



**Architectural Control Authority
(ACA)
Design Standards**

*extended descriptions of neighborhood DCCR's Article VII

FOR

**KENDALL CREEK ESTATES
HOMEOWNERS ASSOCIATION, INC.**

Approved by the Board of Directors

Revision 2011.05.19

Please refer to the Declaration of Covenants, Conditions, and Restrictions (DCCR's) covering your community for complete details.

Any instance whereby a conflict with these ACA Design Standards and the recorded Declaration of Covenants, Conditions, and Restrictions or any amendments thereof the recorded DCCR's shall prevail.

NOTICE:

Compliance to these ACA Design Standards and the Declaration of Covenants, Conditions and Restrictions does not satisfy the requirement to submit for ACA approval.

All improvements to the exterior of the main dwelling that can be seen from the street or neighboring property must have written approval from the ACA prior to construction and/or installation.

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Fence Standards

DCCR's Article VII 7.4

Fence Maintenance

The application of architectural control to fences generally depends on whether the work qualifies as routine maintenance and repairs, or whether it involves a real change in the appearance of the Lot.

1. Lot Owners do not need any approval to repair or replace any part of the fence, as long as it remains a plain, six (6) foot wooden privacy fence and in the original location. With side and rear yard fences, the ACA suggest that you may want to work out an agreement with your neighbors to share the cost, since the fence is intended to be on the property line.
2. The fence posts and bracing boards on front, side and rear fences shall face the interior of the fenced yard and not exposed to any common area, open space, park or other areas visible from the street.
3. In order to preserve the harmony of the neighborhood, front fences must retain the essential character of a wooden privacy fence. No basket weaves, gaps, or overlapping of pickets will be allowed. The top of the pickets must be dog-eared. Individual pickets will be no wider than six (6) inches. Modifications such as adding a top railing will not be approved unless used consistently throughout the community.
4. On homeowner's Lot, the front and interior fence line height is to be six (6) feet from the ground to the top of the picket. If the slope of the grass requires some individual pickets to be taller than six (6) feet to keep the top of the fence a consistent height a review from the ACA committee must be requested.
5. Individual fence pickets need to be replaced when broken. Covering a gap in the fence with a rock or other material will not be accepted.

Fence Color

1. In order to preserve the harmony of the neighborhood, fences may not be painted.
2. Homeowners may treat the fence with a **CLEAR PRESERVATIVE OR CLEAR SEALANT** to keep it from changing color due to weathering without a request to the ACA.
3. Fence sealants shall be a **clear or semi-transparent** sealant so that the fencing material color retains its original wood color and wood grain appearance.
4. Stain implies color. The ACA will not approve stain colors that are darker or of a different color palette than used by the Association on common perimeter fencing of the community. **Refer to Appendix A for a list of approved colors.**
5. The ACA prior to the staining of the fence must approve the use of a color tint stain and/or sealant. Sample color(s) must be provided to the ACA. **Wood stains that are solid color will not be approved by the ACA.**

Fence Location

The ACA will not approve any new front fence or extensions that are not set back a reasonable distance (minimum five (5) feet) behind the front corner of the Main Dwelling (front corners are defined as to where the side of the Dwelling meets the front of the Dwelling. Front porch or extended window areas will not be considered part of the Main Dwelling.), or any new fence that extends forward from the front of the Dwelling to the street.

Gate Standards

1. Gates may be installed on either side of the home. Larger gates will be permitted with a maximum width of twelve (12) feet. Gates must blend seamlessly with fence. Gates of extra width must be reinforced to not sag. Gates must be maintained.
(*Please see Article VII, section 7.3 of the DCCR's for what can and cannot be maintained behind a wider gate.)
2. Gates in the perimeter fencing will be permitted for homes backing up to Valerie Lane and Springhill Dr. The gates may only be 4ft wide and blend seamlessly with the existing fence, therefore must also be 8ft tall. Gates must be of solid construction so as not to compromise the structural integrity of the neighborhood perimeter fence. Gates must be maintained. Gates must remain closed unless in use.

Sheds & Storage Building Standards

DCCR's Article VII 7.6

Metal Sheds

The ACA will **NOT APPROVE** requests for installation of metal or aluminum storage buildings.

Lightweight Moveable Storage Units

Sheds or storage units that are lightweight and consist of plastic modular construction are permitted with the condition they are placed within a backyard that is completely enclosed by a fence, which blocks the view of the unit at ground level. If the unit is higher than the six (6) foot privacy fence, then it must be located behind the rear wall of the Dwelling.

Outbuilding Requirements

"The maximum height of the walls (excluding the roof) is not greater than 8 feet. The total maximum height of the building (including walls and roof) is not greater than 10 feet. No out building shall exceed 150 square feet of floor space"

1. Buildings with a gambrel style roof line (barn type roof) will not be approved by the ACA. Roof lines should be similar to the main dwelling in style and pitch.
2. All storage buildings must be of good quality workmanship and properly maintained. Buildings that are deteriorating, or are obviously poorly constructed will be required to be removed or rebuilt.
3. Location of any building improvement shall not encroach any easement(s) and must be located behind the rear wall of the Dwelling nor be placed over any vegetative filtration strips (if these strips exist in the sub-division). If yard limitations do not permit a storage building in the back of the Dwelling, please ask for a review from the ACA committee. Swimming pools, play structures, or landscaping of the owners choosing do not constitute yard limitations.
4. Architectural approval, if granted, does not waive any provision of the protective covenants, any building code(s), any ordinance(s), and rule of law, or statute that may affect such construction.

Building permits must be obtained prior to the commencement of any work. (Please understand that there may be penalties from your local municipality for not obtaining a permit.)

Signs

DCCR's Article VII 7.8

1. Signs containing information about one or more children residing in the Dwelling and the school they attend will be permitted so long as the sign is not more than 3' x 3' in size (there shall be no more than one sign for each child under the age of 18). Banners are not permitted.
2. Signs or stickers provided to an owner by a commercial security or alarm company providing service shall be permitted so long as the sign is not more than 1' x 1' in size or the sticker is not more than 4" x 4" in size. There shall be no more than one sign per Lot and stickers on no more than half of the windows and one on the front door or front entry area.

Trash Can Screening Standards

DCCR's Article VII 7.9

Garbage containers may be placed on the street "solely on the day designated for removal of garbage...and the container will be removed from view before the following day." Currently our garbage is picked up early on Friday mornings. To keep our neighborhood looking nice, **please do not put your trash containers out at the curb until after dinner on Thursday evening.**

The following Standards have been developed to assist Owners in constructing screening devices for their garbage containers and trash.

1. Screening of trashcans and/or garbage containers, including but not limited to recycle bins, may be accomplished by landscaping with evergreen plants or with fencing and must be located behind the front corner of the Dwelling a minimum of 5 feet.
2. Evergreen plants are defined as shrubs/plants that are green and lush year-round and constantly prevent the view of concealed trash can containers from the street.
3. Fencing which is to be used as screening must be approved in writing by the ACA prior to construction. Type of fencing used should be of same wood type, color and material of privacy fence used to enclose the back yard of same Lot.
4. Fencing that encroaches any easements will not be approved.

Landscaping Maintenance

DCCR's Article VII 7.16

Landscaping Standards

Palm trees/sago palms or any plant/bush/tree commonly known as a palm are limited to one (1) per lot, regardless of whether the palm is located in the front, back, or side yard. The height of a palm when fully grown cannot reach a height greater than twenty (20) feet (which is approximately the height of the second story horizontal eave). All dead/dying foliage or palm trees must be removed and disposed of immediately.

Driveway Improvement Standards

1. The ACA will allow the widening of driveways with a maximum of two (2) feet on each side of the driveway or to the corner of the main dwelling whichever is more restrictive. This allowance is for single family lots only; townhouses will not be allowed to add a driveway extension.

2. Materials of construction must match the existing driveway or complement it. The installation of materials should be of a finished look and quality. Poor workmanship that results in cracks of brick and/or mortar that form ruts with continued driving/parking of vehicle traffic will be required to be replaced or removed.
3. The ACA will not approve any requests to the widening of driveways of “Type A Lot Grading – drainage to the front of Lot” containing a vegetative filtration strip (if these strips exist in the sub-division).
4. Architectural approval, if granted, does not waive any provision of the protective covenants, any building code(s), any ordinance(s), and rule of law, or statute that may affect such construction. Building permits must be obtained prior to the commencement of any work. **(Please understand that there may be penalties from your local municipality for not obtaining a permit.)**

Curb Addresses

The ACA will allow house markers to be painted on the curb with white letters on black background. No logos of any kind will be permitted.

Stained Concrete

The ACA will not approve the application of stain, paint, or any other application on any concrete driveways or sidewalks that are visible from the street.

Mailboxes

DCCR’s Article VII 7.22

Mailboxes throughout the neighborhood are property of the United States Federal Government. **They are not to be used as bulletin boards.**

Athletic & Recreational Facilities & Equipment Standards

DCCR’s Article VII 7.23

Any equipment that can be seen in the backyard over the 6ft line of the privacy fence must be submitted to the ACA for approval. (Example: trampolines with safety nets)

Playscapes

1. All play structures must be of good quality workmanship and properly maintained. Structures that are deteriorating, or are obviously poorly constructed will be required to be removed or rebuilt.
2. The maximum height of play structures shall not exceed 8ft from the height of the swing beam to the ground. A canopy may exceed the 8ft limit, within reason, and with ACA approval.
3. Location of any play structure shall not encroach any easement(s) and must be located behind the rear wall of the Dwelling nor be placed over any vegetative filtration strips (if these strips exist in the sub-division).

Permanent Basketball Goals

Permanent basketball goals (BBG) are NOT allowed and may not be attached to the home or garage. Permanent in-ground poles for basketball goals that are generally defined as those that are installed in appropriate footing (concrete) and are not meant to be removed unless the pole is replaced are not allowed.

Portable Basketball Goals

In an effort, to keep our neighborhood highly desirable and to assist in our Homeowners' rights and convenience, portable basketball goals will be allowed. The Board of Directors and your ACA Members urges each Owner to keep in mind the right to enjoyment of their neighbors when engaging in play with their basketball goals and respect the property, safety, and creation of noise nuisances to those around you. The noise from bouncing balls, excited voices of players, the ball intruding onto other homeowner's property or striking parked cars can cause friction between neighbors. The following Standards have been developed to help alleviate these issues.

1. The ACA will approve only one (1) portable basketball goal per Lot.
2. Portable basketball goals and/or backboards placed alongside a driveway must be on the side of the driveway that consists of the major portion of the front lawn belonging to the same Dwelling, rather than on the minimal side yard of the driveway.
3. Portable basketball goals and/or backboards can be placed a maximum of ten (10) feet from the garage door but shall not be placed closer to the sidewalk than five (5) feet.
4. Portable basketball goals and/or backboards may not be placed on any common areas of the community.
5. All metalwork shall be treated to avoid rust and properly maintained and the net must be replaced when necessary. Broken goals or backboards should be removed and stored out of view until repaired.
6. Placing portable basketball goals and/or backboards on public streets, cul-de-sacs or sidewalks are violation of certain codes and are not allowed.

Exterior Lighting Standards

DCCR's Article VII 7.24

Light Fixtures

Each Dwelling has unique styles of light fixtures above one end of the garage door, at the front door, and on the side or rear patio. Because these fixtures are unique to each Dwelling, The ACA generally regards their replacement as a matter of routine maintenance as long as the new fixture is similar in type and not out of character with the lights on other Dwellings.

Security Lights & Floodlights

Mercury vapor, sodium vapor, halogen, fluorescent and similar "security lights" are potentially garish intrusions on the appearance of the neighborhood and are not allowed.

Spotlights and yard floodlights must be aimed so they do not cause a hazard to drivers or a nuisance to adjacent homeowners.

Low-voltage Accent Lighting

The ACA requires Homeowners to submit a request for approval for the installation of low-voltage accent or landscape lighting in the front of the Dwelling that can be viewed from the street. To assist the ACA review process, the request should contain a drawing showing the placement of each light on the Lot and a photograph of the type of light.

Low-voltage accent or landscape lighting that is concealed from view by the backyard fencing does not require approval by the ACA.

Lampposts

The installation of permanent in-ground lamppost must be approved by the ACA. A complete list of materials including color, wattage, height, and diagram of lot indicating proposed placement should be included with the ACA Request.

Lawn Decorations Standards

DCCR's Article VII 7.25

Statuary & Yard Art Standards

The Owner must have the approval of the ACA to place any decorations, sculptures, fountains, flags and similar items on any portion of such Owner's Lot except the interior of the Dwelling, unless (i) such item is placed within a back yard completely enclosed by a fence which blocks the view of the item at ground level; and (ii) such item is no taller than the fence.

Flagpoles less than Six (6) Feet in Height

For All Flagpoles Six (6) Feet in Length or Shorter, the Following Guidelines Apply:

1. The flagpole may be mounted on the house or garage on a permanent or temporary basis.
2. **Only two flags (United States of America & State flags) may be flown from this pole.** The dimensions of the flags may either be three feet by five feet (3' x 5') or four feet by six feet (4' x 6').
3. If evening display of the flag is desired the flag may be lit from the base of the flagpole (maximum of two light fixtures) with a total of no more than 150 watts. **The light must shine directly up at the flag, and cannot cause any type of light spillage onto adjoining properties.**
4. House-mounted flagpoles must be removed from view when no flag is displayed.
5. All flags and flagpoles must be properly maintained at all times, including, but not limited to, replacement of faded, frayed or torn flags; and replacement of poles that are bent, rusted or damaged in any way.
6. Attaching flagpoles to fences or trees is not permitted. Flags cannot be displayed from fences or shrubbery. All proper flag etiquette must be followed.

For all flagpoles six (6) feet in length or shorter, no submission for approval is necessary provided these guidelines are followed. Any installation of a flagpole or flag not in compliance with these guidelines will be considered a use restriction violation and will be dealt with accordingly.

Flagpoles Greater than Six (6) Feet or In-Ground

For All Permanent and Temporary In-Ground Flagpole Installations Where the Pole is Taller Than Six (6) Feet, the Following Guidelines Apply:

The following guidelines have been developed to assist the homeowner in complying with the above requirement of the use restrictions. An Improvement Request Form must be submitted for review by the Architectural Control Authority for all permanent and temporary flagpoles taller than six feet. Formal approval from the Authority will be required before installation may begin.

1. Permanent in-ground flagpoles are generally defined as those that are installed in an appropriate footing (concrete) and are not meant to be removed unless the flagpole is being replaced. Temporary in-ground flagpoles are generally defined as those poles that are installed in the ground by a sleeve or telescoping system that is designed to allow the easy removal and reinsertion of the pole.
2. The tops of permanent or temporary **flagpoles may not be lower than fifteen (15) feet, nor taller than twenty (20) feet**, when measured from ground level (including the pole ornamentation). The size of the flag must be appropriate for the height of the flagpole. For example, a twenty (20) foot pole may not fly a flag larger than four feet by six feet (4' x 6').
3. Flagpole halyards must be of a type, which does not make noise under any wind conditions. Halyards must be securely fastened.
4. Poles must be mounted on an appropriate footing and if this footing is visible, it must be screened with adequate landscaping. All flagpoles must be installed per the manufacturer's guidelines.
5. The pole may be white, silver or bronze. Pole material must be metal. **The only pole ornament that will be permitted is a ball of the same material and color as the pole or polished brass.**
6. The preferred location for placement of the pole is within a landscaped bed; however under all circumstances, flagpoles may not be placed more than ten (10) feet from the foundation of the house (residential structure, not from the front of an attached garage). On houses that have a front yard fifteen (15) feet or less in depth, the pole may be placed in a position, equidistant from the house's foundation and the sidewalk. Poles may only be installed in front yards and within the established building lines. Poles must not be installed in a manner that prevents a view obstruction to neighbors.
7. If a flag is to be flown daily (from dusk till dawn), then a permanent pole may be installed. If a flag is only going to be flown on specific holidays (as per the Flagpole Etiquette Guidelines) or less frequently than every day, then the pole must be a temporary in ground pole and it must be removed from the ground on those days that a flag is not being flown.
8. If the flag is to be flown after dusk, it must be properly illuminated per the Flagpole Etiquette Guidelines. The flag may be lit with an in-ground light (maximum of two bulbs) with a total of no more than 150 watts. **The light must shine directly up at the flag. It cannot cause any type of light spillage onto adjoining properties.**
9. **Only the United States of America flag and/or Texas State flag may be flown on these flagpoles.**
10. The flag and flagpole must be properly maintained at all times. Should the flag become faded, frayed or torn; it must be replaced immediately. If the flagpole becomes scratched, dented, leaning; or if the paint is chipped or faded, it must be replaced or repaired immediately.

Submittal Requirements: Include a completed Improvement Request Form, with a site plan showing the proposed location of the pole, along with pictures of the front of the house showing existing tree conditions. State the size and color of the pole.

Any installation of a flagpole or flag not in compliance with these guidelines will be considered a use restriction violation and will be dealt with accordingly. The Architectural Control Authority may use its discretion in homeowner requests related to flagpole size and location. These decisions will be considered on their merits, on a case-by-case basis.

Federal Flag Statute

Excerpts from the Federal Flag Statute (United States Code, Title 4, Chapter 1, Sections 1-10)

The following regulations set forth the existing rules, customs and etiquette pertaining to the display and use of the flag of the United States of America.

Section 6: Time and Occasions for Display

(a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

(b) The flag should be hoisted briskly and lowered ceremoniously.

(c) The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

(d) The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Martin Luther King Jr.'s birthday, third Monday in January; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

Architectural approval, if granted, does not waive any provision of the protective covenants, any building code(s), any ordinance(s), and rule of law, or statute that may affect such construction. Building permits must be obtained prior to the commencement of any work. **(Please understand that there may be penalties from your local municipality for not obtaining a permit.)**

Appendix A

Approved Fence Colors:

- BEHR – Exterior Wood Stains – Semi-Transparent Stains
 - Cedar Naturaltone DP-533
- BEHR – Premium Weatherproofing Wood Finish
 - Pre-mixed Colors
 - Natural NO. 500
 - Natural Cedar NO. 501
 - Custom Colors
 - Natural Sequoia WP-545
 - Golden Honey WP-546
- OLYMPIA – Semi-Transparent Stains
 - Cedar Naturaltone 716
 - Sierra 700
- CABOT – Clear Solution
 - Natural
 - Cedar
- CABOT – Deck Stain
 - Chestnut Brown CS507
- CABOT – Solid Color Finish (PRO.V.T Solid Color Acrylic Stain)
 - Frontier CS643
- CABOT – Semi-Transparent Finish (Oil Stain)
 - Frontier CS643
 - New Cedar CS663
- CABOT – Solid Color Finish (Acrylic Decking Stain)
 - Frontier CS543
- CABOT – Semi-Solid Finish (Decking Stain)
 - Frontier CS543
 - New Cedar CS543
- MINWAX – Water-Based Wood Stain
 - English Oak
- MINWAX – Gel Stain
 - Honey Maple
- MINWAX – Wood Finish
 - Natural
 - Golden Oak

Glossary

Plat	A plan, map, or chart of a piece of land with actual or proposed features.
ACA Committee	Committee appointed by the Board or Declarant, as directed by the restrictive covenants, which address matters of deed restriction enforcement and approval of improvements.
Common Area	All areas (including the improvements thereon) within the community owned or to be owned by the Association, if any for the common use and enjoyment of the Members.
Drainage Easement	An easement that is granted in order to ensure proper drainage. Improvement work in this easement could cause drainage problems.
Dwelling	Any residential dwelling situated upon any Lot.
Easement	An easement gives the holder the right to use another's land for a specific purpose.
“Harmony”	In the opinion of the ACA "the interweaving of different residences into an image of our neighborhood as a single whole where each residence respects the others and the method, quality of construction and color are in agreement with the whole."
Improvement	Anything that is placed, changed or added on your house or lot that has a permanent or semi-permanent location.
Lot	Any separate residential building parcel shown on a Recorded subdivision plat of the Property, but only if such parcel has in place the infrastructure (including utilities and streets) necessary to allow construction of a single-family home thereon.
Maintenance Easement	An easement that is granted in order to provide access for maintaining an improvement.
Notice of Non-Compliance	A legal filing that is recorded with the County Clerk of Public Records that indicates that a property is not in compliance with the restrictive covenants. When a home is sold a title company does a search to see if there are any deficiencies that might affect a new purchaser; a notice of noncompliance normally would show up in this search.
Official Plat	Your original survey which already shows the location of your residence on the lot.
Semi-Permanent	Anything that remains in the same place or general area for more than four (4) consecutive days.
Specifications	A detailed precise presentation of something or of a plan or proposal for something.
Survey	The resulting document from a surveyor's analysis of your property delineating easements, property lines, location of structures etc. This is usually completed every time a property is sold that is subject to a mortgage from a lending institution.
Vegetative Filtration Strip	Generally a twelve (12) foot filtration strip either on the front of the Lot or on the rear of the Lot. This filtration strip is to prevent pollution of storm water runoff, originating with the Subdivisions or up-gradient of the Subdivision, from flowing across and off the Subdivision and ultimately into the recharge features of the Edwards Aquifer.

Utility Easement

An easement granted so that the utility companies - electric, gas, cable etc., can have access to put in and maintain their infrastructure.

Common Questions & Answers

Isn't the ACA just being picky?

No! The ACA is enforcing the covenants you accepted when you purchased your property.

But it's only a temporary structure, why do I have to submit when I can move it or change it when I want?

All structures require verification by the ACA that it is not a prohibited structure or needs to have an approved location.

It seems like a lot of burden is still placed on the homeowner to make sure the improvement complies, why?

ACA Approval is a "general approval that the project submitted appears to conform to the covenants, restrictions and conditions of the community."

For questions please contact your HOA in writing at:

Kendall Creek Estates HOA
Attention: Association Administrator
1600 N.E. Loop 410, Suite 202
San Antonio, Texas 78209