



southwind

2019
Resident
Guide

Board of Directors

The current list of Board Members and their contact information can be found on our *www.Southwindhoa.com* website.

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Quick Guide to Governing Documents

“A community is guided and governed by certain principles that each owner and resident, by choosing to own property or reside in the community, agrees to uphold. These principles are set forth in the community’s governing documents, which bind the community together, give it structure, and provide guidance to all who participate in its growth and evolution.”
 - Southwind Community Charter

Southwind was established to preserve, protect, and enhance the quality of life and home values for the people within the community. All owners and occupants of property in the Community, as well as their tenants, guests, and invitees, are required to comply with the Governing Documents.

<i>Governing Documents</i>	
Community Charter	The Community Charter for Southwind creates obligations that are binding upon the Association and all present and future owners
Supplement	Increases the size of Southwind, creates easements over the property, and creates additional obligations or restrictions on such property
Articles of Incorporation	The Articles of Incorporation of Southwind Community Association, Inc., establish the Association as a nonprofit corporation under Texas law
By-Laws	The By-Laws of Southwind Community Association, Inc., govern the Association’s internal affairs, such as voting, elections, meetings, etc.
Design Guidelines	The Design Standards and architectural and aesthetics guidelines govern new construction and modifications to property within the Community, including structures, landscaping, and other items
Rules	The Rules Of the Association regulate use of property, activities, and conduct within Southwind
Board Resolutions	The resolutions which the Association’s Board of Directors adopts to establish rules, policies, and procedures for internal governance and Association activities and to regulate the operation and use of property which the Association owns or controls

Maintaining Community Standards

Understanding The Design Review Process Community Charter, Article 5, and Design Review Guidelines

“The Community derives its unique character from a mix of compatible architectural styles and from the cooperation of all Builders and Owners in upholding minimum design, landscaping, and aesthetic standards.”

Keeping Southwind Beautiful

When you purchased your home, any number of things could have drawn your eye; the floor-plan, the closets, the bathroom, the appliances or architecture. Aside from these interior comforts, Southwind offers amenities and an overall community aesthetic, where residents exhibit the same pride in homeownership as you. Ensuring that Southwind remains attractive and enjoyable is part of the Association’s goal.

The governing documents established a process for the Association to maintain community standards: the Design Review Committee. This committee looks at any proposed changes homeowners want to make to confirm that they comply with the community design standards also found in the governing documents. Before launching into a major renovation or improvement project, Homeowners wanting to change their property should carefully review the Design Guidelines (available on the website) and submit requested changes to the Committee for review.

What Does The Committee Need To Approve?

In general, **anything** done to or added to the outside of the home **which is visible to the public** must adhere to the standards established in Southwind’s Design Guidelines. These include, but are not limited to:

Animals

- Dog Runs
- Outdoor Pens

Home Renovations/

Structural

- Awnings
- Brickwork
- Decks
- Docks, Piers, or similar structures
- Doors
- Driveways
- Fences
- Irrigation Systems
- Lighting - Exterior
- Mailboxes
- Painting/Repainting
- Patios
- Patio Enclosures
- Roofs
- Room Additions
- Security Treatments for Windows and Doors
- Sidewalks
- Shutters
- Windows
- Window Treatments - Exterior

Landscaping

- Brickwork
- Hedges
- Walls

Lifestyle

- Air Conditioners
- Basketball Hoops and similar sports equipment
- Flag Poles
- Hot Tubs
- Rainwater Systems
- Satellites
- Sheds
- Signs
- Spas
- Storage Shed and Buildings
- Swimming Pools
- Swing sets and play equipment
- Temporary Structures
- Wood Piles

The Design Guidelines are comprehensive, so please review all the details before launching into any project. This will save you both time and money.

Also, give at least 35 days before starting so that any mailed notices have time to reach you.

Submitting A Design Review Request

Community Charter, Article 5, and Design Review Guidelines

Before making any changes to your property or landscape, please review all the Design Guidelines for Southwind. Please make sure that your plans comply with the guidelines. If you are requesting a change that doesn't comply with the guidelines, you must make a request in writing to the Board for a **variance**. If you aren't sure whether your plans comply or if you need a variance, you can request **Certificate of Compliance**.

If the variance is approved or your plans already are compliant with the guidelines, you submit a written application to the Design Review Committee. The application should include:

- Drawings and/or details of your plans
- Drawings and/or details of your specifications
- An estimate on how long the work will take to complete (all projects must be completed within 12 months after approval unless the Committee grants an extension)
- Any other information necessary to help the Committee understand what you want to change and how you want to change it.

Please remember, these are volunteers who don't know your home like you do; the more information you can give them, the better. The Committee may consider many factors, including how the plan harmonizes with the surrounding structures, how well it maintains the community aesthetic, and how it fits in with the environment. They may approve the entire project, some of it, or none of it.

Within **30 days**, the Committee shall send a written notice with their final determination. Notice may come via U.S. mail, hand delivery, fax, or email. If the Committee doesn't respond within **30 days**, approval shall be deemed given.

What Happens If I Get Approval Before Requesting A Variance?

The Design Review Committee's purpose is to examine the plans. They don't have the authority to issue a variance; that authority rests with the Board. ***No approval, whether expressly granted in a formal notice or deemed granted after 30 days, shall be inconsistent with the Design Guidelines unless a written variance has been granted.***

Don't Forget Your Permits!

All improvements must comply with applicable codes and regulations of governing bodies with jurisdiction over the development, including but not limited to the City of Arlington, Tarrant County and the State of Texas. Southwind's guidelines are to be used in conjunction with City standards and ordinances and the Community Charter for the development. Should conditions imposed by any provision of these Design Guidelines conflict with those conditions imposed by a City, County or applicable regulatory agency code or regulation, the more restrictive provision shall govern.

The Design Review Process Made Easy

Step 1 - Review Design Guidelines

Review the Design Guidelines. Do the plans comply with the Design Guidelines? If no, see Step 2. If not sure, see Step 3. If yes, see Step 4.

Step 2 - Request A Variance

Request a variance from the Board. If the Board doesn't approve, you can modify your plans to comply with the Design Guidelines and resubmit, asking for a Certificate of Compliance. If the Board approves, see Step 4.

Step 3 - Certificate of Compliance

Ask the Association to review your plans and issue a Certificate of Compliance. If the Association doesn't issue Certificate of Compliance, you can modify your plans to comply with the Design Guidelines and resubmit. If the Association issues a Certificate of Compliance, see Step 4.

Step 4 - Design Review Request

Submit your plans for approval from the Design Review Committee. Make sure to include any variance or certificate of compliance you received.

Quick List of Architectural Guidelines

As noted previously, you are encouraged to look at all relevant sections of the Southwind governing documents, including the Design Guidelines, prior to planning any changes to the home.

That being said, there are some items which are not subject to interpretation or are expressly prohibited in the governing documents (this list is by no means all inclusive; please refer to all the governing documents for the full details on every applicable section). They are:

Addresses

(Residential Design Guidelines, Page 15)

Each home must have a cast stone address sign incorporated into the stonework of the front of the residence and clearly visible from the street.

Air Conditioning Equipment

(Residential Design Guidelines, Page 13)

All mechanical equipment, including air-conditioning equipment, must be located in a side or rear yard only, must not be visible from the street, and must be screened from view.

Antennas

(Residential Design Guidelines, Page 13)

See Satellite Dishes.

Awnings

(Residential Design Guidelines, Page 11)

Neither metal nor plastic awnings will be allowed on any elevation fronting or siding to a street.

Carpports

(Residential Design Guidelines, Page 12)

Carpports are prohibited.

Chimneys

(Residential Design Guidelines, Page 11)

External chimneys (foundation projection with a brick ledge) on the front elevation must be constructed of brick or stone to the chimney cap on three sides (side adjacent to the home may be siding). All chimneys, regardless of location, must be constructed with an enclosure (no external flue piping). Interior chimney enclosures may be constructed of siding material.

Clotheslines

(Residential Design Guidelines, Page 13)

Clotheslines of any type are prohibited.

Curbside Painting

(Residential Design Guidelines, Page 13)

Painting of address numbers on the street curb is prohibited.

Decks And Patios

(Residential Design Guidelines, Page 13)

Decks and patios must be constructed of wood, concrete, brick, high density concrete blocks (pavestone or similar), or of a material similar to that of the residence and, if painted, must be painted a color similar to or generally accepted as complementary to the residence. Decks or patios must be located so as not to obstruct or diminish the view from or create a nuisance for adjacent property owners. Construction must not occur over easements.

Dog Kennels

(Residential Design Guidelines, Page 13)

Dog kennels are not allowed.

Dog Runs

(Residential Design Guidelines, Page 13)

Dog runs should be located within side or rear yards in such a way that they are not visible to neighboring properties or to community open space. Generally, dog run areas should not exceed three hundred (300) square feet in size and fence height should not exceed five (5) feet. The dog run fencing should be compatible with the home in material and color. Dog runs shall be well screened from neighboring properties and streets with landscaping.

Driveways

(Residential Design Guidelines, Page 10)

Driveways must be either concrete paved with a medium broom finish, stamped and colored concrete, or exposed aggregate concrete. Driveways must be perpendicular to the street and must not exceed 12% slope.

Fences

(Residential Design Guidelines, Pages 18-19, and Community Charter, Section 6.4)

- Except as designated below, lots may have a wooden fence not to exceed eight (8) feet in height.
- Columns must not exceed nine feet (9').
- Fencing may not extend into the front setback of a lot.
- Lots which back are adjacent to common areas or green spaces must have a four foot (4') wrought iron fence.
- Do not paint fences. Fence should be sealed in a natural color or allowed to weather naturally.
- The smooth side of each wooden fence must face any street or public right-of-way.
- Double walls or double fences along common property lines are prohibited.
- Fences in the front of the house may not extend past the front of the home.
- All fences, whether constructed by the homeowner or the builder, must be well maintained.
- In the event a fence or wall is damaged or destroyed, the homeowner must repair or replace the damaged portion at their expense within three weeks of the damage.
- Conventional Privacy Fencing is allowed for interior lots only and may be constructed of wood, masonry, or a combination of these materials.

Firewood Storage

(Residential Design Guidelines, Page 15)

Approval is not required for storage of firewood provided it is located in the enclosed rear yard only, is not visible from any street, and is neatly stacked.

Flags and Flagpoles

(Residential Design Guidelines, Page 13 and Policy Regarding Display And Installation Of Flags And Flagpoles)

Flags and flagpoles may be installed by an owner or resident only on their Lot or other property owned or exclusively controlled by such owner or resident.

An owner or resident wishing to install (1) the flag of the United States of America; (2) the flag of the State of Texas; or (3) an official or replica flag of any branch of the United States armed forces (collectively, the "Permitted Flags") does not need not approval by the Design Review Committee, provided that the owner or resident complies fully with all of the requirements.

An owner or resident wishing to install any flag other than a Permitted Flag, or to install a flag or flagpole, including a Permitted Flag, in a manner which deviates from the requirements set forth herein, may not do so unless and until the owner or resident has secured the prior written approval of the Design Review Committee.

- No more than one (1) flagpole may be installed per owner/resident
- The flagpole shall not exceed twenty feet (20') in height
- No flag displayed on any flagpole may be more than three feet (3') in height by five feet (5') in width.
- The flag of the United States of America must be displayed in accordance with 4 U.S.C. Sections 5-10 and the flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code.
- Any flagpole must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling.
- The display of a flag, or the location and construction of the supporting flagpole, must comply with all applicable zoning ordinances, easements and setbacks of record.
- A displayed flag and the flagpole on which it is flown must be maintained in good condition. Any deteriorated flag or deteriorated or structurally unsafe flagpole must be promptly repaired, replaced, or *removed*.
- Any flag may be illuminated by landscaping light of low beam intensity which shall not be aimed towards or directly affect any neighboring property.

- Any external halyard of a flagpole must be secured so as to reduce or eliminate noise from flapping against the metal of the flagpole.
- Temporary poles may be kept in the front of the lot for a period not to exceed ten (10) days prior to and five (5) days following an appropriate national holiday.

Foundations

(Residential Design Guidelines, Page 9)

Concrete foundation walls must not be exposed in excess of 6" and must be faced or finished to blend with the general architectural design of the building.

Garages

(Residential Design Guidelines, Page 10 and Community Charter Initial Rules #2)

Each garage must be capable of housing a minimum of two (2) cars.

Grills

(Residential Design Guidelines, Page 13)

Grills that are more portable in nature may be temporarily used in the front of the home in view of the street. When not in actual use, all such equipment shall be stored out of view from the street. No playground or other sports equipment or grills shall be permanently erected on the front or side street side of the Lot, visible from any street.

Hot Tubs

(Residential Design Guidelines, Page 14)

Hot tubs/Spas must be located in the side or rear yard, screened from view from adjacent streets and neighboring properties. Spas should be designed as an integral part of the deck or patio area where they are located.

Lighting

(Residential Design Guidelines, Page 12)

- Landscape lighting fixtures must be dark-colored so as to be less obtrusive and must be as small in size as is reasonably practical.
- All lighting must be compatible with the architecture of the residence.

- Exterior lighting must not produce glare or direct illumination across a property line of an intensity that creates a nuisance or detracts from the use or enjoyment of adjacent property.

Mailboxes

(Residential Design Guidelines, Page 15)

Brick double mailboxes, located on the common property line, are required.

Masonry

(Residential Design Guidelines, Page 9)

Stone masonry joints must be raked clean where appropriate, and held to a maximum of 1" in width. Multi-colored masonry and exposed cinder blocks are prohibited.

Each home shall provide a cast stone address sign incorporated into the masonry of the front of the residence and clearly visible from the street.

Painting/Repainting

(Residential Design Guidelines, Page 11)

Approval is required prior to any exterior painting or repainting of the home or its accessory improvements. The submittal must contain the manufacturer's paint chips with name and code number.

Exterior finishes should consist of subdued earth tones such as gray, green, brown, muted blues or reds, or other similar colors. White, primary colors, and other bright colors may be permitted as accent colors only. Downspouts shall be painted to match the body color of the home. Generally, garage doors should be painted a muted color and blend with other colors of the home.

Playground Equipment

(Residential Design Guidelines, Page 13)

Jungle gyms, swing sets or similar playground equipment shall be positioned on the Lot so as not to be visible from any street, but no closer to the side within rear lot lines than ten feet (10').

Other playground equipment, sports equipment, or grills that are more portable in nature may be temporarily used in the front of the home in view of the street. When not in actual use, all such equipment shall be stored out of view from the street. No playground or other sports equipment or grills shall be permanently erected on the front or side street side of the Lot, visible from any street.

Patios

(Residential Design Guidelines, Page 13)

Decks and patios must be constructed of wood, concrete, brick, high density concrete blocks (pavestone or similar), or of a material similar to that of the residence and, if painted, must be painted a color similar to or generally accepted as complementary to the residence. Decks or patios must be located so as not to obstruct or diminish the view from or create a nuisance for adjacent property owners. Construction must not occur over easements.

Rainwater Harvesting Devices

(Policy Regarding Installation And Use Of Rainwater Harvesting Systems)

The following Rainwater Systems are prohibited:

- A Rainwater System installed in or on any property owned by the Association or any property owned in common by the members of the Association;
- A Rainwater System located between the front of the owner or resident's home and an adjoining or adjacent street;
- A Rainwater System that is of a color other than a color consistent with the color scheme of the owner's or resident's home; or
- A Rainwater System that displays any language or other content that is not typically displayed by such Rainwater System as it is manufactured.

The Design Review Committee must approve the installation of any Rainwater System on the side of the owner's or resident's house, or at any other location visible from a street, another owner's or resident's property, or a common area.

Religious Displays

(Community Charter, Article 7.3 and Policy Regarding Display Of Certain Religious Items)

An owner or resident may display or affix to the entry door or door frame of the owner's or resident's dwelling one or more religious items, the display of which is motivated by the owner's or resident's sincere religious belief (collectively, "Religious Displays").

The following Religious Displays shall be prohibited:

- A Religious Display which violates applicable law, contains language, graphics, or any display that is patently offensive to a passerby;
- A Religious Display which, in the reasonable opinion of the Association's Board of Directors, or any property manager or other third-party acting by or on behalf of the Association, threatens the public health or safety;
- A Religious Display which is installed in a location other than the entry door or door frame or which extends past the outer edge of the door frame of the owner's or resident's dwelling; or
- A Religious Display which, individually or in combination with each other Religious Display displayed or affixed to the entry door or door frame of the owner's or resident's dwelling, has a total size of greater than twenty-five (25) square inches.

Nothing in this policy may be construed in any manner to authorize an owner or resident to use a material or color for the entry door or door frame of the owner's dwelling, or make an alteration to the entry door or door frame, that is not otherwise permitted pursuant to the Association's governing documents.

The Association shall be permitted to remove any Religious Display which is in violation of the terms and provisions of this policy.

Roofs

(Residential Design Guidelines, Page 10)

- Clay tile roofs are prohibited.
- Roof color should complement colors on the home and should be weatherwood or equivalent. Twenty (20) year fiberglass composition shingles should be used.
- Reflective roofing materials are prohibited. Metal roofs must be considered reflective unless they have been painted or otherwise treated to reduce or eliminate reflections.
- All rooftop mechanical equipment must match roofing colors and be screened from neighboring properties and community open space.
- Exposed flashing, gutters and downspouts must be painted to match the fascia and siding material of the structure.
- Solar equipment and skylights must be incorporated into the structure and building mass and be architecturally compatible with the residence.

Satellite Dishes

(Residential Design Guidelines, Page 13)

Television antennas, radio towers or masts, and satellite dishes larger than one (1) meter in diameter are prohibited. The satellite dish, antenna, or mast shall be placed in the rear or side of the house in such a manner that it is screened from view from adjacent streets and neighboring properties and shall not be constructed on any utility easement, other easement, or right-of-way located on any lot. The installation of a satellite dish, antenna, or mast shall also comply with the following minimum conditions:

- Must be securely mounted to a base, so as to be able to withstand the effects of high winds or other extraordinary weather conditions.
- No guy wires or similar mounting apparatus will be allowed.
- No advertising slogans, logos, banners, signs or any other printing or illustration whatsoever shall be permitted.
- Shall not ever be used to send or receive any ham radio signal.
- Shall not be permitted to cause any distortion or interference whatsoever with respect to any other electronic device in the subdivision.
- Shall be one solid color only; either white or black or shades of either brown, gray or tan.
- Must be installed in a manner that complies with all applicable laws and regulations and manufacturer's instructions.

Security Doors and Windows

(Residential Design Guidelines, Page 11)

Burglar bars, steel or wrought iron bars, or similar fixtures on the exterior of any windows or doors are strictly prohibited.

Shutters

(Residential Design Guidelines, Page 11)

Shutters must be of a material similar to and of a color and design generally accepted as complementary to the exterior of the house.

Siding

(Residential Design Guidelines, Page 9)

The use of synthetic stone veneers, Masonite, plywood, vinyl,

aluminum or metal siding is not allowed. Only fibrous cement siding and external trim materials must be allowed. Siding material must continue to within 6" of finished grade on any elevation.

Signs

(Community Charter Initial Rules #2)

Signs containing profanity or derogatory or offensive language, graphics, or markings are prohibited.

- Trade signs, which include but are not limited to landscaping, painting, remodeling, etc., may only be displayed while work is in progress.
- One security sign may be permitted in the front yard located either adjacent to the driveway or in close proximity to the front entrance of the main dwelling.
- Existing homes for sale shall have no more than one temporary sign per lot that advertises property, which stands no more than four (4) feet high, which has dimensions of no more than 18"x24", which is conservative in color and style and which does not display inflammatory, derogatory, or foul language. Temporary signs may be displayed only while the home is for sale and shall be removed when the property is no longer for sale.
- Homeowners shall be allowed to temporarily display a sign which promotes a political candidate, party or issue for a two (2) week period starting not earlier than two (2) weeks prior to the date of the election or referendum and which must be removed no later than the day after the date of the election or referendum, providing it follows the standards listed above as to size, shape, color and content.

Skylights

(Residential Design Guidelines, Page 10)

Skylights must be of flat glazed glass units.

Solar Panels

(Residential Design Guidelines, Page 10 and Policy Regarding Installation And Use Of Solar Energy Devices And Energy Efficient Roofing Materials)

The following Solar Energy Devices are prohibited.

- A Solar Energy Device that, as adjudicated by a court, threatens the public health or safety, violates a law.

- A Solar Energy Device that is located on property owned or maintained by the Association.
- A Solar Energy Device that is located on property owned in common by the members of the Association.
- A Solar Energy Device that is located in an area on the owner's or resident's property other than (a) on the roof of the home or of another structure allowed under the Declaration and/or the governing documents of the community; or (b) in a fenced yard or patio owned and maintained by the owner or resident.
- A Solar Energy Device, if mounted on the roof of the home, that (a) extends higher than or beyond the roofline or (b) is located in an area other than an area designated by the Architectural Reviewer, unless the alternate location increases the estimated annual energy production of the Solar Energy Device by more than ten percent (10%) above the energy production of the Solar Energy Device if located in an area designated by the Architectural Reviewer (such determination to be made by using a publicly available modeling tool provided by the National Renewable Energy Laboratory).
- A Solar Energy Device that does not conform to the slope of the roof and has a top edge that is not parallel to the roofline.
- A Solar Energy Device that has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace.
- A Solar Energy Device, if located in a fenced yard or patio, that is taller than the fence line.
- A Solar Energy Device that, as installed, voids material warranties.

Spas

(Residential Design Guidelines, Page 14)

Hots tubs/Spas must be located in the side or rear yard, screened from view from adjacent streets and neighboring properties. Spas should be designed as an integral part of the deck or patio area where they are located.

Sports Equipment

(Residential Design Guidelines, Page 13)

See Playground Equipment.

Structures

(Residential Design Guidelines, Page 12)

The following are prohibited except with the express written consent of Review Committee: metal structures such as sheds, metal as a building skin, and mirrored glass.

- Accessory structures must 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.
- An accessory structure's roofing materials must match those of the main residence.
- Accessory structures must be no larger than 8'x8'.
- Utilities servicing accessory structures must be installed underground.
- Accessory structures must conform to the side and rear yard setbacks, as established by the City. .
- Accessory structures must not unreasonably obstruct any adjacent neighbor's views of public open space.
- Accessory structures must extend no more than two feet (2') above the yard screening fence.

Walls

(Residential Design Guidelines, Page 18)

- Freestanding walls shall not exceed six feet in height.
- Front yard landscape walls shall not exceed three feet in height.
- If a retaining wall is necessary, it shall be constructed from Milsap stone or interlocking masonry units.
- If greater than four (4) feet in height, it shall be engineer-certified.
- Walls shall be located so as not to alter established drainage patterns.
- The Owner/ Builder of the "high side" property shall be responsible for installation of side property line retaining walls.

Windows

(Residential Design Guidelines, Page 11)

Windows must be of clear glass or a tinted glass of bronze, gray, green or smoke color. The use of reflective glass, reflective tinting, or lining with reflective material is prohibited. Divided lite windows must be utilized on

Quick List of Landscaping Guidelines

Community Charter, Article 5.6, and Design Review Guidelines, Pages 15-18

In order to provide an attractive environment for all residents of the community, it is important that all residential landscapes work in harmony with both the built and the surrounding natural environment. Careful integration of site grading, architecture, and landscaping will accomplish this, while also maximizing each site's potential.

Homeowners are required to extend landscaping to the street curb or sidewalk where it is adjacent to the street. Each homeowner is required to maintain the landscaping on his or her lot, as described herein.

Initial Landscaping

(Residential Design Guidelines, Page 15)

- The homeowner must install landscaping no later than thirty days after a certificate of occupancy is issued.
- With the exception of a fenced-in back yard, the rest of the lot must be covered in sod before the home is occupied.
- Qualified landscaping professionals must perform the initial installation of all landscaping.

Drainage

(Residential Design Guidelines, Page 16)

- Existing and proposed drainage and grading shall be indicated on the site plan. Homeowners may make drainage modifications to their Lots provided that they do not alter the established drainage pattern.
- Landscape plans shall conform to the established drainage pattern,

shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under or ponding near or against the house foundation.

- Water shall flow fully over walkways, sidewalks or driveways into established drainage patterns.
- Obstruction of surface flows resulting in a backup of water onto any lot is strictly prohibited.

Erosion Control

(Residential Design Guidelines, Page 16)

To prevent erosion and siltation, all erodible areas of disturbed soil must be protected until the soil is stabilized.

Irrigation

(Residential Design Guidelines, Page 17)

Automatic irrigation systems are not required for your home; however, the following items apply when designing an irrigation system.

- The irrigation system shall provide 100% coverage of the landscaped areas in all front and side yards,
- Plants and irrigation heads shall be located away from pedestrian/bicycle traffic.
- Irrigation systems must be maintained.
- The irrigation system must be equipped with rain and freeze sensors.

Lot Grading

(Residential Design Guidelines, Page 15 and 16)

- Homeowners shall not grade their property in a manner that interferes with the established drainage pattern over any property. Grading shall not extend onto adjacent properties without approval of the Owners of those adjacent properties.
- Berms, slopes and swales may be used to define spaces, screen undesirable views, and reduce noise and high winds but should not exceed three feet of horizontal distance to one foot of vertical height (3:1 slope).

Mulch, Plants, and Sod

(Residential Design Guidelines, Page 16)

The purpose of this section is to ensure that all homes have a harmonious look and a balance of sod, flowers, and shrubs. Front yards with lots of shrubs and ground-cover (more than 50%) or just a little patch of shrubs and ground-cover (less than 15%) are not acceptable.

- Landscaping shall consist of a combination of sodded turf areas and shrub and ground-cover bed areas.
- Front yard and side yards (except in those instances where the side yards are enclosed by the rear-yard fence) must be 100% sod if no flower beds are present.
- Shrub and ground-cover bed area shall contribute no less than 15% nor more than 50% of the total front yard area. Large expanses of mulch or bed areas without substantial shrub or ground-cover plantings are unacceptable.
- Stone or gravel mulch with harsh, unnatural or high contrast colors is prohibited.

Soil Enhancement

(Residential Design Guidelines, Page 15)

- Topsoil shall be natural, fertile, friable, soil possessing characteristics of representative productive soil in this vicinity. It shall not be excessively acid or alkaline or contain toxic substances, which may be harmful to plant growth.
- Topsoil shall be free from weeds and other noxious materials.
- Topsoil shall not be stripped, collected or deposited while wet.

Tree and Shrub Requirements

(Residential Design Guidelines, Page 15)

One tree of 1"-1 1/2" caliper size is required in the front yard of each residential property.

50' Lots

- Eight (8) three to five (3-5) gallon shrubs are required in the front yard.
- Five (5) one (1) gallon shrubs are required in the front yard.
- All planting beds are to be mulched.

60' Lots

- Twelve (12) three to five (3-5) gallon shrubs are required in the front yard.
- Five (5) one (1) gallon shrubs are required in the front yard.
- All planting beds are to be mulched.

Weed Block

(Residential Design Guidelines, Page 18)

The use of solid plastic sheeting or polyethylene over ground plane areas is strictly prohibited. If landscape fabric is used, such fabric shall be of an A.B.S. or Nylon A.B.S. composite type to allow the free flow of water, air, and gases to and from the soil.

Quick Tips For A Beautiful Lawn

To perpetuate the community's visual integrity by ensuring healthy well-maintained plant materials, each residential lot should receive routine maintenance. The following practices are suggested to help minimize maintenance problems:

- *Plants should be selected with regard to growth rate, regional climate and to their ultimate size and shape.*
- *Plants and irrigation heads shall be located away from pedestrian/ bicycle traffic.*
- *Irrigation systems should be maintained. Such maintenance should include draining and servicing sprinkler systems and conducting operational checks on a weekly basis to ensure proper performance of the system.*
- *Soil mixes should include sufficient organic material (30% per tilled depth).*
- *At least 2" of shredded hardwood mulch, or comparable, should be used in planting beds to hold soil moisture and to help prevent weeds and soil compaction.*
- *Fertilization, weed and pest controls, etc., should be provided only as required for optimum plant growth.*
- *Woody plants should be pruned only when needed, and never by more than one-third.*
- *Trees should be spaced to allow for efficient mowing.*
- *Plants with similar sun, water, and space requirements should be located together.*

Quick List of Community Rules

Business In Home

(Community Charter, Article 7)

Units may be used only for residential and related purposes. A business activity is permitted if it's being performed by a person or persons residing in the home and only if the business activity:

- Is not apparent or detectable by sight, sound, or smell from outside of a permitted structure;
- Complies with applicable zoning requirements;
- Does not involve regular visitation of the Unit by employees who do not reside in the Unit, residents, customers, suppliers, or other business invitees, or door-to-door solicitation within the Community; **and**
- Is consistent with the residential character of that portion of the Community in which the Unit is located and does not constitute a nuisance or a hazardous or offensive use, or threaten the security or safety of others, as the Board determines in its discretion.

Child Care

Providing child care on a limited basis for a fee shall not be considered a "business" so long as the child care provider:

- Resides in the home where the child care is provided;
- Does not employ other persons to assist in the provision of child care; and
- Does not provide child care to more than **two children** at a time who do not reside in the home where the child care is provided, or more than **four children total**, including the children of the child care provider.

Leasing

Leasing a Unit for residential purposes shall not be considered a "business" within the meaning of this subsection, provided that such lease complies with the governing documents.

Dangerous Activity

(Community Charter Initial Rules #2 and #3)

- No accumulation of rubbish, trash, or garbage except between regular garbage pick ups, and then only in approved containers;
- No outside burning of trash, leaves, debris, or other materials, except during the normal course of constructing a dwelling on a Unit;
- No discharge of firearms; provided, the Board shall have no obligation to take action to prevent or stop such discharge;
- No on-site storage of fuel, except that a reasonable amount of fuel may be stored on each Unit for emergency purposes and operation of lawn mowers and similar tools or equipment, and the Association shall be permitted to store fuel for operation of maintenance vehicles, generators, and similar equipment. This provision shall not apply to any underground fuel tank approved by the Board.
- No activities which materially disturb or destroy the vegetation, wildlife, wetlands, or air quality within Southwind or which use excessive amounts of water or which result in unreasonable levels of sound or light pollution.

Garage Sales

(Community Charter Initial Rules #2)

No yard sale, garage sale, moving sale, rummage sale, estate sale, or similar activity, except on such dates as the Board may designate for such activities to be conducted on a community-wide basis.

Insurance

(Community Charter, Article 6.3)

Each Owner must carry property insurance for the full replacement cost of all insurable improvements on his or her Unit, less a reasonable deductible.

- Within 90 days after damage to or destruction of a structure on a Unit which the Owner is responsible for insuring, the Owner must promptly repair or reconstruct unless the Board, in its discretion, agrees to extend such period.
- All repairs and reconstruction must be done in a manner consistent with the original construction or according to plans and specifications approved by the Design Review Committee.

- The Owner must clear the Unit of debris and maintain it in a neat and attractive landscaped condition consistent with the Community-Wide Standard.
- The Owner must pay any costs that insurance proceeds do not cover.

Leasing

(Community Charter, Article 7)

- Any dwelling that is leased shall be leased only in its entirety; separate rooms, floors, or other areas within a dwelling may not be separately leased.
- Any garage apartment, detached “in-law suite” or “guest house” approved pursuant to Article 5 may be leased separate from the main dwelling.
- The Owner and any other Owners to whom such Owner is related with whom such Owner is directly or indirectly affiliated (e.g., through co-ownership, or as a principal, shareholder, partner, member, trustee, or other relationship the Board may determine,) shall not individually or collectively lease or offer for lease more than one Unit at the same time, the intent of this prohibition being to restrict leasing of multiple Units by a single investor or by a group of affiliated investors who take title to Units in different names.
- No signs shall be posted on the Unit, elsewhere within the Community, or on right-of way adjacent to the Community, advertising the availability of the Unit for rent or for lease.
- All leases shall be in writing and shall disclose that the tenants and all occupants of the leased Unit are bound by and obligated to comply with the Governing Documents. However, the Governing Documents shall apply regardless of whether such a provision is specifically set forth in the lease.
- Within 10 days of a lease being signed, the Owner of the leased Unit shall notify the Board or the Association’s managing agent of the lease and provide any additional information the Board may reasonably require.
- The Owner must give the tenant copies of the Governing Documents.
- Leases must be a minimum of 12 months.

Natural Conditions

(Community Charter, Article 14.9)

The Community contains a number of man-made, natural, and environmentally sensitive areas that may serve as habitats for a variety of native plants and wildlife, including insects, venomous and non-venomous snakes, and other animals, some of which may pose hazards to persons or pets coming in contact with them.

Each Owner and occupant of any Unit, and every person entering the Community (i) acknowledges that such plants and wildlife are indigenous to the area and are not restrained or restricted in their movement within or through the Community; and (ii) assumes all risk of personal injury arising from the presence of such plants and wildlife within the Community. Neither the Association, the Founder, any Builder, nor the members, partners, affiliates, officers, directors, agents or employees of any of them, will have any duty to take action to control, remove, or eradicate any plant or wildlife in the Community, nor will they have any liability for any injury resulting from the presence, movement or propagation of any plant or wildlife within or through the Community.

The natural areas described in this Section may also contain creeks, ponds, or intermittent pools of water, muddy areas, and underbrush, among other things, all of which are important to the ecological balance and maintenance of the area as a wildlife habitat. No Owner or occupant of a Unit will enter upon or permit their guests or any other person acting on their behalf to enter upon or disturb such areas in any way without the Association's prior written approval.

Noxious and Offensive Activity

(Community Charter Initial Rules #2)

- Any activity that emits foul or obnoxious odors outside the Unit or creates noise or other conditions that tend to disturb the peace or threaten the safety of the occupants of other Units, is prohibited.
- No activity may violate local, state, or federal laws or regulations; however, the Board shall have no obligation to take enforcement action in the event of a violation.
- The pursuit of hobbies or other activities that tend to cause an unclean, unhealthy, or untidy condition to exist outside of enclosed structures on the Unit are prohibited.

- No noxious or offensive activity which in the reasonable determination of the Board tends to cause embarrassment, discomfort, annoyance, or nuisance to persons using the Common Area or to the occupants of other Units.
- No use or discharge of any radio, loudspeaker, horn, whistle, bell, or other sound device so as to be audible to occupants of other Units, except alarm devices used exclusively for security purposes.
- Plants, animals, devices, or other things of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of Southwind
- Structures, equipment, or other items on the exterior portions of a Unit which have become rusty, dilapidated, or otherwise fallen into disrepair.

Parking

(Community Charter Initial Rules #2)

- Overnight parking of vehicles on public or private streets or thoroughfares is prohibited.
- No parking of commercial vehicles or equipment, mobile homes, recreational vehicles, golf carts, boats and other water craft, trailers, stored vehicles, or inoperable vehicles in places other than enclosed garages or other locations screened from view of adjacent property in a manner approved by the Design Review Committee.
- Construction, service, and delivery vehicles are allowed only during normal business hours for such period of time as is reasonably necessary to provide service or to make a delivery to a Unit or the Common Area.
- No regular use of any Unit to host religious activities, motivational meetings, classes, parties, or similar activities requiring the parking of a number of vehicles exceeding the number that can be accommodated in the host's garage, driveway, and the right-of-way immediately in front of and adjacent to the Unit.

Pets

(Community Charter Initial Rules #2)

- Raising, breeding, or keeping animals (except that a reasonable number of dogs, cats, or other usual and common household pets) is not permitted in a Unit.

- Pets which are permitted to roam free, or, in the Board's sole discretion, make objectionable noise, endanger the health or safety of, or constitute a nuisance or inconvenience to the occupants of other Units shall be removed upon the Board's request. If the pet owner fails to honor such request, the Board may remove the pet.
- Dogs shall be kept on a leash or otherwise confined in a manner acceptable to the Board whenever outside the dwelling.
- Pets shall be registered, licensed, and inoculated as required by law.

Ponds

(Community Charter Initial Rules #2)

No swimming, wading, or use of boats or other watercraft with gasoline-powered engines on any pond within the Community, except that the Association may use gasoline-powered boats for construction, maintenance, and repair of such ponds.

Safety

(Community Charter, Article 14)

Each Owner acknowledges, understands, and shall be responsible for informing any tenants and other occupants of such Owner's Unit that the Association, its Board, and its committees are not insurers or guarantors of security or safety and have no duty to warn of potential risks or threats, and that each Person within Southwind assumes all risks of personal injury and loss or damage to property, including Units and the contents of Units, resulting from acts of third parties.

Each Owner and occupant of a Unit, and their respective guests and invitees, shall be responsible for their own personal safety and the security of their property in Southwind. Any playground or other play areas, barbecue grills, or equipment furnished as part of the common property of the subdivision shall be used at the risk of the user.

Stormwater Facilities

(Community Charter, Article 14.7)

Some Units are located adjacent to Common Area containing ponds or stormwater retention facilities that may from time to time contain water.

Owners and occupants of such Units have no right to erect fences, attach docks, build retaining walls, anchor or store boats or other watercraft, or landscape, clear, or otherwise disturb vegetation within natural areas located within the Common Area between the boundary of

the Unit and the water's edge or within the non-disturbance buffer on any Unit.

Subdivision and Combination of Units

(Community Charter, Article 7)

No Person shall subdivide or change the boundary lines of any Unit or combine Units without the Board's prior written approval. The Owner shall be responsible for separate assessments for each Unit until such time as proof of the Board's approval and an amended plat is filed of record by the Owner.

Timesharing

(Community Charter, Article 7)

No Unit shall be used for operation of a timesharing, fraction-sharing, or similar program whereby the right to exclusive use of the Unit rotates among participants in the program on a fixed or floating time schedule over a period of years.

Transfer of Title

(Community Charter, Article 7)

Any Owner wanting to sell or otherwise transfer title to his or her Unit shall:

- Give the Board at least seven (7) days' prior written notice of the name and address of the purchaser or transferee, the date of such transfer of title, and such other information as the Board may reasonably require. Until the Board receives notice, the Owner will continue to be responsible for any charges on the account.
- Obtain a resale certificate. If the Resale Certificate indicates that there are known conditions on the Unit which violate the Governing Documents, or that there are amounts due and unpaid to the Association on account of the Unit, the Owner shall cure any such violations and pay any such unpaid amounts prior to transfer of title and, upon doing so, may request an update to the Resale Certificate to reflect such action.

Use of Non-potable Water for Irrigation

(Community Charter, Article 14.8)

Each Owner and occupant of a Unit, and their respective guests and invitees, are hereby advised that the water used to irrigate property within or adjacent to Southwind may be treated effluent, re-use water or “gray water.” Although such water is considered safe for irrigation and limited contact, it is not suitable for human or animal consumption and should not be used for drinking, bathing, swimming, or any purpose other than irrigation.

Utility Easements

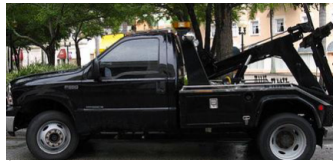
(Community Charter, Articles 13 and 14.10)

Portions of the Community may be subject to easements for power transmission lines and natural gas pipelines. The Association shall have no responsibility for providing maintenance to such areas or improve them to the Community-Wide Standard.

Vehicle Policy

(Photos are for illustration purposes only)

- No Tow trucks, Box Trucks or oversized vans will be allowed
- Vehicles with commercial equipment on them such as ladders, tool boxes, construction lights, and sirens will not be allowed.
- Oversized vehicles greater than a half ton with advertising on them (which indicates they are a commercial vehicle) will not be allowed.
- Vehicles with greater than 4 panels of advertising will not be allowed.



Understanding Your Assessments

Community Charter, Article 12

Every year, your community incurs expenses for landscaping, tree care, insurance, water for the pool and irrigation systems, utilities, signs, maintenance, and more. A lot goes into governing, managing, and taking care of Southwind.

The Board creates a budget to determine how much money it will need to meet all the estimated bills and responsibilities. Based on that amount, the Board looks at level of assessments (the amount each home pays as their share of the community's expense) and either keeps the assessments the same or may raise them just a little per home to cover any shortfalls.

Aside from the regular annual expenses, the Board sets aside a certain amount into a Reserve Fund. Similar to a savings account, the Reserve Fund exists to cover major costs to the community, such as replastering the pool, replacing broken or damaged equipment, or finishing out some of the necessary infrastructure the developer left undone when they went bankrupt. A Reserve Study, performed by a reserve specialist, keeps the community on track. ***By putting aside a little every year, Southwind minimizes the potential for very large bills down the road via a Limited Common Area Assessment or Special Assessment.***

A Limited Common Area Assessment or Special Assessment is a one-time assessment to cover a large component repair, replace destroyed elements not covered by insurance, or a large, unexpected expense for the community.

While the Board works hard to get the best value for the community, sometimes expenses will increase for reasons beyond anyone's control (ex: rising chemical prices will impact the cost to maintain the pool; rising gas prices will effect our landscaping costs). These are reflected by small increases in the Base Assessments.

Notice of Budget and Assessment; Right to Disapprove

Within 30 days after the Board adopts the budget, the Board will send a summary of the budget, together with notice of the amount of the Base Assessment or any Limited Common Area Assessment, to each Owner in Southwind. The Budget shall automatically become effective unless:

- The membership petitions for a special meeting on the Budget
- At least 75% of the Unit Owners disapprove of the Budget at the meeting

If any proposed budget is rejected or the Board fails for any reason to create the budget for any year, then the prior year's budget shall be followed until a new budget is ratified.

Special Assessments

Any Special Assessment for Limited Common Expenses shall require the affirmative vote or written consent of Owners representing more than 50% of the total votes.

Specific Assessments

The Association may levy Specific Assessments against a particular Unit as follows:

- To cover the costs, including overhead and administrative costs, of providing services to the Unit upon request of the Owner pursuant to any menu of optional services which the Association may offer.
- For optional services levied in advance of the provision of the requested service;
- To cover costs incurred in bringing the Unit into compliance with the Governing Documents or costs incurred as a consequence of the conduct of the Owner or occupants of the Unit, their agents, contractors, employees, licensees, invitees, or guests; however, the Board shall give the Unit Owner prior written notice and an opportunity for a hearing in accordance with the By-Laws before levying any Specific Assessment under this subsection; and
- To cover any other amounts that the Governing Documents authorize the Association to charge to a particular Owner or levy against any particular Unit.

