



Dana DeBeauvoir

Dana DeBeauvoir, County Clerk
Travis County, Texas

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Electronically Recorded

NOTICE OF DEDICATORY INSTRUMENTS

Architectural, Landscape, and Construction Rules; Contract Bid Process; Enforcement Policy and Fine Schedule

Declaration: Second Amended Restated Declaration of Covenants, Conditions and Restrictions, Recorded at Volume 6598, Page 1046, Deed Records, Travis County, Texas, and all joinders, supplements, annexations and amendments thereto.

Association: The Courtyard Homeowners Association, Inc., a Texas non-profit corporation.

Subdivision: The Courtyard

Pursuant to Texas Property Code §202.006, the Association gives notice that all property subject to the Declaration is also subject to the following dedicatory instruments:

1. Architectural Guidelines, Landscape Requirements, and Construction Standards, attached hereto as **Exhibit A**, superseding and replacing previously recorded versions;
2. Contract Bid Process, attached hereto as **Exhibit B**;
3. Enforcement Policy and Fine Schedule, attached hereto as **Exhibit C**, superseding and replacing previously recorded versions.

The attached dedicatory instruments are complete, correct, and current as of the date of this Notice, but may be amended from time to time.

A current copy of each dedicatory instrument can be obtained from the Association's managing agent, Goodwin Management, Inc., or the successor managing agent shown in the most recent management certificate recorded in the Travis County property records.

EXECUTED this 31 day of August, 2021.

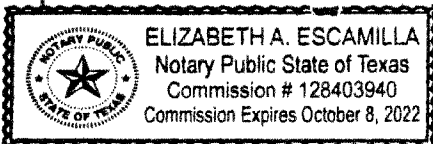
THE COURTYARD HOMEOWNERS
ASSOCIATION, INC.

By: *Patrice Arnold*
Patrice Arnold, attorney in fact

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 31st day of August, 2021, by Patrice Arnold, in the capacity set forth above.



Elizabeth A. Escamilla
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFTER RECORDING RETURN TO:

Arnold and Associates, PC
406 Sterzing St., Suite 300
Austin, TX 78704

Exhibit A

COURTYARD HOMEOWNERS ASSOCIATION, INC.

ARCHITECTURAL GUIDELINES
LANDSCAPE REQUIREMENTS
AND
CONSTRUCTION STANDARDS FOR

THE COURTYARD PLANNED UNIT DEVELOPMENT
Phase I, Phase II, Phase III A-F, Phase IV, Phase V, Phase VI, and Phase VII

First adopted January 7, 1991 and amended periodically by the Board of Directors of the Courtyard Homeowners' Association (CHOA) as authorized by the Second Restated Declaration of Covenants, Conditions, and Restrictions, Vol. 6598, page 1046, Deed Records Travis County, Texas.

Dates of Previous Guideline Rules

- November 26, 1979 (prior to recording; prior to approval of Second Restated Declaration of CCR and prior to formation of PUD);
- July 25, 1983 (prior to recording);
- January 7, 1991, and recorded in Vol. 11434 Page 0002, Deed Records, Travis County, Texas;
- December 14, 1994, and recorded in Vol. 12339 Page 2049, Deed Records, Travis County, Texas;
- December 20, 1995, and recorded in Vol. 12593 Page 0735, Deed Records, Travis County, Texas;
- October 20, 1997, and recorded in Vol. 13048 Page 184, Deed Records, Travis County, Texas;
- September 18, 2008, and recorded in document number 2008156775, Deed Records, Travis County, Texas; and
- December 11, 2020, and recorded in document number 2021009473, Deed Records, Travis County, Texas.

Date of these Rules: August 17, 2021

In case of inconsistency between any recorded rules, policies, resolutions, or guidelines, the most recently recorded document shall apply.

I. AUTHORITY:

The authority and responsibility for the implementation and enforcement of these controls rests with the CHOA through the Environmental Control Committee (ECC). This committee derives its authority from the SECOND RESTATED DECLARATION OF

COVENANTS, CONDITIONS, AND RESTRICTIONS VOL. 6598, PG. 1046, DEED RECORDS, TRAVIS COUNTY, TEXAS.

In the event of a conflict between this document and the Declarations, the Declarations shall prevail.

II. PURPOSE:

The purpose of this document is to set forth the policies and procedures by which plans will be formulated, prepared and reviewed for new construction and alterations to existing building or homes or any other construction which affects drainage, landscape, fencing, boat docks, and decks.

The goal of the Courtyard Homeowners Association (CHOA) through the guidelines, requirements, and standards in this document is to protect property values by promoting the architectural and design integrity of the community's homes, structures, and landscapes. Recognizing the heritage of the community as a former Boy Scout camp, CHOA seeks to preserve where possible the natural setting of the area through recommended uses of hill country vegetation and compatible construction materials.

Excerpted from Second Restated Declaration of CCR, Article XI, ECC, Section 1, Construction of Improvements, page 23: Since the maintenance of environmental and architectural harmony and unity is essential for the preservation and enhancement of the values of Lots and the harmonious functioning of the community affected hereby, no improvements may be erected on any Lot by anyone other than the Declarant without the approval of the Environmental Control Committee.

Application of these guidelines requires the educated judgement of the ECC, and it is the ultimate goal that improvements enhance rather than detract from the community's natural beauty.

Excerpted from Second Restated Declaration of CCR, Article XI, ECC, Section 2, Construction of Improvements, page 23: The Board of Directors of the Association shall appoint an Environmental Control Committee composed of at least three (3) persons to approve improvements proposed to be made by any Owner other than the Declarant. The Environmental Control Committee shall meet within fifteen (15) days after an Owner has made application to it for approval. **The Environmental Control Committee shall render its decision within thirty (30) days after this meeting, either approving the plans or disapproving them, in the latter case making specific reference to those features which caused the disapproval.**

The plans may be submitted digitally to the Chairperson in the form of an attachment.

Excerpted from Second Restated Declaration of CCR, Article IX, General Obligations of Owner, Section 1, General Maintenance, page 18: Each owner at his or her own expense shall keep, maintain and care for any building and other improvements located on his Lot and all trees,

plants, or foliage on his Lot, except for areas and items maintained by the Association, and otherwise keep his Lot and all improvements thereon in conformity to its condition when new. However, no Owner shall injure, remove or destroy any tree planted on any Lot by the Declarant or the Association or which has reached a height in excess of ten feet (10') without the approval of the Environmental Control Committee of the Association.

III. WHAT MUST BE REVIEWED AND APPROVED BY THE ECC PRIOR TO STARTING ANY SITE WORK:

- A. Any new construction or remodeling which affects the exterior of the structure and/or lot, including but not limited to:
1. Any new/or initial building construction and landscaping.
 2. Construction and/or Landscaping which significantly alters a previously approved landscape plan, including removal of vegetation or alteration of terrain, installation of grass, or any installation affecting water flow as it relates to drainage.
 3. Any accessory buildings and/or detached garages.
 4. Fences, screens, retaining walls.
 5. Decks, pools, recreational apparatus, TV satellite dishes.
 6. Rainwater harvesting, back-up generator, solar panels/device, flagpole, playscape, sports equipment
 7. Driveways, sidewalks, or other hard surfaces.
 8. Tree removal.
 9. Significant alterations to heritage trees.
 10. Mailboxes.
 11. Boat docks.

IV. SUBMITTING CONSTRUCTION REQUIREMENTS:

- A. If the project being considered by a homeowner represents significant changes to the property, it is recommended that preliminary plans be submitted to the ECC to avoid unnecessary delays and costs to the owner.
- B. Final plans must be submitted and approved prior to any site preparation including removal of any VEGETATION or alteration of terrain. Homeowners shall email or send a letter to the ECC with plans submitted as an attachment. Plans could be sketched by the homeowner, or a copy of the survey with the new items drawn in the appropriate location, or a plan drawn by a professional landscape architect. A list of proposed materials including color and type should be included in the attachment.
- The ECC shall review the request and attachments and reply to the applicant indicating APPROVED or DISAPPROVED WITH REASONS STATED.
- C. The Committee shall render a decision within 45 days from date of the final submitted plans.

- D. Any improvements must meet all local building codes and ordinances. Approval by the committee does not imply conformance with local codes and ordinances.
- E. Required Permission(s)
 - 1. The use of HOA common areas for access to construction sites is prohibited without written approval of the ECC.
 - 2. The use of a neighbor's adjoining property for access to construction sites is prohibited without written approval of the property owner and proof of approval must be filed with the ECC.
 - 3. Written approval from the neighboring property owner is needed when the proposed project will affect the privacy and/or view of adjoining residences.
 - 4. Email is sufficient for purposes of written approvals.
- F. Construction must begin within one (1) year from the date of ECC approval.
- G. Construction shall be completed within two (2) years from the date of construction commencement.

V. BUILDING AND CONSTRUCTION STANDARDS:

A. Size and Height Requirements

- 1. The minimum square footage of residential construction shall be 2,500 square feet of heated/cooled area, except for:
 - a. Lots 1-12 of Phase 3A, which shall have a minimum of 4,000 square feet of heated and cooled area.
 - b. Lots 25-32 of Phase 3A, which shall have a minimum of 3,500 square feet of heated and cooled area.
 - c. Townhome units, which shall have a minimum of 1,800 square feet of heated and cooled area.
- 2. Except for Townhome units, if the residential construction is more than one story, the ground floor shall have a minimum of 1,500 square feet of heated and cooled area.
- 3. The maximum height of each residence shall be thirty-two feet (32') measured from finished floor to top of ridge. Exceptions to two story homes shall be allowed under special conditions and only when appropriate to the surrounding structures.

B. Setbacks and "Zero" Lot Line Requirements

- 1. Setbacks are required as per the subdivision plat(s) filed in Travis County, Texas, and the Planned Unit Development plan dated May 14, 1982, on file with the Planning Department, City of Austin. Setbacks may vary by Lot so check the particular plat for the property at issue.
- 2. The "zero Lot" line side of the property has no setbacks. This means that, as shown on the Courtyard's Planned Unit Development (PUD) site plan, this Lot shall have no windows, decks, doors, or other features which interfere with the privacy of the neighbor on the zero lot line side.

3. Windows that may be approved on the zero lot line side of the home include:

- a. clerestory windows, or other windows “under the eaves”
- b. non-operable windows that are opaque, frosted or sand-blasted glass, or
- c. glass block with minimal view.

4. For zero lot lines, second story windows, see City of Austin regulations. Plans for second story windows on zero lot lines must be submitted to the ECC.

5. A lot’s “front yard” is determined by the location of the dwelling’s front door; when the front door does not clearly face any street, then the front yard is determined by the legal street address.

C. Trees

1. No owner shall injure, remove or destroy any tree which has reached a height in excess of 10’ without the approval of the ECC per the Second Restated Declaration of Covenants, Conditions, and Restrictions (Article IX, Section 1).

2. Other key guidelines for trees are as follows:

- a. Routine trimming and maintenance of trees OTHER THAN oaks does not require ECC approval and may be done at any time of the year.
- b. OAK TREES should only be trimmed from July 1 through January 31 due to the danger of oak wilt and does NOT require ECC approval. *Significant branch removal that constitutes alteration of a heritage tree must follow City permitting and guidelines.*
- c. Removal of any tree with a height in excess of 10’ requires prior ECC approval.
- d. For every 2” of heritage or hardwood tree removed, 1” of hardwood tree is to be replaced, except for diseased trees whose removal has been approved by the City Arborist.

3. During construction on a lot, the ECC committee will require the following:

- a. The City of Austin tree protection guidelines must be followed for all trees intended to be saved.
- b. All plans should indicate the location of trees ten feet (10’) in height on the lot (except junipers) and how trees to be saved will be protected.
- c. Prior to construction, all trees to be saved shall be enclosed within a simple fence, rope or other barrier within at least 50% of the canopy (“dripline”) area. This temporary barrier shall be removed after all construction is complete. For further information, see the City of Austin Tree Protection Guidelines.

d. The Committee strongly encourages the builder/owner to save and protect where practicable desirable native small trees and shrubs such as mountain laurel, yaupon, and flaming sumac. Indiscriminate clearing of the lot should be avoided.

e. For every 2" of heritage or hardwood tree removed, 1" of hardwood tree is to be replaced, except for diseased trees whose removal has been approved by the City Arborist.

f. Protection to any existing tree and its root system is required.

D. Landscaping

1. Major landscape changes must be approved by the ECC.
2. The front of each home shall be landscaped per the ECC's approved landscape plan within six (6) months of the completion of new construction or alteration/remodeling/major changes to the front of the home.
3. Each Homeowner shall keep, maintain, and care for the landscaping on the Homeowner's lot in a healthy and attractive condition at all times, and shall not allow any landscaping to become overgrown or unkempt.
4. Use of artificial turf must be approved by the ECC. It must be of high quality and drain well. It must be maintained in good condition, including but not limited to original color, or replaced if faded or worn.
5. Trellises shall be within the setback lines as shown on the subdivision plot. Materials and design should complement the residence and be harmonious with the neighborhood.
6. Landscapes should be compatible with our Hill Country setting utilizing where possible natural materials, native plant species, xeriscape, and minimal impervious cover. Use of non-native plants, materials, colors, or designs shall be kept to a minimum in conspicuity, size, and number.
7. Grading or scraping or changes to the surface that would affect the flow of water or drainage must be approved by the ECC.
8. Owners or their landscape crews must rake and remove all leaves in streets and driveways to prevent this vegetation from entering Bull Creek through the storm drains or ravines.
9. Vegetable gardens or other crop-producing gardens may not be placed in any part of the front yard or any other location where they are visible from the street. Tomato cages, cold-frames or other vegetable stabilizing devices may not be visible from the street.

E. Fences, Walls, and Retaining Walls

1. Prior to construction and/or installation, a Homeowner must provide to ECC specifics as to structural design, material type, and location of the proposed fence. The proposal should include a drawing showing the location of the proposed fence on a copy of the Homeowner's lot's subdivision plat or property survey.

2. Front yard fencing must be constructed on or within the setback lines of the lot, which measures 15 (fifteen) feet past the right-of-way. Homeowners should consult the subdivision plats or property survey for the location of the lot's setback(s).
3. Fences or walls located on the lot line may not exceed a height of six (6) feet. However, if the lot is sloped, the height of the fencing materials may be adjusted to accommodate changes in elevation and/or grading for the purpose of maintaining an even height across the top of the fence.
4. Fences exposed to street view should be minimized.
5. A solid fence or wall may be constructed to a maximum height of six (6) feet when the fence is located on or within the building setback lines of a lot.
6. Property line fences located away from street view require that the ECC be notified of replacement and cannot exceed six (6) feet in height. Bull wire fences which are NOT within street view MAY be approved in certain circumstances but must have ECC approval.
7. Wood privacy fences are NOT permitted in the front yard.
8. Chain link fences are NOT permitted, whether in view of the street or not.
9. Plastic resin fences (Trex-type) are NOT permitted.
10. Fences exposed to street view must be built in one of the following ways and such fences shall have masonry pillars placed at intervals no greater than 12 (twelve) feet:
 - a. One hundred percent (100%) masonry;
 - b. Combination masonry and wrought iron, or
 - c. Combination masonry and wood.
 - d. Replacement fencing or new fencing must be stained or painted within one month of completion of construction and/or installation.
 - e. Fences that are in disrepair must either be:
 - i. replaced and stained or painted within one month of completion of construction and/or installation, or
 - ii. repaired and pressure-washed, then stained or painted within one month of completion of construction and/or installation.
 - f. For fences with horizontal slats, vertical board must cover the vertical seam where sections of the fence meet.
 - g. All vertical fences exposed to street view should have masonry pillars placed at intervals no greater than twelve (12) feet. Such vertical fences, except those in common area or limited use easement (LUE) areas, should be visually buffered from street view by landscaping. The skeleton framing may not be exposed to neighboring property or the street.

- h. Horizontal fences that are exposed to the street should have masonry pillars placed at intervals no greater than twelve feet (12'). At the midpoint between the pillars, a wood or metal post must be installed on the interior Lot side rather than the street. The seam created at the midpoint between the pillars must have a vertical board on the street side to cover the wood or metal post.
 - i. For a corner lot, the fencing along both street sides of the lot must conform to the standards required for the front of the lot.
 - j. In a drainage easement or LUE, fences must be constructed of iron or aluminum open picket-type fence to allow water to flow through.
 - k. A fence on top of a retaining wall shall be measured from the bottom of the ground grade level and must meet the same height and material requirements stated above, EXCEPT if the ground drops off and a retaining wall is in place for water flow and ground erosion.
 - l. Drainage and Retaining Walls with or without a Fence
 - i. Easements for drainage through the property shall be preserved as shown on the recorded subdivision plats.
 - ii. No owner may perform or cause to be performed any act which would alter or change the course of such drainage easements in a manner that would divert increase, accelerate, or impede the natural flow of water over such easements.
 - iii. In drainage easement areas, only aluminum or wrought iron fences are permitted.
9. A "swimming pool enclosure" means a fence that surrounds a water feature, including a swimming pool or spa, that consists of transparent mesh or clear panels set in metal frames, is not more than six (6) feet in height, and is designed not to be climbable. All metal frames and support posts must be painted black or other color approved by ECC.
- F. Driveways, Sidewalks, Decks, Patios, Garages
- 1. Sidewalks are required as per subdivision plat.
 - 2. Driveways and sidewalks shall be concrete, or brick pavers. Asphalt or gravel is not acceptable.
 - 3. Patios and decks shall complement the proposed structure.
 - 4. In the event that posts or columns are used to support the structure (as on sloping sites), the underside of the building and the supports must be hidden from view by walls or acceptable screening.
 - 5. It is recommended that garages be side entry when possible.
 - 6. Deck railings made of wood, wrought iron, cable, metal pipe, and glass or Plexiglas panels are acceptable, provided that they are approved by the ECC and meet Austin City Code. Chain link is not acceptable. Bull

wire fence deck railing MAY BE approved by the ECC in certain circumstances, provided that it meets Austin City Code.

G. Masonry, Siding and Trim

1. At least 75% of the exterior material of the home shall be brick, stone, stucco.
2. All proposed siding and trim shall be high-quality wood, wood product, or fiber-cement siding.
3. All exterior paint must be high-quality and must be routinely maintained.
4. Samples of material and color of paint is to be submitted for review.
5. Colors and materials must be harmonious with the neighborhood.
6. Metal or vinyl siding is not acceptable.
7. 4x8 prefabricated siding sheets are not acceptable.
8. All siding shall be properly installed and continuously maintained. The committee shall require the owner to repair any unmaintained or improperly installed siding at the owner's expense.

H. Gutters and Flashing

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

I. Roofing Materials

1. Acceptable roofing materials shall be high quality, and can be
 - a. top-of-the-line dimensional composition shingle, or
 - b. tile (cement or metal), or
 - c. Non-Glare Metal (standing seam or wood-look tiles).
2. Metal roofing shall be non-reflective, factory non-glare, and neutral color that blends with other homes in The Courtyard.
3. A sample of the material and color must be submitted for review.
4. Any approved accessory buildings shall have roofing materials and colors which are identical to the home. If identical materials are no longer available, replacement materials shall be as close to identical as possible.

J. Doors and Windows

1. All doors and windows shall be properly installed and maintained in proper working order.
2. For zero lot line homes, refer to (V)(b)(2), (3), and (4).

K. Accessory Buildings

1. An accessory building is defined as any structure located anywhere on the property that is not physically connected to the main home, ***including but not limited to*** storage buildings, hobby buildings, tool sheds, kennels, or other buildings for the care of animals, dog runs, greenhouses, children's playhouses, tree houses, pool houses, or pool cabanas.
2. The construction or remodeling of ***any*** accessory building must be approved in advance by the ECC.
3. An accessory building may NOT be more than eight feet (8') in height above finished grade at the highest roof level.
4. An accessory building may NOT be greater than 120 square feet in size as measured from the finished exterior.
5. An accessory building may NOT be placed in the setback.
6. An accessory building may NOT be placed in any part of the front yard.
7. An accessory building may NOT be located such that access is impeded to any portion of the lot or the neighboring lot(s) in case of fire or other emergency.
8. The materials for any accessory building must be wood painted or stained to match the home's siding, Hardie Board painted to match the home, or masonry which matches the home. The structure may NOT be constructed of metal.
9. Accessory building may be used ONLY by the owner of the property.
10. An accessory building may NOT be used for the following purposes:
 - a. Office for Employees
 - b. Rented to Tenants
 - c. Used for Living Space
11. An accessory building may NOT contain a bathroom, a kitchen, or beds for sleeping. An exception may be made for pool houses.

L. TV and Technology Equipment

1. Antennas for the reception of electromagnetic wave radiation shall be located inside the dwelling or on the ground and below the view line of any property in the vicinity.
2. The size and location of all reception dish devices must conform to governmental regulations.
3. All cable from the Street to the Home must be buried.
4. Outdoor TVs must be screened from view of street or neighbors. See Second Restated Declaration, Nuisances, Article VIII, Section B

M. Trash Containers

1. Trash must be stored in proper containers and left at curb side only on days of trash pick-up.

2. All trash containers must be screened from street or public view on days not for trash pick-up.

N. Outdoor Accessories and Vehicles

1. Landscaping planters and exterior furniture in street view must be high quality and shall be kept neat and in good repair. Quantity and type shall be harmonious with the neighborhood.
2. All vehicles, bicycles, motorcycles, etc. should be stored in garages when not in use.
3. Outdoor clotheslines are NOT permitted.
4. Mailboxes should match the style of the home and shall be custom designed and constructed of materials such as masonry, stone, stucco, steel or wood. Mailboxes may not be a simple pole with a mailbox affixed to the top. Mailboxes must display the house number, per USPS guidelines.

O. Pools, Hot Tubs, and Pool Equipment

1. Swimming pools and in-ground hot tubs shall be shown on the site plan and shall be subject to approval of the committee.
2. In-ground pools with integrated hot tub and associated decking may be placed in a setback or LUE.
3. Above-ground hot tubs and associated decking cannot be placed in a setback.
4. Above-ground pools are not acceptable.
5. Pool and hot tub equipment may be placed in the setback or LUE.
6. Pools, hot tubs, and swim spas may not be placed in any part of the front yard.

P. Enclosed Courtyards and Patios

1. ECC approval is required prior to installation of screen or other protective material on existing patios or porches.
2. Prior to construction and/or installation, a Homeowner must obtain ECC approval for a structure that encloses, encompasses, surrounds, or otherwise obstructs any part of the front yard, including but not limited to a courtyard, patio, or deck. Such structures placed in the front yard may NOT be made of wood.

Q. Boat Docks, Elevators and Conveyances

1. Boat docks must be reviewed and approved in advance for choice of paint or stain and roofing materials, which should be of neutral colors consistent with existing docks.
2. Elevators and other conveyances to Bull Creek shall be subject to review and approval of the committee.

3. Trimming of trees when installing approved conveyances must be minimized.

R. Electrical and Mechanical Requirements

1. Electrical service (and any other utility service) in this subdivision to each residence is required to be underground.
2. All Meters, including solar, must be located on the rear of each residence, OR if located elsewhere, must be screened from street view and/or painted to match the existing wall or dominant color which surrounds them.
3. Venting of plumbing, heating equipment or kitchen shall be directed to the rear behind the ridge line. All such vents must be painted to match the color of the shingles or roofing material.
4. HVAC condensers shall be located away from street view and public view.
5. Electrical and gas meters, air conditioning units, electrical panels, etc. shall be screened from street view and/or painted to match the existing wall or dominant color which surrounds them.

S. Solar Energy Device Installation, quoted from Resolution recorded July 28, 2011, Travis County records 2011121264

1. No Device may be installed on property owned or maintained by the Association nor on property owned in common by the members of the Association.
2. All such Devices must receive architectural approval of the Association prior to installation, pursuant to the Conditions, Covenants, and Restrictions of and for the Association and any and all application procedures currently in effect.
3. No such Devices may be installed on an owner's property other than on the roof of the home, or the roof of another structure owned by the owner which is allowed under a dedicatory instrument, or in a fenced yard or patio owned and maintained by the owner.
4. If a Device is mounted on the roof of the home, it may not extend higher than or beyond the roofline.
5. If a Device is mounted on the roof of the home, it must be in the location designated by the Association unless the alternate location increases the estimated annual energy production of the device as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10% above the energy production of the Device if located in the area designated by the Association.
6. The Device must conform to the slope of the roof and have a top edge that is parallel to the roofline.

7. The frames, support brackets, and visible piping or wiring must be in a silver, black, or bronze tone commonly available in the marketplace.
 8. If the Device is located in a fenced yard or patio, the Device may not be taller than the fence line.
- T. Rainwater Harvesting Policy, quoted from Resolution recorded July 28, 2011, Travis County records 2011121264
1. No rainwater harvesting device, storage container, related plumbing, or appurtenances thereto, shall be allowed on any property owned by the Association or owned in common by the members of the Association.
 2. No rainwater harvesting device, storage container, related plumbing device, or appurtenances thereto, shall be allowed or located other than within a fenced yard or the fenced patio of the property owner.
 3. All such rainwater harvesting devices, storage containers, related plumbing devices, or appurtenances thereto, and the location of their installation, must be approved by the Association either through its architectural committee (ECC), if one exists, or the board of directors.
 4. All such rainwater harvesting devices, storage containers, related plumbing devices, or appurtenances thereto shall be properly screened as to obscure view of the same from adjoining property and the street, and such screening shall be approved in advance by the architectural committee, if one exists, or the board of directors.
 5. The Association may regulate the owner's use of gravel, rocks, or cacti around the installation.
 6. The Association may regulate yard and landscape maintenance.
 7. No rainwater harvesting devices, storage containers, related plumbing devices, or appurtenances thereto, may be located between the front of the property owner's home and an adjoining or adjacent street.
 8. Any rainwater harvesting devices, storage containers, related plumbing devices, or appurtenances thereto, must be of a color that is consistent with the color of the home.
 9. Any rainwater 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.
- U. Parking and Outdoor Recreational Items
1. In accordance with the City of Austin's Restricted Front Yard and Side Yard Parking ordinance, parking a motor vehicle in the front yard or side yard of a residence, except in a driveway or on a paved parking space, is prohibited.
 2. Playscapes shall not be placed in front yards. Playscapes must be maintained to retain as-new condition.

3. Basketball hoops may not be in the streets.
- V. Flag Display Policy, quoted from Resolution recorded July 28, 2011, Travis County records 2011121264
1. Flags permitted to be displayed shall be the flag of the United States of America, the flag of the State of Texas, the flag of any governmental subdivision of the State of Texas, and the flag of any branch of the United States armed forces.
 2. Flag displays shall be permitted only on property owned by the owner or over which the owner has exclusive control and use.
 3. With respect to the United States flag, any such display must be in accordance with 4 U.S.C. Sections 5-10.
 4. With respect to the Texas flag, any such display must be in accordance with Chapter 3100, Government Code.
 5. A flagpole attached to a dwelling or a freestanding flagpole must be constructed of a permanent, long-lasting material, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling.
 6. The display of a flag, or the location and construction of the supporting flagpole, must comply with applicable zoning ordinances, easements, and setbacks of record.
 7. A displayed flag and the flagpole on which it is flown must be maintained in good condition. Any deteriorated flag or deteriorated or structurally unsafe flagpole must be repaired or removed.
 8. No more than one flagpole may be constructed on any property, and no flagpole shall exceed more than 20 feet in height.
 9. Flags may not be displayed that exceed a dimension of 8 feet in height by 5 feet in width.
 10. Lighting used to illuminate any displayed flag shall not operate to create a nuisance and shall not illuminate any property other than the owner of such displayed flags' property, nor shall it illuminate the interior of any dwelling at any time.
 11. No Owner shall allow the external halyard of a flagpole to create noise that can be heard more than twenty-five feet (25') from the flagpole.
- W. Standby Electric Generator Policy, quoted from Resolution adopted June 19, 2015 in accordance with amendment to Texas Property Code Section 202.019, and recorded September 15, 2015 in Travis County.

All Courtyard property owners are bound by the following rules with respect to standby electric generators, and must:

1. Install and operate standby electrical generators in accordance with the manufacturer's specifications and meet all applicable health, safety, electrical, and building codes.
2. Use a licensed contractor(s) to install all electrical, plumbing, and fuel line connections and meet all applicable health, safety, electrical, and building codes.
3. Install all-natural gas, diesel fuel, biodiesel fuel, and/or hydrogen fuel line connections in accordance with applicable governmental health, safety, electrical, and building codes.
4. Install all liquefied petroleum gas fuel line connections in accordance with the rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes.
5. Install and maintain all non-integral standby electrical generator fuel tanks in compliance with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes.
6. Maintain in good condition the standby electrical generator and its electrical lines and fuel lines. Repair, replace, or remove any deteriorated or unsafe component of a standby electrical generator, including electrical and fuel lines.
7. Screen a standby electrical generator if it is visible from the street faced by the dwelling, located in an unfenced side or rear yard of a residence and is visible either from an adjoining residence or from adjoining property owned by the Association, and/or is located in a side or rear yard fenced by a wrought iron or residential aluminum fence and is visible through the fence wither from an adjoining residence or from adjoining property owned by the Association.
8. Perform periodic testing of the standby generator consistent with the manufacturer's recommendations at reasonable times, such reasonable times being from 9 a.m. to 5 p.m., Monday through Saturday.
9. Not use the standby electric generator to generate all or substantially all of the electric power to a residence except when the utility-generated electrical power to the residence is not available or is intermittent due to causes other than nonpayment for utility service to the residence.
10. Not install or operate a standby electric generator without the approval of the Association which approval process is set forth in the Association's dedicatory instruments and has been established by the customary policies, procedures, and practices of the Association.
11. Not locate the standby electric generator in the front yard of a residence or in the side yard of a residence facing a street.
12. Not locate a standby electric generator in proximity to a neighbor's residence or in the side yard of a residence facing a street.
13. Not locate a standby electric generator on property owned by the Association.

14. Not locate a standby electric generator on property owned in common by the Association's members.
15. No standby electric generator may be installed or operated prior to approval by the Association pursuant to the Association's usual and customary policies and procedures set forth in its dedicatory instruments.

X. Security Measures

1. A Homeowner may install devices for the purpose of providing security, including but not limited to cameras, motion detectors, lighting, and perimeter fencing, only on the Homeowner's respective lot. The scope of any cameras and lighting must encompass primarily said Homeowner's lot and must not be directed at doors and windows of nearby homes or at other portions of nearby lots. To be considered a "security measure," a perimeter fence must provide some meaningful aspect of safety and/or protection. A perimeter fence must comply with the requirements and regulations regarding fencing as set forth in these Guidelines (see Subsection E., above).
2. Prior to construction and/or installation, a Homeowner must submit a written proposal to ECC for approval of security devices, including but not limited to perimeter fencing, burglar bars, and any other improvements that are readily visible from the street, nearby homes, and/or nearby lots.

Y. Religious Displays

A Homeowner is prohibited from displaying or affixing a religious item on the Homeowner's property or dwelling that:

1. threatens public health or safety;
2. violates a law other than a law prohibiting the display of religious speech;
3. contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;
4. is installed on property that is owned or maintained by CHOA or is part of common elements administered by CHOA;
5. violates any applicable building line, right-of-way, setback, or easement;
or
6. is attached to a traffic control device, streetlamp, fire hydrant, or utility sign, pole, or fixture.

VI. ITEMS REQUIRED TO BE SUBMITTED FOR APPROVAL:

- A. An application, which contains the following information:
 1. The name and contact information of the homeowner and the address of the property.
 2. The item the homeowner seeks to improve, build, add, or alter.

3. Whether the item is new construction or remodeling.
4. The placement of the item on the Lot.
5. A description of the proposed improvement, structure, addition, or alteration.
6. The type and quality of materials to be used.
7. The color of the materials to be used.
8. The finished size of the proposed improvement, structure, addition, or alteration.
9. The proposed timeline for construction.

- B. Supporting documents for submission to the ECC, as applicable for the project
1. Site plan, sent electronically as an attachment to the ECC chairperson, which shows:
 - a. Building/Improvement dimensions and lot dimensions.
 - b. Existing trees, and trees to be removed.
 - c. Roof plan.
 - d. Driveway, sidewalk and/or deck materials.
 - e. HVAC condenser locations.
 - f. Fencing (if any).
 - g. Proposed Landscaping.
 - h. Site topography, existing and proposed changes to grade.
 - i. Proposed temporary construction dumpster locations.
 - j. Proposed temporary construction toilet locations.
 - k. Proposed mailbox location and materials.
 2. Floor plans(s) SC ¼" – 1'0", sent electronically as an attachment to the ECC chairperson:
 - a. Indicate all rooms, dimensions, windows, exterior masonry, etc.
 - b. Tabulations shall include total heated square footage (including masonry) and total garage square footage.
 3. Building elevations SC ¼" = 1'0", sent electronically as an attachment to the ECC chairperson:
 - a. Indicate materials on all elevations: front, side, side (no more than 2' exposed slab) and rear (no more than 3' exposed slab).
 - b. All windows and architectural details and projections.
 - c. Height to ridge lines and finished floor levels.
 - d. Existing and proposed grade, and any proposed retaining walls.
 4. A copy of the property survey, clearly marked with proposed improvements, OR a line drawing by the homeowner of the property, clearly marked with proposed improvements.
 5. Change orders, which must receive prior approval of the ECC. This may be in the form of a letter or email to the ECC and must be acknowledged and approved by the ECC in order to proceed.

VII. CONDITIONS OF APPROVAL:

Approval of the submitted plans shall be subject to the following conditions:

- A. Construction operations on the exterior shall be confined to reasonable daylight hours. Excessive noise from interior or exterior construction is not permitted on Sundays or at night.
- B. All trash will be contained **on the site**/lot in dumpsters or trash bins and cleaned up weekly (or as needed).
- C. All materials will be staged **on the site**/lot and NOT in the street.
- D. All portable toilet facilities must be located on the site or sidewalk and must be cleaned weekly or as needed.
- E. No trees will be removed.
- F. Lot must be cleaned at completion of job, including the neighbor's lot if needed.
- G. If signs are posted by the builders and/or realtors, the sign must be clean and freshly painted and properly maintained. One sign is allowed per Article VIII, Section 18 of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, which states: During the time of construction of any building or other improvement, one job identification sign not larger than 18" H by 24" W and having a face area not larger than three (3) square feet.
- H. If the design or work has any changes from the plans, the ECC must be notified in advance. The revision is subject to ECC review and approval.
- I. Construction must begin within one (1) year from the date of ECC approval.
- J. Construction shall be completed within two (2) years from the date of construction commencement.

VIII. Performance Deposit:

- A. New Construction
 - a. After the ECC approves any proposed construction of a dwelling, the party responsible for the construction of the dwelling shall deposit the sum of Five Thousand Dollars (\$5,000) for new homes, or Two Thousand Five Hundred Dollars (\$2,500) for new townhome construction.
- B. Remodeling
 - a. The ECC reserves the right to require a deposit of One Thousand Five Hundred Dollars (\$1,500) for any remodeling construction.
- C. All deposits shall be held in a Construction Deposit Account (Escrow Account) pending final completion and clean-up of the property. All checks shall be made payable to Courtyard HOA, with **Construction Deposit** in the memo section. All checks shall be mailed to Goodwin Management Company, 11149 Research Boulevard, Suite 100, Austin TX 78759-5227, along with the "Courtyard ECC Deposit/Return of Deposit Form."

- D. In the event that the party responsible for the construction of the improvement fails to comply with the approved plans and/or any of the rules and regulations of the Courtyard Homeowners Association, then the Association may use such sum of money to (a) when appropriate, correct the problem, or (b) enforce the failed compliance, including but not limited to the payment of attorneys' fees, filing of lawsuits, and purchasing bonds for injunctive relief.
 - E. Upon completion of the construction, the party who placed the deposit in escrow shall inform the ECC Chairperson via email that:
 - a. The improvement has been built in compliance with the approved plans and the rules and regulations of the Courtyard Homeowners Association; and
 - b. Construction is complete, and all appropriate final clean-up has been made.
 - F. The CHOA shall have thirty (30) days from receipt thereof to either:
 - a. return the escrow deposit less any funds expended in enforcement and/or correction; or
 - b. refuse to return such funds and specifically state in writing how such party is not in compliance.
 - G. Upon completion of landscape work, the homeowner shall send a letter by email to the ECC Chair, stating that all landscape work has been completed in accordance with approved plans, whereupon the balance of the Escrow Deposit less any funds expended in enforcement and/or correction shall either
 - a. return the escrow deposit less any funds expended in enforcement and/or correction; or
 - b. refuse to return such funds and specifically state in writing how such homeowner is not in compliance.
 - H. All of the above applies to Garden Homes, Town Homes, and Patio Homes, in addition to remodel of existing Homes, except that the Escrow Deposit shall be Two Thousand Five Hundred Dollars (\$2,500) for Garden, Town and Patio Homes, and One Thousand Five Hundred Dollars (\$1,500) for Remodel of existing Homes.
- IX. VARIANCE FROM THESE GUIDELINES:
- A. The ECC shall have the right and privilege to permit any owner without consent of other owners to deviate from these Guidelines, provided that such deviation is necessary in order to carry out the general purpose of the Declaration.
 - B. Any variance must be granted in writing by the ECC and shall not constitute a waiver of the ECC's power of enforcement with respect to any of the Guidelines as to any other part or parcel of the property.

C. Any variance approved by the ECC in one instance does not constitute precedence for variances to be granted in other situations with other properties or Owners.

X. **APPROVAL BY THE ECC DOES NOT IMPLY THAT THE PROJECT MEETS GOVERNMENTAL REQUIREMENTS.**

XI. **ECC DENIAL POLICY & PROCEDURE**

- A. **Notice of Denial.** Pursuant to Texas Property Code § 209.00505(d), if ECC denies a Homeowner's request or proposal for the construction, installation, and/or modification of improvements to the Homeowner's property, then ECC shall provide written notice of the denial via certified mail, hand delivery, or electronic delivery. The notice must (a) describe the basis for the denial in reasonable detail and explain changes, if any, to the application or improvements required as a condition to approval and (b) inform the Homeowner that the owner may request a hearing before CHOA Board of Directors on or before the 30th day after the date the notice was sent to the Homeowner.
- B. **Request for Hearing.** Not later than the 30th day after the date that CHOA receives the Homeowner's request for hearing, CHOA Board of Directors shall hold a hearing. Not later than the 10th day before the date of the scheduled hearing, CHOA shall notify the Homeowner of the date, time, and place of the hearing. Only one hearing is required. Either CHOA Board of Directors or the Homeowner may request a postponement of the hearing for a period of not more than 10 days. Additional postponements may be granted by agreement of CHOA Board of Directors and the Homeowner.
- C. **Hearing.** During a hearing, CHOA Board of Directors or other designated representative of CHOA and the Homeowner or the Homeowner's designated representative will each be provided the opportunity to discuss, verify facts, and resolve the denial of the Homeowner's request or proposal for the construction, installation, and/or modification of improvements to the Homeowner's lot and the changes, if any, requested by ECC in the written notice of denial. CHOA and the Homeowner are permitted to make an audio recording of the hearing.
- D. **Disposition.** Consistent with CHOA's Declaration, CHOA Board of Directors may affirm, modify, or reverse, in whole or in part, any decision of ECC. CHOA shall provide written notice to the Homeowner of its decision.