

**THE COURTYARD HOMEOWNERS ASSOCIATION, INC.****ARCHITECTURAL, LANDSCAPING, AND CONSTRUCTION GUIDELINES FOR
THE COURTYARD PLANNED UNIT DEVELOPMENT**

This revised edition of the Architectural, Landscaping, and Construction Guidelines for the Courtyard Subdivision was approved by the Board of Directors of The Courtyard Homeowners Association, Inc. (herein after referred to as the CHA) and adopted on December 18, 2007, and supersedes all prior guidelines adopted by the CHA, including, but not limited to, prior guidelines, standards, or requirements dated:

- November 26, 1979;
- July 25, 1983;
- January 7, 1997, and recorded in Vol. 11434 Page 0002, of the Deed Records of Travis County, Texas;
- December 14, 1994, and recorded in Vol. 12339 Page 2049 of the Deed Records of Travis County, Texas;
- December 20, 1995, and recorded in Vol. 12593 Page 0735 of the Deed Records of Travis County, Texas; and
- October 20, 1997, and recorded in Vol. 13048 Page 0184 of the Deed Records of Travis County, Texas.
- April 20, 2005, and recorded in document number: 2005078259, of the Deed Records of Travis County, Texas.

The authority and responsibility for the implementation and enforcement of these Guidelines rests with the Board of Directors of the CHA through its Environmental Control Committee (hereinafter referred to as the ECC). The ECC derives its authority from the SECOND RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS (hereinafter referred to as the Declaration) recorded in VOL. 6598, Pages 1046-1076 of the Deed Records, Travis County, Texas.

The purpose of this document is to set forth the ECC's policies and procedures by which plans will be formulated, prepared and reviewed for new construction and alterations to existing buildings or homes, or any other construction which is subject to the approval of the ECC. In the event of a conflict between this document and the Declaration, the Declaration shall prevail.

The ECC shall consist of five CHA members appointed by the Board of Directors. The ECC members' terms shall run from the date of their appointment until new ECC members are appointed by the Board.

The ECC shall have at least one regularly scheduled meeting per month, which can be cancelled if there is no business. More special meetings can be called if necessary to vote on member's request in a timely manner.

In order for the ECC to approve, disapprove, or condition a request, a minimum of three members (a quorum) needs to be present at the meeting. A majority vote of all members present at a meeting is required to approve, disapprove or condition a request.

I. Construction That Must Be Reviewed By the ECC

- A. Any construction affecting a lot or exterior of any structure thereon, including:
1. Any initial or new building construction and landscaping;
 2. Accessory buildings and detached garages;
 3. Fences, screens, and retaining walls;
 4. Decks, pools, permanent recreational or sport facilities, boat docks, and TV satellite dishes;
 5. Significant alteration of landscaping;
 6. Driveways, sidewalks, or other hard surfaces; and
 7. Remodel or addition to any item above.

II. Submitting Construction Plans to the ECC

- A. All plans must be submitted and approved prior to any site preparation, including removal of any vegetation or alteration of terrain.
- B. An owner may submit preliminary plans to the ECC for a preliminary ruling to avoid unnecessary delays and costs to the owner; however, this does not eliminate the requirement for submission of final plans for approval prior to any construction or site changes or removal of vegetation.
- C. Final plans for the construction of a home or for the remodeling of an existing home must be of a quality acceptable to the ECC. It is recommended that all final plans submitted to the ECC be sealed by a registered architect or registered building designer.
- D. All requests for ECC approval must also include a filled out and signed ECC Quick Reference Checklist. A copy of this form can be found as Appendix A to these Guidelines on page 9.
- E. The ECC shall meet within fifteen (15) days after an owner has made application to it for approval, submitting at the time of application at least three (3) sets of plans and specifications.
- F. The ECC shall render its decision within thirty (30) days after this meeting, and if disapproved, the disapproval letter will contain specific reference to those features which caused the disapproval.
- G. Approval may be conditioned upon revisions as noted, or completion within a specified period of time, or both.
- H. All decisions shall be made by a majority vote of the ECC members present at a meeting where a quorum exists. A failure of the ECC to act will result in the project being considered approved.
- I. One copy of the plans submitted will be returned to the applicant and marked either: Approved, Approved with revisions as noted, or Disapproved.

J. Approval by the ECC does not imply that the project meets governmental requirements such as environmental or building codes, which are the owner's responsibility.

III. Building and Construction Standards

A. General Requirements:

1. The minimum square footage of residential construction shall be 2,500 square feet of heated and cooled area except for:

a) Lots 1-12 of Phase 3A, which shall have a minimum of 4,000 square feet of heated and cooled area;

b) Lots 25-32 of phase 3A, which shall have a minimum of 3,500 square feet of heated and cooled area; and

c) Townhome units, which shall have a minimum of 1,800 square feet of heated and cooled area.

2. Except for townhome units, if the residential construction is more than one story, the ground floor shall have a minimum of 1,500 square feet of heated and cooled area.

3. The maximum height of each residence shall be thirty-two feet (32') as measured from finished floor to top of ridge. Exceptions to two story homes shall be allowed under special conditions and only when appropriate to the surrounding structures.

B. Site Requirements and Tree Preservation:

1. The zero lot line, as indicated on the Planned Unit Development plan, shall have no windows, decks, doors, or other feature which interferes with the privacy of the neighbor.

2. Other setbacks are required as per the subdivision plat(s) filed in Travis County, Texas, and the Planned Unit Development plan dated May 14, 1982, on file with the Planning Department, City of Austin.

3. The Declaration, Article IX, Section 1, states "However, no Owner shall injure, remove or destroy any tree planted on any Lot by the Declarant or the Association or which has reached a height in excess of ten feet (10') without the approval of the Environmental Control Committee of the Association."

4. All plans should indicate the location of all ten-foot (10') high trees on the lot (except junipers) and how the trees to be saved will be protected. For further information, see the City of Austin Tree Protection Guidelines. The ECC strongly encourages the builder and owner to save and protect desirable native small trees and shrubs wherever practicable. For every two inches (2") of diameter of hardwood tree removed, one inch (1") diameter of hardwood tree is to be replaced or other arrangement as approved by the ECC.

5. It is mandatory that the front of each home shall be landscaped as per the ECC-approved landscape plan within six (6) months of the completion of construction.

6. The use of common areas for access to construction sites is prohibited without written approval of the ECC.

C. Fences:

1. Fences exposed to street view should be minimized. Fences or walls exceeding six feet in height will not be permitted.
2. Specifics as to structural design of the fence, height, type of fence and location of the fence must be approved by the ECC prior to construction.
3. All fences exposed to view from the street must be 100% masonry, a combination of masonry and wood, or a combination of masonry and wrought iron. Such fences exposed to street view should have masonry pillars placed at intervals no greater than twelve (12) feet.
4. Fences, except those in common area or Limited Use Easement areas, should be visually buffered from street view by landscaping. The skeleton framing shall not be exposed to neighboring property.
5. Chain link fences are not permitted.

D. Driveways, Sidewalks and Other Hard Surfaces:

1. Sidewalks are required as per subdivision plat.
2. Driveways and sidewalks shall be concrete or brick pavers. Asphalt or gravel is not acceptable.
3. Patios and decks shall compliment the proposed or existing structure.
4. In the event that posts or columns are used to support the structure, as occurs on sloping sites, the underside of the building and the supports must be hidden from view by walls or acceptable screening.
5. It is recommended that garages be side-entry when possible.

E. Exposed Sheet Metal:

1. Gutters and downspouts shall be painted to match or blend with colors on the house.
2. Gutters will be required on any roof overhang which drains onto the adjoining property.
3. All flashing such as at the chimney or sidewall and all metal edging at the cave line shall be painted an appropriate color to blend with the predominant color surrounding the flashing.

F. Masonry, Siding, and Trim Requirements:

1. All proposed siding and trim shall be wood, wood product, or fiber-cement siding. Metal or vinyl siding is not acceptable.

2. All wood, wood product or masonry siding and trim shall be properly installed. The ECC shall require the owner to repair any damaged or improperly installed siding at the owner's expense.

3. At least 75% of the exterior material shall be brick, stone, stucco, or fiber-cement product.

G. Roofing Materials:

1. A sample of the roofing material and color is to be submitted to the ECC for its approval.

2. Examples of acceptable roofing materials shall include dimensional composition shingle, tile, or standing seam metal.

H. Doors and Windows:

1. All doors and windows shall be properly installed and in proper working order.

2. No windows or doors are allowed on the zero lot line side unless properly screened.

I. Finishes:

1. A sample of proposed paint is to be submitted to the ECC for approval.

J. Special Construction:

1. Swimming pools shall be shown on the site plan and shall be subject to approval of the ECC.

2. Sunrooms, pool houses, trellises, etc., shall be within the setback lines as shown on the subdivision plat. Materials and design should complement the residence.

K. Conveyances – Elevators and other conveyances to Bull Creek shall be subject to review and approval of the ECC.

L. Electrical Requirement:

1. Service in this subdivision to each residence is required to be underground.

2. Meters should be located on the side or rear of each residence.

M. Solar System/Solar Collector Installation Guidelines:

1. Solar System Panels /Solar Collector and/or equipment are permitted provided they meet the following requirements:

a. Solar System panels/Solar Collector and/or equipment are not permitted anywhere on a house or outbuilding where they will be visible from the front view of the house.

b. Solar system panels/Solar Collector and/or equipment mounted on a ground structure (panels mounted on poles or metal frame) are not permitted if they are visible from a street or by neighbors.

c. The panels/ collectors must have a flat profile, and not extend above the roof ridge.

N. Mechanical Requirements:

1. Venting of plumbing, heating equipment or kitchen shall be directed to the rear behind the ridge line. All such vents must be painted to match the color of the shingles or roofing material.
2. HVAC condensers shall be located away from street view.
3. Electrical and gas meters, air conditioning units, and electrical panels, shall be screened from street view or painted to match the existing wall or dominant color which surrounds them.

IV. Plans Submitted For Approval

A. Plans submitted for approval shall include, as appropriate:

1. Site plan or other plans indicating:
 - a) Building or improvement dimensions and lot dimensions;
 - b) Existing trees and trees to be removed;
 - c) Roof plan;
 - d) Driveway, sidewalk, and deck materials;
 - e) HVAC condenser locations;
 - f) Fencing;
 - g) Proposed landscaping;
 - h) Site topography - existing and proposed changes to grade;
 - i) Proposed temporary construction dumpster locations;
 - j) Proposed temporary construction toilet locations; and
 - k) Proposed location and material of mailbox.
2. Floor plan indicating:
 - a) All rooms, dimensions, windows, exterior masonry, etc.; and
 - b) Total heated and cooled square footage, including masonry, and total garage square footage.
3. Building elevations indicating:
 - a) Materials on all elevations

(1) Front and sides -no more than two feet (2') of exposed slab

(2) Rear - no more than three feet (3') of exposed slab

- b) All windows and architectural details and projections,
- c) Height to ridge lines and finished floor levels, and
- d) Existing and proposed grade and any proposed retaining walls.

B. Approval of the submitted plans shall be subject to the owner's agreement to comply with the following conditions:

1. Construction operations on the exterior shall be confined to reasonable daylight hours. Excessive noise from interior or exterior construction is not permitted on Sundays or at night.
2. All debris from construction shall be properly disposed of promptly. Excess materials shall be kept in a neat and orderly condition. Trash shall be removed as needed.
3. All portable toilet facilities shall be cleaned at least weekly.
4. If signs are posted by builders or realtors, the signs must be clean, freshly painted, and properly maintained.
5. If the design is changed from the plan, the ECC is to be notified in advance with a plan of the revision and it is subject to ECC review and approval.
6. Construction must begin one (1) year from date of approval and construction shall be completed within two (2) years from the date of approval. Owners shall sign each set of approved plans signifying owners' agreement to comply.

C. Any failure to comply with approved plans and all requirements herein is subject to enforcement action under Declaration Article XVII, Section 1 and Article IX, Sections 2 and 3.

V. Performance Deposit

A. After the ECC approves any proposed construction of a dwelling, the party responsible for the construction of the dwelling shall deposit the sum of \$5,000 for new homes or \$2,500 for new townhome construction. The ECC reserves the right to require a \$1,500 deposit for any remodeling-type construction. All deposits shall be held in a Construction Deposit Account pending the completion of the construction of the dwelling, including the clean-up of the property.

B. In the event that the party responsible for the construction of the dwelling fails to comply with the approved plans or any of the rules and regulations of the CHA, then the Association may use such deposit to:

1. Correct any problems, when appropriate; and
2. Enforce the failed compliance, including but not limited to the payment of attorney's fees, filing of lawsuits, and purchasing bonds for injunctive relief.

C. Any monetary deficiency not covered by the deposit will be collected in accordance with Article IX, Section IV, of the Declaration.

D. Upon completion of the construction, the party who placed the deposit shall state in a letter to the ECC that all the following has been completed:

1. The construction project has been built in compliance with the approved plans and the rules and regulations of the CHA;
2. All appropriate clean-up has been made; and
3. All landscaping has been completed in accordance with approved plans.
4. The letter shall be mailed by certified mail, return receipt requested, to the address so designated by the CHA, which shall have thirty (30) days from receipt thereof to return the deposit, minus any funds expended for correction or enforcement.

VI. Variance from These Guidelines

A. The ECC shall have the right and privilege to permit any owner without consent of other owners to deviate from these Guidelines, provided that such deviation is necessary in order to carry out the general purpose of the Declaration.

B. Any variance must be granted in writing by the ECC and shall not constitute a waiver of the ECC's power of enforcement with respect to any of the Guidelines as to any other part or parcel of property.

VII. Amendment Procedure

- A. These guidelines may be revised by the Board of Directors at any time.
- B. If the ECC determines that these guidelines should be revised, the ECC shall send proposed amendments in written form to the Board of Directors.

Executed this 17th day of SEPTEMBER, 2008.

The Courtyard Homeowners Association, Inc. by

[Handwritten Signature]

Signature

FRANK L. APGAR PRES.

Printed Name and Title

State of Texas
County of Texas

This instrument was acknowledged before me this 17th day of SEPTEMBER, by FRANK APGAR of The Courtyard Homeowners Association, Inc., on behalf of said corporation.

[Handwritten Signature]

Notary Public in and for the State of Texas
My commission expires: July 19, 2010



Exhibit A - ECC QUICK REFERENCE CHECKLIST

PROPERTY ADDRESS: _____

PROPERTY OWNER: _____

- | | | | |
|---|-----|----|-----|
| 1. ZERO LOT LINE - NO WINDOWS, DECKS OR DOORS | Yes | No | N/A |
| 2. SITE PLAN SHOWING EXISTING TREES | Yes | No | N/A |
| a. SITE PLAN SHOWING TREES TO BE REMOVED | | | |
| b. FOR EVERY 2" OF HARDWOOD TREE REMOVED 1" OF HARDWARE TREE IS TO BE REPLACED. | | | |
| 3. ROOF PLAN - MATERIAL TO BE SUBMITTED | Yes | No | N/A |
| 4. MAXIMUM HEIGHT 32' FROM THE BASE PLATE | Yes | No | N/A |
| 5. MASONRY 75%, EXCLUDING WINDOWS | Yes | No | N/A |
| 6. DRIVEWAY, SIDEWALK AND DECKING MATERIAL | Yes | No | N/A |
| 7. HVAC CONDENSER LOCATION AND SHIELDING | Yes | No | N/A |
| 8. FENCING | Yes | No | N/A |
| a. CHAIN LINK & OVER 6' FENCING IS NOT PERMITTED | | | |
| 9. FENCE VISIBLE FROM THE STREET | Yes | No | N/A |
| a. MASONRY PILLARS NO MORE THEN 12' APART | | | |
| b. SKELETON FRAMING NOT EXPOSED TO NEIGHBORS | | | |
| c. VISUALLY BUFFERED FROM THE STREET BY LANDSCAPING | | | |
| 10. CONSTRUCTION DUMPSTER AND TOILET LOCATION | Yes | No | N/A |
| 11. MAILBOX LOCATION AND MATERIAL | Yes | No | N/A |
| 12. PROPOSED LANDSCAPE PLAN AFTER REMODELING | Yes | No | N/A |
| 13. FOUNDATION EXPOSURE 2' FRONT & SIDE, 3' REAR | Yes | No | N/A |
| 14. SETBACKS REQUIRED AS PER THE SUBDIVISION PLAT | Yes | No | N/A |
| 15. SITE TOPOGRAHPY | Yes | No | N/A |
| a. EXISTING AND PROPOSED CHANGES TO GRADE | | | |
| 16. REQUIRED PERMITS (CITY, ETC.) | Yes | No | N/A |
| 17. SWIMMING POOL SHOWN ON THE SITE PLAN | Yes | No | N/A |
| 18. LOCATION OF POOL EQUIPMENT (PUMP, FILTER, ETC.) | Yes | No | N/A |

CONSTRUCTION START DATE: _____

CONSTRUCTION COMPLETION DATE: _____

PROPERTY OWNER'S SIGNATURE: _____

RETURN TO:

Goodwin Management11149 Research Blvd. Suite 100Austin TX 78759-5227

att: Mairlyn Childress

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2008 Sep 18 11:19 AM 2008156775

CARTERT \$56.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS