

# The Estates of Barton Creek

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## Architectural Guidelines

**Architectural Review Committee**

**5/15/2015**

Guidelines for new construction and home improvement projects for the Estates of Barton Creek

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## **THE ESTATES OF BARTON CREEK ARCHITECTURAL GUIDELINES**

The ARC (ARC) is established to help preserve the character, integrity and beauty of the Estates of Barton Creek. According to the Declaration of Covenants, Conditions and Restrictions of the Estates of Barton Creek Homeowners Association, improvements to all homes and lots must be approved by the ARC prior to commencement of work on the property.

Improvement projects that require ARC review and approval are:

- new construction
- home additions
- changes to the exterior appearance of existing structures
- alterations to the landscape.

These projects include, but are not limited to, color changes, fences, sport courts, driveways, and roof changes. Routine maintenance and repairs required to maintain your property may be completed without an application so long as there are no alterations to the exterior appearance or footprint of any structure.

Please involve the ARC during the planning phase before the design and architectural plans are finalized. During the project review process the ARC considers whether its completion will assure harmony of external appearance, design, materials and location in relation to topography and surrounding homes.

### **I. ARCHITECTURAL GUIDELINES**

The ARC (ARC) develops these guidelines and periodically revises them with input and approval by the Board of Directors. Anyone contemplating exterior construction or other work must become familiar with these guidelines.

#### **1. Site Preparation**

Lot clearing in advance of construction requires prior written approval of the ARC. Neither lot owners nor their builder may burn construction debris, trash, bush, or other vegetation under any circumstances. Such items must be removed from the lot by a vehicle. Burning poses a fire hazard to other lots and homes. Erosion fences or silt fences must be required for erosion control must be erected and maintained by the contractor prior to work. Port-o-lets are required.

## **2. Drainage**

All drainage structures under private driveways must have openings of sufficient size to permit the free flow of water without backing up. All materials used in drainage control, including the culvert, which are visible from the street must be contoured to the surrounding land and finished with grass, unless otherwise approved by the ARC; for example, stones. Details of the treatment of the culverts are to be included with the plans when submitted.

Grading or otherwise changing the land for drainage purposes is not allowed until plans have been submitted and approved; natural or existing drainage may not be altered in a way that affects any other lot. The ARC may request that plans show the runoff from all sources (roofs, patios, driveways and walkways) being drained to the street, subdivision drains, existing water courses or creek beds, if such lot is deemed to have a potential drainage problem.

## **3. Dumpsters and Portable Toilets**

During the entire construction process, the lot owner/builder is required to have portable toilet facilities and a dumpster on the property (not on streets, cul-de-sacs or adjacent lots).

## **4. Construction Debris**

Neither lot owner nor builder may burn construction debris, trash, brush, or other vegetation under any circumstance within the community. Such items must be removed from the lot by a vehicle. Burning poses a fire hazard to other lots and homes. For the collection and transportation of debris, a dumpster on the property (not on streets cul de sacs or adjacent lots) must be used. The dumpster must be emptied as often as necessary to prevent overflow of debris

## **5. Landscaping**

All areas visible to the street are to be landscaped and maintained. Detailed landscape plans, including irrigation systems and type and size of plants, are to be submitted with the site plans for new construction or significant changes to existing landscaping. Drought tolerant plantings are important to Central Texas; refer to Appendix D (add link) for a list of suggested trees and shrubs.

## **6. Tree Removal**

The Estates of Barton Creek's is characterized for its rolling hills and green urban forest. Our rural landscape provides functioning benefits in terms of shade, erosion control, rain water control, noise reduction and air quality. To help preserve these valuable natural features, our covenants include tree removal restrictions and a tree replacement policy.

### **Tree Removal**

1. Existing trees must be left undisturbed to the maximum extent possible. In most circumstances, if a tree must be removed, it must be replaced with noninvasive native species.
2. The removal of trees with a diameter greater than 6 inches measured at a point 54 inches above the ground needs approval from the ARC.
3. The removal of more than 30% of the tree canopy in any lot, regardless of the trunk caliper or tree variety requires approval by the ARC.

### **Tree Replacement**

1. Conifer and Juniper trees (commonly referred to as "cedars") with a trunk diameter of 4 inches or less can be removed as a fire prevention measure and do not require replacement
2. No replacement is required for the removal of dead trees
3. To compensate for the removal of live trees that are not diseased, dying or dead the property owner must install replacement trees according to the following requirements:
  - a. All trees with trunk diameters equal to or greater than four (4) inches and less than 16 inches must be replaced on a 75% basis. In such cases, the replacement trees planted must have trunk diameters of at least 2.5 inches. For example, if a 12-inch tree is removed, then a total of 9 replacement inches must be planted.
  - b. All trees with trunk diameters greater than or equal to 16 inches must be replaced on a 150% basis. In such cases, the replacement trees planted must have trunk diameters of at least six (6) inches. For example, if a 16-inch tree is removed, then a total of 24 replacement inches must be planted using trees with a minimum trunk diameter of 6 inches.

## **7. Lighting**

The Association seeks to promote public health, safety and welfare while maintaining the scenic ambience of our community. We strive to preserve and protect the nighttime environment and our heritage of dark skies through quality outdoor lighting and by preventing light pollution. All lighting projects require ARC approval.

Outdoor lighting must be properly directed to prevent unwanted illumination into the streets or a neighbor's yard and windows. Lighting curfew for sport court or recreational lighting must be off from 11pm to sunrise. For modifications to existing or new lighting projects, no light is to emit above a horizontal plane and the light emitted cannot constitute trespass beyond your property line.

## **8. Driveways and Parking Pads**

The widening, extension or addition of driveways, circles, and parking pads are to be consistent with the overall image and character of the community. They are to be located and designed to minimize their visual and vehicular acoustical impact on neighboring properties.

Physical placement is subject to ARC approval. Driveways must be constructed of concrete, pavers, or other material expressly approved by the ARC. All driveways must be a minimum of twelve feet (12') in width, and located five feet (5') from the property line, and at least fifteen feet (15') from the driveway on an adjacent property. The buffer area may be left in its natural state if substantial vegetation exists or, if not; it must be landscaped in such a manner as to provide screening of the driveway and/or garage from view. Materials include: Concrete, Brick and Pavers.

Specific Guidelines:

- Design and location must minimize the removal of trees and other significant vegetation.
- Changes in grade or drainage pattern must not adversely affect adjoining properties.
- Where appropriate, the use of a material such as "grass Crete" which allows grass to grow through the hard surface and soften the appearance of the paved area may be appropriate. Loose gravel and unpaved driveways and/or parking pads are prohibited.
- Landscaping may be required to compensate for the removal of vegetation and to screen the driveway/parking pad.

## **9. Home Design**

The height and location of all structures are subject to approval by the ARC. Aesthetics, views, and other considerations related to maintaining the harmony and atmosphere of the subdivision will be weighed during the approval process. Houses with the same or similar plans on the same street and/or in visual proximity to another house with the same plans will not be allowed.

## **10. Home Exterior Veneer**

Masonry must exceed 75% of the non-window external surface area of the structure (e.g., stone, brick, stucco and wood). Any other material must be approved by the ARC. Approval will not be granted where a predominance of any other veneer is used. Chimneys require masonry veneer.

## **11. Home Building area**

The minimum conditioned living floor area must exceed 3000 square feet on new home construction, exclusive of open and closed porches, terraces, patios, balconies and garages.

## **12. Set Backs**

No building must be located on any of the Lots nearer to the front lot line or nearer to the side street line than the minimum set back lines shown on the recorded plat of the Subdivision. In any event, no building must be located on any of the Lots nearer than fifty (50) feet from the front lot line, or nearer than twenty-five (25) feet from any side lot line, or nearer than fifty (50) feet from any rear lot line. No building must be located nearer than fifty (50) feet from any major thoroughfare or collector street.

The ARC must have the right to impose such additional setback requirements as it deems necessary to preserve lines of sight from neighboring properties and Lots. The ARC must be entitled to review and modify the setback requirements for cul-de-sac. Lots for which compliance with the foregoing setback requirements might be difficult or impossible.

## **13. Garage Requirements**

The garage must be an enclosed structure (no carports) for not less than two and not more than four automobiles. Garage door opening(s) must not be visible from the main roadway. On cul-de-sac lots, if the garage door faces the front of a neighboring house or lot, landscaping must be used to screen the garage door.

## **14. Mailbox and House Address**

Placement height and distance must follow the USPS guidelines. Housing for mailboxes are to be architecturally representative with the individual residence and to be of similar construction and form. Individual mailboxes must not be permitted. The mailbox structure must be masonry consistent with the materials used on the house exterior (stone, stucco, brick) with readily visible house address numbers, and located on the front property line. An approved electric lighting fixture must be installed on the top or on the street side of the structure.

The above guidelines are only to apply to mailboxes constructed within the gated sections of the Estates of Barton Creek and/or to mailboxes, that were constructed and/or structurally altered on or after April 11 2006, that are situated on county roads (all non gated sections of the Estates of Barton Creek).

All other properties need to be in compliance with the amendment to Travis County Code Chapter 82 on 4/11/2006 under Section 82.210.

The relevant section is as follows: - "

The mailbox structure shall not consist of masonry or concrete.



Mailbox structures shall comply with AASHTO's Roadside Design Guide Section 4.6.5. Mailbox Supports, and Federal Highway Administration (FHWA) standards. Mailbox supports shall: (i) if wood, be no greater than either 4-inches by 4 inches or 4 inches diameter if round. (ii) if metal, have a strength no greater than a 2-inch diameter standard strength steel pipe; and (iii) not be embedded more than 24 inches into the ground nor set in concrete unless the support design has been shown to be safe by crash tests.

Mailbox-to-post attachments shall be designed and constructed to prevent mailboxes from separating from their supports under vehicle impacts."

## **15. Signs**

### **All 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:

- Allowed only on Sundays one hour before the Open House or event to no later than one hour after the event ends.
- Only one sign per Property per entry. If there is more than one entry, signs may only be placed at one entry.
- No directional signage is allowed at Bee Caves and Barton Creek Boulevard or leading to the entry.
- Signs must designate the name and phone number of the agent or real estate company.
- 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.
- Signs may not stand more than three feet tall and two feet wide and should be made of high quality materials. No hand written generic signs. 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 Property Manager or representative and will be disposed of. Repeated failure to remove open house signs will result in more strict policy for the use of signs.

### **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 the Estates of Barton Creek 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 homes located on the Boulevard. The specifications are as per the following diagram.



Please contact Art of Signs: david@artofficesigns.com, Telephone: 512-365-2010 for specifications, placement questions or contact RealManage if you wish to use another sign company.

[www.realmanage.com](http://www.realmanage.com)

7035 Bee Cave Road, Ste. 108, Austin, TX 78746

P: 512-306-9352

[estbarto@ciramail.com](mailto:estbarto@ciramail.com)

Keep in mind that the use of any other signs is considered a violation of the covenants and restrictions and will be enforced as such.

## 16. Fences

All fence materials, color, design and size must be approved by the ARC. Fences must be six feet in height and may be up to a maximum of eight feet in height. No new wood fences will be allowed. No chain-link or wire fencing will be approved except for chain link fences around tennis courts and sports courts. And, all court chain-link fences must be green or black vinyl clad and appropriately screened by landscaping from public view.

**Fence Repair:** Existing wood fence structures are grandfathered and may be repaired, but may not be rebuilt. Material samples must be submitted in all cases.

## **17. Pools**

Require ARC approval. ARC guidelines prefer pools not to be visible from the front of the house. Pools must be appropriately screened from public view.

## **18. Sport Courts, Basketball Goals, and Playscapes**

All permanent recreational structures require approval from the ARC. Sport courts and playscapes must be located in back yards and side yards and not in front yards, no closer to the street than the front of the house and appropriately screened from public view. Portable basketball goals, badminton or volleyball nets, soccer goals and other temporary recreational equipment of a portable nature must not be located in front yards, but located in an area not visible to adjacent yards or roadways.

## **19. Water Wells**

Must meet the county guidelines and be review by the Estates of Barton Creek Water board. Location and structure of the water well requires approval by the ARC.

## **20. Septic Tanks**

All septic tanks and septic absorption sewage disposal systems must be constructed in accordance with the requirements of the Travis County Health Department and conform to the restrictions outlined in the recorded plat of the subdivision, the location of the field(s) must be shown on the plans submitted for approval. A permit for the septic system must be obtained from the Travis County Health Department.

## **21. Cable, Satellite, TV and Radio Antennas**

ARC approval is required for antennas visible from the street or neighboring properties and must be appropriately screened.

## **22. Flags and Flagpoles**

Permanent installation of flagpoles is permissible with ARC approval.

- The height must be no less than 15 feet and no higher than 25'.

- Proposed flagpole must be installed in concrete sufficient in depth and width for size of flagpole being installed, as to insure personal safety and vertical correctness.

- Event based flag display permitted for no longer than the event.

## **23. Roofing**

### **Material, profile and color**

Approved materials for roofing are tile, concrete, slate, metal and 50 year architectural composition. Profiles and colors must be evaluated per application as to insure the choices are appropriate for specified home and compatible with neighborhood.

### **Replacement**

Must a homeowner choose to replace an existing roof with an alternate material, profile and color, it must be required that an application be submitted for approval for approval to the ARC prior to commencement of work.

### **New construction**

Roof material, profile and color must be submitted along with roof plan in conjunction with new construction application to the ARC for approval prior to commencement of work.

## **24. Solar Panels**

Must a resident choose to install solar panels it must be required to submit an application including detailed plans, quote and energy savings data for ARC approval prior to commencement of work. Plans must indicate contractors recommended location, number and size of panels. 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. The ARC supports the use of solar energy and encourages homeowners to locate panels as not to be visible to the street or common areas. The ARC approval to be based on current Texas Legislation.

## **25. Water Harvesting**

Must a resident choose to install a water harvesting system it must be required to submit an application including detailed plans and quote for ARC approval prior to commencement of work. Plans must indicate contractors recommended location and type of system proposed. Any proposed above ground equipment such as rain barrels, tanks or cisterns must be located in an area not visible to streets or common areas and must be landscaped as to minimize visibility. Any proposed below grade systems must not be located is septic fields. Additionally, pumps and other electrical equipment required for function must be located in area not visible to the street or common areas and shielded with a landscape wall or substantial landscaping. Plans for proposed landscape walls and landscaping must be submitted with application for ARC approval.

## **26. Gray water:**

Gray water system, which diverts some household wastewater from showers and bathtubs, bathroom sinks and washing machines for yard watering, among other things, must be approved by the ARC.

## **II. APPLICATION AND REVIEW**

Home improvement projects that change the exterior appearance of a structure, alter the landscape design or increase/decrease the home footprint require approval of the ARC (ARC). Additions, renovations

Depending upon the type of project, the homeowner will be required to submit supporting documents (e.g., architectural renderings, drawings, photographs) and material samples. A written estimate or contract from the contractor and a completed Deposit Agreement is required.

The plans submitted are to reflect the nature of the proposed work, its location on the lot, and all material exterior elements and colors. Plans may include any or all of the following items (refer to individual application form for required documents for specific types of projects):

- a) a site plan
- b) specifications of exterior finishes and colors
- c) front, side and rear elevations
- d) a floor plan
- e) a landscape plan
- f) a topographic map including existing tree survey of six (6") inches or larger
- g) a demolition plan for tree removal exceeding six (6") diameter, measured 54" from ground

### **27. Application and Review Process**

#### **Application Submission.**

Homeowner reviews available application forms through RealManage Property Manager [RealService@realmanage.com](mailto:RealService@realmanage.com) and selects the appropriate application. <http://www.realmanage.com/ResidentPortal/OnlineRequest.aspx>

Home owners submits application proposal with required information and deposit (if applicable) to RealManage Property Manager.

#### **Application Review.**

The ARC, through the RealManage Property Manager, acknowledges receipt of the improvement application. The ARC, through the RealManage Property Manager approves or requests more information within 21 days.

#### **Application Approval**

The ARC may approve, approve with conditions, or decline a homeowner's application. The project must be approved by a majority of ARC members in writing.

ARC approval may be withdrawn if, during the construction process, the lot owner or builder departs from the approved plans or violates lawful directives of the ARC delivered either to the owner, builder, or both, in writing. This could result in forfeiture of deposit and/or possible legal action.

ARC must withhold approval of any plans, specifications or improvements if the lot owner is delinquent in any sum due and owing the Association at the time the Committee's approval is sought.

## **28. Variance and Exceptions**

Occasionally, special circumstances will warrant exceptions being granted to the requirements of the guidelines. The ARC will address those when the owner provides substantiation of the need for an exception. For example, unusual lot shapes and geographical or other physical conditions might result in placement of a pool and spa within a setback. A variance may be granted at the discretion of the ARC. All variances must be in writing.

### **Variance Application and Approval Process**

Our current Declaration does not require recording of the variance with the County, however all Setback variances must be recorded to provide a title record. At ARC's discretion other variances may also be recorded.

#### **Variance application:**

Property owner applies for a variance using the standard application form. Variance applications cannot be combined with other projects.

#### **Variance review and vote:**

Regular project review and vote using the WebSmart system. ARC approves all projects by majority vote and votes are recorded in the system. The Websmart system contains evidence in writing in the form of e-signatures and discussion notes of the majority of the members of the Committee.

#### **Execution**

Project lead creates the Variance description and completes the Variance Template. The template is completed and uploaded into WebSmart for an additional verification review.

Committee members execute the Variance signature page and RealManage uploads the executed document into WebSmart. This page must be filed along with a copy of the recorded variance

#### **Notification and Fees**

Upon completion and acceptance of the Variance template the Variance Project status is changed to Approved and the homeowner receives the system generated

approval notification. This notification must include if applicable a notice of the estimated recording fees.

The homeowner must mail a check for the recording expenses management company.

### **Recording**

Recorded variances must be signed by the President, the Secretary or the ARC chair. The signature needs to be notarized.

The Management Company is responsible for recording the variances via mail, sending a copy of the recorded variance to the homeowner and uploading a copy of the recorded document and other support documentation into the WebSmart system.

### **Filing**

All granted variances and support documentation must be kept as part of EBC permanent records

## **29. Neighboring Homes**

Residents within the proximity of the proposed construction or adjacent homeowners are notified when an application proposal for a new house or additions to an existing home are under review. The ARC determines which neighbors to contact. All input will be considered before final approval. It is recommended that the owner/architect/builder be available for talks with the appropriate neighbors as early as possible in the design phase. The proposed plans are made available for viewing by arrangement through the Association's RealManage Property Managers office at 7035 Bee Cave Road, Suite 108.

## **30. Project Implementation.**

Homeowner implements the approved plan. Changes to the approved plans require new ARC approval. If approved plans are modified or altered, the owner must submit the proposed changes to the ARC for approval. This submission must include the original proposal and identify all changes.

## **31. Project Completion.**

Upon completion the Homeowner notifies the RealManage Property Manager who informs the ARC.

### **Final Inspection**

Within 14 days, an ARC member schedules and completes a final inspection with the home owner.

### **Final Inspection and Acceptance Report**

The final step in the completion of an approved project, (even if a deposit was not required) is a completed *Final Inspection and Acceptance Report* form presented by a committee member and signed by the owner.

Without these required steps both the Association and the ARC will consider your project incomplete and no monies will be returned.

It is the responsibility of the Homeowner to show that the project meets the approval conditions contained in the approval letter. If there are deviations from the approved plan, it is possible that the owner/builder will be required to remove and redo that section or area. For this reason, please keep the ARC informed of any proposed changes well in advance of implementing them.

If a project is not accepted as completed in the Final Inspection, the RealManage Property Manager notifies the home owner of the deficiencies noted by the ARC in order to implement the needed changes.

### **III. DECISION APPEALS AND MODIFICATIONS**

Homeowner who disagrees with the decision of the ARC may appeal to the Association Board of Directors in writing.

### **IV. DEPOSITS and DEPOSIT AGREEMENT**

For additions, renovations and improvements greater than \$5,000 in cost, a cash deposit is required. In those cases, the owner must complete and submit the *Deposit Fee Agreement* form prior to commencing construction. The Deposit Fee structure for new construction, home additions and major renovations or other home improvement projects as described in the current version of the *Deposit Fee Agreement*, which is Appendix B.

Upon ARC acceptance and execution of the Final Inspection and Acceptance Report form, the RealManage Property Manager returns deposit, if any, within 21 days.

### **V. OTHER EXPENSES**

The homeowner will pay for or reimburse the Estates of Barton Creek Property Owners Association (Association) for, all expenditures incurred as a result of any project initiated by the property owner.

### **VI. CONSTRUCTION WORK RULES**

The construction work rules include restrictions in respect to normal work hours, noise, and the operation of equipment, as well as where these rules are to be posted. The home owner agrees to provide their contractor a copy of the *Construction Work Rules* document and assure workers adhere to these rules; must projects require 5 or more days to complete, the Work Rules, written in English and Spanish, will be posted on property. Refer to Appendix C.





## Appendix A. Application Form



### THE ESTATES OF BARTON CREEK Home Improvement Application

Home Address			
Owners	Home	Cell	Email
Architect/Contractor	Home	Cell	Email
Estimated Project Cost	Estimated Start Date	Estimated Completion Date	

**Home Improvement Category (check all that apply):**

- ☐ New Construction
 ☐ Addition
 ☐ Repair/Maintenance
 ☐ Other Explain) \_\_\_\_\_

**Proposed Project Type Includes (check all that apply):**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Main House (Detailed Plans)<br><input type="checkbox"/> Guest house, pergola, cabana (Plans/Location)<br><input type="checkbox"/> Garage, garage conversion (Plans)<br><input type="checkbox"/> Pool, fountain, pond (Plans)<br><input type="checkbox"/> Windows/Doors (Colors/make/style)<br><input type="checkbox"/> Exterior Paint (colors and location)<br><input type="checkbox"/> Roof New or change of existing (Color and type)<br><input type="checkbox"/> Sport Court/Basketball goal (Plans/location)<br><input type="checkbox"/> Hardscape-including drive/patio (Material/color) | <input type="checkbox"/> Landscape (Plan with plant legend/sizes)<br><input type="checkbox"/> Irrigation System (Plan)<br><input type="checkbox"/> Exterior or landscape lighting (location/type/lumens)<br><input type="checkbox"/> Tree Removal (location/size)<br><input type="checkbox"/> Solar Panels (location/type)<br><input type="checkbox"/> Mailbox<br><input type="checkbox"/> Variance (Explain under project description)<br><input type="checkbox"/> Other (Explain under project description) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Proposed Project Description: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Items required to be submitted with application:**

- 2 sets of 1/4" scaled plans, full size (including location of exterior equipment such as HVAC, pool or other, if used)
- Site plan (drawn at appropriate scale) depicting current conditions, dimensions and location of proposed project. Include Port-O-Let and dumpster locations if used.
- Specifications and samples of materials or fixtures to be used, including paint/material colors, along with location of all.
- Landscape: Plant legends with quantities, types and sizes. Irrigation plan
- Signed Deposit Agreement and deposit check (if required)

**Deposit Fee Structure**

New Construction/Tear Down	Other Home Improvements	Regular Repair and Maintenance w/o exterior changes
\$7500	5% of the total project cost with min \$500 and max of \$5000	No deposit required

*Please refer to Architectural Guidelines to verify compliance prior to final plan completion*

Return application, deposit agreement, and required information to RealManage, 7035 Bee Cave Rd. Ste. 108 Austin, TX 78746. Or email ESTBARTO@CiraMail.com.

## **Appendix B. Deposit Agreement**



## THE ESTATES OF BARTON CREEK Home Improvement – Deposit Agreement

In compliance with rules adopted by the Architectural Review Committee and the Board of Directors for the Estates of Barton Creek Property Owners Association, Inc., the homeowner ( \_\_\_\_\_ ) does hereby deposit with the Association:

- ☐ \$7,000.00 for new construction, home additions and major renovation projects, as specified in guidelines, or
- ☐ 5% of the total project cost with min \$500.00 and max of \$5,000 for other projects

Based on your project the cash security deposit amount required is of \$ \_\_\_\_\_  
**MAKE CHECK PAYABLE TO: ESTATES OF BARTON CREEK POA**

### THE OWNER AGREES TO THE FOLLOWING TERMS AND CONDITIONS:

1. The Deposit check will be cashed and funds shall be held as security against any damage caused to the Association's Common Areas, streets, other owners' Lots and all improvements, structures landscaping and personal property attached thereto or located thereon; which damage is caused by the acts and/or omissions of Owner, his general contractor and/or an employee, agent or sub-contractor of the Owner or general contractor in connection with construction of improvements on the Owner's Lot.
2. Upon the occurrence of any such damage, the Association, from time to time, and without prejudice to any other remedy, may use the Deposit to the extent necessary to repair such damage or pay to the injured party the cost of such damage. It is expressly understood that use of any or all of the Deposit shall not be considered a measure of the damage nor release the Owner from paying additional amounts if the total damage exceeds the Deposit.
3. Within a reasonable time of the Design Review Committee being notified of the occurrence of any such damage, the amount of the Deposit to be used, if any, shall be approved in writing by a majority of the Committee. The Committee may postpone its review of payment pending receipt of any information which the Committee, in its sole discretion, may require. A copy of the Committee decision shall be mailed to Owner at the address indicated below. Withdrawal of money from the Deposit shall occur no sooner than 10 days after the date of Committee written approval. Notices required by Chapter 209, Texas Property Code will be sent to Owner prior to use of the Deposit to pay for any damage charges.

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4. If the owner wishes to contest the Committee's decision to use any or all of the Deposit as described above, submit a written request to the management company for a hearing before the Board of Directors. The Board will schedule a meeting and send written notice of hearing date to Owner no less than 10 days prior to said date. The Board, by majority vote, shall determine the amount of the Deposit to be used, if any.

5. Neither the Committee, the Board, nor any member thereof, shall be liable to the Owner or to any other person for any loss, damage or injury arising out of the payment or non- payment of the Deposit funds unless such loss, damage or injury is due to willful misconduct or bad faith of the Committee, the board or members of either, as the case may be.

6. Upon completion of the construction on Owner's Lot as per the approved plans and specifications, and a final satisfactory inspection by the Design Review Committee indicating that no damage set forth in paragraph 1 remains without being remedied, the deposit or any balance thereof shall be returned to the then-record owner of Owner's Lot.

7. No interest shall be payable on the Deposit.

8. Owner will pay, or reimburse the Association for, all costs and expenses of every character incurred or expended from time to time (including, but not limited to, the fees and expenses of counsel for the Association) as a result of any violation by the Owner of the restrictive covenants applicable to the subdivision or of the Association's rules relating to the construction of homes and lots in the subdivision. If the Owner fails to pay or reimburse such amounts upon demand by the Association, the Association shall be entitled to deduct such amounts from the Deposit or any other funds of the Owner held by the Association.

Owner \_\_\_\_\_

Address \_\_\_\_\_

Executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

### THE ESTATES OF BARTON CREEK PROPERTY OWNERS ASSOCIATION:

By signature below The Estates of Barton Creek Property Owners Association, Inc. acknowledges receipt of a deposit in the amount of \_\_\_\_\_ in the form of \_\_\_\_\_.

Received by: \_\_\_\_\_

## **Appendix C. Construction Rules**



## The Estates of Barton Creek CONSTRUCTION WORK RULES

**The following sign, written in English and Spanish, must be posted on lots where construction work is in progress**

### **Permitted Working Hours:**

- 7:30 AM -7:00 PM. Monday through Friday
- 8:00 AM – 5:00 PM Saturday
- No construction work is permitted on Sundays

### **The following activities are not permitted on weekends:**

- Operating earth-moving equipment
- Delivering concrete or heavy materials
- Operating power chain saws or jack hammers
- Continuous hammering or air-stapling
- Any other noise generating activity

### **NO LOUD MUSIC AT ANY TIME**

***Violations of the above rules are subject to up to \$200.00 per incident***

RealManage - 866-473-2573  
[ESTBARTO@ciaramail.com](mailto:ESTBARTO@ciaramail.com)

August 2013



## **The Estates of Barton Creek NORMAS DE TRABAJO PARA CONSTRUCCIÓN**

**Este en aviso escrito en Inglés y en Español deberá hacerse visible en los lotes que tengan trabajos de construcción**

### **Horas de trabajo permitidas:**

- 7:30 AM -7:00 PM.      Lunes a Viernes
- 8:00 AM – 5:00 PM      Sábados
- No se puede trabajar los días domingos

### **Actividades que no son permitidas durante los fines de semana**

- Operar maquinaria para mover tierra
- Entrega de Concreto o materiales pesados
- Operar moto-sierras ni taladros neumáticos o hidráulicos
- Actividades que generen mucho ruido

**A NINGUN MONENTO SE PUEDE TENER MUSICA A ALTO VOLUMEN**

***El incumplimiento de cualquiera de estas normas tiene  
una multa de \$200.00 por cada incidente.***

RealManage - 866-473-2573  
[ESTBARTO@ciramail.com](mailto:ESTBARTO@ciramail.com)

August 2013



## **Appendix D. Final Inspection Form**



## The Estates of Barton Creek FINAL INSPECTION REPORT

A final inspection is the conclusion of an approved project. Even if a deposit is not required, a final inspection and the completion of this form is necessary. Without these final steps both the Association and the Architectural Review Committee will consider your project incomplete. Deposit fees can not be returned until submittal of this report.

It is the responsibility of the owner to show that the project has been carried out as originally approved by the ARC. In cases where unapproved deviations from the approved project plans are noted, a further meeting will be initiated by the ARC to consider the deviations. If the changes have materially altered the approved plans, there is a possibility that the owner/builder will be required to remove and redo that section or area. For this reason, please keep the ARC informed of any proposed changes well in advance of implementing them.

1. Was an application form for this improvement project submitted and approved? Y / N / NA
  2. Does the completed project meet the approved plans plus modifications, if appropriate, as detailed in the project application and approval letter? Y / N / NA
  3. Was a DEPOSIT AGREEMENT submitted and executed? Y / N / NA
  4. Were there any violations or other matters that resulted in assessment of fines? Y / N / NA
  5. Have all conditions been met, so that the deposit can be refunded? Y / N / NA
  6. Describe any other outstanding and relevant issues, that may preclude final inspection approval, please describe (e.g. removal of construction equipment.)
- 

Home Owner Signature

---

Homeowner Name

---

Date

---

August, 2013

## Appendix E. Variance Approval and Recording Forms

## **RECITALS**

B. The **Declaration** provides that the Architectural Review Committee (the “**Committee**”) created pursuant to the **Declaration** may grant variances from compliance with any provisions of the **Declaration** if the **Committee** in its sole and absolute discretion is of the opinion that such variance will not be adverse to the overall development plan for the Subdivision and the properties and that such variance is justified due to visual or aesthetic considerations or unusual circumstances.

C. In accordance with Article IV, Section 4.04 of the **Declaration**, the **Committee** has determined that the variance(s) from the requirements of the **Declaration** as set forth below should be granted with respect to the **Property**.

**WHEREFORE PREMISES CONSIDERED**, the undersigned being at least a majority of the members of the **Committee** have approved in writing the following as the action of the **Committee**:

1. A variance to Section \_\_\_\_\_ of the **Declaration** to permit construction of a \_\_\_\_\_ is hereby granted:

2. This approval is granted by the **Committee** without representation or warranty and is expressly subject to any and all the limitations and disclaimers of liability contained in the **Declaration**. The granting of the variance(s) herein shall not operate or waive or amend any of the terms and provisions of the **Declaration**, for any purpose except as to the **Property** and shall not be considered to establish a precedent for any future waiver, modification, or amendment of the terms and provisions of the **Declaration**.

Executed to be effective the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

## **EBC Variance Guidelines**

ARC committee has adopted the following guidelines regarding variances starting on February 10, 2014.

### **Process**

#### **1) Variance application:**

Property owner applies for a variance using the standard application form. Variance applications cannot be combined with other projects.

#### **2) Variance review and vote:**

Regular project review and vote using the WebSmart system. ARC approves all projects by majority vote and votes are recorded in the system. The Websmart system contains evidence (e-signatures) of the majority of the members of the Committee.

#### **3) Execution:**

Project lead creates the Variance description and completes the Variance Template. The template is completed and uploaded into SmartWeb for an additional verification review

#### **4) Notification**

Upon completion and acceptance of the Variance template the Variance Project status is changed to Approved and the homeowner receives the system generated approval notification. This notification shall include if applicable a notice of the estimated recording fees.

#### **5) Recording:**

Our Declaration does not require recording of the variance with the County, however all Setback variances should be recorded to provide a title record. At ARC's discretion other variances may also be recorded.

Recorded variances shall be signed by the President, the Secretary or the ARC chair. The homeowner shall mail a check for the recording expenses management company, The management company (RealManage) is responsible for recording the variances vial mail, sending a copy of the recorded variance to the homeowner and uploading a copy of the recorded document on the WebSmart system.

#### **6) Filing:**

All granted variances shall be kept as part of EBC permanent records

## **Appendix F. General Recommendations for Plants**

*Source: Native and Adapted Landscape Plants guide for Central Texas.*

**Trees**

-	Esca	-	Lion
-	rpment Live Oak	-	s Tail
-	Sout	-	Cher
-	hern Live Oak	-	ry Sage
		-	Jeru
		-	salem Sage

**Small Trees**

-	Poss	-	Pink
-	Crap	-	Skullcap
-	Mou	-	Tex
-	Sum	-	as Betony
-	Mexi	-	Yarr
-		-	ow
-		-	Indi
-		-	go spires Salvia
-		-	Meal
-		-	y Blue Sage "Victoria"
-		-	Autu
-		-	mn Sage

**Shrubs**

-	Agar	-	Four
-	Bottl	-	Nerve Daisy
-	Tex	-	Lanc
-	Tex	-	eleaf Coreopsis
-		-	Butt
-		-	erfly Weed
-		-	Tex
-		-	as Gold Columbine

**Perennials**

-	Caly	-	Parr
-	Blac	-	ys Agave
-	Dam	-	Bas
-	Hym	-	ket Grass
-	Old	-	Pric
-	Bear	-	kly Pear Cactus
-	Bico	-	Tex
-		-	as Sotol
-		-	Pale
-		-	Leaf yucca

**Yuccas/Agaves/Succulents/Grasses**

**THE ESTATES OF BARTON CREEK PROPERTY OWNERS ASSOCIATION, INC.**

## SECRETARY'S CERTIFICATE

STATE OF TEXAS                               §  
                                                §  
COUNTY OF TRAVIS                         §

The undersigned hereby certifies that he/she is the duly elected, qualified and acting Secretary of The Estates of Barton Creek Property Owners Association, Inc., a Texas non-profit corporation ("Association") and that:

Attached hereto is a true and correct copy of the Architectural Guidelines of the Association which have been duly approved by the Architectural Review Committee and the Board of Directors.

IN WITNESS WHEREOF, the undersigned has executed this certificate on the \_\_\_\_ day of \_\_\_\_\_, 2016.

By: \_\_\_\_\_  
\_\_\_\_\_, Secretary  
Board of Directors

STATE OF TEXAS                                 §  
                                                            §  
COUNTY OF TRAVIS                         §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2016 by \_\_\_\_\_, Secretary of the Board of Directors of The Estates of Barton Creek Property Owners Association, Inc. on behalf of said non-profit corporation.

Notary Public, State of Texas

[SEAL]

My Commission Expires: \_\_\_\_\_

**AFTER RECORDING RETURN TO:**

Bill Flickinger  
Willatt & Flickinger, PLLC  
2001 North Lamar  
Austin, Texas 78705