

TOWNHOMES OF TUSCANY SQUARE DESIGN GUIDELINES

**Originally adopted August 28, 2007 with revision dates noted.
All modifications require approval by the ACC unless otherwise noted.**

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Accessory Structures

ACC approval is required prior to construction of any accessory structure, including but not limited to sheds and permanently installed playhouses. Applications for accessory structures will be reviewed with regard to Lot size, setbacks, and primary building size. Accessory structures should serve as functional elements and enhance the aesthetic qualities and visual theme of Tuscany Square. Accessory structures such as permanent storage sheds and gazebos shall be located in the rear yard only, shall not be visible from the street, and shall adhere to the standards herein. Storage sheds, and gazebos shall be architecturally compatible with the home. Accessory structures shall meet the following criteria:

- a. Accessory structures shall be of the same color, material, and architectural style as the main residence or of color, material, and style that is generally recognized as complementary to that of the main residence.
- b. An accessory structure's roofing materials shall match those of the main residence.
- c. Accessory structures shall conform to rear yard setbacks.
- d. Accessory structures shall not unreasonably obstruct any adjacent neighbor's view.
 - a. Sheds placed on a homeowner's property, shall be no higher (including the roof) than the height of the owner's property fence.
 - b. Sheds may be either wood or metal construction:
 - i. Wood Constructed Sheds
 1. The shed shall be the same color as the residence siding with the roof shingles the same style/color as the shingles on the residence.
 2. or, the shed may be stained the same color as the approved residence fence color, with the roof shingles the same style/color as the shingles on the residence
 - ii. Metal Constructed Sheds
 1. The shed and roof shall be the same color as the residence siding.
 - c. Sheds may not be visible from the homeowner's property front or side streets.
 - d. All shed requests are reviewed on a case-by-case basis; based on Lot location.

Clotheslines

Clotheslines and clothesline supports are not permitted.

Decks & Patios

ACC approval is required prior to installation of a deck or patio. Decks and patios must be located in the rear yard. When a deck or patio scheme includes other changes, such as lighting, hot tub, under-deck storage (applicable to elevated decks), etc., these changes should also be included on the ACC form. Any such decks or patios shall be located so as not to obstruct or diminish the view from or create a nuisance for adjacent property owners.

All visible deck material must be lumber, natural stone, or brick. Any metal supports used in the construction must be wood covered to complete the wood appearance (ornamental iron or other material is subject to approval). The type of material used in construction must be included in the ACC application.

Patio covers and posts shall be constructed of wood or of a material generally recognized as complementary to the residence and shall be similar to or generally recognized as complementary in color to the exterior color of the residence. Open patios should be integral part of the landscape plan and should be located so activities do not create a nuisance for adjacent property owners. The patio color shall be similar to or generally accepted as a color complementary to the color of the residence. Enclosed patios shall be constructed of materials that are similar to or generally accepted as complementary to those of the residence. Offsite drainage shall not be impacted by deck construction.

Painting/Staining of Decks

Protection of decks is encouraged. If an Owner chooses to stain the deck, they must use a natural wood or clear stain color. Paint is not acceptable.

Dog Runs

Dog runs require prior written ACC approval and will be reviewed on a case-by-case basis. Dog runs shall be located within side and rear yards in such a way that they are not visible to neighbors or, community open space. The ACC will evaluate the proposed location and size of the dog run with consideration given to its impact on adjacent properties and streets. Generally dog run fence height should not exceed five (5) feet. The dog run fencing should be immediately adjacent to the home and compatible with the home in material and color. Dog runs shall be well screened with landscaping from neighboring properties and streets. "Dog kennels" are not permitted under any circumstance, per the Declaration document.

Exterior Lighting

Rear Porch Light Replacement: An outdoor lantern of approximately 12" x 15" in size that is black or brown in color should be used.

Front Porch and Outdoor Garage Light Replacements: The replacement light should be approximately 14" x 18" in size and black or brown in color.

All outdoor fixtures shall have either white or yellow (bug light) light bulbs. It is suggested that fluorescents be used when practical.

{Revised 8/10/09}

Flood light fixtures are not allowed for front porch, outdoor garage, or rear porch light replacements.

{Revised 1/16/13}

Fences

The following guidelines are established for fence repairs and/or replacement. In addition to ACC approval prior to construction of a new fence, a permit is required from the City of Frisco and specifications must meet their guidelines listed in Section 18-491 – Wooden Fence Standards.

1. The owner may submit a request to replace their fence after coordination and permission of joint owner properties has been secured in writing.
2. The fence shall be of equal or better quality wood construction to the original fence. An owner may upgrade, i.e. white wood to cedar, upon approval from the ACC. The ACC highly recommends but does not require the use of cedar planks. All vertical posts on new fences shall be galvanized steel with a minimum of 2 $\frac{3}{8}$ inch diameter, a minimum 15 gauge thickness, and set in a concrete footing.
3. All fences must be made from white wood or cedar planking with the following dimensions and can be single slat or board on board: 6 ft. in height; $\frac{1}{2}$ to 1 inch in thickness; and 4 to 6 inches in width. Kick boards and top caps are allowed. Step downs, if required due to the slope of the yard, should be built so that the sections of the graduated stair steps are as equal in length as possible. The total height of the fence including kick board and top cap cannot exceed 7 ft. in any section of the fence.
4. It is recommended that fences be painted/stained every five years in order to preserve the life of the fence. The following approved paint/stain colors or an equivalent product in the medium to dark brown color range can be used.

Lowes

New fences only: Olympic transparent toner – Canyon Brown

New and old fences: Olympic solid color stain – Chocolate or Timberline (note: these colors will cover like paint; there will be no wood grain showing)

Home Depot

New fences only: Behr semi-transparent stain – Chocolate #ST 129

Old fences only: Behr solid color stain – Chocolate #SC 129 (note: this product will cover like paint; there will be no wood grain showing)

5. An owner may either repair their fence or construct a new one. If repaired the entire fence must be painted to match with an approved color. Replacement of one or more sides of a fence requires ACC approval.

6. If the HOA Board of Directors determines that an owner's fence is in need of repair or replacement, the Board will give the homeowner a notice in writing of what the Board expects the homeowner to correct. Notices and any subsequent actions will be in accordance with the HOA violation process.

{Revised 1/26/15}

**The Townhomes of Tuscany Square HOA
Guidelines for the Installation and Display
of Flags and Flagpoles
Effective June 17, 2011**

1. The only flags which may be displayed are: (i) the flag of the United States of America; (ii) the flag of the State of Texas; and (iii) an official or replica flag of any branch of the United States armed forces. No other types of flags, pennants, banners, kits or similar types of displays are permitted on a Lot if the display is visible from a street or Common Area.
2. The flag of the United States must be displayed in accordance with 4 U.S.C Sections 5-10.
3. The flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code.
4. Any freestanding flagpole, or flagpole attached to a dwelling, shall be constructed of permanent, long-lasting materials. The materials used for the flagpole shall be harmonious with the dwelling and have a finish appropriate to the materials used in the construction of the flagpole. The materials used for the flagpole shall have a silver finish with a silver or gold ball at the top. The diameter of the flagpole may not exceed three (3) inches.
5. The display of a flag, or the location and construction of the supporting flagpole, shall comply with applicable zoning ordinances, easements, and setbacks of record.
6. A displayed flag, and the flagpole on which it is flown, shall be maintained in good condition at all times. Any flag that is deteriorated must be replaced or removed. Any flagpole that is structurally unsafe or deteriorated shall be repaired, replaced, or removed.
7. Only one flagpole will be allowed per Lot. A flagpole can either be securely attached to the face of the dwelling (no other structure) or be a freestanding flagpole. A flagpole attached to the dwelling may not exceed six (6) feet in length. A freestanding flagpole may not exceed twenty (20) feet in height. Any freestanding flagpole must be located in either the front yard or backyard of a Lot, and there must be a distance of at least five (5) feet between the flagpole and the property line.
8. Any flag flown or displayed on a freestanding flagpole may be no smaller than 3' x 5' and no larger than 4' x 6'.
9. Any flag flown or displayed on a flagpole attached to the dwelling may be no larger than 3' x 5'.
10. Any freestanding flagpole must be equipped to minimize halyard noise. The preferred method is through the use of an internal halyard system. Alternatively, swivel snap hooks must be covered or "Quiet Halyard" Flag snaps installed. Neighbor complaints of

noisy halyards are a basis to have a flag removed until the Owner resolves the noise complaint.

11. The illumination of a flag is allowed so long as it does not create a disturbance to other residents in the community. Solar powered, pole mounted light fixtures are preferred as opposed to ground mounted light fixtures. Compliance with all municipal requirements for electrical ground mounted installations must be certified by the Owner. Flag illumination may not shine into another dwelling. Neighbor complaints regarding flag illumination are a basis to prohibit further illumination until the Owner resolves complaint.
12. Flagpoles shall not be installed in Common Area or property maintained by the Association.
13. All flagpole installations must receive prior written approval from Architectural Review Committee or the Modifications Committee.

These Design Guidelines are promulgated pursuant to and in accordance with Section 202.0011 of the Texas Property Code.

Front Yard Ornaments

Ornaments of a permanent nature (bird feeders, wind chimes, etc.) are prohibited from the front yards of homes. Seasonal holiday decorations are excluded from this guideline.

{Revised 8/10/09}

Gazebos and Greenhouses

ACC written approval is required prior to the construction of any gazebo or greenhouse. Any gazebo or greenhouse should be an integral part of the landscape plan.

Landscape Edging

Green or brown metal edging is approved for use in front flower beds or in the backyard. Edging is not to be installed in driveway flower beds that divide driveways. However, the ACC recommends that green or brown one piece plastic edging be allowed due to safety concerns and recommends the use of a new composite material that is recently available.

{Revised 8/10/15}

Landscape Lighting

Landscape lighting shall either be wired or solar and black or brown in color.
NOTE: Plastic fixtures may be used but must be replaced if deterioration is noticed.

{Revised 8/10/09}

Landscape lighting cannot be installed along the driveways, in the beds that divide the driveways, or in any area that would interfere with landscape maintenance.

{Revised 1/26/15}

Landscaping Plants

Approved shrubs:

- Indian Hawthorne
- Dwarf Burford Hollies
- Fringe Flower
- Nandinas
- Japanese Boxwoods
- Japanese Yaupons

See Section F.1.e. for planting flowers or shrubs. If a shrub dies, it should be replaced by the homeowner with the same species and size of shrub, or with one of the approved shrubs listed above. Flowers and other non-shrub plants may not be installed in the driveway flowerbed that divides the driveways.

**The Townhomes of Tuscany Square HOA
Guidelines for Rain Barrels/Collection Devices
Effective September 1, 2011**

The association, in accordance with State law, will permit owners to install rain barrels/collection devices if they meet architectural requirements as outlined by the association. However, the following also applies:

The association prohibits owners from installing rain barrels/collection devices on any common area or property owned by the association.

The association prohibits owners from installing rain barrels/collection devices on an owner's property between the front building line and the street.

General Considerations

Rain barrels/collection devices should be generally designed to be unobtrusive in location and appearance and must not cause drainage problems to the property or its neighbors.

The location should take advantage of screening provided by existing or proposed structures and/or vegetation.

The installation of rain barrels/collection devices in attached housing shall be in accordance with the approved project standards established by the association for location, color, screening, etc.

Specific Guidelines

1. The preferred location is in the rear or side yard; rain barrels/collection devices are prohibited in front yards.
2. The rain barrel/collection device must be installed at the base of an existing downspout. Only one rain barrel/collection device may be installed per downspout.
3. The overflow from the rain barrel/collection device shall discharge to the same location as the current downspout.
4. The size of a rain barrel/collection device bin is generally limited to 36" in height and 24" in diameter.
5. The container must be designed for the purpose of collecting rainwater; a converted trash can is not an acceptable alternative.
6. The bin must be sturdily constructed of durable plastic in black, brown, green, simulated wood with a screened cover and a splash block provided for the overflow.
7. Other colors which are consistent with the trim, siding or overall color scheme of the home will be reviewed on a case by case basis.
8. The rain barrel/collection device should be set into a landscaped area, so that its appearance will be softened by plant material. Additional landscaping or screening may be required to diminish the visual impact on other properties or from the street.
9. The rain barrel/collection device should be an enclosed device to avoid becoming a breeding ground for mosquitoes and maintained so that it does not create a visual nuisance.

Submission Requirements

Homeowners are required to submit for consideration:

A copy of the existing site plan showing the location of the house, any accessory structures, significant vegetation, property lines, and the proposed location of the rain barrel/collection device.

A catalog photograph or manufacturer's "cut sheet" of the rain barrel/collection device, including dimensions, material, and color.

A planting plan indicating the type and location of vegetation or other screening, existing or proposed.

Recreation and Play Equipment

No jungle gyms, swing sets, trampolines, similar playground equipment, tennis courts or such other recreational equipment shall be erected or installed on any Lot without prior written approval of the ACC in accordance with Article IX hereof, including the type of construction materials, colors and location. Any approved recreation equipment should be removed when a home is sold and should not be passed on to the new homeowner. The installation of any such recreational equipment without the prior written approval of the ACC, the Association shall, by and through the Board of Directors, have the right, but not the obligation, to demand and cause the removal of any such installation. The maximum height of recreation or play equipment cannot exceed 7 ft.

No basketball hoops or backboards of any type, whether mounted on a pole, directly onto the home, or freestanding may be used at any time.

The above items are to be used as a guideline only. All recreational equipment must be maintained in good condition and working order.

{Revised 1/26/15}

**The Townhomes of Tuscany Square
Guidelines for Religious Displays
Effective June 17, 2011**

The association, in accordance with State law, will permit owners to display religious items exclusively on the entry to the owners' dwelling, specifically the entry door or door frame, however:

An owner may not exploit this law to use a material or color for an entry door that is prohibited by the association's governing documents.

The display of a religious item(s) may not exceed a total of 25 square inches

The association may prohibit the display of religious items if it/they:

- display obviously offensive language or graphics
- violate deed restrictions that do not conflict with this statute
- is/are in a location other than the entry door or frame

The association will not permit religious items to be displayed that pose any threat to public safety or health.

Seasonal Accessories

Fabric Canopies/Gazebos

ACC approval must be obtained prior to installation of fabric canopies/gazebos over the backyard patio. The fabric must be a solid neutral earth tone color (beige/brown). No advertising or logos are allowed on the fabric. The structure must be maintained in good condition.

Umbrellas

Retractable patio table umbrellas are permitted and do not require prior approval by the ACC. Umbrellas must be maintained in good condition.

{Added 1/26/15}

The Townhomes of Tuscany Square
Guidelines for Solar Energy Panels and Certain Roofing Materials
Effective June 17, 2011

For purposes of the Association, the term "Solar Energy Panel" means a panel device or system designed primarily to collect solar energy, and collect and subsequently use solar energy as thermal, mechanical, or electrical energy. Solar energy panels may not be installed without prior written approval of the Architectural Control Committee (ACC).

The installation of Solar Energy Panels will not be allowed if:

- (i) in violation of any law
- (ii) on property owned or maintained by the Association
- (iii) in common areas
- (iv) located anywhere but in his/her fenced-yard or patio
- (v) the device extends beyond the roofline or does not conform to certain allowed design guidelines
- (vi) it is taller than the fence line
- (vii) it is installed in a manner that voids material warranties
- (viii) it is installed without prior approval by the Association or its designated Architectural Control Committee and/or
- (ix) the device would "substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities." However, this finding will be reconsidered by the Association or its designated Architectural Control Committee if the owner obtains written approval of the installation from all neighboring owners.

The intent of this restriction is to allow the installation of Solar Energy Panels but to maintain, to the greatest extent possible, the aesthetics of the community and the harmony established by the plan of development for the Association.

ADDITIONAL RESTRICTIONS WHICH ARE ALLOWED BY STATUTE AND CAN BE INCLUDED IN GUIDELINES FOR SOLAR ENERGY PANELS:

- Solar Energy Panel frames, support brackets, or any visible piping or wiring must be of a silver, bronze or black tone, whichever blends most effectively with the roof.
- Color or finish of the panel must blend to the greatest extent possible with existing roof color.
- Panels, mounting devices, etc. must be repaired or replaced within 120 days of date of damage.
- Ground mounted system(s) shall be as small as possible, located in rear or side yards and screened from neighboring properties by fencing or landscaping.

OPTIONAL SOLAR ENERGY PANEL SUBMISSION REQUIREMENTS FOR CONSIDERATION:

- A copy of the existing site plan showing the house and any accessory structures, significant vegetation, property lines and the proposed location of the Solar Energy Panels.

- A drawing or photographs showing the proposed location of the Solar Energy Panels and description of any visible auxiliary equipment.
- Catalog photographs or manufacturer's "cut sheets" of all components including dimensions, colors, materials, etc.
- Plans of proposed landscaping or screening for ground mounted Solar Energy Panels.

Solar Screens

Solar screens may be installed on front and back windows. NOTE: The approved color is Buffalo (brown/black) with 80% density or less. NO dividers (window pane-like feature) are allowed.

{Revised 8/10/09}

Spas & Swimming Pools

The ACC must approve spas, hot tubs, Jacuzzis, etc. All units of this type require a City of Frisco permit to be secured BEFORE submitting for ACC approval.

{Revised 8/10/09}

Storm Doors

Front Door

Pella® Select® Storm Door (or equivalent)

Fullview with clear glass

Approved door colors: white or brown

Larson Tradewinds Retractable Screen Door (or equivalent)

Fullview with clear glass

Approved door colors: white or brown

Back Door

Pella® Select® Storm Door (or equivalent)

Fullview with clear glass

Approved door color: white only

Larson Tradewinds Retractable Screen Door (or equivalent)

Fullview with clear glass

Approved door color: white only

Larson Pet Door (or equivalent)

Approved door color: white only

All products are available at Lowe's

{Revised 4/16/14}