

Tanglewood Architectural Guidelines

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Revision 2, October 2014

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A. General Information

1. Purpose

Consistent with the Declaration of Covenants, Conditions and Restrictions (DCC&Rs) for Tanglewood at Mansfield, the Architecture Control Committee (ACC) is established to approve or disapprove proposed architectural changes to the community. The ACC charter is to ensure a high level of taste, design quality, aesthetic harmony, and conformity throughout the community. The DCC&Rs provide for the ACC to establish specific guidelines or building standards that allow homeowners to determine the changes which may be made to their property. The ACC may amend or modify the guidelines or standards from time to time with the approval of the Community Board of Directors. Such guidelines or standards shall supplement the DCC&Rs and will serve as general guidelines for architectural changes. This does not diminish the authority of the ACC to approve plans as otherwise provided in the DCC&Rs. Accordingly, this guideline is provided to help Tanglewood homeowners plan changes to their property and decide whether approval should be requested.

2. Philosophy Used in Reviewing Proposed Changes

a. Changes to the appearance of Tanglewood Community property must maintain a high level of taste, design quality, aesthetic harmony, and conformity consistent with the original construction. Some changes may be made without an ACC Request, but others require approval prior to starting work, as described in this guideline.

b. Applications for proposed changes must be fully described (location on the property, dimensions, materials, methods used, and colors) and submitted to the ACC through the community management company for review and approval. The ACC will strive to perform a prompt review.

c. ACC Request forms are on the community website at www.tanglewoodatmansfield.com. These requests may be mailed, faxed or sent by E-mail to the community management company. The management company information (telephone number, fax number, E-mail address, and mailing address) is available on the community website. Homeowners are reminded that samples of materials and paint colors are best sent by mail.

d. The DCC&Rs provide for penalties for unapproved changes to properties. The change approval process is intended to protect the interests of all involved. The ACC will attempt to represent the general interests of the community in order to maintain appearance, functionality, and therefore resale value. Changes made without prior approval are done at the risk of fines and/or having to remove the change. The community management company maintains a file of requests and approvals or disapprovals, so an unapproved change may still be subject to penalties if discovered at a later date. It is in the interest of everyone that applicable changes be reviewed and the approval documented.

e. The ACC will attempt to approve requested changes in a consistent manner. However, each request must be reviewed considering the specific situation. Acceptability cannot be assumed based on a similar change in another home, since the circumstance may not be identical (particularly if the change was made without approval).

f. The guideline is intended to provide enough information so homeowners will know when to apply for approval, to understand the major considerations involved in review, and to determine whether approval would be reasonably expected. If you are in doubt as to whether you should apply for a proposed change, you should make an ACC Request.

3. Clarification of Approval or Disapproval

a. The DCC&Rs require the ACC to approve or disapprove an ACC Request within 30 calendar days. If the ACC does not specifically approve or disapprove a request in that time, it can be considered tacitly approved. Homeowners can expect timely action on ACC Requests.

b. If an ACC Request does not include all the information needed for approval it will be returned as “declined” requesting the specific information needed. This should not be interpreted to indicate that the request was unacceptable in concept. An ACC Request which does not meet the DCC&R requirements or ACC Guidelines will be disapproved with an explanation of why it was not approved. An ACC Request may also receive conditional approval. In this case the homeowner must meet the stipulated conditions or resubmit an ACC Request stating the new changes requested. In general, conditional approval will normally cover minor details.

c. Homeowners should note that the 30 day time period specified in the DCC&Rs applies to the time the ACC actually has the request. This time starts when the community management company has received the request and passed it to the ACC, and ends when the ACC makes a decision and returns it to the community management company. It may take several days at either end to process the request. Before a homeowner assumes that an ACC Request has been tacitly approved, they should call the community management company and check the status. The burden of proof that an ACC Request actually went to the ACC for 30 days without action lies with the homeowner, not with the ACC. The community management company keeps records of all applications and correspondence, and those records will be used to resolve issues. It is, therefore, required that ACC Requests be sent to the community management company not directly to ACC members.

d. Once approval of an ACC Request is received the homeowner has 90 days to complete the project. If, for any reason, the project cannot be completed within that time period the homeowner must request an extension by the submission of a new ACC Request. This request must state the reason(s) for the delay and the expected completion date.

e. Please keep in mind that the ACC members are neighbors who are performing this work on an unpaid, voluntary basis. While the goal is to respond to ACC Requests in a few days, you should submit a request early enough to allow the full 30 days of review time before scheduling work.

4. Scope of the ACC Guidelines

a. This guideline and the ACC Request process apply to changes to the outward appearance and function from the original constructed condition of properties within the Tanglewood Community. The guideline will provide guidance on generally acceptable changes and the type of information which should be included in an ACC Request. The guideline will define specific cases where changes may be made without applying for approval, identify when an ACC Request is required and clarify requirements in the DCC&Rs.

b. This guideline applies to the outside of structure(s) on properties, driveways, sidewalks, yards, fences, landscaping, and drainage features. It includes building materials (e.g., paint and stain colors, bricks, shingles, retaining walls, and garden edging). This guideline does not apply to changes made inside the house, although it should be noted that the DCC&Rs contain some prohibitions related to use or function inside the house.

5. Application after Making Changes

Approval must be granted prior to making the change. However, if a change was made without ACC approval, the owner must promptly remove the change or submit an ACC Request. Application and approval can be done without penalty provided a fine has not already been levied.

6. Fines

The DCC&Rs allow fines for making unapproved changes. It is the intent of the ACC to provide ample opportunity to resolve problems prior to implementing fines. The process leading to a fine will involve sending the homeowner three warnings. On the third warning, a homeowner will be offered the opportunity to request a hearing with the Tanglewood Community Board of Directors. Based on the outcome of this hearing fines may be levied.

7. City of Mansfield Requirements

Nothing in the Architectural Guidelines is intended to relieve the homeowners of the responsibility to comply with city or county requirements. In many cases, this guideline was created by incorporating city of Mansfield requirements and policies. However, homeowners must ensure that any changes they make will comply with city and county requirements. In particular, construction projects which require a building permit must have it on hand prior to starting. Obtaining ACC approval for a proposed change does not relieve a homeowner of this responsibility. Likewise, obtaining a building permit from the city does not relieve the homeowner from obtaining ACC approval.

B. Specific Guidelines for Architectural Changes

1. Exterior House Paint

a. The builder used six colors within the Tanglewood Community. Each house has one brick color and one paint color for all siding, doors, and trim. The siding, trim, and doors will need new paint periodically to maintain appearance and functionality. Owners may repaint the siding of their house using the original paint color without an ACC Request.

b. Plans to paint the house a different color than the original require an ACC Request. The homeowner must include a sample of the paint color and a photo of the house so the ACC can ensure the paint color will compliment the brick.

1) Generally, earth-tone colors are the only paint colors that will be approved.

2) Plans to paint a house multiple colors will generally not be approved.

3) Plans to paint the bricks will generally not be approved.

2. Doors

a. If an owner desires to paint or stain the exterior surfaces of doors, or replace the original door with a door of a different design (e.g., a wooden door or door with glass), an ACC Request is required.

1) The paint or stain must be high quality, designed for exterior use and long life, and compliment the appearance of the house.

2) For a color change, the applicant must include paint or stain color sample and a photo of the house.

3) For a change of door style, photo of the proposed replacement door must be included in the ACC Request.

b. Any proposed changes to garage doors (e.g. style, color, addition of windows, etc.) require an ACC Request. A photo of the proposed replacement door and paint samples must be included in the ACC Request.

c. Standard metal kick plates may be added to the bottom of a front door without an ACC Request. The plates must be firmly attached, unpainted, and extend upwards no more than 12 inches.

d. Door knockers of modest size and tasteful design may be added to front doors without an ACC Request.

3. Storm Doors (Previously Bulletin 2)

a. Adding a storm door to the front door requires an ACC Request. The request must include a photo of the house and the proposed storm door.

b. Storm doors must have full glass.

c. Storm door trim must match either the exterior paint color of the house or the front door color. The ACC recognizes that in most cases, it is not practical to hand-paint metal storm doors and obtain a quality result. Therefore, one option would be to paint the front door the same color as the color of the storm door.

4. Fences

a. DCC&Rs Article 3, Section 3.4(e)(2) specifies that fences shall be at least 6 feet but not more than 8 feet in height. Changes to increase the height of a fence (to 8 foot) must change at a minimum all of the fence line that faces the street (either front yard or side yard). This change in fence policy has been made to encourage homeowners to improve the appearance of the community.

b. Changes to the fence height will not be approved as an extension of the existing fence.

c. Fences adjoining the brick walls at the Tanglewood Community boundary may not be extended above the height of these brick walls.

d. Homeowners must keep in mind that fences are jointly owned and are, therefore, a joint responsibility to maintain and repair. In 2013, the city of Mansfield changed code requirements that impact fence repairs and replacement. These requirements will be included when reviewing ACC Requests. Those requirements are listed below.

1) If you are replacing or repairing an existing 6 foot fence, a city permit may not be required. Determine the total linear footage of the fencing on your property. If your repair or replacement is more than half of the total, a city building permit is required.

2) For both repairs and new construction galvanized steel pipe (not wood), set in concrete footings at the appropriate depth, are required for vertical posts.

3) At least one inch must be left between the ground and the bottom of your fence.

4) The finished side of your fence should face the outside of your yard to the street and neighboring properties. Stringers and posts should not be visible from the street.

5) Homeowners or hired contractors should check with the city for specific construction requirements before making major repairs or new construction.

e. Painting

1) If a homeowner desires to treat the fence with colorless weatherproofing, this may be done without an ACC Request.

2) The homeowner may stain the fence without an ACC Request provided the stain is wood-tone in color and transparent. All other fence treatments (e.g., solid stains or paint) require an ACC Request. The ACC Request must include a sample of the paint or stain color and a photo of the house.

3) Since fences are jointly owned, homeowners must keep in mind that the application of paint or stain must be done in a careful manner to avoid impacting the appearance of the neighbor's side of the fence. Correcting problems is the responsibility of the owner having the paint or stain applied.

f. Repairs or Replacement

1) If the homeowner(s) desire to replace or repair a fence with new material that is the same as originally installed (i.e., same height, material, style, and location), this may be done without an ACC Request. Substitution of galvanized steel posts for wood posts (per Mansfield city code) does not require an ACC Request.

2) When replacing more than a few vertical boards, the homeowner should consider changing an entire section to avoid an uneven appearance.

3) Changes to the material, style, height, or location of fences require prior approval. This specifically includes cast-iron fences. The ACC Request must include a photo of the fence style, photos of the house and yard, and a copy of the legal plat showing the exact location (if location is to change). If the yard contains a pool or other hazard, this must be described and the location shown on the legal plat drawing.

4) Changes to fences must not disturb drainage across the fence line. If a concrete sill is installed, it must provide adequate means to drain across the sill.

5) The style of any gate(s) must match the fence.

6) Fences should follow the contour of the ground, rather than being stepped by sections.

g. Eight Foot Fences

1) Replacement of a 6 foot fence with a complete yard or partial 8 foot fence (only the portion facing the street) requires both an ACC Request and a city of Mansfield building permit.

2) If the homeowner desires to install an 8 foot fence that is shared by another homeowner, the homeowner proposing to remove the existing fence must submit a statement from co-owners agreeing to the removal. If one or more co-owners do not agree, the homeowner may still apply for an 8 foot fence, but in this case, the ACC Request must include a statement of which co-owners did not agree, and must describe how the new fence is to be built and precisely where it will be located.

3) The ACC Request must include a picture/diagram of the type of fence, describe construction style, show the exact location drawn on a copy of the legal plat and include a statement of agreement from fence co-owners.

4) Since an 8 foot fence has a considerably higher wind loading than a 6 foot fence, it must have galvanized metal posts anchored in concrete (sill or footings) and 4 horizontal stringers between posts. The posts must extend within 6 inches of the top of the fence, and the top stringer must be within 12 inches of the top of the fence.

5. Driveway Additions and Decorative Edgings (Previously Bulletin 3)

a. The earlier houses in Tanglewood were provided with a driveway which was too narrow to fit two cars next to each other. Later houses were provided with wider driveways. By vote in August 2004, the homeowners approved acceptable methods to widen these driveways to be essentially consistent with the driveways in the newer houses. Guidance for the acceptable methods to widen driveways in the older houses is described below.

b. Homeowners with a driveway too narrow to park two cars side by side may widen it provided the following conditions are met:

1) An ACC Request must be submitted for approval. This request needs to state that the existing driveway is one of the narrow ones, the method that will be used for expansion, and that the change will be done in accordance with the technical guidance described below. If the change involves cutting existing concrete to replace a portion of the existing driveway, a drawing should be included to show where and how the cutting will be accomplished.

2) The driveway addition may be made only to the driveways outer edge. It can be no wider than the widest portion of the existing driveway (see Figure 1) and may not change the street approach (width at the street).

3) The owner may select from any of the following options to expand the driveway.

a) Remove the existing driveway entirely and replace with a wider one.

b) Remove a section of the existing driveway by cutting along an expansion joint and replacing with a wider one.

c) Leave the existing driveway intact and add a new section.

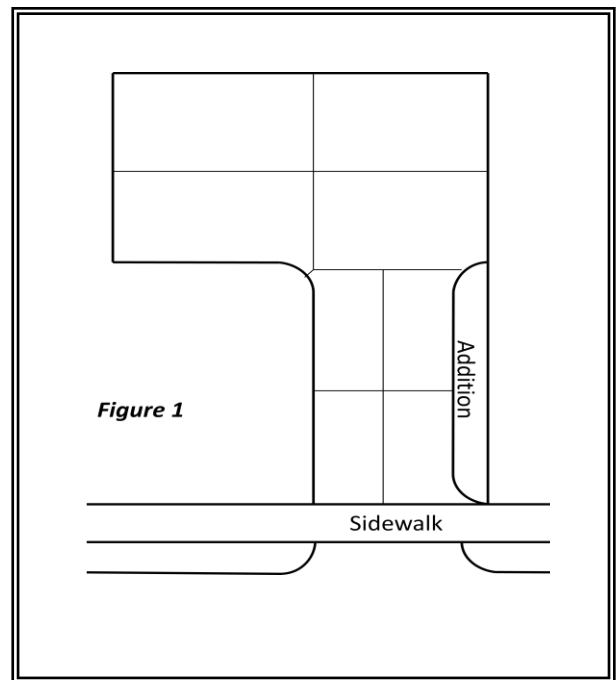
4) Regardless of the option selected, the addition must meet the following technical requirements.

a) The addition must be at least 5 inches thick and rated for 3,000 psi minimum.

b) The addition must be reinforced in compliance with local building codes, with dowels epoxied into the existing driveway slab.

c) The color of the addition must match the existing driveway color.

d) The finish quality of the addition must match or exceed the existing finish.



c. A homeowner wishing to add a decorative edging (e.g., one row of bricks) along the outside of a driveway or walkway must apply for approval. The ACC Request must include a copy of the legal plat showing the location(s) to be bricked and include a description of the construction. The bricks must match the house bricks, mounted in concrete or mortar flush with the driveway or walk, and be adequately supported to avoid sinking or cracking.

6. Mail Boxes

a. The mail boxes provided with the original houses should be maintained in good condition in the same configuration and color as the original. Should the metal mail box become damaged, it should be restored to the original condition or replaced.

b. DCC&R Article 3, Section 3.4(e)(8) discusses main box configuration. Exhibit B to the DCC&Rs provides detailed specifications should the brick mail box need to be re-constructed.

7. Landscaping

a. Landscaping will broadly describe plants, grading, groundcover, and decorations in yards. Landscaping is discussed in DCC&R Article 3, Sections 3.4(e)(5) and 3.8(a).

b. The strip of yard between the sidewalk and the street must remain free of significant landscaping features. Grass and small plants are acceptable in this area, but trees and bushes are not. The intent is to maximize safety by avoiding tripping hazards, and blocking access or visibility near the streets.

c. Homeowners are responsible for the overall appearance of the “yard.” This includes timely mowing the grass, removing/treating for weeds, pruning shrubs, and removal of other unwanted vegetation. If the homeowner fails to maintain the yard, The DCC&Rs allow the homeowners association to perform the maintenance and charge any cost incurred to the homeowner.

d. DCC&R Article 4, Section 4.4 requires that no permanent structures, paving (other than driveways), planting or materials shall be placed or permitted to remain which damage or materially interfere with drainage or utility maintenance.

e. ACC Requests for landscaping changes must include photos and location(s) of the areas to be changed, adjoining landscaping, and a copy of the legal plat annotated with existing landscaping (trees, bushes, patio, and other features). Photos or samples of the materials or plants proposed should be included, as appropriate.

f. Included below is more guidance on specific landscaping features.

1) Trees

a) Trees may be added without an ACC Request provided that the total number of trees in the front yard will be four or fewer. All homes must maintain at least one 2” caliper tree in the area of the lot between the front property line and the front building line.

b) An ACC Request is required if more than four trees are proposed. Additional trees in the front yard above the limit of four may be acceptable, depending on the size of the mature trees and the size of the yard.

c) The ACC Request must include a copy of the legal plat marked to indicate the location of existing and proposed trees, photos of the yard, and a description of the type and mature size of existing and proposed trees.

d) Trees may not be added between the sidewalk and the street, and must not block visibility for vehicles on the street or in a driveway attempting to enter a street. This requirement applies to trimming existing trees as well as proposed new trees. Consideration must be given to the eventual size of a tree as it matures in meeting the visibility requirements when planting new trees.

e) Trees, shrubbery and hedges shall be maintained in a manner that they do not obstruct sidewalks or infringe on street visibility.

2) Removal of Dead Plants

a) The removal of dead trees and shrubs is required in DCC&R Article 4, Section 4.3. Removal of dead trees or bushes does not require an ACC Request. Dead trees or bushes shall be removed promptly to ensure safety and avoid degrading the appearance of the community. This section of the DCC&R provides for homeowners association to have the plants removed and the cost plus interest charged to the homeowner if the owner is not responsive.

b) In the front yard, stumps should be removed when the tree is removed. However, if a homeowner would prefer to delay stump removal up to two years, an ACC Request is required and the stump must be cut to a uniform height that is essentially flush with the surrounding grass.

3) Retaining Walls and Changes Affecting Grading

a) Proposed changes to grading of yards that are more than minor or localized require an ACC Request. A minor or localized change would involve an area less than 25 square feet and be no closer than 6 feet from drainage swales or ditches. The intent is to prevent negatively affecting the drainage to any yard.

b) Any proposed addition of a retaining wall requires an ACC Request. DCC&R Article 2, Section 2.2(j) and Article 4, Section 4.4 governs this area. An ACC Request must describe the materials and construction style, dimensions, and a negative impact statement on present and adjoining yard drainage. A copy of the legal plat showing the location of the retaining wall and a side view sketch of the current and proposed grade must be included in the ACC Request.

4) Landscape Edging

a) Landscape edging may be added to a backyard without an ACC Request, provided it will not affect the grading or drainage.

b) Addition of walls and borders around gardens or trees in the front and side yard (outside the fence) that meet all of the following criteria may be made without an ACC Request.

- Materials to be used are either natural (stone or wood), or were manufactured specifically for this purpose (multi-purpose materials such as bricks do not meet this definition). Manufactured materials must be installed per manufacturer's instructions. Natural stone that compliments the house may be used if the stones are all similar in size, shape and color. New, treated landscape timber 4"x4" or smaller in cross section may be used up to two layers (this specifically does not include used railroad ties).
- Final install height is 5 inches or less above the ground level. For areas where a border wall will traverse non-level ground this may be satisfied by a border 5 inches or less at the ground high point and no more than 18 inches above the low points.
- Building material color must be inconspicuous and earth-tone (black, brown, tan, green) if not natural material.
- Manufactured blocks (e.g., Windsor stones) must match the house brick color or compliment it, and all blocks must be the same color.
- Stones or manufactured blocks must be installed and maintained with no noticeable gaps.
- A single layer of building materials may be installed to follow the ground curvature, but multiple layers must be carefully leveled.
- The border may not involve the use of concrete, brick, or mortar.

c) Landscape edging around gardens or trees that does not meet all of the above criteria requires an ACC Request. The request must include a copy of the legal plat showing the location of the proposed changes, photo(s) of the house and yard area affected, and description or photo of the proposed building material. The ACC Request should also include a statement of how the proposed change will avoid affecting drainage. In general the following guidelines apply.

- Landscape edging intended to form a wall using bricks must match the brick size, color, and style of the house. It must be constructed using mortar to the same quality of the house.
- Stones or blocks intended to form a wall must be level and fit neatly together without perceptible gaps. The color of the materials must either closely match the house color or be muted natural stone color.
- Wood used as a retaining device must fit together without perceptible gaps. If wood is stacked in more than a single layer, the wood must be level.

5) Stepping Stones, Paving Stones, and Walkways

a) Stepping stones, paving stones, and walkways may be added to a backyard without an ACC Request, provided they do not affect the grading or drainage.

b) Proposed changes to add stepping stones, paving stones, or walkways to any front or side yard (outside the fence) require an ACC Request. The request must contain a copy of the legal plat, a detailed sketch of the proposed location and arrangement of the stones or walkways, a photo of the stones or material description, and a photo of the house.

6) Lattices and Trellises

a) Small lattice structures intended to add privacy or hide utility boxes or air conditioning units, may be added in the back yard without an ACC Request provided they are of sturdy construction, no taller than 6 feet, and sealed, stained, or painted. If painted, the color must match the house paint or be white.

b) Trellises may be added to the backyard without an ACC Request provided they are no taller than 6 feet.

c) Trellises or lattice structures which are planned for the front or side yard (outside the fence) or otherwise do not meet the above criteria require an ACC Request. The request must include a copy of the legal plat showing the proposed location, a sketch and description of the proposed structure materials, design, and color.

7) Yard Art

This category is too broad and subjective to set a clear standard of acceptability. Each homeowner must use his or her discretion in selecting yard art for display in order to avoid creating a messy, cluttered, unattractive or offensive appearance. If complaints are received the homeowner may be asked to remove items from the yard.

8. Pools, Ponds, Spas and Hot Tubs

a. Small temporary pools intended for several children (e.g., kiddie pools) do not require an ACC Request. Such pools should be located in the back yard or removed (from the front or side yards) when not in use.

b. Exclusive of kiddie pools, above ground pools are prohibited by the DCC&Rs (DCC&R Article 3, Section 3.4(e)(9)).

c. Any proposed addition of an in-ground pool requires an ACC Request. The request must include a copy of the legal plat and the builder's plan for the pool showing size, shape, location of the pool, and associated equipment. Pool equipment (pump, filter, etc.) must be located so as not to be visible from the street and not to be a noise problem for neighbors (e.g., between the houses near any windows). The ACC Request must specifically address any changes to grading and demonstrate that the design does not impact yard and surrounding area drainage.

d. Portable temporary spas and hot tubs may be added without an ACC Request. They must be located on a stable platform in the back yard where they are not offensive to neighbors. The location cannot effect grading, create a flooding hazard, and must supply water and power in a safe manner.

e. All pools, spas, and hot tubs must be maintained in good condition and be filled or covered. The homeowner is responsible for safety at all times, including having appropriate means for excluding young children from unapproved access.

f. Garden ponds may be installed without an ACC Request provided they are in the back yard, smaller than 10 square feet in area, less than 2 feet deep, and do not affect drainage. Proposed ponds that do not meet these restrictions require an ACC Request.

9. Exterior Lights

a. Low voltage, ground level pathway lights, garden lights or accent spotlights (for highlighting the house or trees) may be added in reasonable numbers in the immediate vicinity of the house or the walkway approaching the house without submitting an ACC Request, providing all of the following criteria are met.

- 1) They are installed properly and any associated wiring is buried or otherwise hidden and protected.
- 2) The lights must not create a nuisance by pointing toward adjoining houses or streets.
- 3) The lights may not be located near sidewalks as this might create a safety hazard.
- 4) Lights for each function (i.e., pathway lights, garden lights, accent spotlights) must all be the same style.

b. Permanently installed house lights for the driveway and front door areas may be changed without an ACC Request provided the new lights function the same as the originals. Changes of function require an ACC Request. For example, an area light near a front door may be changed with a light with a different appearance but with the same purpose in mind. Changing an area light to a spotlight requires an ACC Request. Change to add a motion sensor does not require an ACC Request. Any proposed addition of high intensity lights requires an ACC Request.

c. The addition of other permanent lights requires an ACC Request. The request must include a copy of the plat showing the proposed location and the area which will receive direct lighting, as well as, the approximate location of any neighbor's windows which may be affected.

10. Play Equipment

a. Tanglewood is a family friendly community. Play equipment is an important element of the community, provided the equipment is safe and does not detract from the community appearance. The diversity of play equipment and its various sizes defy a complete, clear definition of acceptability. Homeowners must use discretion in obtaining play equipment which will not be offensive to neighbors, and recognize that if complaints are received they may be required to remove, relocate, or modify the offensive equipment. Homeowners are responsible for ensuring safety of construction, location, and use. The following guidelines are provided.

- 1) Playground equipment may exceed the height of the fence if its function requires it (e.g., swing sets).

2) Playground equipment above the height of the fence must be predominately open in appearance. For example, a raised platform for a slide may be enclosed with slats but may not be enclosed by a solid wall. Tent-style covers provided by the manufacturer are permitted provided they are 10 square feet or less in area, maintained in good condition, and are not offensive (as determined by complaints).

3) Play equipment must be constructed of pressure treated wood and maintained in good condition.

4) Temporary, portable play equipment is generally permissible in back yards. If used in the front yard it must be located or used where it is safely away from the street or neighbor's driveways. Portable play equipment must be removed when not in use if it causes the yard to appear cluttered. For example, a portable basketball goal would not cause a cluttered appearance but a large soccer goal could.

b. Permanently installed play equipment and equipment not meeting the conditions above require an ACC Request. A copy of the legal plat drawing showing the proposed location, a description of the equipment, and method of installation must be included. If the construction or installation of the equipment requires painting or staining, a sample of the proposed colors must be included.

c. Once installed homeowners must ensure proper maintenance of play equipment. If the equipment becomes warped, unsightly or unsafe, the homeowner will be required to restore, repair or remove it.

11. Accessory and Storage Buildings

a. This section applies to sheds, playhouses, storage boxes and other buildings that are to be detached from the house. It does not apply to patio covers or additions made to the house.

b. Storage buildings smaller than 12 cubic feet in volume and not more than 6 feet tall do not require an ACC Request, provided they are located in the back yard.

c. Portable manufactured playhouses that are less than 4 feet in height with a footprint less than 6 feet by 6 feet do not require an ACC Request provided they are located in the back yard.

d. All other accessory or storage buildings require an ACC Request. These include playhouses, storage sheds, and similar structures. The request must include the legal plat showing proposed location and the building plans. The request must specifically address the height restrictions, fence height, setback restrictions, building materials, and exterior finishes. For manufactured buildings, a photograph or brochure may be submitted instead of construction plans.

e. This guideline has adopted the City of Mansfield Residential Accessory and Storage Building Guidelines (amended April 26, 2004). The essential elements are:

1) Tanglewood is in zoning district SF-8.4-16. Therefore, the maximum square footage of all accessory or storage buildings on the property is 400 square feet.

2) The minimum setback for accessory and storage buildings in the back yard is 7.5 feet from the back property line and 5 feet from the side property line. If the building is to be located in the side yard, it must be at least 75 feet from the front property line or behind the rear façade of the main house. No accessory or storage building may be located in the side yard along a street when your lot backs up to the side yard of a neighboring lot.

3) The building must be at least 5 feet from the house or other accessory or storage buildings unless it is less than 120 square feet.

4) Each resident may have a maximum of one storage shed and one playhouse.

f. Accessory and storage buildings are limited to 7 feet in height per DCC&R Section 3.4(e)(3). In order to request a storage or accessory building more than 6 feet in height a homeowner must also apply for and install a fence 8 feet in height.

g. Buildings must generally be painted and shingled to match the house in color, quality of materials, and construction. If a manufactured storage or accessory building is constructed of weather-resistant material (such as plastic), painting or attaching shingles may detract from rather improve the structure. If the owner feels that this is the case, the owner proposing the building should include adequate description of the construction, explain how the colors compliment the house, and justify not painting or applying shingles.

h. The quality of materials for accessory buildings must match those of the house construction. Windows must be home quality. If the design includes bricks they must match the bricks used in the house in color and quality. The buildings must be leveled and must not impact the grading.

i. Buildings proposed to be located within 15 feet of the house must not block the view or emergency egress from any first floor windows.

12. Satellite Dishes and Other Antennae

a. Federal regulations in 47 CFR Part 1 govern certain aspects of satellite dish installation. However, the DCC&Rs provide certain other controls.

1) Only satellite receiver dishes less than one meter in diameter are permissible.

2) Installation must be professionally done, the dish must be firmly attached to the house and the associated cables must be properly secured to the house. It is strongly recommended that the mounting be located on a wall rather than the roof to avoid roof leakage. If possible, the antenna must be located at the side or rear of the house.

3) The antenna, cables and mounting structure must be at least 7 feet above ground level for safety reasons and second story installation is preferred.

4) Neither dish nor mounting may obstruct the view or emergency egress from any window.

b. A satellite receiver dish may be installed without an ACC Request if the restrictions of “Section a.” above are met. Otherwise, an ACC Request is required.

c. DCC&R Article 3, Section 3.4(e)(1) requires that other types of antenna for receiving television or radio transmissions be located inside the attic. Amateur radio towers and antenna are specifically prohibited by this section.

13. Flags and Flag Poles (Promulgated Pursuant to and in Accordance with Section 202.011 of the Texas Property Code)

a. The only flags which may be displayed are (i) the flag of the United States of America; (ii) the flag of the State of Texas; and (iii) an official or replica flag of any branch of the United States armed forces. No other type of flags, pennants, banners, kits or similar types of displays are permitted on a lot if the display is visible from a street or Common Area.

b. The flag of the United States must be displayed in accordance with 4 U.S.C. Section 5-10.

c. The flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code.

d. Any freestanding flagpole or flagpole attached to a dwelling, shall be constructed of permanent, long-lasting materials. The flagpole shall be harmonious with the dwelling and have a finish appropriate to the materials in the construction of the flagpole. The materials used for the flagpole shall have a silver finish with a silver or gold ball at the top. The diameter of the flagpole may not exceed six inches.

e. The display of a flag or location and construction of the supporting flagpole, shall comply with applicable zoning ordinances, easements, and setbacks of record.

f. A displayed flag and the flagpole on which it is flown, shall be maintained in good condition at all times. Any flag that is deteriorated must be replaced or removed. Any flagpole that is structurally unsafe or deteriorated shall be repaired, replaced, or removed.

g. Only one flagpole will be allowed per lot. A flagpole can either be securely attached to the face of the dwelling (no other structure) or be a freestanding flagpole. A flagpole attached to the dwelling may not exceed 6 foot in length. A freestanding flagpole may not exceed 20 feet in height. Any freestanding flagpole must be located in either the front yard or backyard of a lot, and there must be a distance of at least 5 feet between the flagpole and the property line.

h. Flags flown on a freestanding flagpole may be no smaller than 3’ x 5’ and no larger than 4’ x 6’.

i. Flags flown or displayed on a flagpole attached to the dwelling may be no larger than 3’ x 5’.

j. Any freestanding flagpole must be equipped to minimize halyard noise. The preferred method is through the use of an internal halyard system. Alternatively, swivel snap hooks must be covered or

“Quiet Halyard” Flag snaps installed. Neighbor complaints of noisy halyards are a basis to have a flag removed until the owner resolves the complaint.

k. The illumination of a flag is allowed so long as it does not create a disturbance to the residents in the community. Solar powered, pole mounted light fixtures are preferred as opposed to ground mounted light fixtures. Compliance with all municipal requirements for electrical ground mounted installations must be certified by the owner. Flag illumination may not shine into another dwelling. Neighbor complaints regarding flag illumination must be resolved before further illumination is allowed.

l. Flag poles mounted on a house do not require an ACC Request provided they meet all of the criteria above. All freestanding flagpole installations require an ACC Request. The request must contain certification that the flagpole and flag meet the specification described above. It also must show the proposed location of the flagpole and method of illumination if applicable.

14. Signs

a. DCC&R Article 3 Section 3.4(e)(10) discuss limitations for displaying signs in yards. The DCC&Rs stipulate that signs must not exceed 6 square feet and must be tasteful in design. Signs that meet the criteria shown in sub-paragraphs 1-5 do not require an ACC Request.

1) When selling a house one professionally made “For Sale” sign may be displayed where it is visible from the street. For houses that border two streets, one sign may be displayed along each street.

2) Garage/Yard Sale signs may be home-made. They may be displayed in the yard and on light posts in the community no more than 1 day prior to the start of the event. They must be removed immediately after the conclusion of the sale. **The city of Mansfield requires a garage/yard sale permit to display a sign advertising a garage sale in city easements, on street signs or on light poles.**

3) Spirit Signs for Schools, Clubs, and Teams must meet the general requirements above. No more than one sign per family member should be displayed. These signs should be removed at the conclusion of the season (i.e., at the end of the sport season, or end of the school year).

4) Signs for Birth Announcements and Family Events (intended to inform neighbors of events such as births, anniversaries, return of family members, etc.) may be displayed for a reasonable period of time immediately around the time of the event. This will be limited to a week. These signs may be home-made if neat in appearance, however, the size must be limited to that which is reasonable.

5) Election Signs must meet city requirements for size, total number, location, and display dates.

6) Craftsman/Commercial Signs are not permitted even while work is in progress.

b. Signs which do not meet the above requirements require an ACC Request and prior approval.

15. Patios, Decks, and Patio Covers

a. A building permit from the city of Mansfield is normally required for patios, decks, and patio covers.

b. Patio covers, whether attached to the house or detached, require an ACC Request. The request must include a copy of the plat showing the proposed location, plans showing the design, and a detailed description of the materials, methods, and colors to be used. Sufficient information must be provided to allow the ACC to determine that the structure will be adequately supported and sturdy.

1) Patio covers with a closed roof must have 25-year warranty shingles which match the house shingles. If the cover is attached to the house, there must be flashing where it joins the existing structure. The roof must have adequate slope to ensure water and snow drain, and adequate support to carry expected snow loading.

2) If the patio cover is attached to the house it must be firmly attached. If it is detached it must be at least 5 feet from the house unless it is smaller than 120 square feet.

3) Any bricks used must match the house bricks, and paint must match the house color.

4) A metal patio cover must be professionally designed and manufactured and must be painted.

5) Ceiling fans may be added to a patio cover without an ACC Request provided city of Mansfield building code requirements are met.

c. Patios, decks or additions to existing patios or decks require an ACC Request. The request must include a copy of the plat showing the exact location, drawings as needed to show construction details and materials, and a statement/diagram showing drainage impact.

1) Decks may not be elevated to create privacy issues among neighbors.

2) Deck materials must be pressure treated or provided with equivalent weather protection.

3) Patios must not be higher than 1 inch below the threshold of the closest door.

4) Second floor decks will not be approved.

16. Additions to the House

a. Any proposed additions to the living area of the house require an ACC Request and prior approval. Requests must include builder's plans, drawings or sketches of the final exterior appearance of the house, and a description of the materials and methods to be used.

b. Construction vehicles must not block traffic more than briefly, pose a hazard to road traffic due to nails and debris, and must not damage the street, sidewalks or driveways.

- c. Construction materials may only be visible in front of the house for a reasonable time consistent with the magnitude of the project. All visible construction must be completed promptly.
- d. All applicable building permits must be obtained from the city of Mansfield.
- e. Code requirements for percentage of brick on the exterior must continue to be met. Bricks must match the existing bricks.
- f. Siding added must be weather-resistant materials equivalent to the existing materials.
- g. The proposed changes must be consistent with the original style of the house.
- h. Roof pitch of any added roof sections must be 6 foot to 12 foot pitch. Shingles must be at least 25-year warranty and match the existing shingles.
- i. Second floor balconies will not be approved.

17. Re-roofing and Gutter Additions

- a. When it becomes necessary to replace the roofing, shingles may be replaced without an ACC Request provided the entire roof is replaced, the shingles have a 25-year warranty, and match existing shingles in appearance. If shingles of a different appearance or color are proposed, an ACC Request and prior approval is required. The request must include a shingle sample or brochure and describe the area(s) to be replaced.
- b. Gutters may be added to the house without an ACC Request provided they are installed in accordance with manufacturer's instructions and are painted to match the house color. Particular attention is required to ensure adequate gutter support. A sufficient number of downspouts must be provided along each section, and those downspouts must be directed away from the house to avoid drainage impact or flooding. It is strongly recommended that gutters be installed by professionals.

18. Solar Panels and Certain Roofing Materials (Promulgated Pursuant to and in Accordance with Section 202.010 of the Texas Property Code)

- a. The term "Solar Energy Panel" means a panel device or system designed primarily to collect energy, and collect and subsequently use solar energy as a thermal, mechanical, or electrical energy.
- b. Solar energy panels may not be installed without prior approval of the ACC. The intent of this restriction is to allow the installation of solar energy panels but to maintain, to the greatest extent possible, the aesthetics of the community and the harmony established by the plan of development for the association.
- c. The installation of solar energy panels will not be allowed if:
 - 1) In violation of any law.
 - 2) On property owned or maintained by the association.

- 3) In common areas.
- 4) Located anywhere but on the homeowner's roof or in the fenced yard or patio.
- 5) The device extends beyond the roofline or does not conform to allowed design guidelines.
- 6) Taller than the fence line.
- 7) Installed in a manner that voids material warranties.
- 8) The device would "substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities." However, this finding will be reconsidered by the association or its designated ACC if the owner obtains written approval of the installation from all neighboring owners.

d. The following additional restrictions apply to installation of solar energy panels.

- 1) Where roof installation is contemplated, panels must conform to the slope of the roof and the top edge of the panel must parallel the roof ridge.
- 2) Solar energy panel frame, support brackets, or any visible piping/wiring must be a silver, bronze or black tone, whichever blends most effectively with the roof.
- 3) Color or finish of the panel must blend to the greatest extent possible with existing roof color.
- 4) Panel mounting devices, etc., must be repaired or replaced within 120 days of date of damage.
- 5) Ground mounted system(s) must be as small as possible, located in rear or side yards, and screened from neighboring properties by fencing or landscaping.
- 6) No solar energy panel may be placed on the front elevation of the house.

e. The ACC Request submitted to request installation of solar panels must include

- 1) A copy of the existing site plat showing the house and any accessory structures, significant vegetation, property line, and the proposed location of the solar energy panels.
- 2) A drawing or photograph showing the proposed location of the solar energy panels and description of any visible auxiliary equipment.
- 3) Catalog photograph or manufacturer's "cut sheets" of all components including dimensions, colors, materials, etc.
- 4) Plans of proposed landscaping or screening for ground mounted solar panels.

19. Rain Barrels/Collection Devices (Promulgated Pursuant to and in Accordance with Section 202.007 of the Texas Property Code)

a. Per Texas law, homeowners will be allowed to install rain barrels/collection devices if they meet the architectural requirements of the community. This installation will be subject to the following general considerations.

- 1) Homeowners may not install rain barrels/collection devices on any common area or property owned by the association.
- 2) Rain barrel/collection devices will not be installed in the front or side yard (in front of the fence).
- 3) Rain barrel/collection devices should be unobtrusive in location and appearance.
- 4) The location of these devices should take advantage of screening provided by existing or proposed structures and/or vegetation.

b. Prior to installation of rain barrels/collection devices, an ACC Request must be submitted and approved. That request must contain the following.

- 1) A copy of the plat showing the location of the house, any accessory structures, significant vegetation, property line and the proposed location of the rain barrel/collection device.
- 2) A catalog photograph or manufacturer's "cut sheet" of the device, including dimension, material, and color.
- 3) A planting plan indicating the type and location of vegetation or other screening, existing or proposed.

c. Specific guidelines for installation of rain barrels/collection devices are described below.

- 1) Rain barrels/collection devices must be installed at the base of an existing downspout. Only one device may be installed per downspout.
- 2) The overflow from the rain barrel/collection device shall discharge to the same location as the current downspout.
- 3) The size of the device is limited to 48" in height and 36" in diameter and must be below the fence line.
- 4) The container must be designed for the purpose of collecting rainwater; a converted trash can is not an acceptable alternative.
- 5) The bin must be sturdily constructed of durable plastic in black, brown, green, or simulated wood with a screen cover and a splash block provided for the overflow. Other colors that are consistent with trim, siding, or overall color scheme of the home will be reviewed on a case-by-case basis.

6) Rain barrels/collection devices should be set into a landscaped area so that its appearance will be softened by plant material. Additional landscaping or screening may be required to diminish the visual impact on other properties or from the street.

7) The rain barrel/collection device should be enclosed to avoid becoming a breeding ground for mosquitoes and maintained so that it does not create a visual nuisance.

20. Religious Displays (Promulgated Pursuant to and in Accordance with Section 202.018 of the Texas Property Code)

a. In accordance with Texas law homeowners are permitted to display religious items exclusively of the entry of the owner's dwelling, specifically the entry door or doorframe, however:

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

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

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

a) Display obviously offensive language or graphics.

b) Violate deed restrictions that do not conflict with this statute.

c) Is/are in a location other than the entry door or frame.

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

C. Other Community Guidelines

1. Animals

a. The city of Mansfield prohibits the following animals and animal related activities.

1) Kennels within 200 feet of a residence.

2) Hogs within the city limits.

3) Poultry (chickens, ducks, turkeys, geese, pea fowl, pigeons, guinea fowl, etc.) or birds within 50 feet of a residence.

4) Dangerous wild animals are prohibited.

b. DCC&R Article 2, Section 2.2(d) allows only regular household pets (up to 4 per residence) to be permitted on the property, and then only for personal use and not for any business use. Regular pets are defined by the city as including dogs, cats, rabbits, rodents, birds, and reptiles, but does not include skunks, non-human primates, wild, exotic or carnivorous animals.

c. The DCC&Rs specifically prohibits cows, horses, bees, hogs, sheep, goats, poultry, and skunks.

d. Tanglewood Community is a pet-friendly neighborhood. Owners are reminded that the city requires dogs to be leashed at all times or secured within the homeowner's yard. Likewise, owners must ensure that pets left outside (in the back yard) do not cause a noise nuisance for neighbors.

e. Many owners choose to exercise their dogs by walking throughout the community. It is the owner's responsibility to remove defecation from both private and community property. Owners observed not complying with this requirement are subject to citation and fine.

2. Garbage and Trash

a. Paragraph 3.4, e (4) of the DCC&Rs requires that trash containers be screened from view from adjacent lots and street.

b. Garbage and trash (including recycling) should be put out for collection in a manner that ensures it is not blown throughout the community.

c. In order to maintain the appearance of the community, both trash and recycling must be put out for collection as close to normal pick up time as feasible. Under no circumstance should trash be placed curbside earlier than 7:00 pm on the night before collection. This includes branches and vegetation cuttings.

d. Tree branches and vegetation cuttings must be "bagged" or securely bundled using string or cord.

3. Parking

a. Tanglewood is a pedestrian friendly neighborhood with a large population of children and pets. For that reason the community will control parking violations that possibly create either vehicle or pedestrian safety issues.

b. No vehicle parked in a driveway shall cross onto or block all or any portion of a public sidewalk (**previously ACC Bulletin 1**). Parking over public sidewalks is also a violation of city ordinance Section 98.01.

1) Violation of this restriction shall be considered a violation of the DCC&R.

2) Upon first violation of the restriction a homeowner shall receive written notice of the violation.

3) For each violation thereafter the homeowner will receive written notice of the violation and may be fined \$50 per occurrence. The homeowner shall have the right to appeal this fine to the Tanglewood Board of Directors.

c. Paragraph 2.2, b, of the DCC&Rs requires “all vehicles shall be parked, stored, or placed so as not to be visible from any street or from ground level view from an adjoining lot except for temporary parking in the driveway constructed on a lot. On-street parking shall be limited to temporary parking of guests or invitees of owners during parties, delivery of services, and similarly limited (no more than 12 hours) time periods.” Since enclosure of vehicles in garages, which was the intent of the DCC&Rs is often not practical, the association has chosen not to enforce that section of the DCC&R. On the other hand, in order to promote pedestrian and vehicle safety in the community, limiting street parking is being enforced. In order to discourage parking on the street the following procedures have been implemented.

1) A by-license plate number inventory of cars parked on the street will be conducted randomly between the hours of 12:00 am and 6:00 am by HOA members. These inventories will be conducted no more frequently than 3 times per month and may be fewer if parking violations are minimal. Homeowners will be notified of the violation(s).

2) The first time a vehicle is found parked on the street, the homeowner will receive a friendly letter reminding them that they are in violation and requesting their cooperation to park in the driveway.

3) The second time the same license plate number vehicle is found on the street, the homeowner will receive a second warning letter. This letter will

a) Describe the violation and notify the homeowner that, if the same violation occurs again, a \$25 fine will be levied for each additional date of the violation without further notice from the HOA;

b) State a reasonable time in which to cure the violation unless the homeowner was given notice and reasonable opportunity to cure a similar violation within the preceding 6 months;

c) State that a homeowner may, in writing, request a hearing before the Tanglewood Board of Directors on or before the 30th day after the owner receives the second warning letter; and

d) State that, at the conclusion of a hearing that is conducted pursuant to this provision, or if no hearing is requested, on the 30th after the date the owner receives the second warning letter, the attorney’s fees and costs incurred by the HOA relating to a violation described in the second warning letter shall be charged to the homeowner’s account.

4) The third time the same license plate number vehicle is found on the street, the homeowner will receive a third letter which notifies them that a \$25 fine has been charged to their homeowner’s account for each date, after the second warning letter was received, that the parking violation occurred by the same license plate number vehicle. The third letter will state that the homeowner may, in writing and on or before the 30th day after the third letter has been received, explain the reason(s) why the fine(s) should be waived and may request a hearing before the Tanglewood Board of Directors to orally present such reasons.