter fences and columns, off-site monuments and directional signs, landscape easements, greenbelts, open spaces and the like.

"Covenants" shall mean and refer to all covenants, conditions, restrictions, easements, charges and liens set forth within the Declaration and the entire ensemble of previously recorded restrictive covenants described within the Declaration.

"Declaration" shall mean and refer to the particular instrument entitled "Amended and Consolidated Declaration of Covenants, Conditions and Restrictions on and for Hackberry Creek Residential Community" together with any and all amendments or supplements hereto.

"Design Guidelines" shall mean and refer to this document and the particular standards, restrictions, guidelines, recommendations and specifications applicable to most of the aspects of construction, placement, location, alteration, maintenance and design of any improvements to or within the Properties, and all amendments, bulletins, modifications, supplements and interpretations thereof, some of which are described below.

"Improvement" shall mean and include: (a) all buildings, roofed structures, parking areas, fences, walls, poles, driveways, swimming pools, tennis courts, signs, changes in any exterior color or shape, screening, glazing or reglazing of exterior windows; and (b) any physical change to raw land or to an existing structure which alters the physical appearance, characteristics or properties of the land or structure, including but not limited to adding or removing square footage area space to or from a structure, painting or repainting a structure, or in any way altering the size, shape or physical appearance of any land or structure.

"Landscape" shall mean and include: (i) trees, shrubbery, hedges, grass, ground cover, plants and flowers; and (ii) any significant change in the grade of any Lot or Parcel from that existing at the time of initial approval by the Village Architectural Control Committee.



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"Las Colinas Association" shall mean and refer to The Las Colinas Association, an existing Texas non-profit corporation (the "Master Association") having the duties and responsibilities of administering the Master Restrictive Covenants.

"Lot" shall mean and refer to each separately identifiable portion of the Assessable Property which is platted, filed and recorded in the office of the County Clerk of Dallas County, Texas and which is assessed by any one or more of the Taxing Authorities and which is not intended to be an "open space" or a portion of the Common Properties.

"Master Architectural Control Committee" ("MACC") shall mean and refer to the Las Colinas Architectural Control Committee established by the Master Restrictive Covenants.

"Master Association" shall mean and refer to the Las Colinas Association.

"Master Restrictive Covenants" shall mean and refer to: (i) the restrictive covenants covering all of Las Colinas (including the Hackberry Creek single-family residential community) which are recorded in Volume 73166, Page 1001 et seq. of the Deed Records of Dallas County, Texas; and (ii) all amendments and supplements thereto.

"Owner" shall mean and refer to the holder(s) of record title to the fee simple interest of any Lot or Parcel, whether or not such holder(s) actually reside(s) on any part of the Lot or Parcel.

"Parcel" shall mean and refer to each separate unplatted tract of land within Hackberry Creek, which is intended or proposed for ultimate residential development but for which formal platting into Lots has not yet occurred.

"Properties" shall mean and refer to each and all land areas described within Exhibit "A" to the Declaration.

"Structure" shall mean and refer to: (i) any thing or device, other than Landscape, including but not limited to any building, garage, porch, shed, greenhouse or bathhouse, cabana, coop or cage, covered or uncovered patio, swimming pool, play apparatus, clothesline, fence, curbing, paving, wall, signboard or other temporary or permanent living quarters or any temporary or permanent Improvement to any Lot; (ii) any excavation, fill, ditch, diversion dam or other thing or device which affects or alters the flow of any waters in any natural or artificial stream, wash or drainage channel from, upon or across any Lot or Parcel; and (iii) any enclosure or receptacle for the concealment, collection and/or disposition of garbage, trash or refuse.

"Subdivision" shall mean and refer to the Hackberry Creek single-family residential subdivisions of certain lands as described within the Declaration

"Village Architectural Control Committee" ("VACC") shall mean and refer to the Hackberry Creek Village Architectural Control Committee discussed in Article VIII of the Declaration.

"Village Restrictive Covenants" shall mean and refer to the Declaration and each and all of the recorded restrictive covenants pertaining to the Hackberry Creek residential community.