

**Tuscan Estates  
(Americas Estates Unit One, Replat A)  
Architectural Guidelines**

**Development Objectives**

The following Guidelines are designed to establish and preserve the visual impression of Tuscan Estates as a distinctive and desirable place in which to live. Landscaping, building form, materials and colors all contribute to an overall community image that is readily identifiable as a high quality development. By following the Guidelines, residents will protect and enhance each property owner's investment in his or her home site. The Guidelines provide standards of quality and design.

Design review by the Architectural Review Committee is not intended to enforce unreasonable or excessively expensive controls. It is meant to coordinate the design and construction of residential dwellings to achieve a pattern of continuous quality and identity.

The Guidelines have purposely not been made a part of the Covenants, Conditions, and Restrictions in order to allow for additions, modifications, and deletions as circumstances change and as the community develops and matures.

**Declaration of Covenants**

The Declaration of Covenants, Conditions and Restrictions for Americas Estates Unit One, Replat A, also known as Tuscan Estates (Covenants) require that no structure, improvement, landscaping or alteration shall be commenced, erected, remodeled or maintained within the Subdivision without the written approval of the Architectural Review Committee. This requires that plans be submitted to the Committee for review. This review will normally take only a few days but may take as long as 30 days under the Covenants. The initial Architectural Review Committee is appointed and controlled by the Developer. After the Conversion Date, the Architectural Review Committee will be appointed by the Board of the Homeowners Association.

**Home Owners Association**

The Covenants provide for the creation of the Tuscan Estates Home Owners Association (the "Association"). The Association shall have the authority to levy assessments to pay for the maintenance and upkeep of the common areas (as defined in the Covenants) and to enforce the Covenants and these Guidelines.

**Architectural Review Committee**

The Architectural Review Committee (ARC) will review and approve all plans for new construction by owners and home builders and administer the Architectural Guidelines. The ARC also has the authority to review and approve all renovation and remodeling of homes in the Subdivision.

Each proposed building design shall be checked for compliance with the Guidelines. Any and all plans for remodeling or exterior modifications to homes after completed construction shall also be reviewed by the ARC in accordance with the Guidelines.

The Guidelines are the criteria which must be met in order to build or remodel in the subdivision. Compliance with guidelines in no way guarantees any requested construction result with in Tuscan Estates.

These Guidelines are not, and not to be construed as, as recommendation or endorsement by Declarant, the Tuscan Estates Homeowners Association (HOA), or by its Board of Directors (the Board) or the ARC of any particular plan, design, or building material with may be contained herein. Neither the Declarant, the HOA, the Board, nor the ARC shall be held liable or bear any responsibility for any injury, damages, or loss arising out of the manner or quality of construction on any property within Tuscan Estates or any modifications thereto.

### **Design Review Procedure**

The Guidelines have been established to provide standards to assist each Owner to discover the unique opportunities for construction of a home through the use of design principles used by planners and landscape architects. The ARC has been established to administer the Covenants and Guidelines and in so doing will not seek to unreasonably restrict taste or individual preferences. The review will bring to the attention of the Owner and the architect or designer the many benefits of Tuscan Estates. Prior to commencement of any construction or improvements of a home or on a lot, the Owner shall submit plans for review and approval by the ARC.

I. Submission of Plans and Specification: Construction of any structure and landscaping on lots in Tuscan Estates shall be subject to site plan review by the ARC and the submission of the following:

A. Site Plan at a scale of not less than 1" = 10'-0" showing:

Entire Lot including Lot setback easement lines; and  
Location of all existing and proposed improvements; and  
Roof plan of all structures showing location of all plumbing, electrical, solar and mechanical equipment; and  
Changes in existing grade including contour lines for building sites, driveways and walkways; and  
Location of all existing and proposed landscaping; and  
Location of all utilities, including stubs, meters, transformers, etc. and location where utilities meet the structures.

B. Floor Plans at a scale of not less than 1/8" = 1'-0".

C. Exterior Elevations at a scale of not less than 1/8" = 1'-0" showing:

Character of the Exterior identifying all fenestrations; and  
Elevation Heights of Building construction; and  
Types of Materials to be used on Building Shell; and  
Pitch of all proposed Roofs;

D. Description of all exterior building materials including color samples.

E. In presentation of the plans, consideration should be given to show that the design requirements have been met. The party requesting approval shall submit a

completed copy of the "Plan Submittal Checklist" supplied by the Developer (if applicable).

F. An acceptable schedule of construction shall also be submitted.

II. All plans and specifications shall be prepared by a qualified person in a professional manner.

III. Final approval of plans will not be granted by the ARC until final working plans have been submitted to the ARC and a determination has been made in accordance with the Covenants and these Guidelines.

### **Design Standards**

The following design standards shall apply to all homes in Tuscan Estates.

**Site Details.** Site details such as transformer enclosure, planters, driveways and side walks shall be given special architectural design consideration.

**Utilities.** All utilities shall be underground.

### **Tuscan Estates Architecture**

The purpose of this section is to assist and guide all involved in the design and construction of new residences, remodeling of existing homes and/or improvement of properties and to promote the Tuscan/Old World European theme within the Development. The design guidelines are intended to assist in the implementation of the adopted design theme; create a visual environment and character that is attractive to all home owners within the Subdivision; allow for a reasonable degree of control to be exercised over the site development and architecture of the private buildings therein; recognizing the interdependence of land values, aesthetics and good development planning; and promote environmental well-being as it is affected by the distinctive character and natural attractiveness which this community is intended to generate.

In general, the ARC will review materials, colors, location, and scale of the proposed new construction or addition to determine the compatibility with surrounding structures and sites. The intent is to preserve the architectural character of the neighborhood and to maintain a cohesive architectural style.

**Architectural Style:** The architectural goal is to establish the highest standard of quality for the design of the homes of the Tuscan Estates. The architectural character should reflect the casual elegance of Tuscan/Old World European design, understanding that this Mediterranean type design is derived from a wide variety of historic, geographic, cultural, climatic and thematic influences including Italianate, Spanish, Grecian; British recreation of Italian Villas and the U.S. adaptation of Lombard and bracketed styles in the late 1800's.

At the Tuscan Estates, no residence should stand so apart in its design or construction as to detract from the visual harmony of the community. Builders and architects/designers are required to design homes to

capture the qualities of Tuscan/Old World European design, their early influences and/or their Tuscan influenced predecessors.

The Primary Architectural Style is identified as the following:

Tuscan Style featuring distinctive stucco exteriors and low-pitched barrel tile roof which consider such additional enhancements:

Balanced, symmetrical rectangular building shapes;

Tall appearance of multiple floors;

Wide overhanging eaves with brackets and cornices;

Square cupolas;

Tile insets

Porches topped with balustraded balconies;

Side bay windows;

Molded double door entries;

Roman arches above windows and doors; and

Enclosed courtyards.

The additional following architectural styles may also be permitted by the ARC:

Italian Villa and Italianate Styles are characterized by shallow pitched tile roofs with broad overhangs decorated with exposed rafters, stucco walls with tall often arched windows and informal covered verandahs or porches. The Italian Villa frequently incorporates a rounded tower while Italianate incorporates a cupola on the roof. These styles may be referred to as Mediterranean.

Spanish Colonial Revival Style is characterized by tile roofs, simple forms subtly embellished at doorways and ornamental ironwork. This style often incorporates interior courtyards similar to the classic western haciendas.

Territorial Style is characterized by low, flat roofs with brick or tile copings on parapet caps, wood columns and decorative wood door and window casings.

Spanish Mission Style with pitched tile roofs, stucco finishes, exposed beams and soffits and open porches. This style may be referred to as Santa Barbara style or California Mission.

## **Building Heights**

Homes should be designed to minimize intrusion and impact on the views and visual beauty of the subdivision.

The maximum overall building height, shall not exceed:

- A. 35'-0" measured from the lowest natural grade adjoining the living space to the highest point on the building (except chimneys). Pitched roofs are measured to the ridge.
- B. 28'-0" maximum height of any wall measured from the highest natural grade adjoining each wall, to the highest point on each wall (except chimneys).

## **Building Massing Dermition**

**Building mass:** A volume of space that visually appears as a rectilinear form consisting of a roof and at least 3 walls. Building Massing is important to ensure that the elevations of the homes will have visual interest from all views. Design elements must be carried through the elevation to avoid "store-front" or movie-set type elements.

- A. Each building must have at least 3 distinct masses visible from all elevations.
- B. Each building mass must be offset from adjacent masses by at least 2'-0" vertically and 2'-0" horizontally.

## **Accessory Living Quarters**

Accessory Living Quarters are permitted. Such structures may be attached or detached but shall be in the same architectural style as the residence, and should be visually related to it by walls, courtyards or landscape elements. Any accessory living quarters must comply with all Covenants.

**Roof Pitch:** All roofs shall have pitches of either 5" in 10'-0" or less, or greater than 3'-0" in 12'-0".

**Approved Roofing Material for Semi-Flat Roofs:** Any roof with a pitch of 5" in 10'-0" or less may covered with one of the following materials: Formed asphalt sheathing, rolled roofing neoprene or other synthetic watertight roofing, or any class "A" approved watertight roofing material and must be painted same color as exterior all surface color.

**Approved Roofing Material for Pitched Roofs:** Any roof with a pitch of 3'-0" in 12'-0" (3:12) or greater may, may be covered with one of the following materials: glazed cement or clay shake or shingle roofing, plastic or aluminum shake or shingle roofing, natural stone or slate roofing, glazed cement or clay tile roofing and any copper or finished metal roofing. Other materials may used upon approval of the ARC. No gravel, crushed stone, galvanized or rusting materials, asphalt rolled roofing or standard weight asphalt shingle shall be allowed on pitched roofs.

All colors shall be Natural Earth Tones and the material shall be installed in a good and workmanlike manner.

**Roofscape:** Each multi-story Structure with a semi-flat roof shall either have a minimum pitch of 3:12 for 25% of the roof area over the Conditioned area, or a minimum ceiling height of 12'-0" on both the first and second floors for 40% of the roof structure over the Conditioned area. Each single story Structure with a semi-flat roof shall be required to have either 30% of the total roof area with a minimum pitch of 3:12 or 35% of the total roof must have a minimum ceiling height of 12'-0".

## **Roof-Mounted Equipment**

- Mechanical Equipment - Evaporative coolers, refrigeration units and heat pumps shall not be permitted on pitched roofs. They shall be permitted on semi-flats roofs only if no reasonable alternative exists but shall be shielded from view from streets and adjacent Lots by enclosures or wall extensions of identical materials and finishes as the exterior walls of the Structure.

- Vent Stacks & Flues - Mechanical vents and flues shall be collected into a minimum number of chimney-like chases and placed where their visual impact is minimized.
- False balconies, false chimneys, railings, and parapet walls may be utilized as long as they do not detract from the Tuscan Old World European theme.

**Skylights and Solar Collectors:** Skylights and solar collectors shall be permitted if they unobtrusive in appearance and an integral part of the Structure. The Design ARC recommends the use of clear story windows and dormers as an alternative to skylights.

**Exterior Wall Materials:** Exterior wall materials of any Structure may be of slump or mission stone, stabilized and sun baked adobe, stucco or thin coat plaster veneer, glass block, ceramic tile, or ornamental iron (if design is approved). Other materials may be used upon approval of the ARC.

**Exterior Trim Materials:** The exterior trim material (fascia, soffit, etc.) shall be of low maintenance or maintenance free materials. The ARC urges the use of treated woods, redwood, cedar, aluminum, finished metals and plastics to reduce the maintenance on exterior trim.

**Color Coordination:** All exterior finish materials shall be color coordinated as to each individual Structure and as to the effect on other Structures in the neighborhood. All exterior finishes shall meet the definition of Natural Earth Tones.

**Garage Size and Design:** Every dwelling within the Subdivision shall have as minimum, a two (2) car enclosed garage. This Structure may be attached or free standing (but shall connect to the main house by a roof or screen), and shall have a minimum area of 450 square feet including outside walls. Such garage shall be constructed within 20 foot minimum interior width. A garage shall not be required if a carport or porte cochere is provided and there is also provided an ample outside storage structure.

**Chimneys:** All exterior chimneys must be of a material and of such a color as to blend in aesthetically with the residence and will be subject to approval by the ARC.

**Gutters and Downspouts:** All gutters and downspouts shall be designed as a continuous architectural design feature. Exposed gutters and downspouts shall be colored to blend in with the surface to which they are attached.

**Exterior Lighting Standards:** Plans for lighting the yard areas and exterior of the home will be reviewed by the ARC during the planning stage, using these Guidelines.

- Exterior fixtures not mounted on a building must be located and oriented to focus light inward to minimize light encroachment onto neighboring areas and homes.
- Building mounted exterior lighting must be directed downward and away from adjacent home streets and open spaces. The fixtures shall be mounted no higher than the line of the first story eave, or where no eave exist, no higher than 12 feet above finish grade.
- Walkways from the street to the front door and around the driveway should be the minimum necessary for safe passage.
- Lighting of plant materials shall be achieved with hidden light sources. These can include surface mounted fixtures on the ground and lamps hidden by plant materials.
- Game court light fixtures must be fully shielded with sharp cut-off lighting, and comply

- with all other type and shielding requirements outlined in these guidelines.
- Security lighting directed away from the home and activated by heat, movement, etc. are permissible but must not remain on constantly or be used as general lighting. Placement should be shown on the plans. Alternatives to floodlight type security lighting must be used.
  - Warm white and natural lamps are preferred.

**Trash Receptacles and Collection:** Trash, garbage and other waste shall be kept in approved sanitary containers. Each Owner shall make or cause to be made appropriate arrangements with the local waste removal agency for collection and removal of garbage and trash on a regular basis. Each and every Lot Owner shall observe and comply with any and all reasonable regulations or requirements promulgated in connection with the storage and removal of trash and garbage. Trash containers shall be enclosed in a closet or other architecturally compatible enclosure.

**Utility Meter Enclosures:** Utility meters shall be enclosed or screened from view in a manner architecturally compatible with the main structure.

**Utilities:** All connections from trunk lines to individual structures must be underground. Exposed plumbing and electrical lines are not allowed. Materials must conform to the current Electrical and Plumbing Codes. Water and sewer hookups must be inspected by the appropriate inspectors. All excavation for site utility hookups must be restored to its natural condition.

**Accessory Buildings:** Only buildings to be used as temporary construction shelter may be erected on a lot prior to construction of the main residence building. Temporary structures including trailers, mobile homes, trailer homes, tents, shacks or other temporary buildings shall not be used on any lot at any time as a residence. Structures such as dog houses, tool sheds, and playhouses which are intended for permanent or semi-permanent use, are not specifically prohibited. Any accessory building must be placed in the rear of the lot and must conform to setback requirements. Location must take into consideration neighboring lots. All structures are subject to ARC approval.

**Parking:** No utility trailer, boat trailer, camper or other trailer, mobile home, commercial vehicle, tins, truck (other than standard size pick up truck), inoperable automobile, boat, or similar equipment, and no vehicle which is in an extreme state of disrepair, shall be permitted to remain on the street or on any Lot other than; temporarily (for the purpose of loading and unloading of passengers or personal property), unless placed within an enclosed garage.

**Antennae:** Exposed roof TV and/or radio antennae are prohibited, unless specifically approved by the ARC. Satellite dishes smaller than 18" are approved. Satellite dishes shall be mounted in an inconspicuous location.

**Sight Lines, Visibility, Shrubs, and Trees:** No shrub or tree planting which obstructs sight lines at elevations between two and six feet above the roadway shall be planted or permitted to remain on any corner Lot within the triangular area formed by the curb-lines of such intersecting streets and a line connecting such curb-line at points twenty-five feet from their intersection, or, in the case of a rounded corner form the intersection of the curb-lines as extended. The same sight line limitations shall apply on any Lot within ten feet of the intersection of a street curb-line and the edge of a driveway or alley. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at a height of more than six feet above ground level.

**Signs:** Limitations on the size and placement of residential identification signs may be imposed by the ARC. All signs and their proposed locations must first be approved by the ARC. No lighted signs shall be permitted. All residences shall have a designated street number that is easily viewed from the road.

One sign identifying the contractor during construction, or advertising a home for sale is permitted, provided it is single sided, with a maximum area of 200 square inches and the longest dimension is not greater than 40 inches. The sign is to be on its own post and shall not be placed higher than 60 inches from the prevailing ground plane. The sign must be placed no closer than 10 feet from the nearest roadway and be approximately parallel to the centerline of the roadway. Subcontractor and materialmen signs are prohibited. No other signs shall be permitted except as specified in this section, unless otherwise approved by the ARC.

**Fences, Hedges, Privacy and Garden Walls:** All fences and retaining walls shall be made of masonry, rock, or contain metal or a combination of these materials. No barbed wire or chain link fences shall be permitted except as follows. For special situations such as tennis courts, dog runs, the Owner shall submit a detailed request for Variance to the ARC. No fence or garden walls shall be erected, placed or altered on any Lot nearer to any street than the minimum building setback lines, except where allowed or directed by the ARC.

Wire link or chain link fencing shall be used only if each section of fence is strung between columns of wood or masonry; no pipe or metal columns shall be allowed. The fence material itself must be either covered with a vinyl or plastic coating in Natural Earth Tones or must be supporting full-height cedar or redwood slats or must be painted in Natural Earth Tones.

Exposed galvanized metal products shall not be used for fence gates.

**Recreational Equipment:** Whenever possible, equipment should be placed in rear yards, interfering as little as possible with neighboring houses. Equipment should be placed so that errant shots and out-of-bounds shots will not wind up in neighboring lots.

Portable basketball goals placed in streets must be moved from the street when not in use and stored close to the house (not at the street end of a driveway). Permanent basketball goals are allowed only when adjacent to or fixed to the home.

**Mail Boxes and Newspaper Receptacles:** Individual mail boxes and newspaper receptacles are prohibited. Group mail boxes will be provided at central locations by the developer.

### **Landscaping Guidelines**

**Purpose:** The purpose of these regulations is to achieve a unified neighborhood character, encourage the responsible use of water, decrease the urban "heat island" effect, increase neighborhood aesthetics, and increase the home value for this subdivision.

**Applicability:** The landscape areas addressed herein apply to the front, back and side yards of the home.

**Time Requirement:** Landscape installation for the front and sideyards must begin within thirty (30) days from the date of sale or substantial completion of a home, whichever occurs later, and must be completed within ninety (90) days. Landscape installation for the rear yard must be completed within one (1) year after the later of the sale or substantial completion of the home.



## **Landscape areas:**

- 50% front yard (defined as the landscape area between the street or sidewalk and the farthest façade of the home) shall be landscaped with living plant material. Coverage shall be based on anticipated mature sizes of plant, as shown in the Approved Plant List.
- 50% of plants used must be evergreen or semi-evergreen.
- Sod-type turf shall be allowed in parkways only if using subsurface irrigation.
- All El Paso County requirements shall be followed with respect to landscape and irrigation.
- Low walls dividing properties shall not be allowed in the setback area. Instead, homeowners are encouraged to blend landscapes using similar plants and construction materials. Where mulches vary in type or color, a 6" header curb or mortared brick row-lock shall divide mulches.
- Landscape areas shall be maintained such that 50% of the yard (not including driveway) remains permeable to rainfall. Non-permeable surfaces include (but are not limited to) concrete, mortared flagstone, mortared brick, and stabilized screenings.
- A combination of flowering and evergreen plants is recommended, for year-round interest.
- Variation in landscape topography in the form of berms and swales is encouraged, as is placement of varied mulch sizes and inclusion of boulders. It is suggested that plant materials be located at bottom of swales for optimal water usage.
- Underground cisterns, or above-ground barrels, are recommended for rain storage.
- For home energy efficiency, a deciduous tree is recommended at the south or west face of the home.
- For homes with distinctly Italianate features, the following, additional Mediterranean plants (and plant genera) are recommended: Italian cypress (*Cupressus sempervirens*), yarrow (*Achillea*), lavender (*Lavandula*), agave (*Agave*), Santolina, *Artemisia*, *Euphorbia*, *Iris*, *Penstemon*, *Agapanthus*, rosemary (*Rosmarinus*), germander (*Teucrium*), thyme (*Thymus*), *Vinca*, *Abelia*, *Buddleja*, oleander (*Nerium*), catmint (*Nepeta*), *Photinia*, *Pittosporum*, Spanish broom (*Spartium*), lilac (*Syringa*), Aleppo pine, Italian stone pine, pinon pine, crape myrtle, European olive, English ivy, trumpet vine (*Campsis*) and *Clematis*

## **Allowable Plants**

All plants used towards the requirement shall be chosen from the Approved Tree and Plant List. Other plants may be added as additions to the required landscaping.

## **Irrigation Systems**

- All landscaping shall be regulated through the use of a timer/controller.
- Drip irrigation is recommended for all applications.
- Proper permitting shall be acquired, as per El Paso County.
- Proper backflow requirements on irrigation systems must be met.
- Irrigation systems must be installed by a State of Texas Licensed Irrigator, or a Licensed installer under the direct guidance of a Licensed Irrigator.
- "Smart" timer/controllers are recommended This includes systems which use a weather station, systems which have a satellite connection measuring evapotranspiration, and systems which employ the use of underground sensors.

## **Allowable Landscape Materials**

- All landscape areas shall receive mulch of one (or a combination) of the following types: Franklin Red gravel (or equal) - any size; pea gravel, cobble stone -- any size; river stone - any size, desert tan gravel - any size; lavender gravel - any size; grey gravel - any size, desert brown gravel - any size, camp green gravel -- any size. No white, black, or mesa red rock shall be allowed. Bark mulch or other organic mulches may be utilized in combination with other landscape mulches, though not in excess of 25% of site coverage. Gravel mulches shall be applied over water-permeable weed barrier fabric only. Absolutely no plastic weed barrier shall be allowed. Mulch must meet minimal requirement of 3'depth.
- Any additional landscape materials - mow strips, pavers, boulders, bricks, etc., shall match in general the colors of the allowed mulches listed above, as well as the approved home colors.
- Landscape strips such as those occurring near the curb and at the sides of the house shall remain free of non-pervious paving such as concrete. Non-mortared pavers only are acceptable in these areas. Alteration of parkways/landscape strips, such as the addition of pavers, shall require review by the ARC.
- Any desire for statuary, lawn art, fountains, fencing, or other architectural element desired as an addition to the front yard shall also be submitted to the ARC for review and approval.

The ARC will make available a list of the many plants that do well in the area. Selections should consider the characteristics of growth rates, deciduous or evergreens, sun or shade preferences, flowering and many other characteristics as well as disease and insect problems. Use of landscape architects or other landscape professionals is strongly recommended. The following trees are restricted and shall not be planted or allowed to grow on any lot:

- A. Cedars, salt
- B. Cottonwoods, native female
- C. Elms, Siberian (Chinese)
- D. Mulberry, fruiting
- E. Poplars, Carolina, Balm and Lombardy

**Excavation:** All excavation must be done so as to create a minimum disturbance on the site. All dirt and debris as a result of excavation must be leveled and/or removed from the site.

**Maintenance:** It is the responsibility of each homeowner to maintain their property in such a manner that adds to the overall beauty and harmony of the neighborhood. Each homeowner should take this responsibility seriously, as failure to do so can negatively impact the value of the property, surrounding properties, and the entire Subdivision.

There are many areas in and around the home that should be inspected regularly to ensure that the property is in good repair. These include (but are not limited to):

- Lawn care
- Tree and shrubbery trimming
- Landscaping
- Decks
- Fences
- Driveways and sidewalks
- Playground equipment
- Paint
- Trash container storage
- Debris and trash removal

**Deterioration:** Any time that the HOA has been made aware that a property has deteriorated to the point that it is affecting the aesthetics of the community, the Association will be asked to make an inspection of the property. If the ARC inspecting the property finds the property needs maintenance, the homeowner will be notified and told of the specific violation(s). The ARC will also inform the Board of the violation.

If the violation(s) are not corrected within a reasonable period of time (as determined by the HOA), the HOA will take action in compliance with the Declaration of Covenants.

**Coordination with Covenants:** In the event of any inconsistency or conflict between the Architectural Guidelines and the Covenants, the Covenants shall control.

**Adoption:**

These Guidelines are adopted by the ARC on this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

BY: \_\_\_\_\_  
NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_