



**AMENDED and RESTATED
ARCHITECTURAL GUIDELINES
of the
MASTER ARCHITECTURAL CONTROL COMMITTEE
of the
Barton Creek North POA**

—August 23, 2023—

Section 1. Introduction

Welcome to Barton Creek North! The Barton Creek North Property Owners Association (POA) is the Master Association responsible for architectural control activities for the following Sub-Associations in Barton Creek North:

- The Woods
- The Woods II
- The Woods III
- Foothills
- Governors Hill
- The Ridge
- North Rim/South Rim
- The Terraces
- Wimberly Lane, Phase I

The Fairways, Watersmark, and Wimberly Phase II Sub-Associations are also members of the Barton Creek North POA Master Association, but their architectural control matters are not managed by the POA or the MACC.

Whether you are new to the community or a long-time resident, it is important to understand your community's Declarations, Conditions, and Restrictions (commonly referred to as "Deed Restrictions"). As a homeowner in Barton Creek North, your property is subject to the Declarations for both the Master Association and your individual Sub-Association.

1.1 The Master Architectural Control Committee (MACC)

The MACC is established by the Declarations of Covenants, Conditions, and Restrictions for Barton Creek North. The MACC's primary purpose is to preserve and protect the continuity and beauty of the area by promoting harmony of external design and approving the location of all Improvements, ancillary equipment and supporting construction facilities, and, thereby, protecting property values. The MACC is an independent, volunteer group of individuals

responsible for administering, reviewing, and approving all architectural and construction related matters which impact the Barton Creek community. MACC members are appointed by the Barton Creek North POA Board and they are guided by the Master Declarations, the Sub-Association Declarations, these Guidelines, written policies adopted by the MACC or the POA, and input from a variety of legal and architectural experts to inform their decisions. The MACC and its architectural control management support staff will meet on a routine basis to address construction projects subject to its approval and oversight.

The MACC's scope of responsibility includes all ancillary appurtenances, equipment, storage, and supporting construction facilities for both new construction and remodeling work. Generally, if a construction project involves any type of exterior footprint, whether architectural, ancillary, or supporting equipment, MACC approval is required. This includes all exterior equipment and ancillary appurtenances (such as trash receptacles, storage units, portable toilets, and similar items) which may be used for new construction or remodeling work. If a project involves construction entirely internal to a home, and does not utilize ancillary appurtenances external to the home, MACC approval is probably not required but Owners should contact the MACC, nonetheless, for its determination.

Specifically, in light of the Deed Restrictions, the following types of construction projects require Owners to seek the MACC's approval:

- New construction on remaining Lots, including tear downs and rebuilds
- External additions or renovations, including significant landscaping renovations
- Cosmetic external renovations, including exterior painting
- Any construction project, internal or external, which has external appurtenances such as trash receptacles for construction debris, portable toilets, storage pods; however, for projects that are internal only such MACC approval and oversight shall be limited to the placement, screening and time limits for or duration of the placement of such external appurtenances

Decisions of the MACC may be subject to appeal by the Owner to the Barton Creek North POA Board. Additionally, should the MACC encounter compliance issues related to their actions and decisions, such matters will be referred to the Barton Creek North POA Board for further consideration and possible action.

1.2 Purpose of Architectural Guidelines

These Architectural Guidelines have been developed pursuant to the Declarations and in order to develop a common set of administrative procedures, forms, and processes, and the rules necessary in order to expedite both the review process and the related construction activities, and to minimize the impact on the community.

These Guidelines are intended to address the requirements which are common to all communities within the Barton Creek North area. However, due to the differences in the individual Sub-Association Declarations and the diversity in the size and topography of home sites

in Barton Creek, it is not always possible to have a single set of requirements. The MACC has supplemented these Guidelines by inclusion of specific Sub-Association Declarations in the Appendix Sec. 6.1 of these Guidelines.

1.3 MACC Notification Procedures

The MACC maintains a list of active construction projects within the Barton Creek community. The list is maintained in an effort to track pertinent information on the activities of all construction projects. Such construction activities will be monitored and updated by the Barton Creek North POA Community Manager for the MACC at least once each month.

The MACC encourages Owners to engage in informal and preliminary reviews of project plans prior to formal submission of plans. Owners are also encouraged to share information which may impact their neighbors in an effort to minimize the impact of such work on neighbors and the community, to the extent practicable. To be clear, this dialogue is intended to promote goodwill in the community, not to provide special standing for neighbors on the private property matters of Owners before the MACC.

While every effort should be made to submit construction plans in compliance with a Sub-Association's Declarations, it is recognized that certain modifications to such plans may be required before the MACC will consider approval. The MACC will consider all available information in its final decision-making. Once final plans are approved by the MACC, the applicable Sub-Association President and adjacent Lot Owners will receive notification of the planned construction activities. However, the MACC's role, as defined by the Master Declarations and the applicable Sub-Association Declarations, is to make a final determination regarding the Owner's proposed construction plans.

1.4 Definitions

"Barton Creek Development" shall refer to any and all portions of the Property that are subject to the Master Declaration pursuant to Section 10.5 of said Declaration, as amended.

"Commencement of Construction" shall mean the initiation of activities related to the construction of any Improvement on any Lot, including but not limited to the clearing of a Lot, the placement on any Lot of construction-related equipment or structures, or appurtenances thereto such as trash receptacles, portable toilets, storage units or pods, and any other construction-related appurtenance.

"Completion of Construction" shall mean the substantial completion of construction of any Improvement on any Lot, where landscaping is substantially installed and all construction-related equipment, structures or appurtenances thereto such as trash receptacles, portable toilets, storage units or pods, silt fencing, and any other construction related appurtenances, have been removed.

“Compliance Deposit” shall mean the fee imposed by the MACC (as specified in these Guidelines) and which is submitted by the Owner along with its submission of the Final Design for the MACC’s review and approval.

“Declarant” shall mean and refer to Stratus Properties Operating Co. L.P., a Delaware limited partnership, its successors or assigns; provided that any assignments of the rights of Stratus Properties Operating Co. L.P. must be expressly set forth in writing and the mere conveyance of a portion of the Property without written assignment of the rights of the Declarant shall not be sufficient to constitute an assignment of the rights of Declarant.

“Deed Restrictions” shall mean the covenants, conditions and restrictions imposed on property within the Barton Creek Development by the Master Declaration and by any Sub-Association Declaration.

“Design Review and Inspection Fee” shall mean the fee imposed by the MACC (as specified in these Guidelines) and which is submitted by the Owner along with its submission of the Preliminary Design for the MACC’s review and approval, and to pay for inspections of the project as prescribed by the MACC.

“Improvement” shall mean every structure and all appurtenances thereto of every type and kind, whether temporary or permanent in nature, including but not limited to buildings, outbuildings, storage sheds, patios, tennis courts, swimming pools, garages, driveways, storage buildings, sidewalks, fences, gates, screening walls, retaining walls, stairs, decks, landscaping, mailboxes, poles, signs, antenna, exterior air conditioning equipment or fixtures, and exterior lighting fixtures, water softening fixtures or equipment.

“Lot” shall mean and refer to a portion of the Development shown as a subdivided lot and shall include both “Commercial Lots” and “Residential Lots” as such terms are defined in the Master Declaration.

“Master Architectural Control Committee” or “MACC” shall mean the committee created pursuant to the Master Declaration, whose members are appointed by the Board of Directors of the Barton Creek North Property Owners Association, to review and approve plans for the construction, placement, modification, alteration or remodeling of any Improvement on any Lot.

“Master Declaration” shall mean the Master Declaration of Covenants, Conditions and Restrictions adopted by Barton Creek Properties, Inc. on November 28, 1990 and recorded on November 30, 1990 in Volume 11324, Page 0707 of the Real Property Records of Travis County, Texas, as same may be amended from time to time.

“Owner” shall mean the person(s), entity or entities, holding all or a portion of the fee simple interest in any Lot, except the mortgagee.

“Plat” shall mean a subdivision plat of any portion of the Barton Creek Development as recorded in the Plat records of Travis County, Texas, and any amendments thereto.

“Property” shall mean all of that certain real property described in Exhibit A of the Master Declaration, subject to any changes made pursuant to Sections 10.03 and 10.04 of said Declaration.

“Sub-Association Development Area” shall mean any part of the Barton Creek Development that is the subject of a Plat, which Sub-Association Development Areas may be subject to Sub-Association Development Area Declarations in addition to being subject to the Master Declaration.

“Sub-Association Declaration” shall mean, with respect to any Sub-Association Development Area, the separate instruments containing covenants, restrictions, conditions, limitations and/or easements, to which the Property within such Sub-Association Development Area is subjected.

1.5 Overview of MACC Review and Approval Process

Pursuant to Article VI of the Master Declaration, the MACC is charged with reviewing and approving plans for the erection, construction, placement, modification, alteration or remodeling of any Improvement on any Lot, and for adopting such procedural and substantive rules and guidelines as it deems necessary or appropriate for the performance of its duties. In addition, pursuant to the various Sub-Association Development Area Declarations, if approved by the governing bodies of any such Sub-Association, the MACC is also empowered to act on behalf of Sub-Associations in approving the erection, construction, placement, modification, alteration or remodeling of any Improvement within the Declaration Area of such Sub-Associations, all in accordance with the applicable Deed Restrictions.

Section 6.02 (b) of the Master Declaration requires the submission and approval of plans and specifications (including but not limited to exterior views, exterior materials, colors, and elevation, a drainage plan, a site plan showing the location of any proposed structure or improvement, a landscaping plan, and a driveway construction plan) in the form required by the MACC, and any other information or documents that may be required by the MACC, together with any review fee imposed by the MACC, at least 30 days prior to commencement of construction, and prohibits any Improvement without prior approval of the MACC.

Pursuant to Section 6.02 of the Master Declaration, the MACC has the power and authority to impose reasonable charges for the review of plans and other documents and information submitted to it. Such charges shall be deposited by the MACC and used to defray the administrative expenses it incurs in performing its duties.

These Guidelines are intended to assist Residential Lot Owners, and their architects and builders, in the process of designing, building and remodeling of any Improvement in the Barton Creek Development, and to help provide a high level of design quality, compatibility, and suitability for what will be built within the Development, in order to protect real estate values in the Development for the benefit of every Lot Owner. To that end, no site preparation or construction of any type may commence without written approval of the MACC.

In order to facilitate the MACC's review and approval process, Section 2 of these Guidelines identifies a series of steps that Owners should consider and utilize.

Section 2. Design Review and Approval Process

2.1 Get to Know Your Site

Generally, in order for the MACC to approve plans for an Owner's proposed Improvement, site-specific and project-specific plans will need to be prepared by an architect, architect/builder, or contractor, depending on the complexity of the project.

2.2 Choose the Right Professional

For construction of a new home, a licensed architect, or architect/builder should design your home. For remodeling work, a licensed architect, architect/builder, or general contractor should complete the design of any Improvement requiring MACC approval. For Improvements related to major landscaping projects a landscape architect or contractor should be engaged. Owners should ensure that their architect, architect/builder, landscape architect, and/or general contractor are familiar with these Architectural Guidelines and all written MACC policies, the review process described herein, and the following:

- 1) The Deed Restrictions; and
- 2) The Uniform Building Code and all other applicable codes and ordinances of governmental entities having jurisdiction over construction projects. Please note that the approval of the MACC does not constitute or imply compliance with such codes and ordinances by the Owner.

2.3 Pre-Design Meeting with the MACC

Prior to beginning work on the design of a new home construction or remodel project requiring MACC approval pursuant to Section 1.1, an Owner and its architect/builder team are required to meet with the MACC. At this meeting the MACC will discuss the proposed new home construction project or remodel project and ensure the Owner's familiarity with these Architectural Guidelines and the expectations of the MACC with respect to design quality and compliance with the Deed Restrictions and these Guidelines. The Pre-Design Meeting is an essential and critical step in the design process. Owners should schedule a Pre-Design Meeting with the MACC as early in the project process as possible. At this meeting the MACC may also determine that it has sufficient information to determine that a proposed construction project does not require MACC approval or only requires limited approval by the MACC.

2.4 Preliminary Design Review

After the Pre-Design Meeting, Owners will develop the design of their new construction or remodel project and submit preliminary plans to the MACC for review. The purpose of the Preliminary Design Review is to ensure that the design conforms with these Architectural Guidelines and the Deed Restrictions.

The Preliminary Design Review should be submitted in digital format and shall include the following:

- 1) Proposed site plan presented at a minimum scale of 1" = 10'-0", indicating property lines, existing and proposed contour lines at 1'-0" intervals, locations of all elm and oak trees, and all cedars greater than 8" or larger caliper (at a distance of 24" from the tree base), building location, driveway and parking areas, easements, utilities, utility meter locations, air conditioning compressor locations and any accessory site development of any kind such as walls, swimming pools, or accessory buildings. Required setbacks as specified in the Deed Restrictions must be shown on site plans.
- 2) Proposed floor plan and all exterior elevations showing existing and proposed contours, all at a minimum scale of ¼" = 1'-0".
- 3) A statement of the square footage of the proposed building of the building lot coverage and of the total of all impervious cover.
- 4) An elevation study including the front elevation of the proposed residence and the front elevations of any residences built or proposed to be built on adjacent Lots.
- 5) The site plan must include a drainage plan indicating how storm water and irrigation run-off will be retained on-site for irrigation and excess run-off will move from the site into the various drainage easements. Plans shall not be approved that will adversely affect adjoining Lots.

In addition to the Preliminary Design Review submission, Owners shall afford the MACC an actual stake-out of any new building corners with connecting colored tape to show building outline, driveways, and other improvements. In determining the proper location for each improvement, the MACC shall consider the location of exit sign and future Improvements on adjacent Lots and such other aesthetic considerations as it may deem necessary.

The use of a landscape architect or service is required to help the Owner and its design team identify the critical elements of the site. These elements should appear on the schematic site plan.

A Design Review and Inspection Fee (typically \$500 - \$1500), as designated by the MACC in its discretion, shall be included with the Preliminary Design submitted and will be used to:

- 1) Cover the administrative and professional fee expenses incurred by the MACC; and
- 2) Other expenses incurred by the MACC in its review process, including inspections.

Additionally, other fees associated with the administrative intake and processing of applications to the MACC may be charged to Owners by the MACC's community manager.

Preliminary Design Review submissions will not be considered without the receipt of the required Design Review Fee and a complete set of submission documents as detailed above, as well as the information identified in the Preliminary Plan Review Checklist, included in the Appendix to these Guidelines. Once received, all such items shall be received by the MACC at least one week prior to the next scheduled MACC meeting. The Owner or the Owner's representatives, including the architect, architect/builder and/or the general contractor are invited to present the Preliminary Design Review submittal to the MACC. The MACC will review same in detail for compliance with the technical requirements and intent of these Guidelines and provide a timely response.

The Owner submitting plans for approval to the MACC is responsible for the verification and accuracy of all materials submitted to the MACC, including all dimensions, elevations, and the location of the key features of the natural terrain.

2.5 Variances from Architectural Guidelines

Requests for variances from these Guidelines will be considered on a case-by-case basis and shall remain the exception. Alternative design approaches should negate the need for variances except in extraordinary circumstances. A variance to allow cutting a major specimen tree shall demonstrate that other design approaches cannot make appropriate accommodation. Since setbacks, easements, and other restrictions are clearly identified, granting variances to same shall be rare. If the MACC approves a request by an Owner for a variance, the Owner shall submit a variance fee as designated by the MACC, in its discretion, to pay for the MACC's preparation and filing of the variance in the Travis County real property records. No precedent shall be established by the granting of any variance by the MACC.

2.6 Final Design Review; Sample Board; Landscape Plan; Compliance Deposit; Contractor/Builder Agreement

The final step in the review process is the Final Design Review. All of the drawings and stakeout requirements of the Preliminary Design Review are required to be updated and presented in appropriate detail for the Final Design Review by the MACC. Additionally, all dimensions of rooms, exterior doors and windows, height of all roofs, chimneys, and exterior walls and fences shall be shown. All exterior elevations shall include a description of materials and scale indications along with sufficient detail to represent the visual expression of the building and its architectural detail, including longitudinal and transverse sections. A schedule of construction, detailing the estimated timelines for construction of the Improvements on the property, shall also be included.

- 1) Sample Board. A sample board shall be provided for review by the MACC. Samples shall be identified with manufacturer's name, color, and/or identification number, and shall include:
 - a) Roof material, color, manufacturer and model/style number
 - b) Wall materials, colors, manufacturer and model/style number
 - c) Exterior trim materials, colors, manufacturer and model/style number
 - d) Chimney material, color, manufacturer and model/style number
 - e) Window trim color, manufacturer and model/style number
 - f) Exterior door colors, manufacturer and model/style number
 - g) Stone or rock to be used, and related mortar and/or stucco color specification, manufacturer and model/style number.
- 2) Landscape Plan. The Final Design Review shall also require the proposed landscape plan to be submitted and shall include all information noted above and on the Final Plan Review Checklist, included in the Appendix to these Guidelines. This plan shall be drawn at a minimum scale of 1" = 10'-0" and shall include proposed plant materials (name and size), existing plant materials (name and size), decks, fencing, pavement, service yards, driveways, any freestanding structures, outdoor lighting, and irrigation system layout. All relevant statistics including irrigation zoning and area covered shall be included in the landscape plan. The plan must maximize retention of irrigation water and shall address and resolve storm water runoff from the site onto adjacent properties and into surrounding drainage easements and open spaces.
- 3) Compliance Deposit. Along with the Design Review and Inspection Fee submission, the Owner shall submit a Compliance Deposit as specified by the MACC in its discretion based on the scope of the project (typically \$5,000 - \$15,000), and also execute the Compliance Deposit Agreement included in Appendix 6.7 of these Guidelines. Submissions shall not be complete and will not be reviewed or considered by the MACC without receipt of the Compliance Deposit and execution by the Owner of the Compliance Deposit Agreement, along with submission of a complete set of documents as described above and including all information identified in the Plan Review Checklist, included in the Appendix to these Guidelines. Incomplete submissions will be returned. Repeated submissions of incomplete information may, at the discretion of the MACC, require the Owner's payment of additional design review fees.
- 4) Contractor/Builder Agreement. In addition to the Compliance Deposit Agreement, General Contractors and Builders shall execute and submit to the MACC the Contractor/Builder Agreement, included in the Appendix to these Guidelines, affirming their understanding and agreement to comply with requirements and standards for construction projects subject to MACC approval.
- 5) Final Design Review. The Final Design Review documents shall be submitted to the MACC at least one week prior to a scheduled meeting of the MACC to consider same. If, after visiting the site of the new construction or remodel project the MACC determines that

the documents satisfy the requirements of these Guidelines and the Deed Restrictions, the MACC shall issue a written approval of the Final Design. No significant site clearing, site preparation or construction of any type may commence without the written approval of the MACC.

2.7 Building Permits from Appropriate Governmental Agencies

Following approval of the Final Design by the MACC and prior to Commencement of Construction, all required building permits must be obtained by the Owner from the appropriate governmental agencies.

2.8 Foundation Forms Inspection

When the foundation forms have been set, an inspection by the MACC or its agent is required to verify the foundation location and elevation relative to the property survey and approved plans to ensure proper location and height of the building on the site and the proposed finished floor elevation. No pouring of the foundation may occur without such verification and approval in writing of the MACC. Upon completion of the foundation, the Owner shall deliver to the MACC a survey prepared by a registered surveyor, identifying all property lines and proposed locations of the building outline, the driveway, and structures located on adjoining properties.

2.9 Inspections

During construction the MACC or its agent may make inspections of the construction of the proposed Improvements. It is the responsibility of the Owner to ensure that construction conforms with the approved Final Design and any conditions associated with the MACC's approval. During the course of construction, the MACC or its agent will inspect the project for compliance with the approved Final Design. The MACC may issue "Stop Work" orders if the construction does not comply with the approved Final Design or conditions associated with the MACC's approval.

2.10 Changes

No significant changes to the design of the exterior of the Improvement, or to the materials or colors approved by the MACC, may be made without the prior written approval of the MACC.

2.11 Completion of Project Review

To ensure that the Improvement is constructed in accordance with the approved Final Design, a Completion of Project Review is required. The Owner shall inform the MACC immediately upon completion and all final inspections have been completed. The MACC will act to complete this review no later than ten (10) working days of receipt of such notice and will issue its determination as to whether such requirements have been met. The Owner shall provide an Improvements survey by a certified surveyor showing the property boundaries and the location of all Improvements. Upon completion of all Improvements in compliance with the Final Design

as approved by the MACC, the Compliance Deposit shall be returned less any charges incurred for failure to comply with the Final Design Approval and/or these Guidelines.

2.12 The MACC; Liability; Enforcement; Modification

- 1) Liability. Neither the MACC nor the Declarant of the Master Declaration shall be liable in damages to anyone submitting plans or other materials for approval, or to any Owner by reason of mistake in judgement, negligence or nonfeasance arising out of or in connection with, the approval or disapproval or failure to approve any plans or other materials. Every Owner and any other person who submits plans to the MACC agrees, by submission of such plans or other materials, that it will not bring any such claim, and waives any right to bring any action or suit against the MACC for any purpose.
- 2) Enforcement. These Architectural Guidelines may be enforced by the MACC, the Barton Creek North Property Owners Association, or the Declarant of the Master Declaration, as provided herein and in the Master Declaration.
- 3) Modification. The MACC shall have the right to amend and modify these Architectural Guidelines at any time in its sole discretion and such amendment and modifications will be binding on and enforceable against all Owners. Every effort shall be made by the MACC to inform Owners of changes and modifications to these Guidelines; however, it is an Owner's responsibility to inquire of the MACC as to any changes which might affect the design of any Improvement proposed by an Owner. Technical compliance with these Guidelines alone is not sufficient grounds for approval of proposed designs.

Section 3. Site and Landscape Design Guidelines

To assist Owners, architects, builders and general contractors design and build Improvements, site and landscape design guidelines have been prepared. These guidelines range from suggestions and recommendations to requirements which must be addressed in the design review process. Some provisions herein may be modified by the MACC when it is shown that the basic intent of these Guidelines will not be adversely affected by a modification that has been requested.

3.1 General Design Considerations

Because each Lot in the Barton Creek community is unique, Owners should begin with a boundary, tree, and topographic survey of their Lot. These Guidelines are intended to preserve the special attributes of each Lot and to extend the design of the house into the design of the landscape, for the enhancement of both. Owners should note, however, that the Deed Restrictions for each Sub-Association in Barton Creek may include limitations or restrictions with respect to Site and Landscape Design, and Owners and their consultants should become familiar with such Deed Restrictions as they develop plans.

It is the intent of these Site and Landscape Guidelines to ensure a fairly uniform planting treatment from Lot to Lot, one that extends from the Lot lines through the right of way to the edge of the road pavement. Note that if an Owner is merely replacing damaged vegetation or installing new vegetation in the same “footprint” of existing landscaping, then no MACC approval for such replacement vegetation is required.

3.2 Building Envelope; Orientation; Setbacks

Siting the building is of critical importance to the design success of the individual house and of the entire neighborhood. Topography affects the views from homes and from neighbors. Side yard setbacks and staggering of homes on adjacent lots will provide extra privacy and a sense of separateness.

Because no two Lots are exactly alike and many orientations are involved, the MACC will review each plan for Improvements in relation to the specific characteristics of the particular Lot and surrounding Lots. Characteristics such as topography, adjacent homes and homesites and natural features, and open spaces or golf courses, may require special consideration. The MACC will review each plan for dwellings to be located on Lots adjacent to such features for appropriateness and consider exceptions that would benefit the Owner and the neighborhood.

Each neighborhood that is subject to these Guidelines has Deed Restrictions related to setbacks that are required for construction within the neighborhood. Owners should be familiar with such requirements as they develop site and landscape plans. The location and height of any privacy or enclosing walls must be shown on the drawings for design review and will be considered individually by the MACC. Associated outdoor structures, including greenhouses, arbors, trellises, barbecue pits, and pools, shall be unobtrusive and constructed of compatible materials.

Construction within front, side and rear yard setbacks and transition buffer zones is limited to non-habitable and non-air-conditioned space, and must be approved by the MACC. Ancillary structures that may be approved by the MACC and extend into setbacks include:

- Air-conditioned unit structural screening walls and landscaping;
- Driveways;
- Courtyard and privacy walls, and fencing;
- Walkways, decks, and terraces;
- Swimming pools, spas, and water features;
- Pergolas, arbors, trellises, and belvederes; and
- Sports courts and playscapes, where allowed.

3.3 Driveways, Parking, Sidewalks

Owners and their consultants should review the Deed Restrictions applicable to their particular Sub-Association to determine the appropriate limitations, setbacks and materials to be used with

respect to the siting, placement and construction of driveways, parking spaces and sidewalks. See Appendix 6.1 for active links to all Sub-Association Deed Restrictions.

3.4 Garages

Owners and their consultants should review the Deed Restrictions applicable in their particular Sub-Association to determine the appropriate limitations, setbacks and materials to be used with respect to the siting, placement and construction of garages. See Appendix 6.1 for active links to all Sub-Association Deed Restrictions.

3.5 Fences and Walls

Fences and walls must be architecturally compatible with the residential structure and integrated into the design of the dwelling. Materials of the walls shall be the same as the dwelling. Chain link fencing is not allowed in a location visible from the street, golf course, or a neighbor's house. Any chain link fence used elsewhere must be vinyl-coated black or dark green fencing. Necessary fencing along a golf course transition zone or between lots and a green space shall be of the standard Barton Creek design, which is wrought iron-style pickets, with stone columns or steel posts.

Solid walls enclosing an entire Lot are prohibited. Fencing consisting of wrought iron-style pickets and posts or a combination of wrought-iron with stone posts are allowed. Detailed attention to cap material and stone pattern is required.

All security fencing, including perimeter fencing, must comply with the following requirements: Fencing must be constructed of black metal pickets or metal with masonry columns and must not exceed 6' in height. Fencing must not extend into the right-of-way or public utility easements. Gate designs must be approved by the MACC. Gates for perimeter fencing of a yard with a swimming pool must be self-closing and must open outward from the fenced yard.

Exterior mechanical equipment and all utility connections, entry panels, pumps, generators, compressors, and meters shall be shown on the plans and shall be located so as to be as unobtrusive as reasonably possible from the street and neighbors. Air conditioning compressors and pool equipment shall be enclosed by a structural screening element and/or landscaping shall be used to screen such equipment.

3.6 Swimming Pools and Swimming Pool Enclosures; Tennis Courts; Sports Courts

- 1) Swimming Pools and Swimming Pool Enclosures. Swimming pools shall be below grade, or a balanced cut and fill, and shall be designed to be compatible with the site and dwelling. Adequate screening, security, and maintenance shall be provided. Fencing or walls around the pool shall be integrated into the design of the dwelling and site. Fences

must meet all governmental regulations for safety. In this section, “swimming pool enclosure” means a fence that: (a) surrounds a water feature, including a swimming pool or spa; (b) consists of transparent mesh or clear panels set in a metal frame; (c) is not more than six feet in height; and (d) is designed to not be climbable. Any Owner may install on the Owner’s property a swimming pool enclosure that conforms to all applicable state or local safety requirements; any color other than black must be approved by the MACC and must consist of transparent mesh set in metal frames.

- 2) Tennis Courts. Tennis courts are generally not allowed in the Barton Creek development, but Owners should review the Deed Restrictions of their particular Sub-Association to determine whether tennis courts may be constructed.
- 3) Sport Courts. Sport courts, where allowed by a Sub-Association’s Deed Restrictions, are not intended to be regulation-sized basketball or tennis courts, may be permitted if their design integrates features which will prevent obtrusive noise and views from adjacent lots or the street by using means such as depressing, berming, and/or heavy landscape screening in their design. Notwithstanding the foregoing, Owners and their consultants should review the Deed Restrictions of their particular Sub-Association to determine whether sports courts are limited or restricted.

3.7 Exterior Lighting

Exterior lighting is to be kept to a minimum, but consistent with good security practices. No exterior light whose direct source is visible from a street or neighboring property or which produces excessive glare to pedestrian or vehicular traffic will be allowed. Indirect sources and horizontal cut-off fixtures are recommended to reduce glare and provide general ambient light. Architectural features, soffit, or tree lights shall be shielded or directed toward vegetation to eliminate off-site glare and source visibility. Use of other than white or color corrected high intensity lamps as exterior lights will not be allowed, except for temporary, seasonal holiday lighting. Sodium, mercury vapor, or bare HID yard lights are not allowed. Approval of the proposed illumination plan is required by the MACC at the Final Design Review submittal and is to be part of the landscape plan required in Sections 2.6 and 3.8. Again, Owners and their consultants should become familiar with the Deed Restrictions of their particular Sub-Association to determine how exterior lighting may be limited or restricted.

The Architectural Guidelines for exterior lighting fall into four primary categories—landscape lighting, security lighting, street lighting, and sports court lighting. While each of these have specific requirements, all Owners are expected to adhere to the following principles:

- The Barton Creek North POA and the MACC support the Dark Skies Community principles adopted by many surrounding Texas cities and communities. In general, this means:
 - Lighting is expected to be useful, targeted, low level, controlled, and warm.

- Lighting shall be downward facing and with limited dispersion beyond highlighted items and/or property lines.
- Placement of lighting shall give strong consideration to the particular area's topography and, specifically, the angles where lighting may interfere with adjoining or nearby properties.

1) Landscape lighting. Landscape lighting fixtures, including architectural features and walkway lighting, installed before May 2004 are exempt from the requirements set forth, below, provided, however, any new systems to replace existing systems are subject to these requirements.

New and replacement landscape lighting fixtures, including architectural feature and walkway lighting, shall be installed to comply with the following:

- a) Wattage, other than walkway lighting, is not to exceed 150 watts (incandescent or equivalent candlepower) per fixture, and lumens shall be limited to not more than 300 lumens for landscape lighting and 120 lumens for landscape spotlights;
- b) Tree lights are to be installed with cut-off shielding, with limited up-lighting allowed, provided it does not penetrate the canopy of the tree in any significant respect or spill over beyond the canopy;
- c) Architectural feature lighting is to be installed with cut-off shielding, with limited up-lighting allowed, to avoid source visibility and spillage beyond the feature;
- d) All lighting shall be installed in a manner to mitigate glare so that unreasonable disturbance of neighbors is avoided; and
- e) Walkway lights are limited to 50-watt lamps (incandescent or equivalent candlepower) and 100-200 lumens and will be focused so that the light will shine toward the ground.

2) Security Lighting. Security is an important issue for our community. Homeowners are encouraged to rely upon and use multiple tools to enhance protection, including alarm systems, cameras, gate access, community patrols (currently provided by Barton Creek North POA) and the Travis County service called "Home Check": <https://www.tcsheiff.org/services/public-resources/home-check-request#/>

Exterior lighting can play a role in overall security; however, it must adhere to general principles described above. In addition, lighting for security purposes requires the following, including the Dark Skies Community principles:

- Installed security lighting must be downward facing and designed to be seen by only the Owner of the property. It must minimize the sight/vision impact of adjacent or neighboring properties.
- Fixtures must be attached to the primary home structure and be on timers and/or motion sensors. Installations on tree, poles, or other manufactured structures are not allowed.

3) Street Lighting. The street lighting in the Barton Creek North community is the responsibility of the individual Sub-Associations and their partners. The style and features of the lighting systems (poles, meters, lights, etc.) should generally match the aesthetic appeal of the Sub-Association.

4) Sports Court lighting (where allowed). Sports courts (where allowed) are not intended to be regulation-size basketball or tennis courts; their size, if approved, shall not exceed 2,000 square feet. Sport courts may be approved if their design integrates features which will prevent obtrusive noise and views from adjacent lots or the street by using means such as depressing, berming and/or heavy landscape screening. Night lighting of sports courts is limited to the design requirements set forth herein.

a) Sport Court Lighting is limited to the following design requirements:

- (i) Light levels shall be for recreational play and not exceed an average maintained (see Light Loss Factors under Approval Process) level of 10 fc (foot candle) over the playing surface.
- (ii) The lighting fixture shall be a sharp cut-off type 4 distribution as designated R4SC fixtures with less than 3% of the luminaries' intensity falling behind the pole (see Exhibit A).
- (iii) The bottom of the light fixture will not exceed a height of 16' above the playing surface.
- (iv) The light source shall not exceed 250 watts per pole.
- (v) The lighting design shall control Spill light, Glare and Sky Glow.
- (vi) Light sources used shall be HPS (high pressure sodium), MH (metal halide) or Quartz halogen. New sources will be considered for review as they become available.
- (vii) Evergreen vegetation shall be used to provide natural buffers for line of sight viewing of the light fixtures and control of light trespass.
- (viii) Sports court lighting will not be operated between the hours of 10:00 PM and 7:00 AM. The installation of a timer is required to be set to shut off the power at 10:00 PM and restore the power at 7:00 AM. A manual override switch is also required to prevent the lights from coming on unless the switch is thrown.

b) The Approval Process for Sports Court Lighting is as follows:

- (i) Using the above criteria, the Owner shall submit to the MACC a computer-generated point-to-point lighting calculation. The software used should be "Visual" or an equivalent and compatible lighting calculation software. The calculation should be to scale showing the property lines, home and lighting intensity in foot-candles. Vegetative buffers, if required, should also be included as solid objects in the calculation. The light sources used shall also have the following time dependent (based on 2 years of operation) light loss factors (LLF):

- (a) High pressure sodium (.81)
 - (b) Metal Halide (.72)
 - (c) Quartz (1.0)
-
- (ii) The court area shall show all pole/fixture locations with a grid on 2' centers, showing the foot-candles at ground level. The area beyond the court shall be calculated in all directions at 5' centers till an illumination level of 0 foot-candles is achieved. This calculation is to show the amount of light intensity leaving the court area.
 - (iii) Cut sheets of lighting fixture being calculated and pole height shall be provided with the lighting study.
 - (iv) The cost of this study is the responsibility of the homeowner. If required, the MACC will supply a list of lighting consultants.
 - (v) The lighting study should be an original hard copy that is legible and easy to read with all required input/output data clearly stated on the copy. A machine-readable CD or Disk written in VSL and DWG format of the design must also be supplied to the MACC.

3.8 Landscape Design

A landscape plan with an irrigation system design must be reviewed by the MACC before Final Design approval will be granted.

Texas Hill Country plant material is the primary vegetation to be used in the Barton Creek area. See Appendix 6.2 for a link to a suggested plant list. Although design and selection of plant material will vary with each residence, there are several principles that should be used in all landscapes.

- Large scale masses of plant material should be used as opposed to single unrelated plants.
- The use of hardscape paving should be minimized.
- Plant material that contrasts with existing vegetation should be avoided. Utilize indigenous materials where possible.
- Water conserving plant materials and native vegetation are appropriate for ornamental and general landscaping.
- Minimize turf areas.
- Site grading should divert runoff to benefit existing and proposed plant material.
- Begin with proper and ample soil preparation for turf areas.

The landscape concept of each residence should be carefully integrated with the architectural theme and site planning. The integration of general landscape design devices such as arbors, walls, fences, trellises, and decks are part of the architecture that extends into the landscape. These devices combine with landscape elements typically characteristic of the environment in the Barton Creek area:

- Use of appropriate hardwood trees for summer shade and winter sun exposure.
 - Informal character of native vegetation (deer resistant).
 - Rock formations integrated into wall systems and patios.
 - Limestone lintels, balustrades, and pavers.
 - Natural water features.
 - Oak, elm, and cedar forest cover.
- 1) Irrigation. All new landscape material shall be irrigated. Irrigation shall be by an automatic system with rain sensors and be timed for early morning applications. Systems are to be permanent underground systems with separate bed, lawn, and native area sections and stations, and/or drip irrigation systems. Irrigation duration shall be determined by seasonal needs. Under no circumstances shall the irrigation extend beyond the rear and side property lines. Head locations near the public right of way shall not spray water onto paved surfaces, nor shall irrigation be allowed to run off the site. It is the responsibility of Owners to coordinate the irrigation of their property with the existing golf course irrigation system where overlap occurs. Homeowner irrigation systems must not spray onto the golf course.
 - 2) Site Grading, Excavation, and Drainage. All Improvements and landscaping shall be placed on the Lot so that the existing topography is disturbed as little as possible. Stepped patios and yard areas will avoid excessive cuts and fills and an unnatural appearance. All Lots shall be finish graded to prevent ponding of water and surface drainage detrimental to adjacent properties. Newly graded areas shall be protected against erosion by appropriate retention fences or permanent erosion controls. Owners and their builders are required to minimize disruption from grading and, when possible, to use existing natural drainage paths. Location of topsoil stockpiles and excess material disposal areas are subject to MACC approval. Owners should utilize splash blocks, gravel foundation drainage beds, or French drains and underground, perforated drainpipes to dissipate and manage runoff.

All driveways and sidewalks will be flush with finish grade of interfacing landscape materials. Finish site grading shall not produce runoff detrimental to adjacent properties and native landscape areas. Finish site grading shall be completed so as to retain rainfall for maximum percolation in turf areas.

The final site plan shall be prepared to reflect both existing and proposed topographic contours. Finish grades shall allow for topsoil and should manipulate rainfall run-off for irrigation. No excavations except as necessary for the construction of dwellings or Improvements shall be permitted on any lot. Culverts, if required, shall be faced with stone and must be expressly approved in writing by the MACC and installed by the Owner.

Appropriate excavation is permitted, and all excess excavation materials shall be removed from the Lot. Excavation is limited to a four-foot cut or fill, except as authorized by the MACC.

All blasting is prohibited.

- 3) Easements. Easements have been authorized for the installation and maintenance of utilities, drainage facilities, and golf course access. These, in addition to others, are reserved as shown on the recorded plat. Within these easements no grading, structure, planting, or other material shall be permitted which may damage or interfere with the installation and maintenance of utilities or drainage, golf facilities, or play, or which may change direction of flow or obstruct the flow of water in and through drainage channels in easements. The easements within an Owner's property shall be maintained by the Owner. Owners are required to obtain a copy of the recorded plat from the MACC. Please note that recorded plats may contain information which may not be included on a particular Owner's survey.
- 4) Utilities. Electric, cable, gas, transformers, pedestal/meters, etc. shall be screened by evergreen vegetation and/or walls while leaving access for service.
- 5) Revegetation and Landscape Restoration. All areas disturbed during construction must be revegetated to blend with the non-disturbed grasses. No rocks, plants, or trees shall be removed from any portion of The Barton Creek Development, other than from an Owner's property, without written permission from the MACC.

3.9 Natural Landscape, Artificial Turf, and Xeriscape

A basic design concept is to tread lightly on the land and its natural vegetation. Site improvements must be designed in such a way that the natural vegetation is maintained and enhanced with new compatible materials. (See Plant List in Section 6.2 of the Appendix.)

Artificial turf can be a viable option for Owners to use in certain areas of their lawns. No artificial turf shall be allowed in a front yard without the express written approval of the MACC. If artificial turf is authorized for use by the MACC in any location, it shall be of high quality, have a natural and full appearance, and be pervious to rainfall and surface water runoff.

Xeriscape is a landscape concept used to save water and resist chemical use through the use of native plants. Xeriscape is based on principles that will help save water, reduce non-point source pollution, and produce a sustainable environment. Xeriscape landscaping is encouraged in the Barton Creek Development.

3.10 Golf Course and Greenbelt Lots

Generally, Lots on a golf course in the Barton Creek Development have a 35' buffer zone for the purpose of separating the golf course from residential landscaping. This easement is maintained by Barton Creek Country Club personnel. Owners should review the Deed Restrictions applicable to their Sub-Association to determine whether different golf course buffer zones are applicable.

In addition, there may also be a transition zone between golf course Lots and golf courses. Walls and terraces less than 42" above natural grade are appropriate in the variable rear yard transition zone when not closer than 35' to the golf course except when enclosing a swimming pool where greater restrictions apply. Again, Owners should review the Deed Restrictions of their Sub-Association to determine the transition zone for golf course Lots in their neighborhood.

At the property line nearest a golf course edge, the intent is to ease from the informal edge of the golf course to a more formal treatment nearest the residence. That is, the transition from native grasses to manicured lawns should be gradual, similar to the transition on the golf course fairway from manicured grass to cut native grass to uncut native grass in the required buffer zone. Again, Owners should review the Deed Restrictions of their Sub-Association to determine the required buffer and transition zones.

A site plan, at a minimum scale of 1" = 10'-0" with 1'-0" contour intervals, and a tree survey, are required in order for Owners to begin the design process on a homesite. All setbacks are measured from the respective property lines.

3.11 Guidelines for Tree Trimming and Removal

- 1) Cedars (Junipers) less than 8" caliper may be removed and those larger may be trimmed.
- 2) Oaks and other hardwoods may be trimmed but may not be removed unless replaced by comparable trees in size and species elsewhere on the property, as approved by the MACC. In the alternative, an Owner may elect to pay \$75.00 per caliper inch into the Barton Creek North Tree Fund to be used exclusively to plant or replace comparable trees elsewhere in the Development Area or along the rights-of-way for Barton Creek and Lost Creek Boulevards, rather than replacing the tree in kind.
- 3) Any variance from the foregoing requires approval by the MACC.

Section 4. Architectural Guidelines

To assist Owners, architects, builders, and general contractors design and build new residences on the few remaining new lots in Barton Creek North neighborhoods as well as lots/structures that become “tear down and rebuild”, and to remodel existing residences, these Architectural Guidelines have been prepared. These Guidelines focus on external aspects of the construction project. Of course, as referred to above in Section 1.1, the MACC does not require approval of any aspect of a remodel project that are completely internal to a home, although the MACC will weigh in on certain aspects of internal remodels that include external appurtenances, such as external portable toilets, storage pods, dumpsters, etc. These Guidelines range from suggestions and recommendations to requirements that must be addressed in the design review process. Most are relevant to significant external remodels rather than minor or cosmetic remodels such as external paint colors. Some provisions may be modified by the MACC when it is shown that the basic intent of these Guidelines will not be affected adversely by a modification that has been requested. Appropriate design, rather than stylistic extremes, is the objective. A range of appropriate architectural variety is encouraged within these Guidelines. Because the Deed Restrictions of the various Sub-Associations in Barton Creek may include different provisions related to the design of Improvements by Owners, the Deed Restrictions applicable to the Owner’s Sub-Association should be reviewed to ensure compliance,

4.1 Architectural Design Concepts

The design for new construction and external remodels will emphasize development that is planned to harmonize, blend, and complement, rather than dominate the natural environment. The intention is to create a collection of individual residences with designs that are compatible with each other and their respective sites.

4.2 Height, Massing, Scale

No residence shall stand apart in its design, construction, or remodel design as to detract from the community’s environment. Any residence that appears excessive in height will not be approved. Residences shall alter, as little as possible, the site from its original condition.

Large expanses of continuous vertical walls shall be avoided. Owners and their consultants should become familiar with the Deed Restrictions of their particular Sub-Association as such restrictions may include limitations on building height, massing or scale.

4.3 Walls and Massing

The use of native stone, including light grey, Leuders, or weathered surface stones are encouraged. Masonry, including stone, brick, and stucco, varying in scale, technique, detail and texture shall comprise the dominant building material. Owners and their consultants should refer to the Deed Restrictions of their particular Sub-Association to identify any restriction or limitation on colors or materials to be used.

4.4 Shade Guidelines

Generally, all windows and most walls should have a minimum 3'-0" overhang on west and south facing walls. The use of awnings, trellises, and other shading devices is also encouraged.

4.5 Roofs, Chimneys and Solar Energy Systems

Generally, roof materials should be limited to standing seam metal, terra cotta tiles, concrete tiles, or slate in muted colors and values. Composition, shingle, and shake roof materials are not allowed in some neighborhoods of Barton Creek; therefore, Owners should review the Deed Restriction of their Sub-Association to determine requirements for roofing materials. On Lots adjoining a golf course, roof colors may be limited to muted colors. Red, orange, or other strong values or textures that would detract from the treescape cover may not be allowed.

Metal roofing systems associated with agricultural or industrial buildings are prohibited. Only flat pan, standing seam metal roof materials are allowed with a factory applied finish of approved color. In no case are natural metal roofs allowed, whether galvanized or natural aluminum. In addition, no channel drains are allowed.

Chimneys shall conform to requirements for smoke emission and wind conditions. Metal chimney caps are prohibited. Mechanical ventilation devices must be concealed within the masonry chimney and masonry chimney cap.

Solar collectors will be permitted on a roof only if they are of a flat profile, conform to the slope of the roof, and are placed so that the top edge of the collector is parallel to the roof edge. No part of the installation may be visible above the roof line. Collector frames, support brackets and any exposed piping must be painted to match or be compatible with the roofing material and the entire installation must be of a design to minimize the visual impact from adjoining properties, common areas, streets and golf courses, and may only be located on rear or side roof areas unless the Owner can demonstrate an alternate location will result in an estimated increase of at least 10% in annual energy production as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory.

Solar collectors and all solar related equipment mounted at ground level must be no taller than the fence line and screened from view of adjoining properties, common areas and streets with appropriate landscaping.

Solar collectors and all solar related equipment may not be placed in an area which would cause substantial interference with the use and enjoyment of other property by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities, as determined by the MACC, unless Owners of all potentially adversely affected property, including golf courses, consent to the location in writing.

4.6 Exterior Elements

Construction of exterior columns and porch railings in unfinished materials is prohibited. Decks, exterior stairs and related construction adjacent to residences must be of compatible materials and finishes.

4.7 Architectural Elements Inappropriate for Barton Creek North

The following are generally inappropriate architectural elements and will not be approved. The design should not create an undo impact on other properties or the Barton Creek community as a whole. The appropriateness of individual elements is influenced by rhythm, balance, proportion, massing and construction materials incorporated into the design.

- 1) Excessively pitched roofs, flat roofs, gambrel roofs, chalet roofs, roofs too steep or too shallow, or unusual roof designs; no geodesic roof design;
- 2) Synthetic roof materials that seek to replicate slate, shakes, or tiles; no asphalt roofing materials;
- 3) Diagonal siding, or plywood siding such as “texture one eleven”.
- 4) Bright or expressive colors on roofs, siding or windows; no bright reds, yellows, greens or fluorescent colors; no red brick, unless painted;
- 5) Mirrored surfaces;
- 6) Non-native stone, or stone that appears glued-on;
- 7) Exposed foundation walls greater than 18” above finished grade;
- 8) Stove pipe chimneys;
- 9) Roof penetrations, including vents or skylights, facing the street, or white or bubble skylights, unless approved by the MACC in writing;
- 10) Massive unarticulated building volumes, or unbroken horizontal masses in excess of 24’;
or
- 11) Wood fences.

4.8 Architectural Features Appropriate for Barton Creek North

The following features are among those the MACC may approve if not prohibited by the Deed Restrictions of a particular Sub-Association:

- 1) The architectural design should be compatible with existing architecture in the neighborhood and with current street scenes;
- 2) Natural elements should be used in all exterior walls, including stucco and limestone with complimentary mortar;
- 3) Solar gain shall be minimized through appropriate screening, soffit overhangs, site placement and tree shading;
- 4) Chimneys should be fully completed in masonry or stucco cladding and completed with a chimney cap;

- 5) All external utility, pool equipment and generator should be located in an unobtrusive site and shielded from view with masonry walls and/or approved landscape screening and in accordance with Section 4.12 of these Architectural Guidelines;
- 6) Energy-conscious design is encouraged;
- 7) Architecture should incorporate tree, rock outcroppings and Lot elements into the design without excessive re-contouring of the land;
- 8) Pools and spas must be compatible with the structure and shall not be a distraction or an imposing structure to adjacent Lots, and all pools must be in-ground;
- 9) All homes must have garage bays that comply with the Deed Restrictions of the particular Sub-Association where the construction is proposed; unless allowed by Deed Restrictions, garages shall not directly face the street;
- 10) The arrangement of openings and outdoor spaces shall respond to the intentions of these guidelines to design dwellings that utilize responsible energy considerations in the siting of the residence and to relevant modifications/additions;
- 11) Outdoor spaces that extend living functions seasonally;
- 12) Semi-enclosed courtyards within a building or as formed by a group of buildings add excellent living space, shade, and definition of space and sense of place;
- 13) Designs that, if applicable, save as many large caliper trees as possible;
- 14) Openings spanned with cut stone lintels, jack arches, or segmental arches, although semicircular arched openings may be used discreetly;
- 15) Roof overhangs 18" or wider; and
- 16) Standing seam metal or tile roofs in muted colors compatible with the surrounding landscape.

4.9 Doors and Windows

Owners should consult the Deed Restrictions applicable to their particular Sub-Association to determine materials that are suitable for doors and windows.

4.10 Primary and Secondary Units

Guest houses, domestic employee housing units, other extended family units are permitted and shall be of the same construction as the main residences and otherwise fulfill the other requirements of the main residences.

4.11 Trim and Accent Materials and Colors

Some Sub-Associations have adopted a list of approved paint colors for exterior use; Owners should contact their Sub-Association to ensure they are not proposing exterior colors that are inconsistent with any such adoption. Exterior masonry trim may be decorative, dressed, cast or carved stone used to accent the main masonry massing and openings. It is important for Owners to avoid loud, obtrusive, excessively contrasting, or bold colors, and to use color to enhance the design as opposed to overwhelm the architectural effect.

4.12 Location and Treatment of Utility Connections, Controls, and Meters; Standby Electric Generators, Rain Barrel and Rain Water Harvesting Systems, Satellite Dishes, Flag Poles, Display of Religious Items and Signs

All utility services to the home shall be underground. All air conditioning compressors and pool equipment shall be enclosed by a structural screening element and/or landscaping.

Whenever possible, a central service location not on the street facing elevation, not visible from the street, and screened from neighbors, shall be designed for each dwelling that shall contain connections for all utilities, including underground electric and metering devices, underground telecommunications, cable TV, security, communications, water, natural gas, or other fuels, and shall be accessible and unobstructed for service by the respective authorities. Common trenches shall be used where possible.

Above ground fuel and propane tanks are not permitted except as may be required for a standby electric generator approved in accordance with the following:

Standby Electric Generators: Subject to the requirements of Section 202.019 of the Texas Property Code, Standby Electric Generators will be permitted only if they are (i) installed by a licensed contractor in compliance with manufacturer's specifications and all application health, safety, electrical and building codes; (ii) only located in back or side yards and screened from view from any common area, street, golf course or adjoining property; (iii) only used during periods when power is unavailable or intermittently available from the electric utility; and (iv) only tested between the hours of 8:00 A.M. and 5:00 P.M. on weekdays.

Rain Barrel and Rain Water Harvesting Systems:

- 1) No rain water harvesting device, storage container, related plumbing or appurtenances thereto shall be allowed on any property outside of the Owner's Lot.
- 2) No rain water harvesting device, storage container, related plumbing device or appurtenances thereto shall be allowed in any easement area; nor shall such systems be located in any setback without the express authorization of the MACC.
- 3) All such rain water harvesting devices, storage containers, related plumbing devices or appurtenances thereto and the location of their installation must be approved by the MACC.
- 4) All such rain water harvesting devices, storage containers, related plumbing devices or appurtenances thereto shall be properly screened by a screening privacy fence and/or landscaping so as to obscure view of the same from adjoining property and the street, and such screening shall be approved in advance by the MACC.

- 5) No rain water harvesting devices, storage containers, related plumbing devices or appurtenances thereto may be located between the front of the Owner's home and an adjoining or adjacent street.
- 6) Any rain water harvesting devices, storage containers, related plumbing devices or appurtenances thereto must be of a color that is consistent with the color of the home.
- 7) Any rain water harvesting devices, storage containers, related plumbing devices or appurtenances thereto must not contain language or other content that is not typically displayed by such a barrel or system as it is manufactured.

Satellite Dishes: Approval by the MACC is not required for installation of one satellite dish which is one meter or less in diameter and installed in an acceptable location as specified below:

- 1) Satellite dishes, which are mounted below the fence line on the side or back of a home and not visible from a street, are considered as being in an acceptable location.
- 2) Elsewhere on the exterior of the home, an acceptable location for the dish is on the roof below the rear roofline, with the dish turned such that it is not noticeable from the street.
- 3) Exterior cables should be attached in a neat fashion, as far from the street as necessity allows.

Installation of more than one satellite dish and installation of a satellite dish in locations other than the acceptable locations described above will require approval by the MACC prior to installation. It is recommended that the installer of each satellite dish be made aware of the foregoing requirements in advance of installation in order to avoid the necessity of an additional service call to relocate the dish.

Flag Poles: Flag poles are allowed with the following requirements:

- 1) A maximum of one flagpole per property that (i) is not more than twenty (20) feet in height and, subject to applicable zoning ordinances, easements, and setbacks of record, is located in the front yard of the property; or (ii) is attached to any portion of a residential structure of the Owner.
- 2) Flag poles must be constructed of permanent and long-lasting materials with a finish that is harmonious with the exterior of the home.
- 3) Flag poles must be maintained in good condition and any deteriorated flags or structurally unsafe flag poles must be repaired or removed.
- 4) The only flags that may be displayed are: (i) the flag of the United States of America; (ii) the flag of the State of Texas; or (iii) an official or replica flag of any branch of the United States Armed Forces. Such flags shall not exceed 3' x 5' in size. The flag of the United

States must be displayed in accordance with 4 U.S.C. Sections 5-10. The flag of the State of Texas must be displayed in accordance with Chapter 3100, Government Code.

- 5) Any illumination of flags or flagpoles must comply with Section 3.7 of these Architectural Guidelines.
- 6) External halyards (hoisting ropes) must be secured and maintained as to not create an unreasonable amount of noise during high winds.

Display of Religious Items: An Owner or resident may display or affix on the Owner's or resident's property or dwelling one or more religious items the display of which is motivated by the Owner's or resident's sincere religious belief.

The display of such religious items may not:

- 1) threaten the public health or safety;
- 2) violate a law other than a law prohibiting the display of religious speech;
- 3) contain language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;
- 4) be installed on property that is not owned by the Owner or resident displaying the flag;
- 5) violate any applicable building line, right-of-way, setback, or easement; or
- 6) be attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

Signs:

Except for the permitted signs described below, the use or placement of any other sign is a violation of the covenants and restrictions and will be enforced as such.

Temporary Directional Signs

Temporary Directional Sign is defined as a sign that directs traffic to an Open House or event outside of the gated entry. The following applies to the use of these signs:

- 1) Allowed only on Sundays one hour before the Open House or event to no later than one hour after the event ends.
- 2) Only one sign per Property per entry. If there is more than one entry, signs may only be placed at one entry.
- 3) No directional signage is allowed at or near the intersection of Bee Caves Road and Barton Creek Boulevard or leading to the entry.
- 4) Signs must designate the name and phone number of the agent or real estate company.
- 5) Signs should be placed only in the turf areas on one side of the designated entry. Care should be taken as to not obstruct traffic views.
- 6) Signs may not stand more than three feet tall and two feet wide and should be made of high-quality materials. No handwritten, generic signs.
- 7) No banners or balloons allowed.

Any signs that do not conform to the guidelines or are not removed promptly will be picked up by the MACC's community management support staff. Manager or representative and will be disposed of.

Semi-Permanent Real Estate Signs

A Semi-Permanent Sign is defined as a sign that advertises the sale of a property or Builder information on a specific property.

All signs in Barton Creek North must conform to certain standards delegating size and color. Only one sign is allowed per property. No For Sale signs are allowed along the Barton Creek Boulevard with the exception of the Terraces and North Rim. Signs are available at Vital Signs, Inc. 365-8091. Approximate delivery time is 3-5 days. Order forms are available at www.BartonCreekNorth.com.

Please contact the BCNPOA office for specifications, placement questions or if you wish to use another sign company.

Political Signs

An Owner may display on the Owner's Lot one or more signs advertising a candidate or a measure for an election only during the period starting on the 90th day before the date of the election to which the sign relates and ending on the 10th day after that election date.

In addition, all political signs are hereby required to comply with the following restrictions, as permitted by § 259.002, Texas Election Code:

- 1) All such signs must be ground-mounted.
- 2) An Owner may display only one sign for each candidate or measure.
- 3) Political signs may not contain roofing material, siding, paving materials, flora, balloons or lights, or any other similar building, landscaping, or non-standard decorative component.
- 4) Political signs may not be attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object.

Political signs may not be painted on architectural surfaces, may not threaten the public health or safety, may not be larger than four-feet by six-feet, may not violate any law, may not contain language, graphics, or any display that would be offensive to the ordinary person and may not be accompanied by music or other sounds or by streamers or be otherwise distracting to motorists.

Section 5. Construction Regulations

Owners and their contractors should review and become familiar with the Deed Restrictions of their particular Sub-Association so as to determine specific requirements and limitations on construction activities in their neighborhood. Generally, however, many of the following provisions are applicable to all Barton Creek North neighborhoods. The individual Sub-Associations, in many cases, have similar and relevant provisions that must also be taken into account. See Appendix 6.1. These construction regulations are for the benefit of all Owners and residents and are in addition to, and shall in no way diminish, the Owner's obligation to comply with all governmental regulations. Additionally, the Owner's contractor or builder shall execute the "Contractor/Builder Agreement" included in Appendix 6.8.

5.1 Construction, Safety, and Working Hours

It is of the utmost importance that anyone conducting new construction or remodeling construction activities exert extreme care in preventing conditions that are unsafe or that could constitute fire or other hazards.

Normal working hours are 7:00am to 6pm, Monday through Friday, and 8am to 5pm on Saturday. Work is not permitted on any Sunday, nor on New Years Day, Memorial Day, the 4th of July, Labor Day, Thanksgiving Day, or Christmas Day.

5.2 Construction Trailers and Portable Field Offices

Any Owner, builder, or contractor that desires to bring a construction trailer, field office, or the like to Barton Creek North shall first apply for and obtain written approval from the MACC as to the siting, placement and duration of such ancillary facilities. Any signage also must be approved.

5.3 Storage of Materials and Equipment

Any construction materials and/or equipment shall be neatly stacked, properly covered, and secured. Any storage of materials and/or equipment shall be located on the Owner's Lot, and shall not be located on any street or sidewalk. Such storage shall be the Owner's responsibility and at the Owner's risk, and the MACC may require that the screening of same from adjacent properties and from streets and sidewalks. Owners, builders, and contractors shall not disturb, damage, or trespass on other Lots or into other homes.

5.4 Site Cleanliness, Debris, and Trash Removal

Trash and debris shall be removed from each new construction or remodel project site on a timely basis. Owners and contractors are prohibited from dumping, burying, or burning trash anywhere in Barton Creek North. Each new construction or remodel project site shall be kept neat and shall be properly monitored by Owners and their agents to prevent it from becoming an eyesore or affecting others Lots, homes, or nearby properties.

If heavy equipment must be brought to the site, precautions must be taken to prevent damage to sidewalks, walls, curbs, gutters, street surfaces, etc. Any damage to such structures shall be assessed against the Owner and the contractor/builder. Metal-tracked vehicles are not to be operated on any paved or concrete surface in the Barton Creek Development.

5.5 Ancillary Equipment and Facilities, Including Trash Dumpsters, Storage Pods, and Sanitary Facilities

Temporary ancillary equipment and facilities, including but not limited to trash and debris dumpsters, storage pods, and sanitary facilities for project workers, must be provided by the Owner's builder or contractor and the MACC shall approve the placement, screening, and duration for such ancillary equipment.

5.6 Drainage, Retention, and Erosion Control

The Owner's builder or contractor must take steps to control drainage and otherwise prevent erosion on the Owner's property and adjoining properties.

5.7 Project Noise

The use of amplified sound for music, etc. must be restrained – such sound may not be heard from adjoining properties, from the street, or otherwise in the neighborhood.

5.8 Restoration or Repair of Property Damaged

Damage to other property, including but not limited to, other Lots or home properties, roads, driveways and/or other improvements will not be permitted. If any such damage occurs, it shall be repaired and/or restored promptly at the expense of the person or entity causing the damage, provided however, that the Owner shall ultimately be liable to the MACC and the Declarant for such damage. The Owner shall ultimately incur the damage for the actions of its builder, contractor, subcontractors, and agents. Upon completion, the Owner shall ensure that its builder or contractor shall clean the site and repair any property damaged, including but not limited to, restoring grades, repairing of streets, sidewalks, driveways, drains, culverts, signs, lighting, fencing, etc., that may have been damaged during the construction project. The MACC may withhold repayment of the Compliance Deposit and use those funds to make necessary repairs.

5.9 Vehicles and Parking

All persons working on a new construction or remodeling project must respect parking rules of the pertinent Sub-Association. In addition, the MACC may provide project-specific parking requirements. Parking of vehicles and equipment shall only occur on the side of the street where the project is located, except as such parking may be prohibited by the Sub-Association or explicitly authorized by the MACC, and shall at all times ensure that fire trucks and other emergency vehicles can safely pass the project on the street adjacent to the project.

5.10 Miscellaneous and General Practices

The following practices are prohibited:

- 1) Non-emergency vehicle maintenance, such as changing the oil, on any vehicle or equipment on the lot or at the project site.
- 2) Allowing concrete supplies and contractors to clean equipment at the site.
- 3) Removing plant material, topsoil, or similar items from the property or adjoining properties.
- 4) Except as allowed specifically by state law, carrying any type of firearms on the property.
- 5) Using disposal methods other than those approved by the MACC.
- 6) Careless disposition of flammable material.
- 7) Any loud or excessive noise from sound equipment, electronics, speakers, etc.
- 8) Temporary construction signs other than those approved by the MACC.
- 9) Bringing dogs or other animals or pets onto the property.
- 10) Depositing or storing construction materials, except as explicitly authorized by these Guidelines or the MACC.
- 11) Parking in a manner that obstructs or hinders traffic on neighborhood streets.

5.11 Soils and Testing

Each Owner shall be responsible for obtaining any relevant and required tests and surveys.

5.12 Responsibility of Owner

All Owners shall be solely responsible for the conduct and behavior of their representatives, including but not limited to their builders, contractors, subcontractors, vendors, and suppliers.

5.13 Insurance

For New Construction, Addition/Remodel and Pool projects, unless explicitly waived by the MACC, all builders/contractors shall furnish to the MACC satisfactory proof that they have General Liability Coverage for at least \$1,000,000, and for any employees, the statutory amount of Workers' Compensation insurance, and shall be in force during the project period. In its sole discretion, the MACC may require additional insurance if it determines such additional insurance is warranted for the project.

5.14 Completion of Project

The exterior of any single family detached structure, garage, or outbuilding shall be completed within a reasonable period of time, as required by the MACC in its approval of construction, following the commencement of construction/remodel, unless an extension for completion is approved in writing by the MACC. Once project construction is completed, the Owner shall notify the MACC in writing. The MACC will inspect the completed project in a timely manner and will

either notify the Owner of additional work to be completed in accordance with these Guidelines or the approved construction plans for the project, or direct that the Owner's compliance deposit be returned, in whole or in part, and in a manner consistent with the provisions of the Compliance Deposit Agreement.

5.15 Noncompliance

The Owner shall allow for inspection of Improvements by the MACC as necessary to determine compliance with the Master Declaration, any applicable Sub-Association Declaration, these Guidelines and MACC policies (collectively herein, the "Restrictions"). In the event of noncompliance with any of the Restrictions, the MACC, after providing any legally required notices, shall have the right, but not the obligation, to hire a contractor(s) to perform the work and furnish the materials necessary for compliance. All costs incurred by the MACC to bring the project into compliance plus 15% to address the MACC's administrative and out-of-pocket expenses, plus all attorney's fees incurred by the MACC or Association, shall be charged to the Owner and deducted from the Compliance Deposit. The MACC may request that the BCNPOA Board also pursue legal action against the Owner to compel payment of any amounts not covered by the Compliance Deposit, or to seek additional compliance deposits from an Owner, as determined by the MACC. A failure by the MACC to enforce any Restriction shall in no event be deemed a waiver of this right to do so afterwards.

Also, as noted in the Compliance Deposit Agreement, the MACC may use any or all of the Compliance Deposit to pay for damages to common areas, the Owner's Lot, or to Lots of other Owners in the Barton Creek Development resulting from the actions of the Owner or its representatives, including contractors, subcontractors, builders, vendors or suppliers.

Section 6. Appendices and Design Review Forms

The following information will help to guide you through the Design Review Process at Barton Creek. The suggested plant list will help Owners to become familiar with certain architectural and landscape issues that are important to the Texas Hill Country and Barton Creek. The list is provided for the Owner's use, is required with each phase of design review, and must be submitted with the information outlined in Design Review and Approval Process, Section 2 above.

6.1 Active Links to the Master Deed Restrictions and all Sub-Association Deed Restrictions

- [Barton Creek North POA Master Declaration of Covenants, Conditions and Restrictions](#)
- [The Woods](#)
- [The Woods II](#)
- [The Woods III](#)
- [Foothills](#)
- [Governors Hill](#)
- [The Ridge](#)
- [North Rim/South Rim](#)

- [The Terraces](#)
- [Wimberly Lane, Phase I](#)

6.2 Suggested Plant List

In addition to this list, other plants meeting xeriscape definitions with Hill Country character may be substituted for review by the MACC. The Texas AgriLife Extension of the City of Austin's publication entitled "Native and Adapted Landscape Plants: an Earthwise Guide for Central Texas" may be used as a reference tool and can be found at the following link:

https://www.austintexas.gov/watershed_protection/publications/document.cfm?id=198301

6.3 Preliminary Plan Review Checklist

Date _____ Lot/Block _____

Buyer _____

Builder _____

Architect _____

New Construction/Addition ___; Exterior Remodel ___; Interior Remodel with Exterior Footprint ___

(If the proposed construction is exclusively an internal remodel project with external appurtenances such as trash receptacles, portable toilets or storage pods, for example only, Owners need not complete the balance of this checklist. The MACC will designate the location of such appurtenances and any screening that may be required.)

- | | | |
|--------------------------|--------------------------|--|
| Yes | No | |
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Builder requirements: a complete set of review materials including Site Plan, Construction Documents, Building Specifications, and Materials Samples? |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Site Plan at 1" = 20' min. indicating any adjacent structures, including: |
| <input type="checkbox"/> | <input type="checkbox"/> | • Site dimensions |
| <input type="checkbox"/> | <input type="checkbox"/> | • Property lines |
| <input type="checkbox"/> | <input type="checkbox"/> | • Existing contours |
| <input type="checkbox"/> | <input type="checkbox"/> | • Proposed contours |
| <input type="checkbox"/> | <input type="checkbox"/> | • Setbacks |
| <input type="checkbox"/> | <input type="checkbox"/> | • Easements and encroachments |
| <input type="checkbox"/> | <input type="checkbox"/> | • Utility connection locations |
| <input type="checkbox"/> | <input type="checkbox"/> | • Tree survey (4" caliber and larger) |
| <input type="checkbox"/> | <input type="checkbox"/> | • Drainage details |
| <input type="checkbox"/> | <input type="checkbox"/> | • Building location and top of foundation elevations |
| <input type="checkbox"/> | <input type="checkbox"/> | • Driveway and parking locations |
| <input type="checkbox"/> | <input type="checkbox"/> | • Sidewalks, patios, covered porches |
| <input type="checkbox"/> | <input type="checkbox"/> | • Accessory site development |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Conceptual landscape plan identifying turf beds, natural areas to remain, proposed drainage, and runoff control. |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Construction Documents (1/4" = 1') |
| <input type="checkbox"/> | <input type="checkbox"/> | • Building floor plans |
| <input type="checkbox"/> | <input type="checkbox"/> | • Building elevations |
| <input type="checkbox"/> | <input type="checkbox"/> | • Roof plan |

- | | | |
|--------------------------|--------------------------|--|
| Yes | No | |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Roof materials |
| <input type="checkbox"/> | <input type="checkbox"/> | • 18" minimum overhangs?
Roof pitch _____
Roof peak height _____
Eave height _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Exterior Wall materials |
| <input type="checkbox"/> | <input type="checkbox"/> | • Foundations properly concealed? |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Window specifications
Manufacturer _____
Series/Model _____
Color _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | • Factory clad?
Cladding material
____Vinyl ____Alum. ____Factory |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Driveway finish/material:
_____ |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Square footage analysis
Garage _____
First Floor (HVAC) _____
Second Floor (HVAC) _____
Covered Porches _____ |

6.4 Application for Preliminary Design Plan Review and Approval

Date _____ Lot _____ Filing _____

Owner/Applicant _____ Phone _____

Address _____

Architect _____ Phone _____

Address _____

Builder _____ Phone _____

Address _____

New Construction/Addition ___; Exterior Remodel ___; Interior Remodel with Exterior Footprint ___

(If the proposed construction is exclusively an internal remodel project with external appurtenances such as trash receptacles, portable toilets or storage pods, for example only, Owners need not complete the balance of this application form. The MACC will designate the location of such appurtenances and any screening required.)

This application will be considered complete only if the following is submitted:

A graphic explanation of the design concepts, including the drawings, in digital format, listed in Section 2.4.

For MACC use only:

Submittal Date _____ Meeting Date _____ Notice Date _____

Notice to Applicant:

Following your Design Review Submittal, the MACC:

___ Approves your Preliminary Design

___ Approves your Preliminary Design with the following conditions:

___ Disapproves your Preliminary Design for the following reasons and requires a revised submittal:

Signed: _____

6.5 Final Design Review Checklist (Page 1 of 2)

Date _____ Lot/Block _____

Buyer _____

Builder _____

Architect _____

New Construction/Addition ___; Exterior Remodel ___; Interior Remodel with Exterior Footprint ___

(If the proposed construction is exclusively an internal remodel project with external appurtenances such as trash receptacles , portable toilets , or storage pods, for example only, Owners need not complete the balance of this checklist. The MACC will designate the location of such appurtenances and any screening required.)

- | Yes | No | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Builder requirements: a complete set of review materials including Site Plan, Construction Documents, Building Specifications, and Materials Samples? |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Site Plan at 1" = 10' min. indicating any adjacent structures, including: |
| <input type="checkbox"/> | <input type="checkbox"/> | • Site dimensions |
| <input type="checkbox"/> | <input type="checkbox"/> | • Property lines |
| <input type="checkbox"/> | <input type="checkbox"/> | • Existing contours |
| <input type="checkbox"/> | <input type="checkbox"/> | • Proposed contours |
| <input type="checkbox"/> | <input type="checkbox"/> | • Setbacks |
| <input type="checkbox"/> | <input type="checkbox"/> | • Easements and encroachments |
| <input type="checkbox"/> | <input type="checkbox"/> | • Utility connection locations |
| <input type="checkbox"/> | <input type="checkbox"/> | • Compressor locations |
| <input type="checkbox"/> | <input type="checkbox"/> | • Tree survey (4" caliber and larger) |
| <input type="checkbox"/> | <input type="checkbox"/> | • Drainage details |
| <input type="checkbox"/> | <input type="checkbox"/> | • Building location and top of foundation elevations |
| <input type="checkbox"/> | <input type="checkbox"/> | • Driveway and parking locations |
| <input type="checkbox"/> | <input type="checkbox"/> | • Sidewalks, patios, covered porches |
| <input type="checkbox"/> | <input type="checkbox"/> | • Accessory site development |
| <input type="checkbox"/> | <input type="checkbox"/> | • Swimming pool location |
| <input type="checkbox"/> | <input type="checkbox"/> | • Fencing |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Landscape plan at 1" = 10' min.: |
| <input type="checkbox"/> | <input type="checkbox"/> | • Existing/proposed plant locations |
| <input type="checkbox"/> | <input type="checkbox"/> | • Sod areas and seeded areas |
| <input type="checkbox"/> | <input type="checkbox"/> | • Accessory structures |
| <input type="checkbox"/> | <input type="checkbox"/> | • Swimming pools or spa locations |

- | Yes | No | |
|--------------------------|--------------------------|---------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | • Exterior lighting |
| <input type="checkbox"/> | <input type="checkbox"/> | • Decks, patio, and walkway locations |
| <input type="checkbox"/> | <input type="checkbox"/> | • Drainage design |
| <input type="checkbox"/> | <input type="checkbox"/> | • Plant list |
| <input type="checkbox"/> | <input type="checkbox"/> | • Irrigation system |
| <input type="checkbox"/> | <input type="checkbox"/> | • Fencing and entrance walls |
| <input type="checkbox"/> | <input type="checkbox"/> | • Soil amendments design |
| <input type="checkbox"/> | <input type="checkbox"/> | • Installation details and notes |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Construction Documents (1/4" = 1') |
| <input type="checkbox"/> | <input type="checkbox"/> | • Building floor plans |
| <input type="checkbox"/> | <input type="checkbox"/> | • Building elevations |
| <input type="checkbox"/> | <input type="checkbox"/> | • Roof plan |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Roof specifications: |
| | | Roof materials |
| | | _____ |
| | | Manufacturer |
| | | _____ |
| | | Series/Model |
| | | _____ |
| | | Texture and color |
| | | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | • 18" minimum overhangs? |
| | | Roof pitch _____ |
| | | Roof peak height _____ |
| | | Eave height _____ |
| | | Type of roof _____ |
| | | _____ |
| | | Gutters/downspouts material/color |
| | | _____ |

6.5 Final Design Review Checklist (Page 2 of 2)

Date _____ Lot/Block _____

Buyer _____

- | | |
|---|---|
| <p>Yes No
 <input type="checkbox"/> <input type="checkbox"/> 6. Exterior Wall specifications
 Wall materials

 Manufacturer _____
 Series/model _____
 Texture/color _____
 Mortar color _____
 Technique of construction _____</p> <p><input type="checkbox"/> <input type="checkbox"/> • Foundations properly concealed?
 Trim material/color _____</p> <p><input type="checkbox"/> <input type="checkbox"/> 7. Chimney specifications
 Material/finish
 ___Brick ___Stucco ___Stone
 Chimney cap
 ___Masonry</p> <p><input type="checkbox"/> <input type="checkbox"/> 8. Window specifications
 Manufacturer _____
 Series/Model _____
 Color _____</p> <p><input type="checkbox"/> <input type="checkbox"/> • Factory-clad?
 Cladding material
 ___Vinyl ___Alum. ___Factory</p> <p><input type="checkbox"/> <input type="checkbox"/> 9. Skylight specifications
 Manufacturer _____
 Series/model _____
 Color _____</p> | <p>Yes No
 <input type="checkbox"/> <input type="checkbox"/> 10. Exterior door specifications
 Manufacturer _____
 Series/model _____
 Color _____</p> <p><input type="checkbox"/> <input type="checkbox"/> 11. Garage door specifications
 Manufacturer _____
 Series/model _____
 Material _____
 Color _____</p> <p><input type="checkbox"/> <input type="checkbox"/> 12. Driveway finish/material:
 _____</p> <p><input type="checkbox"/> <input type="checkbox"/> 13. Square footage analysis
 Garage _____
 First Floor (HVAC) _____
 Second Floor (HVAC) _____
 Covered Porches _____</p> <p><input type="checkbox"/> <input type="checkbox"/> 14. Sample board with materials and finishes.
 <input type="checkbox"/> <input type="checkbox"/> • Roof material and color
 <input type="checkbox"/> <input type="checkbox"/> • Wall material and color
 <input type="checkbox"/> <input type="checkbox"/> • Stone or brick sample
 <input type="checkbox"/> <input type="checkbox"/> • Mortar color
 <input type="checkbox"/> <input type="checkbox"/> • Window material and color
 <input type="checkbox"/> <input type="checkbox"/> • Trim material and color</p> <p><input type="checkbox"/> <input type="checkbox"/> 15. Construction schedule
 Construction start date _____
 Construction end date _____
 Landscaping end date _____</p> |
|---|---|

6.6 Application for Final Design Plan Review and Approval

Date _____ Lot _____ Filing _____

Owner/Applicant _____ Phone _____

Address _____

Architect _____ Phone _____

Address _____

Builder _____ Phone _____

Address _____

New Construction/Addition __; Exterior Remodel __; Interior Remodel with Exterior Footprint __

(If the proposed construction is exclusively an internal remodel project with external appurtenances, such as trash receptacles, portable toilets or storage pods, for example only, Owners need not complete the balance of this application form. The MACC will designate the location of such appurtenances and any screening required.)

This application will be considered complete only if the following are submitted in digital format:

- | | |
|---|----------------------------------|
| 1. Site Plan (1" = 10' min.) | 5. Sections (1/4" = 1' min.) |
| 2. Floor plans (1/4" = 1" min.) | 6. Construction schedule |
| 3. Roof plan (1/4" = 1' min.) | 7. Landscape and irrigation plan |
| 4. Exterior elevations and details (1/4" = 1' min.) | |

In addition, the sample board depicting exterior materials, colors, and texture, as described in Section 2.6, must be included in this submittal.

For MACC use only:

Submittal Date _____ Meeting Date _____ Notice Date _____

Notice to Applicant:

Following your Design Review Submittal, the MACC:

- ___ Approves your Final Design Review Submittal
___ Approves your Submittal with the following conditions:

___ Disapproves your Submittal because of the following variances from your Preliminary Design Review Submittal:

Signed: _____

6.7 Compliance Deposit Agreement

In addition to the Design Review and Inspection Fee payable at the time of the Preliminary Design Review, and in compliance with the MACC's Architectural Guidelines and policies adopted, _____ ("Owner") does hereby deposit with the BCN POA the sum of \$_____ (hereinafter called the "Compliance Deposit") and agrees to the following terms and conditions:

1. The Compliance Deposit shall be held as security against any damage caused to the Association's Common Areas, streets, or Owner's Lot(s) and all improvements, structures, landscaping, and personal property attached thereto or located thereon; which damage is caused by the acts and/or omissions of the Owner, their general contractor and/or any employee, agent, or subcontractor of the Owner or general contractor in connection with construction of Improvements on the Owner's Lot. Such Compliance Deposit shall also be used to ensure compliance by Owner and Owner's general contractor, employee, agents and subcontractor with the Deed Restrictions applicable to the Owner, to ensure compliance with the MACC's Architectural Guidelines and adopted policies, including but not limited to timelines for completion of construction, to ensure compliance with the construction plans approved by the MACC, and to pay costs and expenses charged to the Owner pursuant to Section 5.15 of the MACC's Architectural Guidelines.
2. The MACC may from time to time, and without prejudice to any other remedy, use the Compliance Deposit to the extent necessary to repair such damage or pay to the injured party the cost of such damage, or to address the Owner's failure to comply with construction plans approved by the MACC or the time limits imposed by the MACC for completion of construction. In the event the MACC determines to take any or all of the Compliance Deposit as a result of the Owner's failure to comply with the terms of this Agreement, Owner agrees to deposit additional monies as directed by the MACC to comply with the Compliance Deposit amount required above. It is expressly understood that the use of any or all of the Compliance Deposit shall not be considered a measure of the damage nor release the Owner from paying additional amounts if the total damage or costs charged to the Owner exceeds the amount of the Compliance Deposit.
3. Prior to making the expenditures or paying damages, fees or charges out of the Compliance Deposit, the Master Architectural Control Committee and/or the Association shall provide notice to the Owner pursuant to the requirements of Chapter 209, Texas Property Code, whereupon the Owner will have an opportunity to request a hearing as provided in Chapter 209, Texas Property Code. The amount of the Compliance Deposit to be used, if any, shall be approved in writing by a majority of the MACC. The MACC may postpone its review of payment pending receipt of any information which the MACC, in its sole discretion, may require. A copy of the MACC decision shall be mailed to the Owner at the address indicated below. Withdrawal of money from the Compliance Deposit shall occur no sooner than 10 days after the date of MACC written approval.

4. The MACC shall not be liable to the Owner or to any other person for any loss, damage, or injury arising out of the payment or nonpayment of the Compliance Deposit funds unless such loss, damage, or injury is due to the willful misconduct or bad faith of the MACC.
5. During construction, it is the responsibility of builders and owners to carry the necessary hazard and liability insurance as required by the MACC's Architectural Guidelines.
6. Upon substantial completion of construction as per the approved plans and specifications, and a final inspection by the MACC satisfactorily indicating that no damage as set forth in paragraph 1 remains unremedied and no amounts are owed by Owner, the Compliance Deposit or any balance thereof remaining shall be returned to the then-current Owner of record.
7. No interest shall be accumulated or payable upon the Compliance Deposit.
8. By signature below, the MACC acknowledges receipt of the \$_____ Compliance Deposit.

Executed on the _____ Day of _____, 20_____.

OWNER(S):

_____ Lot _____ Block _____

Printed Name: _____

Address: _____

Printed Name: _____

MACC, BARTON CREEK:

By: _____

Printed Name: _____

6.8 Contractor/Builder Agreement

As the general or primary contractor/builder of the proposed construction project located at _____ (the "Project"), I, _____, as agent for _____ (the "Owner"), hereby agree to conform to the following requirements and standards adopted by the Barton Creek North POA's Master Architectural Control Committee (the "MACC"):

- 1) I will review and become familiar with the Deed Restrictions associated with the property upon which the Project is located, as well as the Architectural Guidelines and policies adopted by the MACC for construction projects, and I will communicate with the MACC or its agent if I am unsure of the applicability or scope of such restrictions, guidelines or policies, as same may relate to the Project;
- 2) I will keep all paved areas in the vicinity of the Project, including streets and sidewalks, clear of dirt and debris resulting from the Project, and I will ensure that streets in the vicinity of the Project are cleared daily of debris and similar items that might puncture tires or damage vehicles;
- 3) I will ensure that all construction-related equipment, supplies and materials, and ancillary appurtenances will be stored and located so as to avoid sidewalks and streets;
- 4) I will ensure that all materials that are capable of becoming airborne due to wind, including but not limited to empty soft drink cups, food wrappers, paper products and the like, will be cleared daily from the Project site, and from nearby sidewalks, streets and properties;
- 5) I will ensure that all construction-related appurtenances, including portable toilets, trash receptacles and dumpsters, and storage pods, will be sited in accordance with the MACC's directive, for the entirety of the construction project, and if directed by the MACC I will ensure that such appurtenances will be screened from view from the street and adjacent properties; and, I will also ensure that all trash receptacles and dumpsters will be emptied promptly when they are full, and covered to minimize the amount of wind-blown trash;
- 6) I will use my best efforts to protect the Lot upon which I am working, as well as adjacent Lots, from damage caused by construction of the Project;
- 7) I will employ adequate erosion control during construction of the Project to protect nearby properties, storm drains and waterways from sediment and waste-laden runoff;
- 8) I will use my best efforts to preserve trees and shrubs on-site and on adjacent properties;
- 9) Upon completion of construction, I will replace and/or repair damaged curbs and restore sidewalks and streets to the condition they were in prior to construction of the Project;
- 10) I will adhere to the authorized construction hours as specified by the MACC and the Architectural Guidelines, and I will ensure that no construction materials will be delivered to the Project site outside of these approved hours;

- 11) I will ensure that no construction-related equipment will be cleaned on the Project site and that no concrete supplier, plasterer, painter or other sub-contractor will clean their equipment or tools on the Project site or in any manner that allows for sediment or waste-laden runoff outside of the Project site;
- 12) I will use my best efforts to ensure that all vehicles associated with the contractors, sub-contractors, suppliers and vendors working on the Project are parked in a manner that does not block the driveways of adjacent and nearby properties, and that such parking will occur only on the side of the street where the Project is located, or as required by the Sub-Association or the MACC, and in such a manner so as to maintain adequate clearance for emergency vehicles including fire trucks;
- 13) I will ensure that no amplified sounds from radios or other devices at the Project site will be audible from the street or from adjacent properties;
- 14) I will ensure that all contractors and sub-contractors working on the Project, and their agents and representatives, use an approved construction access entryway, obtain and use gate codes specified by the MACC for gaining entry to the neighborhood of the Project, and comply with all posted speed limits within the neighborhood of the Project;
- 15) I will ensure that flammable materials, including but not limited to cigarettes, will be carefully disposed of, and that fire suppression methods, including but not limited to fire extinguishers, water tanks, or active water supply, are available on site at all times;
- 16) I will maintain adequate insurance for the duration of the Project, as specified by the MACC prior to commencement of construction of the Project; and
- 17) I will inform and supervise all contractors, subcontractors and their agents and representatives to ensure their compliance with these standards.

Agreed to this _____ day of _____, 20_____.

CONTRACTOR/BUILDER: _____

6.9 MACC/BCNPOA Policies on Specific Topics

The following policies have been approved by the MACC and/or BCNPOA, are currently in effect and are attached hereto:

- Barton Creek North Master Architectural Control Committee Design Review Process
- Resolution of Barton Creek North Master Architectural Control Committee on Assignment of Maintenance of Improvements

BARTON CREEK

BARTON CREEK NORTH MASTER ARCHITECTURAL CONTROL COMMITTEE DESIGN REVIEW PROCESS REVISED, NOVEMBER 2011

The Barton Creek North subdivision was developed with very stringent deed restrictions to ensure everlasting beauty and continuity. In order to ensure that property values are maintained and consistent design guidelines are applied, the Barton Creek North Property Owners Association relies on our resident volunteer Architectural Control Committee and the expertise of architectural professionals. Each of our eleven gated communities is governed by their own unique set of deed restrictions. For example, properties located on golf courses are subject to buffer zone setbacks that require special attention, while other properties have condominium restrictions or specific landscape materials requirements.

The following sub associations are subject to Barton Creek North Master Architectural Control Committee oversight:

- The Fairways*
- The Foothills
- Governor's Hill
- North Rim
- The Ridge
- The Terraces
- Watersmark*
- Wimberly Lane Phase I
- Wimberly Lane Phase II (contact Matt Moore, Stratus Representative at 512-899-1376)
- The Woods, The Woods II and The Woods III

Additional areas that fall under the Barton Creek North Master Architectural Control Committee authority include: Marquis Apartments and St. Gabriel's Catholic School.

*Currently, oversight authority for The Fairways and Watersmark has been delegated to the respective development areas.

Every project, new construction, pools, additions, and even landscape and lighting changes must go through the Master Architectural Control Committee's design review process. All improvements must be made through the use of *The Woods at Barton Creek Architectural Guidelines*. This approval process typically takes 30 to 45 days once initial plans are received. Incomplete submittal package is the most prevalent reason for delays.

The Master Architectural Control Committee is comprised of three resident volunteers, an architectural consultant, and a landscape architectural consultant. The Committee meets twice a month to review plans and conduct site visits.

Various procedures have been established that allow the BCNPOA and the MACC to monitor and enforce architectural guidelines as consistently as possible. These procedures are outlined in the attached. Complete submission forms are available at www.bartoncreeknorth.com or by calling RealManage at 512-219-1927.

Barton Creek North
Master Architectural Control Committee Process

New Construction, Cabanas and Pools, Additions and Other Improvements

Fees: New construction \$1800;
Compliance Deposit \$10000 with Signed Compliance Deposit Agreement
Includes home and original landscaping plan (valid for 120 days if no deferment granted).

Additions \$500 if no plumbing involved and the project is less than 500 sq. ft.; \$1000 with plumbing; Compliance Deposit \$5000 with Signed Deposit Agreement

Pools \$600; Compliance Deposit \$5000 with Signed Compliance Deposit Agreement
Variance Fee \$750

Submittal Information:

Three (3) full sets of plans (site-elevations and floor plan)
Two (2) full sets of plans (site-elevations and floor plan) 11x17
All setback and other checklist requirements must be noted on the plans
All construction requirements must be noted on the plans
Variance requests must be submitted
Specifications sheet, and sample colors
Landscape plans or deferment
Signed Compliance Deposit Agreement
Construction schedule and sample board

Major Landscape Projects, Fencing Plan Reviews

Any landscape projects that do not significantly alter the appearance of the property are permitted without approvals provided that the plantings used meet the criteria set forth in *The Woods of Barton Creek Design Review Guidelines*. Design review fees for landscape plans are \$500. A Compliance Deposit of \$2500 with a Signed Compliance Deposit Agreement is also required.

Landscape Projects Requiring Approvals:

1. Addition of numerous trees or hedges
2. Fountains or ponds
3. Retaining walls
4. Increasing plant bed size by more than 50%

Examples of landscaping that is not allowed in Barton Creek are:

1. Large areas of rock or crushed granite
2. Palms in excess of six feet at mature height
3. Long linear hedges between property lines
4. Use of high-water grasses

Submittal Information:

Two (2) sets of plans must be submitted. It should contain irrigation information, setbacks, impervious cover calculations, plant listings, locations, and sizes. Particular attention should be paid to drainage and erosion control.

Notification of building activity

All surrounding contiguous property owners are notified upon the submission of any new improvements. Plans generally will be available for review, by appointment, up to one week before the meeting. Comments or concerns should be submitted in writing on or before the meeting date. Owners who prefer to comment at the meeting must notify the Property Manager in advance. Final approval of all projects lies with the voting members of the MACC.

Building permits – New Construction

Building permits are issued by the Property Manager after final MACC approval and the collection of fees. The building permit is to be posted in a weatherproof enclosure and within a prominent location at the subject property. Permits are required for all construction and additions. The permit will display the following information.

- 1) Property address and Owner name
- 2) Builder ID and contact number (phone)
- 3) Form for sign off of inspection by Inspection Company

A copy of the Barton Creek North Building Rules must also be posted on the site.

Inspections

The primary goal of the Master Architectural Control Committee is to ensure that the property is built to the approved plans, within the architectural guidelines, and as efficiently, cleanly, and safely as possible. The Association does not conduct inspections related to construction or building codes.

The following inspections are conducted on any new construction or addition:

Inspections are performed by a third party, McComis & Co. Inspectors. Builders and contractors are responsible for scheduling their inspections. The original inspections are paid out of the Design Review Fees. Reinspections will be paid for out of the Compliance Deposit.

The following inspections are conducted on any new construction or addition:

Construction Site/Layout Inspection:

1. Property Corner pins are located and flagged, string lines are stretched along property lines, easement boundaries are flagged, and foundation form boards are set. Must also provide inspector or BCN office with form survey.
2. Verify lowest floor elevation with plan.
3. Construction requirements must be met (fencing, erosion controls, garbage collection, permits, etc.)

Erosion controls are required immediately upon the disturbance of the property. Construction fencing must be in place immediately upon completion of the layout of the boundaries unless additional time is requested due to property size, location, trenching issues or weather.

Construction Exterior Materials Inspection:

1. Roofing should be complete and per approved plans.
2. Materials must be approved and installation complete as per approved plans.
3. Construction requirements also must be met.

Driveway and Flatwork Inspection:

1. Forms and reinforcements must be in place; expansion joints are required.
2. Sidewalk must be set if required by approved plans and final plat.
3. Construction requirements also must be met.

Construction Final Inspection:

1. All exterior must be complete and all inspections must be passed. Construction must conform to approved plans.
2. Landscaping must be installed and approved by the MACC.
3. All construction fencing, erosion controls, debris, etc. must be removed.
4. Revegetation of adjacent lots, if necessary, must be done.

Pool Final Inspection (MACC only):

1. All fencing and gates complete.
2. Landscape installations and equipment screening complete.
3. All materials must meet those approved by the MACC.

Letter of Compliance and Deposit Refund

Upon successful completion of all required inspections the MACC will issue a Letter of Compliance verifying that, to the best of its knowledge, the construction or improvement meets all architectural guidelines. This letter will accompany the compliance deposit refund. The Letter of Compliance and Deposit Refund will be submitted to the owner of record as of the date of the refund.

These guidelines are intended to provide a process for making property improvements in Barton Creek North. More detailed information may be found in the Design Review Guidelines. Please contact the BCNPOA Property Manager at 512-219-1927 for the complete Submittal Package and Applications.

RESOLUTION OF BARTON CREEK NORTH MASTER ARCHITECTURAL
CONTROL COMMITTEE

The Chairman called on Jack Edrington to present a proposal related to responsibility for oversight of maintenance of Improvements.

Jack Edrington noted a long-standing practice of the MACC to defer to the boards of directors of individual Development Areas concerning oversight of maintenance of Improvements by Owners. He stated that the Development Area Declarations for each Development Area where the MACC exercises responsibility (all except for a few development areas) specify that each owner is responsible for maintenance of his or her property as necessary to preserve the appearance and value of all property in Barton Creek North and that oversight responsibility is placed on the MACC under the applicable Development Area Declaration. Mr. Edrington further observed, however, that the MACC has authority pursuant to Section 6.02(j) of the Master Declaration to delegate any of its responsibilities to individual Development Area architectural committees and, in fact, the MACC has informally delegated oversight responsibility for maintenance for many years.

To avoid uncertainty and confusion, Mr. Edrington proposed formalizing the current practice by formally delegating and assigning responsibility for maintenance oversight to the individual Development Area architectural committees specified in the attached form of Delegation and Assignment to be used to accomplish this purpose.

Following a thorough discussion, upon motion duly made and seconded, it was unanimously

RESOLVED, that oversight responsibility with respect to maintenance of Improvements by Owners is hereby delegated and assigned to each individual Development Area architectural committee to the extent and in the manner described in the form of Delegation and Assignment presented to this meeting, and that the informal standing practice is hereby ratified and confirmed:

RESOLVED, that the form of Delegation and Assignment presented to this meeting is hereby adopted and approved and that the Chairman is authorized to sign such instrument and the Property Manager is hereby instructed and authorized to send written notice, including copies of this Resolution and the Delegation and Assignment to those Development Area Association Boards and if or when established, those Development Area Architectural Committees, specified in the form of Delegation and Assignment;

RESOLVED, that the Property Manager is instructed to file the attached form of Delegation and Assignment with the records of this meeting and that the Attorney for the MACC is hereby authorized and directed to draft formal recordable documents further evidencing the Delegation and Assignment and upon execution shall record such documents in the Official Public Records of Travis County, Texas; and

RESOLVED, that the Chairman of the MACC and any or all of the members of the MACC are hereby authorized to execute such formal recordable documents evidencing the Delegation and Assignment.

DELEGATION AND ASSIGNMENT

IN ACCORDANCE WITH Section 6.02 (j) of the Master Declaration of Covenants, Conditions and Restrictions for Barton Creek North, The Master Architectural Control Committee (the "MACC") hereby delegates and assigns its oversight responsibility with respect to the duty of each Owner to maintain all Improvements, whether permanent or temporary, located on his or her Lot or limited common element, including the residence, all other structures and landscaping, as deemed necessary to preserve the appearance and value of Property in Barton Creek North, to each Development Area Architectural Committee in Barton Creek North, but only with respect to its Development Area. This delegation and assignment only applies to the following Development Areas: The Foothills; Governor's Hill; North Rim; The Ridge; The Terraces; Wimberly (phase I); The Woods; Woods II; and Woods III.

The MACC reserves, however, all of its other authorities and responsibilities, including approval of all installations, modifications or alterations of the exterior appearance of any Improvements, as set forth in the Master Declaration, Development Area Declarations and applicable Architectural Guidelines.

Capitalized terms have the same meaning as set forth in the Master Declaration.

EXECUTED this 16th day of June, 2009.



Richard Walker, Chairman
Barton Creek North
Master Architectural Control Committee