

MORNINGSIDE HOMEOWNERS ASSOCIATION

ARCHITECTURAL STANDARDS & RESOLUTIONS

This document, along with The Declaration of Covenants, Conditions and Restrictions (CC&R), should be your first reference when you need information pertaining to architectural changes. If you need to know something that is not contained in these documents, please call a Board member, an ACC member or the Management Company. Please read and familiarize yourself with the information contained herein.

The Management Company for Morningside is currently Community Management Associates, Inc. (CMA). They can be reached by phone at (972) 943-2873 or in person at 1301 Central Expy S., Suite #110, Allen, TX. The office hours for CMA are 8:30am to 5:00pm Monday through Friday. There is a 24 hour on-call staff member available at 972-824-5159, should you have an emergency and need immediate assistance. Their web site is <http://www.cmamanagement.com>.

Morningside Homeowners' Association

Introduction

Whether you are an original owner of a home in Morningside or you are a subsequent owner, welcome to the community. Morningside is an exciting and vibrant place in which to live and the people here wish to make it an even better place to call home through their continuing efforts to protect, maintain and enhance their property values.

Morningside is governed by a Homeowner's Association (HOA). The original tract was planned, designed and approved as a self-contained, deed restricted community with its own set of covenants, conditions and order of rule under which all property owners would live and abide and which provide for the maintenance of all Common Properties and improvements thereon.

Conditions and restrictions were set so that aesthetics, congruity, appearance, safety, etc., would be defined and written guidelines would be disseminated (e.g., this document) in order to create an environment where the homeowners could live in harmony. Each homeowner has some degree of assurance that actions of all members of the community are directed so as not to adversely impact the quiet enjoyment of their property or their property values (e.g., painting one's home bright orange; abandoning cars in the street or driveway; the keeping/breeding of vicious pets; unkempt yards). Cooperation is important to creating and maintaining a healthy community. Each of us must be particularly considerate of our neighbors and amenable to the welfare of the community as a whole.

In order to facilitate the Architectural Control Committee's (ACC's) review and approval process, and in order to provide a quick and thorough response to requests for architectural additions or modifications, the ACC urges owners to submit items for review in an all-inclusive manner. In other words, rather than submitting plans on an item-by-item basis as you progress through the improvements you plan to make to your home or lot, the ACC requests that, whenever possible, you devise your entire plan from the outset. The forethought will benefit you by saving time (and possibly money) in the early stages, and it will assist the ACC by providing the entire picture of what you are planning to do.

As an example, when you submit a request for a driveway extension, the ACC also requests that you provide any accompanying landscape plan, and fencing plan if needed. Please note that if you have considered landscaping needs in connection with the planned improvement for your home and feel that no additional plantings are required, you should indicate such on your application.

The Architectural Standards are subject to revision without notice. In all cases, the ACC is the final authority and judge of what is acceptable within the Morningside Community.

Purpose

Under the covenants and related documents, all exterior changes must come before the ACC, including any that are not covered in this document. This document sets forth standards, guidelines and procedures for making an application for approval for changes to the exterior of your home and yard.

The Declaration of Covenants, Conditions and Restrictions (CC&R) for Morningside were instituted in the early stages of development of our Homeowner's Association. This Architectural Standards & Resolutions document is intended to work in conjunction with the Covenants. The primary purpose of

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the CC&R and Architectural Standards is to maintain and enhance the appearance of our community by assuring that any new additions, as well as basic changes to the property, are evaluated and approved in accordance with the CC&R and Architectural Standards. Each homeowner has been presented with the CC&R during the home buying process, and is now also presented with these Architectural Standards. Every homeowner is required to adhere to the stipulations and guidelines contained in these documents, These Architectural Standards are for the entire Morningside subdivision. In case of any conflict between the CC&R and these Architectural Standards, the CC&R shall take precedence.

Homeowners

Each homeowner has the responsibility to properly complete and submit an Architectural Request Form to the ACC in accordance with the requirements of this document prior to making the proposed improvement. Each homeowner is also responsible for adhering to these Standards, complying with the decisions made by the ACC, and reporting any problems or violations to the ACC.

Authority

The authority of the ACC stems from:

- Ordinances of the City of Allen

- The Declaration of Covenants, Conditions and Restrictions for Morningside (CC&R)

- The By-Laws of the Morningside Homeowners Association, Inc (the By-Laws)

- The Articles of Incorporation of the Morningside Homeowners Association, Inc (the Articles of Incorporation)

- The Architectural Standards & Resolutions (this document)

- Other relevant rules, regulations, or resolutions related to architectural control as may be adopted by the Board of Directors.

The CC&R, the By-Laws, and the Articles of Incorporation were provided to you either at or before closing. A copy of the Architectural Standards should also have been provided to every homeowner by the Management Company. They are also available on the Morningside website at: <http://www.morningsidehoa-tx.org>. It is every homeowner's responsibility to read and understand these documents.

Enforcement

The HOA shall have the right to enforce, by any proceeding at law or in equity, the CC&R and these Architectural Standards, as described in the CC&R.

Failure of the HOA to enforce any of the provisions in the CC&R or the Architectural Standards shall not be deemed a waiver of the right to do so thereafter.

The HOA shall also have the right to enforce, by any proceeding at law or in equity, any other restrictions, conditions, covenants and liens imposed upon any Lot. The failure of the HOA to enforce such provisions shall not be deemed a waiver of the right to do so.

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Disclaimer

The Association, Architectural Control Committee, or any officer, employee, agent, director or member thereof shall not be liable for damages to any persons submitting plans and specifications for approval by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval or failure to approve any plans and specifications. Every person who submits plans and specifications for approval agrees, by submission of such plans and specifications, that it will not bring any action or suit against the Association, or Architectural Control Committee to recover any such damages.

The purpose of the Architectural Standards is to provide guidance in preparing requests for architectural approval and set forth some of the standards applied by the Architectural Control Committee. These Architectural Standards are not all inclusive and no inference should be made that the failure to include a particular type of exterior or landscaping change somehow exempts that change from the approval process.

If any paragraph, section, sentence, clause or phrase of these Standards shall be or become illegal, null or void for any reason or shall be held by any court of competent jurisdiction to be illegal, null or void, the remaining paragraphs, sections, clauses, and phrases are severable and shall continue to be in full force and effect. In case of any conflict between the Declaration of Covenants, Conditions and Restrictions for Morningside, the By-Laws of the Morningside Homeowners Association, Inc. and these Architectural Standards, the Declaration and By-Laws shall take precedence. In case of any conflict between these Architectural Standards and other resolutions or rules adopted by the Board of Directors, the Board shall determine which shall take precedence and make corrections as needed by a majority vote.

These Standards supersede all previous guidelines or standards and shall remain in effect until otherwise rescinded, amended, modified, or repealed by the Board of Directors.

Please direct requests for replacement copies of the above documents to the Management Company. Alternatively, it is the Board's goal to have electronically readable versions of these documents available on the Morningside website at <http://www.morningside-hoa.org>.

The Board of Directors of the Morningside Homeowner's Association welcomes any comments or suggestions you may have regarding this document.

Architectural Review Application Instructions

General guidelines

1. Submit for ACC approval prior to purchasing materials and services. The ACC will not consider homeowner expenditure as basis for approval.
2. Any modification that affects immediate neighbors should be communicated to those neighbors prior to submission for approval.
3. The pace of the approval process is directly related to the quantity and quality of information submitted to the ACC. The 30-day approval window begins only after the ACC has all requested documentation.

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4. Previous ACC approvals are not a guarantee of future approvals. Every submission is evaluated on its own merits.
5. Give addresses, photos, drawings, etc., of any similar type of modification, materials, colors, workmanship, etc., found at other residences in Morningside or even in nearby communities.
6. Please review the CC&R, Architectural Standards, and city requirements prior to planning your modification. Compliance with governmental requirements is exclusively the owner's responsibility.

Planning and Preparation of the ACC Submission Form

1. Using this document (the Architectural Standards) determine if a submittal is required.
2. Prepare the Architectural Review Form (copy available from the Management Company or copy from this document) and attach detailed specifications, heights, materials, color, and a site plan showing location.
3. Sign the form.
4. Present 1 copy of the submittal to the Management Company. Incomplete or illegible submittals will be returned immediately to the homeowner.

Appeals/Re-submittals

1. To appeal a denied submittal, the homeowner should submit to the HOA Board of Directors a written response including specific detailed information that clarifies why the submittal should be reconsidered. Please include a copy of the response from the Management Company. The Board will place the appeal on the agenda of their next scheduled meeting, and a decision will be provided to the homeowner within 15 days of that meeting. The homeowner may also request a meeting with the ACC or the HOA Board to further discuss the submittal.
2. Should the submittal have been disapproved on a technicality (Le. location or height of a fence), and the homeowner is willing to comply with the remedy proposed in the ACC's response, then the homeowner need only stop by the Management Company office, pencil in the conditional change(s), and initial and date the change(s). The ACC via a telephone vote will then reconsider the revised submittal. The homeowner will be telephoned with the decision, and receive a written approval letter citing the change(s).

Time Frame for Construction

1. Changes to contractor schedule should be communicated to the ACC. It is understood that contractor schedules may be beyond the homeowner's control and will be taken into consideration when reviewing a request for extension.
2. Work must be completed by the estimated completion date (as approved by the ACC), unless an extension is requested and granted.
3. Continuous progress must be visible. Projects shall not be started then left to sit for an extended period of time. It is understood that people work during the week and, for some, the "do-it-yourself" projects may only be possible on weekends. It is also understood that when a building permit is involved, the homeowner may have no control over the inspection time line.
4. Approval for projects that are not begun or completed as specified above will lapse and the applicant must resubmit the proposal or submit a written request for extension to the ACC.

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Inspection

The ACC and the Management Company have been directed by the HOA Board of Directors to do on-site inspections to assure compliance with approved submittals. Homeowners are asked to cooperate during such inspections. As a minimum, the homeowner is asked to notify the Management Company within 30 days following the scheduled completion of the project if it has not been completed. If deficiencies or significant deviations are noted, the Management Company will notify the homeowner in writing, with a response expected within 30 days.

Questions

If there are questions with the interpretation of the following guidelines, please contact the Management Company.

ADDITIONS AND/OR REMODELS

- Additions shall comply with all requirements set forth on the final plat and within the Subdivision Design Guidelines, whichever is most restrictive.
- The addition shall not alter the drainage patterns established by the Master Drainage Plan.

SUBMITTAL REQUIREMENTS

- ❖ A set of floor plans, elevations, roof plans, and site plans drawn to scale.
- ❖ All colors and materials (roofing, siding, masonry, etc.) should match or complement the existing home. Submit color samples, manufacturer, color name and number, etc., for review.
- ❖ Morningside maintains a standard of at least 75% masonry on the home. Additions will affect that percentage. Homeowner must meet these requirements and maintain that percentage.
- ❖ Existing and proposed air conditioned square footage must be noted.

ATTIC VENTILATION/ROOFTOP APPENDAGES

- Rooftop appendages are to be painted to match or blend with the color of the roof.
- Attic ventilators shall not be seen over the highest ridgeline of the roof.
- Roof ridge vents are acceptable.

SUBMITTAL REQUIREMENTS

- ❖ No ACC submission required provided you comply with the above guidelines.

AWNINGS

- Awnings shall be solid or two-tone striped earth tone or natural colors.
- Awnings shall be made of canvas. No metal awning shall be allowed.
- Awning edges may be straight or scallop-edged.
- Brightly colored awnings are not allowed.
- Awnings may be permanent or retractable.
- Awnings shall be located on the rear of the house only.

AWNINGS con't

SUBMITTAL REQUIREMENTS

- ❖ **Must submit to the ACC. Include type and color of material and a drawing indicating placement on the home.**

BARBECUE GRILLS, SMOKERS, TURKEY FRYERS

- **Barbeque grills, smokers, turkey fryers, patio stoves, and similar equipment shall be located and stored in the fenced side or rear yards only. They may not encroach upon any public right-of-way, common area or adjacent property.**
- **May be powered by wood, gas, electricity, or charcoal.**

SUBMITTAL REQUIREMENTS

- ❖ **No ACC submission required provided you comply with the above guidelines.**

BASKETBALL GOALS

- **Backboards shall be pole mounted and shall preferably be transparent acrylic. White, black, or gray backboards are acceptable.**
- **Poles shall be metal or fiberglass painted black.**
- **Placement of basketball goal and pole shall be located to minimize visual and use impact to neighboring properties.**
- **Portable goals are recommended and should be stored out of sight when not in use.**
- **Portable goals must be removed from the street when not in use.**
- **Only one goal per lot is allowed.**
- **Basketball goals are not allowed to be mounted on a house, garage, shed, etc., nor should they be visible from any public right-of-way.**
- **Basketball goals are permitted in front of those houses with front access driveways as long as the goals are placed at least fifteen (15) feet from the street.**

SUBMITTAL REQUIREMENTS

- ❖ **No ACC submission required provided you comply with the above guidelines.**

BIRDHOUSES

- **Pole mounted birdhouses shall not exceed 20' in height.**
- **Only one pole mounted birdhouse per lot is allowed.**

BIRDHOUSES con't

- Pole mounted birdhouses are not allowed in the front yard.
- All posts or poles for the support of birdhouses must be wood, metal or fiberglass. Posts shall be painted an earth tone color, coordinating with the colors of the house. All poles or posts shall be maintained in a vertical and upright manner.
- The birdhouse itself shall be a color complementary to that of the house.
- Birdhouses shall not exceed 2' x 3' x 3' in overall dimensions.
- Hanging birdhouses may be placed in trees or on accessory structures, or on the house itself, but may not be larger than 1' x 1' x 1' and shall not impede the natural development of the tree.

SUBMITTAL REQUIREMENTS

- ❖ None required provided you comply with the above guidelines.

COLOR CHANGES

- If a homeowner wishes to repaint his/her trim, shutters, or door, colors must be chosen based on the Sherwin Williams Victorian Exterior Color Preservation Palette colors, listed below.

Rookwood Dark Red – SW 2801	Rookwood Red – SW 2802
Rookwood Terra Cotta – SW 2803	Renwick Rose Beige – SW 2804
Rookwood Dark brown – SW 2808	Rookwood Medium Brown – SW 2807
Rookwood Brown – SW 2806	Renwick Beige – SW 2805
Rookwood Shutter Green – SW 2809	Rookwood Sash Green – SW 2810
Rookwood Blue Green – SW 2811	Rookwood Jade – SW 2812
Rookwood Dark Green – SW 2816	Renwick Olive – SW 2815
Rookwood Antique Gold – SW 2814	Downing Straw – SW 2813
Renwick Golden Oak – SW 2824	Rookwood Clay – 2823
Downing Sand – SW 2822	Downing Stone – SW 2821
Rookwood Amber – SW 2817	Renwick Heather – SW 2818
Downing Slate – SW 2819	Downing Earth – SW 2820

This color palette is also available for viewing on the Morningside HOA website.

SUBMITTAL REQUIREMENTS

- ❖ If a homeowner wishes to repaint his/her trim, shutters, or door with a color from the Sherwin Williams Victorian Exterior Color Preservation Palette, no submission is required. Any other color /stain change must be submitted.
- ❖ Sample of stain or paint color, manufacturer and color specifications (color name and number).
- ❖ Photo of existing house showing current paint/stain, brick, or stone color.

DECKS AND PATIOS

- **Decks shall be of redwood, cedar or other material approved by the ACC. Pressure treated pine is permitted for the underlying structure only, or for areas not exposed to public view (e.g., first floor decks or interior lots).**
- **Patios may be concrete, concrete stepping blocks, brick, concrete pavers, stone, or other materials as approved by the MC.**
- **Patios and decks may not be located closer than 5' to any property line.**
- **The new deck/patio shall not alter the drainage patterns established by the Master Drainage Plan on file with the city of Allen.**
- **Decks and patios are allowed in the rear of the house only.**

DECKS AND PATIOS con't

SUBMITTAL REQUIREMENTS

- ❖ A site plan, drawn to scale, showing the house, the location of the deck, easements, and the property line.
- ❖ Building plans, including railing, bench, screening, and other details.
- ❖ Photographs of the existing house showing where the proposed deck will be located.

DRIVEWAYS/PARKING PADS

- Driveways and additional parking pads shall match the existing concrete texture of the existing drives and sidewalks and shall require screening if adjacent to a greenbelt or open space.
- Boats, recreational vehicles, etc. must not be visible from the public right-of-ways.
- Drives and parking pads must be 1'-6" off the property line or be behind an approved privacy fence and must not interfere with the subdivision lot grading plan on file with the city of Allen.

SUBMITTAL REQUIREMENTS

- ❖ A site plan drawn to scale showing the locations of the parking pad or driveway, easements, and the property line.

FENCING GUIDELINES (RESIDENTIAL)

INTRODUCTION

These guidelines are to assist the property owner with fence improvements on all residential property for Morningside.

CRITERIA

A. Heights

1. Fence height shall not exceed 8' in height.
2. Fences shall "step" up or down to higher or lower connecting fences or columns.

B. Location

Fence placement is subject to various restrictions relative to location. The following basic rules must be adhered to:

1. Fencing (in its entirety) is solely restricted to the owner's property. Fences shall not encroach into any public street right-of-way (ROW) or designated open spaces.

FENCING GUIDELINES (RESIDENTIAL) con't

2. Fencing shall not be placed beyond the front yard building line and must comply with the City of Allen Ordinances on a side yard building set back on corner lots with secondary street frontage.
3. Solid fencing must be set back a minimum distance of 5'-0" from the front façade of the dwelling.
4. The posts (vertical supports) must be on the inside of the fence, pickets (the main lumber of the fence) must be on the outside of the fence. Posts may be steel pipe columns, cedar or redwood.
5. Double fencing is prohibited.
6. Fences at sloped areas shall be stepped a maximum of 1'-0" and level and not be sloped to follow grade.
7. Fencing installed along property lines where retaining walls exist shall be located on the high side of the wall.
8. Wood privacy fences are required to be installed by the builder on all interior lots.

C. Materials

1. Depending upon proximity to the dwelling, it may be preferable for the fence, in terms of appearance, to be an architectural extension of the dwelling. The fence should have sufficient strength to assure that it remains plumb and true to its original alignment. The fence should be sufficiently durable so as to be resistant to decay and deterioration due to insects and the elements.
2. Acceptable Materials
 - a. Wood (redwood or cedar to meet standard design(s)).
 - b. Metal (pre-determined design standard).
3. Unacceptable Materials (not all inclusive)
 - a. Lattice panels
 - b. Chain link
 - c. Wire, wire mesh or wire-bound pickets
 - d. Sheet or expanded metal and stamped metal posts
 - e. Plastic or fiberglass (corrugated, flat or woven)
 - f. Rope, bamboo, or reed
 - g. Opaque painted finishes

D. Color and Finish

Any finish must be of muted earthtones in the brown, gray or natural cedar range, any other finish or color requires ACC approval. The painting of fences will not be allowed. Finishes should be applied to all sides of the fence. Fences of one material should be of one color.

ADDITIONAL CRITERIA

A. Easements

If easements occur within a property, it is to be maintained by the property owner. Fence construction within any easement is at the risk of the homeowner. Fences shall not obstruct lot drainage easements.

B. Swimming Pools, Spas, Hot Tubs

Fencing requirements of the City should also be incorporated.

C. Tree Preservation

Fence lines should adjust to existing trees or stands of trees by weaving among, jogging around, or abutting to the tree. A fence may not be attached to a tree. Fences shall not encroach beyond the property line to encompass a tree.

SUBMITTAL REQUIREMENTS

- ❖ Scaled site plan showing existing structures, proposed fence, location, type of materials, finish stain or color, and height.
- ❖ Submittal is only required to change the foot print of your existing fence or to use a stain color other than those specified above. Submittal is not required to replace an existing fence.

FLAGPOLES/FLAGS

- In no case shall a flagpole be allowed within the public right-of-way.
- Flagpoles shall not exceed 20' in height and shall maintain a vertical alignment.
- Flags shall be no larger than 3' x 5' in size but must be in proportion to the height of the pole.
- Each lot is limited to one pole.
- Accent lighting of flagpoles/flags is not allowed.
- One 3' x 5' decorative permanent house mounted flag is allowed (i.e., wind socks, family shields, etc.)
- All flag poles must be free standing and may not be incorporated or otherwise part of any fence or structure.
- No flags shall be flown that would be deemed offensive or inflammatory to any race, gender, or religion.
- Owner must agree that U.S. and state flags will be displayed in accordance with the appropriate rules of etiquette.

FLAGPOLES/FLAGS con't

SUBMITTAL REQUIREMENTS

- ❖ Site plan showing location, easements, and property line.

FOUNTAINS/STATUARY/WISHING WELLS

- Fountains, statuary, and wishing wells are limited in height to 3'-0" and are limited in number to no more than 2 per lot.
- Colors must be earth tone in nature. Bright, and/or fluorescent colors are not allowed.
- Must be installed in/adjoining flowerbed or on/adjoining front porch walkway.
- Must be maintained in good condition and in keeping with the overall appearance of the Morningside community.

SUBMITTAL REQUIREMENTS

- ❖ None required provided you comply with the above guidelines.

GARAGES

- Each garage, whether used for storage of vehicles or not, must maintain the outward appearance of a garage.
- No awnings, carports, or any structure built over the driveway or before the garage itself will be permitted.

GAZEBOS

- Gazebos shall be attractive in appearance, without an excess of detail ornamentation.
- If painted or stained, the gazebo shall coordinate with and complement the colors of the house.
- Overall height of the gazebo shall not exceed 12'-0" in height.
- The gazebo shall not exceed 144 square feet in size.
- Roofing shall match or complement that of the house.
- Gazebos shall be located in the fenced area of the side or rear yard locations and must comply with the building setback lines.
- Only one gazebo is allowed per lot.
- The construction shall not alter the drainage patterns established by the Master Drainage Plan.

GAZEBOS con't

SUBMITTAL REQUIREMENTS

- ❖ A set of floor plans, elevations, roof plan and other construction drawings, drawn to scale which adequately describe the construction proposed.
- ❖ Proposed exterior color and materials.
- ❖ A site plan showing the location of the existing and proposed structures, and property lines.

GUTTERS/DOWNSPOUTS

- Gutters and downspouts shall match the color of the existing trim of the house or existing gutters.
- Downspouts must not direct water onto adjacent properties. Water from your property must “sheet flow” before it enters into the drainage easements. No piped drains are allowed to have an outlet which directs water to adjoining lots or open space. The outlet for piped drainage shall terminate into the street gutter.

SUBMITTAL REQUIREMENTS

- ❖ None required provided you comply with the above guidelines.

HOT TUBS AND SPAS

- A City of Allen permit is required prior to installation.
- Concentrated drainage (i.e., pipes) to the common areas, alleyways, or neighboring properties is not allowed.
- Drainage must adhere to all City of Allen drainage requirements.
- Spas and hot tubs and all related equipment must be located and screened from public view.
- Spas and hot tubs are limited to fenced side and rear yards. Only one spa or hot tub is allowed per lot.
- Structures such as a gazebo, cover, trellis or decking are subject to a separate review and approval.
- Homeowners should consult the City of Allen for specific fencing requirements around hot tubs and spas.
- Spas and hot tubs may not be located in easements or within 5' of any property line.

SUBMITTAL REQUIREMENTS

- ❖ A catalogue clipping, photograph, description, color, material, and dimensions of the improvements.

HOT TUBS AND SPAS con't

- ❖ A site plan showing the location of the equipment, existing structures, and property.

HOUSE NUMBERS

- House numbers must be maintained and visible on front elevation of house and above the garage.
- Fluorescent or brightly colored numbers are not allowed.
- Colored lighted address signs are prohibited, but clear or white lighted signs are allowed.

SUBMITTAL REQUIREMENTS

- ❖ None required provided you comply with the above guidelines.

LANDSCAPING

Landscaping must relate to the existing terrain and natural features of the lot, utilizing plant materials native or those commonly found and successfully grown in the North Texas area. The amount and character of the landscaping must conform to the precedent set in Morningside and shall not encompass more than 50% of the total area available for the front yard.

- All improved landscaped areas shall have an appropriately designed automatic irrigation system.
- Any and all tree additions or replacements should follow the approved tree list and must be approved by the ACC.
- Gravel used as the main ground cover or lawn in the publicly visible yard area is not permitted. Earth tone gravel (brown, black, tan, etc.) or volcanic rock may be used in limited mulch areas.
- Shrubs and ground cover shall be arranged in formal rows/curves or in formal beds.
- Landscape improvements shall not impact the function of any drainage easement.
- Approved landscape bed edging is a neat 3"-5" deep trench. Metal edging, if used, should not exceed the adjacent turf height. Landscape edging may be of stone cut in uniform rectangular shapes and consistent in height not to exceed 4" to 6" in height above grade. Stone color should complement the house. Brick edging shall complement the house brick and be required to be mortared in place.
- All mulched landscape beds should be covered with natural pine straw, chopped or shredded cypress, hardwood mulch, or pine bark.
- Landscaping shall not impede sight lines needed for safe vehicular traffic movement.

LANDSCAPING con't

- All residences and/or Lots must maintain, at a minimum, the original landscaping provided by the builder, which includes a flower/plant bed directly in front of the house for the entire length of the house with continuous shrubbery and one tree if house was built before April 2001 or two trees if built after April 1, 2001 in the front yard that are at least 3" in trunk diameter, with the remainder of the yard being a natural grass lawn.
- Listed on the following pages is a list of approved and unapproved trees.
- You must submit plans to the ACC to change the size of existing flower/plant beds or to add flower/plant beds in the front yard if the flowerbeds will cover more than 20% of the front yard area. Changing seasonal flowers is allowed and pre-approved in the existing flower/plant beds. Artificial flowers in the front yard and front flower/plant beds are prohibited. Artificial shrubbery or flowers are only allowed in door wreaths and for temporary seasonal decoration.
- No screen planting, hedge or row of shrubs which forms solid wall of vegetation shall be erected or permitted to remain on any lot closer to the front lot line than the front of the home.
- Stockpiling of materials such as mulch, compost, or firewood will only be permitted in fenced rear or side yards and be properly screened from the view of others.

SUBMITTAL REQUIREMENTS

- ❖ ACC approval is required to change the footprint of your existing flower/plant beds and for live tree removal as outlined above.

APPROVED TREE TYPES

Bradford Pear

The Bradford Pear grows well in all parts of Texas. This deciduous tree has showy bright white flowers in the spring, and brilliant coppery red foliage in the late fall. These trees grow vertically for several years and then gradually broaden to a nice symmetrical shape. This tree has a moderate to fast rate of growth, 30-40 feet tall and 20-25 feet across. This would make a nice tree for front or back yards.

Chinese Pistachio

The Chinese Pistachio grows well in all parts of Texas. This deciduous tree has deep green summer foliage, turning a brilliant red and yellow in the fall. It has a moderate rate of growth, 40-50 feet tall and 30-40 feet across. It is insect and disease-hardy. This would make a nice tree for front or back yards.

Chinquapin Oak.

The Chinquapin Oak is native to central Texas, but grows well in most of the state. This deciduous tree has dark green foliage, with oval leaves 3 to 4 inches long, turning yellow or orange in the fall. This tree has a moderate rate of growth, 40-50 feet tall and 30-40 feet wide. This would make a nice tree for a large back yard, but might grow too tall for a front yard.

Crepe Myrtle

The Crepe Myrtle grows well in all parts of Texas. This deciduous tree has showy flower sprays in a multitude of colors, from late spring through late fall. Crepe Myrtles can be found in shades of white, pink, red, and lavender. This tree grows best in sunny locations, and can be used to shade small spaces such as patios or decks. It has a moderate rate of growth, 12-20 feet tall and 10-15 feet across. This would make a nice tree as a flowering accent for front or back yards.

Green Ash

The Green Ash is native to the eastern half of Texas, but grows well in all parts of the state. This deciduous tree has dark green foliage in the spring and summer, turning bright yellow in the fall. This tree has a moderate to fast rate of growth, 40-50 feet tall and 20-30 feet across. This would make a nice tree for front or back yards.

Redbud

The Redbud grows well in all parts of Texas. This deciduous, flowering tree has showy sprays varying in color from light pink to dark red. It is somewhat subject to leaf rollers and fungal leaf spots, but both can be easily controlled with sprays. The tree has a moderate rate of growth, 25-35 feet tall and 20-30 feet across. This would make a nice tree for front or back yards.

Shumard Red Oak

The Shumard Red Oak grows nicely in all parts of Texas, and is well suited for alkaline soils. This deciduous tree makes a fine shade tree, and has lustrous dark green foliage in the summer, turning a brilliant red in the fall. This tree has a moderate rate of growth, 50-60 feet tall and 40-60 feet wide. This would make a nice tree for a large back yard, but might grow too tall a wide for a front yard, or a small back yard.

Approved Trees can't

Yaupon Holly

The Yaupon Holly is native to the eastern part of Texas, but grows well in most of the state. This evergreen tree has small green foliage, and grows well in sun or shade. Female trees bear small bright red berries that persist all winter long. This tree is actually a large native shrub, but can be easily trained to be a small rounded tree. This tree has a moderate rate of growth, 15-20 feet tall and 10-15 feet across. It has few, if any, pest problems. This would make a nice smaller tree for front or back yards.

Other Trees Suited for Morningside

- Bur Oak
- Desert Willow
- Eastern Red Cedar
- Japanese Black Pine
- Little Gem Magnolia
- Live Oak
- Mimosa
- Panicked Goldenrain Tree
- Post Oak
- Red Maple
- Westem Soap Berry

Note: Fruit-bearing trees are to be allowed in backyards only, not in front or side yards.

UNAPPROVED TREE TYPES

There are several trees that should be avoided due soil preference, thorns, or insect and disease susceptibility. The following table lists trees that are not recommended for Morningside.

American Elm

Susceptible to elm leaf rot, beetles, cottonwood borers and cotton root rot, and other insects and diseases.

Arizona Ash

Highly prone to borers, with a short life expectancy.

Boxelder

Weak, brittle wood, subject to borers, cotton root rot and Boxelder bugs. Short life span.

Catalpa

Shows iron deficiency in highly alkaline soils, catalpa worms frequent pest problem. Short life span.

Chinaberry

Extremely weak, brittle wood, ice storms absolutely devastate them. Short life span.

Corkscrew Willow

Roots invasive to waterlines, susceptible to cottonwood borers and cotton root rot. Short life span.

Cottonwood

Weak wood, susceptible to cotton root rot, insect galls, and serious leaf drop.

Globe Willow

Roots invasive to waterlines, susceptible to cottonwood borers and cotton root rot. Short life span

Honeylocust

Terrible thorns along all trunks and branches.

Loblolly Pine

Severe iron deficiency in alkaline soils.

Fruitless Mulberry

Shallow surface roots, premature leaf drop during summer heat and drought.

Osage Orange (Bois d'Arc)

Coarse and craggy tree with large thorns, messy fruit.

Siberian "Chinese" Elm

Susceptible to elm leaf beetles, wet wood, anthracnose, cottonwood borers and cotton root rot, and a host of other insects and disease

Silver Maple

Prone to iron deficiency in alkaline soils.

Unapproved Tree Types con't

Slash Pine

Severe iron deficiency in alkaline soils.

Sugar Maple

Must have acidic soil to survive.

Sycamore

Highly susceptible to anthracnose, with no cure. Short life span.

Tulip Poplar

Susceptible to black fungal leaf spot.

Water Oak

Shows extreme iron deficiency yellowing in alkaline soils.

Weeping Willow

Roots severely invasive to waterlines, susceptible to cottonwood borers and cotton root rot. Very short life span -less than 10 years.

Willow Oak

Shows extreme iron deficiency yellowing in alkaline soils.

LEASING

- Owners who lease or rent their property in Morningside are responsible for their tenants.
- Owners must supply tenants with a copy of all legal documents, including the CC&R and ACC Resolutions Manual.
- Owners must notify the Homeowners Association Management Company of the tenant's legal name, contact numbers, and the owner's change of address before the tenant is allowed any privileges in the common areas of the property.
- The owner remains responsible for adherence to the CC&R and the rules and policies of the Association, i.e., yard maintenance, landscaping issues, and overall appearance.
- Homeowners who lease or rent their property in Morningside should use a carefully drawn lease and assure that their tenants are supplied with copies of all the legal documents of the Association, as well as a copy of this document. While a homeowner can delegate some privileges to a tenant, the homeowner retains all responsibilities to, and membership in, the Association. The Association, under the CC&R, holds the homeowner responsible for the actions of tenants. The homeowner remains responsible for adherence to the CC&R and the rules and policies of the Association. You should be certain that your lease and tenant arrangements are consistent with the CC&R and policies of the Association.

LIGHTING (Exterior)

- All exterior lighting must be screened and aimed so as not to "glare" to your neighbors.
- No permanent colored lights allowed.
- 150w max on floodlights.
- All conduit wiring should be kept out of sight.

SUBMITTAL REQUIREMENTS

- ❖ None required provided you comply with the above guidelines.

MAILBOXES

- Mailboxes shall be kept in the original style, design, and material provided by the builder.

OUTDOOR FIREPLACE AND BARBECUE PITS

- Outdoor fireplaces and barbecue pits shall be finished with masonry that blends with that on the house. Brick shall match the house brick blend.
- Fireplaces and pits shall be located in the fenced side or rear yards only. They may not encroach on any easement or alter the surface drainage on the lot per the Subdivision Grading Plan.

OUTDOOR FIREPLACE AND BARBECUE PITS con't

- These structures should be in scale with and integrated into the design of the house structure, deck and/or landscape areas and shall be sited in consideration of neighboring properties.
- The maximum height, excluding chimneys, shall not exceed six (6) feet. Height of the chimney shall be as required for operation and code compliance.

SUBMITTAL REQUIREMENTS

- ❖ A site plan showing the location of the outdoor fireplace or barbecue pit and the distance to the property lines.
- ❖ Description of materials and dimensions of the structure with drawing.

PATIO COVERS

- Shall be made of all wood or other acceptable materials.
- Shall not extend higher than 2 feet above the first story roof line.
- Painted or pre-finished products must match the trim color of the house. If stained it must be of brown hue.
- No corrugated metal or fiberglass roofs are allowed.
- Roofing shall match or complement that of the house. If shingles are used they shall match the shingles used by the builder of the house with regards to grade, color, type, etc.

SUBMITTAL REQUIREMENTS

- ❖ A site plan, drawn to scale, showing the house, the location of the patio cover, easements, and the property line
- ❖ Building plans, including side elevation, roof, sections, connection to the house, paint/stain colors and other details.
- ❖ Photographs of the existing house showing where the proposed patio cover will be located.

PLAY EQUIPMENT

- Play equipment shall not be taller than 12'-0".
- Play equipment is allowed only in fenced side and rear yards.
- Wood play structures must be of redwood or cedar and must be assembled and maintained in good condition.

PLAY EQUIPMENT con't

SUBMITTAL REQUIREMENTS

- ❖ **A description of the play equipment with its dimensions and colors (photographs where available).**
- ❖ **A plan showing the location of the play equipment, adjacent buildings and property lines.**

PLAY HOUSES

- **Playhouses must be located in fenced side or rear yard areas and must be located behind a 6' privacy fence or otherwise screened, and be maintained in good condition.**
- **Tree playhouses must be in fenced side or rear yard and maintained in good condition.**
- **No electrical, plumbing or air conditioning may be installed in the interior or exterior of the playhouse.**
- **Playhouses must be painted to match or complement the house.**
- **Playhouse roofing shall match or complement that of the house.**
- **Playhouses shall be no taller than 9' at its tallest point and shall not exceed 75 square feet in size.**
- **Only one playhouse is allowed per lot.**

SUBMITTAL REQUIREMENTS

- ❖ **A description of the playhouse with its dimensions and color (i.e., photographs, drawings, color samples).**
- ❖ **A plan showing the location of the playhouse, adjacent buildings, and property lines.**

POOLS/POOL EQUIPMENT

- **City of Allen permit is required prior to installation.**
- **All swimming pools and associated decks shall be located in the fenced side and rear yards.**
- **Pool equipment must be fully screened on all sides with a 6' cedar privacy fence and located adjacent to the house unless otherwise specifically approved by the ACC.**
- **Above ground pools must have a City of Allen permit prior to installation.**

POOLS/POOL EQUIPMENT con't

- **Construction access must be across applicant's property and approved prior to commencement of any work. Excess soil must be removed to an approved waste disposal site.**
- **Pool overflow may not be directed onto adjacent properties, alleyways or any other common greenbelt.**
- **All improvements (pools, pool decking, retaining walls, landscaping, etc.) shall be installed in such a manner that the drainage across adjacent properties is not altered or impaired in any way.**

SUBMITTAL REQUIREMENTS

- ❖ **A site/grading plan showing the proposed pool, construction access, decking, fencing, existing structures, and property lines.**
- ❖ **The location and description of all mechanical equipment, lighting, etc., and type of screening to be provided.**
- ❖ **Construction plans drawn to scale.**

RETAINING WALLS

- **Retaining walls shall be of masonry construction (stone or brick of the same blend used on the house).**
- **Retaining walls shall be limited to 4'-0" in height unless it can be shown that site conditions justify a taller wall.**
- **Retaining walls 4'-0" and taller must be designed by a licensed Professional Engineer in the State of Texas.**
- **Retaining walls shall not alter or impair the drainage across adjacent properties.**
- **Retaining walls of wood, railroad ties and the like are not allowed.**

SUBMITTAL REQUIREMENTS

- ❖ **Scaled site plan showing location of wall, height, finished elevations (top and bottom) and resulting drainage patterns.**
- ❖ **Materials (i.e., brick or stone) samples or photographs.**

ROOF MATERIALS/SHINGLES

- **Only composite shingles are allowed, no wood shakes or shingles.**
- **Minimum twenty (20) year warranty shingle roof is required.**
- **All roofing materials must be fireproof and conform to City requirements.**

ROOF MATERIALS/SHINGLES con't

- Any proposed color change must be submitted to the ACC for approval.
- Colors should be in character with the surrounding homes.

SUBMITTAL REQUIREMENTS

- ❖ A set of floor plans, elevations, roof plan and other construction drawings, drawn to scale which adequately describe the construction proposed.
- ❖ Sample of shingle, manufacturer and color specifications (color name and number).
- ❖ Photo of existing house showing current roof/shingle color.

SATELLITE DISHES

- **Size:** Diameter of the dish is not to exceed one meter (39 inches).
- **Color:** Dark bronze, dark gray, dark green or black. Other colors may be used provided the color of the dish blends with the color of the surface the dish is to be mounted on.
- **Location:** 1) Placement of the dish shall be in the least obtrusive location, preferably in the rear yard or side yard behind the primary front elevation of the house that faces the street. 2) Dishes should not be placed in the prominent visual locations, such as on top of a chimney, fence, balcony railing or roof ridge, and may not be located on roof surfaces that directly faces the street. 3) Dishes may not encroach upon any public right-of-way, common area or adjacent property.
- **Safety Considerations:** Safety precautions related to maintenance, installation, distances from utility lines, grounding requirements, etc., are the sole responsibility of the property owner.
- **Variances:** Variances to these restrictions may be granted by the ACC provided the Property Owner can provide evidence that the above restrictions would impair signal reception, cause an unreasonable increase in the cost of installation, maintenance or access of the device, or would cause a legitimate safety concern.

SUBMITTAL REQUIREMENTS

- ❖ None required provided you comply with the above guidelines.

SHUTTERS

- Shutters shall be half the width of the adjacent window (i.e., 3' x 6' window equals 1'-6"x6' shutter). The intent is to provide for a visually operable shutter.
- Shutters shall be painted to match or complement the existing home. If not, ACC submittal is required.
- Windows wider than 4'-0" will typically not be allowed to have shutters.
- Shutters must be maintained in good condition.

SHUTTERS con't

SUBMITTAL REQUIREMENTS

- ❖ None required provided you comply with the above guidelines.

SKYLIGHTS

- No more than two skylights per house
- Placement of the skylight shall be in the least obtrusive location on the roof, and may not be located on roof surfaces that directly face the street.

SUBMITTAL REQUIREMENTS

- ❖ A set of floor plans, elevations, roof plan and other construction drawings, drawn to scale which adequately describe the construction proposed, including the proposed materials to be used.

SOLAR PANELS

- Solar panels should blend as much as possible with the surrounding roof shingles.
- Solar panels should be as flat against the existing roof line as possible.
- Placement of the solar panels shall be in the least obtrusive location on the roof, and may not be located on roof surfaces that directly face the street.

SUBMITTAL REQUIREMENTS

- ❖ A set of floor plans, elevations, roof plan and other construction drawings, drawn to scale which adequately describe the construction proposed.
- ❖ Proposed exterior color and materials.

SPORTS COURTS

- Sports courts are prohibited in Morningside.

STORAGE SHEDS

- Storage sheds must be located behind a privacy fence, and may not exceed 10' at its tallest point.
- Storage sheds shall have maximum square footage of 75 square feet.
- Storage sheds shall be of professional construction with finish and color to match or complement that of the house.
- Barn style sheds or out buildings are prohibited.

STORAGE SHEDS con't

- Only one storage shed is allowed per lot.
- Storage shed roofing must match or complement that of the house.
- Storage structures must have a 3' minimum (5' preferred where available) clearance from any fence or property line.

SUBMITTAL REQUIREMENTS

- ❖ A Site plan showing the location of the shed, existing structures and property lines.
- ❖ A description and the dimensions of the shed (i.e., construction drawing).
- ❖ A description of materials and color for the shed and those of the house.

SUNSCREENS/SOLAR SCREENS

- Sunscreen/Solar Screens shall be integral to the window or the screen.
- Reflective film on windows shall meet the following guidelines.
 - Visible light reflection (exterior) shall not be more than 35 percent.
 - The product shall be warranted for adhesion and anti-fogging.
 - Windows of each elevation shall be consistent in appearance.
 - If delaminating occurs corrective action shall be taken by the homeowner.
- Professional Solar Screens are pre-approved.

SUBMITTAL REQUIREMENTS

- ❖ None required provided you comply with the above guidelines.
- ❖ Film samples and warranty shall be submitted for review and approval of reflectance.

TRASH/RECYCLE TOTES (City of Allen Rolling Container)

- Trash Toter shall be stored in the following locations:
 - 1) In the garage,
 - 2) Behind your fence on the side of your house,
 - 3) In the alley up against your house or fence,
 - 4) Behind your front building line and screened by large shrubs.

TRASH/RECYCLE TOWER (City of Allen Rolling Container) con't

- Trash Tower shall not be left in the street and must be stored the same day of trash pick-up.

SUBMITTAL REQUIREMENTS

- ❖ None required provided you comply with the above guidelines.

TRELLIS/ARBOR

- Trellis/Arbor shall be attractive in appearance without an excess of detail ornamentation.
- Trellis/Arbor shall be of cedar, redwood, wrought iron, or other material approved by the ACC.
- If painted or stained, the trellis/arbor shall coordinate and compliment the colors of the house.
- Overall height of the trellis/arbor shall not exceed 12'-0".
- Trellis/Arbors may be attached to the house or detached (free standing).
- Free standing Trellis/Arbor should not exceed 144 sq. ft. in size. (Larger sizes may be approved on case by case basis depending upon the yard area and proposed location). Attached trellis may exceed 144 sq. ft. if at the discretion of the Committee it blends into the architectural fabric of the house.
- Arbors shall be located in the fenced side or rear yard locations only.
- Construction shall not alter the drainage patterns established by the Master Drainage Plan.

SUBMITTAL REQUIREMENTS

- ❖ A set of floor plans, elevations, roof plan and other construction drawings, drawn to scale which adequately describe the construction proposed.
- ❖ Proposed exterior color and materials.
- ❖ A site plan showing the location of the existing and proposed structures, and property lines.

VEGETABLE GARDENS

- Fenced rear or fenced side yard only.
- Size of garden shall not exceed 144 square feet.
- Must be screened from street, common areas or all public right-of-ways. If visible above fence line.

SUBMITTAL REQUIREMENTS

- ❖ None required provided you comply with the above guidelines.

DEFINITION OF TERMS

“ACC” shall mean the Architectural Control Committee.

“Association” (as defined in Article I, page 3 of the Declaration) shall mean and refer to the Morningside Community Association, Inc., an existing Texas non-profit corporation.

“Builder” shall mean any person who has or will become an “Owner” or any person acting as an agent of an Owner or a prospective Owner, seeking approvals pursuant to and required by the Design Guidelines and Review Procedures or the Declaration.

“Building Project” shall mean the total scheme of improvement constructed or proposed to be constructed upon any Site by a Builder.

“Building Setback” shall mean and refer to the areas, defined in these guidelines and/or on the subdivision plat measured from the property line to any structure, which areas shall be unobstructed by structures from the ground upward, but which may include surface driveway areas or other similar surface improvements.

“City” shall mean and refer to any official, agency, or body of the government of the City of Allen, Texas.

“Covenants” shall mean and refer to all covenants, conditions, restrictions, easements, charges and liens set forth within the Master Declaration.

“Declaration” shall mean and refer to the Consolidated and Amended Master Declaration, of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Morningside.

“Earth Tone Color” shall mean brown, black, blue, or green or derivatives thereof (i.e., beige, tan, gray, etc.). Reds, yellows and derivatives thereof (i.e., orange, purple, pink, etc.) are not considered earth tone colors. White is not considered an earth tone color for the purposes of these Guidelines.

“Front Yard” shall mean the yard area adjacent to the front façade of the house.

“Greenway Frontage” shall mean and refer to, parks, schools, community facilities, common facilities, common green space, recreational facilities (including hike-bike trails and the like) which are adjacent to rear or side yard lot lines and/or clearly visible from public streets, sidewalks and rights-of-way.

“Guidelines” shall mean these Design Guidelines and Review Procedures for Residential Modifications.

“Person” shall mean a natural person, a corporation, a partnership, trustee or other legal entity.

“Procedures” shall mean the Design Application and Review Procedures contained herein which are the application procedures.

“Project” shall mean the same as Building Project.

“Property Owner” shall mean the holders of record title to the fee simple interest of any Lot whether or not such holder(s) actually reside on any part of the Lot.

“Public View” – Areas that are clearly visible from public streets, sidewalks and rights-of-way.

“Rear Yard” shall mean the yard area adjacent to the rear façade of the house.

DEFINITION OF TERMS con't

"Single Dwelling Unit" shall mean a building project, which consists of an individual detached residence located on a lot with building setbacks to the front, rear and sides.

"Site" shall mean and refer to each of the lots described upon any recorded plat of the property encumbered by the Declaration or any portion thereof, except the Common Area, and excluding lots dedicated to any municipality or any other governmental entity.

If such Site is further subdivided or re-subdivided each of the lots resulting from such subdivision or resubdivision shall be considered as a Site as that term is used herein and the restrictions of the Declaration shall apply to Sites so created.

"Subdivision Design Guidelines" shall mean and refer to guidelines, which may be prepared for the Morningside Community, as it is developed.

"Take Action" by the ACC means approving, approving with conditions, deferring or continuing the submission (with or without a request for resubmission) or disapproving a specific submission, by a Property Owner. The ACC may take Action with or without a formal meeting, and written notice of any such action shall be sent by the Property Management Company to the Property Owner.

"Morningside" is the name of the property subject to the Declaration.