

**Standards
For
Architectural Design
And
Property Maintenance**

Revised December 2004

Villages of Westcreek Owners' Association
12354 Military Drive West
San Antonio TX 78253

Foreword

Introduction to the Revised “STANDARDS”

This is the Villages of Westcreek Owners’ Association’s most current version of the *Architectural Design and Property Maintenance Standards*, shortened for brevity to *STANDARDS*. This version of the *STANDARDS* is printed on 8.5” x 11” paper to facilitate filing in a regular three-ring binder and to make page changes, as may be needed, instead of having to redo the entire document. A separate section presents and clarifies some of the more often misunderstood standards for property maintenance is retained in this revision. The changes contained herein are geared toward making the document more user-friendly while maintaining property values.

San Antonio Savings Association, the original developer and declarant for the Villages of Westcreek, wrote the original *Design Guide* dated April 1991. Members of the Architectural Review Committee (ARC) revised the *Design Guide* in January 1994. An ad hoc working group, with input from owners and the Board of Directors, converted the revised *Design Guide* into the *STANDARDS* in August 1998. This revision, which is the revision presented here, was updated and modernized by the ARC in December 2004.

Please recycle all outdated copies of the *STANDARDS* in the recycle bins located in the Galm Elementary School parking lot.

We welcome and encourage feedback concerning this document. Please submit any feedback to the Villages of Westcreek Owners’ Association, 12354 Military Drive West, San Antonio, TX 78253.

Board of Directors

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Introduction

All owners and non-owner residents with up-to-date written permission from their respective property owners must obtain approval **before** proceeding with any plan to make changes to the property (NOTE: Written permission from the property owner must be in the file for that address). The *STANDARDS* presents procedures to obtain such approval as well as the rationale for the requirement. The Architectural Review Committee (ARC) has the responsibility and the authority to administer the review process on behalf of the Villages of Westcreek Owners' Association (VWOA).

The ARC's primary focus is to preserve and enhance property values throughout the community.

ARC members themselves own homes within the Villages of Westcreek. They are sensitive to the desires and needs of other owners seeking to improve their property. As set forth in the *VILLAGES OF WESTCREEK DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS (VOW CC&Rs)*, the ARC will respond to each individual request while upholding the community's general interests. Whenever the ARC finds it necessary to not approve a request, the committee will advise the requester in writing why it was not approved and what conditions need to be met to obtain approval. If a particular proposal is complicated and not clearly understood, the committee will coordinate and work with the requester to explore alternatives. If a proposal is absolutely not approved without recourse, the ARC will explain in writing the rationale why it was not approved.

The ARC often encounters questions as to whether a certain proposal needs to be submitted for approval. The best approach is to submit a request for each improvement being considered. It is far easier—not to mention vastly cheaper—to request approval which turns out to be unnecessary than to have to remove a construction or addition that does not meet deed restrictions. Even if experience suggests approval may not be needed, a good insurance policy is to at least call the association's 24-hour **MESSAGE LINE** at 679-6617 and pose the question.

The *STANDARDS* provides information and guidance to create a completely filled in Proposed Improvement Application (PIA) form. When completely filled in and submitted, the PIA serves to identify and document the following:

- ◆ the improvement being requested;
- ◆ the proposed location of the improvement being requested;
- ◆ the size (height, width, depth), as applicable, of the improvement being requested;
- ◆ materials of the improvement being requested; and
- ◆ the color scheme of the improvement being requested.

Questions relating to PIAs can be recorded on the association's 24-hour **MESSAGE LINE** at 679-6617.

Mail or turn in the completely filled in PIA form and relevant attachments to the ARC at:

**Villages of Westcreek Owners' Association
Architectural Review Committee
12354 Military Drive West
San Antonio, TX 78253**

Special Note to Developers and Builders

The entire *STANDARDS* applies to new home construction as well as existing residences. As with homeowners, developers and builders are required to abide by the specifications set forth in the *VOW CC&Rs*. Developers and builders are required to submit community development plans (street, lot, utility layout, etc.) to the ARC prior to commencing development. Builders are required to submit building plans to the ARC prior to commencing construction or making any improvement or change to a Lot.

Section 8.0 of the *STANDARDS* provides additional information regarding the contents of the review package. Once a submitted plan has been approved, any change order that will result in any observable change to the property also must be submitted for ARC review prior to making the proposed change.

Developers and builders shall coordinate with the ARC through the Standards Coordinator to resolve any questions regarding this *STANDARDS*, the *VOW CC&Rs*, or commonly accepted community standards applicable to the Villages of Westcreek.

The mailing address for the ARC is:

**Villages of Westcreek Owners' Association
Architectural Review Committee
12354 Military Drive West
San Antonio, TX 78253**

VILLAGES OF WESTCREEK STANDARDS

1.0 PURPOSE. Property owners in the Villages of Westcreek are firmly resolved to maintain the beauty and value of the community. The *VOW CC&Rs* and the *STANDARDS* provide the basis to ensure that each home and the improvements around it are well-designed, well-constructed, and composed of suitable materials.

With that as the primary objective, the ARC developed the *STANDARDS* to help owners, non-owner residents with up-to-date written permission from their respective property owners, developers, and builders understand the procedures and controls that apply to each lot within the community. The information contained in the *STANDARDS* will help each requester obtain approval for desired or needed construction and/or improvements as quickly as possible.

2.0 COVENANTS, CONDITIONS and RESTRICTIONS. To protect every owner's investment in the community, a legal document, the *VOW CC&Rs*, established baseline development, improvement, and maintenance standards for the community.

The purpose of the *VOW CC&Rs* is to protect and enhance the community's environmental quality and economic value. Owners have a right to expect they can buy and reside in a high-quality community where rules governing properties will be applied to every property equitably and without bias. (*VOW CC&Rs: Article II, Paragraph 2.02*)

Deed restrictions have been used successfully for many years in residential and mixed-use developments. These protective covenants provide the basis to help ensure a quality environment and attractive improvements.

The core of any set of protective covenants must be reasonable rules, regulations, and guidelines for improvements constructed and maintained on lots in the community. Deed restrictions cover basic considerations such as setbacks, allowed land uses, materials, and colors, etc. to be used and the procedures for dealing with non-compliance. The *STANDARDS* supplements the *VOW CC&Rs* and applies to all single-family, multi-family, and commercial/business and special use areas in the Villages of Westcreek.

Note: In the event of a conflict between this document and the *VOW CC&Rs*, the provisions of the *VOW CC&Rs* prevail. Please review the *VOW CC&Rs* for specific restrictions and information. Many paragraphs in the *STANDARDS* are followed with a reference to the relevant *VOW CC&Rs* Article.

Some of the more frequently addressed *VOW CC&Rs* are clarified in **Section 7.0** of the *STANDARDS*.

3.0 DEFINITION OF TERMS. Some of the more pertinent terms contained within the *VOW CC&Rs* are presented here. See the *VOW CC&Rs*, Article I for a complete listing. (*VOW CC&Rs: Article I*)

Improvement - Any and all buildings, roof structures, parking areas, loading areas, trackage, fences, walls, hedges, mass plantings, poles, driveways, grading and site preparation work, concrete or asphalt pads, ponds, lakes, swimming pools, tennis courts, signs, utility connections, exterior illumination, changes to any exterior color or shape, and any new exterior construction or exterior improvement that may not be included in any of the foregoing. "Improvement" includes original construction and later changes and improvements, including changes in exterior color.

Lot - Each tract, part or parcel of land shown as a lot upon the map or plat of the Property (Villages of Westcreek).

Small Lot - Lot measuring 5,000 square feet or less in area.

Large Lot - Lot measuring greater than 5,000 square feet in area.

Lot or Plat Survey - Shows dimensions of the primary improvement, easements, setback lines, and drainage contour(s). The Lot or Plat survey is normally provided at closing, but is available from any title company or the Bexar County Courthouse.

Major Street - Any publicly dedicated street, highway, or other thoroughfare within the Property (Villages of Westcreek) with a dedicated right-of-way measuring greater than sixty (60) feet in width.

Minor Street - Any street, highway, or other thoroughfare within the Property (Villages of Westcreek) with a right-of-way measuring sixty (60) feet or less in width.

Plat or Map or Subdivision Plat – The recorded map or plat of the Property (Villages of Westcreek) as well as the plat of any property annexed thereto.

Property - All surface real estate within the boundaries of the *VILLAGES OF WESTCREEK* subject to the provisions of the CC&Rs.

4.0 ARCHITECTURAL REVIEW COMMITTEE. Among its provisions, the *VOW CC&Rs* established the ARC. Committee members—homeowners committed to serving the community—are appointed by the Board of Directors and serve without pay. This committee has the responsibility and authority to review and approve or not approve plans and specifications for each improvement submitted. In addition to having the authority to hire specialized consultants and incur reasonable expenses to aid in reviewing plans, the ARC is empowered to make changes to these guidelines as deemed necessary in accordance with the provisions of the *VOW CC&Rs*. (*VOW CC&Rs: Article IX, Paragraphs 9.01, 9.09, and 9.14.a*)

5.0 FUNCTION OF THE ARC. “No improvement shall be commenced, erected, placed, maintained or permitted to remain on any portion of the Property until plans and specifications in such form and detail as the ARC may deem necessary shall be submitted and approved in writing by the ARC. The ARC shall have the power to employ professional consultants to assist it in discharging its duties and shall have the right to charge any applicant a reasonable fee to defray its actual cost of reviewing such plans and specifications. The decision of the ARC shall be final, conclusive and binding upon the applicant.” (*VOW CC&Rs: Article IX, Paragraph 9.02*)

5.1 The Review Process. The ARC review process involves evaluating proposed improvements using the *VOW CC&Rs* and the *STANDARDS* as references. The process does not include consideration of building code compliance or structural integrity. Nothing in the *VOW CC&Rs*, *STANDARDS*, or review process removes from the owner or builder of a particular property the responsibility to comply with all local, state, and federal regulations that may apply to the development of that property. Each owner and builder must determine the applicability of all relevant Bexar County (and City of San Antonio, if and/or when annexed) regulations and ordinances pertinent to his or her property. (*VOW CC&Rs: Article IX, Paragraph. 9.12*)

◆ **Request Submittal.** The review process begins with the owner, non-owner resident with up-to-date written permission from their respective property owner, or builder submitting a completed PIA form to the ARC prior to placing the improvement on the property. The ARC requires this form to review and approve or not approve the proposed improvement. Mail or deliver by noon of each Monday (cut off day for the ARC meeting on Tuesday) the completed PIA form(s) or question(s) concerning the review process to:

**Villages of Westcreek Owners’ Association
Architectural Review Committee
12354 Military Drive West
San Antonio, TX 78253**

Owners, non-owner residents with up-to-date written permission from their respective property owners, developers, or builders needing advice, blank PIA forms, or other information regarding the review process may call the association’s 24-hour **MESSAGE LINE** at 679-6617 and leave a message for the ARC. Forms may also be obtained

from the community association office or downloaded from the VWOA web site (www.villagesofwestcreek.com). The ARC will make every reasonable effort to work with the requester to shorten the time for the review process. The requester is responsible for submitting the PIA form early enough to obtain review before work is scheduled to begin. (*VOW CC&Rs: Article IX, Paragraphs 9.08, 9.09, 9.12, 9.15, and 9.16*)

“ **Request Requirements.** Requesters can receive a response from the ARC sooner when the PIA form is filled in accurately and completely. At a minimum, proposals must include:

- ◆◆ A site plan (drawing) of the requested improvement on a copy of the Lot or Plat survey showing the location and relationship of the proposed improvement to existing improvements, easements, and setback lines;

- ◆◆ A complete description of the proposed improvement accompanied by drawings, sketches, pictures, brochures, photographs, and/or specifications including height, width, and depth to adequately describe the proposed improvement; and

- ◆◆ A complete description of the proposed materials. Include color samples and/or manufacturer’s brochures when available. See attachments for examples. (Builders: See **Section 8.0** of the *STANDARDS* and the *VOW CC&Rs*.)

“ **The Review.** The ARC reviews each proposal, approves or does not approve the request, and informs the requester in writing of the decision. (*VOW CC&Rs: Article IX, Paragraph 9.12*)

- ◆◆ The ARC is required to act on initial or final design proposals within fifteen (15) days of receiving the PIA. The ARC may request additional information during the initial fifteen (15) day period. Incomplete proposals may be “NOT APPROVED” until additional information is submitted. The review period automatically will be extended fifteen (15) days following the date the ARC receives the requested additional information.

- ◆◆ If the ARC does not receive the requested additional information by the date specified in the response to the requester, the request for approval will be **automatically NOT APPROVED**. If an extenuating circumstance—such as illness or an emergency—arises to cause a delay in responding, contact the ARC to request an extension.

- ◆◆ ARC approval is based on adequacy of site dimensions, conformity and harmony of external design including color schemes, location with respect to neighboring structures and Lots, and compliance with the specific and general intent of the *VOW CC&Rs* and *STANDARDS*. If plans and specifications are not sufficiently complete or are otherwise inadequate, the ARC may reject them totally or may approve or not approve a part of the request. **In all cases, action by the ARC is final.** (*VOW CC&Rs, Article IX, Paragraphs 9.14.b and 9.17*)

5.2 Variances. The ARC may grant a variance to the *VOW CC&Rs* upon receiving and reviewing a written request. Such requests, however, are exceptional and not routinely approved. To be granted a variance, the requester must provide a specific reason for and show that the proposed improvement will be consistent with the general architectural style and design of the community. The improvement also must be in harmony with the natural and built surroundings. (*VOW CC&Rs: Article IX, Paragraph 9.13*)

5.3 Modifications and Waivers. Applications for a modification or waiver of any requirement of the *VOW CC&Rs* or *STANDARDS* must be submitted in writing. Requests must show that complying with the requirement, under the circumstances, creates unnecessary and undue hardship relating to the special health needs and well-being of the homeowner or family member. The request also must verify that a modification or waiver will not be detrimental to the owner of any other Lot. A wheelchair access ramp to the main entry is an example of a qualifying modification. (*VOW CC&Rs: Article IX, Paragraph 9.19*)

6.0 CRITERIA FOR PROPOSED IMPROVEMENTS. Specifications outlined in the following paragraphs apply to owners, non-owner residents with up-to-date written permission from their respective property owners, developers, and builders. Except for underground watering systems and minor landscape plantings, most

improvements and/or changes to any property or Lot must have ARC approval before placing the improvement on the property. Submit PIA forms in accordance with **Section 5.0** and **Section 8.0** of the *STANDARDS* as applicable.

6.1 Improvement and Design Criteria. The following is a listing (alphabetically arranged) of the more common improvements requested by owners, non-resident owners with up-to-date permission from their respective property owners, developers, and builders. The information presented is intended to assist authorized requesters to properly plan and submit proposals for improvements and to support the ARC's review and timely responses to those requests. This is not a comprehensive list of every possible improvement. **For improvements not addressed here—or additional information on these—consult the VOW CC&Rs and/or contact the ARC.**

Address Numbering. A visible/readable address number is critical for timely, accurate response to emergency situations. The ARC has specified that builders must provide a visible/readable illuminated address number block on the house or garage fronting the street. All houses have an address number affixed to them, but many are not clearly visible/readable or are not illuminated. To rectify this oversight, the ARC recommends affixing a light-colored block with contrasting numbers under a light at the house or garage, whichever fronts the street; but, other alternatives are available. If proposing an address block, reflect on the PIA the type of material, color(s), type of lighting, and show the proposed location on a copy of the Plat survey. Additionally, local vendors, from time-to-time, will paint address numbers on curbs for a small fee; however, keep in mind that the paint will fade over time and is subject to being rubbed off by vehicle tires. A PIA to affix an address block anywhere on the property is required. A PIA to paint numbers on curbs is not required. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14; Article X, Paragraph 10.09; and Article XIII, Paragraphs 13.03.d and e*)

Antennas. Installing antennas to receive radio, television, or any other form of electromagnetic signals are permitted and do not require submitting a PIA to the ARC. The VWOA's objective is that receiving antennas be placed - if at all possible - in locations where they cannot be seen or that their appearance is minimized from the street. Antennas designed to transmit signals of any type are not permitted (possible exception - licensed ham radio operator). To install an antenna of this type (ham radio operator, e.g.) requires submitting a PIA to the ARC. The PIA must reflect the need, show the location, identify the type of antenna (including dimensions/size and color), and, if applicable, a screening plan. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article XIII, Paragraph 13.03.i*)

◆ The FCC Telecommunications Act of 1996, Title II Section 207, establishes specific user rights with regard to television signal reception antennas. The Act applies to (*inter alia*) direct broadcast satellite (DBS) and multichannel multipoint distribution service (MMDS) antennas less than one meter (1 M) in diameter, as well as to standard broadcast service TV antennas. The FCC established that homeowner associations may not impair reception to these antennas. "Impair" is defined by the FCC as: (a) unreasonably delaying or preventing installation; (b) unreasonably increasing cost of installation or use; or (c) precluding reception of an acceptable quality signal.

◆ Satellite dish antennas (larger than 1 meter in diameter) are not covered by the above Act. The deed restriction for the dish antenna is that it be wire mesh type with a height limited to a maximum of nine feet (9') from ground level. Colors should be neutral and not conflict with the surroundings. Where possible, the antenna must be screened from view of any street in a manner approved by the ARC.

◆ Antennas that radiate (transmit) signals are not permitted since the electromagnetic radiation presents a potential to interfere with reception of communications/broadcast signals.

Awnings. Awnings over windows should match the color of the masonry or house trim and are to be clearly integrated into the design of the house. Canvas, tarpaulin, or metal covered awnings are not permitted. The roof of the awning must match the roof of the structure to which the awning is affixed. (*VOW CC&Rs: Article IX, Paragraph 9.14*)

Basketball Goals. Wherever on the property a basketball goal is requested to be placed, ARC approval is required. Basketball goals,

backboards, or similar equipment may not be affixed/attached to the dwelling. Due to safety and liability concerns, goals may not be erected, placed, or used any closer than fifteen (15') to the curb, even temporarily. Basketball goals may be installed in a sleeve buried at the side of the driveway or on a portable/moveable base at the side of the driveway or at the garage-end of the driveway. A basketball goal laying at the front of the residence or at the side of a driveway implies it is 'not-in-use' and must be moved to a location where it cannot be seen from the street. (VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14)

Burglar Bars. Burglar bars may not be attached to the exterior portion of any structure, but may be mounted to the interior. If burglar bars are proposed, they may only be placed inside the main dwelling, aligned as closely as possible behind the mullions separating the window panes, and painted to match the color of the mullions. (VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14)

Clothes Lines. Outside clothes lines or other facilities for drying or airing laundry are limited to a maximum of six feet (6') in height and shall be screened from view from the street in a manner approved by the ARC. (VOW CC&Rs: Article XIII, Paragraph 13.03m)

Decks. Cedar, cypress, or redwood left natural or clear-sealed is recommended for all deck construction. Treated or untreated wood or a stainable/paintable manufactured product having the appearance (graining) of wood is an acceptable alternative. If staining the treated or untreated wood or the manufactured product is proposed, the color must be cedar, cypress, or redwood; a clear sealant can be used. If painting the treated or untreated wood or the manufactured product is proposed, the color must match or be harmonious with the color of the siding or trim on the main dwelling. **Decks, whether constructed by the builder or by the homeowner, must be approved prior to installation.** Decks cannot encroach into any setback or easement. (VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article XIII, (Paragraph 13.03.d).

Drainage. Drainage (water runoff), whether as a result of initial construction, preparation for the construction of any structure, or a post construction improvement (to include landscaping), must be controlled so as not to drain onto or cause damage to any adjoining Lot. (VOW CC&Rs: Article X, Paragraph 10.06)

Driveways. All driveways must be of uncolored concrete flat work material and be broom-finished. The maximum width may not extend beyond the left/right outer corners (up to a maximum of 18" per side) of the garage. No asphalt, smooth finish concrete, or loose gravel is permitted. (VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article XIII, paragraph 13.03.f)

Easements. Generally, the existence of an easement requires the property owner to maintain a clear access to the easement area. Easements are created for a variety of reasons, one of the more common being to give access to underground utilities. No permanent improvement may be placed on an easement. No non-permanent improvement (except seasonal plantings) can be placed on any easement without written approval from the ARC. (VOW CC&Rs: Article IX, Paragraph 9.14; Article X, Paragraphs 10.03 and 10.08; and Article XIV)

Exterior Lighting. (VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14; Article X, Paragraph 10.09; and Article XIII, Paragraph 13.03.g)

- ◆ Accent or walkway lighting must be of the low-voltage/low-wattage type, must not produce a glare onto any street or adjacent Lot, and must be approved in writing by the ARC prior to being installed.

- ◆ Flood or security lighting must not cause a glare or spill onto any street or adjacent Lot and must be approved in writing by the ARC prior to being installed.

Exterior Material.

“ The exterior of every Improvement erected on a Lot with area equal to, or less than, 5,000 square feet shall be composed of not less than twenty-five percent (25%) masonry material facing. (*VOW CC&Rs: Article XIII, Paragraph 13.03.d.[I]*)

“ The exterior of the first level of every Improvement erected on a Lot with area of greater than 5,000 square feet shall be composed of not less than seventy-five percent (75%) of masonry material facing. (*VOW CC&Rs: Article XIII, Paragraph 13.03.d.[ii]*)

- ◆ In single-family residential areas, the exterior of every Improvement is to be composed of a percentage of stone, brick, or comparable masonry (including stucco). (*VOW CC&Rs: Article XIII, Paragraph 13.03.d*)

- ◆ All walls of each single-family Improvement situated on a corner Lot which faces or fronts on a street shall be composed of masonry from the ground to the top of the first floor window height, exclusive of openings and trim. (*VOW CC&Rs: Article XIII, Paragraph 13.03.d*)

“ In multi-family residential areas, the exterior of every primary residential Improvement shall be composed of not less than 50% stone, brick, or comparable quality masonry material, including stucco, as may be approved in writing by the ARC. (*VOW CC&Rs: Article XII, Paragraph 12.04*)

- ◆ In any commercial/business and special use area, building elevations must be faced with brick, stone, or other comparable masonry product as approved in writing by the ARC. (*VOW CC&Rs: Article XI, Paragraph 11.0.[01]*)

NOTE: The use of hardi-plank (a non-wood, cement-based product) or other similar material used as siding DOES NOT qualify, percentage-wise, and IS NOT acceptable as a substitute, for stone, brick, stucco, or other masonry product. (*VOW CC&Rs: Article IX, Paragraph 9.14*)

Fences, Gates, Hedges, and Walls. Any new fence, gate, hedge, wall, or any change (location or stain color) to a previously installed fence, gate, hedge, or wall must be described in the PIA and approved in advance by the ARC. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article XIII, Paragraph 13.03.h*)

- ◆ Privacy fences (front, side, and rear) on individual lots facing a minor street or visible from any street are to be six foot (6') vertical privacy fences composed of stained or clear finished cedar or other woods (such as redwood) the ARC determines to be equal to or superior to cedar. Picket width can be four inches (4") or six inches (6"), but not mixed. **NOTE:** Fences facing major streets are addressed in paragraph 8.4 on page 23 of this document.

- ◆ Color samples for staining wood fences must be submitted to and approved by the ARC before staining. **NOTE:** The ARC **will not approve painting** a fence. Stain colors must be “natural.” Not intended as a finite list, the following are examples of acceptable stain colors (contact the ARC in advance of selecting a color):

Natural Cypress

Natural Cedartone

Natural Redwood

NOTE: Fences of wood are subject to premature rotting if landscaping material (soil, grass, raised flower/vegetable beds, etc.) comes into direct contact with the fence. The ARC recommends installing a barrier using materials such as removeable timbers, removeable decorative masonry, or other manufactured products between landscaping and the wood fence.

◆ A stainable, manufactured product having the appearance (graining) of wood will be considered on a case-by-case basis.

◆ Fence posts must be placed on the inside face of fencing visible from any street. Fence posts can be of 4"x4" cedar, redwood, or treated/untreated lumber. Fence posts can also be of metal. If metal is proposed, the post and hardware to which the horizontal rails are affixed must be painted to match as closely as possible the color of the wood and/or stain used for the pickets.

.. Masonry fences. Masonry fences may be used in areas not visible from any street. The proposed design, materials, type, and color of masonry fences must be shown on the PIA and the location shown on a copy of the Plat survey.

◆ Wrought iron fencing not to exceed six feet (6') in height may be used in areas not visible from any street. NOTE: Where safety is a concern, wrought iron fencing or a similar product approved in advance – even though such product may be visible from the street – may be used, **but it must be clearly stated in the PIA and the location shown on a copy of the Plat survey.** In such cases, the ARC requires planting a hedge to screen the fence's visibility as much as possible.

◆ Barbed wire or metal (or a like product; except wrought iron when safety is a factor) fencing is not permitted and will not be approved.

◆ Except under extenuating circumstances, fences may not be placed/located any closer than five feet (5') to the forward-most corner of the house.

◆ Fences may not be placed forward of the front wall of any dwelling.

◆ No fence or hedge may be placed where it might obstruct the views of motorists at intersections, within a zone twenty-five feet (25') from the pavement edge in each direction.

◆ Hedges are encouraged as screening. The following are a few of the recommended plants for hedges:

Holly

Pittosporum

Cenizo

Hawthorn

Juniper

Photinia

Flag Poles and Flag Pole Holders. Flag poles no longer than six feet (6') mounted in holders affixed to the main dwelling are permitted and do not require submitting a PIA to the ARC. Flag poles no taller than twelve feet (12') located in the front yard at least fifteen feet (15') from the curb are permitted and do not require submitting a PIA to the ARC. Flag poles cannot be of PVC or similar material. (*VOW CC&Rs: Article I - IMPROVEMENT; Article IX, Paragraphs 9.02 and 9.14; and Article XIII, Paragraph 13.03.c*)

Front Lawn Furniture and Ornamentation. Not all-inclusive, but front lawn furniture and ornamentation means benches, chairs, water fountains, statues, and/or other similar items. The PIA must reflect as much descriptive information as possible (item, color, dimensions, materials, size, etc.) with the proposed location shown on a copy of the Plat survey. A significant determining factor in the review process will be curb appeal. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14*)

Garages. No garage may be altered or converted into living space if the alteration/conversion is apparent from the exterior of the structure. Initial house construction must include a garage. Model homes may be constructed initially with sales offices in what usually is the garage. However, the office area must be converted to a garage prior to closing the sale to a homeowner. (*VOW CC&Rs: Article XIII, Paragraph 13.03.1*)

Gazebos. Gazebos must be of wood or a paintable/stainable manufactured product having the appearance (graining) of wood. Dimensions are limited to a maximum of twelve feet (12') in diameter and twelve feet (12') in height. Cedar or redwood left natural, clear-sealed, or stained and sealed is preferred. Treated or untreated wood may be left natural, stained and sealed, or painted. A paintable/stainable manufactured product having the appearance (graining) of wood is an acceptable alternative. If stained, colors are limited to cedar, cypress, or redwood. If painted, the color must match the color of the siding or trim on the house. The roof can be an open beam/rafter-type or solid. If an open beam/rafter-type roof is proposed, the type of wood and color must match that of the frame work on the gazebo. If a solid roof is proposed, the type, material, style, color, and texture must match that on the roof of the house. Gazebos cannot be placed in the front yard or within setbacks or easements. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14; Article X, Paragraph 10.08; and Article XIII, Paragraphs 13.03.c, d, and e*)

Guttering and Downspouts. Uncontrolled drainage onto adjacent property is not allowed. Care must be taken that water runoff will not cause damage to adjacent Lots as a result of development either during initial construction or as an improvement after construction has been completed. To the maximum extent possible, grading and surface drainage of water runoff, including roof drainage of buildings, shall prevent damage to adjacent property. Downspouted water from a roof of any building is not permitted to be deposited directly into landscape areas without adequate erosion and siltation control as approved by the ARC. Downspouted water can be controlled through properly installed gutters and downspouts. If installed, the color of gutters and downspouts must match exterior trim and cannot be reflective. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article X, Paragraph. 10.06*)

Landscaping. Landscaping is a very important feature in the Villages of Westcreek. Initial front yard landscaping must be fully installed as approved by the ARC within ninety (90) days of occupancy (subject to seasonal planting requirements). Not more than twenty-five percent (25%) of the front yard—excluding driveways and sidewalk—may be covered by rock or other hard-surface material. Minor/seasonal plantings (such as annuals or perennials) do not require approval. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14*)

- ◆ The use of plants with low water requirements is strongly encouraged. By utilizing good planting and design, limited turf areas, efficient irrigation, soil amendments and mulches, and appropriate maintenance, landscape watering can be minimized. Xeriscaping (the use of plants that thrive in hot, dry climates) is encouraged but must be approved on a case-by-case basis. Approval by the ARC prior to planting is required.

- ◆ Plants should be placed to provide screening where necessary, but should not obstruct sight lines at intersections and driveways. In addition, shrubs and trees must be set back a minimum of ten feet (10') from the curb or maintained at three feet (3') height or less to avoid obstructing views. Trees, bushes, and other plants near frontage walkways must be kept trimmed and pruned to ensure unobstructed pedestrian travel.

Outbuildings and Storage Structures. The materials used on outbuildings and storage structures must be compatible with the color, design, and materials on the main dwelling. Outbuilding and storage structures should be screened as much as possible from view from the street and adjacent properties. They may only be placed in the

rear yard (rear yard means behind the rear of the main dwelling). Size is limited to ten feet (10') in height and 120 square feet in area. (VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14; Article X, Paragraphs 10.04 and 10.10; and Article XIII, Paragraph 13.03.d and e)

• The type, texture, materials, and color of the roof on outbuildings and storage structures must match that on the roof of the main dwelling.

◆ Siding materials must be compatible with those used on the main dwelling. The paint color(s) must match the color(s) of the siding or trim on the main dwelling.

◆ Storage structures of a paintable manufactured product having the appearance (graining) of wood and roof shingles matching those on the roof of the main dwelling may be approved on an individual basis.

◆ Outbuildings and storage structures of metal are not permitted and will not be approved.

◆ Outbuildings and storage structures placed on a non-permanent foundation, such as wooden runners, are considered portable or temporary structures. Accordingly, they may be placed within the side setback and/or rear setback/easement, as shown on the Plat survey, but no closer than two feet (2') to the side or rear fence. Leaving a minimum of 2' between the outbuilding or storage structure and the fence ensures the area around the structure can be easily and properly maintained.

◆ Outbuildings and storage structures placed on a permanent foundation, such as on a concrete slab, may not be placed within setback lines or easements as noted on each individual Lot survey.

◆ Tents, campers, trailers, and recreational vehicles visible from the street may not be placed/kept on the Lot and/or used for either storage or residential purposes.

Painting. Repainting all or part of a structure to the same color does not require submitting a PIA to the ARC for approval. However, repainting the exterior surface of any dwelling, garage, or other structure including outbuildings and storage structures to a different color must have ARC approval before painting. Colors are limited to shades of "earth tone" and, most importantly, must be harmonious with the masonry on the main dwelling. "Earth tone" defined herein means varying shades of beige, brown, gray, some shades of green, some shades of red, subtle shades of terra cotta, and white. Other variations of "earth tone" colors may be considered on a case-by-case basis. Bright blues and bright greens, any shade of lavender, orange, pink, yellow, and bright reds will not be approved. Bold colors are expressly prohibited. Paint colors on fascia boards, garage doors, window and door trim, rain gutters, or any wooden accent or trim must be harmonious (deeper or lighter shade) with the principal color on the main dwelling. Annotate the color of the masonry on the PIA and include a manufacturer's sample of the proposed color(s). (VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article XIII, Paragraph 13.03.d)

Patios. Patios must be designed to minimize interference with established drainage patterns. Runoff must be considered when planning such surfaces. Surfaces are to be slightly crowned or sloped. Surface materials are usually of concrete flat work, but brick, crushed granite, flag stone, gravel, paver stone, stone, or tile also may be used. Concrete flat work can be etched in pattern form, textured, or colored. If colored concrete flat work is proposed, the recommended color is earth tone or a color that is harmonious with the color scheme of the main dwelling; bold or bright colors may be approved on a case-by-case basis. Patios can be safely illuminated with low light levels, taking care that steps, entrances, and potential hazard areas are well lighted. Patios cannot be placed within setbacks and/or easements. (VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14; Article X, Paragraph 10.06; and Article XIII, Paragraph 13.03.d and g)

Patio Covers. Patio covers, if proposed, can be of an open or solid design. (VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article XIII, Paragraph 13.03.d and e)

◆ An open cover is considered a sun screen where open beams and rafters are permitted. The open cover or sun screen, which can be painted or stained, must be of cedar, cypress, redwood, treated or untreated wood, or a paintable/stainable manufactured product having the appearance (graining) of wood. If painting is proposed, the color must match the color of the trim on the main dwelling. If staining is proposed, the color is limited to cedar, cypress, or redwood; a clear sealant can be used over cedar, cypress, or redwood.

◆ A solid cover must be compatible with the roof structure of the main dwelling so that it appears as an extension of the roof rather than a separate element. Shingles, whether of composition or fiberglass material or a manufactured product having the appearance (texture) of composition or asphalt shingles, must match the style, texture, and color of the shingles on the main dwelling. Fiberglass (except approved fiberglass shingles), metal, plastic panels of any kind, or any other material not having the appearance (color, style, and/or texture) of shingles cannot be used and will not be approved.

Patio and Rear Lawn Furniture and Ornamentation. Not all-inclusive, but patio and rear lawn furniture and ornamentation presented here means adult swing sets, arbors, benches, tables and chairs (covered or uncovered), rocking chairs, trellises, water fountains, and other similar items. Not included are gazebos, pools, play structures, outbuildings and storage structures, and other similar items. The PIA must reflect as much descriptive information as possible (item, color, materials, size, etc.). The ARC has and will exercise its responsibility and authority to ensure that such furniture and ornamentation esthetically enhances the specific Lot, the neighborhood, and the community. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article XIII, Paragraph 13.03.c, d, and e*)

Planting. Only extensive or large planting changes that may alter the character of the landscape or block views along a public street require ARC approval. Minor/seasonal plantings do not require ARC approval. Residents are cautioned that anything planted in an easement is subject to removal by the owner of the easement. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 Article X, Paragraph 10.08 and Article XIV*)

Play Equipment. Not all-inclusive, but play equipment presented here are play structures, swing sets, trampolines, and other similar children's play apparatus. Such equipment will be considered for temporary or permanent placement in the back yard. Play equipment cannot be placed within setbacks or easements. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14; Article X, Paragraph 10.08; and Article XIII, Paragraph 13.03.c, d, and e*)

•• **Play Structures.** Play structures, such as elevated play houses, must be of cedar, cypress, redwood, treated or untreated wood, or a stainable manufactured product having the appearance (graining) of wood. Cedar, cypress, or redwood can be clear-sealed or stained. Treated or untreated wood or a manufactured product having the appearance (graining) of wood can be stained and clear-sealed. Stain colors are limited to cedar, cypress, or redwood. A play structure can only be placed in the rear yard, preferably centered between the side fences; it cannot encroach into setbacks and/or easements. Any play structure is limited to twelve feet (12') in height. The roof, if one is proposed, can be open-rafter, which is considered a sun screen, or solid. An open-rafter roof must be of the same material, finish, and color as the structure. A solid roof may be of composition or asphalt shingles or a manufactured product having the appearance (texture and color) of composition or asphalt shingles. If composition or asphalt shingles are used, they must match those on the main dwelling. Colored canvas or tarpaulin covers may be approved by the ARC upon request. Metal, corrugated fiberglass panels, or plastic material of any design will not be approved and cannot be used for roofing.

• Swing Sets. Swing sets must be of cedar, cypress, redwood, treated or untreated wood, or a stainable manufactured product having the appearance (graining) of wood. Height is limited to twelve feet (12'). Stain colors are limited to cedar, cypress, or redwood. Cedar, cypress, or redwood can be left natural, stained, and/or clear-sealed. Swing sets cannot encroach into setbacks and/or easements. The PIA must reflect materials, dimensions, and colors with the proposed location shown on a copy of the Plat survey. Metal swing sets are not permitted and will not be approved.

◆ Trampolines. Trampolines must be located/placed in the back yard, preferably centered between the side fences. They cannot encroach into setbacks and/or easements. The PIA must reflect materials, dimensions, and color(s) with the proposed location shown on a copy of the Plat survey.

Pools. Swimming pools (above or in-ground) must be located in the rear yard. No pool of any kind can encroach into any setback or easement. Consideration should be given when planning a pool to limit its view from adjoining Lots or public streets. A qualified pool contractor must be consulted when planning and installing a pool. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article X, Paragraph 10.08*)

Pruning. To protect against the spread of disease or infestation, any wound on any tree, whether by pruning or by injury, must be painted with any latex paint or commercially available tree wound dressing within two (2) hours of that pruning or injury. (*VOW CC&Rs: Article IX, Paragraph 9.14*)

Retaining Walls. All retaining wall construction must be approved by the ARC prior to installation. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14*)

Roofs and Roofing Materials. Roofs shall be designed and constructed so as to prevent water from ponding. No metal, brightly colored canvas or tarpaulin material (covers for play structures excluded), plastic, or corrugated plastic/fiberglass may be used as roof covering. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article XIII, Paragraph 13.03.e*)

◆ As stipulated in the VOW CC&Rs, shingles, if utilized, shall be either fiberglass (225 pounds or better) or composition (240 pounds or better). The roofing industry has shifted rating fiberglass and composition shingles from a weight designation to a service life or warranty designation. Previously, most asphalt shingles had organic reinforcement mats and were designated as 210, 215, 235, 250, and 300 pounds per square with a published service life expectation varying from 20 to 35 years. Fiberglass and composition shingles previously rated at 225 pounds and 240 pounds or better, respectively, are now rated as 20 and 25 year shingles. Under the present designation, 20 year shingles fall into a 205 – 229 pound classification, and 25 year shingles fall into a 208 – 250 pound classification. Overall, shingles are rated as 20 (205 – 229 pounds), 25 (208 – 250 pounds), 30 (234 – 325 pounds), 40 (300 – 385 pounds), and Lifetime (280 – 425 pounds) shingles. Accordingly, based upon the revised industry shingle designations, the ARC highly recommends 25 year shingles but will approve 20 year shingles. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article XIII, Paragraph 13.03.e*)

◆ The roofing industry has made significant advancements in recent years, introducing products which provide increased insulation and protection against inclement weather. Accordingly, manufactured products having the appearance (texture, coloration, and life expectancy) of fiberglass, composition, or wood shingles may be approved on a case-by-case basis. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article XIII, Paragraph 13.03.e*)

◆ Reflective roofing materials are not permitted on any structure. Reflective materials are held generally to include not only roof coverings but also protuberances (e.g., vent pipes and air management equipment) which pass through the roof structure. Such protuberances must be painted to match the color of the roof covering material. Paint must be non-reflective/non-gloss. (*VOW CC&Rs: Article IX, Paragraph 9.14 and Article XIII, Paragraph 13.03.e*)

◆ Roofing materials on outbuildings and storage structures must match the roofing materials on the main dwelling. (*VOW CC&Rs: Article IX, Paragraph 9.14 and Article XIII, Paragraph 13.03.e*)

◆ To minimize their visibility from the street fronting the main dwelling, skylights, roof fans, turbines, vents, etc. affixed to or passing through the roof must be located on the backside of the roof to the maximum extent possible. (VOW CC&Rs: Article IX, Paragraph 9.14)

Screening. The screening of views from surrounding properties and streets is a major consideration in the placement of antennas, gazebos, outbuildings, storage enclosures, play structures, trellises, pool enclosures, and any other outdoor improvement. Where applicable, hedges are the preferred method of screening. Other solutions may be acceptable but must be approved by the ARC prior to placement/construction. (VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14; Article X, Paragraphs 10.04, 10.05, and 10.09; and Article XIII, Paragraph 13.03.m)

Storm Doors. Storm door colors must match or be harmonious with the color of the adjoining trim on the front and/or rear of the main dwelling. Government fire safety restrictions must be considered. Plain (unpainted) aluminum cannot be used. Storm doors with burglar bars or bars that resemble burglar bars are not permitted and will not be approved. (VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article XIII, Paragraph 13.03.d)

Setbacks for Improvements on large and small size Lots are:

	LOT SIZE	
	<u>Large</u>	<u>Small</u>
Major street-front setback	25'	25'
Minor street-front setback	20'	20'
Common area	10'	10'
Side Lot line:		
* Not abutting street	5'	0'
* Abutting any street	10'	10'
Rear Lot line:		
* Not abutting Major street	10'	10'
* Abutting a Major street	15'	10'

Signs. No personal business/commercial signs are allowed in the residential areas. A “For Sale” or “For Lease” sign to be placed on the Lot does not require ARC approval, but the sign cannot exceed a total of five (5) square feet. Private home “For Sale,” “For Rent,” or “Open House” signs placed anywhere other than on the private Lot require ARC approval. “Model Home” and other builder/developer signs may be permitted with prior approval of the ARC. Builder advertisement "bandit" signs are addressed in section 8.4 (page 24) of this document. The ARC also may approve other specific-use signs from time-to-time. (VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article XIII, Paragraph 13.03.j)

Size and Height of Houses. Houses must meet the following size criteria: (VOW CC&Rs: Article XIII, Paragraphs 13.03.b and c)

◆ Small Lots (Lots 5,000 square feet in area, or less) - Homes shall not have less than 900 square feet floor area.

◆ Large Lots (Lots greater than 5,000 square feet in area) - Homes shall not have less than 1,200 (800 for 1st floor) square feet floor area.

◆ Height - The height of any house on any Lot cannot exceed forty (40) feet as measured from the lowest finished grade surrounding the house to the highest point of any roof (exclusive of the chimney).

Skylights and Solar Panels. Skylights and Solar panels must be installed on roof sections not visible from the street or be screened from view to the maximum extent possible in a manner approved by the ARC. They must be maintained within nine inches (9") of the roof plane, parallel with the plane, and far enough from the roof edge so as not to interfere with roof integrity. Solar panel rooftop equipment, such as collector tanks or rooftop condensers, must be screened from view to the maximum extent possible in a manner approved by the ARC. The locations of **all** rooftop equipment must be approved by the ARC **prior** to installation. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14; Article X, Paragraph 10.05; and Article XIII, Paragraph 13.03.k*)

Sprinkler Systems. Underground sprinkler and watering systems are recommended and encouraged as an efficient means of landscape irrigation. ARC review or approval is not required. To protect owner investment, landscape irrigation systems should be designed by a state licensed landscape irrigator and installed to prevent back siphonage of water into the potable water supply. A pressure-type vacuum breaker or double check/double gate valve assembly should be installed in an accessible location screened from view. (*VOW CC&Rs: Article IX, Paragraph 9.14*)

Walkways. Walkways must be designed to minimize interference with established drainage patterns. Surfaces are to be crowned or slightly sloped. Runoff must be considered when planning such surfaces. Paving materials for walkways are usually of concrete flat work, but brick, crushed granite, flag stone, paver stone, stone, or gravel may be used. Walkways in front of the forward-most fence may be uncolored, broom-finished concrete flat work, bricks of the same style/color of those on the main dwelling, or a paver-type stone in a color harmonious with the color scheme on the main dwelling. Walkways of concrete flat work behind the forward-most fence may be colored, textured, or etched in patterns. If colored concrete flat work is proposed, the preferred color is one that is in harmony with the color scheme on the main dwelling. Bold or bright colors for walkways behind the forward-most fence and/or at the rear of the main dwelling may be approved on a case-by-case basis. Walkways can be illuminated with low intensity accent lights, taking care that steps, entrances, and potential hazard areas will be well lighted. Walkways constructed of concrete flat work, or other material of a permanent nature (i.e. mortared in place), may not be placed in setbacks and easements. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14; Article X, Paragraphs 10.06 and 10.09; and Article XIII, Paragraphs 13.03.d and g*)

Water Hoses and Holders. Devices (hangers, reels, etc.) to store water hoses on or in are permitted and do not require submitting a PIA to the ARC. Such devices can be attached to the house or used stand-alone. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14 and Article X, Paragraph 10.12*)

6.2 ARC Easement. ARC members have a legally established permanent easement to enter upon any and all Lots in the Villages of Westcreek to verify compliance with the *VOW CC&Rs* and *STANDARDS*. Except in circumstances involving safety or health concerns, the ARC will coordinate with the resident prior to entering beyond fence gates. Unless a situation dictates otherwise, the ARC will arrange in advance to enter a property only when the resident is at home. (*VOW CC&Rs: Article XIV, Paragraph 14.05*)

7.0 SELECTED CONDITIONS & RESTRICTIONS. Highlighted here are selected conditions or restrictions established by *VOW CC&Rs* and community-accepted policy. This is not an all-inclusive listing; rather, the areas addressed are those which most often invite questions.

Commercial Activity & Home-Based Business. Business conducted from or within a private Lot is not absolutely disallowed but any such business must adhere to all applicable laws, ordinances, and regulations as well as the *VOW CC&Rs*. The business cannot be publicly advertised or promoted on the Lot nor can the public be invited to conduct business on the Lot. Any business that can be observed from the street is construed as inviting the public. Telecommuting or private consulting are examples of businesses that could be conducted without violating the *VOW CC&Rs*. A child-care center or a yard sale are examples of disallowed commercial activities on single-family Lots. (*VOW CC&Rs: Article IX, Paragraph 9.14.a and Article XIII, Paragraphs 13.01 and 13.03.p*)

“ **Decorations.** All exterior holiday decorations must be removed within 15 days following the occasion for which they were displayed. For example, if the holiday is on the 5th, decorations would need to be removed by the 20th. (VOW CC&Rs: Article IX, Paragraph 9.14.a)

“ **Dumping and Trash Receptacles.** Dumping or depositing trash is not permitted anywhere within the Villages of Westcreek, except in receptacles designed and intended for such purpose. Westcreek residents have two methods to dispose of trash: (1) curbside pickup by commercial trash removal services, or (2) privately hauled to a legal trash reception or recycling site. Residents must not place trash receptacles in locations (sidewalks, e.g.) which can block usage by foot traffic or those with a disability. The receptacles in the Sports Park are for trash generated during activities within the park and not for deposit of trash from homes. The large contractor bins placed and used by builders are for their use only to remove the excess materials from construction and Lot clearing. (VOW CC&Rs: Article XIII, Paragraph 13.03.o)

“ **Maintenance of Property/Improvements.** The owner and/or lessee of any Lot has the duty and responsibility to keep the premises, improvements, accessories, additions, and landscaping in a well-maintained, safe, clean, and attractive condition at all times. No improvement is permitted to fall into disrepair. All improvements must be kept in good repair and condition, painted, or otherwise maintained. Such duty to maintain property extends to all improvements located on the Lot. Grass is not to exceed 5” in height. Shrubbery at the end of the driveway where it meets the street is not to exceed 36” in height. Shrubbery and trees adjacent to sidewalks must be kept trimmed to allow free, upright access to pedestrians. (VOW CC&Rs: Article X, Paragraph 10.12 and Article XIII, Paragraph 13.03.s)

“ **Pets.** The Bexar County “leash law” applies. The minimum legal requirement for both cats and dogs is that they be leashed when outside the confines of the home or fenced area, have all vaccinations up to date, and have a current license/tag. To maintain a healthy and attractive environment, pet owners shall clean up after their pets. There are no designated dog runs in the Villages of Westcreek. (VOW CC&Rs: Article IX, Paragraph 9.14.a and Article X, Paragraph 10.01.[8])

“ **Storage, Temporary.** The term “temporary” implies a different length of time, depending on the specific subject. In any event, it is not defined absolutely. The following are not the only subjects of the VOW CC&Rs articles, but are used to illustrate the various constructions of “temporary.” (VOW CC&Rs: Article IX, Paragraph 9.14.a; Article X, Paragraphs 10.04; and Article XIII, Paragraph 13.03.q)

◆ ◆ Boats and RVs. while not permitted to be parked in the community, may be brought to the property one day in advance to prepare for each trip and may remain overnight one night to unload after each trip. Parking every Wednesday through Friday to prepare for a weekly weekend trip does not qualify as temporary. RVs belonging to visitors are extended the same courtesy. (VOW CC&Rs: Article IX, Paragraph 9.14.a and Article X, Paragraph 10.04)

◆ ◆ Landscape or construction materials for an approved improvement to an existing finished Lot may be visibly stored temporarily while the improvement is being constructed/placed, providing the work progresses toward completion within a reasonable time. “Reasonable time” is also not strictly defined, but would be determined by the nature of the project. (VOW CC&Rs: Article XIII, Paragraph 13.02)

◆ ◆ For trash/garbage containers, temporary generally means the day of pickup. However, placing the container at the curb late the evening before the scheduled pickup day and removed from the curb after pickup is acceptable but only so long as trash is in **secured containers**. (VOW CC&Rs: Article IX, Paragraph 9.14.a; Article X, Paragraph 10.04; and Article XIII, Paragraph 13.03q)

“ **Street Maintenance.** Street cleanliness, except for Military Drive West and Westcreek Oaks, depends on owner/resident maintenance. Owners/residents who throw or cause to be thrown trash, debris, or landscape trimmings into the streets are responsible for cleaning up. Owners or residents must clean up trimmings following lawn mowing and landscape maintenance. Growth of plant materials between seams of the street and curb fronting a

Lot must be removed and discouraged from re-growth. (*VOW CC&Rs: Article IX, Paragraph 9.14.a and Article X, Paragraph 10.12*)

“ **Vehicles.** (*VOW CC&Rs: Article IX, Paragraph 9.14.a and Article X, Paragraphs 10.04 and 10.12*)

◆◆ Parked vehicles. No boats, recreation vehicles, inoperative vehicles of any kind, commercial vehicles greater than one ton, campers, buses, or trailers may be parked in driveways, on streets, or be visible from the street. Exceptions are noted in the previous section, “Temporary.”

◆◆ Inoperative vehicle. Any vehicle that is mechanically undriveable or one on which the registration or safety inspection has expired is deemed inoperative. Vehicles noted in observable disrepair (flat tires, on blocks, etc.) will be presumed inoperative. Vehicles noted parked long-term without movement also will be addressed as apparently inoperative.

◆◆ “For Sale” vehicles. There are no vehicle sales lots anywhere on or adjacent to the property within the Villages of Westcreek. Additionally, Texas Department of Motor Vehicles forbids parking “For Sale” vehicles on state or county property. Accordingly, “For Sale” vehicles may not be displayed anywhere on common property within the community or property fronting the Villages of Westcreek. This does not restrict an owner’s right to display a “For Sale” sign inside a vehicle which is operable both legally and mechanically and is being used for transportation. However, any “For Sale” vehicle parked anywhere long-term also will be presumed to be inoperative.

“ **Watering.** The VWOA promotes and supports water conservation measures. Our supplier, San Antonio Water System (SAWS), has established guidelines. If using a sprinkler, water before 10 a.m. or after 8 p.m. to avoid excessive evaporation due to mid-day heat. Monitor sprinklers to avoid wasteful over-watering and runoff. When SAWS mandates watering restrictions due to low-water conditions of the aquifer, Villages of Westcreek residents are strongly encouraged to observe the SAWS rules. (*VOW CC&Rs: Article X, Paragraph 10.01.b.[8]*)

“ **Yard Sales.** As commercial activities to which the public is invited, private yard or garage sales are **not** allowed. A community yard sale is held up to four times each year (once a calendar quarter). Reminders of sale dates and location are published in the “*Westcreek Times.*” (*VOW CC&Rs: Article XIII, Paragraph 13.03.p*)

8.0 BUILDERS. The *VOW CC&Rs* is the basic document that governs developing and building in the Villages of Westcreek. Any company developing or building in single-family residential, multi-family residential, or commercial/business and special use areas shall comply with the specifications set forth in the *VOW CC&Rs*. The ARC has and exercises responsibility and authority to review, amplify, and/or modify the specifications set forth in the *VOW CC&Rs* pertaining to planning, developing, and building in the Villages of Westcreek. Such amplifications and modifications are contained in the *STANDARDS*.

8.1 Village Development Plan for Single-Family Residential Areas Where no Infrastructure Exists. Developers and builders shall submit an overall development plan to the ARC for review prior to start of development or construction. The plan shall contain the information requested in the *VOW CC&Rs, Article IX, Paragraph 9.16 and Article XIII, Paragraph 13.03*, plus the following:

- ◆ Street layout;
- ◆ Lot layout showing Lot size and easement(s);
- ◆ Proposed name of village; and
- ◆ Proposed village identification signage with landscaping.

8.2 Village Development Plan for Multi-Family Residential Areas Where no Infrastructure Exists. Developers and builders shall submit an overall development plan to the ARC for review prior to start of development

or construction. The plan shall contain the information requested in the *VOW CC&Rs, Article IX, Paragraph 9.15 and Article XII, Paragraph 12.04*, plus the following:

- ◆ Street layout;
- ◆ Lot and building layout showing Lot size, building size, and easement(s);
- ◆ Parking area layout;
- ◆ Proposed name of village; and
- ◆ Proposed village identification signage with landscaping.

8.3 Development Plan for Commercial/Business and Special Use Areas Where no Infrastructure Exists.

Developers and builders shall submit an overall development plan to the ARC for review prior to start of development or construction (*VOW CC&Rs: Article IX, Paragraph 9.15 and Article XI, Paragraph 11.01.[1]*).

8.4 General Specifications.

◆ **Construction Restrictions.** Builders shall ensure that single-family units with the same elevation will not be constructed on adjacent Lots or on Lots directly across the street from each other. No Improvement shall face Military Drive West, Westcreek Oaks Drive, or any other major street unless the ARC reviews and approves the request in advance (the request must clearly show and cite why there is no other option). (*VOW CC&Rs: Article IX, Paragraph 9.14*)

◆ **Model Home.** Model homes may be constructed and used as sales offices. Builders shall ensure that model homes (including landscaping over and above that customarily included with a single-family residence offered to an owner-buyer) serving as sales offices will be converted to single-family residential specifications prior to closing the sale to an owner other than a builder. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14*)

◆ **Fences.** Developers and builders shall ensure that fences to be erected along Military Drive West, Westcreek Oaks Drive, or any other as yet unconstructed or unnamed major street will follow the same design and construction and be of the same materials as the fences already in place along the existing major streets, unless mandated and notified otherwise by the ARC. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14*)

◆ **Mechanical Equipment.** Builders shall ensure that ground-mounted equipment (for example, air handling equipment) will be placed behind fences or screened from view from the street in a manner approved by the ARC prior to installation of said equipment. (*VOW CC&Rs: Article X, Paragraph 10.05*)

◆ **Sidewalks.** Builders shall ensure that sidewalks along all street frontages will be of approved material and be completed prior to closing of sale. (*VOW CC&Rs: Article IX, Paragraph 9.14.a*)

◆ **Builder Signs.** Builders desiring to erect permanent-type signs to announce the company's presence/sales activity shall submit a request to the ARC and obtain approval prior to placement. Permanent signs are limited to 4'x8' (32 sq. ft.) in size, must be finished on all sides, and can be erected vertically or horizontally. Temporary or "bandit"-type signs may be placed Friday evening (Thursday, when Friday is a holiday) and be removed early Monday morning (Tuesday, when Monday is a holiday). Any other proposed use of temporary signage shall be submitted to and approved by the ARC prior to placement. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14*)

8.5 Site Preparation Specifications.

◆ **Drainage.** Builders shall ensure there is no uncontrolled surface drainage onto adjacent property or that finished grading does not cause water to pond or pool on the Lot being developed or on any adjacent Lot. (*VOW CC&Rs: Article X, Paragraph 10.06*)

◆ **Underground Utilities.** Except for builder-related “project level” utilities, developers and builders shall ensure that utility pedestals or connections will not be placed/maintained above the surface of any Lot unless they can be screened from view from the street. In cases where placing utility pedestals or connections cannot conform to the *VOW CC&Rs* and *STANDARDS* (for example, in a flood plain), the placing and/or screening of said pedestals or connections must be submitted to the ARC for review and approval. (*VOW CC&Rs: Article X, Paragraphs 9.02 and 10.07*)

◆ **Soil Erosion.** Builders shall prevent soil erosion from the Lot being developed onto streets and adjacent Lots. If such erosion does occur, builders/developers will remove the soil from the street(s) and Lot(s) within 5 work days. (*VOW CC&Rs: Article IX, Paragraph 9.14.a and Article X, Paragraph 10.06*)

◆ **Temporary Fencing.** Builders shall erect temporary fencing surrounding the Lot under construction for safety and to prevent trash and debris from spreading onto streets and adjoining Lots. (*VOW CC&Rs: Article IX, Paragraph 9.14.a*)

◆ **Trees.** Whether caused by pruning or by injury, any wound on any tree shall be painted with any latex or commercially available tree wound dressing within two (2) hours of the pruning or injury. Treating the wound is necessary to prevent the spread of disease or infestation. (*VOW CC&Rs: Article IX, Paragraph 9.14.a*)

8.6 Builder Request Submittal. Builders shall submit a complete set of plans to ARC for review prior to starting construction of the first home.

8.6.1 Single-Family Residential Villages. Companies building in a village where single-family residences exist or in a village where streets and utilities are in place but where no homes currently exist shall submit a development/building plan for review prior to starting construction. This overall plan shall contain the information requested in the *VOW CC&Rs, Article IX, Paragraph 9.16*, plus the following:

- ◆ House plans showing exterior elevations, exterior materials, colors, and price range to be offered;
- and
- ◆ Driveway Sizes.

8.6.2 Multi-Family Residential Villages. Companies building in a village where multi-family residences exist or in a village where streets and utilities are already in place but where no residences exist shall submit an overall development/building plan for review prior to starting construction. This overall plan shall contain the information requested in the *VOW CC&Rs, Article IX, Paragraph 9.15 and Article XII, Paragraph 12.04*, plus the following:

- ◆ Building plans showing exterior elevations, exterior materials, colors and price range of units within each building;
- ◆ A proposed overall landscaping plan to include walkways, location of fences or walls and materials, playground location (if proposed), and playground equipment;
- ◆ Parking area and driveway sizes;
- ◆ Proposed exterior illumination to include location, method and type; and
- ◆ Proposed trash container storage locations (if any) and screening.

8.6.3 Commercial/Business and Special Use Areas. Developers or builders desiring to develop or build in the commercial/business or special use areas shall submit an overall plan for review prior to starting development or construction. The following are examples of each type of document and a listing of the minimum information and degree of accuracy required (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.15 and Article XI, Paragraph 11.01.[1]*):

.. **Site Improvements and Grading Plan**

- ◆ ◆ Illustration of building layout;
- ◆ ◆ Indication of property lines, easements, and building setbacks;
- ◆ ◆ Location of all planned improvements, including walls, structures, driveways, parking, and fences;
- ◆ ◆ Location of utility connections; and
- ◆ ◆ Minimum scale shall be 1" = 20'.

.. **Floor Plans and Complete Specifications**

- ◆ ◆ Complete set of final specifications;
- ◆ ◆ Plans of all structures;
- ◆ ◆ All measurements and dimensions;
- ◆ ◆ Square footage of every level and total; and
- ◆ ◆ Minimum scale shall be ¼" = 1'0"

.. **Final Landscape Plan**

- ◆ ◆ Show landscape concept. Include turf areas, ground covers, shrubs, trees, etc.;
- ◆ ◆ Plans showing outdoor improvements, including retaining walls, walkways, fences, foundations, pools, lighting, etc.; and
- ◆ ◆ Minimum scale shall be 1" = 20'.

8.7 Plat, Lot, or Plan Changes. Developers or builders shall submit any change to a previously approved plat, lot, or plan to the ARC for review prior to starting or continuing construction. This requirement applies to any change to any single-family unit, any multi-family unit, within any village development, or commercial/business or special use area. (*VOW CC&Rs: Article IX, Paragraphs 9.02 and 9.14.a*)

8.8 CC&Rs References. The *VOW CC&Rs* is the legal basis for information provided in the *STANDARDS*. While the *VOW CC&Rs* in their entirety apply, the following are highlighted for particular attention to Builders and Developers: Article IX in its entirety, but especially Paragraphs 9.15 and 9.16; Article X, Paragraphs 10.05 - 10.08; and Articles XI, XII, and XIII in their entirety.