



# **ARCHITECTURAL AND SITE DESIGN GUIDELINES**

# **MOUNTAIN SPRINGS RANCH ARCHITECTURAL AND SITE DESIGN GUIDELINES**

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# **1 INTRODUCTION**

## **Section 1.1 Objective of the Architectural and Site Design Guidelines (ASDG)**

This document is prepared in accordance with the Mountain Springs Ranch (MSR) Declaration of Covenants, Conditions and Restrictions [DCCR] Article 9 to ensure quality and consistency within the residential community. The design standards are intended to explicitly outline the requirements and procedures that apply to all building, modification, addition and improvement requests. These guidelines will be updated periodically to reflect changing conditions. All lot owners will be advised through appropriate communication channels when guidelines are updated but the current document is always available online at [www.msrapoa.com](http://www.msrapoa.com).

## **Section 1.2 Legal Documents**

These guidelines are supplemental to the unit specific Supplemental DCCR, the Mountain Springs Ranch Property Owners Association (MSRPOA) Board of Directors (Board) Resolutions, and MSRPOA Bylaws, Rules and Regulations, if any. In the event a conflict arises between the guidelines and any of the Governing Documents defined in the DCCR or subsequently adopted by the Board of Directors, the Governing Documents are controlling.

## **Section 1.3 Community Master Plan**

Mountain Springs Ranch is a planned residential community of approximately 1125 acres, which includes an 85-acre Park, a Swimming Pool and Recreation Complex and Walking Trails. It is the intention of MSRPOA to preserve the natural Texas "Hill Country" features within the development. Therefore, the ASDG are interpreted to ensure a "Hill Country" approach for all design, reviews, construction, and maintenance of residences and/or properties within the community.

## **Section 1.4 Mountain Springs Ranch Property Owners Association**

As described in the DCCR, upon 100% conveyance of the parcels the MSRPOA assumed responsibility from the original developer – Bluegreen Southwest Land, Inc. The MSRPOA Board is solely responsible for the administration of the MSRPOA.

# **2 ORGANIZATION AND RESPONSIBILITIES OF THE ARCHITECTURAL CONTROL COMMITTEE (ACC)**

## **Section 2.1 Mission and Function**

In accordance with the DCCR, no structure may be erected within Mountain Springs Ranch without prior written approval by the ACC. Using the ASDG, DCCR, Supplemental Declarations and other Governing Documents, the ACC is responsible for enforcing and upholding an attractive, compatible, and aesthetically pleasing community. The ASDG, the DCCR and the Supplemental DCCR are the primary reference documents used for the evaluation of all projects submitted to the ACC. The DCCR grants the ACC the right to revise the ASDG from time to time.

In making approval decisions, the ACC will take multiple factors into consideration, including but not limited to: location of improvements, proximity of improvements to other lots/residences, number of improvements on the lot, colors, size, setback requirements, design, construction, materials, visibility from common areas, street or neighboring lots, lighting wattage, lighting's

direct and indirect effect on neighboring lots, consistency of lighting in the community, utilities, cohesiveness of structures, and compliance with the DCCRs.

## **Section 2.2 Membership**

The MSRPOA Board appoints all ACC members in accordance with DCCR Article 9.2.

## **Section 2.3 Scope of Responsibility**

The ACC is responsible for:

- Evaluating all plans submitted by lot owners for compliance with the DCCR and ASDG, including compatibility of design with neighboring sites and common spaces within MSR;
- Approving all new construction;
- Monitoring every stage of lot development, from site clearance to construction to landscaping, in order to ensure adherence to the DCCR and ASDG;
- Enforcing all ASDG requirements as described in the DCCR;
- Interpreting the provisions and requirements of the DCCR and ASDG;
- Approving any exterior modification, subject to ACC control, to existing structures, including but not limited to walls, fences, material replacements, renovations, color changes, lighting changes, additions and landscaping; and,
- Amending the ASDG with approval by the MSRPOA Board.

## **Section 2.4 Enforcement Powers**

Any structure or improvement, whether new construction or an alteration to an existing structure located on a lot is required to have prior ACC written approval. Any structure or improvement without prior ACC approval is in direct violation of the DCCR and ASDG.

The ACC or the Board may compel a lot owner to remove any unapproved structure or improvement or bring any non-conforming structure or improvement into compliance with the DCCR and ASDG at the lot owner's sole expense. Failure to bring any non-conforming structure or improvement into compliance may subject the lot owner to enforcement actions outlined by DCCR Article 9.9.

## **Section 2.5 Limitation of Liability**

ACC approval does not constitute an express or implied representation or warranty as to the quality, fitness, or suitability of the design or materials specified in the plans submitted by the lot owner. Lot owners, in consultation with architects and/or contractors, are the sole determinants as to whether the design and materials are appropriate for their intended use in accordance with what was approved by the ACC. Additionally, ACC approval does not constitute approval on behalf of any federal, state, or local governmental rules, regulations, codes, permits, licenses, etc. regarding construction or improvements. Lot owners are wholly responsible for obtaining all required permits prior to or during construction. The MSRPOA, the Board, any committee, or committee member of any of the foregoing shall not be held liable for any injuries, damages, or losses arising out of the manner or quality of approved construction or modifications to any lot or improvement thereon. In all matters, the committees and their members shall be defended,

held harmless and indemnified by the MSRPOA as provided in DCCR Article 4.6 and the Texas Business Organizations Code.

### **3 THE DESIGN REVIEW PROCESS**

#### **Section 3.1 Review of Plans**

The ACC reviews New Construction Applications at its scheduled monthly ACC meetings, typically held the first Wednesday of each month. Submissions are due at least seven (7) calendar days prior to the meeting. The MSRPOA website, as well as the New Construction Application Form, provides instructions for submitting the application. Submission requirements for New Construction Applications are specified in DCCR Article 9 and ASDG Section 5.

All applications (new construction, land clearing, landscape plan, other improvements, fence construction, and inground pool) are reviewed within the thirty (30) day timeline specified in DCCR Article 9.3(b) and ASDG Section 3.5. The thirty (30) day review period contained in DCCR Article 9.3(b) shall not commence to run until such time as all required information is provided to the ACC.

Digital submission of all applications is preferred and encouraged.

#### **Section 3.2 New Construction Application Review Fees**

Review fees are required for all New Construction Applications. The amount is specified in ASDG Appendix C and is used to cover expenses related to processing applications. The New Construction Deposit and Landscape Deposit (ASDG Section 3.7) must be included with the New Construction Application Form submission. All fees are payable to the MSRPOA.

The ACC will expedite review of a New Construction Application provided an additional 'expedited processing' fee is paid (see ASDG Appendix C). The ACC will approve or reject an expedited plan review within five (5) business days. New Construction Applications submitted with variance requests are not eligible for expedited processing.

#### **Section 3.3 Renovation, Additions, and Improvements (including landscaping)**

All exterior renovations, additions, or improvements outlined in ASDG Section(s) 6, 7, 8, 9 or 10 must be approved by the ACC. The lot owner must submit the relevant application with the deposit showing the nature of the work to be performed, the materials to be used, and all other requirements specified in ASDG Section 5, Application Submission Requirements. ACC written approval is required before work can commence. The Other Improvements Deposit is a refundable deposit specified in ASDG Appendix C, to be deposited with the Association to ensure compliance with these ASDGs and the DCCRs.

#### **Section 3.4 Conditions of Approval / Rejection of Plans**

ACC plan approval does not relieve the lot owner from responsibility and/or liability for adhering to applicable Governmental rules, regulations, building codes, and ordinances. Plans submitted for review may be denied, in whole or in part, by the ACC if they are deemed to be inconsistent with ASDG Section 1.3. If the plan, in whole or in part, is denied, the ACC will provide the lot

owner a written description of the basis for the denial in reasonable detail and changes, if any, to the application or improvements required as a condition of approval. If the plan approval is subject to conditions the lot owner finds unacceptable or is denied, the lot owner may appeal the decision to the MSRPOA Board, as described in TEX. PROP. CODE § 209.00505(d), and MSRPOA Board Hearing Policy, adopted October 21, 2021. (See ASDG Section 3.12).

### **Section 3.5 Architectural and Contractor Requirements**

Plans for construction of dwellings, buildings or significant structures are required to be designed by a Texas licensed, registered architect or a professional home designer. If additional specifications or clarifications of submitted plans are needed to fully evaluate a construction project, the ACC may require the lot owner to submit supplementary documents. The thirty (30) day review period contained in DCCR Article 9.3(b) shall not commence to run until such time all required information is provided to the ACC.

### **Section 3.6 Forms**

The ACC requires lot owner submission of the following forms depending upon the activity:

- Land Clearing Application;
- New Construction Application;
- Landscape Application;
- Other Improvement Application;
- Fence Construction Application; or
- In-Ground Pool (including outdoor hot tubs) Application.

### **Section 3.7 New Construction Deposit, Land Clearing Deposit and Landscape Deposit**

A New Construction Deposit is required for all new construction. The Deposit is intended to assure compliance with all DCCR and ASDG construction restrictions and requirements. Throughout the construction phases, lots are periodically inspected by the ACC to ensure compliance with all applicable DCCR and ASDG restrictions and requirements; any inspection is solely for the benefit of the ACC and inspection by the ACC is not to be relied upon as any assurance of compliance with any applicable building codes or governmental regulations. If the builder or lot owner is found to be in violation of any DCCR or ASDG restrictions or requirements, they will be notified in writing of the violation and given a reasonable time to cure the infraction. If the violation is not cured within the allotted time period, the builder and/or lot owner will be fined for the violation, subject to the provisions of TEX. PROP. CODE § 209.006. The fine will be deducted from the New Construction Deposit. See ASDG Appendix C for violation fines. In the event fines are deducted from the Deposit, the ACC may, at its sole discretion, require the Deposit to be replenished to its original amount. Should the new Construction Deposit balance fall below \$3,500 because of fines assessed, there will be a Cease Work Order issued until the deposit is restored to \$5,000. Prior to the final Deposit being refunded, the ACC will conduct a final site inspection to ensure compliance with regulations. This will include an inspection at night to ensure all external lights are dark sky compliant in accordance with MSR dark sky guidelines (see ASDG Section 9.3). The balance of the Deposit, if deductions are warranted, will be refunded upon full completion of construction, as determined by the ACC, in its sole discretion. The Deposit refund will be issued to the party who originally paid the deposit upon written request by that person.



A **Land Clearing Deposit** is required for all land or lot clearing activities (see ASDG Section 8). The Deposit is intended to ensure compliance with all ASDG lot clearing requirements, to include use of oak wilt prevention measures (ASDG Section 8.1 and ASDG Section 11.1). If the lot owner is found to be in violation of any ASDG requirement, they will be notified in writing of the violation and given the stated time period to cure the infraction. If the violation is not cured within the allotted time period, the lot owner will be fined for the violation, subject to the provisions of TEX. PROP. CODE § 209.006. The fine will be automatically deducted from the Land Clearing Deposit. Prior to the Deposit being refunded, the ACC will conduct a final site inspection to ensure compliance with restrictions and regulations, to include oak wilt mitigation requirements. The balance of the Deposit, if deductions are warranted, will be refunded to the person who made the deposit upon written request by that person.

A **Landscape Deposit** is required for all new landscape submissions or when making significant changes as specified in ASDG Section 9.1, New Landscape Installation or Alternations. The Deposit is intended to assure compliance with all ASDG landscaping requirements. If the lot owner is found to be in violation of any ASDG requirement, they will be notified in writing of the violation and given the stated time period to cure the infraction. If the violation is not cured within the allotted time period, the lot owner will be fined for the violation, subject to the limitations of the TEX. PROP. CODE § 209.006. The fine will be deducted from the Landscape Deposit. Prior to refunding the Deposit, the ACC will conduct a final site inspection to ensure compliance with applicable restrictions and regulations. The balance of the Deposit, if deductions are warranted, will be refunded to the person who made the deposit upon written request by that person.

All Deposits and Fines are outlined in ASDG Appendix C. These amounts are subject to change at any time, without notice, to lot owners. The new amount established by the ACC shall apply as of the effective date of the change.

### Section 3.8 **Final New Construction Application Review**

As part of the final plan review process, the lot owner must submit a complete and final set of construction or improvement drawings. The submission must include all ASDG requirements in effect as of the date of the submission. Plans will be denied if information is missing. See ASDG Section 5, Application Submission Requirements, and Section 6, Architectural Guidelines.

### Section 3.9 **New Construction Approval**

After the ACC issues an approval letter and prior to commencing any construction activity, the builder and lot owner are required to meet with an ACC representative at the construction site to review and complete the Builder's Checklist.

### Section 3.10 **Construction Revisions and Changes**

Once construction has commenced, any change to the approved plan design, including revised plan documents, must be submitted, in writing, for ACC approval. Revisions in construction are not permitted to begin until ACC approval in writing is granted. Failure to obtain written ACC approval for revisions will result in an ASDG, DCCR, and/or MSRPOA Violation as described in ASDG Appendix C. The fine will be withheld from the New Construction Deposit. Any fine assessed against a lot owner shall be subject to limitations of the Texas Property Code.

### **Section 3.11 Variances**

If the DCCR or ASDG restrictions, regulations or existing site conditions impose an undue hardship that substantially inhibits lot construction or improvement, the lot owner may submit a written variance request using the Mountain Springs Ranch Request for Variance Form. For all variance requests, the lot owner shall pay MSRPOA a variance fee of \$200. If the variance is approved, the lot owner must also pay the costs incurred by MSRPOA for the preparation and recording of the variance with Comal County (see ASDG Appendix C).

Prior to approving a variance, the ACC may notify nearby lot owners of the pending variance request. The ACC regards all feedback from individual lot owners as confidential. While feedback from the community is solicited and thoughtfully considered, the ACC retains all final decision authority in its sole discretion.

The ACC shall approve or deny all variance requests in writing and in a timely manner. No variance requests shall be considered approved in whole or in part until a lot owner receives a written ACC decision. All variance approvals are deemed unique and not considered precedent for future ACC decisions.

### **Section 3.12 Right of Appeal to ACC Denial**

If the ACC denies a construction or improvement request, in whole or in part, including variances, the lot owner has an absolute right to appeal to the MSRPOA Board, as described in TEX. PROP. CODE § 209.00505(d) and the MSRPOA Board Hearing Policy adopted on October 21, 2021. A lot owner must provide a written notice of appeal that clearly outlines their case to the MSRPOA Board on or before the thirtieth (30th) day after the date written notice of the denial is mailed to the lot owner. The MSRPOA Board may, in its sole discretion, make any requests for additional information/documentation it deems appropriate from either the ACC, nearby lot owners or the appealing lot owner to carefully review and decide the appeal. If the Board does not vote on the appeal within thirty(30) days of the date of the hearing, the appeal shall be considered denied.

## **4 THE CONSTRUCTION PROCESS**

### **Section 4.1 Construction Time Limitation**

Dwellings and structures must be completed within one (1) year from commencement of construction, defined as when primary foundation batter boards are set. In the event of a strike, fire, Pandemic, national emergency, catastrophic event, or natural disaster this time limit may be extended only by approval of the ACC. If an extension is requested, the lot owner must submit a written request, including a new completion date. Failure to complete the construction within the new deadline may result in DCCR enforcement actions, specific assessments and/or Deposit forfeiture. The remedies are cumulative and not exclusive.

If construction does not commence within one (1) year following ACC issuance of the Final Approval Letter (ASDG Section 3.9), approval is deemed revoked and penalties will be enforced.

If prior to the expiration date, a lot owner requests and receives an ACC extension approval in writing, the lot owner must begin and complete construction within the new time period.

If a lot owner cancels the construction or improvement before commencing, the New Construction Deposit and Landscape Deposit shall be refunded to the person who made the deposit upon written request by that person. If the New Construction Deposit and Landscape Deposit are refunded, the lot owner must repeat the ACC application process, including deposits, before the lot owner undertakes any construction or improvements.

If a lot owner abandons or terminates the construction or improvement before completion, the ACC may require the lot owner to restore the lot to the same condition as it was before any work commenced. If the lot owner fails to make the required restoration, the ACC will make all restorations, at the lot owner's sole expense (as permitted by the DCCR Article 9.9), to ensure the lot is not unsightly or does not appear derelict or abandoned.

The builder or owner must notify the ACC in writing of completion or move in, whichever is sooner.

#### **Section 4.2 Builder Sign**

A builder sign must be installed at the start of grading or otherwise breaking ground on site. The sign must remain properly installed and maintained throughout construction.

The sign must include the Mountain Springs Ranch logo in the required color and the builder's company name and phone number. At the builder's discretion, the sign may also contain the builder's address, email, and logo. Builder information, logo and text, must be in black print (no color). Builder signs must be placed no closer than ten feet (10') from the front lot line and twenty-five feet (25') from each lot sideline. The sign stand cannot be higher than seventy-two inches (72") (measuring from the ground to the top of the sign) and cannot be wider than forty-eight inches (48"). The builder's sign can be no larger than 4' x 4'.

Additionally, a sign with the numerical street address (numbers six inches [6"] high) is required and must be in the middle of the lot in front of the construction site so as to be visible from the road

Subcontractor signs are prohibited. DCCR Article 9.4(b)(i) prohibits additional lot signage or displays, and these may be removed at any time without notice and without the ACC or MSRPOA through its delegate or committee member(s) being guilty of trespass.

#### **Section 4.3 Portable Toilet and Trash Dumpster**

During construction, a portable toilet must be placed at the start of grading or otherwise breaking ground on site. For improvements, the portable toilet must be installed before any workers are present on the site.

The toilet must be placed no closer than fifteen feet (15') from the front lot line and no closer than twenty-five feet (25') from the lot sideline. At a minimum, toilets must be maintained weekly but always be in functioning and sanitary condition. In the event construction or improvement of a lot is terminated or abandoned, the toilet and dumpster shall be removed by the builder or lot

owner within ten (10) business days and returned before construction can resume. In the event the Lot owner or builder fails to remove the dumpster or toilet, the builder hereby appoints the POA or Management Company as builder's agent authorized to have the dumpster removed at the lot owner's or builder's expense.

A trash dumpster must be provided by the builder or lot owner at all construction projects prior to commencement of excavations or grading for foundations. The trash dumpster must be, at a minimum, thirty (30) cubic yards and of the 'roll on roll off' type. Discarded construction materials, refuse and debris must be removed daily from the site or contained within the trash dumpster. The trash dumpster must be emptied when full. In the event the trash dumpster is not emptied, the ACC reserves the right to have the trash dumpster emptied at the lot owner's expense.

The trash dumpster and toilet must be removed within two weeks (14 days) of construction completion. If the trash dumpster and toilet are not removed within said time, the POA and/or Property Management Company, in its sole discretion, after written statutory notice, has the right to remove the toilet and construction dumpster at the lot owner's expense.

#### **Section 4.4 Construction Driveway and Road Damage Prevention**

A construction driveway must be installed prior to the start of any lot work. The driveway must be made of three-to-five-inch (3" – 5") bull rock no less than twelve feet (12') wide and thirty feet (30') in length to minimize any damage to the road or the road edge. If construction damages or deposits dirt or other debris on the road, the builder and lot owner are responsible for restoring the road to its original condition at the lot owner's sole expense. If the builder or lot owner fails to do so, the ACC shall cause the issue to be cured and the cost thereof shall be charged against the Deposit. If the Deposit is insufficient to cover the expense, the cost shall be charged to the lot owner as a specific assessment.

Entry for construction work or otherwise shall not be permitted from any adjacent lot unless the adjacent lot owner has provided written approval to the ACC.

#### **Section 4.5 Erosion Control**

Prior to commencement of construction activities that will possibly disturb earth of one (1) or more acres of land area, the Texas Commission on Environmental Quality (TCEQ) requires the lot owner to apply for a TCEQ permit to discharge storm water and develop a SWP3 specific to the construction site. All TCEQ requirements and information are available on the [TCEQ Website](http://www.tceq.texas.gov) ([www.tceq.texas.gov](http://www.tceq.texas.gov)). Lot owners are encouraged to gain an understanding of their legal obligations before commencing construction.

If construction activities will disturb earth of less than one (1) acre, the builder and lot owner shall take all necessary control measures (i.e., rock berms and silt fences) to prevent runoff from leaving the lot. Where appropriate, the lot owner may be required to submit an erosion control plan to the ACC for approval.

#### **Section 4.6 Site Maintenance**

Lots shall be maintained as required in ASDG Sections 4.3 and 4.4 above. It shall be the duty of all builders and lot owners to prevent trash from their activities from being deposited or blown onto other lots or property of others. Any trash for any reason placed, moved, dumped or blown

by wind onto neighboring lots, greenbelts, open areas or streets shall be promptly retrieved and placed in the collection facility herein required. Only usable construction materials may be stored on a construction site. Storage or placement of materials within a right-of-way or easement is prohibited. Fires are prohibited except during lot clearing and in compliance with Comal County regulations (see ASDG Section 8.3). No petroleum-based products or other potentially hazardous or toxic substances (i.e., paint, gasoline, diesel fuel) may be disposed of on any lot or in any drainage ditch, stream, or lake. If the builder or lot owner fails to comply with the requirements herein, the ACC shall cause the issue to be cured and the cost thereof shall be charged against the Deposit. If the Deposit is insufficient to cover the expense, the cost shall be charged to the lot owner as a specific assessment.

#### **Section 4.7 ACC Right to Enter and Inspect Property**

The MSRPOA and the ACC, including its agents and representatives, has the right of entry and inspection on any portion of a lot to verify compliance with all MSRPOA, DCCR and ASDG rules, regulations, restrictions, and policies in accordance with DCCR Articles 9.9 and 11.6 without being guilty of trespass.

The ACC may conduct inspections before, during and after construction. Such inspections will be conducted following reasonable notice and during reasonable hours. If violations are discovered, the ACC will notify the lot owner or builder in writing of the requirements to cure the violation within the stated time period contained in the notice of violation.

#### **Section 4.8 Conduct of Workers**

Animals, firearms, loud noises (including loud music), harassing behavior, inappropriate attire, trespassing on adjacent lots, or the consumption or possession of alcohol or illegal drugs are strictly prohibited on or around construction sites. Workers are prohibited from use of MSRPOA amenities. Violations will result in either a New Construction Deposit fine or in the contractor being barred from the construction lot. Builders will be immediately notified when violations occur. If violations continue or reoccur, then the lot owner will be notified in writing of the violation and given a stated time period to cure the infraction. If the violation is not cured within the allotted time period, the lot owner will be fined for the violation, subject to the limitations of the Texas Property Code.

#### **Section 4.9 Permissible Working Hours**

Without prior ACC approval, all construction work is to be performed within the designated dates/times in order to maintain a pleasant community by limiting noise and disturbances caused by construction activity.

Monday through Friday:	7:00 AM to 7:00 PM
Saturdays:	8:00 AM to 5:00 PM
Sundays:	No work or workers allowed on site
Slab Foundation Pour:	On weekdays from Sunrise to Sunset
Holidays	No work or workers allowed on site
Holidays: January 1, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day	

MSR ACC has provided signage at both entrances to the community posting permissible work hours as noted above. If any construction work is being performed outside of these designated

work hours, the workers will be asked to vacate the premises immediately. The lot owner or builder will receive written notice of the violation and fines will be assessed in accordance with ASDG Appendix C and TEX. PROP. CODE § 209.006, as applicable.

#### **Section 4.10 Construction Barriers**

Whenever a building slab is constructed twenty feet or less from a neighboring property line, the builder must erect a temporary construction barrier (e.g., orange mesh fencing) to prevent the intrusion of workers and trash on the neighboring lot.

#### **Section 4.11 Slab Surveys**

Whenever a building slab is built two feet or less from a setback line, the builder must submit a form survey prepared by a certified surveyor to the ACC prior to pouring the concrete slab. The builder or lot owner is to notify the ACC five (5) days prior to the slab pour for site verification. Should the builder or owner proceed with pouring a slab without receiving approval of the slab location from the ACC, the builder or owner takes full responsibility and incurs all liability and penalties in the event the slab encroaches into any setback lines, utility easements or adjacent lots.

#### **Section 4.12 Line Markers**

Line markers are to be installed prior to the start of construction and be placed on the side property lines and at the street using t-posts and ¼" yellow cord rope (or orange mesh fencing) to clearly mark the property boundaries.

## **5 APPLICATION SUBMISSION REQUIREMENTS**

### **Section 5.1 New Construction**

#### **5.1.1 Completed New Construction Application Form**

#### **5.1.2 Site Plan**

Must be submitted digitally, showing the scale, and include the following:

- North arrow and scale;
- Property lines with dimensions and bearings;
- Setback and Easement lines;
- Adjacent street names;
- Proposed location of home;
- Outline of exterior walls, patios, decks and driveways;
- Distances from four (4) corners of foundation to adjacent property lines;
- Proposed driveway including specified construction material;
- For new construction located in gated communities with private roads, an engineered and stamped culvert plan must be included as part of the submission;
- Proposed retaining walls;
- Proposed accessory structures (i.e., out-building, trellis, etc.);
- Septic system location and approved Comal County septic system permit;
- Refuse and Recycling container(s) storage location and screening (See ASDG Section 7.3 for requirement for new builds to screen with masonry or rock materials);

- Underground propane tank location; and,
- Finished foundation height above ground for living and garage slabs.

### 5.1.3 Architectural Plans

Must be submitted digitally, showing the scale, and include the following:

- Interior rooms dimensioned and labeled;
- All window and door openings noted;
- Roof overhang denoted by a dashed line;
- Structure's total area in square feet;
- Structure's heated/air-conditioned area in square feet. (Refer to individual Unit DCCR Supplemental Declarations for required size relevant to area minimum);
- Exterior MSR "dark sky" compliant lighting fixtures in accordance with Section 9.3.
- Front, rear and two side elevations;
- Elevations labeled corresponding to the site plan;
- Exterior finish, including paint color and physical samples;
- Roof material, style name/number and specific color;
- All decks and terraces;
- Structure's highest elevation measurement from finished floor to the tallest point on the roof; and,
- Finish material on slab shown per ASDG Section 6.8.

## Section 5.2 Landscape

### 5.2.1 Completed Landscape Application Form

### 5.2.2 Landscape Plans

Must be a digital submission showing scale and include the following:

- North arrow and scale;
- Property lines with dimensions and bearings;
- Structure locations (i.e., decks, trellises, fences, gazebos, etc.), pavement and utilities;
- Lawn area location and shrub bed lines;
- Location of plant materials, including list with quantities, names, and specifications (container size);
- Plants to screen expanses of large stone or stucco walls;
- Trash and recycling container location and screening;
- Exterior 'dark sky' compliant light fixture locations and specifications; and
- Total square foot area of lawn.

See **ASDG Appendix D** for list of invasive plant species not allowed.

See **ASDG Section 9** for additional landscape and lighting requirements.

## **6 ARCHITECTURAL GUIDELINES**

### **Section 6.1 General Standards**

Homes must be designed in compliance with all DCCR and ASDG restrictions and standards. All structures must be wholly located within setbacks unless a written variance has been approved by the ACC (See ASDG Section 3.11).

### **Section 6.2 Modular Construction**

No modular or manufactured home or other structure, including but not limited to gazebos or sheds, shall be placed, erected, constructed or permitted within MSR. "Modular home and manufactured home" is any prefabricated or pre-built dwelling consisting of one or more transportable sections or components, including but not limited to a manufactured building, manufactured home, modular building, modular home, modular construction, and prefabricated construction.

### **Section 6.3 Dwelling Size Minimum Standards**

Refer to the individual Unit DCCR Supplemental Declarations for minimum standards. ASDG Appendix B provides a summary of MSR Unit building requirements.

### **Section 6.4 Garage Entrance**

Garage entrances, whether on detached or attached garages, are not permitted to face the front street.

### **Section 6.5 Setback & Building Height Requirements**

ASDG Appendix A provides MSR lot construction setbacks and maximum building height requirements. All setbacks are measured between the lot's property lines and the building foundation slab. If two roads border the lot, the setbacks are measured fifty feet (50') from both roads.

### **Section 6.6 Exterior Colors**

All exterior structure colors should be either natural or light earth tones and complement the surrounding landscape. The ACC may, in its sole discretion, approve other colors provided the colors complement other neighborhood structures. All changes to exterior paint and colors are subject to review and approval by the ACC. An Application for Other Improvements, along with \$500 Deposit, must be submitted and written approval from the ACC received prior to start of any painting.

### **Section 6.7 Masonry Requirement**

Front and side exterior walls must be constructed with masonry materials. Individual Unit DCCR Supplemental Declarations specify the exact percentage of non-masonry materials allowed on exterior rear walls (see ASDG Appendix B). Masonry materials are natural stone and rock, and/or stucco. Manufactured stone will be treated as non-masonry material. Brick may be used **only** for accents (i.e., window trims, sills, columns, etc.). Hardiplank may only be used on the rear of the home as specified for Units 1, 2, and 3 in Appendix B. Aluminum, asbestos, plywood, cinder block, concrete block, vinyl or metal siding are prohibited.



### **Section 6.8 Foundation Slab**

All building foundation slabs greater than two feet (2') in height must be plastered and painted to the ground using the building's exterior wall stucco color or covered in a stone veneer or facade matching the exterior wall stone.

### **Section 6.9 Roofs and roofing**

Roof pitches over living areas must be no less than 4:12 pitch. Roof pitches over porches, patios and garages must be no less than 2:12 pitch.

Roofing material must be 30-year asphalt (minimum), coated metal, or tile. No flat roofs, shed roofs, TPO, or PVC roofing is allowed.

### **Section 6.10 Driveways**

Driveway surface material may consist of concrete, exposed aggregate, brick pavers, asphalt, two (2) course chip and seal, or a combination. Driveways must be surfaced and connected to the adjoining roads no later than construction completion. Gaps between the driveway and the road are not permitted and should be filled with asphalt or concrete. Crushed granite parking pads must be approved by the ACC prior to installation.

### **Section 6.11 Utility Lines**

Overhead utility lines, including lines for cable television, are not permitted except for temporary lines as required during construction. Electrical meters shall be set back at least eighty feet (80') from the front property line (and the side property line if a corner lot) or installed on the residential dwelling. Residences served by Pedernales Electrical Coop ("PEC") shall have electric meters installed inside the existing pedestal located within the utility service easement or, if the electric service requires (i.e., service in excess of two hundred fifty (250) amps), on an electric rack located in accordance with the foregoing setback requirements and approved by PEC. All additional labor and/or wire charges required to comply with this provision shall be paid by the property owner. In addition, the electric meter location shall be shown on all site plans submitted for review and approval of the ACC.

## **7 ACCESSORY STRUCTURES AND OTHER IMPROVEMENTS**

### **Section 7.1 Other Improvement Application Form**

All Accessory Structures or Other Improvements outlined in this ASDG Section 7, provided they are not submitted as part of a New Construction Application Form or Landscape Application Form, require the lot owner to submit an Other Improvement Application Form, along with the required \$500 deposit, and obtain ACC approval prior to commencing construction.

### **Section 7.2 Accessory Structures or Improvements**

An accessory structure or improvement is defined as any structure that is separate from the main house. The main house and a detached garage structure, provided there is no integrated garage, are considered one (1) structure. All accessory structures must be submitted for ACC approval prior to construction. Accessory structures must be architecturally compatible with the home,

including but not limited to, color. Accessory structures must be built within the setback lines and a maximum of thirty-five feet (35') high, not rising above the roofline of the main house.

No accessory structure will be approved without prior or concurrent approval of the main house. No accessory structure construction is permitted before construction of the main house. Unless otherwise approved by the ACC, an accessory structure must be located behind the dwelling as such dwelling fronts on the street abutting the lot, as described in DCCR Article 9.4(b)(iv). No accessory structure shall include a window air conditioning unit.

Accessory structures shall include, but are not limited to, detached garages, guest houses, storage sheds, workshops, barns, playhouses, patio kitchens, pool houses, pavilions, green houses, tree houses, pergolas, or gazebos. A structure is considered an accessory structure if it does not have common walls with the main house or duplicates any part of the main residence.

Lots less than or equal to Two (2) acres: one (1) accessory structure is permitted on the lot. Refer to the individual unit DCCR Supplemental Declarations for specific construction requirements.

Lots greater than Two (2) acres: two (2) accessory structures are permitted on the lot. Refer to the individual unit DCCR Supplemental Declarations for specific construction requirements.

Construction on commonly owned adjacent lots is subject to TEX. PROP. CODE § 209.015.

### **Section 7.3 Refuse and Recycling Container Screening**

All refuse and recycling containers shall be screened so as to be concealed from view of neighboring streets and property. All new build applications submitted after the date of this ASDG revision are required to provide physical screening for refuse and recycling cans. Screening must use masonry materials matching either the residence or rock native to the area and must be no higher than seventy-two inches (72"). Container storage screening location and materials are required to be specified on a site plan and the landscaping plan application.

### **Section 7.4 Decks**

Provided the deck is not part of a New Construction Application Form or Landscape Application Form, the lot owner must submit an Other Improvement Application Form and obtain ACC approval prior to commencing construction. The application must be submitted with the required \$500 deposit and include plans that show the proposed location, color(s), material(s), and dimensions.

### **Section 7.5 Arbors and Trellises**

Arbors and trellises are permitted with approval by the ACC. An Other Improvement Application Form and \$500 Deposit must be submitted along with plans that show the proposed location, color(s), material(s), screening, and dimensions for ACC approval prior to commencing construction.

## **Section 7.6 Fences/ Pool Enclosures and Garden/Patio/Accent/Retaining Walls**

Fences, gates, pool enclosures and/or walls must be approved by the ACC prior to construction and must be erected on or within the property lot line. Lot owners must submit a Fence Construction Application Form and \$500 Deposit, along with plans that show the proposed location, color(s), material(s), and dimensions, for ACC approval prior to commencing construction. The plans must show the locations and sizes of any proposed gates.

Swimming Pool enclosures are governed by TEX. PROP. CODE § 202.022 and the MSRPOA Swimming Pool Enclosures Policy adopted on October 21, 2021. All new or modified swimming pool enclosures must be submitted to and approved by the ACC prior to construction or installation of the enclosure.

### **Fence and Gate construction guidelines:**

- Permitted in front of the house;
- Construction materials may include pipe fencing, wrought/tubular iron, or a wrought/tubular iron and stone/rock combination matching the house. In The Hills, The Ridge, and The Vistas, fences that face a road on any side must be constructed from wrought/tubular iron or a wrought/tubular iron and stone/rock combination matching the house;
- Minimum height of forty-eight inches (48") to a maximum height of seventy-two inches (72");
- Gates must be constructed of either wrought/tubular iron or pipe materials which match the attached fence; and
- Aluminum ranch gates are prohibited.

Pipe fencing shall consist of either two and three-eighths inch ( $2\frac{3}{8}$ ") Schedule 40 round pipes or two-inch (2") square profile steel tubing with ten (10') foot post spacing. A single or double top rail of the same size pipe as the posts should be placed on top of the posts. Tightlock or Solidlock Mesh tensile steel galvanized wire (or equivalent) must be between the posts using squares or rectangles not greater than six inches (6"). All piping must be black with wire left in the natural galvanized color.

At a minimum, fencing Wrought/Tubular iron must be two inches by two inches (2"x2") uprights (posts), one inch by one inch (1" x 1") rails spaced ten (10 foot) between posts and one-half by one-half inch ( $\frac{1}{2}$ " x  $\frac{1}{2}$ ") slats spaced four to five inches (4"to 5") apart, painted black. With ACC approval, decorative accents (finials, etc.) are permitted. Fencing applications must include exact fence specifications and materials including a diagram showing the design and installation.

Garden fencing is permitted provided it is not higher than seventy-two inches (72") and located behind the house and not on or near the lot perimeter. Garden fencing materials can be the same as fencing materials or smaller wire/mesh. With prior ACC approval, alternate interior garden fencing materials may be permitted.

Subject to ACC approval, sports/tennis courts are permitted on lots that are three (3) acres or greater (see ASDG Section 7.11). Tennis or sports court fencing must use green-coated chain

link fence material. All fences of this type must be submitted to ACC for approval prior to construction.

Dog runs must be designed to minimize visibility from the street and require ACC approval prior to construction.

Screening walls for building slabs, pool equipment, refuse and recycling containers, and air conditioning/heating units, must use masonry materials matching either the residence or rock native to the area.

Barbed wire, chicken wire, chain link fencing or gates are prohibited.

### **Section 7.7 Feral Hog Exclusion Fences**

Temporary feral hog exclusion fences are permitted to protect lots from animal damage. Fences are to be powered-on between sunset and sunrise. Feral hog fences are considered temporary and the MSRPOA Board, in its sole discretion, can require lot owners to remove feral hog fences at any time with or without notice at the lot owner's sole expense. Lot owners assume all liability for feral hog fences. With ACC approval, additional lighting may be permitted. Noise deterrents are prohibited.

Signs must be posted on electric fences to warn of the risk of electrical shock.

Feral hog fencing material includes:

- Two (2) wire electrically charged, no higher than three feet (3') above ground level;
- Polybraid with a wire filament; and
- Plastic, fiberglass, insulated wood or metal poles.
- Ribbon wire is prohibited.

### **Section 7.8 Garden/Patio/Accent and Retaining Walls**

Walls prohibiting or limiting views are never permitted on or near lot lines.

Walls not part of a structure must be ACC approved prior to construction. Retaining walls must use rock or masonry materials matching the residence. Wing walls attached to a house shall be no higher than seventy-two inches (72"). All other walls shall be no higher than thirty-six inches (36") unless otherwise approved by the ACC.

### **Section 7.9 In-Ground Pools / Outdoor Hot Tubs**

In-ground pools and outdoor hot tubs are permitted with approval from the ACC prior to construction. An In-Ground Pool Application Form and \$500 Deposit, along with plans that show the proposed location (including location of pool equipment) and dimensions, must be submitted for approval prior to commencing construction/installation. Pools or Hot Tubs may not be installed in the front or side yard and additional screening may be required depending on location of the pool and/or equipment. Pools are to be installed within building setbacks. Variances are not granted for pools encroaching into building setbacks. In-ground swimming pools must be completed within six (6) months from the date of ACC approval.

Above ground swimming pools and swimming pool bubble covers are prohibited.

#### **Section 7.10 Clotheslines**

Outdoor clotheslines are prohibited.

#### **Section 7.11 Tennis/Sports Courts and Basketball Goals**

Private tennis/sports courts are permitted on lots greater than or equal to three (3) acres provided they adhere to setback requirements and are ACC approved. All court lighting requires ACC approval and must be installed so no light escapes from the sides or top. Lights must be turned off no later than 10:00 pm.

Portable basketball goals are permitted; in consideration of neighbors, they should be stored out of sight when not in use over a several day period. Permanent basketball goals must be approved by the ACC prior to construction.

#### **Section 7.12 Flag Mounts and Flagpoles**

A lot owner may display flags permitted by the TEX. PROP. CODE § 202.012 and subject to all federal, state and county laws. A lot may have one (1) flagpole or one (1) residence-mounted flag mount, but not both. Displaying flags in a Common Area, or on any other lands owned or maintained by MSRPOA is strictly prohibited.

A flag mount attached to a dwelling or a freestanding flagpole must be constructed of permanent, long-lasting materials, with a finish appropriate to and harmonious with the house. Flag mounts and flagpoles require ACC approval prior to installation.

One (1) flagpole is permitted provided it is:

- Free-standing and installed vertically;
- No higher than twenty feet (20') measured from grade level;
- In compliance with existing zoning ordinances and setback requirements and not erected within an easement or setback;
- Located within ten feet (10') of the side-most building lines of the home, and within ten feet (10') of the front most building line of the home; and,
- Not mounted so the external halyards (hoisting ropes) create loud noises.

Lights installed to illuminate a flag require ACC approval. The light installation must be reasonable in size and location and used solely for the purpose of illuminating the flag. No lighting can be directed toward a displayed flag unless approved.

A lot owner is responsible for ensuring that the flag display, flagpole, flag mount(s), and lighting remains in good condition.

#### **Section 7.13 Wind Turbines/Windmills**

Wind-turbines, windmills or other wind generation systems require written ACC approval prior to commencing construction.

#### Section 7.14 **Solar Energy Devices**

"Solar energy device" is defined as a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. Solar devices not adhering to this definition are strictly prohibited.

Lot owners are prohibited from installing solar energy devices that:

- Threaten the public health or safety;
- Violate any federal, state, or county law;
- Are located on MSRPOA lots;
- Are located in a common area owned by MSRPOA;
- Are located in an area on the owner's lot other than on the roof of the home (or a structure on the owner's lot allowed under MSRPOA's Governing Documents) or in a fenced yard or patio;
- Are installed in a manner that voids material warranties; or
- Substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or 'annoyance to reasonable persons as determined by the ACC.

If the device is roof mounted, it must:

- Not extend higher than or beyond the roofline;
- Be located on the back of the home (i.e., roof side opposite the street). Note: An ACC variance may be granted in accordance with state law if an alternate location is substantially more efficient. If the alternate location increases the estimated annual energy production more than ten percent (>10%) above the device energy production, the MSRPOA may authorize an alternate location. It is the lot owner's responsibility to provide professional industry evidence of all energy production calculations;
- Conform to the slope of the roof, including all top edges parallel to the roofline; with all frames, support brackets, or visible piping/wiring in a color other than silver, bronze, or black tone.

If the device is located in a fenced yard or patio, it may not be taller than the fence line.

Solar shingles must be designed to:

- Be wind and hail resistant;
- Provide heating/cooling efficiencies greater than those provided by customary composite shingles; or
- Provide solar generation capabilities; and when installed:
- Resemble shingles used or otherwise authorized;
- Be more durable than, equal to or of superior quality to shingles used or otherwise authorized; and
- Match the aesthetics of the lot owner's property.

### Section 7.15 **Generators**

For the purposes herein, “standby electric generator” shall mean a device that converts mechanical energy to electrical energy and is:

- Powered by natural gas, liquefied petroleum, gas, diesel fuel, biodiesel fuel or hydrogen;
- Fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
- Connected to the main electrical panel or a residence by a manual or automatic transfer switch; and
- Rated for a generating capacity of not less than seven kilowatts.

All standby electrical generators shall:

- Be installed in compliance with the manufacturer’s specifications; and applicable governmental health, safety, electrical and building codes;
- Have all electrical, plumbing and fuel line connections be installed only by licensed contractors and in accordance with governmental health, safety, electrical, plumbing and building codes;
- If powered by liquefied petroleum gas fuel, have gas fuel line connections be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical and building codes;
- Be maintained in a good condition at all times and any deteriorated or unsafe component be repaired, replaced or removed;
- Be fully screened if the standby electrical generator is visible from the street faced by the residence; located in an unfenced side or rear yard and is visible either from an adjoining residence or from adjoining property owned by the MSRPOA; located in a side or rear yard fenced by a wrought iron or other fence which allows the standby electrical generator to be visible to the adjoining residence or from adjoining property owned by MSRPOA;
- Be tested as recommended by the manufacturer only between 7:00 a.m. and 7:00 p.m. Monday through Friday, except on national holidays;
- Not be used to generate all or substantially all of the electrical power to a residence, except when 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;
- Be located in a location approved by the ACC unless the required location increases the cost of installing the standby electric generator by more than ten percent (10%) or it increases the cost of installing and connecting the electrical and fuel lines by more than twenty percent (20%); and,
- Not be located on property owned or maintained by MSRPOA or owned in common with MSRPOA members, if any.

### Section 7.16 **Rainwater Collection Systems**

With ACC approval, lot owners may install rain barrels or rainwater harvesting systems. An Other Improvement Application Form and \$500 deposit must be submitted along with plans that show the proposed location, color(s), material(s), screening, dimensions and visibility from the street,

surrounding lots or common areas, including the distance (in feet and inches) the improvement(s) are from the side, front, and back property line.

Lot owners are prohibited from installing rain barrels or rainwater harvesting systems in a Common Area, on any other lands owned or maintained by MSRPOA or on property between the front of the lot owner's home and an adjoining or adjacent street.

Lot owners are prohibited from installing rain barrels or rainwater harvesting systems that are of a color inconsistent with the homes color scheme or display language or content that is not displayed on a manufactured barrel or system.

If any part of the system is installed in a side yard, or is visible from the street, surrounding lots or Common Areas, the ACC may impose restrictions on the size, type, materials, and screening of the system.

#### **Section 7.17 Stock Ponds, Water Troughs, Wildlife Water Tank**

Stock ponds and water troughs are prohibited in any Unit except, with prior ACC approval, The Hills.

One (1) galvanized exterior water tank that is less than or equal to fifty (50) gallons is permitted provided it is located behind the house with a fifty-foot (50') rear setback and a fifty-foot (50') side lot line setback.

#### **Section 7.18 Water Wells, Pump Houses**

A Water well or pump house is considered an accessory structure, per ASDG Section 7, and is permitted with ACC approval.

Water wells must be located no closer than one hundred fifty feet (150') from a rear lot aerobic spray head and not within fifty feet (50') of any property line.

The lot owner is required to obtain all applicable County or State permits and for plugging water well(s), removing slabs and piping if abandoned, unserviceable, or unused in strict adherence to State and County regulations. These obligations are transferable with a lot's title.

Water well pump houses must completely cover the slab and surround the pump equipment and piping. Construction materials of the pump house must be similar to the house.

#### **Section 7.19 Water Tanks**

With ACC approval, lot owners may install a water tank. An Other Improvement Application Form must be submitted along with plans that show the proposed location, color(s), material(s), screening, dimensions and visibility from the street, surrounding lots or Common Areas, including the distance (in feet and inches) the improvement(s) are from the side, front, and back property line.

Lot owners are prohibited from installing water tanks:

- On MSRPOA lots;



- On lots between the front of the home and/or an adjoining or adjacent street;
- That are of a color inconsistent with the home color scheme; or
- That display language or content that is not displayed on a water tank.

If any part of the system is installed in a side yard, or is visible from the street, surrounding lots or common areas, the ACC may impose restrictions on the size, type, materials, and screening of the system.

### **Section 7.20 Septic Systems**

Septic systems are not allowed within twenty feet (20') of the side and rear lot lines nor within fifty feet (50') of the front lot line. The septic system location must be specified on the site plan and include a copy of the "Permit for Authorization to Construct an On-Site Sewage Facility and License to Operate" issued by Comal County.

### **Section 7.21 Propane Storage Tanks**

As specified in MSRPOA Board Resolution dated August 18, 2009: "Propane tanks shall be buried below grade. In addition, the location of all propane tanks, if any, shall be shown on all site plans submitted for review and approval of the ACC."

Above ground propane storage tanks installed prior to August 18, 2009, must not be visible from roads and screened using vegetation or privacy fencing. In the event an above ground propane tank is replaced at any time it must be replaced with a buried tank.

### **Section 7.22 Time frame for completion of Other Improvements**

Improvements described in ASDG Section 7 must be completed within one (1) calendar year starting on the date of ACC approval, with the exception of in-ground pools and outdoor hot tubs (ASDG Section 7.9), which must be completed within six (6) months of ACC approval.

## **8 LAND CLEARING**

### **Section 8.1 Land Clearing Application**

Land or lot clearing not included in a New Construction Application Form requires a Land Clearing Application Form, including deposit. The deposit is refundable only after lot clearing is completed. Lot clearing includes, but is not limited to, removal of all brush piles and debris on any portion of a lot. If debris/brush piles are not removed from the cleared lot within sixty (60) days a fine will be imposed and deducted from the deposit (see Appendix C), subject to the limitations of the Texas Property Code.

A land clearing application does not authorize any land grading or excavation during the land clearing work. Land grading and excavation are only permitted in conjunction with an approved new construction application.

To prevent the start or spread of oak wilt, the lot owner shall ensure all oak tree pruning wounds are sealed (see ASDG Section 11.1). Prior to return of the Land Clearing Deposit, the ACC will inspect the cleared lot to ensure compliance with oak wilt prevention measures. Failure to adhere

to these prevention measures will result in a fine being imposed and deducted from the deposit, subject to the limitations of the Texas Property Code.

### **Section 8.2 Debris and Brush Removal**

All piles of brush, debris and fallen trees must be removed, mulched or burned within sixty (60) days of being accumulated in accordance with Comal County regulations.

### **Section 8.3 Outside Burning**

Any burning of brush or debris shall be in strict compliance with the outside burning regulations of Comal County, Texas, or any other relevant government body. Before burning, visit the [Comal County Fire Marshal](https://www.co.comal.tx.us/Fire_Marshal.htm) ([https://www.co.comal.tx.us/Fire\\_Marshal.htm](https://www.co.comal.tx.us/Fire_Marshal.htm)) for information about burning regulations and to determine if a burn ban is on or off. Additionally, the following rules will apply in Mountain Springs Ranch:

- No burning is permitted unless weather conditions are conducive to commencing and completing an open burning of brush or debris;
- Burning should be done only in a location that is safe for the open burn without risk of damage to any surrounding area or improvements;
- Smoke from the burn must not move in a direction to cause a nuisance to any third party;
- The burn must be supervised by an adult at all times until the fire is completely extinguished, smoldering embers will be treated as a burning fire;
- After the burn is complete, precautions must be taken to cover the ashes to prevent them from being rekindled while unsupervised;
- No burning under power lines, trees or structures;
- A hose, water supply and/or shovels shall be on site to control the fire in a concentrated area;
- Adequate manpower should remain on site to control the fire in the case of an emergency;
- The fire must be extinguished if the party monitoring the fire leaves the fire site;
- Burning is limited to natural vegetation materials from the lot only and no materials may be imported for burning; and
- Burning construction debris or materials is explicitly prohibited.

Any infractions shall result in fines being assessed by the ACC, at its discretion.

## **9 LANDSCAPING and LIGHTING**

### **Section 9.1 New Landscape Installation or Alterations**

A Landscape Application Form is required:

- For all new construction (including a Landscape Deposit);
- When altering an existing landscaping greater than twenty-five percent (25%);

- When significantly changing an existing area; or
- When adding or significantly changing landscape lighting.

ACC written approval must be obtained prior to commencing new landscaping or alterations listed above.

Landscape plans must be submitted for ACC approval no later than sixty (60) days after driveway completion. Homes must be landscaped in an area extending at least forty feet (40') in front of the house and forty feet (40') between the house and all roads adjacent to the house. Ten feet (10') of landscaping shall also be installed on the sides and rear of the home.

The Landscape Application Form and plan must include all landscaping, plant materials, irrigation, walls, walks, in-ground pools (including hot tubs), fences, lighting or other features to be installed or constructed on the lot. The ACC, in its sole discretion, has final approval of the landscape plans.

Landscaping installation must be completed within ninety days (90) of ACC approval of the landscaping plan. Exceptions are permitted due to seasonal planting restrictions with prior written ACC approval.

## Section 9.2 **Landscaping Requirements**

Landscaping should endeavor to retain the natural beauty of the Texas Hill Country, conserve water and co-exist with native wildlife.

Landscaping:

- Permits up to forty percent (40%) of the lot, excluding driveways and sidewalks, to be covered by rock material (e.g., river rock, large decorative natural rock, etc.);
- Permits the adoption of a xeriscape plan that encourages the use of drought tolerant plants;
- Requires a well-designed balance of trees, plants, grass areas, and landscape materials;
- Requires plants to screen all large expanses of stone, stucco or slab areas;
- Requires all grass planted to be sod (not seed), and either Buffalo, Blue Grama, Zoysia or Bermuda or a low water product approved by the ACC; and,
- Prohibits artificially colored rock or crushed man-made materials.

See ASDG Appendix D for a list of invasive plant species that are not allowed.

## Section 9.3 **Lighting**

The number and location, as well as the manufacturer and model number of all exterior lighting fixtures, must be specified on the New Construction Application Form, Landscape Application Form or Other Improvement Application Form. All exterior lighting must be approved by the ACC prior to installation to ensure compliance with 'dark sky' lighting guidelines. Please note that older homes completed before MSR dark sky lighting guidelines were implemented are encouraged but not required to meet the current dark sky requirements. However, any changes to existing exterior lighting in these older homes must meet the MSR dark sky lighting guidelines. Such

changes must be reviewed and approved by the ACC prior to installation. **Lighting approval is contingent on a final night-time inspection by the ACC.**

Any manufacturer can identify their fixtures as dark sky compliant, but many of these will not meet the MSR dark sky requirements, as specified below.

In order to meet MSR dark sky requirements, light from a fixture should be directed downward rather than upward, and the light should not escape the sides of the fixture. This down lighting is required to reduce glare and to protect neighboring lots from bright light sources. The bulb of a fixture should be recessed far enough inside so as to not hang down or protrude from the fixture. Fixtures which allow light to shine up are not allowed, including lights that shine up on trees or house facades. Bulbs should be 3000 Kelvin or less. High Kelvin lighting (greater than 3000 Kelvin) creates a harsh glare, making it difficult to see clearly at night and contributes to light pollution.

Exterior lights should be on only when needed. Having lights on only when needed decreases light pollution and saves energy. Because of abundant wildlife in our community, we encourage homeowners to use exterior lights that are on switches rather than motion sensors.

The web sites [www.darksky.org](http://www.darksky.org) and [www.comalcountyfriendsofthenightsky.org](http://www.comalcountyfriendsofthenightsky.org) provide some information concerning dark sky lighting.

Colored lights are prohibited. Spotlight, floodlight and pole light fixtures will be considered on a case-by-case basis.

All path and landscape lighting must be low voltage lamps with a maximum height of twenty-four inches (24").

Exterior lighting, when permitted by ASDG Section 11.7 (Exterior Holiday Decorations), must never be directed toward adjacent or adjoining lots and turned off after 10:00 pm.

## **10 SECURITY MEASURES**

In accordance with TEX. PROP. CODE § 202.023 and MSRPOA Security Measures Policy adopted on October 21, 2021, a homeowner may build or install security measures on their private property. All new or modified Security Measures must be reviewed and approved by the ACC prior to commencement of construction or installation. The homeowner must submit an Other Improvement Application Form, including documentation of the security measures to be constructed or installed, and the required \$500 deposit.

## **11 ADDITIONAL PROPERTY GUIDELINES**

### **Section 11.1 Oak Wilt Prevention Measures**

Oak wilt is a tree disease that can cause catastrophic destruction to oak trees in our community. Owners/builders must paint all wounds from pruned or fallen oak branches. Avoid

pruning oak trees from February 1 to June 30. Failure to follow these oak wilt prevention measures will be considered a violation of MSRPOA rules, and subject the owner/builder to fines, per Appendix C.

### Section 11.2 **Parking/Storage of Recreational Vehicles and Camping**

Recreational Vehicles (RV) and Equipment (defined below) may not be parked or in public view on a lot prior to house construction completion. Once construction is complete, a RV may be parked in view for **not** longer than five (5) consecutive days and for no more than a total of eight (8) days in any 30-day period. Long term (greater than five (5) days) RV or Equipment parking requires an ACC approved fully enclosed garage structure on the lot.

DCCR Article 10.4(b) defines “recreational vehicles,” as “including, without limitation, motor homes, mobile homes, boats, jet skis or other watercraft, trailers, other towed vehicles, motorcycles, “all terrain” vehicles, mini-bikes, scooters, go-carts, golf carts, campers, buses, commercial trucks and commercial vans.”

If a lot owner violates the parking restriction, they are subject to enforcement actions, and fines may be assessed per ASDG Appendix C, as allowed by the DCCR, ASDG, MSRPOA regulations and the Texas Property Code.

Camping is prohibited on lots that are undeveloped. Recreational or temporary camping may be permitted on lots with a completed house for a period less than or equal to seven (7) days. Camping equipment must be erected behind the house.

### Section 11.3 **Signage**

All temporary signs constructed or placed upon a lot must strictly adhere to the ASDG Section 11.3 requirements. The MSR Sign Committee has the right to remove any sign that is not compliant with ASDG Section 11.3 with or without prior notice to the lot owner.

If temporary signs need repair, the MSR Sign Committee shall notify the lot owner (or real estate agent), in writing, of the required repair and the lot owner shall have ten (10) business days to comply. In the event of noncompliance, the MSR Sign Committee shall have the right, but not the obligation, to enter the lot without being guilty of trespass to have repairs made at the lot owner’s sole expense or remove signs that are weathered and/or improperly installed.

Lots may have one (1) professionally constructed "For Sale" or "For Lease" sign. Signs must be removed from the lot within fourteen (14) days following occupancy or sale.

Marketing signs are permitted and must:

- Be constructed of either PCV board or ¼" corrugated plastic, 18" high x 24" wide and contained within a metal frame installed in the ground with metal supports (black 1 inch iron H frame for 18 x 24 sign);
- Use the Mountain Springs Ranch logo, font and colors;

- Contain only the following language, as applicable: “Available”, “For Sale”, “For Lease”, “By Owner”, Contact Name, Phone Number including Area Code, Realtor or Broker Name, and/or Broker/Realtor Logo (in MSR blue); and
- Be maintained in good condition.

Rider signs (attached to frame) are prohibited, as are flyer boxes for marketing sheets. Handwritten information, marking over or partially covering incorrect information, is not permitted.

MSRPOA maintains a template for all sign artwork. Lot owners may use an approved MSR signage vendor or a vendor of their choosing. Contact [msrpoa@msrpoa.com](mailto:msrpoa@msrpoa.com) ATTN: Sign Committee in advance of making any signs to request a copy of the template, the color/font requirements, and a list of approved vendors.

Real estate agents are responsible for strict adherence to ASDG Section 11.3. Compliant signs must be installed within fourteen (14) days. Temporary “Open House” signs are permitted only on the day of the scheduled open house and must be removed when the open house is completed.

Political signs are permitted in strict accordance with Texas Law.

As noted in ASDG Section 4.2, subcontractor signs (e.g., pool, fencing, landscaping, painting contractors) are prohibited.

Signs reflecting school spirit themes are permitted provided there is not more than one (1) sign per resident child under 18.

Signage must contain positive language and/or graphics. The MSR Sign Committee reserves the right, in its sole discretion, to remove signs that it determines may be offensive or inappropriate.

The MSRPOA Board may permit signage of MSRPOA events, celebrations, or other recognitions of Religious or National Holidays at its sole discretion. Signs can be no larger than 24” x 24” and must be removed at the conclusion of the event, celebration, or holiday.

Except as provided in DCCR Article 9.4(b)(i), all other signs are expressly prohibited.

#### **Section 11.4 Property Leases or Rentals**

Lot owners are responsible for a tenant’s violations of any DCCR and/or ASDG regulation. Violations by a tenant may result in fines that may include the loss of use of community facilities by both the lot owner and tenant. Every lease/rental of MSR property **must** contain the following provision in the executed tenancy agreement:

"It is a condition of this lease/rental agreement that the owner make the lessee/renter aware of all covenants, property use restrictions and conduct required of residents by the "Declaration of Covenants, Conditions and Restrictions", Rules and Regulations, and the "Architectural and Site

Design Guidelines" of the Mountain Springs Ranch and its Property Owners Association and that all lessees/renters, by executing the same, agree to follow these covenants, use restrictions and conduct requirements while occupying the property subject to this lease. Failure to do so will subject the lot owner to all the fines and penalties described in these documents including the possible loss of use of community facilities."

Lot owners are responsible for providing tenants with the listed documents, including all other pertinent information prior to the lease commencement.

#### **Section 11.5 Refuse and Recycling Containers in Public View**

Refuse and recycling containers are permitted to be in public view from sunset the day before scheduled pickup to sunset on the day of scheduled pick up. The containers are to be stored out of public view from the street or neighboring lots at all other times and any violation may be subject to fines as outlined in ASDG Appendix C.

#### **Section 11.6 Religious Displays**

A property owner or resident may display or affix on their property or dwelling one or more religious items, in accordance with TEX. PROP. CODE § 202.018 and MSRPOA Religious Display Policy dated October 21, 2021.

Religious displays may not:

- Threaten public health or safety;
- Violate the law;
- Contain language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content.

In accordance with TEX. PROP. CODE § 202.018, ACC approval is required for all Religious Displays to ensure the display is not in violation of any property code restrictions.

#### **Section 11.7 Exterior Holiday Decorations**

The MSRPOA Board has the sole discretion to determine what items qualify as seasonal holiday decorations and may impose time limits or other restrictions on the display of these decorations. ASDG Section 11.7 is not intended to apply to otherwise-permitted temporary seasonal holiday decorations (i.e., Holiday lighting or Holiday wreaths).

Temporary exterior holiday decorations must be removed at the end of a recognized celebration period outlined below. Decoration lighting must never be directed toward adjacent or adjoining lots and must be turned off after 10:00 pm.

Temporary exterior decoration celebration periods are:

- Easter: beginning on Ash Wednesday and ending one (1) week after Easter
- Halloween: beginning October 1 and ending November 7
- Christmas: beginning Thanksgiving Day and ending January 7
- Other recognized Federal or Texas holidays: beginning one (1) week before the holiday date and ending 1 week after the holiday date

## 12 APPENDIX A: SUMMARY of BUILDING SETBACK AND HEIGHT RESTRICTIONS APPLICABLE TO ALL MSR LOTS\*

Maximum BUILDING HEIGHT		Minimum SETBACKS for lot lines		
Home	Accessory Structures	Front	Rear	Side* (left & right)
35 feet	Not to exceed the height of the main house and maximum of 35 feet	50 Feet	50 Feet	10 feet each side

If a lot is located on a corner and bordered by two roads, the side yard construction setback on the side adjacent to the second road shall be fifty feet (50').

Driveways may be constructed along lot lines not conforming to a setback.

**\*This Appendix provides a brief summary of setbacks and restrictions but is not a complete description of the regulations. Please see the individual unit DCCR Supplemental Declarations for required size relevant to minimum setbacks and maximum building heights. In the event of a conflict with this summary, the terms of the individual unit DCCR Supplemental Declarations will govern.**



## 13 APPENDIX B: SUMMARY of BUILDING REQUIREMENTS\*

The following summary requirements apply to all MSR units unless otherwise specified.

**MINIMUM SQUARE FOOTAGE** for Dwelling (heated) excluding porches and garages:

**Units 1, 2 and 3:**

2300 minimum square feet

For 1½ or 2 story houses: 1400 square feet must be on the ground floor

**The Estates, The Hills, The Ridge, The Vistas:**

2700 minimum square feet

For 1½ or 2 story houses: 1800 square feet must be on the ground floor

### **EXTERIOR CONSTRUCTION MATERIAL:**

All improvements to the property including dwellings, dwelling additions/alterations and accessory structures must be constructed with the following materials:

- New construction material;
- On a concrete slab or pier and beam foundation, constructed with concrete and rebar;
- Masonry meaning natural stone and/or stucco in the Unit percentages listed below (brick may be used only as an accent material not as a primary material);
- “Hardiplank” is permitted only on the rear of a home and only in Units 1, 2, and 3. The use of Hardiplank is subject to ACC approval.
- Aluminum, asbestos, plywood, concrete block, vinyl or metal siding are prohibited;
- Roofing materials for accessory structures must match the house roofing materials.
- Brick may not be used as the primary exterior material for any residence of other structure. Brick may be used as an accent material only, subject to the approval of the ACC.

**Units 1, 2, and 3:**

Masonry required for 75% of exterior (excludes windows, eaves, doors)

**The Estates, The Hills, The Ridge, The Vistas:**

Masonry required for 100% of exterior (excludes windows, eaves, doors)

### **BUILDING HEIGHT:**

Must not exceed thirty-five feet (35') measured from foundation to top of chimney or highest point of the roof

### **FOUNDATIONS:**

All improvements must be built on a concrete slab or pier and beam foundation.

### **ROOFS:**

Roof pitches over living areas must be no less than 4:12 pitch. Roof pitches over porches, patios and garages must be no less than 2:12.

Roofing material must be 30-year asphalt shingle (minimum), coated metal, or tile. No flat roofs, TPO, or PVC roofing is allowed.

**COLORS:**

Any structure exterior color must be natural or light earth tones and complement the surrounding landscape.

**GARAGES:**

- Used for the primary purpose of parking vehicles and not for additional storage. Permanent resident vehicles should be parked in garages rather than on driveways or on the street.
- Doors should face away from all roads. Corner lot garages should not directly face either road or be in an offset position to one of the roads.
- Hold a minimum of two (2) and a maximum of four (4) cars. No carports are allowed. Porticos may be permitted with ACC approval.
- Must have finished interiors (sheet rocked, taped/floated and painted).

**CHIMNEYS:**

Must be stucco or stone.

**PROPANE STORAGE TANKS:**

Must be buried after August 18, 2009. In the event an above ground propane tank is replaced at any time it must be replaced with a buried tank.

**DRIVEWAY SURFACE:**

Concrete, Asphalt, Exposed Aggregate, Brick Pavers, two (2) course chip and seal, or a combination. Driveways must be surfaced upon house construction completion.

**\*This Appendix provides a brief summary of MSR Building Requirements but is not a complete description of the regulations. Please see the individual unit DCCR Supplemental Declarations for all requirements specific to the individual units. In the event of a conflict with this summary, the terms of the individual unit DCCR Supplemental Declarations will govern.**

## 14 APPENDIX C: ACC FEES, DEPOSITS, AND FINES\*

(Supersedes Any Prior ACC Fine Policy)

Topic	Fee, Deposit, or Fine
<b>New Construction Application Fee:</b> Non-refundable fee paid with the submission of a new construction application form.	\$250.00
<b>New Construction Expedited Review Fee:</b> Optional fee for an expedited approval (5 day turn around) of New Construction Applications (Non-refundable)	\$250.00
<b>Other Improvements (Pool, Fence, etc.) Expedited Review Fee:</b> Optional fee for an expedited approval of other improvements such as pool, fence, etc.	\$100.00 – 2 Week Turnaround \$250.00 - Four (4) Day Turnaround
<b>New Construction Deposit:</b> Refundable deposit paid with a New Construction Application Form. See ASDG Section 3.7 for rules, requirements, and limitations on refunds.	\$5,000.00
<b>Landscape Deposit:</b> Refundable deposit paid with a Landscape Application Form. See ASDG Section 3.7 for rules, requirements, and limitations on refunds.	\$3,000.00
<b>Land Clearing Deposit:</b> Refundable deposit paid with a Land Clearing Application Form. See ASDG Section 3.7 for rules, requirements, and limitations on refunds.	\$1,000.00
<b>Other Improvements / Pool / Fence Deposit:</b> Refundable deposit paid with Other Improvements, Pool, or Fence Application Form. See ASDG Section 7.	\$500.00
<b>ASDG, DCCR and/or MSRPOA Violations:</b> Fines that are imposed for violating specific rules and regulations. See specific ASDG sections or DCCR articles for non-compliance. MSRPOA shall have the authority to impose fines for violations at a reduced rate when justified by the specific situation. Violation fines will be in addition to any compensation for damages caused as a result of a violation.	\$100.00 (Initial violation) \$50.00 per day (Continuing non-compliance) \$150 (Second Violation and each violation thereafter) \$100.00 per day (Continuing non-compliance)
All New Construction work, inside and/or outside the home, is to be performed within the designated dates and times as set out in the “Permissible Working Hours” as described in ASDG Section 4.9. Anyone (owners, subcontractors, or builders) found working outside of designated work hours, including Sundays and/or stated Holidays, will be fined as set out herein. Fines will be deducted immediately from the New Construction Deposit. Should the new Construction Deposit balance fall below \$3500 because of fines	First violation: \$250 Second violation: \$500 Third violation: \$1,000.00

assessed, there will be a Cease Work Order issued until the deposit is restored to \$5000.	
<b>Variance:</b> Application fee of \$200 plus, upon approval, costs incurred by MSRPOA for the preparation and recording of the variance with Comal County. See ASDG Section 3.11	Varies, \$150 plus costs incurred for preparation and recording with Comal County
<b>“Clean Site” Violations:</b> Deductions that will be withheld from a New Construction Deposit. See ASDG Section 4.6	\$100.00 (Initial violation) \$50.00 per day (Continuing non-compliance)
<b>Land Clearing Violations:</b> Deductions that will be withheld from a Land Clearing deposit. See ASDG Section 3.7 and ASDG Section 8.	\$250.00 (Initial violation) \$500.00 per week (Continuing non-compliance)
<b>Landscape Violations:</b> Deductions that will be withheld from a Landscape deposit. See ASDG Section 3.7 and ASDG Section 9.	\$250.00 (Initial violation) \$500.00 per week (Continuing non-compliance)

**\*The ACC reserves the right, in its sole discretion, to adjust the above fines in extraordinary circumstances that warrant an increase or decrease of the fine. The ACC reserves the right to eliminate, add or modify Fees, Deposits, or Fines with or without notice to lot owners. The new amount established by the ACC shall apply as of the effective date of the change.**

## **15 APPENDIX D: INVASIVE PLANTS LIST (not allowed)\***

Chinaberry  
Chinese Parasol Tree  
Chinese Pistache  
Chinese Tallow  
Common Privet  
Common Water Hyacinth  
Elephant Ear  
Eurasian Watermilfoil  
Giant Cane  
Holly Fern  
Hydrilla  
Japanese Honeysuckle  
Johnson Grass  
Kudzu  
Mimosa, Silk Tree  
Nandina  
Paper Mulberry  
Photinia  
Poison Ivy  
Pyracantha  
Running Bamboo  
Russian Olive  
Tamarisk, Salt Cedar  
Tree of Heaven  
Vitex  
Waxleaf Ligustrum  
White Mulberry  
Wisteria

**\*<https://www.austintexas.gov/sites/default/files/files/Watershed/plants/invasiveplants.pdf>**