

MONTGOMERY FARM ESTATES

Residential Design Guidelines – March 2018



1. **INTRODUCTION.** Any notice or information required to be submitted to the Montgomery Farm Reviewer (the "Reviewer") under these Design Guidelines hereunder will be submitted to the Montgomery Farm Architectural Control Committee ("ACC"). The Reviewer may be amended from time to time under the sole discretion of the Declarant.
 - a) **Background.** Montgomery Farm is a master planned community located in Collin County, Texas. The Estates neighborhood (the "Community") of Montgomery Farm is subject to the terms and provisions of the Declarations of Covenants, Conditions, and Restrictions for Montgomery Farm Estates (the "Declarations"), the MPOA, and those zoning conditions and Allen Land Development Code standards outlined in PD 105. These documents may be amended from time to time and include additional provisions governing the construction of improvements and standards of maintenance, use and conduct for the preservation of Montgomery Farm.
 - b) **Reviewer and Review Authority.** The Reviewer consists of members who have been appointed by Darling Homes of Dallas, Inc. (the "Declarant"). The Reviewer acts solely in Declarant's interest and shall owe no duty to any other Owner or Montgomery Farm Community Associations ("Associations").
 - i) Procedure and Written Approval. The Declarations includes procedures and criteria for the construction of improvements within the Community. In addition, the Declarations provides that the Declarant or the Reviewer may adopt Design Guidelines to govern the standards for design, construction of Improvements, landscaping, and the placement of exterior items within the Community which may consist of multiple written design guidelines applying to all or specific portions of the Community. These Development Design Guidelines constitute Design Guidelines as such term is defined and used in the Declarations. The Declarations provides that any and all improvements must be erected, placed, constructed, painted, altered, modified or remodeled in strict compliance with the requirements of the Design Guidelines, and that no improvements may be constructed without the prior written approval of the Reviewer.
 - ii) Conflict. These Design Guidelines have been adopted by Declarant and will apply only to Lots within this respective Community. In the event of a conflict between the terms and provisions of any supplement to these Design Guidelines and the Design Guidelines, the terms and provisions of the supplement will control.

- 2. GOVERNMENTAL REQUIREMENTS.** Governmental ordinances and regulations are applicable to all Lots within the Community, including, but not limited to federal, state, county and local requirements, universal building codes, if adopted, as well as that certain Planned Development District Zoning Ordinance related to PD-105 (the "PD"). It is the responsibility of each Owner to obtain all necessary permits and inspections and to comply with all Applicable Law (as further defined in the Declarations), including but not limited to the PD. Compliance with these Design Guidelines is not a substitute for compliance with the applicable ordinances and regulations. Please be advised that these Design Guidelines do not list or describe each requirement which may be applicable to a Lot within the Community. Each Owner is advised to review all encumbrances affecting the use and improvement of their Lot prior to submitting plans to the Reviewer for approval. Furthermore, approval by the Reviewer should not be construed by the Owner that any Improvement complies with the terms and provisions of all encumbrances which may affect the Owner's Lot. The Reviewer shall bear no responsibility for ensuring plans submitted to the Reviewer comply with any applicable building codes, zoning regulation and other government requirements, including but not limited to the PD. It is the responsibility of the Owner to secure any required governmental approvals prior to construction on such Owner's Lot.
- 3. INTERPRETATION.** In the event of any conflict between these Design Guidelines and the Declarations and PD, the Declarations and the PD shall control. Capitalized terms used in these Design Guidelines and not otherwise defined in this document shall have the same meaning as set forth in the Declarations and the PD.
- 4. AMENDMENTS.** During the Development Period of the Community, the Declarant, acting alone, may amend these Design Guidelines. Thereafter, the Reviewer may amend these Design Guidelines. All amendments shall become effective upon recordation in the Official Public Records of Collin County, Texas. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or approved and in progress. It is the responsibility of each Owner to ensure that they have the most current edition of the Design Guidelines and every amendment thereto.
- 5. REVIEW FEES.** Billing will be based upon an hourly rate of \$150/hour. For a new review, anticipate a minimum of 1.5 hours of architect review time (1.5 hours x \$150 totaling \$225).
- 6. ARCHITECTURE REVIEW OVERVIEW.**

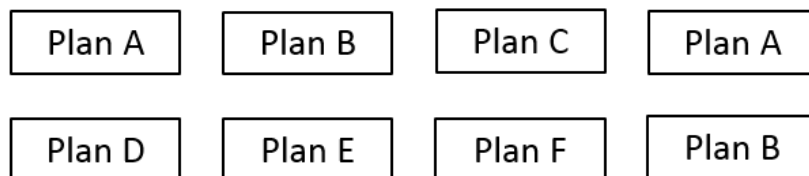
 - a) **Objective.** The objective of the review process is to promote aesthetic harmony in the Community by providing for compatibility of specific designs with surrounding buildings, the environment and the topography. The review process strives to maintain objectivity and sensitivity to the individual aspects of design.
 - b) **Responsibility for Compliance.** An applicant is responsible for ensuring that all of the applicant's representatives, including the applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Design Guidelines and all requirements imposed by the Reviewer as a condition of approval.

- c) **Inspection.** Upon completion of all approved work, the Owner must notify the Reviewer. The Reviewer may inspect the work at any time to verify conformance with the approved submittals. Homes not in compliance will require a re-review until all items are compliant.
 - d) **Submittals.** Requests for approval of proposed new construction, landscaping, or exterior modifications must be made by submitting the information and materials outlined in the Plan Review Process, set forth herein. A Certificate of Compliance will be issued upon the completion of the Compliant Items.
7. **PLAN REVIEW PROCESS.** The construction or installation of any improvements, changes to existing improvements, or the reconstruction of improvements, will require the submission of plans and specifications for approval of the Reviewer before any such construction or installation activity is commenced. The Reviewer may waive plan and specification requirements for certain modifications or improvements at its discretion.
- a) **Submittals and Review Fees.** The Plan Review Process includes three stages of review, plus Final Approval by the Reviewer:
 - i) Stage 1. PRELIMINARY REVIEW: Pre-approval of standard sets of plans, elevations for multiple homes that will be allowed to be built by each builder. Alterations to the plans and plans not included in the pre-approved list must be independently approved in advance of construction. Submittal shall include a Submittal Review Form (see Exhibit A), a Full Sized set of Electronic Plans (to scale) showing all elevations including detached garages and porte cocheres, living square footage, all floor plans including all options, roof pitches and plate heights, and all materials to be used on all elevations.
 - ii) Stage 2. FINAL REVIEW:
 - Submittal Review Form (see FORMS A)
 - Site Plan drawn to a scale of not less than 1" = 20', showing dimensioned footprint of all proposed structures including Finish Floor Elevations and all site improvements, setbacks and easements, a/c and utilities locations, equipment, gates, driveway and walks, new and existing fencing, new and existing retaining walls, and existing trees. Structures, landscape, walls, and fences on adjacent lots must be shown.
 - Floor Plans showing ceiling heights, window and door types, sizes, and header heights, room dimensions, overall square footages, drawn to a scale of ¼" = 1'.
 - All Exterior Elevations showing plate heights, roof pitches natural and finished grades, materials, lighting fixtures, and other information necessary for a complete description of the architecture of the residence.
 - Details of eaves and other critical elements of design to sufficiently represent the visual expression of the building.
 - Roof Plan showing all roof pitches, dormers, skylights, chimneys, features and gutters & downspouts.
 - Electrical Plans showing location of interior and exterior lighting (submitting specific lighting fixtures not required)
 - Exterior Materials Selections for all Exterior Elements. Exterior Selections Form (See FORMS B).

- All Final Plans must meet the minimum guidelines as set forth herein. Submittal shall include a Submittal Review Form, a Full Sized set of Electronic Plans (to scale), and Exterior Selections Form (Completed for each House).
- All Required Forms and Drawings (to Scale) can be sent as PDF's to Reviewer.
- iii) Stage 3. LANDSCAPE REVIEW:
 - Submit a concept Planting Plan per the landscape guidelines (one for an interior lot and one for a corner lot). Planting Plan with location, species (common name), container size, height and spread, and installation spacing of all proposed plant materials.
 - Location of existing trees with species, caliper size, and proposed method of protection indicated.
 - Border and edging materials identified.
 - Required trees noted with common name, height and spread, caliper, and required tree lighting on photocell.
 - Hardscape Areas showing driveways and lead-walks.
 - All Landscape Plans must meet the minimum guidelines as set forth herein.
 - A full size set of landscape plans **(to scale)** may be submitted electronically as PDF's to Reviewer.
 - The Landscape Submittal can be submitted at any Stage above.
- b) **Timing.** The Reviewer will attempt to review all applications and submittals within thirty (30) days after submission. Please plan construction activities to allow sufficient time for submittals and review as outlined above, and for obtaining Final Approval prior to commencement.

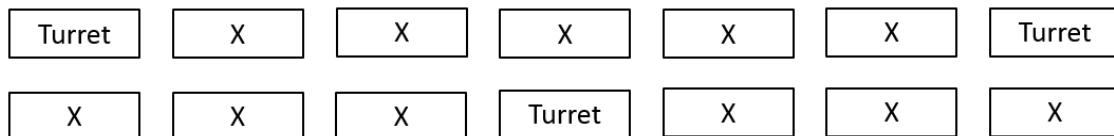
8. ARCHITECTURAL AND AESTHETIC STANDARDS.

- a) **Plan Repetition.** The Reviewer may, in its sole and absolute discretion, deny a plan or elevation proposed for a particular Lot if a substantially similar plan or elevation exists on a Lot in close proximity to the Lot on which the plan or elevation is proposed. The Reviewer may adopt additional requirements concerning substantially similar plans or elevations constructed in proximity to each other. Guidelines for plan repetition:
 - i) Homes with the Same Floor Plan cannot be built on Adjacent Lots, counting both sides of the Street. This would allow for the Same Floor Plan to be built with One Lot between the Same Floor Plan, but the Same Floor Plans Must have Different Elevations.
 - ii) A plan cannot be placed on a Lot across the street or diagonal from the same plan (example above: Plan B).
 - iii) There must be a Minimum of 2 intervening Homes, counting both sides of the Street, between Homes with the Same Floor Plan and the Same Elevation. (Example: Plan A with Elevation A, Plan B, Plan C and Plan A with Elevation A).

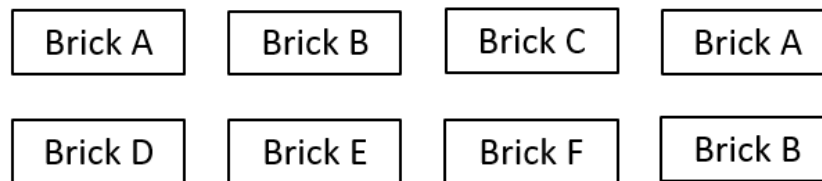


- b) **Turret Elevation Repetition.** A turret is a tower element that projects vertically from the wall or roof of a home. The Reviewer may, in its sole and absolute discretion, deny an elevation featuring one or more turrets proposed for a particular Lot if an elevation with turret(s) exists on a Lot in close proximity to the Lot on which the elevation is proposed. Guidelines for turret elevation repetition:

- i) Turret elevations can be repeated every sixth Lot
- ii) Across the Street, turret elevations cannot be placed on a Lot across the street or within 2 diagonal Lots from any other turret elevation.



- c) **Brick Color and Masonry Stone Repetition.** Community Reviewer may, in its sole and absolute discretion, deny proposed brick or masonry for a particular Lot if substantially similar brick or masonry exists on a Lot in close proximity to the Lot on which the brick or masonry is proposed. Community Reviewer may adopt additional requirements concerning substantially similar brick or masonry constructed in proximity to each other. For Example:



- i) Similar brick or masonry can be repeated every third Lot (example. Plan A, Plan B, Plan C, and Plan A).
 - ii) Across the Street the same brick or masonry cannot be placed on a Lot across the street or diagonal from any other brick or masonry (example above: Brick B).
- d) **Siding and Masonry.** All building materials must be approved in advance by the Reviewer, and only new building materials (except for antique brick if approved in writing) may be used for constructing any Improvements.
- i) Exteriors. The front façade of each primary residence on a Lot shall be constructed of masonry. Masonry, as used herein, consists of brick, stone, cultured stone or stucco or other similar products approved by the Reviewer. The 62', 75' and 90" Product Line are required to be 100% Masonry (Brick, Stone or Stucco) by the City of Allen Ordinance No. 3370-3-16. Hardi-Plank and/or similar cementitious materials shall be considered siding and shall only be permissible in accordance with the PD and Allen Land Development Code standards. (Siding is only allowed on the 55' Product). The Reviewer must approve in advance the composition and method of application of all stucco proposed to be applied. Roofs, eaves, soffits, windows, gables, doors, garage doors and trim work are not required to be constructed of masonry. Notwithstanding the preceding provisions of this section, however, dormers and vertical walls

over roofs may be either masonry, hardi-plank, or equal in a traditional style, or any other material approved by the Reviewer.

- ii) Public View Corridors. Any elevation of a dwelling facing and adjacent to important public view corridors such as Reserve Area, a road, greenbelt or hike and bike trail, as determined by the Reviewer in its sole and absolute discretion, shall use 100% masonry on that elevation unless otherwise approved by the Reviewer. The elevations contemplated within this section shall also attempt to provide enhanced design details. The visible exterior elevations for the corner lots that face important public views will require consistent architecture design as an extension of the front elevation of the house.
- iii) Exposed Foundations in Excess of 12". Exposed portions of the foundation in excess of 12" on all sides of the house must be concealed by extending the exterior stone or brick (i.e., drop brick ledge). If the exterior of the elevation adjacent to the exposed foundation is constructed of stucco, the Reviewer will have the authority to require the use of stone, in a color approved in advance by the Reviewer, to conceal the exposed portion of the foundation. Remaining exposed slab area must be parged/sand finished. Exposed areas of slabs visible from streets may require textured/painted finish at the sole discretion of the Reviewer. Exposed slab on the front of the house and, on corner Lots the entire exposed side of the slab facing the street, must have textured, painted finish.
- iv) Projections. All projections from a dwelling or other structure, including but not limited to chimney flues, vents, gutters, downspouts, porches, railings and exterior stairways must match the color of the surface from which they project, unless otherwise approved by the Reviewer.
- v) Prohibited Elements:
 - (1) Vertical siding or wood shake siding
 - (2) Highly reflective finishes on exterior surfaces (other than non-mirrored glass or on surfaces of hardware fixtures).
 - (3) Mirrored glass.
 - (4) No vivid/bright colors.
 - (5) No painted brick allowed on houses that have a combination of brick and stone facades.
 - (6) No painted brick allowed on houses with elaborate brick details that could be covered over with paint.

e) Windows.

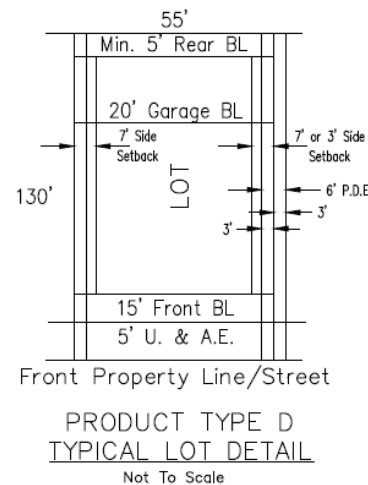
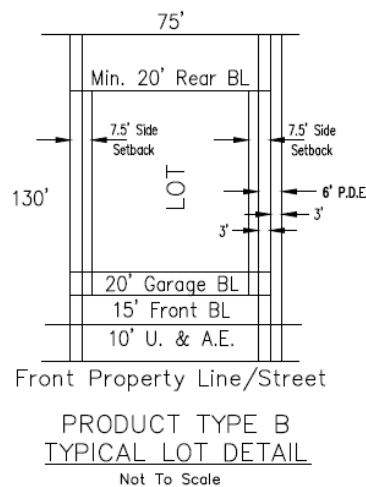
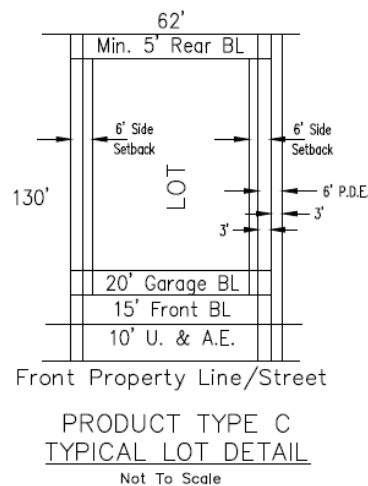
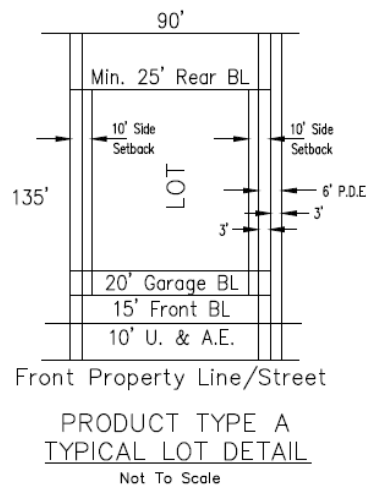
- i) No reflective material shall be used in or on any window
- ii) All window headers, sides and sills, which are visible from the street or Reserve Area, shall be constructed of brick, stucco, cast stone, natural stone, decorative shaped brick or a combination thereof.
- iii) All windows visible from the front, side, or rear shall be painted, aluminum clad, or vinyl clad finished wood windows or vinyl frame windows.
- iv) Metal or vinyl frame windows without brick mould are permitted in all locations not visible from front, side, or rear of the house.
- v) Windows for privacy in bathrooms not visible from the front may be filled with glass privacy block. Glass privacy block is also permitted for zero side product.
- vi) Windows that are required to be divided light (front elevations and special side elevations) must be simulated divided light (SDL) for the Type A (90' Lots) only.

- f) **Lot Size and Square Footage.** The lot standards and square footage requirements are summarized in the table below. Front porches are not required but are encouraged for those lots fronting or adjacent to open spaces and Reserve Areas.

Product Type	Min. Lot Width	Min. Lot Depth	Min. Front Setback	Min. Garage Setback	Min. Rear Setback	Min. Side Setback	Max Lot Coverage	Min. House Sq. Ft.	Max. House Sq. Ft.
A	90'	135'	15'	20'	20'	10'/15'*	55%	2,800	N/A
B	75'	130'	15'	20'	20'	7.5'/ 15'*	60%	2,400	5,000
C	62'	130'	15'	20'	5'	6'/15'*	65%	2,400	4,600
D	55'	125'	15'**	20'	5'	7' and 3'/15'*	65%	2,400	4,300

*Side yards that front a street

**Front porches for Type D lots may encroach 7' beyond the front setback.



- i) **Calculation.** For the purpose of calculating total square footage, open or screened porches, terraces, patios, decks, driveways, garages, storage facilities and walkways shall be excluded. Other detached accessory uses such as cabanas or garages are permitted, but will not count

- toward the minimum square footage requirement. The calculation of square feet shall be measured from outside surface to outside surface.
- ii) **Variances.** The Reviewer may, at its sole discretion, approve variances to the square footages allowable on different Lot products.
 - g) **Temporary/Accessory Structures.** Detached accessory structures such as cabanas, garden buildings, detached garages, storage buildings or guesthouses (which are in compliance with the Declarations and the PD) are permitted if approved in advance by the Reviewer.
 - i) **Permitted Structures.** Such accessory structures must be constructed of the same materials, same colors and with the same quality of construction as the primary residential structure, including the roof as determined by the Reviewer.
 - ii) **Square Footage Calculations.** Permitted accessory structures do not count toward the square footage requirements of these Design Guidelines.
 - h) **Building Height.** Proposed heights must be compatible with adjacent structures and be compatible with existing or anticipated structure heights on Lots located above or below the Lot on which the proposed residence will be constructed and must be approved in writing by the Reviewer, prior to commencement of construction.
 - i) **Structure Height.** The maximum structure height for each permitted residence is 35'. Structure height is measured to the mean height between eaves and ridge for hip and gable roofs. The structure height is governed by the PD and City Development Codes.
 - ii) **Plate and Door Height.** Each house shall have a minimum principal plate height of 10' on the 1st floor and a minimum plate height of 9' on garages unless otherwise approved by the Reviewer. Each first floor exterior door shall be at least 8' in height.
 - iii) **Views.** Views are neither guaranteed, preserved nor protected within the Community.
 - i) **Roofs and Chimneys.** The pitch, color and composition of all roof materials must be approved in writing by the Reviewer, prior to commencement of construction. Roof vents and other penetrations shall be as unobtrusive as possible and must match the principal color of the roof unless approved in advance by the Reviewer.
 - i) **Accepted Roof Pitch.** All roofs shall have a minimum roof pitch of 8:12 on any front and a minimum 8:12 roof pitch for any rear and sides. Mediterranean style homes shall have a 4:12 (min) to 8:12 (max) roof pitch and such homes must use barrel tile or flat tile roofing. Modern Style, Transitional Style, and Hill Country Style homes shall have a minimum roof pitch of 6:12. Additional home designs that warrant roof sections with less pitch are not permitted unless expressly approved by the Reviewer.
 - ii) **Accepted Roof Materials.** Roofing materials shall be limited to approved composition, slate or tile shingles with a rating that conforms to or exceeds applicable local, FHA and VA requirements. The color of the composition shingles must appear to be weathered wood shingles, black or slate, and must be laminated with a rating of 30 years or more. Standing seam metal roof is allowed only if composed of either Copper, Zinc, "Paint Grip Galvanized" unpainted or Microzinc.
 - iii) **Energy Efficiency Roofing.** In addition, roofs of buildings may be constructed with "Energy Efficiency Roofing" with the advance written approval of the Reviewer. For the purpose of the Section, "Energy Efficiency Roofing" means shingles that are designed primarily to: (a) be wind and hail resistant; (b) provide heating and cooling efficiencies greater than those provided by customary composite shingles; or (c) provide solar generation capabilities. Community

Reviewer will not prohibit an Owner from installing Energy Efficient Roofing provided that the Energy Efficient Roofing shingles: (i) resemble the shingles used or otherwise authorized for use within the community; (ii) are more durable than, and are of equal or superior quality to, the shingles used or otherwise authorized for use within the community; and (iii) match the aesthetics of adjacent property. An Owner who desires to install Energy Efficient Roofing will be required to comply with the architectural review and approval procedures. In conjunction with any such approval process, the Owner should submit information which will enable the Reviewer to confirm the criteria set forth in this Section.

- iv) Chimneys. Chimney style must be appropriate for the style of the home and may be clad in brick, stone or stucco matching with the same permitted colors and materials as permitted on the body of the house; ***provided however, that any chimney visible from the street or open space must be 100% brick or stone.*** Stucco is allowed on Mediterranean style homes.
- v) Other Materials. Any other type of chimney or roofing material shall be permitted only with the advance written approval of Community Reviewer.
- vi) Prohibited Elements:
 - (1) Excessively pitched roofs (any roof pitch above 16:12).
 - (2) Mansard, gambrel or chalet roofs.
 - (3) Non-dimensional or three tab composition shingles.
 - (4) Roofs that are too steep or too shallow for the style of the home.
 - (5) Shed roofs except as incidental to the main roof.
 - (6) Glossy metal and/or reflective materials or bright colors.
 - (7) Natural or silver Galvalume.
 - (8) Roof vents on the front plane of the home.
 - (9) On corner lots, roof vents on street side (unless prior written approval obtained).
 - (10) Stove-pipe chimneys, prominent chimneys or other random roof penetrations.
 - (11) Vents or skylights facing the street.
 - (12) White or bubble skylights.
- j) Driveways. The design, construction materials, and location of: (i) all driveways, and (ii) culverts incorporated into driveways for ditch or drainage crossings, must be approved by the Reviewer. Driveways must allow for two (2) spaces of parking on each Owner Lot.
 - i) Finishes. All driveways fronting on a street or Reserve Area shall be constructed of the following materials: brick pavers, stone, interlocking pavers, salt finish, stained concrete, stamped concrete, or concrete with stone or brick border. Driveway materials must extend to the back of pedestrian sidewalks. All rear entry driveway surfaces (driveways fronting an alley / Type D Lots) may be constructed in concrete.
 - ii) Features. Drives shall intersect the street at as close to 90 degrees as possible. Driveways must permit entry by standard mid-size vehicles without "bottoming out" in the transition area between the curb and property line as well as the driveway area between the property line and the garage. Each Lot is permitted only one driveway access from the street. Driveways on corner lots abutting a cul-de-sac and another roadway must access off the cul-de-sac.
 - iii) Raised Driveway. If the driveway is raised significantly above finished grade (which will be determined by the Reviewer in its sole and absolute discretion), the exposed sides of the driveway must be underpinned (parged) and painted. When practical, landscaping to screen the raised area is recommended, upon approval in writing by the Reviewer.

- iv) Ramps. Where driveways conflict with pedestrian walks, curbs must be saw cut and handicap ramps installed. Handicap ramps must be constructed to comply with all Texas Department of Licensing and Regulation Architectural Barriers Texas Accessibility Standards and American Disabilities Act (ADA) requirements.
- k) **Sidewalks**. Each Owner of a Lot must build or cause to be built on such Owner's Lot, in a location designated by the Reviewer, a concrete sidewalk complying with the specifications set forth in the applicable plat, approved subdivision plans, the Documents or any other requirements in conjunction with and at the time of construction of the residence thereon.
 - i) Pedestrian Sidewalks. Sidewalks that run generally parallel with the street and are considered part of the overall Community sidewalk or trail system are "Pedestrian Sidewalks." Pedestrian sidewalks must be constructed in accordance with the approved subdivision plans. Pedestrian sidewalks shall be surfaced with brushed concrete.
 - ii) Lead Walk. The portion of sidewalk that may connect from the back of the Pedestrian Sidewalk to the home is called the "Lead Walk." Lead Walks must be constructed of brick, stone, slate, flagstone, salt finish, stained concrete, concrete with brick or stone borders, or other surfaces as may be approved by the Reviewer.
 - iii) Compliance. All sidewalks must comply with designated widths and comply with all Texas Department of Licensing and Regulation Architectural Barriers Texas Accessibility Standards.
- l) **Garages**. All garages shall be approved in advance of construction by the Reviewer.
 - i) Enclosed Garage. Improvements constructed on each Lot must include a private, enclosed garage capable at all times of housing at least two (2) standard size automobiles. The maximum number of enclosed garages is set forth in Attachment 1. Unless approved in writing by the Reviewer, no more than three (3) garage doors may be contiguous to one another and, in those circumstances, there must be a two (2) foot offset on at least one of the three bays. Additionally, no more than two (2) garage doors shall face the street.
 - ii) Features. Interior walls of all garages must be finished with sheetrock, textured and painted at a minimum. Each garage shall have garage doors that are wired so as to be operated by electric door openers and automatic door openers are required for all garage doors. Each garage door facing or visible from any street or Reserve Area must be clad with cedar or a higher grade of wood, and must be a stained natural wood, medium dark, or dark color as approved by the Reviewer. Garages entered from an alley (rear entry garages / Type D lots) may be constructed of metal. For "modern" and "international" architectural style elevations, garage doors may be metal of a style that is consistent with the architectural style. The garage doors may or may not include windows. When the garage doors include windows, the windows may be placed in varying degrees and geometrical patterns which complement the elevation and style.
 - iii) Prohibited Elements:
 - (1) Carports.
 - (2) Open (not enclosed) automobile storage.
- m) **Exterior Lighting**. Exterior lighting must conform to the "Dark Sky" Lighting Specifications outlined in the Montgomery Farm CC&R's (Exhibit H – "Dark Sky" Lighting Specifications) and be approved in advance by the Reviewer.
 - i) Brightness. No exterior light whose direct source is visible from a street or neighboring property or which produces excessive glare to pedestrian or vehicular traffic will be allowed.

Exterior mounted lamp housings must shield lamp from view and the direct light. Lighting levels will conform to the minimum illumination requirements as specified by applicable local codes. Installation of any light sources that exceed the minimum levels of illumination must be submitted to the Reviewer and/or Association for approval. Special site lighting for signage, flags, water features, landscaping, and safety features is allowable but must be submitted to the Reviewer and/or Association for approval prior to installation.

ii) Number. The number of exterior light fixture for the house and the landscape may be limited in order to prevent excessive lighting. When the lighting is being installed on the site, a night time inspection and written approval may be required prior to final installation.

iii) Prohibited Elements:

(1) Use of other than white or color corrected high intensity lamps and exterior lights (except holiday lighting which may not be installed more than twenty-one (21) days before a holiday and must be removed no more than fourteen (14) days after the holiday).

(2) Sodium, mercury vapor, or bare HID yard lights.

n) Setbacks. Applicable setbacks for the various product types are summarized on the plat. All improvements must conform to the setback requirements of the City.

o) Address Markers. Address markers must be readily visible from the street. The painting of addresses on the curb is further described in the Declarations.

p) Cluster Mailboxes. Cluster Mailboxes will be utilized in the Community, in accordance with the rules and regulations by the United States Postal Service.

q) Solar Energy Devices. The requirements for the installation of Solar Energy Devices are set forth in the Development Area Declaration.

r) Satellite Dishes. The requirements for the installation of Satellite Dishes are set forth in the Declarations.

s) HVAC Screening. Air conditioning compressors and pool equipment shall be enclosed by a structural and/or landscaped screening element of materials approved by the Reviewer.

t) Signage. The signage requirements are set forth in the Declarations.

u) Aesthetic Appeal. The Reviewer may disapprove the construction or design of a home on purely aesthetic grounds. Any prior decisions of the Reviewer regarding matters of design or aesthetics shall not be deemed to have set a precedent if the Reviewer feels that the repetition of such actions would have any adverse effect on the community.

9. **LANDSCAPE GUIDELINES.** General Landscaping guidelines for each Lot are set forth below. Notwithstanding the subsequent provisions, the installation of drought-resistant landscaping or water-conserving turf on a residential lot, which is a landscaping procedure known as xeriscaping ("Xeriscaping"), will be permitted upon written approval by the Reviewer in accordance with those certain Xeriscaping provisions set forth in the Development Area Declaration. All landscapes and landscaping must be approved in writing prior by the Community Reviewer prior to installation. Refer to Plan Review Process (Stage 3) for Landscape Review. An Approved List of Plants and Turf is set forth on Exhibits H and J.

a) **Landscape**

i) Plans. Detailed landscape plans for each Lot must be submitted to the Reviewer for consideration at least thirty (30) days before installation is planned. No significant (i.e, major changes in the plant list, plant and plant bed locations, plant count, hardscape design,

- materials) revisions may be made to approved plans without submission to, and further approval by the Reviewer of the revised plans. Landscape plans must include vegetative screening for above ground utility connections visible from the street or adjacent properties. Hardscape elements in the landscaping must be in scale with the home and associated structures. Without limitation of any other obligation set forth herein and in the Declaration, all landscaping shall at a minimum be in accordance with the City's landscaping, tree preservation and open ordinances. Variations approved herein (and, if applicable, the City) shall meet or exceed the goals of such ordinances. The Builder and Owner each shall be responsible for providing and completing landscaping for the respective individual lot prior to occupancy of the home, including without limitation sod throughout all unimproved areas of the lot.
- ii) **Materials.** All introduced vegetation shall be trees, shrubs, vines, ground covers, seasonal flowers or sodded grasses which are commonly used in North Texas for landscaping purposes and which are approved by the Community Reviewer. An emphasis should be placed on utilizing native plants that are drought tolerant. A minimum of 2" of mulch is required for all shrub and bed areas. Turf grass shall have a minimum of 4" of native soils or improved soils.
 - iii) **Artificial Turf.** Artificial turf is not allowed to be installed in areas visible from the street or common/preserve areas.
 - iv) **Installation and Maintenance.** Landscaping of new homes must be installed within thirty (30) days of completion and in any event, landscaping in accordance with the approved plans shall be completely installed prior to occupancy of a residence. Modifications of existing landscaping must be completed within fourteen (14) days of commencement. Extensions to the time limit may be granted by the Reviewer and/or the Association but may require a deposit. After installation, landscaping (including temporary landscaping) shall be properly maintained at all times.
 - v) **Gardens; Sculptures and Fountains.** Any Owner who wishes to plant one or more gardens upon their Lot must obtain the approval of the Reviewer. Sculptures and fountains are subject to approval by the Reviewer in accordance with those guidelines outlined in the Declarations.
 - vi) **Reservation of Future Approvals.** The Reviewer reserves the right to require additional landscaping for pools, cabanas and other hardscape elements that may be constructed after completion of the residence and associated landscaping.
 - vii) **Prohibited Elements.**
 - (1) Rock or crushed rock as ground cover (unless approved in advance by the Reviewer).
- b) **Tree Protection.** Protection and preservation of trees is of significant importance to the aesthetics of the community and the environment.
- i) **Size and Location.**

Lot Type (Size)	Front Yard (Qty/Size)	Rear Yard (Qty/Size)	Notes
A (90's)	2 Trees (3")	1 Trees (3")	
B (75's)	2 Trees (3")	1 Trees (3")	
C (62's)	2 Trees (3")	1 Trees (3")	
D (55's)	1 Ornamental	1 Trees (3")	Lots: 13-22/D, 1/E, 23-37/F
D (55's)	1 Tree (3")	1 Trees (3")	Lots: 8-12/C, 1-10/D, 13/D, 1-6/F

Trees shall be a minimum of three-caliper inches as measure at 1 foot above grade. Each Lot with Residential Improvements must have one tree (minimum) in the backyard. All trees must be a native species. In addition to all other requirements herein, each Owner Lot adjacent to Reserve Areas must have at least two non-deciduous native species trees with a minimum caliper of 3", and spaced no more than 20' on center apart from each other along each side of the Lot that is adjacent to a Reserve Area. Such trees must be outside, but within fifteen feet, of the Reserve Area, as applicable. Additionally, corner lots adjacent to a street shall have one (1) additional 3" tree in the side yard. Trees are not allowed to be Planted in Easements (per the City of Allen). For Tree Requirements, refer to the City of Allen Residential Development Code Sec.7.05.04 – Tree Planting Requirements for new Single-Family Residential Development.

- ii) Vegetative Fencing. Whenever possible and economically feasible, all trees should be preserved and protected during construction with vegetative fencing.
 - iii) Tree Removal. As used herein, the "Building Envelope" shall be defined as the area of the lot that is allowed for construction of improvements as defined by the setbacks of the lot. A "Specimen Tree" is defined as a tree that is healthy and with a uniform canopy. In the area outside the Building Envelope, a Specimen Tree that is 12" or larger in diameter measured 24" off the ground must be flagged and approved in writing by the Reviewer prior to removal. Within the Building Envelope, a builder shall have the right to remove any Specimen Tree less than 18" in diameter as measured 24" off the ground. Within the Building Envelope, a Specimen Tree greater than or equal to 18" in diameter as measured 24" off the ground shall require prior written approval from the Reviewer before removal.
- c) **Irrigation**. All irrigation shall comply and be installed per City requirements.
- i) Full Yard Required. Full yard programmable irrigation systems may be installed on all Lots and all irrigation systems must be installed and maintained pursuant to all water requirements of the City of Allen and the North Texas Municipal Water District, as well as any applicable Texas Commission on Environmental Quality ("TCEQ") regulations.
 - ii) Backflow Prevention Device. Each Owner is advised that TCEQ regulations require the installation of a backflow prevention device at any connection to a public drinking water supply. If a backflow prevention device is required, the Owner will be obligated to have performed a yearly inspection by a licensed TCEQ Backflow Prevention Assembly Tester.
 - iii) Drip Systems. The use of drip irrigation is encouraged. Irrigation sprinkler systems must use heads that emit large drops rather than a fine mist. All irrigation systems shall be zone based on plant watering requirements.
- d) **Landscape Inspection**. Community Reviewer may, upon the Owner's completion of the installation of landscaping, conduct an on-site inspection of the property to ensure compliance with the approved plan.
- e) **Drainage**. There shall be no interference with the established drainage patterns except by Declarant, unless adequate provision is made for proper drainage and such provision has been certified by a professional engineer.
- i) Site Drainage. Responsibility for proper site drainage rests with the Owner. Each Owner is solely responsible for correcting any change in water flow or drainage caused by the construction of Improvements on such Owner's Lot. Each Owner lot shall be graded so that storm water drainage shall not flow off of such Owner Lot unless such flow is (i) into a drainage easement, alley, or street, or into the storm water collection system for the Community, and

- (ii) in accordance with all applicable legal requirements, including applicable requirements of the City. Lot Owners may not modify or block drainage gradients or block drainage easements with fencing, Landscaping, or otherwise.
- ii) Area Drains. No area drains are allowed to extend through the curb, and any area drain opening must be behind the curb within the Lot and cannot extend to the street or right-of-way.
- iii) Drainage Improvements. Drainage improvements must be maintained by each Owner unless maintenance has been accepted by the Association in a Recorded written instrument.
- f) **Fencing and Walls**. The materials, height, location and construction of all fences must be approved in advance by the Reviewer. (Refer to the Montgomery Farm Estates Regulating Plan for overall Fence Types and Locations).
- i) Lot Fencing. Fencing is required on the sides and rear of the lot. Courtyard walls that are architectural walls and designed for individual house plans will be considered for approval by the Reviewer. All front (street or Reserve Area) facing fences must be parallel to the street or Reserve Area. With the exception of masonry walls constructed by the developer, side yard and rear yard fences located adjacent to a street or common area must be constructed of the standard black iron which must terminate at the front with the standard iron column. Interior lots with side yard wood fences must include a minimum 4-foot length of black iron (5' Tall) transition into an iron column at the front corner (see Exhibits A, B, C, and D). Corner lots with rear yard wood fences or masonry walls (by Developer) must include a 10-foot minimum length of wrought iron fencing (5' Tall) extending from the street-side rear corner column along the rear fence line before transitioning to alternate fence material. (See Exhibits G, H and J for Fence Design Guidelines).
- ii) Wood Fencing. All Side and Rear Yard Wood Fences (6' in height) are required to be Western Red Cedar, stained, board on board, must have a decorative cap and trim. All fence posts must be steel set in concrete footings per City specifications and steel must be covered with wood. Wood fences must terminate with a finished end post before transitioning to alternate fence materials. Fencing installed along property lines where retaining walls exist must be located on the high side of the wall. Parallel fencing is prohibited. All fence tops must be horizontally level with grade changes, stepped up or down a maximum of 12 inches as the grade changes. Stepped or angled transitions must be provided when connecting to a development wall of lesser height. Stain colors must be submitted for approval. (Refer to Exhibits E, F, and G for Fence Design Guidelines). (Refer to Exhibits A, B, C and D for Wood Fence Locations for each Lot Type).
- iii) Height. Wood Fencing shall be six feet (6') in height. Iron Fencing shall be five feet (5') in height.
- iv) Stain. All Side and Rear-yard wood fencing may only be stained using a stain that is approved in advance by the Reviewer. Stain Cedar Color shall be "Cedar Natural Tone" Semi-Transparent by PPG or visibly equivalent. Any part of the fence that is visible from any street shall be routinely re-stained (no less than every four years) in the approved stain color and the Reviewer and/or the Association shall have the right to re-stain such visible portion of the fence and charge the expense to the Owner pursuant to the terms and provisions of the Covenant.

- v) **Metal Fencing.** Fences along front elevations visible from the fronting street must be constructed of black wrought iron and the height of the fence shall be 5 feet. Gates in front fences must be iron and must not exceed 5 feet in width. Where the front yard fence intersects with the side yard fence, a decorative corner column shall be constructed (see Exhibits E, F and G). All metal fencing must utilize ornamental wrought iron or powder coated metal fencing (painted black) and shall be five feet (5') in height with pickets spaced at four inches (4"). In addition, the Reviewer may require that certain Lots adjacent to or backing up to a Reserve Area, greenbelt, open space or a hike and bike trail be required to utilize metal fencing along the side and rear property lines. A site plan exhibit showing metal fencing areas is attached as "Exhibits A, B, C and D".
- vi) **Retaining Walls.** All retaining wall plans over four feet (4') tall or within any right-of-way must be submitted to the Reviewer and/or Association for consideration and must be constructed in accordance with stamped engineered plans by a licensed engineer. Retaining walls must be maintained by each Owner unless maintenance has been accepted by the Association in a Recorded written instrument. With the exception of retaining walls installed by the Developer, retaining walls located in front yards or in side or rear yards facing a greenbelt must be constructed of quarry chopped or field chipped coursed Millsap Sandstone. (Random pattern stone walls are prohibited). The builder or property owner on the high side of the lot is responsible for installing retaining walls between properties along Side yards.
- vii) **Plans.** Plans submitted for fences, walls, and landscaping must be drawn on an accurate copy of the site plan.
- viii) **Setbacks.** All side yard fences must be installed so that they are perpendicular to the house unless circumstances on site dictate otherwise. Side yard fences must be installed so that all pickets are facing toward the street and no fence rails are seen from the street.

Below are all of the Minimum Front Fence Setbacks Locations for the different Lot sizes and Products for Montgomery Farm.

(Refer to Exhibits A, B, C and D for Fence Locations for each Lot Type).

The Fence Setback locations are from the Front Property Line to the Face of the Fence.

90' Lots (Front Load) - 55' Front Fence Setback.

75' Lots (Front Load) - 50' Front Fence Setback.

62' Lots (Front Load) - 40' Front Fence Setback.

55' Lots (Alley Load) - 40' Front Fence Setback.

Some adjustments in the Fence Setback locations may need to be made on any lot as determined by the Reviewer.

- ix) **Prohibited Elements:**

- (1) Shadowbox or "Pallet" type fencing.
- (2) Fencing of front yards.
- (3) Solid walls enclosing an entire site.

- g) **Pools, Spas and Hot Tubs.** An application must be submitted to the Association in conjunction with the review of any application for any proposed swimming pool, spa, or hot tub. The materials, location and construction of all pools, spas and hot tubs must be approved in advance by the Association.

- i) **In Ground.** Swimming pools and accompanying spas shall be in-ground, or a balanced cut and fill, and shall be designed to be compatible with the site and the dwelling. All exposed

concrete on "Infinity Edge" swimming pools must be properly screened through the use of landscaping and no more than three (3) feet of exposed concrete may be visible. Self-contained above-ground hot tubs require approval by the Reviewer.

- ii) Screening; Fencing. Screening, fencing, security and maintenance are required of all swimming pools, spas and hot tubs. Additional fencing, if any is proposed in addition to the yard fencing, and/or walls around the swimming pool, spa or hot tub must be approved in advance by the Reviewer and integrated into the design of the dwelling and site. Fences must meet all governmental regulations and no pool, spa, hot tub or other similar water containing basin shall be filled with water until proper fencing is installed.
- iii) Plans. The swimming pool, spa or hot tub plan must be drawn on a copy of an accurate site plan and shall include specific indications of distances from the water containing basin(s) and surrounding slab walks to the lot lines and building setbacks.
- iv) Backwash. Unless otherwise expressly approved by the applicable governmental agency or utility service provider, backwash from a swimming pool, spa or hot tub drain with a backwash filtering system must be contained within the Lot on which the swimming pool, spa or hot tub has been constructed and is not permitted to be discharged into any street, adjoining Lot or drainage easement.
- v) Lot Access. No access across another Lot or greenbelt/open space area for the purpose of building or maintaining a swimming pool, spa or hot tub is permitted without the prior written approval of the other property owner or the Reviewer in the case of greenbelts/open spaces.
- h) **Playscapes, Trampolines and Sport Courts**. Playscapes, recreational or sport courts and trampolines must be approved in writing by the Association prior to the commencement of construction or placement.
 - i) Features. If allowed, these facilities must be properly sited and screened so as to minimize the visual and audio impact of the facility on adjacent properties. Special attention will be placed on color schemes and on the visibility of the equipment from the street and neighboring Lots.
 - ii) Plans. Plans for playscapes and sport courts must be drawn on an accurate copy of the site plan and must include proposed screening.
 - iii) Prohibited Elements.
 - (1) Direct or indirect lighting of the playscape, trampoline or sport court.
 - (2) Netting enclosures (except safety netting around a trampoline). Playscapes, trampolines and sport courts may not be lighted or enclosed with netting.
 - (3) Tennis courts are not permitted.

10. **EROSION CONTROL AND CONSTRUCTION REGULATIONS**. The following restrictions shall apply to all construction activities in the Community. It is the responsibility of all Owners and/or contractors to adhere to State and Federal storm water runoff protection and prevention requirements that may be applicable to their construction activities and to obtain proper permits as may be required. Periodic inspections by a representative of the Reviewer may take place in order to identify non-complying construction activities. If items identified as not complying with the regulations are not remedied in a timely manner, fines will be levied.

- a) **Erosion Control Installation and Maintenance**. Upon written approval by the Reviewer or the Association where applicable, it is the responsibility of the Owner to install erosion control

measures prior to the start of construction and to maintain the measures throughout construction.

- i) **Silt Fencing.** Silt fencing installed to all applicable standards is required to be properly installed and maintained to protect the low sides of all disturbed areas, where storm-water will flow during construction. The purpose of the silt fence is to capture the sediment from the runoff and to permit filtered, clean water to exit the site.
- ii) **Sediment Removal.** Built-up sediment will need to be removed from the silt fence after heavy or successive rains, and that any breach in the fencing will need to be repaired or replaced immediately. If for any reason the silt fence is to be temporarily removed, a representative of the Reviewer must be contacted prior to the removal.
- b) **Security.** Neither the Reviewer, the Association, nor the Declarant shall be responsible for the security of job sites during construction. If theft or vandalism occurs, the Owner should first contact the County/City Sheriff's Department and then notify the Association.
- c) **Construction Hours.** Unless a written waiver is obtained from the Reviewer, construction may only take place as follows:
 - i) **Hours.** Monday through Friday from 7:00 a.m. until 7:00 p.m., and on Saturdays from 9:00 a.m. until 6:00 p.m.
 - ii) **Holidays.** There shall be no construction on New Year's Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving Day, or Christmas Day.
 - iii) **Waivers.** Waivers may be given for the pouring of concrete slabs during the summer months.
- d) **Noise, Animals, Children.** The use of radios, tape and CD players must be restrained so as not to be heard on an adjoining Lot or street. Contractors and subcontractors may not bring dogs or children less than 16 years of age to construction sites.
- e) **Material and Equipment Storage.** All construction materials and equipment shall be neatly stacked, properly covered and secured. Any storage of materials or equipment shall be the Owner's responsibility and at their risk. Owners may not disturb, damage or trespass on other Lots or adjacent property.
- f) **Insurance.** The Reviewer or the Association where applicable may require an Owner to procure adequate commercial liability insurance during construction naming the Association, the Declarant and the Reviewer as additional insureds in an amount to be determined.
- g) **Site Cleanliness.** During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming an eyesore.
 - i) **Fencing.** Brightly colored construction fence must be installed before the start of construction on all side lot lines where a home is being constructed next to an existing occupied home.
 - ii) **Trash Containers.** Owners and Homebuilders shall clean up all trash and debris on the construction site. Trash and debris shall be removed from each construction site on a timely basis. The Reviewer or the Association will have the authority to require that one dumpster be provided to serve no more than two Lots. In addition to any dumpster, a trash receptacle approved in advance by the Reviewer will be located on each lot during construction. Trash receptacles must be emptied periodically and will not be permitted to overflow. Chain link fencing is not an acceptable enclosure material for temporarily containing trash. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site.

- iii) No Dumping or Burning. The dumping, burying or burning of trash is not permitted anywhere in the Community.
- iv) Heavy Equipment and Debris. When moving heavy equipment, precautions must be taken to prevent damage to pavement, curbs, and vegetation. Track loaders are not to be operated on paved or concrete surfaces. Mud, dirt and other construction debris that is tracked off the construction site shall be cleaned on a daily basis. Skid steer loaders are not to be used to clean the streets by scraping them.
- h) **Construction Parking**. Construction crews shall not park on, or otherwise use, other Lots. No construction vehicle will be permitted to leak oil or otherwise damage or deface any street located within the Community.

EXHIBITS:

A – Site Plan for Fence (Interior Lot – Front Load)

B – Site Plan for Fence (Corner Lot – Front Load)

C – Site Plan for Fence (Interior Lot – Alley Load)

D – Site Plan for Fence (Corner Lot – Alley Load)

E – Typical Front Fence Elevation

F – Typical Front Fence Elevation (with Slope)

G – Typical Side Fence Elevation

H - Acceptable Plant Materials

J – Unacceptable Plant Materials

FORMS:

A - Submittal Review Form

B – Montgomery Farms Exterior Selections Form

Exhibit A

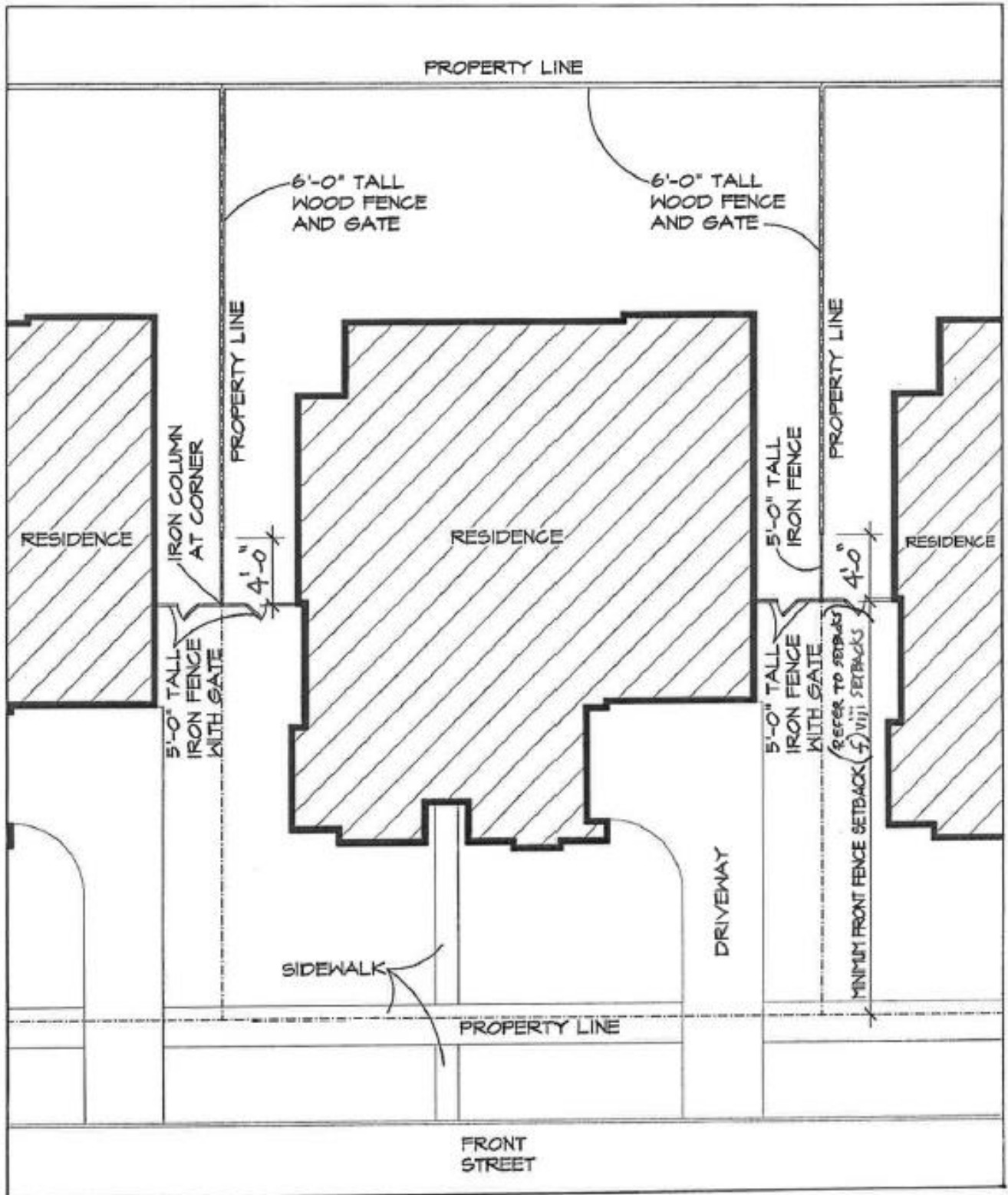


Exhibit B

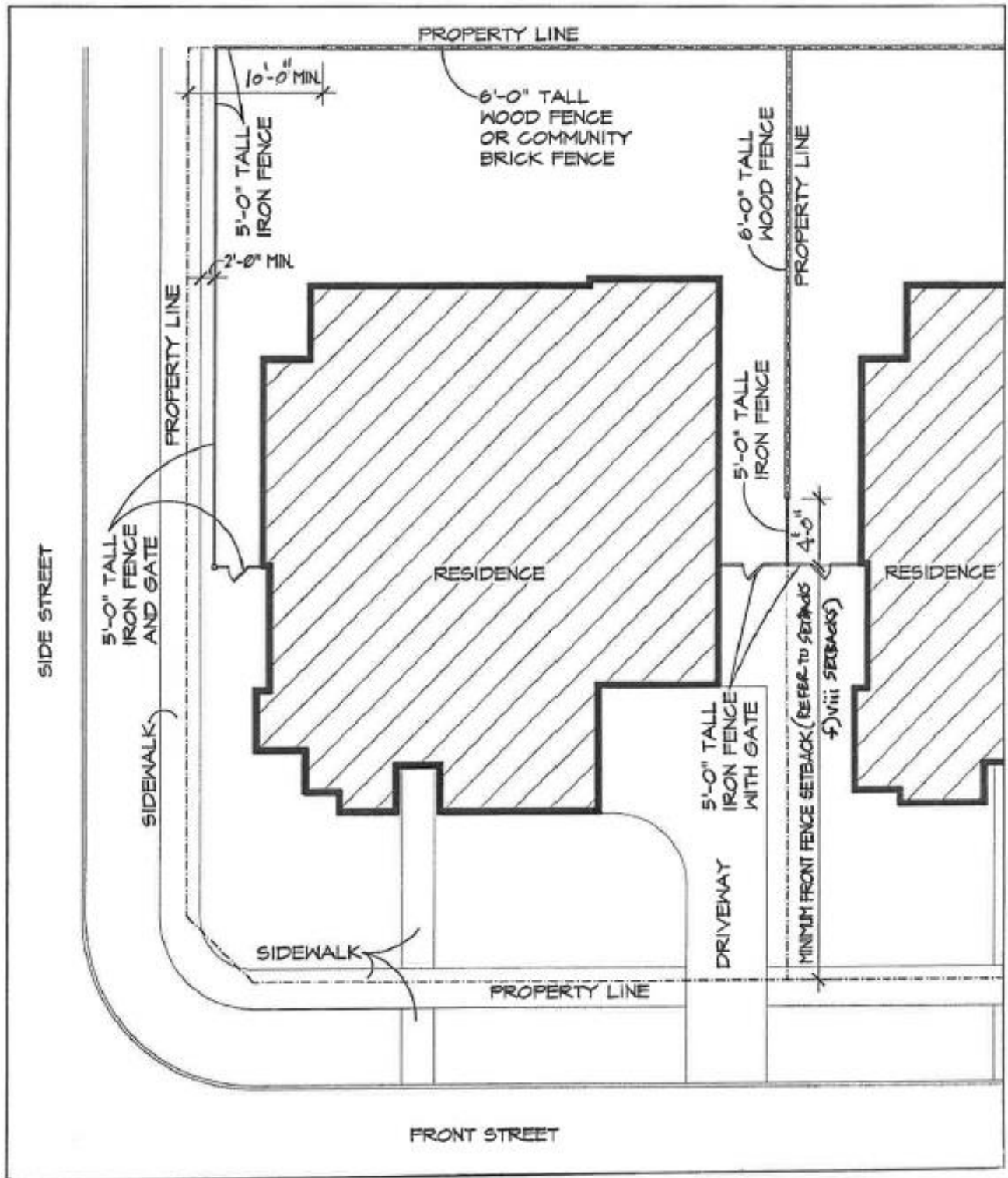


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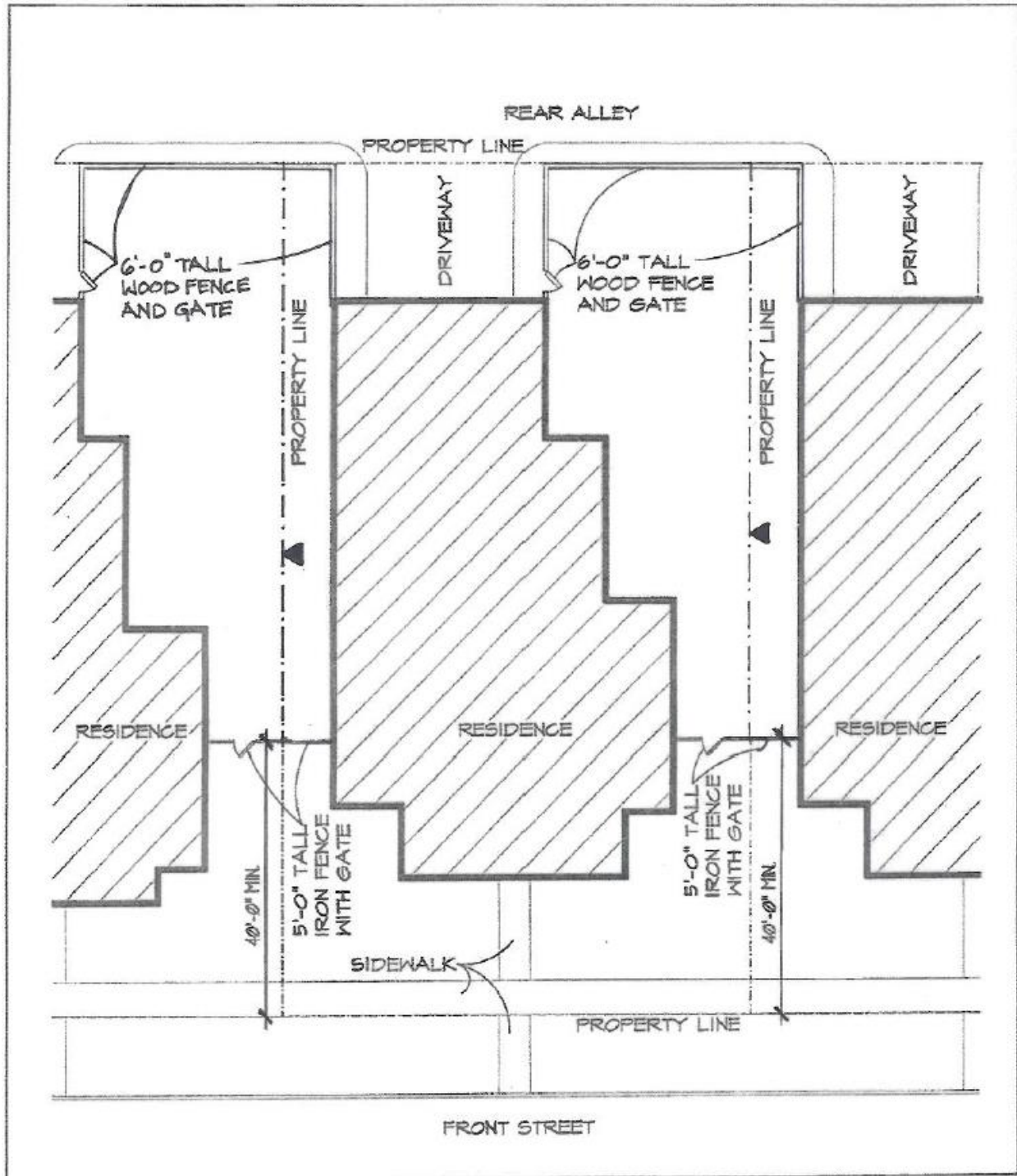


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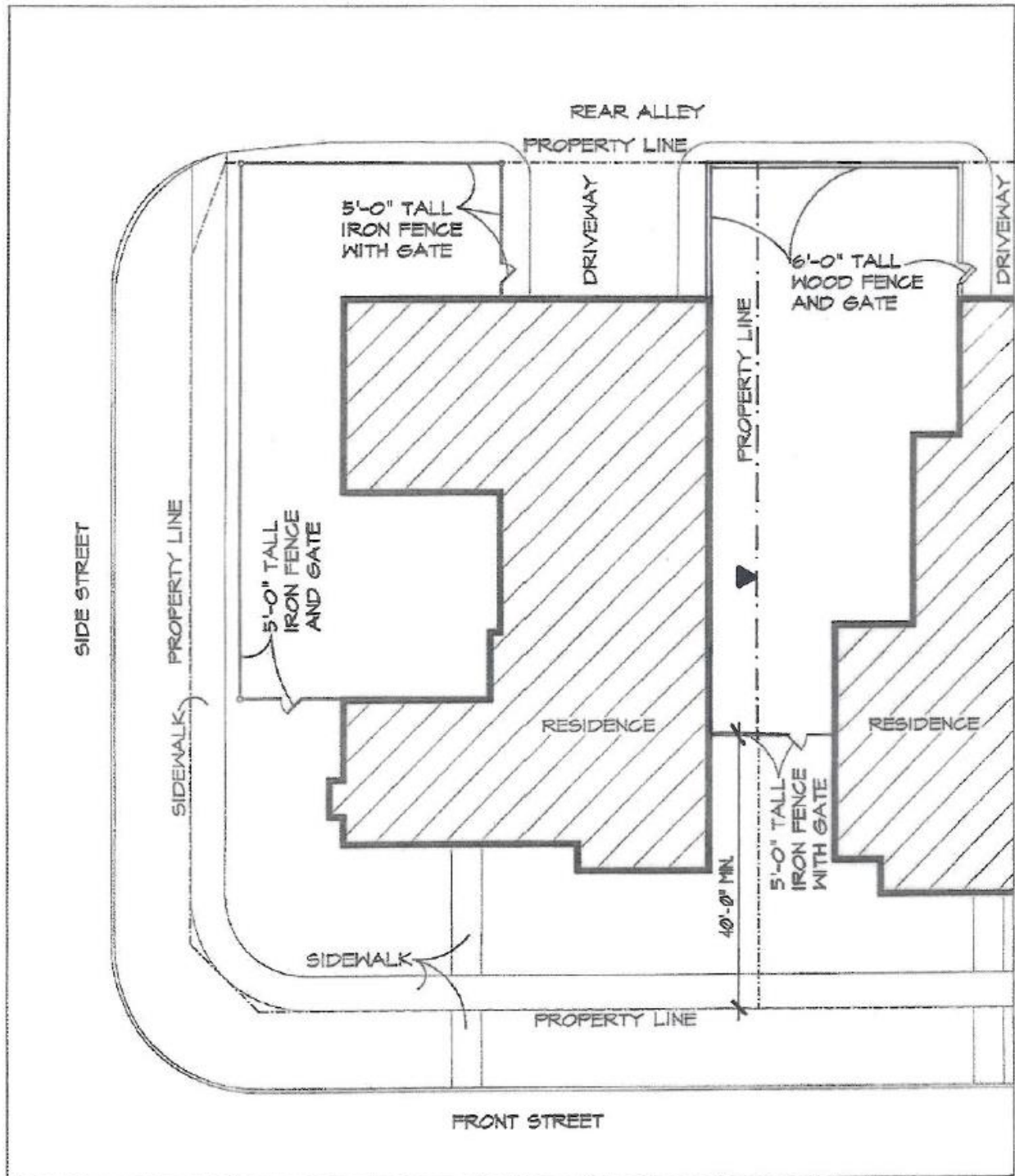


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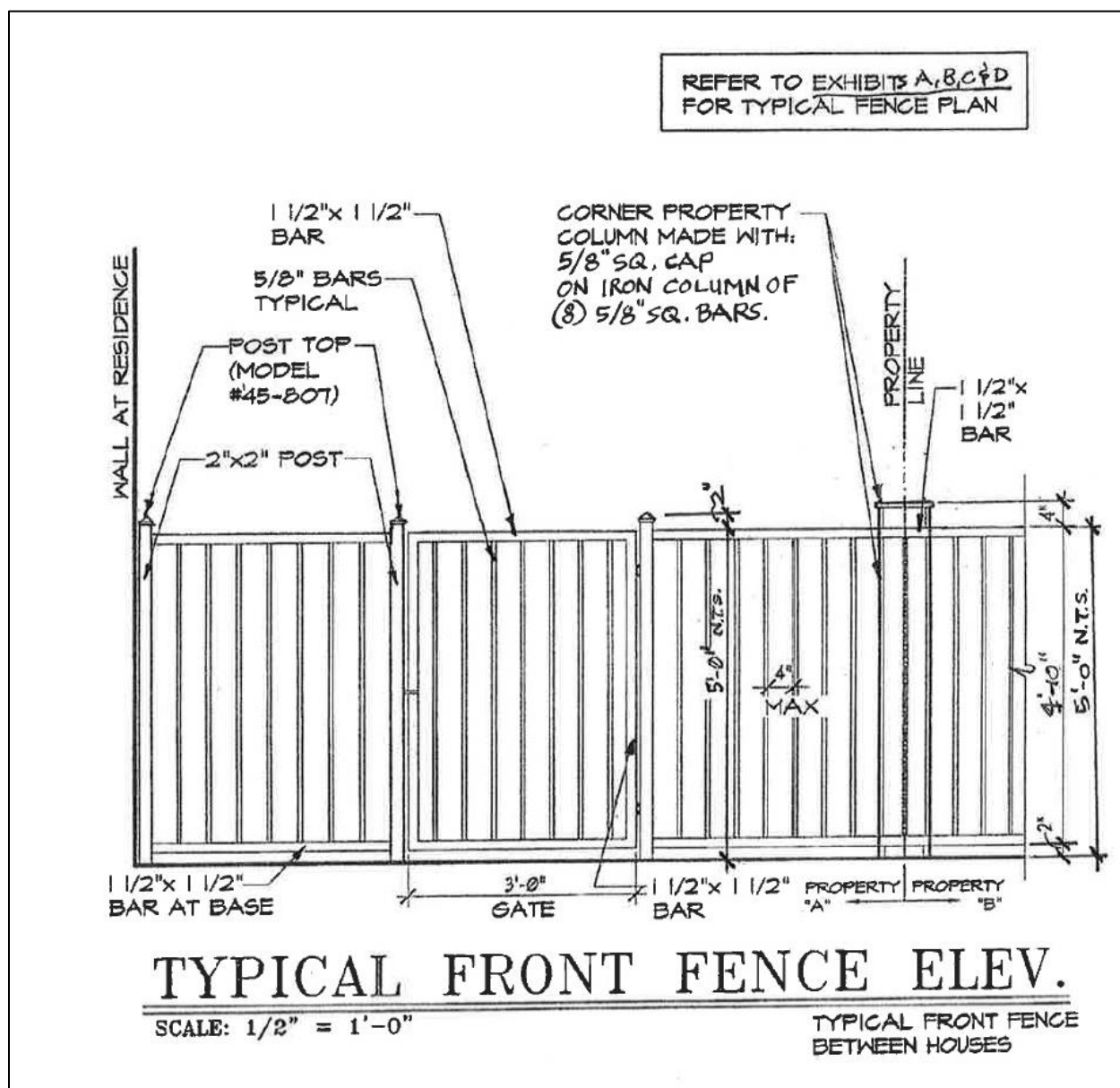


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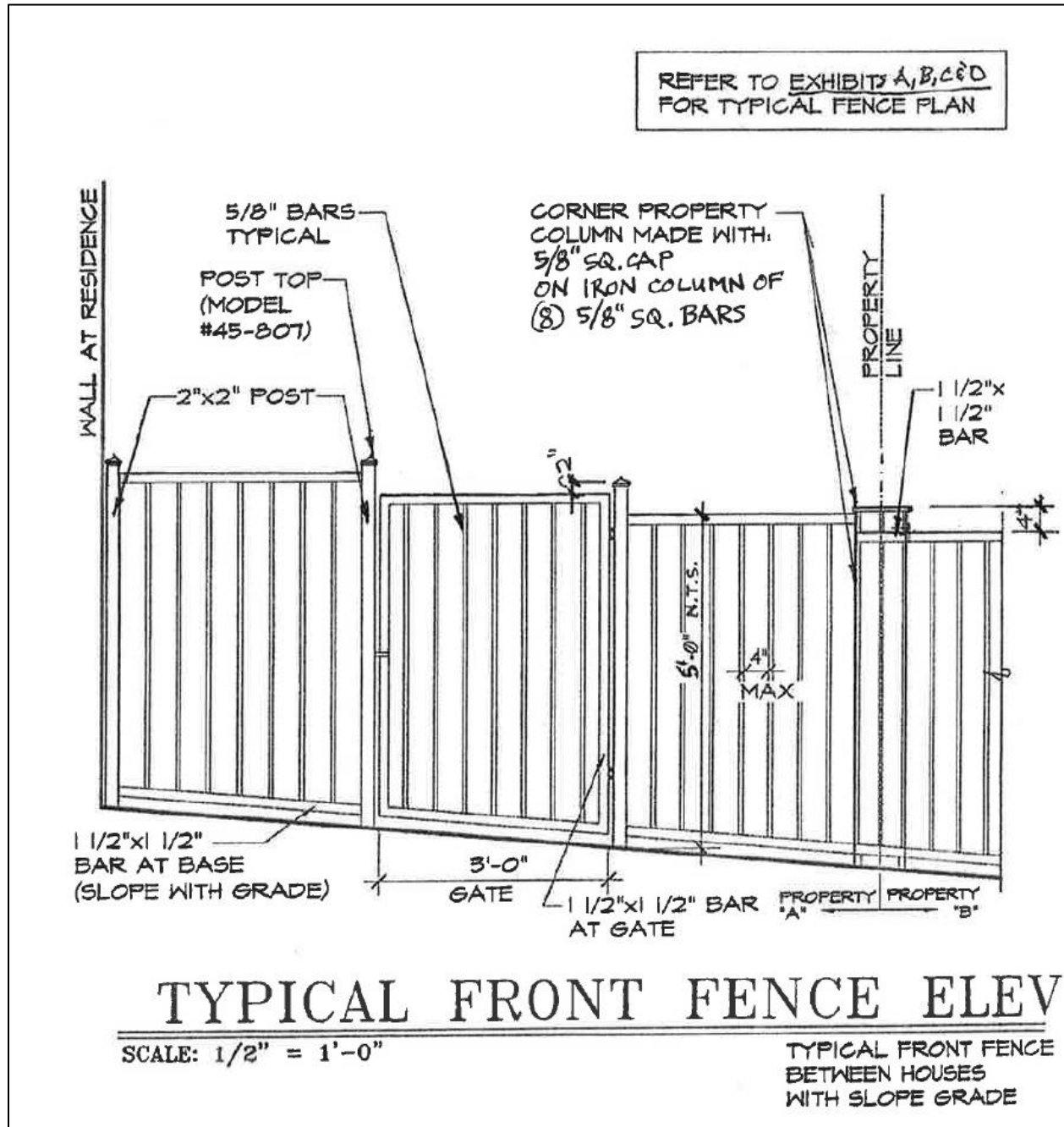


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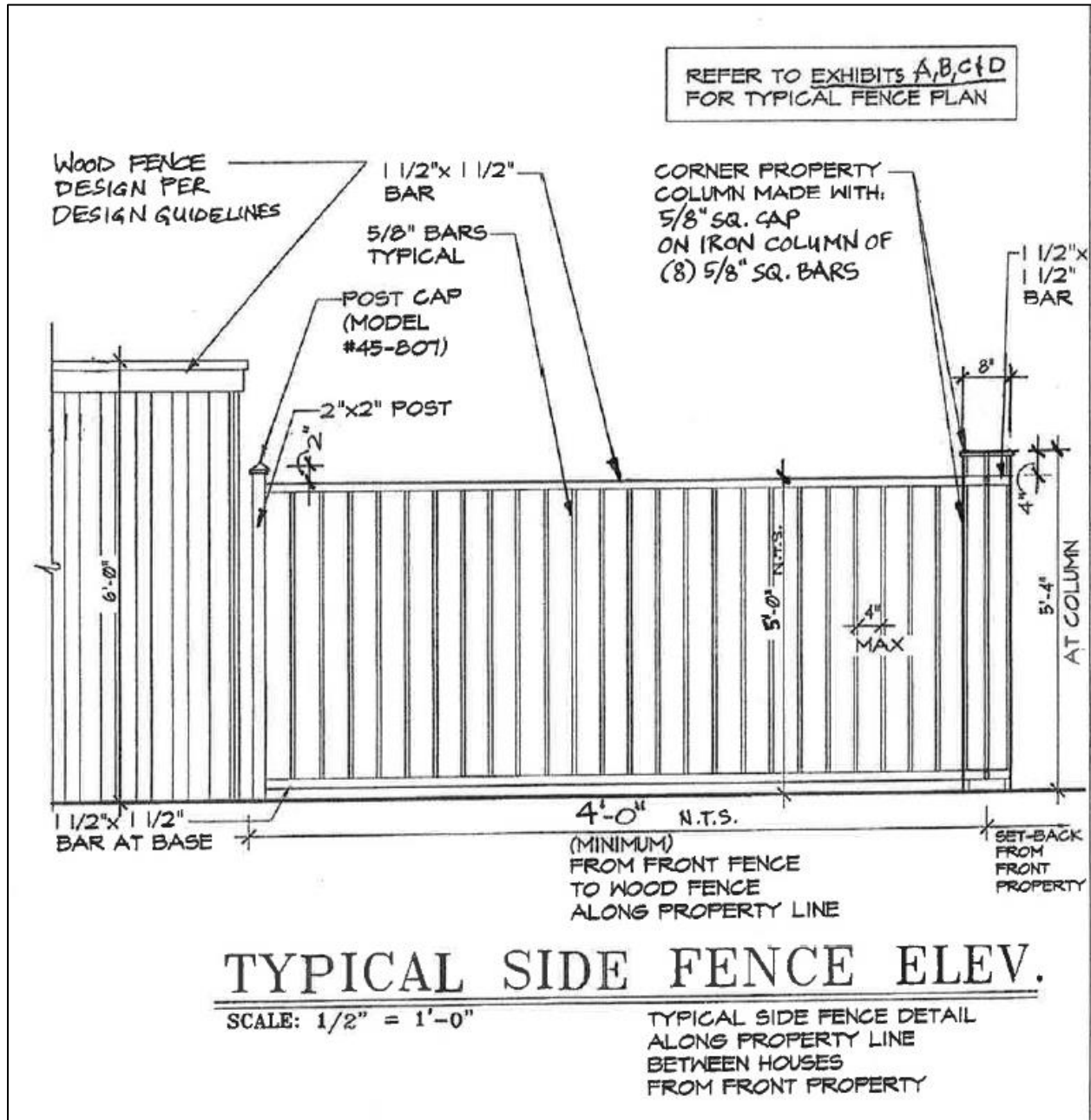


Exhibit H

Acceptable Plant Material (plants not on the list must be submitted to the ACC for approval prior to their use)

Large Trees

Live Oak	Pecan	Cedar Elm
Pistachio	Bald Cypress	Southern Magnolia
Burr Oak	Red Oak	Lacebark Elm

Ornamental Trees

Crape Myrtle	Cherry Laurel	Japanese Maple
Wax Myrtle	Dogwood	Flowering Peach
Yaupon Holly	Indian Cherry	Savannah Holly (tree form)
Purple Leaf Plum	Redbud	Vitex

Shrubs

Indian Hawthorne	Azalea Sp	Pygmy Barberry
Nandina Sp	Holly Sp	Boxwood Sp.
Camellia	Barberry	Aucuba
Cleyera	Cotoneaster Sp	Oakleaf hydrangea
Juniper Sp.	Mahonia	Encore Azalea
Lorapetulem		

Groundcover

Asian Jasmine	Potentillia	Moneywort
Ophiopogon	Liriope Sp	Ajuga
Paschysandra	Sedum	Juniper Sp
English Ivy		

Vines

Fatshedera	Boston Ivy	Sweet Autumn Clematis
Wisteria	Fig Ivy	Confederate Jasmine
Cross Vine	Lady Banks Rose	Trumpet Vine
Virginia Creeper	Carolina Jessamine	

Grass

St. Augustine	Tif Bermuda	Zoysia
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Exhibit J

Unacceptable Plant Material

The following plant materials are unacceptable and are not permitted. Lava rock is not permitted where visible from any street or common area.

Trees

Bois d' Arc	Slash Pine	Lombardy Poplar
Arizona Ash	Black Willow	Catalpa
Mulberry	Chinese Tallow	Cottonwood
Silver Maple	Mimosa	Hackberry
Weeping Willow	Chinese Elm	Palm Trees

Ornamental Trees

Loquat	Arborvitae	Althea
Sumac	Bradford Pear	Mesquite

Shrubs

Bamboo	Euyonymous	Pyracantha
Wax Ligustrum	Pampass Grass	Yucca
All Cactus	Photinia	

Groundcover

Honeysuckle	Blood Grass	Clover
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Vines

Honeysuckle

Grasses

Indian Sea Oats	Weeping Love Grass	Buffalo Grass
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